



MEMO

To: Sunshine Reform Task Force
From: Ken Podgorsek, Facilitator, Public Meetings Section
Re: Definitions of Policy Body and Ancillary Body
Date: January 26, 2007

Counsel for the Task Force and the City have drafted the following provisions in an effort to capture the intent of the Task Force as expressed at the January 4, 2007 meeting.

We have much to discuss at our meeting next Thursday, February 1:

1. I am concerned that Section E in the definition of policy body and Section B in the definition of ancillary body are too similar, which may cause confusion.
2. I am not certain that the Task Force intended to capture those non-governmental entities that receive less than \$200,000 or 50% of their operating budget in the definition of ancillary body.
3. Identifying "City service" as including managing or operating recreational, sports, or performing arts facilities in the definition of ancillary body is probably too vague.

I look forward to a productive discussion.

Core City service.

“Core City service” includes:

1. Maintaining and protecting health and safety;
2. Performing municipal financial operations;
3. Operating public infrastructure such as libraries and community centers that provide basic services to residents;
4. Operating sewage systems, water systems, or other utilities;
5. Maintaining and managing parks and roadways;
6. Exercising municipal regulatory authority; or
7. Making decisions about land use.

Policy body.

“Policy body” means:

- A. The City Council, the Board of the City Redevelopment Agency, the San Jose Financing Authority, the San Jose Clean Water Financing Authority, the San Jose Parking Authority and all committees or other bodies of the City Council or the Board of the San Jose Redevelopment Agency, whether permanent or temporary, decision making or advisory.
- B. All boards and commissions established pursuant to the City Charter.
- C. All commissions, boards, committees or other bodies created by ordinance, resolution or other formal action of the City Council, the Board of the San Jose Redevelopment Agency, the San Jose Financing Authority, the San Jose Clean Water Financing Authority, the San Jose Parking Authority or any other policy body.
- D. Committees comprised of City council staff that together represent a quorum of the City Council.
- E. A board or other multimember body that governs a private corporation, limited liability company, or other entity that exercises authority delegated to it by a policy body if such body provides a core City service and either:

1. Receives more than \$200,000 in City funds per year; or
2. Receives more than 50% of its operating budget from City funds per year.

Ancillary body.

“Ancillary body” means:

- A. Committees or other bodies created by and to serve as an advisor to a member of a policy body, the Mayor, a City Councilmember, the Mayor’s Chief of Staff, the Mayor’s Budget and Policy Director, the City Manager, the City Attorney, the City Clerk, the City Auditor, the Independent Police Auditor, the Executive Director of the San Jose Redevelopment Agency or a Department Head.
- B. A board or other multimember body that governs a private corporation, limited liability company, or other entity that exercises authority delegated to it by a policy body if it:
 1. Provides a City service, including, but not limited to, managing or operating recreational, sports, or performing arts facilities;
 2. Receives more than \$200,000 in City funds per year; or
 3. Receives more than 50% of its operating budget from City funds per year.
- C. Ancillary body does not include any committee or body that consists solely of City staff.