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APR 05 2006

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Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Les White

SUBJECT: SUNSHINE REFORM TASK FORCE **DATE:** April 5, 2006

Attached please find a copy of the Sunshine Reform Task Force recommendation. This item will be considered at the City Council's April 18, 2006 meeting. Due to the high interest in this recommendation, it is being released early. At this time, it does not have an item number (it will be assigned on Thursday by the City Clerk), but I am providing it to you today to allow more time for review.



Les White
City Manager





Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Les White

SUBJECT: SUNSHINE REFORMS TASK FORCE **DATE:** April 5, 2006

COUNCIL DISTRICT: City-Wide
SNI AREA:

RECOMMENDATION

Approve recommended framework for the formation of a Sunshine Reforms Task Force to review proposals forwarded by the City Council at its March 21, 2006 meeting, as well as any additional proposals that the Task Force deems worthy of consideration, and make recommendations to the City Council regarding their adoption and implementation.

OUTCOME

Approval of this recommendation will establish the composition of a community-based task force that will review and recommend to the City Council a package of proposals to increase opportunities for public access to information, enhance neighborhood participation, and ensure government accountability.

BACKGROUND

At its March 21, 2006 meeting, the City Council held a public hearing and considered a number of proposed Sunshine reforms designed to promote open, accessible and inclusive government. At the completion of the public hearing, the Council directed staff to develop a work plan with specific recommendations regarding the implementation of 22 Sunshine reform measures focused in three areas: 1) Public Information; 2) Neighborhood Participation; and, 3) Government Accountability. The City Council further directed staff to develop a recommended framework for a public engagement process using a task force through which the public could review these and any other Sunshine reforms that it determines worthy of consideration.

ANALYSIS

San Jose has a long and well-earned reputation for open, clean and collaborative government and public engagement processes. Over the past two years several policies have been revised and strengthened to further support open and transparent government:

1. The Strong Neighborhoods Initiative engaged and empowered residents in neighborhood-based priority setting processes that have informed City Council investment decisions.
2. As a matter of practice the City publishes key documents in three languages and posts them on the Internet.
3. The Blue Ribbon Task Force initiated a series of reforms designed to make information more available to the public about lobbyists' and their interactions with the City and to tighten the City Gift Ordinance.
4. The Council adopted new Process Integrity Guidelines for procurements that require greater public disclosure.
5. The City has revised and improved our policies and procedures for responding to public record act requests to ensure timely and complete responses.
6. Last year we expanded live television and web-streaming coverage to include City Council and all Council Committee meetings.
7. Last year we introduced the Granicus video streaming and archiving system that provides the public with 24-hour on-demand access to video of City Council and Committee meetings and includes links to the agendas and staff reports.
8. The City Council recently adopted revisions to the Public Outreach Policy that expanded the city's efforts to engage the public in land use decisions.

In developing this proposal, staff has: 1) reviewed the goals of Sunshine reform proposals discussed during the City Council's initial consideration of this item; 2) developed a recommended framework to guide the establishment of a public engagement process; and, 3) recommended categories of stakeholders and a selection process for consideration by Council in establishing a task force to publicly review and recommend Sunshine reform proposals.

Sunshine Reform Goals

To establish proposed goals for the Sunshine reforms task force, staff reviewed comments from Councilmembers and the public during the March 21, 2006 public hearing, as well as recent articles published in the Mercury News. Through this review staff identified the following broad goals that are intended to provide guidance to the Council and/or task force in considering Sunshine reforms. They are not intended to be all inclusive, but rather to provide a framework within which the discussion of Sunshine reforms can begin. They include:

1. The public's business should be conducted in public.
2. Information about the time and location of public meetings should be readily accessible and convenient to access.
3. The public should have a meaningful opportunity to participate in public decisions.
4. The public should have both easy access and sufficient time to fully review all information that is relevant to an item being discussed at a public meeting.

5. There should be full and complete disclosure of information relevant to an issue being considered by any public body.
6. Stakeholders should be provided with an opportunity to be fully engaged before significant items are brought to a public body for consideration.
7. Public records should be broadly defined and inclusive.
8. The public should have easy and convenient access to public records.

In addition to these goals, some comments made at the public hearing addressed the need to ensure that reforms are enforceable and that they take into consideration recent efforts to increase efficiency, timeliness, and responsiveness in the delivery of public services.

Criteria for Task Force Formation

To guide the development of a framework for public engagement in the development of Sunshine reforms, staff is suggesting the following criteria:

- The public engagement process should be open and inclusive and should be conducted in a manner that is consistent with the goals identified above.
- Where possible, the membership of each stakeholder category identified for a seat on the task force should nominate its own representative.
- The task force should reflect the diversity of our community.
- Unless representing a stakeholder category that requires special expertise, members of the task force should be residents of San Jose.
- To the extent possible, the task force should include members from every geographic district of San Jose.

Task Force Composition

To ensure broad public input and participation in the Sunshine reforms review, staff would recommend the following composition for the make up of the task force:

Category	#
Neighborhood Representatives	4
Former Mayor	1
Former Councilmember	1
Boards & Commissions Representative	1
Chamber of Commerce	1
Silicon Valley Leadership Group	1
Labor	1
League of Women Voters	1
News Media	1
Academic (Public Administration or Political Science)	1
Technology Expert	1
At large	1
Total	15

To ensure that the committee members are selected in an open process and to avoid even the perception that there has been any predetermination of the task force membership, staff is recommending that a number of the seats be filled by having the City Clerk draw names from groups of individuals nominated by Councilmembers. The time and place for the drawing of names would be noticed and open to the public. Staff recommends the following procedures for appointing members of the task force:

- Mayor's appointment—The mayor would name a former mayor to the seat reserved for this position.
- Council appointments—The Council would collectively make five appointments:
 - 1) Two neighborhood seats—each councilmember would submit the name of one neighborhood representative from their District to the City Clerk, who would draw two names.
 - 2) Former Councilmember—each councilmember would submit the name of one former councilmember to the City Clerk who would draw one name.
 - 3) Boards & Commissions Representative— each councilmember would submit the name of one member of a City Board or Commission to the City Clerk, who would then draw one name.
 - 4) One At-Large Representatives— each councilmember would submit the name of one at-large representative from their District to the City Clerk, who would draw one name.
- Self-nominated appointments—The following groups would self-nominate a single representative:
 - 1) United Neighborhoods of Santa Clara County (nominee must be a San Jose resident).
 - 2) Strong Neighborhoods Initiative Project Area Committee (SNI-PAC).
 - 3) Chamber of Commerce.
 - 4) Silicon Valley Leadership Group.
 - 5) League of Women Voters.
 - 6) Labor – To be named by the South Bay Labor Council.
 - 7) News Media – a single news media representative would be selected from among media organizations with a permanent presence in Santa Clara County using the same mechanism these organizations use to select a representative when required to pool for news coverage.
- Staff recommended appointments—staff would return in two weeks with candidates to fill these two seats reserved for special expertise:
 - 1) Academic –An individual with public policy, public administration, or political science background.
 - 2) Technology – An individual to provide expertise when considering technologies that can assist the city in achieving the goals of accessibility and openness.

Because this is an election year, staff would recommend against the inclusion on the task force of anyone who is actively involved in the campaign of a current councilmember or a candidate for City office, and would further recommend against the inclusion on the task force of any lobbyist registered with the City. We would expect each of the appointed candidates to undergo a screening

process similar to the process used for Project Diversity to identify any potential conflicts of interest or other issues that should be addressed.

The Administration recommends that the task force be charged with selecting its own chairperson and be staffed with representatives from the offices of the City Manager, City Clerk, and City Attorney. In addition, to ensure that the 15-member task force representing diverse interests within the community can reach consensus in a timely manner, we would recommend that the City contract with a consultant to facilitate the task force's work. This would ensure neutrality and would support the staff in completing this large body of work which will include: outreach to the public, development of a work plan for the task force, and scheduling of stakeholder panels to testify before the task force.

Timeline

A timeline for the completion of the Task Force's work should balance the desire to achieve results quickly and the need to allow sufficient time for both public participation and for the work to be completed. Staff believes the following timeline would realistically achieve both goals.

TASK	TIME FROM COUNCIL APPROVAL
Appointments to Committee	30 days from approval
First meeting	60 days from approval
Proposals to City Council	180 days from approval

ALTERNATIVES

In developing this proposal to form a Task Force, the staff recommendation attempts to strike a balance between elected officials' involvement and the desire of outside stakeholder to directly determine who should represent each group on the Task Force. Staff is not recommending, but Council could consider other formulations for the composition of the Task Force, including the addition of Councilmembers, as well as other methods for selecting the individual members to represent each group.

PUBLIC OUTEACH

A public hearing was held on March 21, 2006.

COORDINATION

This memorandum has been coordinated with the offices of the City Attorney and City Clerk.

HONORABLE MAYOR AND CITY COUNCIL

4/5/06

Subject: Sunshine Reforms

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COST IMPLICATIONS

If the City Council approves this recommendation, there will be one-time costs associated with contractual services for a facilitator and other logistical support of the task force. This expenditure would fall within the budgetary authority of the City Manager.

CEQA

CEQA: Exempt.



LES WHITE
City Manager

For additional information, call 535-8111.