

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
January 30, 2013

**PRESENT:** Mayor Reed, Vice-Mayor Nguyen, Councilmembers Oliverio and Herrera

**ABSENT:** Councilmember Constant

**STAFF:** City Attorney Richard Doyle, Acting City Clerk Toni Taber, Deputy City Manager Norberto Dueñas, Assistant to the City Manager Kip Harkness, Agenda Services Gloria Schmanek, Mayor's Council Agenda Manager Sara Wright, and Deputy City Clerk Kathy Carrillo

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

1. Review February 5, 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 and Jim Piazza both provided recommendations on Item 7.1 Actions Related to Commercial Solid Waste and Recyclables Collection Franchise Agreements.

Action: The Committee approved the agenda as amended.

2. Review February 12, 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)

Public Comment: David Wall provided comments on Item 3.4 Budget Surveys.

Action: The Committee approved the agenda, with the following additions:

Item 2.x Mayor and Council absence request, Item 2.x Councilmember Herrera's Travel, 14-day Sunshine Waiver for Item 3.3, Approval of the 2012-2013 Mid-Year Budget Actions.

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

**C. Legislative Update**

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

**D. Meeting Schedules**

1. Accept the preliminary Study Session Topics (see attached recommendations)

Documents Filed:

Memorandum from Councilmember Rocha to the Rules and Open Government Committee dated January 17, 2013, Memorandum from the Mayor to the Rules and Open Government Committee dated January 24, 2013, Memorandum from Councilmember Khamis to the Rules and Open Government Committee dated January 24, 2013, Memorandum from Councilmembers Liccardo and Constant to the Rules and Open Government Committee dated January 24, 2013, Memorandum from Councilmember Campos to the Rules and Open Government Committee dated January 24, 2013, forwarding the recommendations.

Public Comment: David Wall spoke regarding the CPLE (Consortium for Police Leadership in Equity) and the Homeless Encampment.

Action: The Committee accepted the preliminary Study Session Topics with direction to vote to prioritize the top three topics at the February 11 Study Session.

**E. The Public Record**

Documents Filed: Memorandum from the Acting City Clerk Toni Taber to Mayor and City Council dated January 25, 2013 transmitting the Public Record for the week of January 18, 2013 – January 24, 2013.

Public Comment: David Wall commented on the Homeless Encampments in the City of San José.

Action: The Public Record was noted and filed.

**F. Boards, Commissions and Committees**

1. Appointments
  - a. Approve appointments to the Project Diversity Screening Committee. (City Clerk)
2. Workplans
3. Annual Reports

Documents Filed: Memorandum from Acting City Clerk Toni Taber to Rules and Open Government Committee dated January 25, 2013, forwarding the recommendations.

Action Filed: The Committee approved the item and forwarded it to the City Council for formal action on February 12, 2013.

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

1. Workload Assessment for Council Requests and Referrals.
2. Refer to the Elections Commission for its review the issue of whether the City ought to adopt a standard for automatic recounts in elections that are decided by a very small margin. (Councilmember Rocha)

Document Filed: Memorandum from Councilmember Rocha to the Rules and Open Government Committee dated January 24, 2013, forwarding the recommendations.

Public Comment: David Wall spoke in favor of the Automatic Recounts.

Action: The Committee referred the Item to the San Jose Elections Commission to be agendized at a later date.

3. Approve sending Councilmembers to Sacramento to meet with our State Legislators. The trip would be another opportunity to present our representatives with information about the impact of state budget issues and state legislation on the City of San José. (Councilmember Kalra)

Document Filed: Memorandum from Councilmember Kalra to Mayor and City Council dated January 24, 2013, forwarding the recommendations

Public Comment: David Wall supported sending Councilmembers to Sacramento.

Action: The Committee approved the recommendation.

4. Approve the transfer of Councilmember Chu's surplus campaign funds in the amount of \$9,262.23 with the following distribution: (Councilmember Chu).
  - \$3,000 to the San Jose Public Library Foundation to support the Educational Park Branch Library
  - \$3,000 to the Santa Clara City Library Foundation & Friends to support the future Northside Library
  - \$3,262.23 to fund the gun buy-back program

Document Filed: Memorandum from Councilmember Chu to the Rules and Open Government Committee dated January 24, 2013, forwarding the recommendations.

Public Comment: David Wall expressed his opinion on transferring and distribution of Councilmember Chu's surplus campaign funds.

Action: The Committee approved the transfer of funds to the General fund, with direction to staff for an appropriation to be approved by City Council.

5. Amendment to Business Tax Exemption Process and Fee: (Councilmember Rocha)
  - a. Direct the City Attorney and Finance Department to examine and implement improvements to the Business License Tax Exemption Process and Fee, such as:
    - Fee amount
    - Qualifications for Business License Tax
    - Qualifications for Business License Tax Hardship Exemption
    - Names and descriptions of exemptions, fees, and processes
  - b. Pending staff's recommendations and subsequent direction from the Rules and Open Government Committee either: extend the amnesty program for one year for businesses and independent contractors that qualify under the current exemption guidelines; or implement the changes as soon as possible so businesses and independent contractors avoid fees and penalties that will be incurred after Friday, March 29, 2013 (End of the Amnesty Program).

Document Filed: Memorandum from Councilmember Rocha to the Rules and Open Government Committee dated January 24, 2013, forwarding the recommendations.

Public Comment: Lynn Dyke, Duane Morgan, and Elias Chamorro recommended waiving the referees business license fees. David Wall supported the speakers stand on waiving business license fees for referees.

Action: The Committee referred the Item back to staff for further analysis with direction to return to the Rules and Open Government Committee on February 13, 2013.

6. Approval of the District 2 and District 5 Arthritis Awareness sponsored special event, to expend City funds and accept donations of materials and services for the event.

Document Filed: Memorandum from Councilmember Kalra and Campos to the Mayor and City Council dated January 24, 2013, forwarding the recommendations.

Action: The Committee approved the Item and forwarded it to the City Council for formal action on February 12, 2013.

**H. Review of additions to Council Committee Agendas/Workplans**

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
5. Rules and Open Government Committee

**I. Open Government**

1. Appeals of Public Records Act Request

**J. Open Forum**

Public Comment: Richard McCoy read a statement by the Chair of the Senior Commission Martha O'Connell, regarding John XXIII Center.

David Wall made recommendations on storm and sewer use service charges and the vagrancy issue.

**K. The meeting adjourned at 3:16 p.m.**



Mayor Chuck Reed  
Rules and Open Government Committee