

SUNSHINE REFORM TASK FORCE DRAFT MEETING MINUTES

**Thursday, March 20, 2008
6:00pm – 8:30pm**

City Hall, Wing Rooms 118-119

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); Virginia Holtz, Willow Glen Neighborhood Assoc.; Mary Ann Ruiz, Parks and Recreation Commission; Trixie Johnson, Former Councilmember; Bob Brownstein, South Bay Labor Council; Nanci Williams, San José/Silicon Valley Chamber of Commerce; Bobbie Fishler, League of Women Voters; Dave Zenker, Falls Creek Neighborhood Assoc.; Dan Pulcrano, Silicon Valley Leadership Group

Absent: Brenda Otey, At Large-Representative;

Staff: Lee Price, City Clerk; 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

1. Approval of February 21st 2008 Meeting Minutes

Bob Brownstein noted a typographical error in the last paragraph of Section B on page two. Upon a motion by Ken Podgorsek, seconded by Mary Ann Ruiz, the Task Force approved the February 21st 2008 meeting minutes with two abstentions due to absence: Nanci Williams and Bobbi Fischler.

2. Comments from the Chair

Chair Ed Rast noted that the Rules Committee would be meeting on April 1st from 9-12 noon to consider the remaining Phase I/PartII recommendations and invited Task Force members to attend.

3. Presentation of the Status Report on Rules Committee Decisions on Phase I Topics

Tom Manheim reviewed the Rules Committee's decisions on meeting requirements for Council and RDA; Council Committees; and Boards, Committees and Commissions.

The Task Force's input included the following discussion topics/comments: changing the language on the matrix from "Brown Act" to "three days" for greater clarification; ensuring adequate time for public response to supplemental memos with substantive changes; listing all of the Boards, Committees and Commissions on one place on the City's website; technology for recording meetings.

4. Public Records Subcommittee Recommendations

A. & B. Log of Disciplinary Actions and City Official Misconduct

Chair Robinson summarized the Public Records Subcommittee Recommendations on Employee Discipline for classified employees (document 4A) and City Officials (document 4B.)

Discussion centered on how to define “reasonable cause” as utilized in Section 5.1.2.040, paragraph B3, and who makes the determination of reasonable cause. Lisa Herrick commented that, generally, the City Attorney’s office makes the determination of reasonable cause, based on available case law. Ed Davis commented that the term is a good, common sense term, not a legal one. He also commented that the Open Government Officer and Commission will also make a finding.

Mr. Davis recommended that the word “must” be changed to “may” in paragraph B4 of Section 5.1.2.040. He also recommended that the amended paragraph in B4 be added to Section C of 5.1.2.040, concerning the log of disciplinary action maintained for regular classified civil service employees (document 4A.)

Upon a motion by Virginia Holtz, seconded by Trixie Johnson, the Task Force unanimously approved the subcommittee recommended language in documents 4A and 4B with the two changes described above.

C. Fire Department Statistics

Chair Robinson summarized Public Records Subcommittee Recommendations on Fire Department Statistics (document 4C.)

Dave Zenker recommended three additional performance measures: 1) the number of emergency medical responses citywide, and 2) the percentage of time, on a citywide basis, that the initial responding unit arrives within 8 minutes after a 9-1-1 call is received, and 3) the average cost per call for service. Trixie Johnson recommended adding one performance measure: the number of hazardous materials inspections.

Public comment was received from Antonio Guerra. Mr. Guerra commended the quality of the recommended performance measures but questioned whether specifying performance measures to be included in an ordinance was within the original mission of the Task Force and the purpose of an Open Government Ordinance. Dave Zenker commented that the inclusion of the performance measures was due to the challenge of obtaining data from the Fire Department.

Tom Manheim noted that the Fire Department may not be adequately funded to collect the data contained in the proposed performance measures.

Upon a motion by Virginia Holtz, seconded by Dave Zenker, the Task Force unanimously approved the subcommittee recommendations for Statistical Reports prepared by the San Jose Fire Department with the four additions described above.

D.. Contracts with the City

Chair Robinson summarized Public Records Subcommittee Recommendations on Contracts with the City (document 4D.)

Upon a motion by Virginia Holtz, seconded by Nanci Williams, the Task Force unanimously approved the subcommittee recommended language for Contracts with the City with the notation that the language applies to both the City and the Redevelopment Agency.

E. Budget and Other Financial Information

Chair Robinson summarized Public Records Subcommittee Recommendations on Budget and Other Financial information (document 4 E.)

Upon a motion by Dan Pulcrano, seconded by Virginia Holtz, the Task Force unanimously approved the subcommittee recommended language for Budget and other Financial Information with Section A to read as follows:

Proposed or final budgets including the line item budget, for the City or any of its departments, programs or projects are subject to disclosure, and should be made available in electronic form.

5. Task Force Workplan

Tom Manheim noted that the next Task Force meeting on April 3, 2008 has a single agenda item, "Law Enforcement Records," and if that item is concluded, will be the last regular meeting of the Task Force.

6. Open Forum – No additional public comment.

7. The meeting was adjourned at 8:17 p.m.