

COUNCIL COMMITTEE MINUTES

Concurrent Special Committee Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento and the Parking Authority of the City of Sacramento.

VOTING RECORD LEGEND	
MOV: MOVED	ABST: ABSTAIN
SEC: SECOND	ABS: ABSENT
M — MAYOR RUDIN	D5 — SERNA
D1 — SHORE	D6 — MUELLER
D2 — FERRIS	D7 — KASTANIS
D3 — POPE	D8 — ROBIE
D4 — CHINN	

COMMITTEE NAME: LAW AND LEGISLATION

MEETING DATE: October 20, 1988

MEETING TIME: 3:30 p.m.

LOCATION: 1231 I STREET, 1ST FLOOR, HEARING ROOM

I HEREBY CALL Special Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento, and Parking Authority of the City of Sacramento to be conducted concurrently with the Council committee meetings listed below, which are incorporated herein by reference. The Special Meetings are called to permit Members who are not on the listed committees to attend the meetings and participate in the discussions. In the event five (5) or more members of the City Council are present at a Committee meeting, only those items listed on the agenda can be acted on or discussed.

Due to an executive session involving members of the City Council which ran overtime, the meeting of the Law and Legislation Committee was not called to order until 4:05 p.m. Chairman Terry Kastanis apologized to the members of the audience for the long delay.

PRESENT: Committeemembers Kastanis, Pope, Mueller and Shore

1. Resolution amending fees and charges for the Office of the City Clerk by establishing a filing fee for initiatives.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT AND FORWARD TO COUNCIL

COMMITTEE ACTION: SUPPORTED AND FORWARDED TO COUNCIL

VOTING RECORD: MOVED: Shore; SECONDED: Pope

AYES: Unanimous

MINUTES:

Anne Mason, Acting City Clerk, was present regarding this matter. Shore moved, Pope seconded, and it was unanimously agreed to support the resolution amending fees and charges for the Office of the City Clerk by establishing a filing fee for initiatives. This will now be brought to full Council with the Committee's recommendation.

COMMITTEE ACTION SHEET

2. Resolution superceding Resolution 75-626 establishing the policy and procedure for disclosure of public records.

RECOMMENDATION OF STAFF: RECOMMEND SUPPORT AND FORWARD TO COUNCIL

COMMITTEE ACTION: SUPPORTED WITH CHANGES AND FORWARDED TO COUNCIL

VOTING RECORD: MOVED: Pope; SECONDED: Mueller
AYES: Unanimous

MINUTES:

Jack Crist, Deputy City Manager, and Michelle Basurto of the Department of Finance, were present to discuss this matter. Mr. Crist stated that the existing policy has been in existence since 1975, and that the City hadn't been giving it a whole lot of prominence until a citizen complained. He said he was then requested to "freshen" or update this policy. Michelle Basurto summarized the changes which have been made, saying that the main intent is to provide access to and procedural guidelines for disclosure of City records.

Ms. Basurto explained that some of the things they have included in the new policy include a definition of public records and records which are exempt from required disclosure, as well as an outline of procedures for staff to follow. She said they have omitted the fee schedule because the City now has a Fee and Charge Report to look at for the fees.

Committeemember Mueller stated she had some technical questions. She first asked for a clarification of "preliminary drafts", and what is to prevent us from calling anything a preliminary draft. Ted Kobey, Assistant City Attorney, explained that there is no definition of preliminary drafts that he is aware of; however, preliminary drafts are documents very early on in the process -- a first draft -- not something ready to be released. He said that it must be a preliminary draft or notes, and that if someone wants a copy, the City has the burden to prove why they should not receive it -- to show that the public interest in not disclosing it clearly outweighs the public interest in disclosing it -- which is a tough burden.

Ms. Mueller then asked, under (b), to explain Division 3.6. Ms. Basurto said that according to the City Attorney, this refers to the Tort Claims Act. Ted Kobey explained that the Tort Claims Act

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COMMITTEE ACTION SHEET

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sets the procedure and the requirements for filing a claim against a public agency, including the City, and requires that this be done before a lawsuit is filed. He said this was the logical next step.

Ms. Mueller asked, under (e), records of complaints, whether there would be any objection to adding at the end of that section "revealing the identities of individual persons." She said she believes that is the intent of that section, and that she supports protecting the identity of persons mentioned in such reports. Mr. Kobey said he didn't foresee any objections to that insertion, but suggested Ms. Basurto check with the Police Department for their opinion before making that change.

Ms. Mueller asked whether a reference to Section 6 regarding refusal to disclose should be made at the end of subsection (e). In discussion between Committee members and staff, it was agreed that this is clear as written.

Ms. Mueller then asked why the Manager is the one to make the determination. She noted that the old ordinance makes the City Attorney the arbitrator. Mr. Kobey stated there were two reasons for changing this to the Manager. He explained that the City Manager is the chief administrative officer of the City of Sacramento, and the City Attorney is charged with giving advice. He said the City Attorney's office feels strongly that it is the Manager who should make those decisions, and that if a matter winds up in litigation, when the City Attorney's office made the decision, it may lead to the City Attorney's office being removed from handling the lawsuit.

Ms. Mueller asked whether there would be any objections to changing the last paragraph of Section 6 to read: "Upon receipt of such letter, the City Manager shall review the decision of the department head, consult the City Attorney as appropriate, confirm or reverse such decision and notify the department head and thereafter the requester of the determination made within ten days. It was agreed to make this addition.

Pope moved to support the resolution superceding Resolution 75-626 establishing the policy and procedure for disclosure of public records, adding to Section 2(e) the statement "revealing the identities of persons who are referred to in reports" if the Police Department does not object, and adding "within 10 days" to the end

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COMMITTEE ACTION SHEET

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of Section 6. Mueller seconded the motion, and it was unanimously approved. This will now go to full Council with the Committee's recommendation.

3. Proposition 79 regarding the School Facilities Bond Act of 1988.

RECOMMENDATION OF STAFF: RECOMMEND ENDORSEMENT
COMMITTEE ACTION: ENDORSED AND FORWARD TO COUNCIL
VOTING RECORD: MOVED: Pope; SECONDED: Mueller
AYES: Unanimous

MINUTES:

There was no discussion regarding this item. However, a representative of the Elk Grove School District was present at the meeting to show the District's support of this proposition.

4. Proposition 85 regarding library construction and renovation.

STAFF RECOMMENDATION: RECOMMEND ENDORSEMENT
COMMITTEE ACTION: ENDORSED AND FORWARDED TO COUNCIL
VOTING RECORD: MOVED: Kastanis; SECONDED: Pope
AYES: Unanimous

MINUTES:

Lynn Hiseley of the Library Department briefly discussed this proposition. Kastanis moved, Pope seconded, and it was unanimously agreed to endorse Proposition 85 regarding library construction and renovation. This will now go before the Council with the Committee's recommendation.

COMMITTEE ACTION SHEET

5. Proposition 88 relating to deposit of public moneys in federally insured industrial loan companies.

STAFF RECOMMENDATION: RECOMMEND ENDORSEMENT
COMMITTEE ACTION: ENDORSED AND FORWARDED TO COUNCIL
VOTING RECORD: MOVED: Mueller; SECONDED: Shore
AYES: Unanimous

MINUTES:

Will Brown from Assemblyman Patrick Johnston's office was present to answer any questions regarding Proposition 88. Mr. Brown explained the benefits of using licensed thrifts, which supply a higher rate of interest. Mueller moved, Shore seconded, and it was unanimously agreed to endorse Proposition 88 relating to deposit of public moneys in federally insured industrial loan companies. This will now go before the Council with the Committee's recommendation.

6. Proposition 95, the Hunger and Homeless Funding Initiative.

STAFF RECOMMENDATION: RECOMMEND OPPOSITION
COMMITTEE ACTION: OPPOSED AND FORWARDED TO COUNCIL
VOTING RECORD: MOVED: Pope; SECONDED: Shore
AYES: Pope, Shore, Kastanis
ABSTAINED: Mueller

MINUTES:

Sam Manolakis, President of the Sacramento Chapter of the California Restaurant Association, was present to answer any questions the Committee may have on this initiative. There was no discussion. Pope moved, Shore seconded, and Kastanis agreed to oppose Proposition 95. Mueller abstained, stating that she wanted to talk to the people in favor of this proposition. Dave Shore noted that the Democratic party is in support of this proposition.

COMMITTEE ACTION SHEET

7. Proposition 100, the ICAN/Good Driver Initiative.

STAFF RECOMMENDATION:

RECOMMEND SUPPORT

COMMITTEE ACTION:

SUPPORTED AND FORWARD TO COUNCIL

VOTING RECORD:

MOVED: Shore; SECONDED: Mueller

AYES: Shore, Mueller, Kastanis

NOES: Pope

MINUTES:

Tom Higgins of the "Yes on 100 Campaign Committee" was present to discuss this item. He explained that there are five insurance initiatives on the ballot this November, which he feels was done to encourage confusion, causing all of them to fail and thus forcing us to continue with the status quo, which he feels would be a big step backwards. He noted that three of the initiatives are sponsored by the insurance industry and the other two by consumers. He said his committee believes the other initiative sponsored by consumers, Proposition 103, is fatally flawed. He then discussed Proposition 100 in some detail.

Dave Murphy, president of the Independent Insurance Agents and Brokers Association of Sacramento, and Ron Blickley, an independent insurance agent, were present in opposition to Proposition 100. Mr. Blickley stated they were independent businessmen who are in the position of having to deliver the product that is the result of whatever initiative passes in November. He said they have to look at this insurance problem on a long-term basis. He said he feels Proposition 100 doesn't actively address premium cost reduction. He also feels the Council is in a difficult position to analyze all of these insurance initiatives in such a short period of time and then decide which one is the right way to go. He explained that his biggest concern is that he's in a very competitive business, and if his customer doesn't like his price, he'll go elsewhere. He feels Proposition 100 will reduce territorial rates and raise costs in Sacramento County by about 16%, as Sacramento will be paying for the big cities like Los Angeles. Dave Murphy commented that the bigger cities pay higher rates because they have more accidents and more traffic, and that Los Angeles will benefit while Sacramento, a smaller city, pays. He said this proposition notes only the average reduction. Mr. Blickley pointed out that if he tells a client there has been a rate increase, his client will say, "Why? I voted for Prop 100!" He also commented that he doesn't think the City Council should have taken up this issue in the first place.

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COMMITTEE ACTION SHEET

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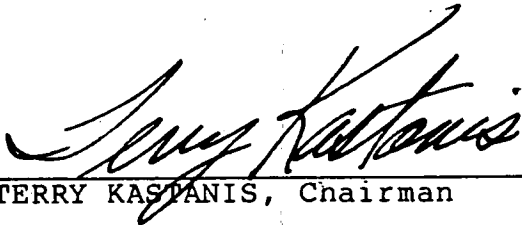
Tom Higgins responded by saying that the League of California Cities has endorsed only Proposition 100, as did the City of Stockton, and opposed all the others. There was a considerable amount of discussion.

Doug Pope said he votes "no" because he thinks these insurance initiatives are so complex that the City Council shouldn't be involved.

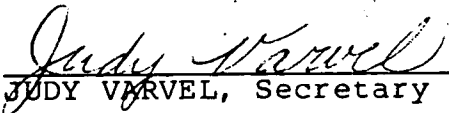
Dave Shore moved to endorse Proposition 100, stating that he does agree that the Legislature should have been dealing with this issue. Mueller seconded the motion, and Kastanis voted support. Pope voted in opposition. The vote was 3-1 for support. This will now go to full Council with the Committee's recommendation.

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The meeting was adjourned at 4:54 p.m.


TERRY KASTANIS, Chairman

ATTEST:


JUDY VARVEL, Secretary