

Definition and Requirements for a Non-governmental Body and Non-City Governmental Body

Excerpt from Public Meeting Subcommittee (Ken Podgorsek, Bob Brownstein, and Ed Rast)
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1. DEFINITIONS

Non-governmental body.

"Non-governmental body" means:

A board or multimember body that governs a private corporation, limited liability company or other entity that exercises authority over City services that has been delegated to it by a policy body and receives more than \$200,000 in City or San Jose Redevelopment Agency funds per City fiscal year.

Non-City governmental body.

"Non-City governmental body" means:

A board or multimember body that governs a non-City governmental body that exercises authority over City services that has been delegated to it by a policy body and receives more than \$200,000 in City or San Jose Redevelopment Agency funds per City fiscal year.

2. REQUIREMENTS FOR NON-GOVERNMENTAL AND NON-CITY GOVERNMENTAL BODIES.

- A. Every new or renewed contract with a non-governmental or non-City governmental body must include a provision that the non-governmental or non-City governmental body agrees to comply with the terms of this section.
- B. Every non-governmental and non-City governmental body must be assigned to a policy body that has oversight over the non-governmental or non-City governmental body.
- C. When a non-governmental or non-City governmental body makes any decision about a policy issue that would have been made by a policy body if the authority had not been delegated to the non-governmental or non-City governmental body, it must do so in the form of a recommendation to the policy body that has oversight over the non-governmental or non-City governmental body. The non-governmental or non-City governmental body may implement the recommendation about the policy issue only if the policy body approves the recommendation. For purposes of this section, policy issues include, but are not limited to:
 1. Adoption of or amendments to budgets;
 2. Levels of service;
 3. Allocation of services to different areas or populations;
 4. Number and qualifications of staff;
 5. Maintenance and preservation of public facilities and/or property;
 6. Any decision that may place the City or the public at risk of ~~significant~~ financial loss, property damage or personal injury.