

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
June 12, 2013

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

ABSENT: None.

STAFF: City Attorney Richard Doyle, Acting City Clerk Toni Taber, City Manager Debra Figone, Assistant City Manager Ed Shikada, Deputy City Manager Alex Gurza, Mayor's Council Assistant Richard Hong, Agenda Services Gloria Schmanek, and Deputy City Clerk Kathy Carrillo.

A. City Council (City Clerk)

1. Review June 18, 2013 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 his opinion on the following Items 2.10, 2.16, 2.22, 3.4, 3.9, 3.12, 6.1, and 11.5.

Action: The Committee approved the Amended Agenda with additions, changes and Approved Sunshine Waivers:

1.x (Presentation of a check in the amount of \$10,000 to Parks, Recreation and Neighborhood Services Department from Youth Connections Foundation to support the upcoming San José FIT Camp); 1.x (Presentation of a proclamation declaring June 20, 2013 as "National Dump the Pump Day" in the City of San José; 1x (Presentation of a commendation to the winners of the 2013 Falcon Naming Contest); 2.4 (Mayor and Council excused absence request for an excused absence for Vice Mayor Nguyen from the regular meeting of the Rules and Open Government Committee on May 29, 2013 due to family emergency [Rules Committee referral 6/12/13]); 2.x (Councilmember Campos' Travel to Chicago, IL); 2.x (Councilmember Campos' Travel to Monterey, CA); 2.x (Councilmember Herrera's Travel to Sacramento, CA); 2.x (Councilmember Herrera's Travel to Sacramento, CA); 2.x Approved 14-Day Sunshine Waiver to Item (Actions related to the Federal Emergency Management Agency 2012 Assistance to Firefighters Grant Program); 2.x (Actions related to San José Environmental Innovation Center Project); Approved 14-Day Sunshine Waiver to Item 3.x (Implementation of changes to Retiree Healthcare and Four-Tier Insurance Premium Rates for the Bargaining Units representing employees in the Federated City Employees' Retirement System and Modification for Employees in Unit 99); Approved 14-Day Sunshine Waiver for Items 2.35, 2.39, 3.3, 3.5 (a) (b), 5.1, and 9.1; move Items 3.6, 3.12, 3.13, 6.1 to the Consent Calendar.

2. Review June 25, 2013 Draft Agenda
Meeting Cancelled.

B. Review of Upcoming Study Session Agenda(s)

C. Legislative Update

1. State – No Report
2. Federal – No Report.

D. Meeting Schedules

E. The Public Record

Documents Filed: Memorandum from the Acting City Clerk Toni Taber to Mayor and City Council dated June 7, 2013, transmitting the Public Record for the week of May 31, 2013 – June 6, 2013.

Public Comment: David Wall pulled Item E.d and provided further comments.

Action: The Committee noted and filed the public record.

F. Boards, Commissions and Committees

1. Appointments
 - a. Approve nominations to various Boards and Commissions. (City Clerk)

Documents Filed: Memorandum from Acting City Clerk Toni Taber dated June 7, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Acting City Clerk Toni Taber provided further details on the Boards, Commissions, and Committee nomination process. Mayor Chuck Reed thanked the Acting City Clerk and her staff for their hard work.

Public Comment: Martha O'Connell suggested all applicants should be interviewed.

Action: The Committee approved Item F.1.a.

2. Workplans
3. Annual Reports
 - a. Mobile Home Advisory Commission 2012-2013 Accomplishments. (Housing)

Documents Filed: Memorandum from Housing Director Leslye Corsiglia dated June 4, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Public Comment: David Wall and Martha O'Connell spoke on Item F.3.a Mobile Home Rent Control.

Action: The Committee approved the Mobile Home Advisory Commission's (MAC) 2012-2013 Report.

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.
2. Canadian Independence Day Flag Raising Ceremony:
Approval of District 2 Canadian Independence Day Flag Raising as a Council Sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the June 18, 2013 Agenda for action.
(Kalra)

Documents Filed: Memorandum from Councilmember Ash Kalra dated June 6, 2013 to the Mayor and City Council forwarding the recommendations.

Action: The Committee approved Item G.2 and forwarded it to the City Council for formal action on June 18, 2013.

3. Indian Independence Day Flag Raising Ceremony:
Approval of District 2 Indian Independence Day Flag Raising as a Council Sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the June 18, 2013 Agenda for action.
(Kalra)

Documents Filed: Memorandum from Councilmember Ash Kalra dated June 6, 2013 to the Mayor and City Council forwarding the recommendations.

Action: The Committee approved Item G.3 and forwarded it to the City Council for formal action on June 18, 2013.

4. Summer Walking Day Special Event:
Approval of District 6 Summer Walking Day Flag Raising as a Council Sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the June 18, 2013 Agenda for action.
(Oliverio)

Documents Filed: Memorandum from Councilmember Pierluigi Oliverio dated June 6, 2013 to the Mayor and City Council forwarding the recommendations.

Action: The Committee approved Item G.4 and forwarded it to the City Council for formal action on June 18, 2013.

5. Everyone for Heart Event:
Approval of District 5 Everyone for Heart Event as a Council Sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the June 18, 2013 Agenda for action.
(Campos)

G. Rules Committee Reviews, Recommendations and Approvals (Cont.)

Documents Filed: Memorandum from Councilmember Xavier Campos dated June 6, 2013 to the Mayor and City Council forwarding the recommendations.

Action: The Committee approved Item G.5 and forwarded it to the City Council for formal action on June 18, 2013.

6. Puerto Rico Flag Raising Ceremony:

Approval of District 5 Puerto Rico Flag Raising Ceremony as a Council Sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, placing the item on the June 18, 2013 Agenda for action. (Campos)

Documents Filed: Memorandum from Councilmember Xavier Campos dated June 6, 2013 to the Mayor and City Council forwarding the recommendations.

Action: The Committee approved Item G.6 and forwarded it to the City Council for formal action on June 18, 2013.

7. AB 616 (BOCANEGRA): Local Public Employee Organizations: Dispute: Factfinding Panel. (City Manager)

- a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, approve opposition for AB 616 (Bocanegra).
- b. Recommend a one-week turnaround to the City Council so that the City's legislative staff can advocate the City's opposition to AB 616 (Bocanegra).

Documents Filed: Memorandum from City Manager's Office dated June 3, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Public Comment: David Wall spoke on Items G.7, G.8, and G.9.

Action: The Committee approved Item G.7 and forwarded it to the City Council for formal action on June 18, 2013.

8. AB 537 (BONTA): Meyers-Miliias-Brown-Act, Impasse Procedures: (City Manager)

- a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, approve opposition for AB 537 (Bonta).
- b. Recommend a one-week turnaround to the City Council so that the City's legislative staff can advocate the City's opposition to AB 537 (Bonta).

Documents Filed: Memorandum from City Manager's Office dated June 5, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Action: The Committee approved Item G.8 and forwarded it to the City Council for formal action on June 18, 2013.

G. Rules Committee Reviews, Recommendations and Approvals (Cont.)

9. AB 466 (QUIRK): Federal Transportation Funds:

(Transportation)

- a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, approve support for AB 466 (Quirk).
- b. Recommend a one-week turnaround to the City Council so that the City's legislative representative can advocate the City's support for AB 466 (Quirk).

Documents Filed: Memorandum from the Director of Transportation Hans Larsen dated June 3, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Action: The Committee approved Item G.9 and forwarded it to the City Council for formal action on June 18, 2013.

10. Workforce Management:

Agendize a presentation and discussion of the City Manager's approach to recruitment of executive positions and her continuing efforts to develop our workforce management plan in August 2013, for Council direction and approval. (Rocha)

[Deferred from Rules on 6/5/13]

Documents Filed: Memorandum from Councilmember Donald Rocha dated May 20, 2013 to the Rules and Open Government Committee forwarding the recommendations; handout from City Manager Debra Figone on Workforce Eco System.

City Manager Debra Figone gave a presentation on National Recruitment and the Workforce Management System Pilot Program and noted a progress report will be brought forward in October.

Discussion: Discussion followed, Councilmember Donald Rocha answered questions from the Committee and provided additional comments.

Public Comment:

Martha O'Connell spoke in support of Item G.10.

David Wall provided his comments.

Action: The Committee referred Item G.10 to staff to return back to the Committee with a progress report on the Workforce Management Pilot Program in October 2013.

11. Rules and Open Government referrals to the Elections Commission:

The Elections Commission recommends no change to Title 12 related to referrals regarding: (1) campaign contribution limits and voluntary expenditure limits; (2) electioneering communication disclosures; and (3) elections and recounts. (City Clerk)

[Deferred from Rules on 6/5/13]

Documents Filed: Memorandum from Acting City Clerk Toni Taber dated May 31, 2013 to the Rules and Open Government Committee forwarding the recommendations.

G. Rules Committee Reviews, Recommendations and Approvals (Cont.)

Public Comment: David Wall spoke on campaign contributions and provided various examples.

Discussion: The Committee had a brief discussion on both Items G.11 and G.12.

Action: The Committee referred Item G.11 to City Clerk and City Attorney to return to the Committee on August 7, 2013.

12. Elections Commission Title 12 revisions and revisions to Administrative procedures recommendation:
Provide feed back and direction on the attached recommendations from the Elections Commission on amendments to Title 12 and to certain Administrative procedures. (City Clerk)
[Deferred from Rules on 6/5/13]

Documents Filed: Memorandum from Acting City Clerk Toni Taber dated May 28, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Action: The Committee referred Item G.12 to the City Clerk and City Attorney to return to the Committee on August 7, 2013.

13. Retiree Communication Policy:
Forward a recommendation to City Council for June 18, 2013, meeting to approve the Retiree Communication Policy. (City Manager)

Documents Filed: Memorandum from City Manager's Office dated June 4, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Public Comment: David Wall spoke against placing Item G.13 on the Consent Calendar.

Action: The Committee approved Item G.13 and forwarded it to the City Council for formal action on June 18, 2013.

14. Prohibit Overnight Big Rig Parking:
Amend Municipal Code 11.36.300 to prohibit all overnight parking of big rigs on City non-residential streets and eliminate the requirement of prohibitory or restrictive signage. (Chu)

Documents Filed: Memorandum from Councilmember Kansen Chu dated June 4, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Action: The Committee dropped Item G.14.

15. Salary for Council Appointees:
That Rules and Open Government Committee agendize the following for the June 18, 2013 City Council Meeting. (Mayor)

G. Rules Committee Reviews, Recommendations and Approvals (Cont.)

Adopt of a resolution to amend the City of San José Pay Plan to provide general salary increases of 2% effective June 23, 2013 for the City Manager and City Attorney.

With respect to other non-wage benefits, all appointee benefits shall be consistent with Unit 99 benefits.

Documents Filed: Memorandum from Mayor Chuck Reed dated June 6, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Public Comment: David Wall offered support for a raise higher than 2% for the City Manager and City Attorney.

Action: The Committee approved Item G.15 and forwarded it to the City Council for formal action on June 18, 2013.

16. Removal of Non-Commercial Photography Fee in City Parks, Libraries, and Community Centers:

Direct staff to rescind the \$100 photo permit policy pertaining to non-commercial photography usage in parks, libraries, and community centers in the City of San José. Non-commercial photography may include personal vacation, family, prom, student projects, and personal art projects. (Nguyen)

Documents Filed: Memorandum from Vice Mayor Madison Nguyen dated June 5, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Action: The Committee dropped Item G.16.

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee Workplan Amendment
3. Transportation and Environment Committee
4. Public Safety, Finance and Strategic Support Committee
5. Rules and Open Government Committee
 - a. Approval of the Rules and Open Government Committee workplan for the period from August through December 2013 and setting its meeting schedule as every Wednesday at 2:00 p.m. in the City Hall Wing Committee Meeting Rooms 118-120. (Mayor)

Documents Filed: Memorandum from Mayor Chuck Reed dated May 30, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Public Comment: David Wall expressed his views on the how many items should be allowed on the Consent Calendar.

Action: The Committee approved Item H.5.a Rules and Open Government Workplan for the period from August through December 2013 and setting its meeting schedule as every Wednesday at 2:00 p.m. in the City Hall Wing Committee Meeting Rooms 118-120.

I. Open Government

J. Open Forum

Martha O'Connell commented that the Committee Room doors in the Wing are extremely heavy and a lack of visible signage directing the public to the disability accessible push button.

David Wall offered suggestions for City Employee Hiring Incentives.

Jim Piazza representing Green Earth Management spoke on Zero Waste Agreement.

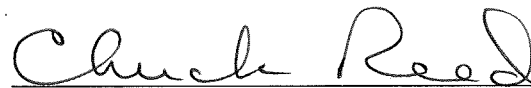
Johnny Lee spoke on the City of San José's Affordable Housing being unaffordable to citizens making under \$20,000 per year.

Acting City Clerk Toni Taber requested that the next Rules and Open Government Meeting on June 19, 2013, be cancelled.

Action: The Committee cancelled the June 19, 2013 Rules and Open Government Committee Meeting.

K. Adjournment to August 7, 2013.

The meeting adjourned at 3:34 p.m.



Mayor Chuck Reed
Rules and Open Government Committee