

The following transcript is provided for your convenience, but does not represent the official record of this meeting. The transcript is provided by the firm that provides closed captioning services to the City. Because this service is created in real-time as the meeting progresses, it may contain errors and gaps, but is nevertheless very helpful in determining the gist of what occurred during this meeting.

>> Mayor Reed: This is the Rules and Open Government Committee meeting for May 13th, 2009. First question is whether or not there are any changes to our agenda order. None? Okay. First item is, the review -- the May 19th agenda for the city council meeting. Anything on page 1? Page 2 or 3? I had a question on item 2.5, agreement for dispatch services with taxi San JosÉ. Is that going to be a big fight with taxis, or is this something that we're not having a fight over? Just like to know for timing purposes. It's on the consent calendar.

>> City Attorney Doyle: I haven't heard of any controversy.

>> I haven't heard of anything either.

>> Mayor Reed: Just let me know so we'll plan the meeting if it comes up. Anything else on 2 or 3? Page 4 or 5? Item 3.2 is Rules and Open Government minutes of April 15th, do we need to drop that?

>> Correct.

>> Mayor Reed: Okay.

>> Lee Price: And just for the record we're dropping it because we actually approved them yesterday.

>> Mayor Reed: Okay. Page 6 or 7. 8 or 9, I've got a note item 4.2, update convention center plan, finance asks to drop that. We'll have to drop that and renote it.

>> City Manager Figone: We are actually putting together an MBA which will tie all the issues together and the council can determine if anything else is needed.

>> Mayor Reed: Okay. Then page 8 or 9, item 4.7, the moratorium on bail bonds establishments. Someone had to hear it in the evening.

>> Councilmember Liccardo requested that we hear the item in the evening. .

>> Mayor Reed: Is there an evening agenda? Note that for the evening. Anything else on 8 or 9? Page 10 or 11, 5.2, the strong neighborhoods initiative, Hoffman Via Monte improvement plan amendment, going to defer that at the request --

>> Councilmember Pyle: That's certainly a surprise to me. I don't mind finding out why.

>> Mayor Reed: We don't yet know why.

>> This is being deferred at the community request to have additional community meetings, and staff is requesting June 2nd in the evening.

>> Mayor Reed: Do we need to set that for June 2nd, or you want to renote it?

>> We'll bring it back on the June 2nd agenda.

>> Mayor Reed: Okay. Anything on 10 or 11? 6.2, airport exhibits policy, is that going to be dropped?

>> We're going to drop that item. The airport is reconsidering the policy and we'll bring it back when it's ready.

>> Mayor Reed: I assume the airport's exhibit policy raises the same kinds of questions that we had when we talked about the exhibits policy in City Hall, public space public use.

>> City Attorney Doyle: Right, that's a forum -- question of whether it's a public forum or not a public forum, and I think that's probably why they're revisiting it.

>> Mayor Reed: Okay. Anything else on 10 or 11? 12 or 13? 14 or 15?

>> City Attorney Doyle: Mr. Mayor, item 9.1, the loan agreement, the actual agreement was being reviewed by staff late Friday and did not get to the Clerk's office until Monday. So it was an eight-day posting, not a 10-day posting. And so we need either a waiver of the sunshine rules or would have to kick it to the June 2nd calendar.

>> Mayor Reed: No meeting on the 26th, right? Is it a problem if we bump it for two weeks or do we need a waiver of the sunshine?

>> City Attorney Doyle: It's really more of an agency item, that they've wanted to get this loan in place.

>> We should just note that the staff report has been out.

>> City Attorney Doyle: It's the actual document.

>> Mayor Reed: Oh, the staff report's out.

>> The stat report has been out. The agreement.

>> Mayor Reed: That was out eight days. Then we can waive the sunshine on that if the committee wants to could be part of the motion. Anything else on 12 or 13? 14 or 15? 16 or 17? I have some requests for additions, excused absence for Vice Mayor Chirco. The good neighbor committee item is going to be a joint agency on the agency agenda item?

>> That is correct.

>> Mayor Reed: Okay. Any other changes?

>> Councilmember Pyle: Move to approve as amended.

>> Second.

>> Mayor Reed: The motion is to approve as amended, including the waiver of sunshine on that one item. All in favor? Opposed? None opposed, that's approved. May 26th draft agenda, cancelled. It's going to be our first day off after all this budget stuff. But you're all invited to come to the Memorial Day ceremonies. You don't have to take a day off but you probably won't. You could take a day off but you probably won't. Redevelopment agenda for May 19th. Anything on page 1? Page 2 or 3?

>> Mr. Mayor, item 8.1 staff recommends deferral until June 2nd, in order to procure an analysis of this site.

>> Mayor Reed: So that is the actions related to the San JosÉ McEnery convention center expansion --

>> That is correct.

>> Mayor Reed: Any other changes?

>> Yes, the good neighbor committee would be added as a joint item to the agency agenda for the 19th.

>> Mayor Reed: Okay. Any other changes or additions?

>> No other.

>> Councilmember Pyle: Motion to approve as amended.

>> Mayor Reed: Motion is to approve as amended.

>> Second.

>> Mayor Reed: All in favor, opposed, none opposed, that's done. No meeting on the 26th. Upcoming study session agendas, none. Legislative update, assembly bill 1192 being carried by Strickland. Betsy Shotwell is here to talk about that.

>> Betsy Shotwell: Thank you, Mr. Chair, members of the committee, Betsy Shotwell, director of Intergovernmental Relations. Assembly bill 1192 would prohibit public agencies including charter cities such as the City of San Jose from leasing or selling existing public improvements to a private or public entity which the public agency then rents, leases back, or repurchases through installment payments. Joining me of course is the director of finance, Scott Johnson, the author of the memo. And of course the attorney's office was very involved in this, as well, in the review. I would like to update the committee, we were informed on Monday by our lobbyist in Sacramento, Roxann Miller, that the author of this bill has decided to make it a two-year bill, meaning this bill, this number wouldn't be heard again until January. That said, as this is in motion before you and potentially to the full council, if you decide, I would like to pursue continuing to oppose the measure and the concept. Because if history repeats itself, you can find these bills gutted and amended sometimes late in the night, wee hours of the month of July. This would give our lobbyist and staff direction, should this bill find itself in another contest with another bill number, and I'd like you to consider those in your analysis and staff is here to answer any questions.

>> Mayor Reed: Well, if it's a bad idea, it will still be a bad idea in January.

>> Betsy Shotwell: Absolutely.

>> Mayor Reed: So I don't see any reason for us to not take an opposed position, even if it's a two-year bill.

>> Councilmember Pyle: I agree totally.

>> Mayor Reed: Scott, do you want to talk about -- I'm not sure why they want to do this. Probably there's some really bad things that have happened someplace else in the state. I understand how we do lease revenue financing here, and it may be not the same elsewhere.

>> Scott Johnson: I think I understand why they wanted to do it. We continue to see certain groups that want to limit public agencies' ability to issue debt without going to the voters. And so we have this certificates of participation financing mechanism available to us, lease revenue bonds, and that provides a great financing vehicle for us to finance many capital improvement projects that the city has. So I understand the why. But unfortunately, I don't really think they looked at the implications to the public agencies and the implications to taxpayers. Because if we couldn't do these financings, and especially for the financings that we currently have in place in the memo, mayor and members of the committee, that we have a number of projects that we currently have either certificates of participation, commercial paper, or lease revenue bond financings. And as you recall, remember year and a half ago in February we had a special meeting that we had to restructure all of our variable rate debt. If this bill was in effect at that point, it would significantly restrict us and our ability to refinance that particular debt.

>> Mayor Reed: So we would be making much higher payments than we are now.

>> Scott Johnson: Right, Absolutely. And it would prevent us from looking at this financing structure in the future as we look at conditional capital projects in the city. So I really firmly believe, we firmly believe in, the team that worked on this, that this is a real -- to your point, a really bad idea, and at the end it will cost the city millions and millions of dollars in additional debt service payments.

>> Mayor Reed: Also a bad idea.

>> Scott Johnson: That's right.

>> Mayor Reed: Nancy.

>> Councilmember Pyle: I just -- I'm worried about defeating this, a successful defeat. And so I wondered how many cities like ourselves would be affected, or how many folks could we truly count on, probably would be any city in the million dollar category.

>> Scott Johnson: Just about any city in the state of California.

>> Councilmember Pyle: Yeah. Well -- any -- all of the charter cities, and I don't know how many charter cities we have, for example.

>> City Attorney Doyle: Well, I think the league has taken a position. This is -- I mean, when -- I did this in the '80s when I was in private practice, these types of financings have been common throughout California, so I can't imagine any public entity not opposing it.

>> Betsy Shotwell: The league of California cities is opposed, California Redevelopment Association, as well as the exact accounting body, and then there are a number of cities here listed as well.

>> Councilmember Pyle: Okay, all right, thank you.

>> Councilmember Chirco: I would move staff's recommendation and thank whoever it was in Scott's shop that wrote the memo, because it was a very informational memo. So I would move staff memo.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to go with staff's recommendation of approval and get this on the agenda for when?

>> Betsy Shotwell: Next week would be great.

>> Mayor Reed: Next week, the 19th? All in favor, opposed, none opposed, that's approved. Thank you. Nothing from the federal government, no news is good news, I think. Have we actually received any money under the stimulus package from the federal government? Actual receipts.

>> Betsy Shotwell: I don't know. There is some money coming from NTC through to the Department of Transportation, approximately \$12 million plus some other funds. I'm not exactly sure if the check is in our shop or not. But it's coming.

>> Mayor Reed: So we have gotten no stimulus from spending the money yet. So we're still hoping there will be a stimulus.

>> Betsy Shotwell: Oh, yes, we're working diligently on that. Staff is working very hard. We'll be reporting out as this plays out over the next few months.

>> Mayor Reed: Nothing on meeting schedules. Anything from the public record the committee would like to pull for discussion?

>> Councilmember Chirco: I would move to note and file.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to note and file. I'd like to have one item, H, that's a letter from Gilbert Morales to the mayor and the council about the selection and appointment process for the independent police auditor, if we could get the clerk to respond with the action the council took and the memo that was the subject of the action.

>> Lee Price: Will do.

>> Mayor Reed: So that he's informed about what's happened. Motion is to note and file. All in favor? [ ayes ]

>> Mayor Reed: Opposed, none opposed, that's done. No appointments. We have -- the next item is the monthly report of activities for April from the City Auditor. Sharon, sir.

>> Sharon Erickson: Sharon Erickson, City Auditor. We issued during the month of April three audit reports. They were the audit of workers compensation follow-up report on outstanding audit recommendations. And then the annual audits of library and park bond funds and library parcel -- parcel tax special revenue funds. Other things during the month of April was the association of government accountants -- I have to pat ourselves on the back here -- gave us the gold certificate of achievement for San Jose's first efforts and accomplishments report. Then upcoming projects, tomorrow we'll be releasing three reports. First is the semi annual audit of the city's investment program. No issues there to speak of. The audit of auto theft investigations, and the third is the audit of the San José conservation corps agreements. Those are all scheduled for the public safety, finance and strategic support committee on May 21st. Then in June we expect to release an audit of employee health benefits and park trust fund administration. Hopefully also in June, you'll see our proposed work plan for '09-10, as the mayor mentioned earlier this morning. We will be soliciting your comments and suggestions for items that we should include on that plan. And as with every month, I want to thank city staff for their effort in helping us to do the audit work that we do. Without them providing us the information, we couldn't do these reports. And with that I'm happy to answer any questions and ask you to approve our monthly report.

>> Mayor Reed: Questions or comments? Nancy?

>> Councilmember Pyle: Well, I want to give you a hearty congratulations for the award. And I truly appreciate not only the quality but the quantity of work that do you, Sharon. It's really amazing that you push out as much work product as you do. Very much appreciate it.

>> Mayor Reed: I don't know if it's a good idea to get the highest award the first time you do something. [ Laughter ]

>> Mayor Reed: That's setting kind of a high bar for the next year's report. But we'll take the honors. We appreciate the work. It was really an excellent report. Council found it very useful, I think.

>> Councilmember Chirco: I would move approval of her monthly report.

>> Mayor Reed: Motion is to approve. All in favor, opposed, none opposed, that's approved. We at this time have nothing to add to council committee agendas. We have next item is the sunshine reform matters. I have a memo that I published asking staff, asking us to consider directing staff to prepare materials for the council discussion and consideration of some of the phase 2 Sunshine Reform Task Force proposals that require major policy decisions. Basically, the really hard stuff that we've wrestled with I want to put before the council with the task force recommendations, the staff recommendations and whatever we came up with, so the council has a chance to look at those alternatives. Because ultimately the council needs to make the decision. I just thought it would be better to do it in that format than trying to have an omnibus ordinance, a lot of work done, put that on the council, and then still have policy discussions after staff's already done all the work that might have to be redone. That was why I wanted to do that. I think there are three big ones left, unless I've forgotten one, that was the the law enforcement records, the balancing tests and drafts and memoranda sections, and the statistical reports done by the police department. And having thought about it a little bit, I think what might be helpful is if we package it, all of the other stuff, the -- I don't know, 35 or so items, move those to the council, not in ordinance form, but in the form that we're -- wherever they are, along with the balancing tests and drafts and memoranda section, because I think we were done with that. We just hadn't seen the final version of what we had done.

That's pretty much all that's done. That could move to council as a package. The law enforcement records we're not done with yet. I think we're still going to ask the law enforcement organizations around the state for a final opinion on it. That won't happen for a while yet so that could come later. And then the statistical reports by the police department. We hadn't made a decision on that, waiting to get some sort of an idea where the CPLE group to could go on reports. We could just look at see what we were doing first. That one could wait but I think the bulk of the you stuff could move. At some titan. The question is, when do you want to have it on a council discussion? We don't have any light agendas where we could add this without a lot of work until August, probably.

>> Tom Manheim: And that's what I was going to suggest. We actually met earlier this week when we saw the memo and began trying to schedule out what the work will take. And if we pushed very hard, we could get it onto one of those really ugly council meetings that are right at the end of June.

>> Mayor Reed: We're familiar with those.

>> Tom Manheim: But I'm not sure that will be the best approach. So we'll shoot for August if that's acceptable to the committee.

>> Mayor Reed: Do you think by August we'll be done with the law enforcement records piece of it?

>> Tom Manheim: I would not want to commit to that. We're -- trying to reach agreement between the two groups that you directed us to go back and work with, has been a little more challenging. I think we're close, but I still don't actually have that finalized. And then we send the information out to all the agencies to get feedback. And I'm just concerned if we're doing that you know in June, the responses might be slower in June and July. I think it's reasonable that we could be bringing that back to the Rules Committee in August but in terms of getting the work done so it could be going to council in August, I would be concerned to try to commit to that.

>> Mayor Reed: Because part of that schedule we can't really control -- okay, well, that's the basic idea. I know we have a couple of people here want to speak on this. Do councilmembers have any questions before I hear from Ed Rast and Richard Zepelli? Okay, Ed.

>> Ed Rast: Ed Rast, thank you, Mr. Mayor, for bringing these issues forward. I think that the council should have an opportunity to discuss, because my observation is these things have gone as far as they can go at the Rules and Open Government. So now, we should have the full council look at them. We are now, coming up next month, will be in the third year of working on sunshine. And I would recommend that we try to move forward as quickly as possible and conclude it. Because one of the things you always run up against is the delay in the process of implementation, then gets into the question of whether people are serious about it. I see that you're serious about it, but I think people in the public, when they don't know what the status is, they're not sure. One of the recommendations I would think you might want to do is somewhere in the next couple of months just put out a status on where -- to the public, where we stand on all the recommendations. I think a tremendous amount have been implemented, a lot of people don't know that. It might be worth while from a council point of view and a city administration point of view to put out that information so people kind of know where we stand. Thank you.

>> Mayor Reed: I think that is a good idea. We'll come back to that in just a minute. Richard, did you want to speak on this? Okay.

>> Good afternoon, Mayor, Vice Mayor, and Nancy Pyle. Basically, decisions of this need to stay on the outside. We need an outside voice in government for the residents. We are not so impressed with the kind of planning the previous administration has done and the problems they've caused for this administration. In terms of how the city is going to spend money in the future, and how it's going to be accounted for and how transparent it's going to be and what the standards are going to be for the future. Too much of what is decided in the city is done off-stage. There is much more transparency in city government now that Mayor Reed's administration has taken over but we keep pushing for more and we've given a lot more transparency than we have in the past. This is a moment that we can request for accountability. But if you get our money we want more accountability. We want to know how you spend every dollar, what you plan to do with it, what -- and also, what to know, what to plan, and avoid the kinds of mistakes that brought us here in the past. We know you need to make some serious and hard decisions. We want you to clarify your decisions about what the city administration's plan is here. We need to get all -- we need to get all pushed out on the table what you're planning to do. It has to be transparent and we want to see much more than we've seen before. It's way off stage. The administration doesn't talk to the rest of us outside government. Everything has to be -- everything has to be quiet, very confidential and nonconversational. The city wants the taxpayer money and higher fees to stay afloat. We want more transparency and accountability. Thank you very much.

>> Mayor Reed: Thank you. Mr. Wall.

>> I also echo that this council, under your leadership, has been the most transparent on record, and there is no problem. My only comment here today is to ensure that your individual work products are protected under the balancing act, so we don't have any crossovers or misunderstandings what documents, what consideration conversations may or may not have taken place, or anything that is directly given to you, be protected. We've seen too many conversations under the balancing acts and deliberative process that give rise to significant problems that people, like yourselves and everybody in this room, have the ability to be people without having every single word documented and put forth as if you understand what I'm talking about. Please ensure that this segment doesn't overlap other areas, that your work product is always protected. That's my comment.

>> Mayor Reed: Okay. Question to staff about -- somebody has the data, because I've seen it. I've just forgotten it and I can't recite it. The number of phase 1 recommendations that have been processed and approved and implemented, the number of phase 2 recommendations that have been through here that we've adopted and how many are still open or whatever.

>> Tom Manheim: I'm going to put Tom Norris on this spot. I don't know if he has his notes with him or if he has it all memorized but he's the one that's compiled that information.

>> I don't have my notes and I don't have it perfectly memorized but in phase 1 I recall that about 91, 92% of the recommendations were approved and have been implemented. In phase 2, well, the number's still changing but it's somewhere in the nature of two-thirds of the recommendations have been approved.

>> Mayor Reed: Okay.

>> Lisa Herrick: Mr. Mayor, if I can just add, the staff did issue a memo about implementation of phase 1, I think it was about February or March of this year. That is something that can be recirculated if you would like in terms of understanding what was approved, what has been implemented and how it was implemented in terms of rolling it out to the council committees and the boards and commissions for public meetings generally.

>> Mayor Reed: Okay, well I think as we move towards some sort of a hearing in August on these issues, that would just be part of the staff work.

>> Tom Manheim: We'll capture all of that.

>> Mayor Reed: That should be included in that. And then the other thing that is a modification of my written memo, is if we package -- let's see. 34 were accepted in whole for or minor changes, I see my memo on page 2. We packaged all those 34 with balancing test memorandum section. I don't think we need three or four alternatives for the 34 because those were essentially not an issue. It's these major policy ones that I would anticipate council would want to see the alternatives. And then the other thing is, I think the question of whether it should be an ordinance or a council policy, we don't need to draft the ordinance on any of these until the council makes that decision and that would just be part of whatever we do when we get these in front of us in August.

>> Tom Manheim: And that's helpful. We started talking about that piece, as well. And we think it probably makes the most sense to have that discussion at the end, because it's -- there are some -- we want to go back through phase 1 and make sure that what we've talked about in phase 1 all makes sense as an ordinance or if there are some pieces of that that also might be more appropriate as council policy. So we thought it would make sense to bring all of those together.

>> Mayor Reed: All right, that makes sense. And then I would anticipate when we get this on the hearing in August, that we you know, do something different in terms of the hearing and get the task force members to present their recommendations on the major policy issues just as part of the presentation, sort of outside the two-minute rule kind of stuff. We did it here, I think it works fine.

>> Tom Manheim: And if I could just clarify, so what I'm hearing is that we'll be coming back in August with everything except the police -- the law enforcement records and the statistical reports, so it will include the balancing test. And on the balancing test which is the area where there's been the most controversy, that's the

area where we would want to hear directly from the task force, and you would want to see the staff recommendations in that matrix --

>> Mayor Reed: Right.

>> Tom Manheim: -- with the task force recommendations. And we would follow that same approach when we do come back eventually with the law enforcement records and the police statistical reports.

>> Mayor Reed: Yeah, I would think so. Just we're not quite sure about the timing of that. Anything else on this?

>> Councilmember Chirco: I'd like to move approval as outlined in the previous conversation.

>> Councilmember Pyle: Second.

>> Mayor Reed: Okay, Schuyler did you want to talk on this? We are talking about getting the Sunshine Reform Task Force items to the council. (inaudible).

>> Mayor Reed: Sorry. It depends on how quickly we get done with the work that staff is doing and then we're going to circulate it for comment to the people who had opinions the first time through. It might be in the same time frame. We're just not too sure I guess is the summary.

>> Tom Manheim: And I'd be happy to meet with Schuyler after this meeting to walk her through briefly what we think is going to happen.

>> Mayor Reed: Okay, it's possible we can do it all at the same time, but we just don't know that answer yet. Anything else on this? All in favor? Opposed? None opposed, that's approved. I think that completes the agenda, except for the open forum. Is that right? Correct? That is correct. Mr. Wall, under open forum.

>> Water conservation methods are still within the subject matter jurisdiction, is that correct?

>> Mayor Reed: Yes, it's going to be on the agenda pretty soon.

>> Okay, very good. This falls through from last week's topic about saving your wash water from your -- washing your dishes in your sink. What I have today in show and tell is a box of PH paper. It can be purchased at any scientific store in San JosÉ. I have violated the pile law, I got this in Santa Clara, so please forgive me. I didn't know where in San JosÉ to buy it. These are little test strips, anybody can purchase them and it goes from PH of 1 which is acidic to 14 which is basic. Your typical wash water will range anywhere depending on your concentration of soap. So you have to measure it out and test it between 8 and 9 and you can compensate it to water your plants with, or a public park, if you are civic minded. That will be all for today. And I'll buy in San Jose, trust me.

>> Ed Rast: Ed Rast, open topic. I'd like to talk about what was at the budget session when it was brought up, or I'm sorry, at the council when it was brought up that there would be no public meetings concerning the closing of the fire stations. That gets to the issue of not only sunshine, but also, the feeling of the public that's a policy decision by the council is not followed. Basically, you get into the definition of what is closing of a fire station. In our view, at least in my view and a lot of people I've talked to, when you are going to close station 30 and 33, whether they're temporarily closed or permanently closed, they are closed. So you get into the issue of, you know, will people believe you in the future when you make a policy decision, and say, before we close the fire stations we are going to have public hearings. Right now what I'm hearing is they don't believe you. Because basically you set a policy decision, and you don't follow it. And so we're not -- so far we have not -- and right now, your response rates for the fire department and the EMS, is using a San JosÉ initiated response rate system, which basically, when you look at where it really comes out to be, you're 50% more than the national standards. And so what you have as a situation is, you have people, homes potentially burning that needn't be if we had a better response rate or people particularly dying. You have a 5.5% stroke survival rate, even though we've got some of the best stroke hospitals in the country in this area, because you can't get the people from where they've had their stroke to the hospital in time. Now you're going -- it's impossible to say when you close up two fire stations that

you're not going to have a further erosion of already the worst response rate in the county. So I think it's important to have a public meeting. Thank you.

>> Mayor Reed: Richard.

>> Once again, I'd like mention a song by Pearl Bailey, where it takes two to tango. Anybody know a thing about tango, it's when two different bodies get together and move in synch together, in rhythm. The problem we're having right now with the fire station issue is a matter of outreach. I wrote a little bit about it here, my personal opinions and also the opinions of district 6 leaders. It is inappropriate for the city administration to make a decision to close fire station and engine companies, an essential city service, without community outreach. Emergency medical services provided by the San José fire department is very essential, very sensitive subject with the residents in the city as experienced by all of us, both councilmembers, City Managers, neighborhood associations, and their leaders. We beg our city officials today to schedule public outreach meetings soon before any decisions are made to close fire stations or shut down fire station engine companies. Please consider the national performance standard for emergency response time of six minutes, compared to our San José standard of eight minutes. We are the only city and county in the Bay Area with the eight minute standard. Others have followed the national standard of six minutes. Presently 80% of our response times are eight and a half minutes. Closing stations will make it difficult for EM responders to hold the eight and a half minute record. Just for the sake of comparison, Sunnyvale fire department, the best in the Bay Area, is reporting response times of four minutes 98% of the time. This includes the police department being trained. The City of Oakland, with all its EMR problems, is averaging seven minute response times. San Francisco, another large city with a vertical growth, has a standard of six and a half minutes with a goal of reducing the standard to six minutes, is averaging six and a half minutes 78% of the time. Los Angeles, another large city with six minute standard, is averaging six and a half minutes over 80% of the time. San José, with a standard of eight minutes, is misleading the public.

>> Mayor Reed: Sorry, your time is up.

>> Okay, thank you.

>> Mayor Reed: Anybody else want to speak in the open forum? Okay, that concludes the open forum. I had one thing I need to revisit. I forgot something under the sunshine category. There was a recommendation from the task force regarding publication of information on discipline of employees. I don't know if it came under the fraud and hot line category or a specific recommendation from the task force. And I'd like to get that report done. We don't have to wait for an ordinance to be able to do that. And I wonder if we could just get the staff to do the discipline report.

>> Lisa Herrick: Okay, so the log of disciplinary actions.

>> Mayor Reed: Is that what it was, the log? Okay, whatever.

>> Lisa Herrick: There were a couple of things. The language from the task force's recommendations on the disciplinary log basically requires that a log be prepared when a notice of discipline is issued for regular classified civil service employees and it's maintained and updated and available for inspection. There was another recommendation that related to city officials, as that phrase is defined in the lobbyist ordinance and that obviously would not be the same class of people that relates to disclosure of certain investigatory materials. So I'm not sure which ones.

>> Mayor Reed: I've just looked at the San Francisco report, theirs is posted on the Web. It's not just a log, it's pretty public. And I think we could move ahead on that without having to do anything. The administration could do it without an ordinance or anything else.

>> City Manager Figone: Yes, and we will work with the attorney's office to make sure we maintain the appropriate confidentiality, provide the information that would give you a good sense for what the discipline is and why and also the action of the civil service commission or the arbitrator whoever is most relevant.

>> Mayor Reed: Okay. There's a story in the San Francisco paper about a building inspector's firing was upheld after an arbitration. And then there's a Website that they have for their whistle blower program that has allegations and resolutions of a whole bunch of them I think it would be interesting to the public to have --

>> City Attorney Doyle: We'll work with the manager's office to get that up and running as soon as possible. I have to caution, my staff advises me that public service employees have certain rights under law of confidentiality. So we'll make sure whatever we do we don't cross the line.

>> Mayor Reed: There are a lot of rules, that's why we have lawyers. Or is it because we have lawyers, we have a lot of rules. I don't know. They seem to work together. Anything else? We're done with the agenda. We're adjourned.