



Memorandum

TO: RULES COMMITTEE

FROM: LEE PRICE, MMC
CITY CLERK

SUBJECT: ITEM 12

DATE: March 7, 2008

Approved

Date

3/7/08

Please refer to Memorandum from Tom Manheim dated October 18, 2007 "Review of remaining provisions of Sunshine Reform Task force Phase I Report and Recommendations and the following attachments.

Other Advisory Entities

Group 1: Subject to the Brown Act

1. Airport Commission
 - Rules Committee
2. Arts Commission
 - a. Airport Art Program Oversight Committee
 - b. Executive Committee
 - c. Programs Committee
 - d. Public Art Committee
3. Council Assistants Meeting
4. Disability Advisory Committee of the Whole
5. Early Care and Education Commission
 - a. Nominating Committee
 - b. Executive Committee
6. Historic Landmarks Commission
 - Design Review Committee
7. Human Rights Commission
 - a. Public Safety Committee
 - b. Outreach Committee
 - c. Liaison to Youth Commission
8. Parks and Recreation Commission
 - Executive Committee
9. Rules and Open Government Council Assistants Meeting
10. Senior Citizens Commission
 - a. Health & Safety
 - b. Housing & Human Services
11. Sunshine Reform Task Force
 - a. Ethics and Conduct Subcommittee
 - b. Public Records Subcommittee
 - c. Technology Subcommittee
 - d. Administration and Accountability Subcommittee
12. Work2future
 - a. Executive Committee
 - b. Finance Committee
 - c. Operations Committee
 - d. Youth Council Committee
13. Youth Commission
 - a. Executive Board
 - b. Policy Committee
 - c. Social/Event Committee

Other Advisory Entities

Group 2: Required to be Open to the Public and Not Subject to the Brown Act

1. Community Action and Pride Grant Program Evaluation Panel
2. Downtown Working Group – advises Redevelopment Executive Director
3. San Jose Beautiful
 - a. Daffodil Planting Program
 - b. Earth Balloon
 - c. Neighborhood Beautification Awards
4. School Pedestrian Advisory Board – advises Police Chief
5. Blue Ribbon Task Force on Homelessness – disbanded, but advised Department Head
6. Therapeutic Services Strategic (Master) Plan Advisory Board – advises Therapeutic Services staff

Group 3: Not Required to be Open to the Public and Not Subject to Brown Act

1. Independent Police Auditor's Advisory Committee
2. Mayor's Gang Prevention Task Force, Technical Team (Panel for Distributing BEST funds)

Other Advisory Entities

DEFINITIONS

Group 1: Subject to the Brown Act

- Standing Committees of Boards, Commissions and Advisory Committees
- Committees comprised of City Council staff that represent a majority of City Council offices

Group 2: Open to the Public and Not Subject to the Brown Act

An entity falls into Group 2 if it meets either of the following:

- It is created by and to advise, solely on matters concerning the conduct of the public's business, the Mayor, the Mayor's Chief of Staff or Budget and Policy Director, a Councilmember, a Council Appointee, or any member of a Board, Commission or Advisory Committee; OR
- It grants or advises any group subject to the Brown Act about grants of City or RDA funds of \$200K or more per fiscal year to a non-City organization

This definition is not intended to include groups that solely advise elected officials on election or campaign related matters

Group 3: Not Open to the Public and Not Subject to the Brown Act

An entity falls into Group 3 if it meets either of the following:

- It is formed or used for specific or immediate problems and not intended to meet for more than 6 months; OR
- Its meetings include discussion about private or non-public information, where the *public interest served by NOT disclosing the information* clearly outweighs the public interest served by disclosure of the information.

Other Advisory Entities –Task Force Recommendations

Categories	SRTF Recommendation for Other Advisory Entities
1. Agenda Posting (Regular Mtg.)	4 calendar days
2. Staff Reports ("Agenda Packet" per SRTF definition 1.2)	4 calendar days
3. Staff Reports –Expenditures of \$1M or More	4 calendar days
4. Public Subsidy –\$1M or More	N/A
5. Supplemental Staff Reports	2 calendar days
6. Council Memos	2 calendar days
7. Agenda Posting (Special Meeting)	24 hours
8. Recording	Audio record meetings or provide action minutes Recordings to be kept for 2 years
9. Public Testimony	Brown Act
10. Minutes	Action minutes or audio recording

Current Non-Governmental Bodies

Defined by the Sunshine Reform Task Force:

- A. The contractor operates or fully maintains any community center or City facility with a value of over \$5M; OR
- B. Contractor receives, per FY from City or RDA, at least the amount of the CMO's contract authority set forth in City Code (\$250K); and provides direct services defined as: *Police, Fire, Sewage Treatment & Water Utility, Garbage Collection, Street Maintenance or Library Services*

1	Catholic Charities of Santa Clara County
2	San Jose Repertory Theater
3	San Jose Stage Company
4	AMPCO
5	Central Parking Systems
6	Dolce International
7	Logitech Ice/Silicon Valley Sports and Entertainment
8	Palace Entertainment
9	Los Lagos Golf Course LLC
10	San Jose Golf LLC
11	Mike Rawitser Golf Shop
12	River Street Development Group
13	San Jose Giants
14	Arena Management Corporation
15	Children's Discovery Museum of San Jose
16	History San Jose
17	Mexican Heritage Corporation
18	San Jose Museum of Art
19	Team San Jose
20	Tech Museum of Innovation
<hr/>	
21	GreenWaste Recovery
22	GreenTeam of San Jose
24	California Waste Systems
25	Garden City Sanitation
26	Universal Maintenance
27	Bond Black Top
28	Goodwill
29	San Jose Conservation Corps
	NGBs-Needing Further Discussion
1	SJ Downtown Association (BID)/Downtown PBID/Hotel BID/WG BID/Japantown BID
2	Convention & Visitors Bureau
3	Taxi San Jose
4	Police Athletic League

Sunshine Reform Task Force Recommendations for NGB's:

- Assign each NGB to the Council, a Council Committee or Advisory Committee
- NGBs provide written reports to their assigned oversight body (Council, a Council Committee or Advisory Committee) indicating compliance with contract requirements annually
- Supplemental reports required whenever contractor makes *significant policy or program change (Defined Below)*

Significant Policy or Program Change Requiring Supplemental Reports:

1. Changes in revenue or expenditures that could affect the NGB's status as a going concern
2. Changes in levels of Service of a type and scale that substantially affects contractual performance
3. Changes in allocation of service to different areas or populations that substantially affects contractual performance
4. Changes in the number or qualifications of staff that jeopardize the ability of the NGB to fulfill contract obligations
5. Changes in activities that maintain or preserve public facilities and/or property of a type or scale sufficient to impede public use of those facilities or to jeopardize the facility's physical integrity
6. Actions that place the City or public at risk of financial loss, property damage, or personal injury beyond those risks normally associated with responsible delivery of the contracted service