

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report

June 5, 2013

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

ABSENT: Councilmember Pete Constant

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 June 10, 2013 Special Meeting (Evening)
 - a. Add New Items to Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)

Public Comment: David Wall commented on the Budget documents.

Action: The Committee approved the agenda as submitted.

2. Review June 11, 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 provided suggestions on Items 3.3, 3.7, 4.1, and 4.2.

Action: The Committee approved the agenda with the addition:

1.x (Presentation of a commendation to Embarcadero Realty and the Fairmont Hotel for more than doubling their landfill diversion rates, to nearly 80 percent of generated waste diverted from landfills in less than one year).

3. Review June 18, 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 spoke on various Items

Action: The Committee approved the agenda with the related updated changes:

Start time 9:00 a.m.; Item 4.1 is in District 7; Items 4.3 to be heard no earlier than 1:30 p.m.; Item 5.1 amended language; Item 8.1 to be heard on the Consent Calendar.

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 May 31, 2013, transmitting the Public Record for the week of May 24, 2013 – May 30, 2013.

Public Comment: David Wall pulled Items E.a and E.b and spoke on affordable housing, property taxes and rent control for mobile home parks.

Martha O'Connell pulled item E.d and questioned the Boards and Commissions Interview process.

Action: The Committee noted and filed the public record.

F. Boards, Commissions and Committees

1. Appointments
2. Workplans
3. Annual Reports

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.
2. Portuguese Flag Raising:
Approve the Portuguese Flag Raising Ceremony as a City 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 11, 2013 Agenda for action. (Campos)

Documents Filed: Memorandum from Councilmember Xavier Campos dated May 30, 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 11, 2013.

3. Philippines Flag Raising:
Approve the Philippines Flag Raising Ceremony as City 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 11, 2013 Agenda for action. (Campos)

Documents Filed: Memorandum from Councilmember Xavier Campos dated May 30, 2013 to the Mayor and City Council forwarding the recommendations.

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

Action: The Committee approved Item G.3 and forwarded it to the City Council for formal action on June 11, 2013.

4. Copper Materials Seller Registration:
Amend the workplan of the Transportation and Environment Committee to include the following recommendations: (Khamis/Campos/Kalra/Rocha)
 - a. Direct staff to prepare a presentation addressing existing regulations and enforcement related to the recycling and theft of copper wire, piping, and other copper materials in San José.
 - b. Consider regulations to help prevent theft of copper wire, piping, and other copper materials; and
 - c. Direct staff to explore coordination with neighboring cities to encourage joint efforts that may help to increase the effectiveness of regulatory or other approaches taken in San José.

Documents Filed: Memorandum from Councilmember's Johnny Khamis, Xavier Campos, Ash Kalra, and Donald Rocha dated May 30, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Discussion: Department of Transportation Director Hans Larsen and District 10 Council Assistant Sarah Wright updated the Committee on the cost to replace stolen copper, outreach efforts to the San José Police Department and other Agency, and were available to answer the Committee's questions.

Public Comment: David Wall stated that shopping carts are being used to transport stolen items to recycle companies.

Action: The Committee referred Item G.4 to the Transportation and Environment Committee to return with the Workplans; and a referral to staff to collaborate with the City Attorney's Office to provide an Informational Memorandum to the Committee.

5. Grant Agreement with Joint Venture Silicon Valley:
Forward a recommendation to City Council for the June 18, 2013 meeting to approve a grant agreement with Joint Venture Silicon Valley in the amount of \$75,000 from the Mayor's Office Budget. (Mayor)

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

Action: The Committee dropped Item G.5.

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

6. 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)

Documents Filed: Memorandum from Councilmember Donald Rocha dated May 20, 2013 to the Rules and Open Government Committee forwarding the recommendations.

Action: The Committee deferred Item G.6 to June 12, 2013.

7. 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)

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

Public Comment:

Gloria Hoo with League of Women Voters spoke in support of Item G.7.

David Wall expressed his concern on campaign spending limits and Title 12.

Elections Commission's Chair Michael Smith expressed his concern on the timeline for City Council to adopt an ordinance if the Item is deferred one week.

Discussion: There was brief discussion on Campaign finance laws and expenditure limits.

Action: The Committee deferred Item G.7 to June 12, 2013.

8. 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.

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 deferred Item G.8 to June 12, 2013.

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

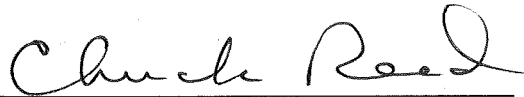
J. Open Forum

David Wall spoke on the increased crime rate in San Jose and enforcing stricter laws for illegal aliens participating in criminal activities.

Martha O'Connell asked the Committee to review taxi cab accessibility in the downtown area for people with disabilities.

K. Adjournment

The meeting adjourned at 3:06 p.m.



Mayor Chuck Reed
Rules and Open Government Committee