

SUNSHINE REFORM TASK FORCE MEETING MINUTES

Thursday, February 21, 2008
City Hall, Rooms 118-119
6:00pm – 8:30pm

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; Dave Zenker, Falls Creek Neighborhood Association; Dan Pulcrano, Silicon Valley Leadership Group

Absent: Bobbie Fischler, League of Women Voters; Nanci Williams, San José/Silicon Valley Chamber of Commerce;

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 Meeting Minutes

Upon a motion by Bert Robinson, seconded by Virginia Holz, the Task Force unanimously approved the draft **December 6, 2007** minutes with the addition: “and thanked Judy Nadler for her service.” in the “Comments from the Chair” section.

Upon a motion by Bert Robinson, seconded by Mary Ann Ruiz, the Task Force unanimously approved the draft **January 31, 2008** minutes with one change: the name Walker to Walter under members of the public.

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

Staff reviewed the meeting packet, enumerating three key documents supporting the two subcommittee presentations.

IV. Discuss and Approve Subcommittee Recommendations

A. Technology Subcommittee Recommendations

Dan Pulcrano reviewed the recommendations highlighting sections covering the “contact us” form (6.2.3), posting documents (6.3.1.010) and the Retention Schedules (6.3.1.030.)

He recommended three edits to section 6.2.3 C: delete the phrase “that goes to the Rules Committee;” the phrase “the complaint should be made” to read “the complaint should be *directed*,” and the word “all” to be deleted from the last sentence.

Dan Pulcrano moved, Joan Rivas-Cosby seconded, adoption of the Task Force Recommendations, with the above modifications.

Discussion.

Bob Brownstein moved and Trixie Johnson seconded an amendment to the language in 6.3.1.010 B to incorporate the following: Item 1 (Budgets) to be retained permanently; Items 2-11 to be maintained according the City’s Retention Policy; Items 2-11 also to be referred for appraisal for archiving, and then shall be archived according to the appraisal. Motion passed 6:5 (Ruiz, Pulcrano, Cosby, Rast, Podgorsek opposed.)

MaryAnn Ruiz suggested adding the phrase “as capacity exists to Section 6.3.1.010 and Dan Pulcrano accepted the suggestion, but since the Amendment passed, Ms. Ruiz did not offer her suggestion as a friendly amendment to the original motion.

Original Motion passed unanimously.

B. Public Records Subcommittee Recommendations

Bert Robinson reviewed the suggested language on Litigation Material (5.1.2.030) noting that it is based on the San Francisco Sunshine ordinance which includes a list of types of documents that are intended to be public.

He also addressed 5.1.2 010 Advice from the City Attorney.

Lisa Herrick commented that it is very difficult to separate the ultimate conclusion from the interpretation of the law.

Following discussion, Bert Robinson moved and Bob Brownstein seconded a motion amending this section to read as follows: Upon request, the City Attorney will release a summary document that explains any written interpretation of the CPRA, the Brown Act and any CSJ Sunshine Ordinance Code or rule. This provision does not require the disclosure of the actual advice give to any client, does not require the release of the specific information that the City is alleging it should not have to release, and it does not require the release of any information that the City alleges could cause substantial harm to the public.

Sunshine Reform Task Force

Meeting Minutes

February 21, 2008

Page 3

Deleted: January

Deleted: 31

Motion passed unanimously.

Bert Robinson reviewed the language on personnel information noting that it did not cover information on discipline. The language on discipline is still to be considered by the Task Force.

Upon a motion by Mary Ann Ruiz seconded by Virginia Holz, the Task Force unanimously approved section 5.1.2 040 on Personnel Information.

The Task Force unanimously approved the TF revised meeting schedule cancelling the March 6th meeting and adding meetings on April 3rd and 17th.

V. Open Forum – No Public Testimony

The Task Force adjourned the meeting at 8:12p.m.