



**REGULAR MEETING OF THE SAN JOSÉ
RULES AND OPEN GOVERNMENT COMMITTEE**

SAN JOSE, CALIFORNIA

WEDNESDAY, April 15, 2009

The Rules and Open Government Committee of the City of San Jose convened in regular session at 2:03 p.m. in Conference Rooms 118 and 119, Council Wing, City Hall.

PRESENT: Mayor Reed, Vice Mayor Chirco and Council Member's Pyle and Constant

ABSENT: None.

STAFF: City Attorney Richard Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, Deputy City Manager Deanna Santana, Mayor's Council Agenda Manager Nikhil Warrior and Deputy City Clerk Nora Pimentel.

CITY COUNCIL AGENDA REVIEW

3.1 Review of April 21, 2009 Final City Council Agenda.

Documents Filed: (1) Memorandum from Mayor Reed dated April 9, 2009 regarding AB 560 Net Energy Metering. (2) Memorandum from Councilmember Chu dated April 10, 2009 regarding travel request.

Action: The Committee approved the April 21, 2009 final Council Agenda, as amended.

3.2 Review of April 28, 2009 Draft Agenda.

Action: The Committee approved the April 28, 2009 draft Council Agenda.

REDEVELOPMENT AGENCY (RDA) AGENDA REVIEW

4.1 Review of April 21, 2009 Final Agenda.

Action: The Committee approved the April 28, 2009 draft RDA Agenda.

4.2 Review of April 28, 2009 Draft Agenda.

There were no items for the April 28, 2009 RDA draft agenda and staff recommended cancelling the meeting.

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

5.1 Review April 23, 2009 City Council and Santa Clara Valley Water District Board Study Session on Water Supply.

Documents Filed: City Council Study Session Agenda for April 23, 2009.

Action: The Committee approved the April 23, 2009 Study Session Agenda.

LEGISLATIVE UPDATE

6.1 City Council support both California Assembly Bills 68 (Brownley) and 87 (Davis), with amendments to limit preemption language included in AB 87 and to allow broader requirements for specific significant performance targets for reducing single-use carryout bags. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean dated April 8, 2009 forwarding the recommendation.

Public Comment: Martha O'Connell representing Homeowners Organized to Maintain Equity (HOME) spoke against bills AB 68 and AB 87. Ms. O'Connell expressed concern about the impact a 25 cents tax on plastic bags will have on seniors and the poor. She added a ban would be a more viable option.

Councilmember Constant voiced objections to both bills expressing concern that there is no ceiling proposed, that the tax is excessive and that it will impact other types of retailers. Mayor Reed proposed amendments to include an analysis of credits for returns similar to those for bottles and cans; and specification of uses for the funds (i.e. pollution fund to offset cost of reusable bags).

Action: The Committee approved a support position with amendments. Councilmember Constant voted in opposition.

8. Public Record

Documents Filed: Memorandum from City Clerk Lee Price, dated April 10, 2009, transmitting items for the Public Record for the period of April 3-9, 2009.

In response to questions from Councilmember Pyle about Item (f), Purchasing Division Manager Mark Giovannetti noted that the City received no bids from San Jose auto dealers for hybrid vehicles.

Public Comment: David Wall encouraged the purchase of American-made vehicles.

Action: The Committee noted and filed the Public Record.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

10.1 Approve the Auditor's Office Monthly Report of Activities for March 2009.

Documents Filed: Memorandum from City Auditor Sharon W. Erickson dated April 8, 2009 forwarding the recommendation.

Action: The Committee approved the Auditor's report.

REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS

11.3 (A) Approval to add to the May 4, 2009, T & E Committee agenda an update and recommendation for Council actions on drought conditions, including implementation of a water allocation program for customers of the San José Municipal Water System to achieve 15% water reduction and modification of Municipal Code provisions on water waste prevention and water shortage measures.

(B) Approval to add, updates and discussion on the 2009 Strategic Energy Plan and the interim San José Climate Action Plan, to the May 4, 2009 T & E Committee agenda.

Documents Filed: Two memoranda from Director of Environmental Services John Stufflebean dated April 8, 2009 forwarding the recommendations.

Action: The Committee approved the additions to the T & E Committee Agenda.

OPEN GOVERNMENT INITIATIVES

12.2 1) Adopt the proposed narrow construction of the Balancing Test to include a category of records that would be routinely released unless the Rules Committee specifically exempted disclosure under the Balancing Test;

2) Adopt the Sunshine Reform Task Force's (SRTF) recommendation on Drafts and Memoranda.

Documents Filed: (1) Memorandum from Communication Director Tom Manheim dated April 10, 2009 forwarding the recommendation. (2) Correspondence from Sunshine Reform Task Force, Public Records Subcommittee Chair Bert Robinson dated April 14, 2009 regarding the balancing test.

Public Comments: James Chadwick (Mercury News), Dan Pulcrano, (SRTF Vice Chair) and Virginia Haltz (SRTF Member) expressed objection to the staff's recommendations and encouraged the Committee to approve the SRTF's recommendation to eliminate the "balancing test". David Wall asserted that the SRTF recommendations are driven by special interests, and encouraged the Committee to approve the staff's recommendations.

The Committee provided input to staff on the final recommendation to City Council and asked that the matter return to the Committee.

Action: The Committee approved the Staff recommendations, as amended.

OPEN FORUM

David Wall voiced concerns regarding the make-up of the panel for the Council Study Session on Housing Foreclosures April 13, 2009.

ADJOURNMENT

The meeting was adjourned at 3:45 p.m.



Mayor Chuck Reed
Rules and Open Government Committee