



**MINUTES OF THE
RULES AND OPEN GOVERNMENT COMMITTEE**

SAN JOSE, CALIFORNIA

WEDNESDAY, AUGUST 13, 2014

The Rules and Open Government Committee of the City of San José convened in Regular Session at 2:02 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

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

ABSENT: Mayor Chuck Reed.

STAFF: Assistant City Manager Pam Antil, City Attorney Rick Doyle, City Clerk Toni Taber, Assistant City Clerk Tom Graves, Mayor's Agenda Assistant Ahmad Chapman, Agenda Services Manager Gloria Schmanek, and Deputy City Clerk Suzanne Guzzetta.

CITY COUNCIL (CITY CLERK)

- (1) **Review August 19, 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 Comment: David Wall expressed concerns about Item 2.12.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: addition of and sunshine waivers for Items 1.x, "Presentation of a commendation to San José PAL Bronco All-Star team for placing third at the 2014 PONY Zone Championships", 1.x, "Presentation of a commendation for the Job Corps' 50th Anniversary and 36 years of service in the City of San José", 1.x, "Presentation of a commendation to Stuti Vishwabhan, a student at Presentation High School, for creating a non-profit organization dedicated to teaching senior how to use computers and smart phones," and 2.x, "Indian Independence Day Flag Raising". (3-0-1. Absent: Mayor Reed.)

CITY COUNCIL (CITY CLERK) (CONT'D.)

- (2) **Review August 26, 2014 Draft Agenda**
- a. Add New Items to Draft Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)

Public Comment: David Wall offered comments on Items 2.8 and 7.1.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: Item 3.5 "To be Heard Last" and staff direction for follow-up on Item 7.1 including a summary of City, County, Water District, and State actions regarding water conservation, and a survey of city policies or practices that may conflict with water conservation direction. (3-0-1. Absent: Mayor Reed.)

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee cancelled the hold on August 29, 2014 for a potential Study Session. (3-0-1. Absent: Mayor Reed.)

LEGISLATIVE UPDATE

- (1) State – None.
- (2) Federal – None

MEETING SCHEDULE

None.

THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of August 1 – 7, 2014.

Public Comment: David Wall pulled Item (1) and offered additional comments.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the public record was noted and filed. (3-0-1. Absent: Mayor Reed.)

BOARDS, COMMISSIONS AND COMMITTEES

- (1) Appointments – None.

Items 2.a and 3.a were heard together.

- (2) Work Plans –
a. Approve the Ethics Commission Work Plan for Fiscal Year 2014-2015. (City Clerk)
- (3) Annual Reports
a. Approve the Ethics Commission Annual Report for Fiscal Year 2013-2014. (City Clerk)

Documents Filed: Memorandum from Ethics Commissioner Chair Michael Smith to the Rules and Open Government Committee, dated June 30, 2014 transmitting the Ethics Commission Annual Report for FY 2013-14 and Work Plan for FY 2014-15.

Public Comment: David Wall noted the Ethics Commission should add a review of sponsored Councilmember travel to their work plan.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Ethics Commission Work Plan and Annual Report were approved. (3-0-1. Absent: Mayor Reed.)

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (1) Workload Assessment for Council Requests and Referrals. – None.
- (2) **Accept the City Auditor's Proposed Workplan for Fiscal Year 2014-15. (City Auditor)**

Documents Filed: Memorandum from City Auditor Sharon W. Erickson to the Rules and Open Government Committee, dated August 7, 2014, transmitting the City Auditor's Fiscal Year 2014-15 Work Plan.

City Auditor Sharon W. Erickson provided background information and was available to answer questions from the Committee.

Public Comments: David Wall made observations on the audits of curbside recycling and South Bay water recycling

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the City Auditor's Proposed Workplan for Fiscal Year 2014-15 was approved. (3-0-1. Absent: Mayor Reed.)

**RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS
(CONT'D)**

**(3) Boards and Commissions Structural Improvement Project –Council Policy 0-4:
Consolidated Policy Governing Boards and Commissions. (City Clerk)**

- a. Approve revisions to Council Policy 0-4: Consolidated Policy Governing Boards and Commissions; and
- b. Forward the item to the City Council for action.

Documents Filed: Memorandum from City Clerk Toni J. Taber to the Rules and Open Government Committee, dated August 1, 2014, entitled “Boards and Commissions Structural Improvement Project – Council Policy 0-4”.

City Clerk Toni J. Taber provided background information, offered comments, and answered questions from the Committee.

Public Comments: Marie Hayter, Vice Chair of the Senior Commission, and Martha O’Connell, emeritus member of the Senior Commission, spoke in support of continuing the Senior Commission Emeritus Commissioner Program

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee directed the Policy be circulated for staff review; consider policy alternatives regarding emeritus commission members, review stipends for those bodies affected, and return to the Rules and Open Government Committee. (3-0-1. Absent: Mayor Reed.)

**(4) SB 663 (LARA) – Local Government: Redevelopment: Revenues From Property
Tax Override Rates; AB 1450 (Garcia). (City Manager)**

- a. Pursuant to the City’s streamlined bill process for responding quickly to legislative proposals, re-affirm a position to oppose unless amended for SB 663 (Lara) and its Assembly counterpart bill AB 1450 (Garcia).
- b. Recommend a one-week turnaround to the City Council on August 19, 2014 so that the City’s legislative representative can continue to advocate the City’s position on SB 663 and AB 1450.

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell to the Rules and Open Government Committee dated August 4, 2014, entitled “SB 663 (LARA) – Local Government: Redevelopment: Revenues From Property Tax Override Rates; AB 1450 (Garcia)”.

Director of Intergovernmental Relations Betsy Shotwell offered comments and answered questions from the Committee.

Action: Upon motion by Constant, seconded by Oliverio and carried unanimously, the recommendation was approved and placed on the August 19, 2014 City Council agenda for action. (3-0-1. Absent: Mayor Reed.)

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS (CONT'D)

(5) SJC Security. (Liccardo)

Place on the Transportation and Environment Committee or Public Safety, Finance, and Strategic Support Committee agenda a discussion of measures being implemented at Norman Y. Mineta San José International Airport to address security concerns resulting from two breaches in security this year.

Documents Filed: Memorandum from Councilmembers Sam Liccardo and Pete Constant to the Rules and Open Government Committee dated August 7, 2014, entitled "SJC Security".

Councilmember Constant provided background information on the recommendation and offered additional comments.

Director of Aviation Kimberly Becker Aguirre was available to answer questions from the Committee.

Public Comment: David Wall opined on the effect increasing police and fire presence at the Airport would have.

Committee Discussion ensued.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the recommendation was approved and forwarded to the September 25, 2014 Public Safety, Finance, and Strategic Support Committee meeting. (3-0-1. Absent: Mayor Reed.)

REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS/WORKPLANS

Items 1.a and 4.a were heard together

- (1) Community and Economic Development Committee
 - a. Approve the Community and Economic Development Committee workplan for the period of August through December 2014 and set its meeting schedule on the fourth Monday of each month at 1:30 p.m. in Rooms W118-119. (Mayor/Herrera)
- (2) Neighborhood Services and Education Committee – None.
- (3) Transportation and Environment Committee – None.
- (4) Public Safety, Finance and Strategic Support Committee
 - a. Approve the Public Safety, Finance, and Strategic Support Committee workplan for the period of August through December 2014 and set its meeting schedule on the third Thursday of each month at 1:30 p.m. in City Hall Council Chambers. (Mayor/Constant)

**REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS/WORKPLANS
(CONT'D.)**

Documents Filed: (1) Memorandum from Mayor Chuck Reed and Community and Economic Development Committee Chair Councilmember Rose Herrera to the Rules and Open Government Committee dated August 5, 2014, entitled "Community and Economic Development Committee Workplan"; (2) Memorandum from Mayor Chuck Reed and Public Safety, Finance, and Strategic Support Committee Chair Councilmember Pete Constant to the Rules and Open Government Committee dated August 7, 2014, entitled "Public Safety, Finance, and Strategic Support Committee Workplan"

Agenda Services Manager Gloria Schmanek updated the Committee on revisions to both workplans.

Public Comment: David Wall suggested items to be added to and offered comments on both workplans.

Action: Upon motion by Constant, seconded by Oliverio and carried unanimously, the workplans were approved as revised. (3-0-1. Absent: Mayor Reed.)

- (5) Rules and Open Government Committee – None.

OPEN GOVERNMENT

- (1) Appeals of Public Records Act Request – None.

OPEN FORUM

Martha O'Connell voiced concerns regarding the Boards and Commissions policy and noted it should also be reviewed by the Commissions. In addition, she provided comments on adjusting parking fees for Senior Citizens taking field trips from Senior Centers to City facilities.

Lisa Plane, Willow Glen resident, requested an update of the tree removal ordinance and fine structure.

Catherine Lydon, Willow Glen resident, requested an update of the tree removal ordinance and an increase to the fines for illegal tree removal.

David Wall voiced concerns on multiple issues.

OPEN FORUM (CONT'D.)

Action: The Committee referred the issue of parking fees for Senior Center field trips to the City Manager's Office for review. The street tree removal ordinance and fine structure was directed to be added to the August 26, 2014 City Council Priority Setting discussion.

ADJOURNMENT

The meeting adjourned at 2:57 p.m.



Mayor Chuck Reed

Rules and Open Government Committee

CR:slg