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Rules and Open Government Committee meeting, September 30th, 2009.

>> Mayor Reed: For September 30th, 2009. First question is whether or not there are any changes to the agenda order that we need to consider. Nope, okay. We'll plow through it as printed. First item is to review the October 6th agenda for the city council. Anything on page 1? I have a question on the 3:30 hear open forum. That language is a little bit different than we had in the past. Does that mean not before 3:30 or does it mean we're going to stop at 3:30?

>> I don't know what that is. We can check that. Do you want to keep that for this agenda now?

>> I think this agenda is going to end early. There's not much on the agenda.

>> Mayor Reed: Right, I don't want to have to wait until 3:30. Recess and come back in a half-hour. Anything else on page 1? Page 2 or 3? Page 4 or 5? Page 6 or 7? Or page 8 or anything else on that? We have a couple of requests to add, the reciprocal audit services for the City Auditor's office, I have a memo recommending that we add the authorization for the auditor to participate in the audit process of the local government auditors' association and a request to present a presentation of commendation to the First Presbyterian Church 160th anniversary. Excused absence for Vice Mayor Chirco.

>> Lee Price: And Mr. Mayor, we are going to add one more from Councilmember Constant for absence at closed session on the 15th of September.

>> Mayor Reed: All right, a presentation of a proclamation October 4th to the 10th as fire prevention week. And then I've had a request from Senator Elaine Alquist to make an appearance, make a presentation to the city council about an update on the state actions, as she has done in the past. She doesn't do it every year, but she's been here before. I'd like to have that heard right after the ceremonial items so she can figure out what time to be there and speak, so I think that's probably a ten-minute item. Any other requests or changes?

>> Councilmember Constant: Motion to approve as amended. Including Elaine Alquist.

>> Mayor Reed: Motion to approve as amended with the additions. All in favor, opposed, none opposed, that's done. Nothing on the October 13th agenda, since that's after the holiday. Redevelopment agency agenda for October 6th.

>> Mr. Mayor, members of the committee, the agency continues to have no items set for that date, and we do recommend cancellation of the separate agency meeting on that date.

>> Motion to cancel.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to cancel as amended. All in favor, opposed, none, October 13th, no meeting.

>> City Attorney Doyle: Mr. Mayor, just to note for the record, there's a possibility for a closed session item for redevelopment so cancellation for the redevelopment meeting doesn't necessarily mean cancellation of the closed session.

>> Mayor Reed: On the October 6th meeting date?

>> City Attorney Doyle: Yes.

>> Mayor Reed: How does that get noticed and agendaized if there is no redevelopment meeting just on this?

>> City Attorney Doyle: We do it separately, Gary will work on that and be sure it's noted.

>> Mayor Reed: All right. Nothing under upcoming study session agendas. No legislative update from the staff. I was in Washington, D.C. Wednesday, Thursday, Friday. Had 19 different events and meetings on a lot of legislative items, including meeting with the chief technology officer, which was a new job created by President Obama, to talk about our Green Vision and the things that we're doing here. And they are interested in trying to do something with us around technology since we are the technology center, or at least the leading technology place in the world. So that was good. And I think I will certainly be going back, because there's a lot of money in Washington and they're still trying to decide how to pass it out. It will be important for us to be there from time to time. Meeting schedules, no changes, anything from the public record the committee wants to pull for discussion?

>> Councilmember Constant: Mr. Mayor, I'd just like to refer item B, the ongoing referral of issues for the boards and commissions, evaluation by the City Clerk. And then motion to note and file the rest.

>> Second.

>> Mayor Reed: We have a motion to note and file. Mr. Brownstein wants to speak on something on the public record.

>> Bob Brownstein: Bob Brownstein. It's become clear to me over the last week that the Rules Committee needs to develop a process to deal with complaints regarding violations of the city sunshine policy. The Rules committee has decided that it is the venue to hear those complaints. That's perfectly reasonable. But there are a whole host of questions that go with that role. Does the person who is making the complaint have an opportunity to actually state the merits of the complaint? If there are issues of fact that need to be decided in evaluating the complaint, does the person who is presenting the complaint have the opportunity to present evidence, or to present witnesses? If a member of the city council is the subject of the complaint, do they have a conflict of interest if they are members of the Rules Committee, and would thereby be essentially judges in their own case? There are probably other issues as well. We haven't had many of these issues yet, these complaints yet. Mine is probably the first one. It's understandable that we don't have a process. But since, in my case, I can state clearly that the absence of a process makes fairness in the issue almost ridiculous or the effort to achieve fairness almost ridiculous. I think it behooves us all to start working on a process so the next time somebody could feel that they actually got some kind of a reasonable hearing. Thank you.

>> Mayor Reed: Anybody else on the public record? We have a motion to note and file the balance. I would like to, I think, take Mr. Brownstein's suggestions seriously. And that ought to be part of the work that we continue to do on the implementation of the sunshine ordinance, and the process that the council's already approved. There are clearly some details about that that need to be worked out so I'd like to refer that to staff as part of their continuing work on sunshine. If that's okay with the committee.

>> Councilmember Constant: It is.

>> Mayor Reed: We have a motion, all in favor, opposed, none opposed, that's approved. We have nothing under appointments to boards, commissions and committees. Item H, we have first item is the city attorney's response to the letter from Mr. Brownstein dated September 9th, 2009. City Attorney, anything to add?

>> City Attorney Doyle: No. I think the gist of the response, it's pretty self-explanatory, but that there's nothing in the record. We have found that requires any greater public testimony than what the Brown Act or state law requires. And I think that is what was afforded as per our earlier correspondence between my office and Mr. Brownstein and their outside counsel. So I'll just leave it at that.

>> Mayor Reed: Thank you. I did have one thing to add. I took a look at the resolution of the council for conduct, rules for conduct of the meetings, which we operate our meetings sections, Rule 4C, hearings and discussion items in public discussion, provides that we'll have public discussion on item before any motion is adopted relating to the merits of the matter to be heard. And being a lawyer, I understand what it means to be the parties versus the procedural questions. So I think that's an additional bit of information that's certainly consistent with the city attorney's reading of the Brown Act and our sunshine provisions. Anything else from the committee on that? I do have a couple of speakers who want to speak. Okay. Mr. Brownstein and then Mr. Field.

>> Bob Brownstein: The City Attorney's rejection of my complaint turns the work of the sunshine task force into a caricature of what the group really said and did. Mr. Doyle argues that the sunshine policies regarding the right to speak at meetings are limited to the rights included in the Brown Act. He is totally wrong. The whole reason for spending two years to enact a local sunshine policy was to go beyond the weaknesses in the Brown Act. But Mr. Doyle says, wait, the sunshine policy was really only about going beyond the Brown Act for notices of meetings and timing of staff memos, not about public testimony. Here, he completely confuses means and ends. The purpose for seeking greater notice and information was to allow more effective public participation. What sense would it make for if sunshine task force to say, we insist that citizens have enough time and information to prepare an effective presentation, but we don't care if they're denied the right to speak at all. But Mr. Doyle says, wait again. Now, he argues the task force never explicitly stated they wanted their public testimony language to go beyond the Brown Act. Of course not. They never dreamed they needed to. They adopted broad language that said the people had the right to speak on any item of interest to the public. Why would they possibly think that those words didn't cover every single issue that the city council debated? Certainly, the city attorney's office never told the task force it interpreted those words to mean their exact opposite, that the right of a citizen to speak on any item of interest really means the right of the mayor to refuse to allow any public testimony. We, members of the sunshine task force, stood strongly for effective public participation on every issue debated by the council. If the Rules Committee disagrees, change the sunshine policy, but don't say we endorsed denying the public the right to speak. We didn't, and everyone knows it.

>> Mayor Reed: Ben Field.

>> Thank you Mr. Mayor, members of the committee. Page one of the sunshine task force report reads in part, any person attending an open meeting of a policy body or ancillary body must be provided an opportunity to directly address the body during a consideration of an item. As you know on August 4th Bob Brownstein submitted a card in favor to speak in favor of an item, a motion made by Councilmember Nora Campos during orders of the day. Councilmember Campos' motion was to drop another item on that day's agenda, agenda item 5.3. Under the sunshine policy, Mr. Brownstein had a right to directly address the city council on Councilmember Nora Campos' motion during consideration of her motion. The City Attorney's memorandum states that Mr. Brownstein had ample opportunity to address the issue raised by Councilmember Campos's motion when he later spoke on agenda item 5.3. This appears obviously not to be correct, since the decision on that issue had already been made. Sunshine task force member Trixie Johnson asks you this question: What is the use of testifying after the vote is taken? Sunshine task force member Ken Podgorsek says, the ability for the public to influence decisions on proposed legislation is at the heart of openness in government. Limiting comments to being made after the decision has been made is contrary to open government and quite frankly insulting to the public at large. It was the intent of the Sunshine Reform Task Force to have true open government in San José, not the appearance of open government. Mr. Brownstein was denied his right to address the city council. This denial is a clear violation of the sunshine policy and contrary to the principles of open government. With all due respect, the error should be admitted so that it does not occur again. Thank you.

>> Mayor Reed: Thank you. Anybody else wishing to speak on this item? I just had an additional comment. I've gone through the unofficial transcript of that meeting, which is probably 30-some pages long, a couple of hours of discussion, lots of testimony from a lot of people. And I just want quote myself when this first came up. I think the appropriate time to have this discussion is when we discuss the item. Rather than having the debate in the middle of the orders of the day. So I think when we take up 5.3 we can decide whether or not it should be on the agenda or deferred or dropped or anything else as part of that debate. Because I know there are people here who want to speak on it and there will probably be others. A lot of people did speak on it. And I think that record of the hearing speaks for itself on everybody's opportunity to participate in it. And so I think that's pretty much my answer to the question. Anything else from the committee? Okay. We'll move on. Next item on the agenda is proposed amendments to chapter 9.58 of the municipal code, graffiti abatement ordinance. And Councilmember Nguyen has submitted a memo on this matter. Councilmember Nguyen.

>> Councilmember Nguyen: Thank you, mayor. If I may, I just wanted to briefly share with the committee why I'm bringing these amendments forward. Since 2006, to present, we have seen an increased in graffiti activity throughout the City of San José, from 2008 alone there was an increase of 38% in graffiti activity. So these amendments I'm bringing forward aims to reduce the amount of graffiti throughout our city as well establish direct accountability and responsibility for juveniles committing graffiti activity and if they commit graffiti activities they need to clean it up. It's simple, straightforward amendment. And the second part of the memo also talks about why we need to mandate a \$500 fine for parents or guardians of these minors who refuse to clean up their own graffiti as well as perform the 24 hours of community service, if they are caught vandalizing real properties throughout our city. So I'm hoping that the Rules Committee would allow to memo to move forward, so that give staff the amount of time to do a feasibility study and come back to the full council for a fuller discussion.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: I just had a couple of quick comments. I think this is a move in the right direction. I think one thing that I would like to see staff address is, how often is our police department use the municipal code for citation or arrest versus how often they're using the penal code section 594. And if -- how it would work in conjunction with the graffiti database, because we know that as the police department accumulates the number of tags that are out there, they can charge for a felony section of the penal code. And would anything in this inhibit that? Or would it be applicable? I just want to make sure that we look at those things before we make a recommendation.

>> Mayor Reed: I just want to get some clarification on the deferral. The recommendation is that we have staff study the feasibility of amending the municipal code. I think that's a good direction because we need to work with our friends in the county and probation, and the people who control the juveniles once they've been arrested, and I know we've had a lot of effort to get back to where they were doing any community service, because for a while they weren't doing any due to some budget cuts. So I think staff needs to include in this looking at the feasibility, the discussion with the people that were at the table at

the mayor's gang prevention task force, that's the right group of people, and to figure out whether or not we can move ahead, because we've discussed it. I know there are lots of bureaucratic issues about how we deal with this. But we've made progress by continuing to push on it. One of the central problems, Councilmember Constant sort of addressed the penal code section is the way it's handled now, according to the police officers I've talked to, is the adults are getting hammered with felonies. But the kids can't be dealt with in that same way. And so a lot of the kids were just skating. And community service is the one way to try to reach them. So if they have some penalty associated with what they're doing. And so my question for the staff is, do you need to do a workload assessment of what it's going to take to study the feasibility, or is study the feasibility essentially the work you'd have to do for a workload assessment?

>> City Manager Figone: I would like Albert to address that, because sometimes a workload assessment is the next step, but in this case, Albert, if you describe how you would evaluate feasibility?

>> Albert Balagso: Sure. Albert Balagso, director of Parks, Recreation, and Neighborhood Services. Mayor, this can be loaded into the work plan, what we're doing with the interagency subcommittee of the gang task force. All the stakeholders are at the table: The juvenile court judge, the chief of probation, Chief of Police, D.A. and so forth. So the conversation can begin there. It will be a continuation of last year's conversation of how we progressed. So this is a next step. We did take a step backward in June because of cuts to the county. They now have new staffing in place. I have new staffing in place so we are going to try to rebuild some of the opportunities to get greater punitive sanctions. But it warrants that discussion and this is certainly the best way to go about it.

>> City Attorney Doyle: And the legal questions amongst, there are some preemption issues, but primarily we can classify violations of the Municipal Code as misdemeanors or infractions. The question is whether we can mandate what specific penalty, or is the domain of the courts. And so that's something we need to work through. And again, to your point Mr. Mayor the dialogue with the county officials is part of that.

>> Mayor Reed: Yes, part of that is convincing the judges that they need to do certain things. We don't have the ability to tell them but we do have persuasive power sometimes and the superior court is part of the group of people who are at the table, gang task force.

>> City Manager Figone: Mayor, Albert if I could just close the loop then. It sounds to me that through that conversation you'll be able to understand the policy issues and then bring back for council discussion as Councilmember Nguyen has requested, really, whether or not the city wants to take that next step and it will be informed by those conversations, is that correct?

>> Albert Balagso: Correct. The timing is based on the meeting schedule of that group and putting it onto their work plan to bring it back.

>> Mayor Reed: Then after you've done that Councilmember Nguyen do you want it to come back here or come back to the Public Safety committee as a report on the feasibility issue?

>> Councilmember Nguyen: I think it would probably be better to come to the Rules Committee, therefore we could get a referral from the Rules Committee for a full council discussion.

>> Mayor Reed: Okay, Councilmember Constant? I do have some cards of people who want to speak. But we'll get to that in a minute.

>> Councilmember Constant: I had one more question for Rick. Rick, it looks like on item B it's almost worded as if it's a civil penalty versus a criminal penalty. So I assume you guys will look at that, too, what civil options there are in addition to criminal options.

>> City Attorney Doyle: Yes, and that's something that's part of the assessment.

>> Councilmember Constant: Okay.

>> Mayor Reed: Public testimony on this. Tina Morrow, and then David Wun.

>> Good afternoon, my name is Tina Morrow, I live in the Vendome neighborhood. I'm kind of the local Picasso for one of our murals that gets tagged on a regular basis. And I heard about this on the radio. I was like oh, yes, Madison, go, this is good. So I wanted to come in and just voice my support of looking at this. But I had a couple of things that stood out for me and I just wanted to call your attention to them. Just a couple of suggestions. The word graffiti is used but I don't see the word tagging very much and if you talk to a graffiti artist they're going to say there's a huge difference between our graffiti art and tagging. And so I don't know if that's even like a technical loophole or whatever, but I'd hate for some person to get out of you know, any kind of punitive, you know, being held accountable because they're tagging and they're saying tagging versus graffiti. I wanted to point that out. Also, I think that the community service and the fine is great. But I think it needs to be more punitive. I would suggestion because it takes about 28 days to change a habit, I think 28 days of community service at a couple hours

each day, which would be about 56 hours of community service and I think the fine, it should be an and, not an or. I think they need to get hit in the pocketbook. So that's something else I wanted to call out. I also suggest that maybe punisher -- or excuse me, repeat offenders are punished, there's a tiered system for that so that next time around, possibly they get hit a little bit harder. Just as a side note, different people have different opinions but a lot of the graffiti artists, they believe their work is art. I don't know if San José might look at the possibility of providing some walls for graffiti artists can practice their art so their self-expression can be realized as well, and -- because there is a difference between tagging and art. Thank you.

>> Mayor Reed: David Wun. Oh, David wall, your handwriting is not as good as last week.

>> David Wall: No, I'm very sorry about that. First of all, I would like to welcome you back to the city, Mr. Mayor. In reference to your policy, Madison, or Councilmember Nguyen, outstanding, good work. Obviously, I'm on the more punitive side of the ledger, because as it is written, it will not deter these little punks. I say that with all disrespect for these punks as with their parents. There has to be is the form of accountability in this model. Currently, this deterrence model is not enough to deter. Another legislative approach would be to seize their vehicles. Because they all travel for the most part some of them travel in little packs and if they can, the police or somebody could seize their vehicles, would put something more of a deterrence. Now also in Castroville, they have a unique way of doing things down there, that and Watsonville. They check their little juvenile offenders, from what I hear in the street, they check them into the general population of the county jail. And that scares the hell out of them. Now, whether or not this can be done here, I would think it could. There are also some other matters on how they deal with graffiti down those two jurisdictions that can't be discussed because it violates our laws. But it's community justice, and we can't discuss it. But this model needs a deterrence model.

>> Mayor Reed: Any other public testimony on this one? No? Do we have a motion?

>> Councilmember Constant: We do have a motion and second.

>> Mayor Reed: Motion and second. Further discussion on this? So this will come back here so we can move it on to the council agenda or send it to Public Safety committee, whatever we think's appropriate at that time. All in favor? Opposed? None opposed, that's approved. The next item is regarding performance management and reporting in San José, a proposal for improvements. The City Manager and City Auditor have a memo.

>> Sharon Erickson: I'll pick this one up, if I can. Sharon Erickson, City Auditor. Last January the City Auditor's Office published our first service efforts and accomplishments report. For those who have forgotten what it looks like, it's the funny blue thing turned sideways that has lots of charts and graphs about performance of city services and departments. That report, built on existing data that was provided by individual departments, and the City Manager's budget office, while preparing that report and in discussion with the budget office, my staff surfaced a number of issues with the City's performance management system and the reporting system. The purpose of this new report is to provide a road map to improve these systems. Over the last few month this draft has been circulated among staff. We call it the SEA follow-up white paper, as we played with the wording of this. The report is a little unusual. First, it has a joint transmittal memo on the front, which isn't normal for a product coming out of the City Auditor's office. This is because the City Manager and I in discussions both recognize this is a problem that both of our offices have recognized. It is also unusual in that it has next steps, rather than your typical audit recommendations. And this is because, in discussions, we envision this as a long-term collaborative effort, and the report is intended to be a road map for future actions. It's also unusual for an audit report to show up at the Rules Committee. And the reason for doing that is because the future potential impacts on performance measures that are reported across the organization in budget documents and even in the council committee reports that all the various committees see. The report itself is organized into five sections, and I'd just like to really briefly highlight each of those sections. The first one is moving San José from performance measures to performance management. The thing there is that we have over a thousand performance measures included in the annual operating budget, roughly 250 measures in the quarterly performance reports that come to council committees. There are periodic internal department reports that contain additional information, and there's compilation of additional performance measures across the organization for other purposes. In some we estimate there are hundreds of hours of staff time spent compiling this information. But what we realized is that performance management, that is, using the data, all this information, to improve performance, while it's occurring in some departments, it's not occurring citywide or in a broad citywide manner. So we are thinking there's some next steps, and one is, and this is happening across the country, various organizations to begin development of a performance

management system or to continue the improvement of that performance management system that includes ongoing periodic meetings with management where data is used to discuss and analyze the department's performance, establish objectives and then check in on those objectives. That's an ongoing process. That's why we're calling it next steps. It's not something that can be implemented in one go-round. The second section of the report focuses on ensuring that performance measures are meaningful, useful and sustainable. These are words that have been used around the city for a number of years, I know at least over the last decade. With the voluminous data the city produces much of which I need to emphasize is good and valuable, that's how we put together this report but amongst a lot of that there are a number of measures, performance data that aren't accurate or useful, that aren't understandable or important or seem to be worth the effort. And data isn't used, who can blame staff for not taking time to make sure it's accurate and if the data isn't accurate or useful, who can blame management or policy makers for not using the data? So the next steps here are tough. There are some things we can do initially, but it's an ongoing process, again. Reviewing and reducing the number of performance measures, it's a long-term effort. It's going to be an ongoing project. This fall the City Manager's office established two teams to review and recommend reductions to performance measures in at least two departments. The City Auditor's office is assisting with the training of those teams. Another thing we can do is work on what we fondly call internally the methodology sheets, us being clear the way data is calculated and some kind of a data clearinghouse, that the Auditor's Office can use when we're preparing the SEA report, that the Budget Office has available, and that's available eventually, we hope, to staff as well. There is a potential impact on the data that's included in council committee reports, and I think the City Manager and I both look forward to working with you as we revise these measures, potentially revising those committee reports. And I know that the committees were all instantly involved in the structure of those reports. So that will be an iterative process. The third section of our report concerns clarifying core services and how they align with missions, goals, and objectives. There's a few things here that we can do that are relative simple. There are some titles of core services that can be cleaned up so that it's clear what neighborhood livability services means, what's the services we're delivering. We can do some simpler things like alphabetizing recycled water under R instead of under M for managed recycled water. But then those are the relative simple things, but there's some longer-term things. The city's budget demonstrates aptly that we have added on and layered on multiple layers of goals, outcomes, purposes, priorities, performance measures for city service areas, for core services, for departments, and for council committees which have separate missions and goals and performance measures. We need to clarify those things, and that is a long term ongoing effort. The fourth section of the report is -- concerned gauging whether performance is cost effective. In our current economic environment cost effectiveness is a key concern. There are significant I.T. systems issues, information systems issues, that inhibit our ability to easily ascertain the full cost of services. Even though we live in the center of Silicon Valley, it's not easy to associate revenues with core services. To know the full cost of a service you need to know where to go in the budget, whether it's in citywide, whether it's in the department, whether they're related expenses in other funds. To determine whether or not there are revenue associated or funds that we're leveraging with this city spending, you have to know, again, where to look. In terms of fees, fines, revenues, reimbursements, it's not always clear. The next step here is within the limitations of our current system, my office will be assisting where we can the budget office, but the bulk of the work would fall on them to do a better job allocating or cross-referencing revenues and expenditures to the appropriate service, so we can really tell what the total cost of the service is and how much funding we're leveraging when we offer this service. The fifth and final section is simply about the challenge moving forward of finding the organizational capacity to refocus these efforts now. We are in the face of unprecedented staffing reductions and budget deficits. I have -- I would maintain that those deficits are precisely the reason we have to do this now. My office is ready and willing to help with these efforts where we can. Some items can be initiated within the next year. We hope that those items will be the ones that give us the biggest bang for the buck. Other items will take much longer. Kind of summarizes my comments. I did want to take the opportunity to thank the audit staff who worked on this project beginning with the SEA project and then this follow-up report, that's Roy Cervantes, Jasmine LeBlanc and Joe Royce. I also want to thank the city Manager and her staff: Jennifer McGuire, Walter Rossmann, Margaret McCann and Mariah Dabel, who provided valuable input to both the SEA report and this report, and have kind of signed up to help us implement some of the next steps through outlying tier. Again, the Auditor's Office looks forward where it's appropriate and where we can make ourselves available to assist the City Manager's office in this area.

>> City Manager Figone: Mayor, if I could just add a few comments. We do thank Sharon for working with us in getting this white paper out the door. We chatted quite a bit over the last few months and got both the budget staff as well as her team comfortable with what we could both cosign onto. In my mind this is the next evolution of the Beyond Budget Cuts efforts which I initiated last year, and in fact early on in that process it was identified that we really needed to move to more of a performance management system. And those are really great words, and certainly a best practice. It's not that easy to do. Sharon and I have some history in that regard from the '90s when we both worked on initiating in investing in results. So I think that this is definitely worth taking on, I think we need to be realistic about the journey and I do appreciate Sharon working with us kind of piece this out in a way that's manageable. Because clearly it's going to take capacity and the very capacity that we've continued to cut, administrative capacity, I.T. capacity. That is not a reason, though, to not move forward an progress. And I'm hoping that what we'll accomplish is to provide greater assistance to the mayor and council and your policy decisions. Clearly, measures are used throughout this organization, and I think we both came to the realization that our focus right now is what is meaningful to the council and the public. And that's not to say that in a department, staff won't use measures that you really never see and they should be using to manage their operations. But our focus is what is meaningful to the council and to the public. And this will hopefully help to inform the residents about the effectiveness and the efficiency of their government operations, and then certainly improve operational performance. I look forward to working on this project and I think it's worthy really taking it to the next level.

>> Mayor Reed: I agree with the both of you, I think there is a lot of improvement that we can make that will save us time and money in doing the performance measuring and making us more effective of using it. And having a thousand performance measures is probably a bit much, and so I agree with your assessment of that. And I've also come to realize that there are different performance measures at different levels of the organization. And while I may not care about 990 of them, maybe other people do because they're using them to manage their part of the organization. So it's really a different standard. After looking at what they did in New York under Mayor Giuliani, and what some other mayors have done with Citystat, Comstat, Baltimorestat and Seattlestat, and everybody gave it a different name, there's a different role for performance measures for the manager and the staff than there is for the policy makers. And we as policy makers need to decide what's important to us. So that you know what that is, and you're going to have different measures that are important to you. And I think this process as you're going to go through will help us sort that out. But I do know that merely collecting the data and having a performance measure doesn't gain you anything. It may be interesting and there may be value in having interesting things to look at. But if you're not using that performance measure to manage then you're not going to gain any efficiencies out of it. And so having a thousand of them may be interesting. I used to go through the entire budget and look at all those performance measures and they're really interesting. But it takes a lot of energy for your staff to put all that together. So I think beginning to narrow that down will be very helpful to all of us as we try to manage more issues with less resources. Pete.

>> Councilmember Constant: Thank you. I agree, I think this is a great path for us to go down. I just have one issue, and it's an issue I bring up every budget season and that's use of the word core services. By definition you can't have every single thing you do be a core service. And I think that's one of the biggest flaws we have in our budget process. And if we don't find a point for us to start addressing what is essential and what is nonessential and what is core and what is noncore and some other determination factor for us to look at the different things we do. Because there's things that we're mandated to do, there are things we should do, there are things we would like to do, and then you could argue a lot about the things that maybe we shouldn't even be doing. But if you call every single thing you have in city services core, you'll never be able to make any progress. And I think we really need to look at that because when I talk to my constituents, and out there in the general public, they think of core as those essential things that you have to do. And I really would like to see that addressed. Hopefully at the front end of a project like this and definitely I know I've said it over and over about the budget process but in our budget process as we go forward.

>> Mayor Reed: Nancy.

>> Councilmember Pyle: I, like Pete, do see this -- I see this in a couple of other ways, as well. Hopefully this will omit the constant, well, let's get a staff report on that, let's get a staff report on this, et cetera. We tend to do that, and we tend to do this do much I think. Secondly, I look at this as a very effective sales tool. When we went to Chicago I was really impressed with the fact that the staff we met with to talk about some of the issues that were of concern to us and what are you doing here in Chicago, they were able to

get this information at their fingertips, because it was easily available via a computer. So I would hope we can not only slim it down, make it more cutting edge, but also make it more instantly available. Because a lot of the things we're talking about in reference to reports have already been done, have they not? Have you found that to be the case? So if any of us can find it very quickly then we'll use it. Then we'll refer to it and it will be much more efficient. Thank you very much, I really appreciate the logic that makes a lot of sense. Thank you.

>> Mayor Reed: What do you need from us? You said conversation?

>> Sharon Erickson: If you would like to accept the report and we plan to move forward.

>> Councilmember Pyle: Move to accept the report.

>> Councilmember Nguyen: Second.

>> Mayor Reed: Move to accept the report and allow you to move forward.

>> Councilmember Constant: I would just like to hear back at some point about my comments. Because I think if we just accept the report, and we just go on, it will never come up again. And so I really would like some referral for some sort of response.

>> City Manager Figone: Let me give you the initial response, because Councilmember Constant and I have talked about this a lot. That label, core services, is really an administrative label and it was designed at the time to really describe in a succinct way what the departments do and what happens with the resources. I think we're in a day and an age where that word, core, needs to be changed. We're currently working through a way to have that conversation with council. Right now, our goal is to at least initiate it at the November 5th study session, where you'll get into a discussion, really, of priorities. We're trying to create a framework, though, so it's not, you know, putting you all in a position of just picking and choosing. So we're in the process of doing that. I think then the appropriate labels will fall out of that process.

>> Councilmember Constant: Okay.

>> Mayor Reed: I agree with Councilmember Constant, and I think it's important as I look at performance measures, thinking about the departments, if I were running a department I would want to know what, okay, these are my core services, this is what I have to do. And how am I doing on that? Because I'm going to be evaluated based on what I have. And all the other stuff I'm doing maybe isn't so important. So I think if you don't identify the core services, as Councilmember Constant is saying? In the beginning then you're going to end up measure anything. But if you are going to spend some time developing performance measures, you want to focus on things that are most important to the organization. Going back to the New York example, when Mayor Giuliani was going through his departments, they had ten performance measures. Ten most important things. They weren't looking at them once a year, or once a month, they were look at them either daily or weekly, and were making management decisions based on that. Well, that's the most important stuff, and if you don't deal with what's most important, then you're going to be spreading out your work over lots of areas, and I think you ought to start with the most important stuff. And whether you call it a core service or essential service or just the most important stuff, I think we can talk about that later. But I do want to make sure that we continue to get a report back. Okay, anything else on this? We do have a motion to approve. All in favor? Opposed? None opposed, that's approved. We have nothing to add to council committee agendas. Nothing under open government initiatives. Under open forum, does anybody wish to speak under open forum? Mr. Wall.

>> David Wall: I tried to be environmental by trying to put two issues on one card, but apparently my handwriting was really bad on that, too. Because I was going to speak on the last issue. But on this particular issue, I want to thank you for your \$27,000 -- \$27,237.50 pay cut, which still goes unequaled from the office of the City Manager for some unknown reason. And but here today because of some minor explosion in the neighborhood, I wasn't able to present a letter for your -- for today to thank a San José police officer in the neighborhood. Saturday night, we have another ongoing recurring problem which I'll talk about as a revenue source. But the San José police officer is James SoH. Sam, ocean, Henry. S-o-h. Badge 2035. That's a lot of cops under the bridge when they think you of you, Councilmember Constant. He's he did some of the most meticulous method police work in my 20 years of being able to do neighborhood watch with the beat cops. And his politeness is enough to almost make you cry. But he's suppressed along with about seven of his other brother officers, a problem property which added to graffiti which Tina was talking about into the neighborhood with that mural again, but his follow-through which is going to be written and entered into the public record. But I owed a duty of timely reporting of his outstanding conduct and my gratitude to not only him but his brother and sister officers on

the San José police department for coming into the neighborhood and rounding up a bunch of out of control, 30 to 40 people were at this party, most of them 18 to 20 years old, alcohol, drugs, the typical things, parents out of town. And this is significant cost recovery here when you have a public nuisance property. Thank you very much.

>> Mayor Reed: Okay, anybody else under open forum? Nope, we're adjourned.