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Rules and Open Government committee.

>> Mayor Reed: This is Rules and Open Government committee meeting for August 12th, 2009. First question is, are there any changes to the agenda order from what we've got here? I think not. Then the first item is to review the August 18th council agenda meeting. Anything on page 1? Page 2 or 3. Page 4 or 5? Have a note that we have a change on the Sunshine Reform Task Force phase 2 recommendations to talk about.

>> Tom Manheim: Thank you, Mr. Mayor. It is a relatively small change, but we discovered after we distributed the recommendations and forwarded the Rules Committee recommendations that our acting independent police auditor had not had a chance to review them, the section that sets out the statistical reporting that the independent police auditor should do. She's asked for a little more time to get some questions answered. So we'd like to waive the sunshine requirement so we can change the recommendation to change this one section from what will go forward to council on Tuesday.

>> Mayor Reed: Why don't we take up the IPA statistical reporting stuff when we talk about the police department statistical reporting stuff, which is to come sometime later.

>> Tom Manheim: It is actually to come on Wednesday, the day after we take this to -- the item that is before the council on these other items. We may be able to turn it around that quickly. We'll try. It would just depend because we would need to actually release that memo tomorrow or Friday to put it onto the Rules Committee for a week from today.

>> Mayor Reed: Okay. So what do we need to do? I mean --

>> Tom Manheim: Simply approve --

>> Mayor Reed: This is a staff memo, staff recommendation, are you going to do a supplemental?

>> Tom Manheim: We'll put out a supplemental tomorrow morning that clarifies the action, that it would not -- the action would not include the one section that includes the IPA statistical reporting requirements.

>> Mayor Reed: Do we need ten days sunshine on not doing something, are you asking us to waive?

>> Tom Manheim: Yeah, our feeling is, because we are changing the recommendation, that you should waive sunshine, to allow us to change the recommendation.

>> Mayor Reed: All right. So this is in the category of a revised staff recommendation beyond the sort of little technical --

>> Tom Manheim: Exactly.

>> Mayor Reed: -- corrections. Okay, all right. Also on that topic, as long as we're talking about 3.4, looking at the agenda, there's not much else on here. But we might want to tell them that we'll take this up not before 2:00. Save people half an hour but we may get there right about 2 o'clock based on what's on here because that will allow -- because I'm guessing some members of the Sunshine Reform Task Force will come to the meeting.

>> Tom Manheim: I'm certain of it.

>> Mayor Reed: All right. Anything else on page 4 or 5? Page 6 or 7, I understand item 7.1, the proposal for power purchase site lease agreement should be deferred a week, to the 25th. Anything else on 6 or 7? That's the end of the agenda. So we need a motion to include the waiver of the sunshine on the one item.

>> (inaudible).

>> Councilmember Constant: Second.

>> Mayor Reed: Motion is to approve with a waiver of sunshine on one item. I had one other question, there are no ceremonial items, is that -- we got some adds. Didn't get to the adds yet, sorry. Before we take up the motion, there's two requests for additions, commendation to Lucia Whang regarding Evergreen, mount pleasant and Alum Rock school districts, and a commendation to Altera Corporation. Any other commendations? All right, so the motion is to approve, including the additions?

>> There was one other. It wasn't an actual commendation, it is a presentation of an award by the community, California health charities which will be happening on the 18th. I don't know if we wanted to note that on the agenda, it was going to be a brief, you know, two-minute item. If you want to note that, the addition.

>> Mayor Reed: Who is it and what is it?

>> It is the meeting, do you remember the name of it?

>> It was for the giving campaign, they want to recognize the city for annual giving campaign. I think we have it. Dick or I will forward it.

>> Mayor Reed: Okay, so we have three ceremonials, then. All right. Okay to add that? Is that all those included in the motion?

>> Councilmember Constant: Yep.

>> Councilmember Pyle: Yes.

>> Mayor Reed: Motion is to approve with the additions and the waiver of the sunshine on the one item. All in favor? [ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. Next item is August 25th draft. Anything on page 1? Page 2 or 3? Page 4 or 5? Page 6 or 7? I have one request for addition, that is to -- regarding the federated city employees retirement system board vacancy, to provide direction as it relates to filling of an unanticipated vacancy.

>> Councilmember Constant: I just have a question on that. Would that not be more appropriate for us to just agendaize as a Rules consideration? Because of all the appointments and stuff, we've handled that at the Rules Committee level. Maybe agendaize it for the next meeting or so. I think it would just be consistent with what we've done in the past.

>> Mayor Reed: I'd like to consider it in light of the other retirement board restructuring work that's underway and the timing of it. So why don't we take it up on next week's Rules agenda?

>> Councilmember Constant: Yeah, I think it would just give us the ability to have it in a broader context.

>> Mayor Reed: This is for the 25th agenda.

>> Lee Price: That's fine. We're just looking for some direction on which options to follow. Thanks.

>> Mayor Reed: Then we can guess get a report-back on the retirement board restructuring that we're getting back.

>> City Manager Figone: Yes, Alex Gurza is actually heading up that project for the administration so we'll have he and perhaps.

>> Mayor Reed: That's probably coming back to the council September to early October somewhere in that time frame, okay. So we just take this up and discuss it next week, then. (inaudible).

>> Mayor Reed: No, we don't need to do anything on the 18th with that one. Just bring it back next week. Anything else on the 25th agenda?

>> Councilmember Constant: Motion to approve, dropping the add.

>> Second.

>> Mayor Reed: Okay, motion is to approve the agenda, with kicking the one addition into next week's discussion. I have -- okay. Anything else? All in favor? [Ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. I had a question that I don't think relates to either of these two agendas, but I just want to make sure, on evening agendas, we had a streamlining discussion a couple of weeks ago. And one of the things in that memo was going to once-a-month evening meetings. Is that somehow being worked into our scheduling now?

>> That's already been incorporated in the six-month schedule through December.

>> Mayor Reed: Okay, all right. Because there is no evening meeting on the 25th. All right, redevelopment agency for August 18th.

>> Mr. Mayor, members of the committee, the agency has no items for that day, would recommend cancellation of that meeting.

>> Councilmember Constant: Motion is to cancel.

>> Mayor Reed: Motion is to cancel. All in favor, opposed, none opposed, that's cancelled. 25th redevelopment agency agenda. Anything on page 1? Page 2 or 3? Or page 4?

>> Mr. Mayor, if I may, item 6.1, the master lease for the incubator, and item 7.1, the acquisition of property on Almaden avenue, both of those items are part of the early distribution packet. They were released yesterday and posted on the agency's Website yesterday afternoon.

>> Mayor Reed: All right, they're out there if anybody wants to see them.

>> Councilmember Constant: Motion to approve.

>> Mayor Reed: We have a motion to approve.

>> Councilmember Pyle: Second.

>> Mayor Reed: All in favor? [ayes]

>> Mayor Reed: Opposed? None opposed? That's approved. We have no study session agendas to look at today. Nothing on legislative update. Meeting schedules. We have a request to set a study session for Greenprint for review of September 8th document.

>> Councilmember Constant: Motion to approve.

>> Mayor Reed: I have a question of when will we see that agenda for that meeting? That will come to us in the Rules Committee meeting agenda in a week or two.

>> Probably next week, or the week after.

>> Mayor Reed: Okay, a couple of issues for staff to address. One is how this fits in with the general plan task force work, just the sequencing of that work. Second is, how long this might take. And I think it's important for us to know what it is you want from the council as a result of the study session. But we can deal with those when we get to the agenda discussion. Anything else on that? We have a motion to approve.

>> Councilmember Pyle: Motion to approve.

>> Mayor Reed: All right, all in favor? [ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. Is it a morning or afternoon? It's not said here. That's a Tuesday, when we ordinarily don't meet because of the holiday, right?

>> Should be a 9:00 to noon.

>> Mayor Reed: Morning. (inaudible).

>> Mayor Reed: Council chambers, 9:00 to noon or less.

>> Councilmember Constant: 9:00 to 9:30.

>> Mayor Reed: September 8th, 2009. For those of you who are making your calendars. Public record, anything from public record we should talk about?

>> Councilmember Constant: I think we should pull C and handle it as a public records request.

>> Lee Price: Actually, I can speak -- office is here. Our offices has been here working together to provide the information to Mr. Wall and we have been doing just that. Tom says it's done so we've provided the information.

>> Councilmember Constant: Very good.

>> Mayor Reed: Motion to note and file. All in favor, opposed, none opposed, that's approved. G, appointments to boards, commissions and committees. Appointment of Joane Ingold, to the mobile home Weisz committee. I believe we have a memo from Councilmember Chu who is the liaison to that committee.

>> Councilmember Constant: Motion to approve.

>> Mayor Reed: Motion to approve. Second. Do you wish to speak? Come on down.

>> Good afternoon. Good afternoon. My name is Gail Osborn. I live at Colonial Manor, mobile home park. I know this is a little item on your agenda but I would like to ask, I've talked to Councilmember Chu's office. This appointment was supposed to be from an organization that represents the good of all mobile home park residents. I would like to know, there are two groups that made recommendations. I would like to know. I don't know if maybe Councilman Chu would know, how this better than got chosen that is not involved in an organization not recognized in the mobile home community, and over Camra, I also represent Camra and has all been around for years. You all know Camra and they have hundreds of members. I want to go on record saying this person is not a good representation of anyone in the mobile home community in residence. So I've been talking to Councilmember Chu's office. He said he was going to have his staff look into it because this group, home, is not an organization. It's not recognized, they don't have meetings. They don't open their meetings. They have closed meetings, nobody knows when they have meetings. Only certain people get their newsletter. So living in a mobile home park, and being a resident, I want somebody that's going to be honest, and true, to the people. So I don't know where we go from here. Sir?

>> Mayor Reed: Well, we'll have some discussion here, perhaps. Is there anybody else who wants to speak on this item?

>> Okay, thank you.

>> Mayor Reed: I had a question with regard to the -- what the ordinance specifies for the membership of the mobile home advisory committee. I used to be the liaison to that but I don't remember anymore.

>> Lee Price: Thank you, Mr. Mayor, members of the council, Lee Price, City Clerk. The municipal code specifies that for two positions on the mobile home advisory commission, we have a position for a resident. We have a position for a park owner representative. That nominations of those positions be from an organization of residents, or an organization of park owners. This particular position is for the resident on the mobile home advisory commission. We received two nominations, one from CAMRA, I apologize, I forget what the acronym stands for. But it is a bona fide recognized organization of mobile home and manufactured home residents. And one from HOME, the Homeowners Organized to Maintain Equity. We forwarded both nominations and applications on to the councilmember liaison, Councilmember Chu. Then once we were asked to provide information to the council office about whether or not home was an organized association of mobile home residents, we did some follow-up work with the board of home and

they did provide us with documentation supporting that they are an organized group. They represent about 250 mobile home residents. They have a board. They have bylaws, they meet on a regular basis. They satisfied the request for documentation and we have that on file in our office. So Councilmember Chu has that information and he has put forward this nomination.

>> Mayor Reed: Okay. Any other questions? All right, we have a motion to approve the recommendation. All in favor? Ayes.

>> Mayor Reed: Opposed, none opposed, that's approved. Taking us to our next item which is a request to approve the designation of Councilmember Chu as a voting delegate for the September 18th annual business meeting for the league of California cities, which will be held here in San José. So everybody will get a chance to attend. But we do have business to be done there and we need to make sure we've designated our voting delegate.

>> Councilmember Constant: Motion to approve.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to approve the designation. All in favor? Opposed? None opposed, that's approved. The next item is the auditor's Office monthly report for July '09. Sharon Erickson.

>> Sharon Erickson: Good afternoon. We have before you our report. This is the first report that begins the summer as our work plan for the coming year, during the month of July. At the very end of July you came back early and you adopted our proposed work plan, and also, our report on the recovery act. Upcoming reviews will include, so upcoming items will include our service efforts and accomplishments follow up report on performance measures and reporting in San José. Then the other item that is coming up next is the audit of park trust fund administration. Those will both be brought forward we hope in September. I'm happy to answer any questions.

>> Mayor Reed: Any questions?

>> Councilmember Constant: Sure, motion to approve.

>> Mayor Reed: Motion is to approve the report. All in favor? [ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. We have no committee agenda changes to discuss. I don't think there are any open government initiatives to discuss today. Open forum? Anybody wish to speak? Mr. Wall.

>> David Wall: There is an issue of cost recovery that should be addressed on the --

>> Mayor Reed: Squeeze the handle, and that will slide up. But it's a two-handed operation, I'm sorry. You got to hold it down, and slide it up. There you go.

>> David Wall: There, good none qualify.

>> Mayor Reed: That's better.

>> David Wall: First of all, I want to thank you mayor for not taking the amount of money you should for your salary. Not many people know that but I think they should do that. I've done my part on that. Cost recovery on the independent police auditor function. There is not any deterrence for people who lie, who bear false witness against the police officers, or the police procedures, or anything that ties up an enormous amount of city time and resources. There is not one person in this room that sits before me that doesn't know that the San José police will unturn any stone looking for bad policing and bad police officers. But for people who lie, intentionally mislead, to tie up the entire system of the auditor and the police department and who knows what else within the city, there must be significant cost recovery, as a function of deterrence. Now, I know that there's an amendment that you can't have people signing away their rights, the Bolen amendment. But for people who intentionally lie, no mercy should be shown unto these people. And there's no money left to keep running around on these wild goose chases. And also what it does to the police officer itself, being falsely accused. And I'll go into it later at another day. Because I just wanted -- this is not discussed and I don't understand why. Thank you again for not taking the money you could have.

>> Mayor Reed: Anyone else under open forum? No. That completes our agenda. We're adjourned.