



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

SAN JOSE, CALIFORNIA

WEDNESDAY, June 3, 2009

The Rules and Open Government Committee of the City of San Jose convened in regular session at 2:02 p.m. in Conference Rooms 118 and 119, Council Wing, City Hall.

PRESENT: Mayor Reed, Vice Mayor Chirco, 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 June 9, 2009 Final City Council Agenda.
Add New Items to Final Agenda

a. Happy Hollow Park and Zoo Substitution of Subcontractor. (Public Works)
Documents Filed: (1) Memorandum from Deanna J. Santana dated May 29, 2009 requesting to add memo to the June 9, 2009 City Council Amended Agenda. (2) Memorandum from Public Works Director Katy Allen dated May 28, 2009 requesting City Council approval at the June 9, 2009 meeting in order to maintain the schedule for project.

Action: The Committee approved the June 9, 2009 final Council Agenda, as amended.

3.2 Review of June 16, 2009 Draft Agenda.

Action: The Committee approved the June 16, 2009 draft Council Agenda, as amended.

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Review of June 15, 2009 Special Meeting Draft Agenda

Action: The Committee approved the June 15, 2009 Special Meeting Draft Agenda.

REDEVELOPMENT AGENCY (RDA) AGENDA REVIEW

4.1 Review of June 9, 2009 Final Agenda.

Action: The Committee approved the June 9, 2009 final RDA Agenda.

4.2 Review of June 16, 2009 Draft Agenda.

Action: The Committee approved the June 16, 2009 draft RDA Agenda.

PUBLIC RECORD

8. Documents Filed: Memorandum from City Clerk Lee Price, dated May 29, 2009, transmitting items for the Public Record for the period of May 22-28, 2009.

Action: The Committee noted and filed the Public Record.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEE

9.1 Appoint Monna Lang to a term ending December 31, 2011, Jacquie Heffner to a term ending December 31, 2012 and Margaret Gregg to a term ending December 31, 2010 on the Mobilehome Advisory Commission.

Documents Filed: Memoranda from Councilmember's Chu dated May 27, 2009 forwarding the recommendation.

Public Comments: Martha O'Connell objected to the appointment of Margaret Gregg.

Action: The Committee approved the following appointments.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVAL

- 10.1 Workload Assessment regarding Deferred Infrastructure Maintenance Needs
(Administration)

Documents Filed: Memorandum from Deputy City Manager Ed Shikada dated June 2, 2009 recommending to agendaize a status report on the deferred maintenance and infrastructure backlog on the June 16, 2009 Council meeting agenda.

Action: The Committee added the item to the June 16, 2009 Council Agenda.

- 10.2 Recommend to the City Council the adoption of a resolution approving revisions to the Council Expenditure and Reimbursement Policy and refer the matter to the full City Council on June 9, 2009. (City Clerk)

Documents Filed: Memorandum from City Clerk Lee Price dated May 29, 2009 forwarding the recommendation.

Action: The Committee provided feedback on modifications and referred the full policy to the full City Council on June 16, 2009, as amended.

- 10.3 Recommend to the City Council the adoption of a resolution establishing a new City Council Policy entitled "Council Special Events Policy," repealing Resolution No. 72517 which prohibited special events accounts, to the extent it is inconsistent with the Council Special Events Policy, and rescinding the Special Park Use Policy and refer the matter to the full City Council on June 9, 2009. (City Clerk)

Documents Filed: Memorandum from City Clerk Lee Price dated May 29, 2009 forwarding the recommendation.

Action: The Committee provided feedback on the draft policy and directed staff to return in August.

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- 10.4
- 1) Accept the status report on public-private partnership case studies;
 - 2) Agendize for Council's consideration adoption of a Resolution:
 - a. Rescinding Policy 1-8 (City Fees for Community Projects for which Donations have been received);
 - b. Approving revised Policy 1-17 (Revenue Generating Policy Fundraising, Sponsorship and Contributions Guidelines as further described in this memorandum;
 - c. Approving revised Policy 7-5 (Naming of City-owned Land Use and Facilities) as further described in this memorandum.

Documents Filed: Memorandum from Deputy City Manager Ed Shikada and Director of Parks, Recreation and Neighborhood Services Albert Balagso dated May 14, 2009 forwarding the recommendation.

Action: The Committee continued this item to June 10, 2009.

OPEN GOVERNMENT INITIATIVES

12.3 Appeal by the Mercury News of the Denial by the San Jose Police Department to release 911 tapes.

Documents Filed: Correspondence from Bert Robinson, Assistant Managing Editor of the San Jose Mercury News dated May 27, 2009 appealing the Police Department's denial of a Public Records Act request for 911 tapes regarding a fatal shooting on May 10, 2009.

Bert Robinson urged the Committee to recommend the release of the 911 tapes. Santa Clara County District Attorney Dolores Carr objected to the release of the tapes arguing that the California Public Records Act provides a clear exemption for evidence in a pending investigation.

Public Comment: Joe Pelham argued that the City has the authority to waive the exemption of the CPRA. He suggested that the City give an order to release the tapes after the Grand Jury investigation is complete. David Wall objected to the release of the tapes and voiced his concern that the Mercury News has a "special interest".

Action: The Committee denied the request to release the 911 tapes at this time but indicated the intent to release the tapes immediately following the conclusion of the Grand Jury investigation unless the Police Department or the District Attorney can show good cause for not releasing the tapes. Staff was directed to bring this matter back to the Committee as soon as it can be sufficiently noticed after the Grand Jury investigation is complete.

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OPEN FORUM

David Wall expressed concerns regarding sewer service use charges and suggested that the City Attorney develop a training program for the Mayor and members of the City Council on agency theories, including ethics and conduct.

ADJOURNMENT

The meeting was adjourned at 4:03 p.m.



Mayor Chuck Reed
Rules and Open Government Committee