

Memorandum

TO: SUNSHINE REFORM TASK FORCE

FROM: Tom Manheim

**SUBJECT: VIDEO RECORDING QUASI- JUDICIAL
BOARDS**

DATE: April 20, 2007

At its February 15th meeting, the Sunshine Reform Task Force approved a motion by member Bob Brownstein that all quasi-judicial bodies should be televised. Staff has worked with the City Attorney's office to determine which of the City's boards and commissions qualify as quasi-judicial bodies. The table below identifies the quasi-judicial bodies, along with a brief description of the purpose for each body.

| Board | Schedule | Purpose |
|--|------------------------|--|
| Appeals Hearing Board | 2nd and 4th Thursdays | Request from City to impose penalties for code violations. Appeal of Police Department's decision to deny tow permits. Appeal of weed abatement orders. Appeal of City lien for bills that are in arrears. |
| Civil Service Commission | 1st Thursday | Appeals of performance appraisals, outside work permits and any formal disciplinary actions. Review of hiring complaints. Review and approval of changes to the City classification system. |
| Elections Commission | Meets as needed. | Monitors compliance with campaign/ethics ordinances. Reviews and investigates alleged violations and recommends enforcement action. Makes recommendations to Council on campaign/ethics regulations and policies. |
| Planning Commission | 2nd and 4th Wednesdays | Makes recommendations to Council on land use and development issues, including zoning and subdivision regulations. Advises Council on amendment of the City's General Plan, on specific plans for future physical development, and on the Capital Improvement Program. Hears appeals of the Planning Director's decisions. |
| Independent Hearing Panel | Meets as needed. | Panel is mandated by the State for appeals of orders having to do with landfill operations. This panel has never met since there has not been an appeal filed since the panel was established. |
| Police/Fire & Federated Retirement Boards | 1st and 2nd Thursday | Review service retirement applications. Review and approve disability retirement applications. Review retirement plan investments/portfolio. |

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The City currently has the capability of televising meetings from only two locations—the City Council Chambers and the Committee Rooms (where the Sunshine Reform Task Force holds its meetings). These two facilities are in high demand and are reserved far in advance which would present challenges in televising these meetings. Moreover, two of the quasi-judicial bodies meet only “as-needed”. Furthermore, the Police & Fire Retirement Board has raised concerns about the effect that televising hearings would have on applicants. It also raises serious concerns about the safety of public employees, particularly law enforcement officers and Code Enforcement officers, who appear at the hearings and who may then be identified. In fact, the President of the San Jose Police Officers Association has stated that he would file a lawsuit to enjoin televising of the Police & Fire Retirement Board hearings because it could imperil law enforcement officers. Finally, in discussing the list of quasi-judicial meetings with Task Force Member Brownstein, he indicated that he believed that the term quasi-judicial may have captured more meetings than he had originally intended.

Given that all of these meetings are noticed and open to the public, staff would recommend that the Task Force consider narrowing its recommendation to televising only those meetings that would be of interest to the community at large—specifically, the Planning Commission and the Elections Commission.



Tom Manheim
Public Outreach Manager

If you have any questions, please contact Tom Manheim at 408-535-8170.