



RULES AND OPEN GOVERNMENT COMMITTEE
Meeting Report
February 4, 2009

PRESENT: Mayor Reed, Council Member Pyle

ABSENT: Vice Mayor Chirco, Council Member Constant

STAFF: City Attorney Richard Doyle, Assistant City Clerk Dennis Hawkins, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, Redevelopment Agency Deputy Executive Director Abi Maghamfar, Deputy City Manager Deanna Santana, Council Agenda Manager Alicia Johnson, and Deputy City Clerk Nora Pimentel.

1. Call to Order and Roll Call
2. Review of Agenda
3. City Council
 - 3.1 Review of February 10, 2009 Final Agenda.
 - 3.2 Review of February 17 2009 Draft Agenda.
Action: The Committee approved the February 10, 2009 Council Agenda as revised. The regular Council session for February 17, 2009 has been canceled.
4. Redevelopment Agency (RDA)
 - 4.1 Review of February 10, 2009 Final Agenda.
 - 4.2 Review of February 17, 2009 Draft Agenda.
Action: The Committee approved the February 10, 2009 RDA Agenda as revised. The regular RDA meeting for February 17, 2009 has been canceled.
5. Review of Upcoming Study Session Agenda(s)
There were none.
6. Legislative Update
 - 6.1 State
 - a. Sacramento Update (verbal report)
Director of Intergovernmental Relations Betsy Shotwell
 - 6.2 Federal
None.

7. Meeting Schedules

7.1 Study Session Schedule

Recommendation: (a) Move the Green Vision Study Session from February 17, 1:30 p.m. to March 9, 2009 1:30 – 5:00 p.m. and (b) Move the 2009 City Council FY 2009-2010 Budget Review from February 13, 2009 1:30 p.m. to February 17, 2009 1:30 – 5:00 p.m. (City Manager)

Action: This item was deferred to February 11, 2009.

8. The Public Record

Documents Filed: Memorandum from City Clerk Lee Price, dated January 30, 2009, transmitting items for the Public Record for the period of January 23-29, 2009.

Public Comment: Martha O'Connell spoke on Item (a) Advisory Commission on Rents Annual Report.

Action: The Committee noted and filed the Public Record.

9. Appointments to Boards, Commissions and Committee

9.1 Process to Fill Unanticipated Vacancies on the Police and Fire Retirement Board

Recommendation: Direct the City Clerk to conduct a process to fill unscheduled vacancies for employee members of the Police and Fire Departments on the Board of Administration of the Police and Fire Department Plan. (City Clerk)

Documents Filed: Memorandum from City Clerk Lee Price dated January 30, 2009 forwarding the recommendation.

Action: The Committee referred this item to the February 10, 2009 Council Meeting Agenda.

10. Rules Committee Reviews, Recommendations and Approvals

10.1 City Attorney's Briefing on Human Rights Commission's Request to join Amicus Brief in Proposition 8 Cases

Recommendation: Receive the Report. (City Attorney)

Action: No action was taken.

- 10.2 Santa Clara Valley Water District FY2010 – Federally Partnered Projects
Recommendation: Place a recommendation on the February 10, 2009 City Council agenda to support the Santa Clara Valley Water District's FY 2010 Federally partnered projects in the City of San Jose.
(City Manager/Environmental Service)

Documents Filed: Memorandum from Director of Intergovernmental Relations Betsy Shotwell and Director of Environmental Services John Stufflebean dated January 27, 2009 forwarding the recommendation.

Action: The Committee referred this item to the February 10, 2009 Council Meeting Agenda.

- 10.3 Use the Healthy Neighborhood Venture Fund to Finance the Crossing Guard Program

Recommendation: (a) Direct the Administration to fund the Crossing Guard Program from the Healthy Neighborhood Venture Fund (HNVF) in the amount of \$1.9 million for each of the three fiscal years (2009-2010, 2010-2011, 2011-2012) in order to keep the City of San Jose crossing guard program. (b) Request that the Rules Committee send this matter to the HNMF Committee for their review at the next HNMF meeting on February 24, 2009 and simultaneously agendaize the matter for full Council consideration for the evening meeting on February 24, 2009. (Constant, Herrera, Oliverio)

Public Comment: Dennis Hatcha, Breathe America; Amanda Baker, Silicon Valley Council of Non-Profits; Harley Christianson, Development Director of San Jose Jazz; and Michael Mulcahey President of the Board of the Children's Musical Theater spoke against using the HNMF fund to finance the Crossing Guard Program.

Action: No action was taken.

- 10.4 Required Disclosure of Property Interests

Recommendation: Accept the disclosure of property interest by Mark DeCastro, Senior Deputy City Attorney, and direct that the disclosure be entered into the public minutes of the Agency Board meeting. (Redevelopment Agency)

Documents Filed: Memorandum from Chief Deputy General Counsel Patricia Deignan dated January 29, 2009 forwarding the recommendation.

Action: The Committee referred this item to the February 24, 2009 RDA Meeting Agenda.

11. Review of additions to Council Committee Agendas
 - 11.1 Community and Economic Development Committee
 - a. Report regarding the Community and Economic Development Committee Special Meeting on the Competition Policy, per Council Direction on January 27, 2009 (Economic Development)

Action: This item was deferred to February 11, 2009

12. Open Government Initiatives
 - 12.1 Reed Reforms

There were none.
 - 12.2 Sunshine Reform Task Force (SRTF)
 - a. Review of SRTF recommendations regarding Public Records: Balancing Test and Drafts & Memoranda
Recommendation: Retain the balancing test and continue to follow the requirement of the California Public Records Act on drafts and memoranda

Action: This item was deferred to February 11, 2009.

Open Forum

Martha O'Connell spoke regarding the referral of an item referred to the Office of the City Clerk.

Adjournment

The meeting was adjourned at 2:33 p.m.



Mayor Chuck Reed
Rules and Open Government Committee