

Sunshine Reform Task Force

Meeting Minutes

June 19, 2008

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**SUNSHINE REFORM TASK FORCE
MEETING MINUTES**

**Thursday, June 19, 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; Edward Davis, Orrick Law Firm (Legal Counsel); Virginia Holtz, Willow Glen Neighborhood Association; 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: Bert Robinson, San José Mercury News; Brenda Otey, At Large-Representative; Bobbie Fishler, League of Women Voters; Nanci Williams, San José/Silicon Valley Chamber of Commerce

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

I. Comments from the Chair

The Chair thanked everybody involved with the Task Force, including Task Force members, staff, and members of the public for their participation in the project.

II. Comments from City Staff

Tom Manheim congratulated Task Force members and staff for reaching significant milestone and recommended that the Task Force continue to operate as a Council appointed body until the time as its Phase II recommendations have been acted upon by Council. He also reviewed the Rules and Open Government Committee schedule to review the recommendations.

II. Approval of the April 3 & March 20, 2008 Meeting Minutes

Upon a motion by Dave Zenker, seconded by Virginia Holtz, the Task Force approved the April 3rd meeting minutes with abstentions due to absences by Ken Podgorsek and Dan Pulcrano. Upon a motion by Ken Podgorsek, seconded by Trixie Johnson, the Task Force unanimously approved the March 20th meeting minutes.

IV. City of San Jose Community Survey Data (12/07)

Tom Manheim reviewed the results of the San Jose Community Survey.

V. Fees for Programming

Tom Norris presented recommendations regarding standard fees for the cost of programming and/or data compilation required to respond to California Public Records Act requests. Tom Manheim informed the committee that staff had some proposed

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language revisions to the language of paragraph 5.2.4(c) of the Task Force recommendations regarding public records based upon these recommendations. The proposed language would read “The actual hourly cost incurred by City staff. . . “Upon a motion by Ken Podgorssek, seconded by Bob Brownstein, the Task Force unanimously approved the waiving of noticing requirements for consideration of the proposed language. Dave Zenker then moved to accept the proposed language and Trixie Johnson seconded that motion. During discussion, Bob Brownstein moved to amend the motion so that the language would read “The actual direct hourly cost incurred by staff“ and that the following sentence would be added to the paragraph: “An individual may appeal the imposition of fees to the Rules and Open Government Committee if they wish to argue that the public interest would be better served by making the information available and waiving the fees,” and that language reading “including a breakdown showing how those costs were arrived at” would be inserted into paragraph 5.2.4. The amendment was accepted by Dave Zenker and Trixie Johnson and incorporated into the original motion which the Task Force approved unanimously.

Comment [CoSJ1]: The font size was 11 here instead of 12, I changed it.

VI. Approve Phase II Report and Recommendations

Bob Brownstein moved and Virginia Holtz seconded a motion to amend paragraph 5.1.2.060(A) by adding the following sentence: “If the line item budget cannot be made available in electronic form; a minimum of one copy shall be made available in the Office of the City Clerk and one copy in each of the public libraries in the City.” The Task Force approved the amendment unanimously.

Mary Ann Ruiz informed the Task Force that Brenda Otey had asked her to introduce an amendment to change the language in paragraph 5.2.1(D) to read, “For simple or routine requests, the City employee responsible for responding to the request must provide a response and the requested public information by the end of the next business day after the date the City employee responsible for responding to the request acknowledges receipt of the request to the requestor. . .”. The amendment would also alter the language of paragraph 5.2.1(E) to read, “For extensive or demanding requests, the City employee responsible for responding to the request must provide a response, which will include either the requested public information or an estimate as to when the requested public information will be available no later than 3 business days from the date the City employee responsible for responding to the request acknowledges receipt of the request to the requestor. . .” Upon a motion by Mary Anne Ruiz, seconded by Trixie Johnson, the Task Force unanimously approved the amended language.

Upon a motion by Dan Pulcrano, seconded by Joan Rivas-Cosby, the Task Force unanimously approved amending the note preceding the section of the report on Technology to read, “Due to the ever-changing nature of technology, the recommendations contained in the Technology Section are not intended to be part of a City ordinance.”

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Upon a motion by Virginia Holtz, seconded by Dave Zenker, the Task Force unanimously approved moving the Ethics section to the front of the report and revising the numbering system to reflect that change in order.

Upon a motion by Ken Podgorsek, seconded by Bob Brownstein, the Task Force unanimously approved the Phase II report, as amended, and to move it forward to the City Council.

VII. Staff Presentation of Preliminary Organizational feedback on SRTF Phase II Report and Recommendations

Discussion ensued regarding the preliminary staff response to the Phase II report.

Upon a motion by Trixie Johnson, seconded by Joan Rivas-Cosby, the Task Force unanimously approved amending the Chair's original cover letter for the Phase II report to include language that would indicate that disagreements had occurred at times between the Task Force and staff during the formulation of the report's recommendations, that the disagreements were openly discussed, and the report was stronger because of those discussions.

Public Comments:

James Chadwick, Mercury News, encouraged the Task Force to prepare a response to the Task Force and forward it to the City Council.

Antonio Guerra, Mayor's Office, noted that the Rules and Open Government Committee spent many hours on the Phase I Report and Recommendations and offered the Task Force assurance that there was, and would be a balanced presentation.

The Task Force determined to establish a sub-committee that would prepare a letter of transmittal to the City Council expressing the concerns of the Task Force members regarding the staff response.

VIII. Open Forum

IX. Meeting Adjournment

X. Celebration Cake