

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
November 14, 2007

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

ABSENT: None

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Redevelopment Agency Director Harry Mavorgenes Redevelopment Agency Assistant Director Gary Miskimon, Deputy City Manager Deanna Santana, Agenda Manager Nadine Nader, Mayor Council Agenda Manager Alicia Bosco and Deputy City Clerk Michelle Radcliffe.

A. City Council

1. Review November 20, 2007 Final Agenda

Document Filed: Memorandum from Mayor Chuck Reed dated November 8, 2007 recommending acknowledgment of the 2007 Mayor's Biennial Ethics Review.

Action: The Committee approved the following changes and additions to the November 20, 2007 Final Agenda:

- Presentation of a commendation to José Pantoja and Patsy Ludwig. (Liccardo)
- Presentation of commendation in honor of the San José Peace Center's 50th Anniversary. (Liccardo)
- Approval of Councilmember Campos' Travel to San Diego, CA. (Campos)
- Request for an excused absence for Councilmember Campos'. (Campos)
- Approval of Councilmember Liccardo's International Travel. (Liccardo)
- Approval to submit an application for the California Gang Reduction, Intervention and Prevention Grant. (PRNS)
- Approval of actions related to the Airport Commercial Program Letter of Credit Replacement. (Finance)
- Item. 3.6 (Prohibiting nepotism for the Mayor, Council, and Council Appointees) deferred to December 4, 2007. (City Attorney's Office)
- Item 6.2 (BART extension) deferred to December 11, 2007. (Transportation)
- Item 6.3 (Taxicab Services) not to be heard before 3:00 p.m. (Airport/Transportation/Police)
- Item 8.1 (Police Southside Substation) deferred to December 11, 2007. (Public Works)

2. Review of November 27, 2007 Draft Agenda

None – meeting canceled.

B. Redevelopment Agency

1. Review November 20, 2007 Final Agenda

Action: The Committee approved the November 20, 2007 Final Agenda with no additional changes.

2. Review November 27, 2007 Draft Agenda

None – meeting canceled.

C. Legislative Update

1. State

2. Federal

None.

D. Meeting Schedules

None.

E. The Public Record

Document Filed: Memorandum from Lee Price, City Clerk dated November 9, 2007 transmitting the Public Record for the week of November 2-9, 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. a) Preliminary Legal Issues – Internet Filters at City Libraries.

b) Staff Response to October 24, 2007 Rules and Open Government Committee Referral relating to Internet Filtering and Computer Use at San José Public Libraries.

Documents Filed: 1) Memorandum from City Attorney Rick Doyle dated November 8, 2007 summarizing preliminary legal issues on internet filters at City Libraries; and 2) Memorandum from City Librarian Jane Light dated November 7, 2007 recommending approval of staff proposed policy review plan and workload assessment and to accept staff responses to questions asked by ROGC at the October 24, 2007 meeting.

Discussion: City Attorney Rick Doyle summarized his memorandum and responded to questions from the Committee. Councilmember Constant suggested that staff solicit input from the Youth Commission, Library Commission, City and

San José State University Information Technology, SJPD and the University Police before discussing this issue with Council. Mayor Reed stated that the work plan be broken down to show a timeline.

Public Comment: Ernest Guzman, Sue Williams and Tina Morrow spoke in opposition to adding Internet filters to computers at public libraries.

Sheila Tripp urged the Committee to take a thoughtful and reasonable approach to deciding on adding Internet filters to computers at public libraries.

Trixie Johnson encouraged the Committee to take advantage of what City staff has to offer and commended the Committee for using City Commissions in the decision-making process.

Action: The Committee directed staff to come back on the third Wednesday in January with a status report on the work plan which will include coordinating with the City and/or San José State University Information Technology regarding technological issues, costs for systems that are similar or comparable to Web sense, conduct outreach to solicit input from the Youth Commission, Library Commission, San José Police Department and the University Police.

2. Zoning Overlay Downtown.

Documents Filed: Supplemental memorandum from Councilmembers Liccardo and Williams dated November 8, 2007 recommending additions to the December 6, 2007 agenda; and 2) Memorandum from Councilmembers Liccardo and Williams dated November 5, 2007 recommending additions to the November 20, 2007 City Council meeting agenda.

Action: The Committee deferred this item to December 11, 2007.

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. Request for Transportation and Environment Committee Workplan**
- None.

I. Open Government Initiatives

- 1. Reed Reforms**
- 2. Sunshine Reform Task Force**
 - a. Review of remaining provisions of Sunshine Reform Task Force Phase 1 Report and Recommendations.**
 - b. City Attorney's Response to referral dated August 29, 2007 from Rules and Open Government Committee relating to taping of Closed Sessions.**

Documents Filed: 1) Memorandum from Communications Director Tom Manheim dated October 18, 2007 recommending that the City review and make

recommendations on the remaining provisions of the Sunshine Reform Task Force's (SRTF) Phase I Report and Recommendations.

Discussion: Discussion continued regarding applying the SRTF recommendation to Council Committees.

Action: The Committee made the following recommendations for Council Committees: a) Agenda and staff reports must be posted/distributed pursuant to the "5/7 day rule"; b) For public subsidies of \$1 M or more, an informational memo or other first notice must be posted/distributed 28 days in advance and staff reports must be posted/distributed 14 days in advance (same as for City Council); c) Staff reports for expenditures of \$1M or more must be noticed for 14 days (same as for Council); exceptions to the 14-day deadline may be requested from the Rules Committee as long as agenda item is posted within the timeline required by the Brown Act; d) Supplemental staff reports may be submitted at any time as long as the report is informational and does not change the staff recommendations (no specific # of days in advance required.); e) Council Committee memos with multiple signatures must be submitted 4 calendar days prior to a meeting; f) Council Committee memos from a single Councilmember may be submitted at any time; memos submitted less than 4 days prior to a meeting are discouraged; g) Special meetings of the City Council and City Council Committees shall be noticed 4 days in advance, as recommended by the SRTF; h) The City is exceeding the SRTF recommendations as it relates to video recording meetings; and i) Public testimony time limits may be set at the discretion of the Chair.

The Committee discussed and continued to the next meeting further discussion of the SRTF recommendation regarding Council Committee minutes.

- 3. Significant Public Records Act Requests**
- 4. Council Policy Manual Update**

J. Open Forum
None.

K. Adjournment
The meeting was adjourned at 4:04 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee