

## SUNSHINE REFORM TASK FORCE MEETING MINUTES

**Thursday, October 5, 2006**  
**6:00pm – 8:30pm**

**City Hall W-118**

**Present:** Ed Rast, Strong Neighborhoods Initiative PAC; Ken Podgorsek, United Neighborhoods of SCC, Bobbie Fischler, League of Women Voters; Virginia Holtz, Willow Glen Neighborhood Assoc.; Joan Rivas-Cosby, Five Wounds/Brookwood Terrace Neighborhood Advisory Committee; Margie Matthews, Former Councilmember, David Roberson, Housing Commission; Karl Hoffower, Citizens Commission on Human Rights; Brenda Otey, At-Large Representative; Dan Pulcrano, Silicon Valley Leadership Group.

**Absent:** Phaedra Ellis-Lamkins, South Bay Labor Council, Susan Goldberg, San Jose Mercury News; Judy Nadler, Markkula Center for Applied Ethics; Dave Zenker, Falls Creek Neighborhood Association.

**Staff:** Lee Price, City Clerk; Lisa Herrick, Senior Deputy City Attorney; Sandy Lee, Deputy City Attorney; Dan McFadden, Interim Deputy City Manager; Tom Manheim, Public Outreach Manager; Eva Terrazas, Office of the City Manager /Redevelopment Agency; Sheila Tucker, Office of the City Manager.

**Legal Counsel:** Edward Davis, Attorney, Orrick Law Firm

**I.** Approval of 9/21/06 Meeting Minutes

Upon a motion made by Virginia Holtz and seconded by Ken Podgorsek, the September 21, 2006 minutes were approved with one abstention, Task Force member Nanci Williams (absent 9/21/06).

**II.** Comments from Chair

Chair Rast reported he had recently met with City Manager Les White (more on page 3).

**III.** Review of Meeting Material

Sheila Tucker, Office of the City Manager, provided an overview of the documents/packets distributed for the meeting. Ms. Tucker also mentioned that documents for *Closed Session* have been e-mailed to Task Force members in order to provide ample review time.

**IV.** Discussion on *Public Meetings* Category

The Task Force recommended the following revisions to the “public meeting” category:

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#### A. Definitions:

a. **City Staff** – The Task Force directed staff to define City staff to encompass all employees of the City of San Jose or the Redevelopment Agency that are not defined as Council or Mayor staff.

b. **Policy Body**

Upon a motion by Ken Podgorsek, seconded by Virginia Holtz, the Task Force referred to staff the following:

- i. Include in the definition the Redevelopment Agency (SJRA) and the San Jose Financing Authority (SJFA).
- ii. Replace language in Susan Goldberg's draft for provisions A, B and C.
- iii. Analyze implications of proposed revisions in Susan Goldberg's draft for provision E.1, E.2 and E.3. Define what groups would fall under the current definition.
- iv. Clarify Brown Act requirements. Use Brown Act definition as a minimum.
- v. In language that is clear and easily understood, clarify the relationship of non-profits. Definition should only capture those non-profits that receive money from the City whose primary function is to carry out a core city service.
- vi. Clarify that the intent is not to cover negotiation meetings of a short duration e.g., two Councilmembers are the City's negotiating team on a deal.
- vii. Report back on problems and potential consequences of the proposed definition.

#### Public Comment:

1. *James Chadwick noted that the current definition of Policy Body was narrower than the Brown Act and recommended that the Task Force look at the definition in relationship to the Ordinance as a whole.*
2. *Bob Brownstein questioned whether the current definition would include ad hoc groups established by the Mayor or Council that meet for a limited time and purpose, e.g. to work out an issue. In addition, Mr. Brownstein questioned whether the current definition would include entities that manage City facilities. Mr. Brownstein recommended that the definition be based on size, scale and longevity of the body.*

c. **Ancillary Body** – Referred to staff the following:

- i. Incorporate as intent Susan Goldberg's draft provisions A and B and make the language workable and functional from the City's

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- standpoint. Capture, when uncertain, that the intent is to err on the side of more “inclusive” rather than “exclusive.”
- ii. The Task Force disagreed on whether to remove the phrase “that meets regularly” as indicated in provision A of Susan Goldberg’s draft.
  - iii. Incorporate the intent that the body be some sort of formal body as opposed to ad hoc constituent meetings.
  - iv. Replace the word “assigned” in provision B of Susan Goldberg’s draft with the word “established.”
  - v. Analyze implications of proposed revisions in provision C of Susan Goldberg’s draft.
  - vi. Incorporate provision D from staff’s draft that “ancillary bodies not include any committee or body consisting solely of City staff.”
  - vii. Staff noted the use of policy body in the definition may be confusing.

#### Public Comment:

1. *James Chadwick pointed out he didn’t believe Committees created by policy bodies are policy bodies on the current definition.*
2. *Bob Brownstein requested clarification that “routine work” was not intended to be included in the definition of ancillary body and proposed that a meeting with a constituent is not an ancillary meeting.*

## V. Upcoming Agenda and Work Plan

- A. The agenda for the next meeting will include continuation of the discussion on public meetings.
- B. The Task Force requested that staff clearly label the next draft with the revised date.
- C. Chairman Rast noted that the Chair and Vice-chair would be meeting with the City Attorney to discuss the progress of the Task Force.
- D. Chairman Rast reported having met with the City Manager, Les White and noted: 1) staff would make it a high priority to get the next few sections distributed so that the Task Force has ample time to review the material prior to their meetings, 2) the administration had increased staff time to assist in drafting the documents, 3) staff could not fully analyze the organizational and resource impacts as the Task Force considers each proposal. However, staff would be taking sections back to the departments to fully evaluate as soon as the Task Force has agreed, at least tentatively, to content and give the Task Force feedback.

*Public Comments: None*

The meeting adjourned at 8:28 p.m.