



MAKING GOVERNMENT WORK BETTER COMMITTEE

Meeting Report
November 12, 2003

PRESENT: Chair Nora Campos, Councilmember Chuck Reed, Councilmember Linda J. Le Zotte, Councilmember David Cortese

ABSENT: None

STAFF: Kay Winer, Danielle Kenealey, Meghan Horrigan, Katy Allen, Nina Grayson, Larry Lisenbee, Jennifer Maguire, Brooke Myhre, Pat O'Hearn, Katherine Haracz

The meeting was convened at 2:35 PM

a. Public Works/Office of Equality Assurance Performance Update (Public Works/OEA)

Katy Allen, Director, Public Works gave an update on the City's Prevailing Wage requirements, including the enhancements that were made. These include withholding payments and liquidated damages. She added that this is also an opportunity for the Redevelopment Agency to give an update on their work efforts.

Councilmember Le Zotte asked if the Fourth Street garage and the Fox Theater are just examples.

Katy answered yes, they are examples of how these requirements would have been applied.

Katy then stated that staff has sent out a letter to all contractors, bringing to their attention the new requirements. Staff has also scheduled informal meetings with contractors to answer any of their questions. Equality Assurance staff has attended many of the pre-construction meetings and fliers will be included in the contractor's payroll. She stated that the number of contracts being monitored has gone up, as has the Capital Program. The restitution amount so far is approximately \$675,000 (made to employees).

Katherine Haracz, Attorney, Redevelopment Agency stated that the Agency brought forward a request to be allowed to revise Agency agreements. They would then be brought forward to

the Council at a future date. This would allow staff to consider the law of the public contract code and the provisions of the labor code and tailor it to the prevailing wage requirements in the different Agency contracts. She added that this would be brought before the Agency Board in December.

Councilmember Le Zotte asked how staff is able to find violations if the contractor's payroll does not have to be certified.

Nina Grayson, Director, Office of Equality Assurance (OEA) replied that, although the City can not verify whether or not the Prevailing Wage law has been adhered too, staff requests that the contractor certifies in writing that they have complied.

Councilmember Reed asked how OEA handles third party complaints.

Nina replied that, upon request, OEA provides the third party with a written copy of the labor code. If there is an issue or a violation, the organization typically contacts OEA and an investigation is launched (if one is not already in progress).

Councilmember Reed asked if the public could call and get progress reports on the investigation.

Nina answered yes, the public can request information.

Upon motion of Councilmember Le Zotte, seconded by Councilmember Reed, the Committee accepted the staff report.

b. **Budget Document Reorganization and Consolidation Update (City Manager/Budget) – Deferred from October**

Larry Lisenbee, Budget Director gave an overview of the report. He stated that the mock-up that was distributed with the report uses last year's numbers. It is just an example.

Meghan Horrigan, Assistant, Mayor's Budget Office asked why Council Appointees are still listed separately in the CSA section.

Larry answered that staff will attempt to package them differently in the final report. The City Manager's preference is to have them organized by their portfolio. For example, the Independent Police Auditor is a Public Safety oriented organization and could be packaged with that CSA. Some are more generic or have a broader portfolio. They will probably be folded into the Strategic Support section.

Chair Campos asked if positions within the departments could be highlighted in such a way as to point out which CSA they belong too.

Larry replied that some of the departments are divided into several CSA's. What staff has attempted to do is organize them within the CSA section so that the pieces of the operations are located in the correct service area. Staff is continuing to work on this formatting challenge.

Kay Winer, Deputy City Manager added that that level of detail can also be found at the back of the budget binder.

Jennifer Maguire, Assistant Budget Director also added that this information is also in the summary area at the front of the binder. It can be looked up a couple of different ways.

Upon motion of Councilmember Le Zotte, seconded by Councilmember Cortese, the Committee accepted the staff report.

c. City Service Area (CSA) Performance Measurements Follow-up Report (City Manager)

Brooke Myhre, QUEST, Manager's Office stated that the report is a follow-up to the September report. The purpose of this follow-up is to provide Committee members with a sample format for the Executive Summary that will be included with future CSA Performance Reports. He stated that there are two sections to the report. The first section shows every single CSA and is quite lengthy. The second section will be the Executive Summary and will be approximately 14-16 pages. The Executive Summary will show the report at the CSA level. He noted that the data used in this sample is not complete or even up-to-date. This is just a sample of the format and he requested feedback from the Committee.

Councilmember Cortese asked what performance is actually being measured in the Executive Summary.

Brooke responded that these are key measurement data and that Council would also receive a Detail Report that would provide data on approximately 275 performance measures.

Councilmember Le Zotte asked at what point discussions would occur regarding the priorities and the measures.

Kay replied that the discussions would be initiated at the budget presentations in early spring.

Larry added that the March budget message would be another opportunity.

Councilmember Le Zotte asked if the Council would be in a position to know what might be negatively affected by making priority choices.

Larry answered that Budget staff will have to be prepared to provide impact information.

Councilmember Le Zotte asked if the Department head evaluations take this information into account.

Kay answered yes.

Councilmember Cortese asked if the Department Achievement Plans align with the CSA Performance Measures.

Kay answered that department head evaluation contain criteria modeled after corporate priorities, which are linked to CSA performance measures.

Councilmember Le Zotte expressed her concern that writing and measuring CSA's might be very labor intensive.

Brooke replied that this is true but that the Departments feel each performance measure is important and can't be reduced.

Councilmember Reed stated that it would be helpful if the performance measure update include a graphic presentation that identifies the status of meeting targets.

Brooke stated that flags or indicators could be added to the report as well.

Councilmember Cortese suggested flags (possibly shaped like stop signs) with footnotes be used to point out any concerns.

Upon motion of Councilmember Reed, seconded by Councilmember Cortese, the Committee accepted the staff report.

d. City Clerk One-Stop Shop follow-up report – **Deferred from October**

Pat O'Hearn, City Clerk gave an overview of the report. She stated that using laptops at Council meetings as well as finding ways to streamline the minutes have been a concern for some time. The City Clerk's office has found that the definition of "minutes" varies from City to City. She feels that the City of San José's minutes are exceptional.

Councilmember Reed stated that there is a long-term benefit to having such extensive minutes but he asked if transcripts would be as effective.

Pat replied that permanent, lasting records are necessary. She stated that she feels the narrative portion of the minutes is the most critical but there has been some disagreement. Some feel that a synopsis, without the narrative portion, would be sufficient. There is also talk in other cities about switching to video recorded minutes as the official public record but this has not been adopted by anyone yet.

Councilmember Cortese asked why laptops are not given a high opinion or priority.

Pat replied that she is not against them but that they would not speed up the process of doing the minutes. The data that is typed at the Council meeting would still need to be turned into a final product.

Councilmember Cortese stated that he sees some value in using laptops because transcripts could be reviewed immediately.

Chair Campos noted that the City Clerk would be leaving her position in January. She asked if the office would be able to continue with the streamlining efforts.

Pat replied that staff is fully aware of the process and it will continue after she leaves. She added that she would work with the person who is appointed as Acting City Clerk before she leaves.

Upon motion of Councilmember Le Zotte, seconded by Councilmember Reed, the Committee accepted the staff report.

e. Oral Petitions

None

f. Adjournment

The Committee was adjourned at 3:53 P.M.



Councilmember Nora Campos, Chair,
Making Government Work Better Committee