

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
March 14, 2007

PRESENT: Mayor Reed, Vice Mayor Cortese and Councilmember Constant

ABSENT: Councilmember Chirco

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Les White, Redevelopment Agency Executive Director Harry Mavrogenes, Redevelopment Agency Liaison Gary Miskimon, Agenda Services Manager Nadine Nader and Council Agenda Manager Alicia Bosco.

A. City Council

1. Review New Add Items to the March 20, 2007 Final Agenda

Action: The Committee approved the following additions to the March 20, 2007 Council Agenda:

- a. Mayor/Council Member Requests
 - Presentation of a commendation to Westgate Church and Community Partners. (Mayor)
 - Public hearing and approval of the FY 2007-2008 Mayor's March Budget Message. (Mayor)
 - Item 1.1 (Presentation of a commendation to the National Hispanic University Debate Team) to be heard in the afternoon.
 - Item 1.2 (Presentation of a commendation to the Police Department's Mobile Emergency Response Group and Equipment and Canine Unit) to be heard in the evening.
 - Elections Commission Interviews heard not before 4:00 p.m.
- b. Council Appointee Requests
 - Certification of Election Results and Oath of Office-District 6 Councilmember-Elect. (City Clerk)

Review March 27, 2007 Draft Agenda

Action: The Committee approved the following additions to the March 27, 2007 Council Agenda:

- a. Mayor/Council Member Requests
 - Request for an excused absences for Councilmember Chirco.
 - Item 3.4 (Military Leave Program) deferred to April 3, 2007.

B. Redevelopment Agency

1. Review New Add Items to the March 20, 2007, Agenda

Action: The Committee approved the March 20, 2007 Redevelopment Agency Agenda.

2. Review March 20, 2007 Draft Agenda

Action: The Committee approved the March 27, 2007 Redevelopment Agency Agenda.

C. Legislative Update

1. State
None

2. Federal
None

D. Meeting Schedules

1. Setting Hearing for spring 2007 for General Plan Amendments and Initiating the Re-establishment of a fall annual Review of the General Plan. (Planning, Building and Code Enforcement)

RECOMMEND DEFERRAL TO MARCH 21, 2007

Action: The Committee deferred this item to March 21, 2007.

E. The Public Record

Documents Filed: Memorandum from the City Clerk dated March 9, 2007 transmitting the Public Record for the week of March 3-8, 2007.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

None

G. Rules Committee Reviews, Recommendations and Approvals

1. Request to consider waiving the closed session privilege and the release of all documents regarding recent negotiation with the San Jose Police Officer's Association and International Association of Fire Fighters Local 230.

Documents Filed: Memorandum from Vice Mayor Cortese dated March 21, 2007 recommending that the Rules and Open Government Committee discuss and further agendaize for Council discussion/action, waiver of the closed session privilege and release of all documents.

Public Comments: City Fire Department employees Keith Keisling and Patricia Tapia spoke in support of the Vice Mayor's recommendation.

Action: The Committee deferred this matter until the Sunshine Reform Task Force concludes its work in this area and brings recommendations to the Rules and Open Government Committee in mid April.

**2. Response to the Report of the Government Reforms and Ethics Subcommittee of the Mayor's Transition Committee.
CONTINUED FROM MARCH 7, 2007**

Documents Filed: (1) Supplemental Memorandum from City Attorney Rick Doyle dated March 9, 2007 in response to the report by the Government Reforms and Ethics Subcommittee of the Mayor's Transition Committee. (2) Memorandum from City Manager Les White and City Attorney Rick Doyle dated February 23, 2007 recommending: a) acceptance of the response to the Report of the Government Reforms & Ethics Subcommittee of the Mayor's Transition Committee; and b) provide direction on the recommended methodology to implement a pilot program for cost benefit analyses for projects, activities, and events seeking public funding. (3) Memorandum from City Attorney Rick Doyle dated February 2, 2007 providing an understanding of the City Council referrals to the Elections Commission.

Discussion: City Attorney Rick Doyle provided a presentation on proposed revisions to the Lobbyist Ordinance. Committee questions followed.

Public Comment: Patricia Gardner thanked the committee for considering an exemption for non profits.

Action: The Committee agreed to forward to the City Council on April 3, 2007 a proposal to consider amendments to the Ethics Ordinances that would: 1) extend to two years the "revolving door" policy; 2) ban and require disclosure of success and/or contingency fees; 3) decrease the lobbyist threshold for registering from 20 hours per quarter to 10 hours per year; 4) create an exemption for 501(c)(3) nonprofits; 5) modify the reporting form to include more income ranges; and 6) create a category for small business owners. The proposal relating to cost benefit analyses was also referred to the April 3, 2007 Council Meeting.

3. a. **Request to Add to the City Auditor's 2006-2007 Workplan: Review Fee Payments by City's Franchised Haulers.**
b. **Response to Environmental Services request to add to City Auditor's 2006-07 Workplan.**

Action: The Committee deferred this item to March 21, 2007.

4. **Address Councilmember Cortese's Concerns regarding Consolidated Water Utility Fund Audit.**

Action: This item was dropped as it was taken up at City Council on March 13, 2007.

H. Review of 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
- None

I. Open Government Initiatives

1. Reed Reforms
 2. Sunshine Reform Task Force
 3. Significant Public Records Act Requests
 4. Public Safety, Finance and Strategic Support Committee
- None

J. Open Forum

None

K. Adjournment

The meeting was adjourned at approximately 3:54 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee