

## **SUNSHINE REFORM TASK FORCE MEETING MINUTES**

**Thursday, November 16, 2006  
6:00pm – 8:30pm**

**City Hall W-118**

**Present:** Ed Rast, Strong Neighborhoods Initiative PAC; Ken Podgorsek, United Neighborhoods of SCC; Virginia Holtz, Willow Glen Neighborhood Assoc.; Joan Rivas-Cosby, Five Wounds/Brookwood Terrace Neighborhood Advisory Committee; Margie Matthews, Former Councilmember; Karl Hoffower, Citizens Commission on Human Rights; Brenda Otey, At-Large Representative; Dan Pulcrano, Silicon Valley Leadership Group; Phaedra Ellis-Lamkins, South Bay Labor Council; Susan Goldberg, San Jose Mercury News; Dave Zenker, Falls Creek Neighborhood Association; Nanci Williams, San Jose/Silicon Valley Chamber of Commerce; Edward Davis, Orrick Law Firm (Legal Counsel); Judy Nadler, Markkula Center for Applied Ethics.

**Absent:** Bobbie Fischler, League of Women Voters; David Roberson, Housing Commission.

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

### **I. Approval of 11/02/06 Meeting Minutes**

Upon a motion made by Phaedra Ellis-Lamkins, seconded by Virginia Holtz, the November 2, 2006 minutes were approved with one abstention, Task Force member Judy Nadler (absent 10/19/06).

### **II. Comments from Chair**

Chair Rast reported on the following:

- A. Mayor-Elect Chuck Reed will address the Task Force during the meeting on January 18, 2006, at 9:00 a.m.
- B. Task Force member Dave Roberson has resigned.
- C. Task Force member Phaedra Ellis-Lamkins requested to take a leave of absence until January 20, 2007 and nominated Bob Brownstein to represent the South Bay Labor Council seat.

### **III. Review of Meeting Material**

Staff provided an overview of the documents for the meeting. Staff noted a letter writing campaign was underway urging the Sunshine Reform Task Force to recommend a strong policy of openness with regard to San Jose Police Department records. The letters received to date were provided to the Task Force.

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#### IV. Update on 22 Council Reform Referrals

Staff provided an overview of the status of the reforms referred to staff for implementation. The Task Force will discuss issues and concerns related to implementation at the next meeting on Saturday, November 18, 2006. Task Force member Phaedra Ellis Lamkins requested additional time on the November 18 meeting agenda to discuss proposals related to “Items of Significant Public Interest.”

#### V. Discussion on *Public Meetings* Category

##### A. Section 2.3 Time and Place for Meeting

1. Remove “meets regularly” from Provision 2.3.010.A. “Policy Bodies.”
2. Discussion on Section 2.3.010 ensued and the topic was deferred. Concerns were noted on Section 2.3.020 “Ancillary Bodies” related to requirements for accessibility.

##### B. Section 2.4 Notice and Agenda Requirements

1. Revise Section 2.4.010.A.1. “Policy Bodies” to reflect current practice, including requirements for web posting.
2. Provide in Section 2.4.010, Provision A.2. “At least 10 calendar days before a regular meeting, a policy body must post an agenda for the meeting.” Move remainder of paragraph to Section E, “Agenda Requirements.”

Upon a motion made by Virginia Holtz, seconded by Joan Rivas-Cosby, the Task Force agreed to approve Section 2.4.010.A. and Section 2.4.010.B. as described above.

3. There was significant interest in revising Section 2.4.010.B.3. “Staff Reports and Council Memorandums” to provide for 5 calendar days, instead of 6 calendar days that items must be deferred in the event staff reports and other supporting documents related to the agenda item.

Upon a motion made by Virginia Holtz, seconded by Phaedra Ellis-Lamkins, the Task Force agreed to change Section 2.4.010.B., “Staff Reports and Council Memorandums”, Provision 4, to provide “3 business days” instead of “3 calendar days.”

4. The Task Force’s discussion left off on Section 2.4.010.B., “Staff Reports and Council Memorandums”, Provision 5.

#### VI. Upcoming Agenda and Work Plan

The agenda for the next meeting will include:

1. Opening remarks from Mayor Elect Chuck Reed

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2. Reforms Referred to Staff for Implementation
3. Revised Definitions for “Public Meetings”
4. Presentations and Discussions on “Closed Session” provisions
5. November 30, 2006, Study Session Presentation

#### **VII. Public Comment**

*Public Comment: Bob Brownstein expressed concern about putting restrictions on certain parties, in regards to Council meetings. Mr. Brownstein indicated that developers and interest groups have the ability to submit items in writing on Council days; whereas, City staff is not able to do this. Mr. Brownstein proposed that there should not be substantive amendments on the day of a Council meeting.*

The meeting adjourned at 8:33 p.m.