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MEMORANDUM

TO: Rules Committee

FROM: Councilmember Dave Cortese

SUBJECT: San Jose Earthquakes

DATE: May 23, 2006

APPROVED:

DATE:

5/23/06

RECOMMENDATION

I request the following item be added to the June 6, 2006 City Council Agenda:

“Discussion and/or action related to the San Jose Mercury News Public Records Request for release of information associated with the November 29, 2005 Closed Session Council discussion and direction to staff regarding Silicon Valley Sports & Entertainment and the Earthquakes.”

DISCUSSION

The Mayor and City Council have learned that the San Jose Mercury News requested the City release information about the direction and vote of the City Council on November 29, 2005 (in closed session) regarding SVS&E and that the City Attorney declined to release this information, citing confidentiality.

While I understand that the Sunshine Reform Task Force will soon begin exploring issues of confidentiality and public disclosure, we should not wait until that process concludes before making decisions about disclosure as specific matters arise. As I said at the April 25, 2006 City Council Meeting, I do not believe the City should continue to invoke privilege once a matter has been concluded. The City Council has an important opportunity to show the public the sincerity behind our claims of transparent government by releasing the information associated with this recent issue.

It is within existing law, Government Code Section 54963 (a) that allows the City Council to authorize disclosure of its deliberations and I support the full release of information associated with SVS&E and the Earthquakes.

cc: Mayor & City Council