

To: Sunshine Task Force
From: Bob Brownstein
Subject: Modifications of Policy Body Language
Date: 12/20/06

Background:

At the last Task Force meeting, the definition of “Policy Body” was amended to include:

“E. A Board or other multimember body that governs a private corporation, limited liability company, or other entity that:

1. is created by a policy body in order to exercise authority delegated to it by the policy body;
2. exists to exercise authority that has been delegated to it by a policy body;
3. receives funds from the City and has on its governing body a member of a policy body or that member’s designee with full voting rights.

The motion that proposed this language also included a provision that exceptions based on scale and function would be presented at the next Task Force meeting. The recommendations listed below are suggested exceptions to accomplish that objective.

In addition, it is my intention to suggest that the category, “ancillary bodies,” should be applied to some of the organizations exempted from being a policy body. Specifically, I believe organizations that do not perform *core* city services but do receive substantial amounts of city funding should be defined as ancillary bodies.

Recommendations:

- 1) The following organizations will be exempted from the definition of policy body:
 - a) An organization that receives less than \$200,000 in city funds per year for a specific city function, or
 - b) An organization that does not provide a core city service.

NOTE: For the purposes of the Sunshine Ordinance, core city service are defined as functions that primarily consist of the following operations:

- a) maintaining and protecting health and safety;
- b) performing municipal financial operations;
- c) operating public infrastructure such as libraries and community centers that provide basic services to residents;

- d) operating sewage systems, water systems, or other utilities;
- e) maintaining and managing parks and roadways;
- f) exercising municipal regulatory authority.

2) The following types of meetings are exempted from the requirements of a policy body:

- a) meetings that discuss an organization's operations that are not funded by the City of San Jose and that do not take place within the City of San Jose;
- b) meetings that are limited to administrative matters and at which policy issues are not discussed.

NOTE: For the purposes of this section, policy issues include, but are not limited to, the following categories:

- a) adoption of, or amendments to, budgets;
- b) levels of service;
- c) allocation of services to different areas or populations;
- d) number and qualifications of staff;
- e) maintenance and preservation of public facilities and/or property;
- f) any issue that involves placing the City or the public at risk of significant financial loss, property damage, or personal injury.