



# Memorandum

**TO:** Honorable Mayor &  
City Council Members

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** The Public Record  
June 5-9, 2009

**DATE:** June 10, 2009

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**ITEMS TRANSMITTED TO THE ADMINISTRATION**

**ITEMS FILED FOR THE PUBLIC RECORD**

- (a) Recommendation from the Human Rights Commission to City Clerk Lee Price received via email on May 27, 2009 supporting the recommendation of the City Clerk to amend the Boards and Commission's attendance policy.
- (b) Recommendation from the Human Rights Commission to City Council received via email on May 27, 2009 recommending that the City Council request each Chair of City Boards and Commission, to place Open Forum at the beginning of their meeting agenda.
- (c) Letter from ACLU of Northern California to Mayor Reed and City Council dated June 8, 2009 regarding San Jose Police Officer's Association (SJPOA) YouTube Video and "The Vanguard" Website Posting.
- (d) Memorandum from LAFCO Executive Director Neelima Palacherla to Cities in Santa Clara County dated June 9, 2009.
- (e) Letter from David S. Wall to Mayor Reed and City Council dated June 11, 2009 regarding "The Ghetto Life: Update on the SCEP".

Lee Price, MMC  
City Clerk

LP/np

Distribution: Mayor/Council  
City Manager  
Assistant City Manager  
Assistant to City Manager  
Council Liaison  
Director of Planning  
City Attorney  
City Auditor  
Director of Public Works

Director of Finance  
Public Information Officer  
San José Mercury News  
Library

**Recommendation**

Whereas the Office of the City Clerk is undergoing a structural review of all Boards & Commission with a goal towards process improvements and efficiencies, including revisions to the attendance policy.

The Human Rights Commission is supporting the recommendation of the City Clerk to amend the Boards & Commission's attendance policy to add the term "partner" to the definition of excused absences.

The Commission is supporting and recommends to the City Council the following amended language for the purpose of defining "excused absences" to the Boards & Commissions attendance policy:

"An absence due to an illness of the member, or illness or death of an immediate family member (spouse, *partner*, parent, child, brother or sister); "

Passed and adopted by the Human Rights Commission of the City of San Jose on May 21, 2009 by the following vote:

Ayes: Macapinlac, Sippel, Parker; Bains; Burbach; Davis; Gill; Marienthal; Salcido; Walker; Young (11)

Noes:

Absent: Bhanot (1)

*Human Rights Commission***Recommendation**

Whereas many members of the public take public transportation to City Commission meetings, and that most commission meetings end after sundown, members of the public who take public transportation would feel safer leaving the meeting sooner rather than later.

The Commissions on Human Rights, Senior Citizens, Youth, Early Care & Education, Disability Advisory, and Parks & Recreation hold Open Forum at the beginning of meeting. All other commissions hold Open Forum towards the end of their meeting.

Open Forum placement on the agenda is determined at the discretion of each commission's Chair. Members of the public who wish to address the commission on matters not listed on the agenda do not take require a significant amount of time allotted to them. Therefore it would be appropriate for each Commission Chair to allow members of the public to address the commission at the beginning of the meeting.

*The Human Rights Commission recommends to the City Council that it request of each Chair of City Boards & Commissions, to place Open Forum at the beginning of their meeting agenda.*

Passed and adopted by the Human Rights Commission of the City of San Jose on May 21, 2009 by the following vote:

Ayes: Macapinlac, Sippel, Parker; Bains; Burbach; Davis; Gill; Marienthal; Salcido; Walker; Young (11)

Noes:

Absent: Bhanot (1)



SAN JOSE OFFICE  
111 North Market Street  
Suite 940  
San Jose, CA 95113  
ph: 408.282.8978  
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June 8, 2009

To: Mayor Chuck Reed  
Members, San José City Council

Re: San José Police Officer's Association (SJPOA) YouTube Video and "The Vanguard" Website Posting

Dear Mayor Reed and Members of the City Council:

As one of the largest and longest standing civil rights organizations in the country – and in San Jose - we write to you today to address the recent controversy sparked by video and website content posted by the San José Police Officer's Association (on YouTube and the SJPOA's website "The Vanguard") which pointedly deride Silicon Valley DeBug and its Executive Director.

We must first make clear that both the SJPOA's video and website posting are speech subject to the protections of the First Amendment and we respectfully disagree with those who have called for formal censure.

However, we must also note that these efforts by the SJPOA were a desperate and obvious attempt to distract from the serious police accountability issues facing the City. Although SJPOA representatives have repeatedly stated that there is no trust divide between the police department and the community – hiring a PR firm and creating a video that singles out a community member exercising his free speech rights are not the actions of a police association that truly believes there is no credibility issue.

We will not be distracted from our work to bring transparency and accountability to the police department, which we know will lead to greater trust within the community and more effective policing. We remain hopeful that the Council will, in the not too distant future, begin to work in true collaboration (a consortium hand-picked by Chief of Police Davis not being in that vein) with the community to bridge that divide.

Sincerely,

Skyler Porras  
San José Director  
ACLU of Northern California

RON TYLER, CHAIRPERSON | M. QUINN DELANEY, LISA NONIO, LINDA LYE, VICE CHAIRPERSONS | NANCY PEMBERTON, SECRETARY/TREASURER  
MAYA HARRIS, EXECUTIVE DIRECTOR | CHERI BRYANT, DEVELOPMENT DIRECTOR | LAURA SAPONARA, COMMUNICATIONS DIRECTOR | JUSTINE SARVER, ORGANIZING DIRECTOR | ALAN SCHLOSSER, LEGAL DIRECTOR  
ANN DRICK, MARGARET G. CROSBY, JULIA HARUHI MASS, MICHAEL RISHER, JORY STEELE, STAFF ATTORNEYS | NATASHA MINSKER, NICOLE A. OZER, MARK SCHLOSBERG, DIANA TATE, POLICY DIRECTORS  
FRANCISCO LOBAGO, LEGISLATIVE DIRECTOR | VALERIE SMALL NAVARRO, SENIOR LEGISLATIVE ADVOCATE | TIFFANY MOIK, LEGISLATIVE ADVOCATE | SKYLER PORRAS, SAN JOSE DIRECTOR

AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA  
39 DRUMM STREET, SAN FRANCISCO, CA 94111 | T/415.621.2493 | F/415.255.1478 | TTY/415.863.7832 | WWW.ACLUNC.ORG

*CC: Armando  
Pete  
City Clerk*

June 9, 2009

TO: County Executive, Santa Clara County  
City Managers, Cities in Santa Clara County

FROM: Neelima Palacherla, LAFCO Executive Officer

**SUBJECT: LAFCO Final Budget for FY 2009-2010**

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At its June 3, 2009 meeting, LAFCO adopted its Final Budget for Fiscal Year (FY) 2009-2010. The adopted Final Budget and the estimated costs to agencies for FY 2009-2010 are attached for your information. Based on the apportionment method specified in Government Code §56381 and §56381.6, the County Auditor-Controller will distribute LAFCO's FY 2009-2010 net operating expenses between the cities and the County and by July 1, 2009, will request payment from the agencies.

If you have any questions regarding LAFCO budget or cost apportionment matters, do not hesitate to contact me at (408) 299-5127 or at [neelima.palacherla@ceo.sccgov.org](mailto:neelima.palacherla@ceo.sccgov.org). Thank you.

Attachments:

LAFCO Final Budget for FY 2009-2010  
FY 2009-2010 Estimated Costs to Agencies

cc:

Board of Supervisors, Santa Clara County  
City Council Members, Cities in Santa Clara County

**FINAL LAFCO BUDGET  
FISCAL YEAR 2009 - 2010**

ITEM #	TITLE	APPROVED	ACTUALS	END OF	FINAL
		FY 08-09 BUDGET	Year to Date 1/31/2009	FY 2009 PROJECTIONS	FY 09-10 BUDGET
<b>EXPENDITURES</b>					
Object 1:	Salary and Benefits	\$403,013	\$239,058	\$404,593	\$391,198
Object 2:	Services and Supplies				
5258200	Intra-County Professional	\$144,600	\$12,115	\$95,000	\$55,000
5255800	Legal Counsel	\$0	\$0	\$0	\$70,800
5255500	Consultant Services	\$75,000	\$72,659	\$100,000	\$110,000
5285700	Meal Claims	\$750	\$168	\$600	\$750
5220200	Insurance	\$559	\$559	\$559	\$603
5250100	Office Expenses	\$2,000	\$354	\$2,000	\$2,000
5255650	Data Processing Services	\$10,000	\$3,588	\$8,000	\$3,837
5225500	Commissioners' Fee	\$9,000	\$3,100	\$8,000	\$9,000
5260100	Publications and Legal Notices	\$2,500	\$69	\$2,000	\$2,500
5245100	Membership Dues	\$7,000	\$7,000	\$7,000	\$7,000
5250750	Printing and Reproduction	\$1,500	\$0	\$1,500	\$1,500
5285800	Business Travel	\$12,000	\$4,458	\$12,000	\$13,000
5285300	Private Automobile Mileage	\$1,500	\$384	\$1,500	\$2,000
5285200	Transportation&Travel (County Car Usage)	\$2,911	\$828	\$3,000	\$1,500
5281600	Overhead	\$62,391	\$31,196	\$62,391	\$49,077
5275200	Computer Hardware	\$2,000	\$451	\$2,000	\$2,000
5250800	Computer Software	\$2,000	\$0	\$2,000	\$2,000
5250250	Postage	\$2,000	\$280	\$2,000	\$2,000
5252100	Staff Training Programs	\$2,000	\$0	\$2,000	\$2,000
5701000	Reserves	\$100,000	\$0	\$0	\$100,000
<b>TOTAL EXPENDITURES</b>		<b>\$842,724</b>	<b>\$376,268</b>	<b>\$716,143</b>	<b>\$827,765</b>
<b>REVENUES</b>					
4103400	Application Fees	\$40,000	\$39,164	\$40,000	\$40,000
4301100	Interest: Deposits and Investments	\$7,000	\$6,475	\$11,000	\$7,000
<b>Total Interest / Application Fee Revenue</b>		<b>\$47,000</b>	<b>\$45,639</b>	<b>\$51,000</b>	<b>\$47,000</b>
4600100	Cities (Revenue from other Agencies)	\$270,897	\$270,897	\$270,897	
5440200	County	\$270,897	\$270,897	\$270,897	
<b>Savings/Fund Balance from previous FY</b>		<b>\$253,930</b>	<b>\$368,800</b>	<b>\$368,800</b>	<b>\$245,451</b>
<b>TOTAL REVENUE</b>		<b>\$842,724</b>	<b>\$956,233</b>	<b>\$961,594</b>	
<b>NET LAFCO OPERATING EXPENSES</b>		<b>\$541,794</b>			<b>\$535,314</b>
<b>COSTS TO AGENCIES</b>					
County		\$270,897			\$267,657
City of San Jose		\$135,449			\$133,828
Other Cities		\$135,449			\$133,828

David S. Wall

PUBLIC RECORD e

RECEIVED  
San Jose City Clerk

2009 JUN 11 P 3:33

June 11, 2009

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: THE GHETTO LIFE: UPDATE ON THE SCEP**

On Wednesday, (06.10.09) approximately 1231 hours, I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station and found one (1) stolen and abandoned shopping cart. *A whopping 94% decrease from last week as to the number of stolen and abandoned shopping carts that is "usual" to this area.*

**Decaying garbage** is not to be seen. Litter in the area is consistent with that of a ghetto.

*The breakdown of ownership of the stolen and abandoned shopping cart is as follows;*

Mi Pueblo (1).

**\*\*\*special note\*\*\*** the overall cleanliness of Shopping carts in stores should be addressed by some government agency. Unsuspecting customers may use excrement coated shopping carts without knowledge.

**Welfare Check of the Railroad Tracks Resident(s).**

A "welfare check" to establish the status of any and all occupant(s) along the railroad tracks proceeding Northbound, approximately one hundred and twenty (120) yards on the railroad tracks from North Tenth Street @ Horning Street, *was not* carried out.

The call of a burrito at Guadalajara #2 (North Tenth Street @ Empire Street) was too loud to ignore. I did not want to go to the RULES AND OPEN GOVERNMENT COMMITTEE meeting, commencing at two o'clock, on an empty stomach.

None of Manuel's chickens and roosters were out, but they were vocal trying to out do one another in the barnyard.

*Respectfully submitted,*

*David S. Wall*  
06.11.09

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**Cc: City Attorney / Auditor / City Manager / Chief of Police  
Director PBCE**