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**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
February 20, 2008

PRESENT: Mayor Reed and Councilmembers Chirco and Constant.

ABSENT: Vice Mayor Cortese

STAFF: City Manager Debra Figone, Assistant City Attorney Bill Hughes, City Clerk Lee Price, Interim City Auditor Steven Hendrickson, Director of Housing Leslye Krutko, Redevelopment Agency Assistant Director Gary Miskimon, Intergovernmental Relations Director Betsy Shotwell, Redevelopment Agency Deputy Director Norberto Duenas Agenda Manager Nadine Nader, Mayor Council Agenda Manager Alicia Bosco, and Legislative Secretary Ruth Krantz.

**A. City Council**

**1. Review February 26, 2008 Final Agenda**

Action: The Committee approved the following changes and additions to the February 26, 2008 Final Agenda:

- Item 4.6 (Coyote Valley Specific Plan and Revised Environmental Impact Report) deferred to March 4, 2008. (Planning, Building and Code Enforcement/City Manager's Office)
- Request for an excused absence for Mayor Reed. Vice Mayor Cortese to Chair meeting. (Reed)

**2. Review March 4, 2008 Draft Agenda**

Action: The Committee approved the following changes and additions to the March 4, 2008 Draft Agenda:

- Item 3.4 (Proposed Amendments to City Charter and Municipal Code for the November 2008 Ballot) Language for November ballot does not need to be addressed until the first meeting in August, with discussion held at Rules Committee meeting next month.
- Item 3.7 (Actions relating to the naming of the Vietnamese Retail Area on Story Road) Wording for ballot needs to be determined for March 4 Council Meeting, with all options prepared for approval by Friday in accordance with Sunshine regulations.
- Item 3.4. Decision to allocate first half hour to organized presentations with following hour for public testimony, with names drawn randomly.
- Request for an excused absence for Councilmember Williams. (Williams)

**B. Redevelopment Agency**

**1. Review February 26, 2008 Final Agenda**

The Committee approved the February 26, 2008 Redevelopment Agency Meeting Agenda.

**2. Review March 4, 2008 Draft Agenda**

No items at present.

**C. Legislative Update**

**1. State**

**a) Oppose Proposition 98 and Support Proposition 99 – Constitutional Amendments Dealing with Government Acquisition Regulation of Private Property. (City Manager/Redevelopment Agency)**

Documents Filed: Memorandum from City Manager Debra Figone and Executive Director of the Redevelopment Agency of the City of San José Harry S. Mavrogenes dated February 14, 2008, recommending City Council opposition of Proposition 98 and support of Proposition 99, with a one-week turn around for Mayor and City Council Review.

Intergovernmental Relations Director Betsy Shotwell and Director of Housing Leslye Krutko responded to questions from the Committee.

Action: The Committee approved the positions recommended by Staff and forwarded the matters to the full City Council at its meeting of February 26, 2008.

**2. Federal**

**a) Santa Clara Valley Water District FY 2009 – Federally Partnered Projects. (City Manager/Environmental Services)**

Documents Filed: Memorandum from Director, Intergovernmental Relations Betsy Shotwell and Director of Environmental Services John Stufflebean dated February 13, 2008, recommending acceptance of the Santa Clara Valley Water District's FY 2009 – Federally Partnered Projects and approval of the City's mutual request for funds through the appropriating process, with a one-week turnaround to meet the February 29 deadline for submittal.

Intergovernmental Relations Director Betsy Shotwell summarized the memorandum and stressed a one-week turnaround to meet deadlines with Congressional Delegation.

Action: The Committee approved the recommendations and forwarded this item to the full City Council at its meeting of February 26, 2008.

**D. Meeting Schedules**

None.

**E. The Public Record**

Document Filed: Memorandum from Lee Price, City Clerk dated February 15, 2008 transmitting the Public Record for the week of February 8-14, 2008.

Director of Parks, Recreation and Neighborhood Services Albert Balagso responded to questions from the Committee regarding his response to postings of Animal Advisory Committee Meeting Minutes.

Action: The Committee moved to note and file the Public Record, with direction to Director Balagso to circulate his memo to those who submitted the information.

**F. Appointments to Boards, Commissions and Committees**

**1. New Commissioner Appointments to the following Commissions: 1) Housing and Community Development Advisory Commission; 2) Small Business Development Commission.**

Documents Filed: 1) Memorandum from Councilmember Nguyen dated February 6, 2008 recommending appointment of Timothy Yundock Tom, Brian Darrow and Jaime Contreras to the Housing and Community Development Commission; 2) Memorandum from Councilmember Nguyen dated February 12, 2008 recommending appointment of Brian Wei to the Small Business Development Commission.

Action: The Committee approved the appointments.

**G. Rules Committee Reviews, Recommendations and Approvals**

**1. Audit of the Travel Expenditures of the Federated Retirement System and the Police and Fire Retirement Plan. (Auditor)**

Documents Filed: 1) Memorandum from City Attorney Rick Doyle dated February 6, 2008, providing information to the Retirement Boards regarding the legal authority of the City Auditor to conduct the proposed audit.

2) Memorandum from Interim City Auditor Steven Hendrickson dated February 14, 2008, recommending the Retirement Board's cooperation with an audit of their travel expenditures and a one-week turn around for Mayor and City Council review. 3)

Letter from Mark Skeen, Chair, Board of Administration Police & Fire Retirement Plan, dated February 11, 2008, regarding a Request for Revision of Work Plan of the City Auditor with Respect to the Board of Administration of the Police and Fire

Department Retirement Plan. 4) Letter from Dave Busse, Chair, Board of Administration Federated City Employees' Retirement System, dated February 15, 2008, regarding a Request for Revision of Work Plan of the City Auditor with Respect to the Board of Administration of the Federated City Employees' Retirement System.

Discussion: Interim City Auditor Steven Hendrickson responded to questions from the Committee.

Public Comments: Russell Richeda, representing the Boards of Administration of the Police and Fire Department Retirement Plan and the Federated City Employees Retirement System, voiced disagreement with the City Attorney's legal analysis regarding the authority of the City Auditor, argued that the audit would place a burden on Retirement Staff and requested that the audit be deferred.

Action: The Committee agreed to defer this item for two weeks to allow the City Attorney to discuss further with the Retirement Board's representative the Auditor's authority.

**H. Review of additions to Council Committee Agendas**

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee**
- 4. Public Safety, Finance and Strategic Support Committee**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated February 8, 2008, recommending additional item be added to the PSFSS Committee Work Plan for the March 20, 2008 agenda reporting on progress and status of the Public Safety Bond Capital Improvement Program.

Action: The Committee approved to add an additional item to the March 20, 2008 agenda.

**I. Open Government Initiatives**

- 1. Reed Reforms**
- 2. Sunshine Reform Task Force (SRTF)**
- 3. Significant Public Records Act Requests**
- 4. Council Policy Manual Update**  
None.

**J. Open Forum**

Ross Signorino expressed his concerns over the costs of a ballot measure to rename the Vietnamese retail area.

**K. Adjournment**

The meeting was adjourned at 3:48 p.m.



Chuck Reed, Mayor  
Rules and Open Government Committee