

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
November 28, 2007

PRESENT: Mayor Reed, Vice Mayor Cortese (arrived at 2:22 p.m.) and Councilmembers Constant

ABSENT: Chirco

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

A. City Council

1. Review December 4, 2007 Final Agenda

Document Filed: Memorandum from Vice Mayor Dave Cortese dated November 26, 2007 recommending the City Manager to work with a cross-departmental team to work on the Rigoletto Initiative.

Action: The Committee deferred discussion of the Rigoletto Initiative until Vice Mayor arrived and approved the following changes and additions to the December 4, 2007 Final Agenda:

- Presentation of the 2007 Playful City USA Award. (Mayor/Chu/PRNS)
- Presentation of proclamation declaring December 1, 2007, as World AIDS Day. (Pyle)
- Discussion of actions related to the Rigoletto Initiative. (Cortese)
- Item 3.6 (Billboard on 1000 S. Bascom) deferred to December 18, 2007. (Public Works)

2. Review of December 11, 2007 Draft Agenda

Action: The Committee approved the following changes and additions to the December 11, 2007 Draft Agenda:

- Request for an excused absence for Councilmember Campos. (Campos)
- Approval of Councilmember Williams' travel to Los Angeles. (Williams)
- Item 9.1 (Downtown Zoning Overlay) deferred until December 18, 2007. (Liccardo)

B. Redevelopment Agency

1. Review December 4, 2007 Final Agenda

Action: The Committee approved the December 4, 2007 Final Agenda with the following changes:

- Item 6.3 changed to read “Approval of an amendment to the Master Lease with SFC Associates VI for the Block 6 Garage”.

2. Review December 11, 2007 Draft Agenda

Action: The Committee approved the December 11, 2007 Draft Agenda with no additional changes.

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 20, 2007 transmitting the Public Record for the week of November 10-19, 2007.

Action: The Committee approved to note and file the Public Record.

F. Appointments to Boards, Commissions and Committees

1. Re-appointment to Appeals Hearing Board.

2. New Commissioner Appointments to the following Commissions: 1) Disability Advisory Commission; 2) Early Care and Education Commission; 3) Human Rights Commission; 4) Senior Citizens Commission; and 5) Small Business Development Commission.

Documents Filed: 1) Memorandum from Councilmember Constant dated November 15, 2007 recommending re-appointment of Susan Ruscigno and Troy Overston to the Appeals Hearing Board; 2) Memorandum from Councilmember Pyle dated November 7, 2007 recommending the appointment of Mary Brown, Anette Howell and Kevin Lichtenberg to the Disability Advisory Commission; 3) Memorandum from Councilmember Chirco dated November 8, 2007 recommending the appointment of Mary Uzoh to the Early Care and Education Commission; 4) Memorandum from Councilmember Chu dated November 14, 2007

recommending the appointment of Vanessa Burbach, Qi Deng, and Edward Walker to the Human Rights Commission; 5) Memorandum from Councilmember Constant dated November 13, 2007 recommending the appointment of Roger Lasson to the Senior Citizens Commission; and 6) Memorandum from Councilmember Nguyen dated November 13, 2007 recommending appointment of Minh Duong, Miguel Olivo, Mary Zellum, Thai Mai, and Brian Ho to the Small Business Development Commission.

Action: The Committee approved all appointments except for the Human Rights Commission (HRC). The Committee deferred appointments to the HRC to December 5, 2007 and requested that the City Clerk forward to the Committee for discussion communications recently received regarding the HRC meeting of November 15, 2007.

G. Rules Committee Reviews, Recommendations and Approvals

None.

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.

J. Open Forum

None.

At 2:17 p.m. the Committee recessed and reconvened at 2:22 p.m. with Mayor Reed, Vice Mayor Cortese and Councilmember Constant present.

A. City Council

1. Review December 4, 2007 Final Agenda (Continued)

Document Filed: Memorandum from Vice Mayor Dave Cortese dated November 26, 2007 recommending the City Manager work with a cross-departmental team to develop a work plan for the “Rigoletto Initiative”.

Discussion: Vice Mayor Cortese presented an overview of the “Rigoletto Initiative” and proposed stated that the City Manager work with Parks, Recreation and Neighborhood Services; Planning, Building, and Code Enforcement; San José Redevelopment Agency; San José Police Department, and Mayor’s Gang Prevention Task Force to develop a work plan on improving the area near Rigoletto Drive. Deputy Director of Parks, Recreation and

Neighborhood Services Angel Rios responded to brief inquiries. Discussion ensued.

Action: The Committee directed staff to come back with a workload assessment.

I. Open Government Initiatives

1. Reed Reforms

2. Sunshine Reform Task Force (SRTF)

a. Review of remaining provisions of Sunshine Reform Task Force Phase 1 Report and Recommendations.

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 Phase I Report and Recommendations.

Discussion: Discussion continued relating to applying recommendations of the SRTF to Council Committees.

Action: The Committee agreed that current practices for distributing Council Committee Reports (also known as "minutes") are sufficient. Five days of "sunshine" as the minimum standard was confirmed.

Discussion: The Committee reviewed the SRTF recommendations as applied to "quasi-judicial" bodies and discussed various issues unique to these types of boards/commissions that conduct evidentiary hearings. Assistant Retirement Director Tom Webster and Senior Deputy City Attorneys Susan Devencenzi and Lisa Herrick summarized current practices and potential challenges for the Retirement Boards, Civil Service Commission and the Elections Commission.

Action: The Committee tentatively agreed to the following requirements for quasi-judicial bodies pending further analysis from staff: 1) 10-day standard for posting agendas and supporting documents, with "supporting documents" to be defined for each body and with appropriate exceptions for each body. Staff to return with definitions and lists of exceptions; 2) distribution of supplemental memos, to be defined for each body, as soon as possible and consistent with practice approved for the City Council/RDA/Council Committees; staff to return with definitions for each body; 3) Board/Commission Member memos with multiple signatures to be distributed not less than four days before the meeting; memos from one member may be distributed at any time, but are discouraged less than 4 days in advance of the meeting; 4) 4-day posting for special meetings, with appropriate exceptions for each body; staff to return with lists of exceptions; 5) video record Planning Commission and audio record all others; and 6) permit public testimony at the discretion of the Chair. Additionally, the Committee asked Staff to explore posting to the City's website audio recordings.

The Committee will continue discussion beginning with minutes of the quasi-judicial bodies at the next meeting.

- 3. Significant Public Records Act Requests**
- 4. Council Policy Manual Update**
None.

K. Adjournment

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

Chuck Reed, Mayor
Rules and Open Government Committee