

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
May 14, 2008

PRESENT: Mayor Reed, Councilmembers Constant, Cortese and Chirco

ABSENT: None

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Debra Figone, Assistant City Manager Christine Shippey, Redevelopment Agency Assistant Director Gary Miskimon, Senior Executive Manager Vilcia Rodriguez, Mayor Council Agenda Manager Alicia Bosco and Deputy City Clerk Michelle Radcliffe.

A. City Council

1. Review May 20, 2008 Final Agenda

Action: The Committee approved the May 20, 2008 Final Agenda with the following changes/additions:

- Presentation of a commendation to Cisco Systems (Chu)
- Presentation of a proclamation declaring the month of May as “Asian Pacific American Heritage Month” (Chu)
- Presentation of a commendation recognizing the National Hispanic University debate team (Cortese)
- Approval of Councilmember Campos’ travel to Sacramento, CA to attend the League of California Cities – Transportation, Communications and Public Works Committee (Campos)
- Approval of Mayor Reed’s travel out of state to Washington, DC on February 26-28, 2008 to meet with Federal legislative officials and departments to advocate for legislation beneficial to the City of San José (Mayor)
- Approval of Mayor Reed’s travel out of state to Chicago, IL on October 1-3, 2008 to participate in the Annual City-to-City trip sponsored by the San José/Silicon Valley Chamber of Commerce (Mayor)
- Approval of Councilmember Oliverio’s travel to Chicago, IL on October 1-3, 2008 to participate in the Annual City-to-City trip sponsored by the San José/Silicon Valley Chamber of Commerce (Oliverio)

2. Review May 27, 2008 Draft Agenda

Action: The Committee approved the May 27, 2008 Draft Agenda with no additional changes.

B. Redevelopment Agency

1. Review May 20, 2008 Final Agenda

Action: The Committee approved the May 20, 2008 Final Agenda with no additional changes.

2. Review May 27, 2008 Draft Agenda

Action: The Committee approved the May 27, 2008 Final Agenda with no additional changes.

C. Legislative Update

1. State

a. AB 2270 (Laird) Recycled Water: Water Quality

Documents Filed: Memorandum from Environmental Services Director John Stufflebean dated May 9, 2008 recommending a support position for AB 2270

Action: The Committee approved the staff recommendation and forwarded the matter on the City Council agenda for May 20, 2008.

b. AB 2347 (Ruskin) Mercury Thermostat Collection Act of 2008

Documents Filed: Memorandum from Environmental Services Director John Stufflebean dated May 9 2008 recommending a support position for SB 1625

Action: The Committee approved the staff recommendation and forwarded the matter to the City Council agenda for May 20, 2008.

2. Federal

None.

D. Meeting Schedules

None

E. The Public Record

Document Filed: Memorandum from City Clerk Lee Price dated May 9, 2008 transmitting the Public Record for the week of May 2 - May 8, 2008.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

There were none.

G. Rules Committee Reviews, Recommendations and Approvals

3. Workload Assessment for Analysis of Extending the Living Wage Policy at Mineta San José International Airport

Documents filed: 1) Memorandum from Aviation Director William F. Sherry and Public Works Director Katy Allen dated May 6, 2008 recommending acceptance of staff workload assessment for a study of extending the City's Living Wage policies to include additional employers at Mineta San José International Airport and returning with an analysis and policy recommendations to the Transportation and Environment and Community and Economic Development committees; and 2) Memorandum from Vice Mayor Dave Cortese dated May 14, 2008 recommending amending the Transportation and Environment (T & E) Committee workplan to include an item on the June 2nd T & E agenda to consider a comprehensive living wage policy at San José Mineta International Airport and to consider staff's workload assessment.

Public Comment: The following people spoke in support of extending the living wage policy at Mineta San José International Airport: Bob Brownstein; Mary Cuseman, South Bay Labor Union; Dwayne Green; Fris Trinidad; Pastor Alicia Williams; Sandra Perry; Everlisto Quebral, Aviation Safeguard; Sonia Galan; Sara Muller, Working Partnerships; Sweetie Patel; Ebrehet Berhe; and Omar Torrez.

Action: The Committee accepted the report and referred this item to the June 2nd Transportation and Environment Committee meeting agenda.

1. Policy Options and Staff Report relating to Internet Filtering Proposal and Computer Use at San José Public Libraries

Documents Filed: 1) Memorandum from Library Director Jane Light dated May 7, 2008 recommending acceptance of staff report and to consider policy options relating to Internet filtering proposal and computer use at San José public libraries, 2) Correspondence from the Santa Clara County Bar Association dated April 29, 2008 rejecting any proposal to install internet filtering software on public library computers; 3) Correspondence from Library Commission Chair Caroline Martin dated May 9, 2008 regarding the Commission's vote to maintain the City's current Library Internet Filter Policy; 4) Memorandum from City Attorney Rick Doyle dated May 13, 2008 providing legal analysis of policy options being presented to the Rules and Open Government Committee on May 14, 2008; and 5) Correspondence from SJSU President Don Kassin opposing the installation of Internet filters at King Library and all City branches.

Public Comment: The following people spoke in opposition to the Internet Filtering Proposal: Carolyn Martin, Library Commission Chair; and Buu Thai, Planned Parenthood.

Action: The Committee referred this item to the June 17th Council meeting.

2. Referral of an Audit of the 2005-06 Grant Reimbursement for Sister City Programs

Document Filed: Memorandum from City Auditor Sharon Erickson dated May 5, 2008

Action: The Committee approved the referral and added the Audit to the City Auditor's workplan.

- 4. Amendment to Civil Service Rules (SJMC 3.04.1410 – Disciplinary Hearings)**
Documents Filed: 1) Memorandum from City Attorney Rick Doyle dated May 6, 2008 recommending amendment to Section 3.04.1410 of the Civil Service Rules to provide that disciplinary appeal hearings for Peace Officers be closed to the public unless requested to be a public session by the employee; 2) Memorandum to the Civil Service Commission from City Attorney Rick Doyle dated March 27, 2008 recommending that the Civil Service Commission recommend to the City Council that Section 3.4.1410 of Chapter 3.04 of Title 3 of the San José Municipal Code be amended to provide that disciplinary hearings for peace officers be closed to the public unless requested to be a public session by the employee; and 3) Draft Ordinance.

Action: The Committee approved the City Attorney's recommendation.

5. Downtown High Rise Financing Initiative

Action: Memorandum from Mayor Chuck Reed and Councilmember Sam Liccardo dated May 6, 2008 recommending the City Manager in conjunction with the Redevelopment Agency to engage in agreements with high-rise developers in the downtown core to defer payments of park fees.

Public Comment: Kerri Hamilton spoke in opposition to deferring payment of park fees.

Action: The Committee forwarded with the initiative to the City Council as amended; change "in conjunction" with "in consultation with".

H. Review of additions to Council Committee Agendas

1. Community and Economic Development (CED) Committee

- **Add update on the proposal to create a Public Safety Memorial at City Hall to the May 27, 2008 CED Committee Workplan**

Document Filed: Memorandum from Economic Development Director Paul Krutko dated May 6, 2008 recommending approval to add to the May 27th Community and Economic Development Committee agenda an update on the proposal to create a Public Safety Memorial at City Hall

Action: The Committee approved this addition to the Community and Economic Development Committee May 27th agenda.

- 2. Neighborhood Services and Education Committee**
3. Transportation and Environment Committee

4. Public Safety, Finance and Strategic Support Committee

There were none.

I. Open Government Initiatives

- 1. Reed Reforms**
- 2. Sunshine Reform Task Force (SRTF)**
- 3. Significant Public Records Act Requests**
- 4. Council Policy Manual Update**

There were none.

J. Open Forum

Jose Aranda with the West Evergreen SNI requested that the Department of Transportation thresholds for qualifying for financial assistance with sidewalk repairs be adjusted. The Committee referred this to the Department of Transportation and the budget process.

K. Adjournment

The meeting adjourned at 2:31 p.m.

Mayor Chuck Reed
Rules and Open Government Committee