

SUNSHINE REFORM TASK FORCE
MEETING MINUTES

Thursday, January 18, 2007
6:00pm – 9:00pm

City Hall W-118

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

Absent: Brenda Otey, At Large-Representative; Judy Nadler, Markkula Center for Applied Ethics.

Staff: Lee Price, City Clerk; Dottie Disher, Office of the City Clerk; Lisa Herrick, Senior Deputy City Attorney; Dan McFadden, Interim Deputy City Manager; Eva Terrazas, Office of the City Manager/Redevelopment Agency; Sheila Tucker, Office of the City Manager; Tom Manheim, Office of the City Manager.

I. Approval of the January 4, 2007 Meeting Minutes

Upon a motion by Virginia Holtz, seconded by Ken Podgorsek, the January 4, 2007, minutes were approved with two abstentions, Task Force members Dave Zenker and Margie Matthews (absent 1/4/07).

II. Comments from the Chair

Chair Rast declared that the January 18th meeting will concentrate on Closed Session and a discussion on the format of Public Meetings.

III. Review of Meeting Material

Staff provided an overview of the documents for the meeting. In addition, the Task Force introduced Rick Doyle, City Attorney; Alex Gurza, Director of Employee Relations; Paul Krutko, Director of Economic Development; and Harry Mavrogenes, Redevelopment Agency Executive Director.

IV. Discussion on Closed Session Revisions

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A. Referrals to Legal Counsel

Legal Counsel reviewed and summarized the document submitted by Task Force member Susan Goldberg on Closed Session (1/11/07) into five categories:

1. Agenda – i.e., what will be discussed in Closed Session
2. Who can convene a closed meeting? – i.e., restrict the number of bodies that can go into Closed Session
3. Topics for closure
4. Specific Topics (4 elements) – Discipline/Personnel, Real Estate, Labor, Litigation
5. Certification (2 elements) – How it works; How it is enforced

Action Item: Legal Counsel, Ed Davis and Lisa Herrick, will re-draft Closed Session and draw further attention to items 4 and 5.

A discussion ensued on public employee performance evaluations.

Public Comment: James Chadwick commented that the City Charter was obscure with respect to the City Manager, but for Council Appointees, except the City Clerk, his understanding was that closed session could be conducted to discuss a specific individual within an office (i.e. City Attorney's Office.) and not just to discuss Council Appointees.

Upon a motion by Bob Brownstein, seconded by Virginia Holtz, the Task Force agreed to provide language for discussion on the constitutional right on privacy.

Upon a motion by Bob Brownstein, seconded by Virginia Holtz, the Task Force agreed to have Legal Counsel help define "substantiated" and "well-founded" from the Closed Session document.

V. Review of February 24, 2007, SRTF Meeting Agenda Regarding Police Records

1. The expert panel will consist of a representative from each of the following: ACLU, Legal Foundation, Police Auditor, NAACP, San José Police Department, and District Attorney's Office. A suggestion was made to include a media expert and the City Attorney in this panel.
2. Task Force member Susan Goldberg asked that the Mercury News attorney also be included on the panel due to their extensive experience requesting public records. City staff (Dan) also suggested that the Police Officer's Association be represented by their legal counsel.
3. Panel experts must provide a 1-page description of their specific concerns to the Task Force; deadline for submittal is February 16, 2007.
4. Staff will continue to work on a document, concerning police records. They will also benchmark two cities in this document (San Francisco and Oakland).

VI. Update on Program Budget to Implement Sunshine Ordinance

Staff explained that this item is in preliminary submission.

VII. Discussion and Approval of Draft Schedule for Completing Phase 1 and Phase 2 of the Sunshine Ordinance

The Task Force agreed to present Phase I of the Sunshine Ordinance to the City Council and Rules Committee during the first week in March 2007, and Phase 2 during the first week of June 2007 (as requested by Mayor Reed).

VIII. Upcoming Agenda and Work Plan

- A. The Task Force will discuss Public Meetings on February 1, 2007, as stated in the draft schedule.
- B. The Reed Reform Referrals have been agendaized for the evening session of the February 6, 2007, City Council Meeting and will be the first item discussed.

XI. Public Comment

No public comment.

Upon a motion by Ken Podgorsek, seconded by Joan-Rivas Cosby, the Task Force agreed to adjourn the January 18, 2007, meeting.

The meeting adjourned at 8:50 p.m.