



Memorandum

TO: RULES COMMITTEE

FROM: Richard Doyle
City Attorney

SUBJECT: SEE BELOW

DATE: June 21, 2007

**RE: LIST OF BODIES SUBJECT TO THE SUNSHINE REFORM TASK FORCE
PHASE 1 REPORT AND RECOMMENDATIONS**

BACKGROUND

At the Rules & Open Government Committee meeting on May 30, 2007, the Committee directed staff to work with the Sunshine Reform Task Force to develop two lists of bodies subject to the Task Force's Phase 1 Recommendations: (1) a list of entities that staff and the Task Force agreed were policy bodies; and (2) another list of entities that staff and the Task Force did not agree were policy bodies. At the same time, staff offered to prepare a matrix listing the criteria for determining whether an entity would be subject to the Task Force's recommendations, and if so, whether it would be a (1) policy body; (2) ancillary body; or (3) non-governmental body (NGB).

ANALYSIS

After the May 30th Rules & Open Government Committee meeting, staff prepared a matrix of entities listing the applicable criteria in the definitions of policy body, ancillary body and non-governmental body. Staff distributed the matrix to the Task Force to consider during its meeting on June 7, 2007. At the June 7th meeting, staff and the Task Force agreed to review the definitions of ancillary body and non-governmental body as well as identify the entities that the Task Force intended to categorize as policy bodies.

The matrix contained in Attachment 1 reflects the decisions made by the Task Force on June 7th and identifies entities by criteria in the definitions of policy body, ancillary body and non-governmental body. Except for the far right-hand column, staff and the Task Force agree with all of the categorizations, which total 18 policy bodies, 21 ancillary bodies and 30 non-governmental bodies. The far right-hand column lists 32 entities that the Task Force believes should be included as policy bodies; staff believes these entities should not be categorized as policy bodies because, in all cases, these entities either make recommendations to a policy body or their decisions may be appealed to a policy body.

The matrix also identifies a few entities that were not categorized by the Task Force and warrant further discussion.

RULES COMMITTEE

Subject: List of Bodies Subject to the SRTF Phase 1 Report and Recommendations

June 21, 2007

Page 2

Finally, as a part of the discussion of entities, the Task Force moved to revise the definitions of policy body and ancillary body. The new definitions are below. Additions are underlined; deletions are in ~~strike through~~. Staff will need to make additional revisions to the definitions for clarity and consistency when the ordinance is implemented and therefore recommends deferring any action on revisions to the definitions until Council directs staff to prepare an ordinance. In any event, the revised definitions are provided here to assist the Committee in its discussion.

Policy body

“Policy body” means:

- A. The City Council, Board of the San José Redevelopment Agency, San José Financing Authority, San José Clean Water Financing Authority, San José Parking Authority and all committees or other bodies of the City Council or Board of the San José Redevelopment Agency, whether permanent or temporary, decision-making or advisory.
- B. All boards and commissions established pursuant to the City Charter.
- C. All boards, commissions, committees or other bodies created by ordinance, resolution or other formal action of the City Council, Board of the San José Redevelopment Agency, San José Financing Authority, San José Clean Water Financing Authority or San José Parking Authority ~~and their standing committees.~~
- ~~D. Committees comprised of City Council staff that together represent a quorum of the City Council.~~
- E. Any body that is:
 - 1. Created by a policy body in order to exercise authority delegated to it by that policy body; or
 - ~~2. Exists primarily to exercise authority that has been delegated to it by a policy body; or~~
 - 3.2. Receives funds from the City and has on its governing body a member of a policy body or his or her designee who was appointed to the governing body by the policy body as a full voting member.
- ~~F. Any body that grants or advises a policy body or Department Head about grants to a non-City organization where the aggregate amount of funds granted totals more than \$200,000 in City or San Jose Redevelopment Agency funds per City fiscal year.~~
- G. Policy body does not include any committee or body that consists solely of City staff.
- H. If a body meets the criteria for more than one type of body, the definition and requirements that would result in greater public access will apply to that body.

00072

RULES COMMITTEE

Subject: List of Bodies Subject to the SRTF Phase 1 Report and Recommendations

June 21, 2007

Page 3

Ancillary body

“Ancillary body” means:

- A. Committees or other bodies created by and to serve as an advisor to a member of a policy body, the Mayor, a City Councilmember, the Mayor’s Chief of Staff, the Mayor’s Budget and Policy Director, a Council appointee or a Department Head.
- B. Committees comprised of City Council staff that together represent a quorum of the City Council.
- C. Any body that grants or advises a policy body or Department Head about grants to a non-City organization where the aggregate amount of funds granted totals more than \$200,000 in City or San Jose Redevelopment Agency funds per City fiscal year.
- BD. Ancillary body does not include any committee or body that consists solely of City staff.

RICHARD DOYLE
City Attorney

By: 

Lisa Herrick
Sr. Deputy City Attorney

If you have any questions, please contact Lisa Herrick at 408-535-1900.

00073

Public Meetings: Definitions of Policy Bodies, Ancillary Bodies and Non-governmental Bodies

Staff believes that the bodies in the far right-hand column should be ancillary bodies because they either make recommendations to a policy body or their decisions may be appealed to a policy body.

Note: While staff has made every effort to identify all the bodies that meet the SRTF's criteria, there may be additional bodies that would be subject to the SRTF's recommendations.

Definition/Criteria	Policy Bodies	Ancillary Bodies	NGBs	The SRTF and Staff Disagree
Policy Body				
A. The City Council, Board of the San José Redevelopment Agency, San José Financing Authority, San José Clean Water Financing Authority, San José Parking Authority and all committees or other bodies of the City Council or Board of the San José Redevelopment Agency, whether permanent or temporary, decision-making or advisory.	<ol style="list-style-type: none"> 1. City Council 2. RDA 3. SJ Financing Authority 4. SJ/SC Clean Water Financing Authority 5. SJ Parking Authority 6. SJ Housing Authority 			<ol style="list-style-type: none"> 1. Community & Economic Development Committee 2. Neighborhood Services & Education Committee 3. Public Safety, Finance & Strategic Support Committee 4. Rules & Open Government Committee 5. Transportation & Environment Committee
B. All boards and commissions established pursuant to the City Charter.	<ol style="list-style-type: none"> 1. Planning Commission 2. Civil Service Commission 			Council Salary Setting Commission
C. All boards, commissions, committees or other bodies created by ordinance, resolution or other formal action of the City Council, Board of the San José Redevelopment Agency, San José Financing Authority, San José Clean Water Financing Authority or San José Parking Authority and their standing committees.	<ol style="list-style-type: none"> 1. Appeals Hearing Board 2. Deferred Compensation Advisory Committee 3. Elections Commission 4. Federated Employees Retirement Board 5. Historic Landmarks Commission 6. Independent Hearing Panel (LEA) 7. Police and Fire Retirement Board 8. SJ/SC Treatment Plant Advisory Committee 	<ol style="list-style-type: none"> 1. Police and Fire Retirement Board, Investment Committee 2. Police and Fire Retirement Board, Investment Committee of the Whole 3. Police and Fire Retirement Board, Real Estate Committee 4. Federated Employees 		<ol style="list-style-type: none"> 1. Advisory Commission on Rents 2. Airport Commission 3. Airport Noise Advisory Committee 4. Arts Commission 5. Bicycle and Pedestrian Advisory Committee 6. Coyote Valley Task Force 7. Disability Advisory Committee 8. Domestic Violence Advisory Board 9. Downtown Working Group 10. Downtown Parking Board

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	9. Traffic Appeals Commission	Retirement Board, Investment Committee 5. Federated Employees Retirement Board, Investment Committee of the Whole 6. Federated Employees Retirement Board, Real Estate Committee 7. Arts Commission, Exec. Committee 8. Arts Commission, Public Art Committee		11. Early Care and Education Commission 12. Healthy Neighborhoods Venture Fund 13. Housing & Community Development Advisory Committee 14. Human Rights Commission 15. Library Commission 16. Mobile Home Advisory Commission 17. Parking and Traffic Committee 18. Parks and Recreation Commission 19. Public Safety Bond Citizen Oversight Committee 20. San Jose Beautiful 21. Senior Citizen Advisory Commission 22. Silicon Valley Work2Future 23. Small Business Development Commission 24. Strong Neighborhoods Initiative Project Advisory Committee 25. Sunshine Reform Task Force 26. Youth Commission
D. Committees comprised of City Council staff that together represent a quorum of the City Council.		1. Council Assistants Meeting		

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Definition/Criteria	Policy Bodies	Ancillary Bodies	NGBs	The SRTF and Staff Disagree
		2. Rules and Open Government Assistants Meeting		
E. Any body that is: 1. Created by a policy body in order to exercise authority delegated to it by that policy body; or	San Jose Arena Authority			
2. Exists primarily to exercise authority that has been delegated to it by a policy body; or		San Jose Sports Authority	1. Arena Management Corp. 2. Children's Discovery Museum of San Jose 3. GreenTeam of San Jose 4. History San Jose 5. Mexican Heritage Corporation 6. Norcal Waste Systems of San Jose 7. San Jose Museum of Art 8. Team San Jose 9. Tech Museum of Innovation	

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Definition/Criteria	Policy Bodies	Ancillary Bodies	NGBs	The SRTF and Staff Disagree
3. Receives funds from the City and has on its governing body a member of a policy body or his or her designee who was appointed to the governing body by the policy body as a full voting member.				
F. Any body that grants or advises a policy body or Department Head about grants to a non-City organization where the aggregate amount of funds granted totals more than \$200,000 in City or San José Redevelopment Agency funds per City fiscal year		1. Bringing Everyone's Strengths Together Evaluation Panel 2. Community Action and Pride Grant Program Evaluation Panel		
G. Policy body does not include any committee or body that consists solely of City staff.				
H. If a body meets the criteria for more than one type of body, the definition and requirements that would result in greater public access will apply to that body.				
Ancillary Body				
A. Committees or other bodies created by and to serve as an advisor to a member of a policy body, the Mayor, a City Councilmember, the Mayor's Chief of Staff, the Mayor's Budget and Policy Director, a Council appointee or a Department		1. Mayor's Gang Prevention Task Force 2. Evergreen Visioning Project		

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Head.		3. Mayor-elect Reed's Transition Team and Subcommittees 4. Independent Police Auditor's Advisory Committee 5. Citizens Corps Council 6. Community Project Action Committees 7. 5 Year Housing Planning Committee 8. Downtown Advisory Group		
B. Ancillary body does not include any committee or body that consists solely of City staff.				
Non-governmental Body				
A. The contractor operates or fully maintains any community center or a City facility with a value of over \$5,000,000; or			1. Catholic Charities 2. San Jose Repertory Theater 3. San Jose Stage Company 4. AMPCO 5. Central Parking Systems 6. Dolce International 7. Logitech Ice/Silicon	

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Definition/Criteria	Policy Bodies	Ancillary Bodies	NGBs	The SRTF and Staff Disagree
			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	
B. The contractor receives, per City fiscal year from the City or San Jose Redevelopment Agency, at least the amount of the City Manager's contract authority set forth in San José Municipal Code Section 4.04.020(A)(3)(c); and 1. Provides direct services defined as: a. Police services; b. Fire services; c. Sewage treatment and water utility services; d. Garbage collection services; e. Street maintenance services; or f. Library services.			1. GreenWaste Recovery 2. Browning-Ferris Industries of CA 3. California Waste Systems 4. Garden City Sanitation 5. Universal Maintenance 6. Bond Black Top 7. Goodwill 8. San Jose Conservation Corps	

00079

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Entities Requiring Further Discussion

1. San Jose Downtown Association – In order to capture the Downtown Business Improvement District (BID) (as well as the Downtown Property BID, Hotel BID, Willow Glen BID and Japantown BID), subsection B(1)(f): "manages funds from a business improvement district or a property business improvement district" could be added to the definition of non-governmental body.
2. Convention and Visitors Bureau – The CVB cannot be categorized as a non-governmental body under the SRTF's definition.
3. Taxi San Jose – Taxi San Jose cannot be categorized as a non-governmental body under the SRTF's definition.
4. Police Athletic League – Staff has learned that a deed restriction limits the use of this land to a park, which also limits the value of the land. As a result, PAL cannot be categorized as a non-governmental body under the SRTF's definition.

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