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**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report

May 2, 2007

**PRESENT:** Mayor Reed, Vice Mayor Cortese, Councilmembers Chirco and Constant

**ABSENT:** None

**STAFF:** City Attorney Rick Doyle, City Clerk Lee Price, City Manager Les White, Redevelopment Agency Assistant Director Gary Miskimon, Agenda Manager Nadine Nader, and Mayor Council Agenda Manager Alicia Bosco.

**A. City Council**

**1. Review May 8, 2007 Final Agenda**

There were no additions.

**2. Review of May 15, 2007 Draft Agenda**

Action: The Committee approved the following additions to the May 8, 2007 Council Agenda:

- Request for excused absences for Councilmember Constant. (Constant)
- Request for an excused absence for Councilmember Nguyen. (Nguyen)
- Request for an excused absence for Councilmember Williams. (Williams)
- Approval for the City Auditor's travel calendar. (City Auditor)
- Approval to name a new Soccer Bowl. (City Clerk)
- Approval to name a new park. (City Clerk)

**B. Redevelopment Agency**

**1. Review May 8, 2007 Final Agenda**

Action: The Committee approved the May 8, 2007 Redevelopment Agency Agenda.

**2. Review May 15, 2007 Draft Agenda**

Action: The Committee approved the May 15, 2007 Redevelopment Agency Agenda.

**3. Assign "Time Certain" for convening Redevelopment Agency Agenda**

There were none.

**C. Legislative Update**

**1. State**

Document Filed: 1) Memorandum from Betsy Shotwell dated April 30, 2007 summarizing pending bills currently in legislation.

Discussion: Director of Intergovernmental Relations Betsy Shotwell provided a brief oral update on pending bills currently in legislation.

**2. Federal**

None.

**D. Meeting Schedules**

None.

**E. The Public Record**

Document Filed: Memorandum from Lee Price, City Clerk, dated April 27, 2007 transmitting the Public Record for the week of April 20 - April 26, 2007.

Action: The Committee directed the City Manager's Office to refer the correspondence from Senior Citizens Commission Chair Don Blankenship dated April 2, 2007 regarding bus service to seniors to the Valley Transportation Authority.

Public Comments: Yolande Reynolds, Save Bay Area Research Extension Center (BAREC), urged the Committee to consider the preservation of the land on Winchester across from Valley Fair. A representative from Summer Hill Homes stated they have an application on file with the City of Santa Clara to build affordable residential housing and a park on the property. She added that the application will go to the Santa Clara County Planning Commission in May. In response to inquiry from Mayor Reed, she explained that the land is owned by the State Department of General Services.

Action: The Committee added the request by BAREC to the May 9, 2007 Rules and Open Government Committee agenda for further discussion.

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

Action: The Committee directed the Clerk to contact applicants for Planning Commission who were interviewed on February 13, 2007, but not appointed, to determine interest in re-interviewing with the City Council to fill a vacancy due to the resignation of Commissioner Bob Dhillon. The Committee referred this item back to Rules and Open Government Committee on May 9, 2007.

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

**1. Council Expenditures and Reimbursements**

Documents Filed: 1) Memorandum from City Attorney Rick Doyle dated April 20, 2007 regarding the Council Expenditure and Reimbursement Policy; 2) Memorandum from City Attorney Rick Doyle and City Clerk Lee Price dated January 26, 2007 regarding the Council Expenditure and Reimbursement Policy; 3) Memorandum from City Attorney Rick Doyle and City Clerk Lee Price dated January 18, 2007 regarding the Council Expenditure and Reimbursement Policy; 4) Memorandum from City Attorney Rick Doyle dated October 2, 2006 regarding Councilmembers' expenditures and reimbursement policies and guidelines; 5) Memorandum from John Alden dated August 29, 2002 regarding the revised credit card procedures; 6) Finance Administration Manual petty cash and change funds; 7) Memorandum from Finance/Disbursements Manager Dan Kadamoto dated revised October 6, 2006 regarding the new Travel Policy and new Food and Beverage Policy; 8) San Jose Municipal Code 4.28 Office Travel; 9) Memorandum from City Clerk Lee Price dated January 26, 2005 regarding the Mayor and Council Travel Fund and the Council Travel Policy Matrix; 10) Memorandum from Finance/Disbursements Manager Dan Kadamoto dated revised September 5, 2006 regarding the new Travel Policy and new Food and beverage policy; and 11) PowerPoint presentation entitled *Council Expense and Reimbursement Policy*.

Discussion: The Committee began its review of the draft policy and discussion issues summarized by Staff in the April 20, 2007 memo. Feedback was provided to Staff on issues relating to the use of a City vehicle versus a car allowance, and consultant services. Staff was directed to clarify if the car allowance is meant to take the place of mileage reimbursement, and further, to include in the draft policy a definition of "independent contractor" consistent with the Internal Revenue Service's definition. Discussion was postponed. The Committee went on to Item G.2 and took up this discussion again at the end of meeting (see page 5).

**2. Mexican Heritage Corporation Audit Discussion**

**a. Mexican Heritage Corporation – Supplemental Information**

**b. Response to Mexican Heritage Corporation Audit Recommendation**

Documents Filed: 1) Memorandum from City Auditor Gerald A. Silva dated April 19, 2007 regarding Mexican Heritage Corporation – Supplemental Information; 2) Memorandum from Mexican Heritage Corporation dated April 7, 2007 regarding Mexican Heritage Corporation's response to Supplemental Report of the City Auditor; 3) Memorandum from Deputy City Manager Kay Winer dated April 19, 2007 responding to Mexican Heritage Corporation Audit Recommendations; 4) Office of the City Auditor Report to the City Council – A Review of the Mexican Heritage Corporation's Ability to Operate and Maintain the Mexican Heritage Plaza; 5) Memorandum from Mexican Heritage Corporation dated March 28, 2007 regarding Mexican Heritage Corporation's Response to Report of City Auditor; and 6) PowerPoint presentation entitled *Responses to Mexican Heritage Corporation Audit Recommendations*.

Discussion: City Auditor Gerald A. Silva summarized the four recommendations outlined in the audit. Chief Deputy City Manager Kay Winer summarized the City's response to the audit. Discussion was held on obtaining consultants to determine the highest and best uses of the Mexican Heritage Plaza.

Action: The Committee approved the recommendations noted in the City Auditor's Report entitled *A Review of the Mexican Heritage Corporation's Ability to Operate and Maintain the Mexican Heritage Plaza*. The Committee accepted staff's recommendations for a workplan that provides short and long term strategies to address the Auditor's recommendations on *A Review of the Mexican Heritage Corporation's Ability to Operate and Maintain the Mexican Heritage Plaza* and to forward those recommendations to the City Council for approval.

**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**
- None.

**I. Open Government Initiatives**

**1. Reed Reforms**

- **Acceptance of the proposed curriculum for a Council Assistant Certification Program per Reed Reform #25, as amended.  
CONTINUED FROM APRIL 25, 2007**

Documents Filed: 1) Memorandum from Deputy City Manager Deanna Santana dated April 26, 2007 regarding Reed Reform #25 – Council Assistants Certification; and 2) Memorandum from City Manager Les White, City Attorney Rick Doyle and City Clerk Lee Price dated March 29, 2007 regarding Reed Reform #25 – Council Assistants Certification.

Action: The Committee accepted the proposed curriculum for a Council Assistant Certification Program and this item will be placed on the May 22, 2007 City Council Agenda.

- 2. Sunshine Reform Task Force**
- 3. Significant Public Records Act Requests**
- 4. Council Policy Manual update**

None.

**G. a. Council Expenditures and Reimbursements**

Discussion continued on the policy as it relates to admission to events. The Committee reached consensus on two areas: 1) guidelines should be structured but without a pre-approved list of specific permissible events; and 2) elected/appointed officials should not have to pay to attend events in a City facility. More discussion is needed on this topic.

Action: This item was continued to May 9, 2007 for further discussion.

**J. Open Forum**

None.

**K. Adjournment**

The meeting was adjourned at 4:06 p.m.

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Chuck Reed, Mayor  
Rules and Open Government Committee