



RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
August 8, 2007

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

ABSENT: None

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Director Harry Mavrogenes, Agenda Manager Nadine Nader, and Council Agenda Manager Alicia Bosco.

A. City Council (City Clerk)

Review August 14, 2007 Final Agenda

Add New Items to final agenda

- Item 4.2 (Approval of actions related to the Cost-Benefit Analysis Pilot Program) was deferred to August 28, 2007.
- Report on bids and award of contract for the replacement of 1,000 -foot section of a broken water main. (Environmental Services)

The Committee approved the additions to the August 14, 2007 Final Agenda.

Review August 21, 2007 Draft Agenda

Add New Items to draft agenda

- Acceptance of the Office of the City Auditor's Report. (Auditor)
- Acceptance of the findings report relating to the Bay 101 Conditional Approval of Stock Transfer. (Auditor)

- Approval of Travel for Independent Police Auditor Barbara Attard. (Independent Police Auditor)
- Adoption of a resolution amending the Rules Resolution for the Conduct of City Council Meetings. (Attorney/Mayor)
- Approval of actions related to the Sunshine Reform Task Force Phase I Report and Recommendations. (Manager)
- Approval of City Hall Exhibits Policy. (Economic Development)

The Committee approved the additions to the August 21, 2007 draft Council agenda.

B. Redevelopment Agency (Executive Director)

Review August 14, 2007 Final Agenda

There were no additional items to be added to the August 14, 2007 Redevelopment Agency agenda. Redevelopment Agency Agenda not to be heard before 3:30 p.m.

The Committee approved the August 14, 2007 Redevelopment Agency Final Agenda with no additions.

Review August 21, 2007 Draft Agenda

Add New Items to draft agenda

There were no additional items to be added to the August 21, 2007 Redevelopment Agency Draft Agenda.

The Committee approved the August 21, 2007 Redevelopment Agency Draft Agenda.

Assign "Time Certain" for convening Redevelopment Agency Agenda

Redevelopment Agency Agenda not to be heard before 2:30 p.m.

C. Legislative Update

State

AB 548 (Levine, et al), Solid Waste; Multifamily Dwellings (Environmental Services)

Documents Filed:

Memorandum from John Stufflebean, Director of Environmental Services dated August 1, 2007 recommend support position of AB 548 (Levine) Solid Waste: Multifamily Dwellings and a one-week turn around to Council.

Action: The Committee approved support position if amended of AB 548 (Levine) with a one-week turn around to Council.

Upon motion by David Cortese, seconded by Judy Chirco, the Committee approved support position if amended of AB 548 (Levine, et al), Solid Waste; Multifamily Dwellings with a one-week turn around to Council.

AB 845 (Bass), Foster Youth: Transitional Housing (Housing)

Documents Filed: Memorandum from Leslye Krutko, Director of Housing dated July 27, 2007 recommending Mayor and Council support AB 845 (Bass) and a one-week turn around to Council.

Action: No action was taken at this time.

SB 275 (Cedillo), Health Care Facilities: Patient Transport (Housing)

Documents Filed: Memorandum from Leslye Krutko, Director of Housing dated July 30, 2007 recommends Mayor and Council support of position of SB 275 (Cedillo), Health Care Facilities: Patient Transport with a one-week turn around to Council.

Discussion: Councilmember Constant had some concerns with some of the details of this bill. The Mayor would like to know what Valley Medical thinks of this bill. The Mayor was reluctant to take a position until he hears back from Valley Medical. Staff agreed to go back to talk to hospital representatives on the Blue Ribbon Commission and return to a future Rules and Open Government Committee with a response.

SB 1020 (Padilla), Solid Waste: Diversion (Environmental Services)

Documents Filed: Memorandum from John Stufflebean, Director of Environmental Services dated August 1, 2007 recommend support position of SB 1020 (Padilla), Solid Waste: Diversion and a one-week turn around to Council.

Action: The Committee approved support position of SB 1020

(Padilla), Solid Waste: Diverson with a one-week turn around to Council.

Federal
None

D. Meeting Schedules

Recommend Elected Officials attend a new Crisis Communication Class facilitated by the Governor's Office of Homeland Security on Monday, August 20, 2007. (Emergency Preparedness)

Documents Filed: Memorandum from Kimberly Shunk dated June 18, 2007 recommend that Elected Officials consider attending a new Crisis Communications class facilitated by the Governor's Office of Homeland Security on Monday August 20, 2007.

Action: The Committee approved the recommended meeting schedule.

Approve a Priority Setting Session Follow-up Meeting with City Council for September 4, 2007, 9 am - 4 pm (City Manager)

Documents Filed: Memorandum from Nadine Nader dated July 30, 2007 recommends approval to schedule a Priority Setting Session Follow-up Meeting with City Council on September 4, 2007 from 9:00 a.m. to 4:00 p.m.

Action: The Committee approved the recommended meeting schedule.

Approve a Joint Study Session on Flood Management Issues with City Council and the Santa Clara Valley Water District Board of Directors for November 19, 2007, 1-4 pm (Public Works)

Documents Filed: Memorandum from Katy Allen, Direcor of Public Works dated July 26, 2007 recommends approval to schedule a Joint Study Session on flood Management with City Council and the Santa Clara Valley District Board of Directors on November 19, 2007 from 1:00 p.m. - 4:00 p.m.

Action: The Committee approved the recommended meeting schedule.

E. The Public Record

Discussion: Albert Balagso, Director of Parks, Recreation and Neighborhood Services responded to a letter dated July 11, 2007 from the Senior Citizens Commission in the Public Record recommending that all volunteers, employees and vendors who do business with the City of San Jose be fingerprinted and background checked. He explained that currently all employees and volunteers who work with youth and frail seniors are background checked and fingerprinted. The committee requested staff return to the Rules and Open Government Committee with a cost analysis to implement this process throughout all senior programs.

Action: The Committee approved to note and file the public record and referred the issue of costs related to expanded background checks and fingerprinting for all senior programs.

F. Appointments to Boards, Commissions and Committees

Approve the amended City Council and Redevelopment Agency Committee Appointments. (Mayor)

Documents Filed: Memorandum from Mayor Reed dated July 24, 2007 recommending approval of City Council and Redevelopment Agency Committee Appointments.

Action: The Committee approved the recommended committee appointments with a one-week turn around to Council.

G. Rules Committee Reviews, Recommendations and Approvals

POW/MIA Flag Raising. (Mayor)

Documents Filed: Memorandum from Mayor Reed dated August 1, 2007 adopt a resolution authorizing the City Manager to annually display the POW/MIA flag at City Hall.

Action: The Committee approved the adoption of a resolution to display the POW/MIA flag at City Hall.

Approve Mayor's Travel to Los Angeles, CA, for the U.S. Conference of Mayors on June 22-23, 2007 and Mayor's Travel to Sacramento, CA, for the Silicon Valley

Leadership Group's 11th Annual Sacramento Advocacy Trip on April 25-26, 2007. (Mayor)

Documents Filed: Memorandum from Mayor Reed dated July 23, 2007 approve travel on June 22-23, 2007 to the U.S. Conference of Mayors 75th Annual Meeting and travel on April 25-26, 2007 to the Silicon Valley Leadership Group's 11th annual Sacramento Advocacy Trip.

Action: The Committee approved the Mayor's travel for the U.S. Conference of Mayors and the Silicon Valley Leadership Group's 11th Annual Sacramento Advocacy Trip.

League of California Cities Voting and Alternate Voting Delegates at the Annual Business Meeting (City Manager)

Documents Filed: Memorandum from Betsy Shotwell dated July 31, 2007 approve the proposed designation of Councilmember Campos, as the voting delegate and Councilmember Chirco, as the alternate voting delegate at the September 8, 2007 Annual business Meeting for the League of California Cities with a one-week turnaround to Council.

Action: The Committee approved the proposed voting and alternate voting delegates at the Annual Business Meeting with a one-week turnaround to Council.

Public/Private Partnership Update (City Manager/Parks, Recreation & Neighborhood Services)

Documents Filed: Memorandum from Ed Shikada, Deputy City Manager and Albert Balagso, Director of Parks, Recreation and Neighborhood Services dated July 26, 2007 recommend that the Rules and Open Government Committee accept the report on the status of the public/private partnership case studies; and confirm staff's assumptions of the applicability of prevailing wage to partnership agreements with private entities involving construction and maintenance on City-owned land and facilities in excess of \$1,000.

Discussion: Ed Shikada and Albert Balagso responded to questions about donated services and criteria for applying prevailing wage requirements.

Action: The Committee approved to agendize this item on the September 11, 2007 Council agenda.

H. Review of additions to Council Committee Agendas

Community and Economic Development Committee

Neighborhood Services and Education Committee

Transportation and Environment Committee * Add item entitled, "Amendment to the Airport Design Build Contract with Hensel Phelps Construction Company to increase the size of the Consolidated Rental Car Garage" to the August 27, 2007 agenda (Airport)

Documents Filed: Memorandum from William F. Sherry, Airport Director dated August 2, 2007 recommend the Rules and Open Government Committee add Amendment to the Airport Design Build Contract with Hensel Phelps Construction Company to increase the size of the Consolidated Rental Car Garage to the August 27, 2007 Transportation and Environment Committee Meeting agenda.

Action: The Committee approved the recommended addition to the Transportation and Environment Committee Meeting agenda.

Public Safety, Finance and Strategic Support Committee * Add item entitled, "Public and Educational Cable Access Transition Planning" to the September 20, 2007 agenda (City Manager)

Documents Filed: Memorandum from Tom Manheim, Director of Communications, dated August 1, 2007 recommending adding Public and Education Cable Access Transition Planning to the September 20, 2007 Public Safety, Finance and Strategic Support Committee Meeting Agenda.

Action: The Committee approved the recommended addition to the Public Safety, Finance and Strategic Support Committee Meeting Agenda. Upon motion by Pete Constant, seconded by Judy Chirco, the Committee approved the addition to the Public Safety, Finance and Strategic Support Committee recommended Meeting Agenda.

I. Open Government Initiatives

Reed Reforms

Sunshine Reform Task Force Continue discussion and recommendation on Bodies Subject to the Sunshine Ordinance - Policy Body, Ancillary Body, Non-Governmental Body (Section 2 - Public Meetings)

This item was dropped.

Significant Public Records Act Requests - None

Council Policy Manual Update - None

J. Open Forum

There were none.

K. Adjournment

Meeting adjourned at 3:42 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee