

COMMENTS ON PUBLIC MEETINGS DRAFT

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Questions Associated with Section 2.1.050 Ancillary Body

1) Subparagraph A

- This section, unlike subparagraph B, does not include committees created by Policy Bodies? Is this omission intentional?
- This section covers meetings that meet regularly. If a committee meets once, is it covered?
- Is a meeting on a specific land use change, or development project, or city contract a “fiscal, economic or policy issue”? If it is, does this mean any time the Mayor meets with a developer or a business representative seeking a zone change it must be a noticed meeting? For example, if John Chambers, CEO of Cisco, wanted to meet with the Mayor to discuss a major new facility in San Jose, would this have to be a noticed meeting?

Recommended Solution:

- Include policy bodies
- Only cover *formal* committees or groups that meet regularly.

2) Subparagraph B

- Does the use of the word, “group,” in this Section mean it does not apply to a meeting between an *individual* assigned by a policy body or the Mayor to meet with residents? If it does cover meetings by an individual staff member, it would mean that every meeting of members of the Mayor’s staff dealing with constituent issues would have to be a noticed meeting. For example, three residents meet with a member of the Mayor’s staff to discuss their concerns about barking dogs in their neighborhood. Why should this be a noticed meeting?

Recommended Solution:

- Do not cover meetings between individual members of the Mayor’s staff and members of the community unless the meetings are regular and formal (for example, the Mayor creates an Advisory Group on the Arts Downtown).

3) General

A) Are the following groups considered to be Ancillary Bodies?

- A group that consists of the Mayor, members of the Mayor's staff, and members of the Mayor's family.
- Kitchen cabinets – that is, the Mayor, members of the Mayor's family, and close, long-term friends.
- A group formed to help an elected official consider running for a higher office
- A campaign committee

Recommended Solution:

- * Do not cover informal meetings between the Mayor, family members, and friends even if they take place regularly.
- * Do not cover political committees.

B) What happens if a group of residents want to meet with the Mayor or a member of the Mayor's staff and do not want the meeting to be open to the public? Will this option be possible? For example, a group of youths who feel they are being treated unfairly by the police department and fear retaliation.

Recommended Solution:

- * Do not cover meetings between the Mayor and members of the community unless the meetings are regular and formal.

Questions Regarding Section 2.1.060 Meeting

Subparagraph C. 1.

The proposed text says: A meeting does not include individual contacts or conversations...that do not convey to the member of a policy body the views or positions of other members of the policy body.

Problem with the text: A member of a policy body doesn't necessarily know, prior to a meeting, whether someone will tell them about the position of another member of the policy body. For example, a city councilmember meets

with the Chairperson of a neighborhood organization opposing a high rise in his area, and the Chairperson announces – I already have 5 votes. At that point, the conversation becomes a meeting that should have been noticed, and the Councilmember, by being present, has violated the Sunshine Ordinance.

Recommended Solution:

- * Delete the language that says the conversation becomes a meeting if another person without being prompted tells the official about other officials' intended votes.

Questions Regarding Section 2.4.010 B Staff Reports and Council Memorandums

Section 2.4.010 B (4) states that council memos must be made available 3 calendar days before a meeting. What happens if a Councilmember, who has not previously written a memo, wishes to amend a proposal on the floor? Is he or she allowed to propose an amendment in writing? Is he or she allowed to propose an amendment verbally, even though no one will have heard it before the meeting? If the Councilmember allowed to offer a verbal amendment, what public purpose is served by prohibiting a written amendment, which is usually clearer and easier to understand?

Section 2.4.010 B (6) states that a document drafted by a member of the public does not have to be distributed prior to a meeting. Can a Councilmember move adoption of a proposal drafted by a member of the public? What public purpose is served by allowing the Council to act on a document presented at the last minute that has been drafted by a developer but not to act on a document presented at the last minute drafted by the City Planning Director?

Recommended Solution:

- Allow an individual councilmember to submit proposed amendments in writing on the day of a meeting.