

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
January 8, 2014

**PRESENT:** Mayor Chuck Reed, Vice-Mayor Madison Nguyen, Councilmember Pete Constant and Councilmember Pierluigi Oliverio.

**ABSENT:** None.

**STAFF:** City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Toni Taber, Mayor's Agenda Services Manager Ahmad Chapman, Agenda Services Gloria Schmanek, and Deputy City Clerk Kathy Carrillo.

**A. City Council (City Clerk)**

1. Review January 14, 2014 Final Agenda
  - a. Add New Items to Final Agenda
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)

Public Comments: David Wall pulled Item 9.1 and offered his opinion on long term property management. Martha O'Connell and Richard McCoy pulled Item 2.7 and questioned the boards and commissions qualification guidelines and suggested that they be reviewed and clarified (document submitted to the Committee).

Document Filed: Letter from Donna M. Cox, MAC Commissioner to City Council dated January 5, 2014, regarding the Housing and Community Development Commission.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen, and carried unanimously, the Committee, approved the agenda, as amended with the following changes and approved Sunshine Waivers:

9:00 a.m. start time; Item 2.7 deferred to 1/28/14 to be heard first by the Rules Committee on 1/15/14; Approved 14-day Sunshine Waiver for Item 4.x (Actions Related to the 2014-2015 Hazardous Vegetation Commencement Report for the Removal of Weeds or Refuse); Item 9.1 to be heard immediately following the Consent Calendar. (4-0).

2. Review January 21, 2014 Draft Agenda  
Cancelled

**B. Review of Upcoming Study Session Agenda(s)**

1. City of San José Neighborhood Associations/Youth Commission /2014-2015 Priority Setting Session Agenda – Saturday, January 18, 2014, 9:00 a.m. – 1:00 p.m.  
(Parks, Recreation & Neighborhood Services)

Documents Filed: City of San José Neighborhood Associations/Youth Commission /2014-2015 Priority Setting Session Agenda.

**B. Review of Upcoming Study Session Agenda(s) (Cont'd.)**

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen, and carried unanimously, the Committee approved the 2014-2015 Priority Setting Session with one change as noted: 11:45 a.m. item – remove the word “Mayoral”. (4-0).

**C. Legislative Update**

1. State - None.
2. Federal - None.

**D. Meeting Schedules**

None.

**E. The Public Record**

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor and City Council dated January 3, 2014, transmitting the Public Record for the week of December 6, 2013 – January 2, 2014.

Public Comments: David Wall spoke on various items.

Action: Upon motion by Councilmember Constant, seconded by Vice Mayor Nguyen, and carried unanimously, the Committee noted and filed the Public Record. (4-0).

**F. Boards, Commissions and Committees**

1. Library and Early Education Commission Annual Report and Workplan  
(Library)

It is recommended that the Rules and Open Government Committee take the following actions:

- a) Accept the 2012-2013 annual reports for the Early Care and Education Commission and Library Commission; and
- b) Approve the 2013-2014 work plan for the consolidated Library and Early Education Commission.

Documents Filed: Memorandum from the Library Director Jill Bourne to the Rules and Open Government Committee dated December 10, 2013, forwarding the recommendations.

Public Comments: David Wall provided comments on the use of taxpayers dollars towards library programs.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio, and carried unanimously, the Committee approved Item F.1. (4-0).

2. Work Plans  
None.
3. Annual Reports  
None.

**G. Rules Committee Reviews, Recommendations and Approvals**

1. Workload Assessment for Council Requests and Referrals.  
None.

*Items G.2 and G.3 heard together*

2. District 4 Heroes Community Recognition Event  
Approval of District 4 Heroes Community Recognition Event sponsored as a City Council Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the January 14, 2014 Council Agenda for action. (Chu)

Documents Filed: Memorandum from Councilmember Chu to the Mayor and City Council dated December 19, 2013, forwarding the recommendations.

3. July 4<sup>th</sup> Fun Festival  
Approval of District 10 July 4<sup>th</sup> Fun Festival sponsored as a City Council Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the January 14, 2014 Council Agenda for action. (Khamis)

Documents Filed: Memorandum from Councilmember Khamis to the Mayor and City Council dated January 2, 2014, forwarding the recommendations.

Action: Upon motion by Councilmember Oliverio, seconded by Vice Mayor Nguyen, and carried unanimously, the Committee approved Items G.2 and G.3 placing both on the January 14, 2014 Council Agenda for formal action. (4-0).

4. Paid Parental Leave  
Accept the report on the results of City Administration's review of a paid parental leave program.  
(City Manager)

Documents Filed: Memorandum from Deputy City Manager Alex Gurza to the Rules and Open Government Committee dated December 16, 2013, forwarding the recommendations.

Vice-Mayor Nguyen thanked staff for their analysis and supports moving the item forward.

Motion: Vice Mayor Nguyen moved to forward the item to the full City Council for discussion in February.

Committee discussion ensued. Mayor Reed opined that the discussion of the item should be in the context of the budget process.

Action: No second; the motion failed. No action taken.

**G. Rules Committee Reviews, Recommendations and Approvals (Cont.)**

5. Benefit Clarification for Returning Police Officers

Accept analysis and clarification of retirement benefits for police officers who have and will return to work for the City of San Jose.

(City Manager)

Documents Filed: Memorandum from Deputy City Manager Alex Gurza to the Rules and Open Government Committee dated December 18, 2013, forwarding the recommendations.

Public Comments: David Wall offered suggestions on enticing police officers back to the City of San José.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Constant, and carried unanimously, the Committee accepted the report. (4-0).

6. Disability Retirement

Agendize the following for Council action on January 14 or January 28, 2014;

Direct staff to:

- a. Starting with the police department, develop an ordinance for Council consideration to provide a job for employees who are: (See Memorandum for full text).

(Mayor)

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated January 3, 2014, forwarding the recommendations.

Mayor Reed noted he would like to address item 3 of the recommendations first to possibly initiate a discussion with Police and Fire in order to resolve some of the issues quickly.

Public Comments: David Wall commented on the differences between sworn and non-sworn disability requirements.

Action: Upon motion by Vice Mayor Nguyen, seconded by Councilmember Constant, and carried unanimously, the Committee referred Item G.6 to staff. (4-0).

**H. Review of additions to Council Committee Agendas/Workplans**

1. Community and Economic Development Committee

None.

2. Neighborhood Services and Education Committee

None.

3. Transportation and Environment Committee

None.

4. Public Safety, Finance and Strategic Support Committee

None.

**H. Review of additions to Council Committee Agendas/Workplans (Cont'd.)**

5. Rules and Open Government Committee

None.

**I. Open Government**

1. Appeals of Public Records Act Request

None.

**J. Open Forum**

David Wall spoke on reclaimed water & advanced water treatment. Martha O'Connell spoke on the Housing and Community Development Commission definition of low income.

**K. Adjournment.**

The meeting adjourned at 2:44 p.m.



Mayor Chuck Reed

Rules and Open Government Committee