

SUNSHINE REFORM TASK FORCE MEETING MINUTES

**Thursday, January 31, 2008
6:00pm – 8:30pm**

City Hall, Council Chambers

Present: Ed Rast, Strong Neighborhoods Initiative PAC; Ken Podgorsek, United Neighborhoods of SCC; Joan Rivas-Cosby, Five Wounds/Brookwood Terrace Neighborhood Advisory Committee; Bert Robinson, San José Mercury News; Edward Davis, Orrick Law Firm (Legal Counsel); Brenda Otey, At Large-Representative; Virginia Holtz, Willow Glen Neighborhood Assoc.; Mary Ann Ruiz, Parks and Recreation Commission; Trixie Johnson, Former Councilmember; Bob Brownstein, South Bay Labor Council; Bobbie Fischler, League of Women Voters; Nanci Williams, San José/Silicon Valley Chamber of Commerce; Dave Zenker, Falls Creek Neighborhood Association; Dan Pulcrano, Silicon Valley Leadership Group

Absent: None

Staff: Lisa Herrick, Senior Deputy City Attorney; Tom Manheim, Office of the City Manager; Eva Terrazas, Office of the City Manager/Redevelopment Agency, Eileen Beaudry, Office of the City Manager; Dottie Disher, City Clerk; Tom Norris, Office of the City Manager, Troy Gavin, Office of the City Manager

I. Approval of the December 6, 2007 Meeting Minutes

The Task Force amended the draft minutes as follows: “Ken Podgorsek” seconded the approval of the November 15th minutes; and, the final sentence under Technology Subcommittee Recommendations, paragraph 6.2.3 (B) to read: “The public could also send form-based e-mail and subscribe to receive comments and information on a specific subject of interest.” The amended minutes will be brought back to the Task Force on February 21st for final approval.

II. Comments from the Chair

The Chair noted that the Rules and Open Government Committee is still working on the Task Force Recommendations from Phase I. He also reviewed the meeting agenda.

III. Review of Meeting Material

Eileen Beaudry reviewed the meeting packet, enumerating the eight documents supporting the two subcommittee presentations, listed on the meeting agenda.

IV. Discuss and Approve Subcommittee Recommendations

A. Administration and Accountability Subcommittee Recommendations

Ken Podgorsek moved that the Task Force accept the Subcommittee Recommendations as provided in Document C in the meeting packet, dated 11/29/07; Bob Brownstein seconded. The Task Force discussion focused on the reporting relationship of the Open government Officer to the City Manager.

Sunshine Reform Task Force

Meeting Minutes

January 31, 2008

Page 2

Dan Pulcrano, moved to approve Document C, with a friendly amendment to section 8.3 B. 2, to include an annual review of the independence of the Open Government Officer. The motion was seconded by Bob Brownstein and approved by the Task Force with one abstention, Nanci Williams.

Ken Podgorsek reviewed the Subcommittee's Recommendations on Closed Session as written in Document D, dated 11/29/07. The Task Force discussion focused on issues related to having the Open Government Officer sit in on Closed Session, including: exclusion of sessions subject to attorney-client privilege, Council self-censorship under observation by the Open Government Officer, the standard of confidentiality required of those in Closed Session with regard to Personnel matters, the appeals process, the cost of the Open Government Officer and staff.

Mr. Podgorsek moved to adopt the recommendations as written in Document D, seconded by Bob Brownstein. The Task Force approved the recommendation, with a friendly amendment submitted by Mary Ann Ruiz seconded by Trixie Johnson, excepting personnel matters reviewed in Closed Session from those reviewed by the Open Government Officer. The amended motion was approved by the Task Force with two nay votes: Bert Robinson, Nanci Williams.

B. Public Records Subcommittee Recommendations

2. Police Statistical Reports

Bert Robinson suggested that the Task Force discuss Police Statistical Reports, 4 B. 2, prior to discussing item 4 B.1: "Other Public Information that must be disclosed." Bob Brownstein requested that the Task Force reopen the discussion on Police Statistical Reports.

Upon a motion by Bob Brownstein, seconded by Mary Ann Ruiz, the Task Force unanimously agreed to reopen the discussion on n Police Statistical Reports.

The Task Force discussion focused on the differences between the original language previously approved by the Task Force and the revised language as presented in Document J. The new language included pedestrian stops and the race and ethnicity of the person stopped, as well as other changes. A suggestion was made to change the word "and" to "or" in the last line of paragraph B.

Public Comment favored Task Force approval of the revised language and was heard from: Walter Wilson, Gail Bautista, Rosemarie Accueta, Karl Hoffower, Rick Callender, Reginald Swilley, Charles McGee, and Deidre Grace.

Sunshine Reform Task Force

Meeting Minutes

January 31, 2008

Page 3

Further Task Force discussion focused on whether the San Jose Police Department currently collects the data and the costs associated with data collection. Captain Gary Kirby responded to Task Force questions.

Upon a motion by Mary Ann Ruiz seconded by Dan Pulcrano the Task Force approved the revised language on Statistical Reports Prepared by the San Jose Police Department, as written in Document J.

V. Open Forum – No Additional Public Testimony

The Task Force adjourned the meeting at 8:29p.m.