

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report

March 20, 2013

PRESENT: Vice-Mayor Madison Nguyen, and Councilmember's Rose Herrera and Pierluigi Oliverio.

ABSENT: Mayor Reed and 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 March 26, 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 spoke on various items.

Action: The Committee approved the agenda as amended with the following changes and approved Sunshine Waiver:

1.x (Presentation of a proclamation declaring April 1st as "Assyrian New Year" in the City of San José); 1.x (Presentation of a commendation to Gay Patin Brasher for dedicating her past 47 years to educating children; 2.x (Actions Related to Mayor Reed's Travel to Washington, D.C.); 2.x (Councilmember Chu's Travel to Pasadena, CA); Item 2.3 (a-h) to be taken off of the Consent Calendar and heard last; Item 4.5 approved 14-day Sunshine Waiver; Item 6.1 with a time certain to be heard no earlier than 4:00 p.m.

2. Review April 2, 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 March 15, 2013, transmitting the Public Record for the week of March 8, 2013 – March 14, 2013.

Public Comment: David Wall offered further comments on Items E.a, e, and f.

Action: The Public Record was noted and filed.

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. Approval of the District 5 E-Waste Recycling Event 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 March 19, 2013 Agenda for action. (Campos)

Documents Filed: Memorandum from Councilmember Campos to the Rules and Open Government Committee dated March 7, 2013, forwarding the recommendations.

Public Comment: David Wall spoke in favor of Item G.2 and offered suggestions on funding the Event.

Action Filed: The Committee approved Item G.2, with the date change from March 19, 2013 to March 26, 2013, and forwarded it to the City Council placing it on the March 26, 2013 Council Agenda for formal action.

3. Oversight Board Alternate Appointment, effective immediately, Mayor Reed appointed Councilmember Oliverio as the Mayor's alternate on the San Jose Successor Agency Oversight Board. (Mayor)

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated March 8, 2013, regarding the appointment of Councilmember Oliverio as the Mayor's alternate on the San Jose Successor Agency Oversight Board

Action Filed: The Committee approved Item G.3

4. Elections Commission Request for Comments on Title 12 Amendments, grant an exception to the application of Council Policy 0-36 (City Council/Commission Code of Conduct) for the limited purpose of allowing the Mayor and Councilmembers to provide written comments to the Elections Commission on potential amendments to Title 12 of the San Jose Municipal Code, as requested by the Elections Commission. (Acting City Clerk)

Documents Filed: Memorandum from Acting City Clerk Toni Taber to the Rules and Open Government Committee dated March 15, 2013, forwarding the recommendations.

Action Filed: The Committee approved Item G.4, and forwarded it to the City Council placing it on the March 26, 2013 Council Agenda for formal action.

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

David Wall expressed concerns on the City's Retirement Reform "Measure B" and the City's 2-Tier Retirement System.

Jim Piazza submitted handouts to the Committee regarding Green Earth Management's claim against the City of José and provided further comments on the claim.

K. Adjournment

The meeting adjourned at 2:17 p.m.



Mayor Chuck Reed
Rules and Open Government Committee