

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
February 15, 2012

PRESENT: Mayor Reed, Councilmembers Constant and Oliverio.

ABSENT: Vice-Mayor Nguyen (Excused)

STAFF: Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Assistant City Clerk Toni Taber, Redevelopment Managing Director Richard Keit, CMO Agenda Services Manager Leanna Bieganski, Mayor's Council Agenda Manager Sara Wright, and Deputy City Clerk Tamara Davis.

A. City Council

1. Review Final Agenda for February 21, 2012

Action: None – meeting cancelled.

2. Review of Draft Agenda for February 28, 2012

Public Comments: David Wall provided comments on Item 2.8 (Amendments to the City Pay Plan for Various Classifications), Item 3.3 (IBM Operations Efficiency Diagnostic Report) and Item 4.3.

Action: The Committee approved the agenda, as amended with a notation of language changes to Item 3.5 (IBM Operation Efficiency Diagnostic Report) because one of the referrals has to do with a proposed ballot measure for a bond for street restoration.

B. Redevelopment Agency (RDA)

1. Review Final Agenda for February 21, 2012

Action: None.

3. Review Draft Agenda for February 28, 2012

Action: None.

C. Review of Upcoming Study Session Agenda - None

D. Legislative Update - None

1. State

2. Federal

E. Meeting Schedules – None.

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated February 10, 2012 transmitting the Public Record for the week of February 3 - 9, 2012.

Assistant City Manager Ed Shikada referred Item (c) to staff for follow up.

Public Comments: David Wall pulled Item (g) and provided additional comments. Martha O'Connell pulled Item (f) and provided additional comments.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees - None

1. Appointments
2. Workplans
3. Annual Reports

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals - None
2. Support the Amendment of the Fair Political Practices Commission Regulation 18705.5. (City Attorney)

Documents filed: (1) Memorandum from City Attorney Richard Doyle to the Rules and Open Government Committee dated February 9, 2012 regarding Amendment of Fair Political Practices Commission Regulation 18705.5, and (2) Proposed Revisions to Regulation 18705.5

Action(s): The Committee approved the recommendation and forwarded to the City Council for formal action on February 28, 2012.

3. Agendize for City Council consideration the historic landmark nomination of Fire Station One, as referred by the Historic Landmarks Commission on May 7, 2008. (Councilmembers Liccardo, Oliverio, and Rocha)

Documents filed: Memorandum filed by Councilmembers Liccardo, Oliverio, and Rocha to the Rules and Open Government Committee dated

February 3, 2012, regarding Fire Station One Historic Landmark Nomination.

Public comments: David Wall spoke in support of designating Fire Station One as a Historic Landmark for the City of San Jose.

Action(s): The Committee placed the item on the City Council agenda for March 13, 2012 for formal action.

4. (1) Approve the recommendations to direct the City Council and the City Manager to re-establish the relationship with the San Jose Police Foundation; (2) develop a uniform policy for handling all grants offered to the City by City-related foundations; (3) bring all San Jose Police Foundation grants to City Council for approval; and (4) direct the City Attorney to conduct a legal analysis of the conflict of interest referred to by Chief Moore in his memorandum dated January 20, 2012.
(Councilmember Constant)

Documents filed: Memorandum from Councilmember Pete Constant to the Rules and Open Government Committee dated February 10, 2012 regarding Police Foundation Grants.

Public comments: Tim Quigley, a member of the San Jose Police Foundation, indicated that he is neutral on the memorandum, but reminded the Committee that the Board membership of the foundation is comprised of experienced community leaders and professionals who are committed to providing financial resources to the City.

Rich de la Rosa, a former San Jose Police Foundation President, spoke in support of the memorandum. He believes the Chief of Police's involvement in the board and other structural issues are a conflict and need to be addressed. Mr. de la Rosa suggested that the City create a clear set of uniform standards that tie the ethical question out of community fundraising and believe that having the City Manager's office or budget office deal directly with financial request will resolve future issues.

Action(s): The Committee referred H.4(2) - development of a uniform policy handling all grants offered to the City by City-related foundations - to the City Manager, and H.4(4) - conduction of a legal analysis of the conflict of interest as outlined by Police Chief Moore in his memorandum dated January 20, 2012 - to the City Attorney. The Committee directed staff to report back to the Rules and Open Government Committee about the relationship between the Police Department and the San Jose Police Foundation within 30 days.

5. Refer the Nomination of the naming of City Owned Facilities (the Monterey Highway Pedestrian Overcrossing at Endicott Boulevard to

Blossom Hill Rd.) to the Department of Transportation and the Transportation and Environment Committee. (City Clerk)

Documents filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated February 10, 2012 regarding Recommendation to Name a City Facility.

Action(s): The Committee referred the recommendation to the Bicycle Pedestrian Advisory Committee and the Transportation and Environment Committee for review.

6. Approve the African America History Month Flag Raising as a City Council sponsored Special Event, expending funds and accept donations from various individuals, business, or community groups to support the event, and to place the item on the February 28, 2012 Council Agenda for action. (City Clerk)

Documents filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated February 10, 2012 regarding African American History Month Flag Raising.

Action(s): The Committee approved the recommendation and placed the item on the City Council agenda for February 28, 2012 for formal action.

I. Review of additions to Council Committee Agendas/Workplans - None

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
3. Transportation and Environment Committee
4. Public Safety, Finance and Strategic Support Committee
 - a. Agendize for staff evaluation and Council consideration of a potential application for federal grant funding for on-person cameras for SJPD patrol officers at a Public Safety, Finance and Strategic Support Committee meeting. (Councilmember Liccardo)

[Deferred from 2/8/12 Rules meeting]

Documents filed: Memorandum from Councilmember Liccardo to the Rules and Open Government Committee dated January 31, 2012 regarding a Potential Application for Federal Grant Funding for on-person cameras for SJPD Patrol Officers.

Public Comments: David Wall supports the memorandum.

Action(s): The Committee amended the Public Safety, Finance and Strategic Support Committee Workplan and placed this item on the agenda for discussion and evaluation.

5. Rules and Open Government Committee - None

J. Open Government - None

1. Appeals of Public Records Act Requests

K. Open Forum

Martha O'Connell commented on employee pensions.

David Wall commented on employee pensions. Additionally, Mr. Wall suggested that each fire engine should increase staff by one person, so that the fire engine is never left unattended at an emergency.

L. Adjournment

The meeting was adjourned at 2.59 p.m.



Mayor Chuck Reed
Rules and Open Government Committee