

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report

April 17, 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, Assistant City Manager Ed Shikada, Mayor's Council Assistant Richard Hong, Agenda Services Gloria Schmanek, and Deputy City Clerk Kathy Carrillo.

**A. City Council (City Clerk)**

1. Review April 23, 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)

Action: The Committee approved the amended agenda with the additions and changes: 9:00 a.m. start time; 1.x (Presentation of a proclamation declaring April 26, 2013 as "World Intellectual Property Day" in the City of San Jose); 2.x (Councilmember Campos' Travel to Sacramento, CA); 2.x (Councilmember Herreras' Travel to Sacramento); 2.x (District 7 Mid-Autumn Festival and Resource Fair); Item 2.7 deferred to May 7, 2013.

2. Review April 30, 2013 Draft Agenda
  - a. Add New Items to Draft Agenda
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)

Action: The Committee approved the agenda with changes and Sunshine Waiver: Items 8.1 and 8.2 to be hear no earlier than 3:00 p.m.; Joint City of San José City Council/Financing Authority Agenda to be heard immediately after the Consent Calendar and approved 14-Day Sunshine Waiver.

**B. Review of Upcoming Study Session Agenda(s)**

**C. Legislative Update**

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

**D. Meeting Schedules**

1. Set the Initial Public Hearing of the 2013-14 Proposed Capital/Operating Budgets and the 2013-14 Proposed Fees & Charges Report on May 14, 2013 at 1:30 p.m. (City Manager)

**D. Meeting Schedules (Cont.)**

Documents Filed: Memorandum from Agenda Services Manager Gloria Schmanek to the Rules and Open Government Committee dated April 10, 2013, forwarding the recommendation.

Ed Shikada requested that the Councilmembers keep the date of May 16, 2013 on their calendar for a possible public safety data analysis and development study session.

Action: The Committee set the Initial Public Hearing of the 2013-14 Proposed Capital/Operating Budgets and the 2013-14 Proposed Fees & Charges Report for May 14, 2013 at 1:30 p.m.

**E. The Public Record**

Documents Filed: Memorandum from the Acting City Clerk Toni Taber to Mayor and City Council dated April 12, 2013, transmitting the Public Record for the week of April 5, 2013 – April 11, 2013.

Action: The Committee noted and filed the public record.

**F. Boards, Commissions and Committees**

1. Appointments

2. Workplans

Approve the Arts Commission Annual Report for FY 2011-2012 and Workplan for FY 2012-2013. (Economic Development)

Documents Filed: Memorandum from the Director of Economic Development Kim Walesh to the Rules and Open Government Committee dated April 10, 2013, forwarding the recommendation.

Director of Cultural Affairs Kerry Adams Hapner was available to answer Committee's questions.

Action: The Committee approved the Arts Commission Annual Report for FY 2011-2012 and Workplan for FY 2012-2013.

3. Annual Reports

**G. Rules Committee Reviews, Recommendations and Approvals**

1. Workload Assessment for Council Requests and Referrals.

2. AB 403 (Stone and Eggman) Solid Waste: Home Generated Sharps

a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, approve support for AB 403 (Stone and Eggman).

b. Recommend a one-week turnaround to the City Council so that the City's legislative staff can advocate for the City's support for AB 403.  
(Environmental Services)

Documents Filed: AB 403 (Stone and Eggman) Solid Waste: Home Generated Sharps from the Environmental Services to the Rules and Open Government Committee dated April 8, 2013, forwarding the recommendations.

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

Director of Intergovernmental Relations Betsy Shotwell requested that Items G.2, G.3, and G.4 be deferred one week.

Action: The Committee deferred Item G.2 to April 24, 2013.

3. AB 488 (Williams) Recycling: Household Batteries
  - a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, approve support for AB 488 (Williams).
  - b. Recommend a one-week turnaround to the City Council so that the City's legislative staff can advocate for the City's support for AB 488.  
(Environmental Services)

Documents Filed: AB 488 (Williams) Recycling: Household Batteries from the Environmental Services to the Rules and Open Government Committee dated April 8, 2013, forwarding the recommendations.

Action: The Committee deferred Item G.3 to April 24, 2013.

4. SB 727 (Jackson) Medical Waste: Pharmaceutical Product Stewardship Program
  - a. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, approve support for SB 727 (Jackson).
  - b. Recommend a one-week turnaround to the City Council so that the City's Legislative staff can advocate for the City's support for SB 727.  
(Environmental Services)

Documents Filed: SB 727 (Jackson) Medical Waste: Pharmaceutical Product Stewardship Program from the Environmental Services to the Rules and Open Government Committee dated April 8, 2013, forwarding the recommendations.

Action: The Committee deferred Item G.4 to April 24, 2013.

5. Approval of May Day Rally at City Hall as a City Council-Sponsored Special Event, and expending funds and accepting donations from various individuals, businesses, or community groups to support the event, and placing the item on the April 23, 2013 Agenda for action.  
(Campos/Kalra)

Documents Filed: Memorandum from Councilmembers Campos and Kalra to the Rules and Open Government Committee dated April 11, 2013, forwarding the recommendations.

Action: The Committee approved Item G.5 and forwarded it to the City Council for formal action on April 23, 2013.

Direct staff to create a workload assessment and work plan for a proposal requiring business owners and nonprofits that operate private afterschool programs and daycares to register with a database so that the San José Police Department utilize a Reverse 911 System for

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

6. notification of imminent public safety dangers and hazards in their immediate area (see memorandum for full text).  
(Chu)

Documents Filed: Memorandum from Councilmembers Chu to the Rules and Open Government Committee dated April 10, 2013, forwarding the recommendations.

Councilmember Chu provided further information on the recommendation and background on the Reverse 911 System and was available for questions from the Committee.

Action: The Committee referred Item G.6 to the Public Safety, and Strategic Support Committee to return back to the Committee at a later date.

7. Approval of various community events sponsored by Council District 4 as City sponsored Special Events, allowing expenditure of City funds and authorizing the acceptance of donations of materials and services for the event, and placing the item on the April 23, 2013 Agenda for action (see memorandum for full text).  
(Chu/City Clerk)

Documents Filed: Memorandum from the Acting City Clerk Toni Taber to the Rules and Open Government Committee dated April 12, 2013, forwarding the recommendations.

Action: The Committee approved Item G.7 and forwarded it to the City Council for formal action on April 23, 2013.

8. Agendize for the April 23, 2013 City Council Meeting adoption of a resolution re-appointing Sharon Erickson as City Auditor and approving compensation for services as City Auditor for a term beginning July 1, 2013 and ending June 30, 2017 (see memorandum for full text).  
(Mayor)

Documents Filed: Memorandum from the Mayor to the Rules and Open Government Committee dated April 11, 2013, forwarding the recommendations.

Action: The Committee approved Item G.8 and forwarded it to the City Council for formal action on April 23, 2013.

9. Change the current 1:30 p.m. City Council meeting schedule to the evening, thus allowing more residents to attend.  
(Oliverio)

Documents Filed: Memorandum from Councilmember Pierluigi to the Rules and Open Government Committee dated April 12, 2013, forwarding the recommendations.

Councilmember Oliverio presented his views and there was brief discussion among the Committee Members.

Public comment: Richard McCoy and Martha O'Connell spoke in opposition to scheduling all City Council meetings in the evening.

Action: No action taken.

**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

**I. Open Government**

1. Appeals of Public Records Act Request

**J. Open Forum**

None.

**K. Adjournment**

The meeting adjourned at 2:30 p.m.



Mayor Chuck Reed  
Rules and Open Government Committee