



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

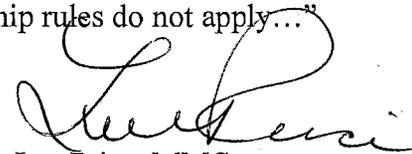
SUBJECT: The Public Record
June 10-18, 2009

DATE: June 19, 2009

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from Martha O'Connell to Mayor Reed and City Council dated June 18, 2009 regarding the public at Open Forum.
- (b) Letter from David S. Wall to Mayor Reed and City Council dated June 18, 2009 regarding the "Ghetto Life: Update on the SCEP".
- (c) Letter from David S. Wall to Mayor Reed and City Council dated June 18, 2009 regarding "Envision San Jose 2040 Task Force: Membership rules do not apply..."



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
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June 18, 2009

TO: Mayor Reed and City Council Members

FROM: Martha O'Connell 

RE: The People's Business: **Respecting the public at Open Forum**

On May 21, 2009, the Human Rights Commission unanimously passed a recommendation that the City Council "request of each Chair of City Boards and Commissions, to place Open Forum at the beginning of their meeting agenda." The Human Rights Commission pointed out "members of the public who take public transportation would feel safer leaving the meeting sooner rather than later" and that those who participate in Open Forum "do not take a significant amount of time." I concur. This reasonable procedure will respect those members of the public who use public transportation, a goal the Council should not only support, but also advocate.

Such a reasonable procedure, that contributes to open and transparent government, was shot down by the Advisory Commission on Rents on March 19, 2009 during which disparaging comments were made about the public by a Commissioner and a City Staff member. A review of the audio tape reveals that Commissioner Wagner opposed moving Open Forum to the beginning of the meeting because he did not want to hear "a general rant about the weather or something like that," and "I don't want people to do a rant and leave." The statements of City Staffer Vivian Frelix-Hart are also on tape and include, "I don't want our Commission to turn into a free for all with **just anybody** coming in and talking about anything." (My emphasis added.) The taped claim by City Staffer Ramo Pinjic that, "Everybody have open forum last item," is **patently false** as the research done by the Human Rights Commission and me proves.

Such taped statements reveal a very troublesome contempt and disregard for input from the public. The Advisory Commission on Rents has a horrible history of a lack of public comment. From 11-17-05 to 3-19-09, only one member of the public has addressed the ARC: Martha O'Connell. (Joshua Hoard, the only other individual at Open Forum, is a representative of Tri-County and thus is, for the purpose of this report, not considered a member of the public per se.)

As both a past City Commissioner and a present one, I am eager to hear from the public and support any reasonable measure to make their input easier. It is a sad day for me when no citizen of San Jose steps up under Open Forum or when I am the only citizen so doing. The City Clerk's website states "City boards and commissions were established for the purpose of advising the City Council and providing ongoing input into **policies and issues affecting the future of the San José community.**" All Commissioners and City staff members should support the recommendation of the Human Rights Commission to move Open Forum to the beginning of their meetings.

Kudos to the Human Rights Commission. Shame on the Advisory Commission on Rents.

Cc: Human Rights Commission
 Senior Commission
 HOME – Homeowners Organized to Maintain Equity

RECEIVED
San Jose City Clerk

2009 JUN 18 PM 4:08

June 18, 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, (06.17.09) approximately 1454 hours, after the RULES AND OPEN GOVERNMENT COMMITTEE MEETING, during which San José's embracing the communist philosophy was observed, 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 ten (10) stolen and abandoned shopping carts. *A 900% increase from last week as to the number of stolen and abandoned shopping carts that is "usual" to this area is hereby recorded.*

Decaying garbage is piling up again and the flies have wastes "no time" in their ringing of the dinner bell. 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;

Safeway (2), Mercado Suvianda (2), Unmarked (2), Cosentinos (1), Long's Drugs (1), Trader Joe's (1), and WalMart (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 mournful sound of a Union Pacific Train was heard in the near distance and taken as a warning not to proceed down the tracks.

Manuel's chickens and roosters were somewhat subdued in their banter. I do not know if the odor of a barbeque in progress was the causative quieting agent.

Respectfully submitted,

David S. Wall
06.18.2009

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

David S. Wall

PUBLIC RECORD C

RECEIVED
San Jose City Clerk

June 18, 2009

2009 JUN 18 P 4: 09

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

Re: ENVISION SAN JOSÉ 2040 TASK FORCE: MEMBERSHIP RULES DO NOT APPLY...

... that is to the South Bay Labor Council.

First let us review the RULE as stated in Councilmember Liccardo's memo dated June 9, 2009 which was Item 9.3 on the June 17, 2009 RULES AND OPEN GOVNERMENT COMMITTEE AGENDA.

Councilmember Liccardo's memo states, "Council adopted a Membership Replacement Policy that requires a vacancy after the first six months of the process (March 17, 2008) not be filled."

Now let us go back in San José "RULES" history...

...At the RULES COMMITTEE meeting (**Wednesday 11.12.2008**) the South Bay Labor Council, a special interest group, got their way by receiving preferential treatment over all other participants on the aforementioned Task force by dictating to Mayor Reed their choice for a personnel change.

No other group to my knowledge has been afforded similar treatment.

Once again, at RULES COMMITTEE meeting (**Wednesday 06.17.2009**), the South Bay Labor Council, a special interest group, received a similar accommodation via support from Councilmember Liccardo's plea contained in the aforementioned memorandum.

When confronted with this issue (Membership Replacement Policy) by a citizen at the Public microphone, Mayor Reed's justification for the acceptance of the substitute of the South Bay Labor Council could be likened to the howling lamentations of someone who had just finished urinating and got his penis stuck in a zipper. But, the South Bay Labor Council got their way, again.

Also, this sole citizen at the Public microphone, testified that the aforementioned legislation, "Membership Replacement Policy", be modified so as *not to include* the South Bay Labor Council.

Of course all of this drama is neither here nor there. 2040 is a long way off. If I live that long, I'll be 85 years old. By then Mayor Reed might be wearing bib-overalls. They have buttons.

Respectfully submitted

David S. Wall
06.18.09

Cc: City Attorney / Auditor / City Manager