

# Memorandum

**TO:** SUNSHINE REFORM TASK  
FORCE

**FROM:** Dan McFadden

**SUBJECT:** Agenda Packet for Public Information

**DATE:** October 17, 2006

Enclosed you will find the agenda packet for the Task Force's discussion on *Public Information*. While a firm date for the discussion on public information has not been established, this information is provided in advance to give the Task Force additional time to review. It is important to note, the San Francisco Sunshine Ordinance group's *Public Information* and *Public Records* into one category, as does Milpitas. Oakland and Contra Costa County's Sunshine Ordinances separate *Public Information* and *Public Records* into two different categories. The Task Force will find that there is significant overlap in the two topics.

Based on the categories approved by the Task Force at its July 20, 2006 meeting, and the complexity and amount of information related to public records, staff separated the two categories for discussion purposes. This agenda packet provides supporting material that relates primarily to *Public Information* and the City's applicable public information policies and programs. Materials on *Public Records* will be distributed at a later time. To assist in facilitating the Task Force's discussion on *Public Information*, three documents are included:

- 1. Document G. Public Information Outline, Discussion Questions, State Law Requirements, San Jose Current Practice and Council Referred Reform Proposals.** The outline is organized by the "headers" from the San Francisco Sunshine Ordinance that relate primarily to public information and the City's applicable public information policies and programs. Each section poses a question for discussion, summarizes State Law (where applicable), states San Jose's current practice, and identifies the reform proposals referred by the City Council to the Task Force for further review and analysis.
- 2. Document H. Ordinance Comparison Table.** The table sets out the Milpitas Government Ordinance and summarizes the similarities and differences among the Milpitas Ordinance, the Public Records Act, the San Francisco, Oakland, Benicia and Contra Costa ordinances.
- 3. Document I. Public Information Reform Proposals.** The document provides the Reform Proposals submitted by the public related to public information.

I look forward to a thoughtful and productive discussion.

  
Dan McFadden  
Deputy City Manager

For more information contact: Dan McFadden, Deputy City Manager, Office of the City Manager at (408) 535-8120.

Attachments: Draft for Discussion, G,H,I

## PUBLIC INFORMATION OUTLINE, DISCUSSION QUESTIONS, STATE LAW REQUIREMENTS, SAN JOSE PRACTICE AND COUNCIL REFERRED REFORM PROPOSALS

The San Francisco Sunshine Ordinance groups *Public Information and Public Records* into one category. The outline below is organized into sections using the "headers" from the San Francisco Sunshine Ordinance that relate primarily to public information and the City's applicable public information policies and programs. Materials on public records will be distributed at a later time. Each section poses a question for discussion, summarizes State Law (where applicable), states San Jose's current practice, and identifies the reform proposals referred by the City Council to the Task Force for further review and analysis. The outline includes the following:

### Public Information

- A. Definition of Public Information
- B. Release of Oral Public Information
- C. Public Review File - Policy Body Communications
- D. Internet Access/World Wide Web Minimum Standards
- E. Calendars of Certain Officials
- F. Lobbyist on Behalf of City
- G. Additional Public Outreach<sup>1</sup>
  - a. Policy 6-30: Public Outreach for Land Use/Development Proposals
  - b. Outreach for Capital Projects
  - c. Issues of Significant Public Interest

Staff recommends re-grouping the remaining sections in the San Francisco Ordinance under the "Public Records," "Technology," and "Ethics and Conduct" categories as follows<sup>2</sup>:

### Public Records

- A. Definition of Public Records; Custodian of Public Records; Department
- B. Process for Gaining Access to Public Records; Administrative Appeals
- C. Public Information that Must Be Disclosed
- D. Immediacy of Response
- E. Justification of Withholding
- F. Withholding Kept to a Minimum
- G. Fees for Duplication
- H. Index of Records
- I. Records Survive Transition of Officials
- J. Correspondence and Records Shall be Maintained
- K. Blank -- "Advertising Space"

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<sup>1</sup> Not included in S.F. Framework; City of San Jose Current Policy and Practice.

<sup>2</sup> Categories approved by the Sunshine Reform Task Force at July 20, 2006 meeting.

## **Technology**

- A. Policy Regarding Use and Purchase of Computer Systems (S.F. Ordinance, Article III, Sec. 67.21-1)

## **Ethics and Conduct**

- A. Sources of Outside Funding (S.F. Ordinance, Article III, Sec. 67.29-6)

The California Government Code establishes minimum requirements for public information. The City of San José exceeds these requirements in its public outreach practices and has established a number of policies to ensure that outreach efforts extend beyond the minimum noticing processes required by state law and local ordinances. These policies are intended to ensure that community stakeholders are informed and that they have an opportunity to engage on projects, programs and issues that they are interested in or that have an affect on them.

### **A. Definition of Public Information**

#### **1. Questions for Discussion**

What is the definition of public information?

#### **2. State Law**

The Public Records Act defines “public records” to include “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” (Government Code Section 6252(e).) A “writing” means “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.” The Public Records Act does not include a separate definition of “public information.”

#### **3. San Jose’s Practice**

San Jose defines “public records” in the same manner as the Public Records Act. The Council Public Records Policy further clarifies that to be a public record the records do not have to be written but may be in another format that contains information such as computer tape or disc or video or audio recording.

**4. City Council Reform Referral**

None related to this section.

**B. Release of Oral Public Information**

**1. Questions for Discussion**

What should the process be for members of the public to obtain information, including oral information, regarding City operations, plans, policies and positions?

How should the responsibility for performing this function be assigned and structured? Why?

**2. State Law**

The Public Records Act requires that the public agency, in response to a request for a public record from a member of the public, to the extent reasonable under the circumstances, (1) assist the member of the public to identify records and information that respond to the request, (2) describe the information technology and physical location in which the records exist, and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought. (Government Code Section 6253.1.)

**3. San Jose's Practice**

In San Jose, each Council Appointee and City Department maintains and has custody of records and information relating to the responsibilities and work performed by the Office/Department. The Council Public Records Policy and Protocol requires each Department to designate a person who is responsible for responding to requests for records and coordinating the response with other City Offices/Departments if necessary. Departments that have more than one division within the Department must assign a person or persons who is responsible for coordinating and responding to requests for records and information that overlap different divisions within the Department. If a request seeks information from more than one Office/Department, the request is forwarded to the City Manager and City Attorney as well as the designated records coordinators of all affected Offices/Departments. The City Attorney or the City Manager coordinates and responds to the request with the assistance of the other Offices/Departments.

In accordance with the requirements of the Public Records Act, the designated Department representatives must, to the extent reasonably practicable, assist members of the public in making focused and effective requests for records and information by (1)

assisting the member of the public with identification of records and information that respond to the request, (2) describing the information technology and physical location in which the records exist, and (3) providing suggestions for overcoming any practical basis for denying the request.

In addition, the City's Media Policy requires that every Office/Department designate who should respond to media requests for information.

#### **4. City Council Reform Referral**

None related to this section.

### **C. Public Review File – Policy Body Communications**

#### **1. Questions for Discussion**

Should certain communications to policy bodies be maintained in a public review file available for public inspection during business hours?

What should be maintained in the public review file?

Who should maintain the public review file?

#### **2. State Law**

The Public Records Act provides that public records are open to inspection at all times during the office hours of the local agency. (Government Code Section 6253.)

#### **3. San Jose's Practice**

San Jose does not maintain a centralized record keeping system, other than certain documents routinely maintained by the City Clerk. The City does follow the Public Records Act and the Council Public Records Policy and makes available for inspection City records during normal business hours. It is important to point out that some City offices (because of the nature of the work and/or the location of the office) are not as easily accessible to the public during regular business hours, however they still must comply with the Act and Policy.

Communications to the Mayor and City Council are maintained as public records in the Office of the City Clerk and are made available for inspection and/or copying. Correspondence to the Mayor/Council from the public or a City advisory body are filed, copy and distributed as the "Public Record" weekly to the Rules Committee. Communications to the Mayor/Council regarding any item on a City Council agenda, current or upcoming, is filed, copied and distributed by the City Clerk. The original communication is filed with the appropriate agenda item and is referenced as a

“document filed” in the Council minutes.

The Office of the City Clerk does not typically maintain copies of any correspondence submitted to other advisory bodies of the Council, unless the Mayor/Council are copied.

For Environmental Impact Reports (EIR), the Planning Division distributes every EIR to the Mayor and each Councilmember for their reference only, since they may have to vote on the item if it were to be appealed. A copy is also given to each Planning Commissioner, the Main library, and the local branch where the project is located. If the EIR is a City wide and/or high profile project, each branch library will receive a copy. A copy is also maintained in the Planning Division for the public to review and is also posted on the City’s web-site.

**4. City Council Reform Referral**

None related to this section.

**D. Internet Access/World Wide Web Minimum Standards**

**1. Questions for Discussion**

What information should be posted on the City or City Department website? Why?

When should the information be posted?

**2. State Law**

State law does not impose requirements on maintenance of a website by local public agencies.

**3. San Jose’s Practice**

San Jose’s public website includes information on: the City Charter, the San Jose Municipal Code, the Mayor and City Council, City Council Agendas from 2001 to present, City Council meeting minutes dating back to 1998, Council Committee meeting agendas and minutes from 2003 to present, archived broadcasts of City Council and Council committee meetings for 2005 and 2006, information about Boards and Commissions, City Elections and Lobbyists, a phone directory, and other information to assist persons residing, visiting or doing business in San Jose. City Departments also maintain web pages, which may be accessed through the City of San Jose homepage, with information pertinent to the Departments and the services that they provide.

San Jose is also in the process of implementing a Council reform that requires the internet posting of a master calendar that includes all official meetings of the City of San Jose. There are approximately 55 official meetings held weekly, bi-monthly, monthly or quarterly and the proposed master calendar will include links to the various agendas and/or meeting notices. In addition, San Jose is in the process of implementing a Council reform that requires the internet posting of the City Council Policy Manual. Recently, the Rules Committee approved a framework for updating over 120 policies contained in the City Council Policy manual.

Staff recommends an annual review to Council on usage statistics and any recommendations for improvements.

**4. City Council Reform Referral**

**Public Information #2.** Establish a single City of San Jose's Master On-line Calendar where all city activities, events and meetings of committees, boards, commissions and advisory bodies and events are posted.

**Public Information #12.** Post the City Council Policy Manual on-line.

**E. Calendars of Certain Officials**

**1. Questions for Discussion**

Who should be required to keep a public calendar? Why?

What should the calendar include as public information? Why?

**2. State Law**

There is no state law requiring the keeping of a public calendar by elected or appointed public officials or public employees.

**3. San Jose's Practice**

San Jose is in the process of implementing a Council reform calling for Councilmembers, including the Mayor, to make their calendars available to the public on a quarterly basis in the Office of the City Clerk. The City's Information Technology Department is currently exploring a solution for on-line posting of calendars and the City Manager will pilot the process.

**4. City Council Reform Referral**

**Public Information #10.** Disclose the calendars of the Mayor and Councilmembers quarterly (redacted for personal information).

At its August 17, 2006 meeting, the Sunshine Reform Task Force took action to recommend to the City Council disclosure of calendars be changed from quarterly to every three days as the standard; that “personal/private information” be defined as proposed by staff, as amended to include an exemption for the City Attorney’s attorney/client privilege; that the disclosure be broadened to include (in addition to the Mayor and City Council) Department Heads, City Manager, City Attorney, City Auditor, and the Mayor’s Chief of Staff and Budget/Policy Director; and further that these officials be required to keep a calendar. To help the Task Force in their ongoing discussion of this matter, the Mayor forwarded a number of questions and concerns to consider at this time to add to the Task Force’s discussion. A memorandum outlining the Mayor’s comments and questions regarding Council calendars is included as Attachment A.

## **F. Lobbyists on Behalf of the City**

### **1. Questions for Discussion**

Should the City’s lobbyist be required to make reports of his/her activities on the City’s behalf? What should be reported? Why?

Who should be considered a lobbyist? Why?

### **2. State Law**

The Political Reform Act of 1974 requires lobbyists, lobbyist employers and lobbying firms to be registered and to file lobbying disclosure of financial activities reports, including financial activities statements, with the Secretary of State’s Political Reform Division. The lobbying disclosure statements must be filed every quarter for the two-year lobbying cycle (corresponding to each two-year legislative session). The deadline for filing these disclosure statements is one month after the end date of each quarter. Different documentation is required to be filed depending on whether one is a lobbying firm, registered lobbyist or lobbyist employer.

### **3. San Jose’s Practice**

San Jose has two lobbyists, one at the federal level and one at the state level. These lobbyists provide the City with annual or semi-annual updates on legislation of interest.

The City of San Jose is represented in Sacramento by a City employee who is a registered lobbyist with the State of California. This lobbyist files quarterly Lobbyist

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Reports required by the State; the information contained in the Reports includes: activity expenses paid, incurred, arranged or provided by the lobbyist and campaign contributions, if any. The City of San Jose, as a lobbyist employer is also required to file quarterly reports with the following information: legislative or state agency administrative actions actively lobbied during the period; a summary of payments for the period including payments to In-House employee lobbyist; payments to lobbying firms; activity expenses and other payments to influence; payments in connection with PUC Activities; and campaign contributions, if any. Lobbying disclosure statements filed by lobbyist, employers of lobbyists and lobbying firms are available online on the Secretary of State's Cal Access website, <http://cal-access.ss.ca.gov/>.

A law firm in Washington DC is the City's contracted Federal lobbyist. They are required by the State to file with the City annual statements of economic interests regarding their personal investments. At the Federal level, they are required to file lobbying reports with the Clerk of the House and the Clerk of the Senate every six months. The report includes their lobbying-related income from the City and identifies topical categories lobbied with the specific bill issue, chamber and agency contacted and the names of lobbyists involved. This is posted online at the Senate website and is searchable by name of the client, lobbying firm, and individual lobbyists.

With regard to legislative reports to Council, the Director of Intergovernmental Relations, has a standing "State and Federal" item on the weekly Rules Committee agenda whereby legislative reports are presented as provided by the City's State and Federal lobbyists. In addition, the State lobbyist files an annual report to Council on legislative activities on behalf of the City and the Federal lobbyist files quarterly reports to Council on legislative activities on behalf of the City.

### **3. City Council Reform Referral**

None related to this section.

## **G. Additional Public Outreach**

### **a. Policy 6-30: Public Outreach for Land Use/Development Proposals**

#### **1. Questions for Discussion**

Who is a stakeholder in a land use decision, and how, when, and with what frequency should they be notified of pending land use decisions?

#### **2. State Law**

The California Government Code requires that public hearing notices be sent to all property owners within a 300-foot radius of a development site at least ten (10) days prior to the hearing.

### **3. San Jose's Practice**

The City has developed *City Council Policy 6-30*, which establishes a range of outreach efforts, depending on whether a project is designated as: 1) Very Small; 2) Standard; 3) Large; or, 4) of Significant Community Interest. *City Council Policy 6-30* is included as Attachment B. The policy then establishes, for each of the project designations, a range of communications modes (website, email subscriptions, postcards, site signage, flyers, postal distribution, newspaper advertising, and CivicCenter TV) to be used for early notification, community meetings, and public hearings.

For every land use issue except *Single Family Home* and *Tree Removal* permits, *Policy 6-30* exceeds the state-requirement for notification by expanding the notification radii to either 500 or 1000 feet. In addition, all land use issues are posted on the City website and the policy further requires community meetings for projects that are large or of significant community interest. *City Council Policy 6-30* includes a matrix that clearly identifies the level of outreach necessary for each project.

Staff recommends referencing *City Council Policy 6-30* in the Sunshine Ordinance, reviewing the policy annually and reporting to Council on any necessary modifications.

### **4. City Council Reform Referral**

None related to this section.

#### **b. Outreach for Capital Projects**

##### **1. Questions for Discussion**

Who is a stakeholder in decisions regarding public construction projects, and how should they be notified of public construction projects?

##### **2. State Law**

Where a public construction project triggers a land-use decision, the California Government Code requires that public hearing notices be sent to all property owners within a 300-foot radius of a development site at least ten (10) days prior to the hearing. If land-use issues are not triggered, there would be no such requirement.

##### **3. San Jose's Practice**

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The City's current Capital Improvement Program consists of more than 430 active projects ranging from parks and tot lots<sup>3</sup>, fire stations, libraries and public art to Airport terminals, traffic signals and sewer repairs. Unlike *Council Policy 6-30*, there is no clear method to group public projects into distinct categories that require specific levels of community engagement. As a result, outreach efforts for public projects vary depending on the size and scope of the project, and whether the outreach is intended to 1) solicit community design input, or 2) advise of construction impacts.

A small park improvement could be very straightforward as to the needs of the community, or it could require a great deal of public input as to the amenities, layout and design of the park features. The former might involve one community meeting, the latter might involve six. Likewise, a sewer project that takes place in an open, industrial area would require very different outreach than a similarly sized project through the middle of a residential neighborhood or business district. The Acoustical Treatment Program at the Airport utilizes an entirely different approach to community outreach than that used for the Police Substation. The City is a leader in making information about capital projects available to the public. Real-time up-to-date information on every capital project is available on the Internet through the City's award-winning Capital Projects database (<https://cpms.sanjoseca.gov/pub/index.cfm>).

A full report of the City's Public Outreach for Capital Projects was presented to the Building Strong Neighborhoods Committee and is attached here as Attachment C. The report contains a matrix detailing outreach efforts for all of the different types of public projects that the City undertakes.

#### **4. City Council Reform Referral**

None related to this section.

#### **c. Issues of Significant Public interest**

##### **1. Questions for Discussion**

How should issues of significant public importance be communicated to the community? Who are the stakeholders, and how should they be notified of pending issues?

##### **2. State Law**

The California Government Code makes contains no requirements for outreach regarding issues of significant public importance.

##### **3. San Jose's Practice**

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<sup>3</sup> The areas within a park designed with equipment for kids to play on.

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In June, the City Council approved two new policies that increase the amount of time that information on items that are of “Significant Public Interest” is available for public review. As it relates to public expenditures, items that have a cost of \$1,000,000 or more must now be distributed and posted two weeks before the City Council meeting at which they will be discussed. Should the two-week deadline be missed, a 2/3 vote of the City Council is necessary for the item to be heard without a continuance.

In addition, the City Council established additional criteria and requirements for Council items of “Significant Public Interest.” The criteria are:

- **Criteria 1:** An item that requires City Council/Redevelopment Agency Board action on the use of public funds equal to \$1,000,000 or greater;
- **Criteria 2:** An item that will lead to the adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City;
- **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach.

The matrix below summarizes the additional notification that would be required for Council items that meet one or more of the above criteria.

Method	Criteria #1	Criteria #2	Criteria #3
E-mail (to appropriate stakeholders)	■	✓	✓
Website Posting (reports and possible department website)	✓	✓	✓
Community Meetings	■	■	✓
Notice in appropriate newspapers	■	■	✓

- ✓ = Required  
 ■ = May be appropriate

## 4. City Council Reform Referral

**Public Information Reform #4.** A detailed accounting of all City contracts and expenditures of \$1 million or more shall be made available to the City Council and public, on-line, no later than 2 weeks prior to being heard. Otherwise, a 2/3-majority

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vote of the Council would be required to hear an item that was received less than 2 weeks prior to the hearing.

**Public Information Reform #11.** Establish criteria that can be used by the Rules Committee to determine if an item is of "significant public interest" and requires additional notification or public outreach consistent with definitions and procedures outlined in City Council Policy 6-30 "Public Outreach Policy for Pending Land Use and Development Proposals.

**Attachment A**

**Comments and Questions Regarding Council Calendars  
Submitted by the Mayor, October 5, 2006**

# Memorandum

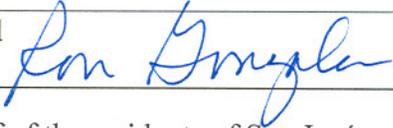
**TO:** Sunshine Reform Task Force

**FROM:** Mayor Ron Gonzales

**SUBJECT: Comments and Questions  
Regarding Council Calendars**

**DATE:** October 5, 2006

Approved



Date

10/5/06

On behalf of the residents of San José and the City Council, I greatly appreciate the work and commitment of the members of the Sunshine Reform Task Force. I know that you have been giving much time and serious thought to the challenge you have been given by the City Council to help us increase the accessibility, transparency, and responsiveness of this organization. Although you are starting with a strong foundation in the City of San José, I look forward to seeing the results of your efforts and your recommendations for Council's consideration that will lead to further improvements.

On August 29, the Council heard the first status report on the progress of the Sunshine Reform Task Force on the list of issues that we had referred to the Task Force. Among these issues is the public posting of calendars. Council accepted the status report and the staff's recommendation that implements the City Council original direction for the quarterly posting of their calendars by the mayor and councilmembers.

The Task Force also had voted on a much broader recommendation on disclosure of calendars that would require them to be posted every three days by the city manager, city attorney, all department heads, and the mayor's chief of staff and budget and policy director. The Council did not discuss this broader recommendation in August, but several members did raise questions related to it.

To help the Task Force and City Council in the ongoing discussion of this matter before you bring it back to Council for our consideration, I am forwarding a number of questions and concerns that I had planned to bring up at the August meeting. Some of these might be more appropriate for the Council or the City Administration to respond to, but I want to provide them to the Task Force to consider at this time to add to your discussions.

### *Questions for the Sunshine Reform Task Force*

1. How would we handle calendar issues associated with personnel confidentiality, customer or constituent complaint confidentiality, whistleblower confidentiality, or attorney/client privilege?
2. What appointments would be required to be in these postings? For example, the Mayor's Office in San Francisco only posts public events.

3. What effect would there be on our competitive ability to lure and keep businesses that might be interested in locating in San José? Businesses making location decisions usually expect a degree of confidentiality for valid business reasons – would premature public notice of meetings with key staff or elected officials become a factor in their decisions?
4. Who would be responsible for actually redacting personal information from councilmember calendars, and how would we ensure that this is being done appropriately? Who would provide oversight for these efforts – Councilmembers and mayor only? City Administration? City Attorney? City Clerk?
5. Where would the line between “personal” and “public” be drawn? For example, how would you classify a calendar listing for attending a wedding of a developer or lobbyist? Or when an elected official is working on clearly political matters, such as a ballot measure campaign, offsite, and not on City business? Who would make this determination?
6. The expanded list of employees proposed by the Task Force includes the Mayor’s Office Chief of Staff and Policy and Budget Director. Would the chiefs of staff for all councilmembers also be included with this recommendation? If not, why not?
7. What other cities have this kind of requirement? What has been their experience with it – implementation, public demand, accuracy and consistency, effectiveness, enforcement, etc.?
8. What are the potential “unintended consequences” of this proposal? Such as:
  - Would this result in fewer meetings involving councilmembers?
  - Would councilmembers or staff start keeping separate personal calendars for non-city, non-public activities?
  - Would there be greater reluctance for councilmembers to meet with “controversial” people and groups?
  - What impact would this have on a councilmember’s proper duty to meet with constituents, even unpopular ones?
  - What effect would there be on the relative influence of the mayor or councilmembers, or on the effectiveness of advocacy groups?
9. What are the potential costs to implement these changes in terms of staffing, technology, or oversight?

cc: City Manager, City Attorney, City Clerk

## **Attachment B**

### **Policy 6-30: Public Outreach for Land Use/Development Proposals**

# City of San José, California

## CITY COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER
PUBLIC OUTREACH POLICY FOR PENDING LAND USE AND DEVELOPMENT PROPOSALS	1 of 10	6-30
	EFFECTIVE DATE 11/16/1999	REVISED DATE 9/21/2004

### APPROVED BY

Council Action – November 16, 1999; September 21, 2004

### BACKGROUND

The City Council is committed to providing the information and opportunities to encourage residents to follow development activity in their neighborhoods and to actively participate in the land use development process. The intent of this policy is to establish a baseline protocol for dissemination of information related to development activity and to encourage early and frequent communication between City staff, applicants and the public.

The California Government Code requires public hearing notices be sent to all property owners within a 300-foot radius of a development site a minimum of ten (10) days prior to the hearing. To meet the objectives of improving communication and providing the community with as much advanced notification of proposed projects as possible, the City's policy goes beyond the State requirements for notification of development proposals. As defined below, specific means of outreach are identified for projects based on size, complexity and potential interest, and notice is provided typically 14 days prior to the hearing to property owners, tenants and other stakeholders within a defined radius.

### DEFINITIONS

For the purposes of this policy:

“Very Small Development Proposal” is defined as any application for development approval with the Department of Planning, Building and Code Enforcement that is for a single family detached dwelling, tree removal, tract sales office, or similar type of approval. Such proposals are considered as being administrative in nature and having very localized interest to the community.

“Standard Development Proposal” is defined as any application for development approval with the Department of Planning, Building and Code Enforcement that requires a public hearing and is not a Very Small, Large or Significant Community Interest Proposal.

“Large Development Proposal” is defined as any application for development approval with the Department of Planning, Building and Code Enforcement or the Redevelopment Agency that is for more than 50 dwelling units, 60,000 square-feet of commercial uses or 100,000 square-feet of office or industrial uses.

“Significant Community Interest Proposal” is defined as any application for development approval with the Department of Planning, Building and Code Enforcement that the Director, in consultation with the Council Offices of the Council District, the applicant and the neighborhood designee in which the application is proposed, determines has the potential to have a high degree of interest either at a local or City-wide level. The Director should make the decision to designate a proposal as being of Significant Community Interest within 30 days of the application being filed; however, may extend the decision to 45 days of the application being filed.

“Director” is defined as the Director of Planning, Building and Code Enforcement.

TITLE	PAGE	POLICY NUMBER
PUBLIC OUTREACH POLICY FOR PENDING LAND USE AND DEVELOPMENT PROPOSALS	2 of 10	6-30

“Project Manager” is defined as a Department of Planning, Building and Code Enforcement staff member who is responsible for processing the land use and/or development application.

“Neighborhood Group Designee” is defined as a designated member of a group that is representative of its’ specific neighborhood, and whose primary purpose is the improvement of that neighborhood. The neighborhood group is self-identified and provides an annual update of the designee’s contact information to the City.

“Neighborhood Advisory Committee (NAC) Designee” is defined as a designated member of one of the 19 NAC’s established under the City’s Strong Neighborhood Initiative. An annual update of the NAC designee’s contact information should be provided to the City by the NAC.

“Community Organization Designee” is defined as a designated member of a group of individuals organized for the purpose of monitoring, advocating, or promoting issue(s) of interest or concern of the group. The community organization is self-identified and provides an annual update of the designee’s contact information to the City by the community organization.

## **GOALS/OBJECTIVES**

This policy identifies approaches to public outreach with the intent of involving interested parties in the development review process through early notification and accessibility of information while still meeting performance goals related to the timely review of development applications through a predictable process. For example, community meetings for Large or Significant Community Interest Proposals serve the best interests of both the applicant and the community by providing a forum to discuss the projects and potential issues well before the noticed Public Hearing.

The City of San Jose encourages all applicants to work with staff on the appropriate means of noticing the surrounding property owners, residents, neighborhood groups, community organizations, and other interested parties about their development applications, and providing the public the opportunity to become involved in the land use and development process. While specific means of outreach are identified as essential for projects that are Large and/or Significant Community Interest Proposals, it may be appropriate at times for Very Small or Standard Development Proposals to also utilize the expanded outreach methods outlined in this policy.

Where a proposed private or public development may be of significant interest, the Council's experience is that extensive public outreach efforts can improve communications, alleviate concerns, and clarify misunderstandings or points of contention that typically arise at a Public Hearing occurring much later in the process. Timely and informed community involvement results in better projects and decisions.

## **ROLES/RESPONSIBILITIES**

Effective public outreach and communication is a result of successful collaboration between staff, applicants and the community. All stakeholders must participate in the process, respond in a timely manner to questions and requests for information, and respect the project schedule.

TITLE	PAGE	POLICY NUMBER
PUBLIC OUTREACH POLICY FOR PENDING LAND USE AND DEVELOPMENT PROPOSALS	3 of 10	6-30

## PROCESS

### 1. Early Notification

#### *Purpose/Intent*

The intent of Early Notification is to ensure that property owners, tenants, neighborhood groups, community organizations, and other interested parties have as much advanced notification of proposed projects as possible. This provides stakeholders the opportunity to be informed about decisions that may affect them.

#### *Modes and Timing*

At a minimum, all development applications are posted on the Planning Divisions' website at the time of application submittal. Within ten (10) days of application submittal, an email should be sent to subscribing individuals to indicate the filing of an application and a notice should be posted at the property of the proposed development application.

The Director may at the time of the filing of an application determine that additional modes of Early Notification are warranted for Large and/or Significant Community Interest Proposals. The additional modes should be employed within ten (10) working days of the filing of a development application. See "Matrix A: Modes of Outreach" to determine which modes of outreach are essential for each proposal type.

### 2. Community Meetings

#### *Purpose/Intent*

The purpose of community meetings is to inform property owners, residents and other interested parties about the proposed development, answer questions, receive public comment, and address project issues before the Public Hearing.

#### *Modes and Timing*

At a minimum, for Large and/or Significant Community Interest Proposals, there should be at least one community meeting no less than 45 days following the filing of the application nor less than 30 days prior to the Public Hearing. It is recommended that the community meeting be held as early as possible in the process, to allow applicants and interested parties to share their goals and concerns before proposal details are finalized. The tentative Public Hearing date for the proposal should be announced at the community meeting.

Meetings hosted by an interested community group or organization, such as a Neighborhood Advisory Committee, scheduled during their regularly scheduled meetings, are preferred. However, Large Development Proposals and Significant Community Interest Proposals may not fit into the timeframe of established community meeting agendas and likely require stand-alone meetings. Absent an opportunity to partner with an interested community group or organization to establish a mutual meeting time, mid-week evening meetings are preferred. A minimum of two (2) weeks should be allowed for the actual noticing of the community meeting prior to the meeting date to give appropriate advance notice to the community and ensure a successful opportunity for input and involvement.

A Community Meeting Notice should clearly explain who is conducting the meeting, as well as the applicant's and the City's Project Manager's contact information, the topic of the meeting, the location of the subject property, the date, time and place of the meeting, the specific time at which the formal presentation will begin

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as well as sufficient details of the proposal to provide the community with a basic understanding of the project. See “Matrix A: Modes of Outreach” to determine which modes of outreach are essential for your proposal.

***Meeting Logistics***

The project proponent (applicant and/or representatives such as architect, engineer, etc.) should plan on organizing the meeting unless the applicant and City staff make other arrangements. City staff should be invited to the meeting so that they can provide an overview of Planning issues and processes relevant to the project, and respond to questions on policy and process, as well as facilitating the discussion. An important aspect of staff’s role at community meetings is to understand and record public comment so that staff can transmit community input to the decision-makers.

Due to the need to provide appropriate advance notice, it is important for the applicant to discuss possible meeting dates with the Project Manager early so that they may coordinate with appropriate parties and confirm a meeting location. It is also important that the applicant coordinate the meeting with the Project Manager to determine an appropriate meeting notice, agenda and respective roles. The responsibility to notice the meeting shall be the applicant’s, unless the applicant and City staff makes other arrangements.

Possible locations for the community meeting include at a local school, church, or meeting hall. A private residence may also be used although is not normally encouraged. It is important that the location of the meeting be neutral to encourage public attendance and participation. The meeting site should provide adequate parking, and the meeting facility should be of adequate size to accommodate the anticipated number of attendees.

At the meeting, a presentation should be provided by the proponents (at a specific time on the meeting agenda). After the proponent's presentation, Planning Staff should be given the opportunity to identify project issues for discussion. After a discussion of these issues takes place, the public would then have the opportunity to informally discuss any other project issues. Staff should take notes on the discussion and be available to respond to policy and process questions. The proponent must ensure that there is adequate opportunity for comments and questions from the public.

Visual presentations (for example, architectural renderings and models) are usually the most effective method of relaying project information to the public. If renderings are available prior to the meeting, it would be in the applicant’s best interest to attach this information to the meeting notice or provide copies to the Project Manager to allow the public to review project details and come to the meeting more prepared for an open and effective discussion.

**3. On-Site Noticing**

***Purpose/Intent***

On-site Noticing is an additional mode of Early Notification warranted for all Proposals. The on-site notice is intended to provide information to immediate neighbors and members of the public regarding the development application on file for the subject property.

***Modes and Timing***

The applicant is responsible for installing such on-site notice at the site. Such on-site notice should be accessible to the public and should be sufficient to adequately notify the public of the proposed development at the site and where the public might obtain more information regarding the proposed development. All on-site

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notices need to meet City specifications, which should be indicated in a separate detailed handout available from the Department of Planning, Building, and Code Enforcement. The applicant is responsible to replace any vandalized or missing sign only once upon request by the City.

On-site Noticing should be employed within ten (10) working days of the filing of a development application.

#### 4. Public Hearing Notice

##### *Purpose/Intent*

The Council recognizes the importance of using larger radius noticing as a tool to broaden the awareness of persons in the immediate area of a pending land use or development action. Therefore, the City's Policy goes beyond the State requirements for notification of Standard, Large, or Significant Community Interest Proposals. By keeping the community informed about land use and development decisions, the City promotes an open process that encourages genuine and effective involvement with all stakeholders.

##### *Modes and Timing*

- Website: Public Hearing Agendas and associated Staff Reports are posted on the website. Typically, Agendas are available one week prior to the Hearing, and Staff Reports for applications that are decided upon by the Planning Commission or City Council are posted one week prior to the Public Hearing.
- Mailed Notice:
  - *Timing*. Public Hearing Notices should be mailed a minimum of two (2) weeks prior to the Hearing for Standard and Large Proposals. Public Hearing Notices should be mailed a minimum of 21 days prior to the Hearing for Significant Community Interest Proposals. Notices should be sent to all property owners and tenants within a specified radius of the subject property, as well as neighborhood group leaders, community organization leaders, and other interested parties.
  - *Radius*. See "Matrix A: Modes of Outreach" to determine the radius for noticing for each proposal type. The Director determines when supplemental Noticing is required, such as modifications to the radius, additional publishing, etc.
  - Where non-residential development is proposed near existing residential areas, special care in the use of mailed notices should be taken to ensure the most appropriate radius distance is used. It may be the decision of the Director that a modified radius is used with a larger radius adjacent to residential areas, and smaller next to non-residential land uses.
  - *Content*. Notice language should clearly describe the project in concise and plain terms, utilizing prepared, standard form documents. The use of technical terms should be limited and explained wherever possible to ensure the highest level of understanding of the information presented to the public. The project description should include sufficient detail to convey to the general public the nature of the proposed development project.
  - *Language*. All Public Hearing Notices should contain a note in Spanish and Vietnamese explaining how the public can receive information about the Hearing and/or Proposal in these languages. For Large Proposals, the entire Notice should be written in both English and Spanish (or other dominant language spoken in the neighborhood) at the cost of the applicant. For Significant Community Interest Proposals,

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the entire Notice should be written in both English and Spanish (or other dominant language spoken in the neighborhood) at the cost of the requesting Neighborhood Group, Neighborhood Advisory Committee, or Community Organization. Neighborhood Groups, Neighborhood Advisory Committees or Community Organizations that do not have the means to pay for the translation, may appeal to the Director for assistance.

- *Publishing.* For Large or Significant Community Interest Proposals, Notice should be advertised in at least one general circulation or community English language publication, which reaches the community in the vicinity of the project. In addition, should the neighborhood demographics warrant additional outreach, the Notice may be published in a language other than English in an appropriate publication.
- *Broadcast on the City Television Channel:* Notices may be broadcast for Large or Significant Community Interest Proposals, including General Plan Amendment hearings, and proposed changes to the Zoning Ordinance.

## 5. Community Input for Items Deferred or Continued from the Noticed Public Hearing before the Planning Commission or Director of Planning

### *Purpose/Intent*

Upon receipt of a Public Hearing Notice, many members of the public make arrangements to attend and possibly provide testimony at the Hearing. For items that are deferred or continued from the noticed meeting date, community input in the form of public testimony should be taken by the decision-making body at the originally scheduled date. The intent of this policy is to provide the public an opportunity to comment on the proposal notwithstanding a request for a continuance of the Public Hearing or a delay in action on the application.

### *Mode/Timing*

All continuances beyond two (2) weeks are subject to the Public Hearing Notice requirements under Section 4 above (located on page 5), unless staff, for good cause, recommends otherwise.

## 6. Modes of Outreach

- E-Mail: The Director should develop an opt-in (i.e., subscription) procedure for designated contacts/leaders of the neighborhood groups, community organizations, and other interested parties who request e-mail notification of proposals meeting specific criteria. It is the responsibility of the designated contacts/leaders and interested parties to provide updated contact information to the City.
- Postcards: Postcards should be sent to the designated contacts/leaders of the neighborhood groups, community organizations, and other interested parties for all Large or Significant Community Interest Proposals to alert property owners, tenants, neighborhood group leaders, community organization leaders, and other interested parties of the application submittal.

It is the responsibility of the designated contacts/leaders and interested parties to provide updated contact information to the City.

- On-site signs: See Section 3 (located on page 4).

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- In-Person Notification: At the earliest opportunity, the Director’s staff is encouraged, when practicable, to describe all pending Large or Significant Community Interest Proposals at established community and neighborhood association meetings.
- Broadcast on the City Television Channel: Notices should be broadcast for upcoming community meetings for Large or Significant Community Interest Proposals, such as General Plan Amendment hearings and proposed changes to the Zoning Ordinance.
- Website: The City of San Jose recognizes the importance of the Internet in providing self-service information to the public 24 hours a day, seven (7) days a week. The Planning Divisions’ website is updated weekly, and provides the public with information on recently submitted land use and development proposals, as well as a range of other planning related documents and policies. In addition, San Jose Permits On-Line ([www.sjpermits.org](http://www.sjpermits.org)) is now available. This website allows customers to search/retrieve property-related information, check on the status of permits, and perform research and queries from a list of maps of the City of San Jose.

As this policy is implemented, additional information that could facilitate the public outreach goals of this policy should be implemented, as staffing is available (e.g., project information packets with drawings may be posted on the website).

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### MATRIX A: Modes of Outreach

Method	Very Small	Standard	Large	Significant Community Interest
<b><i>Early Notification</i></b>				
Website	√	√	√	√
Email	√	√	√	√
Postcard			√	√
Site display	√	√	√	√
<b><i>Radius</i></b>				
300 feet	√			
500 feet		√		
1,000 feet			√	√
<b><i>Community Meeting</i></b>				
Website	√	√	√	√
Email			•	•
Mail			√	√
Flyers			•	•
<b><i>Public Hearing Notices</i></b>				
Website	√	√	√	√
Email			•	◆
Mail	√	√	√	√
Notice in paper			√	√
City Television Channel			•	◆

- Legend**
- √ ESSENTIAL
  - ◆ DESIRABLE
  - MAY BE APPROPRIATE

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### Matrix B: Application Types And Special Uses

Application Type/Special Uses	Very Small (300 feet)	Standard (500 feet)	Large (1,000 feet)	Significant Community Interest (1,000 feet or more)
<b>Applications</b>				
Annexation <sup>1</sup>		√		
General Plan Amendment <sup>1</sup>		√	√	√
Rezoning/Prezoning <sup>1</sup>		√		
Planned Development Zoning <sup>1</sup>		√		
Conditional Use Permit <sup>2</sup>		√		
Planned Development Permit/Amendment <sup>1</sup>		√		
Single Family House Permit	√			
Site Development Permit/Amendment		√		
Special Use Permit <sup>3</sup>		√		
Tentative Map		√		
Historic Permit	√	√		
Tree Removal Permit	√			
Variance/Exception <sup>3</sup>		√		
<b>Special Uses (minimum 500 feet radius)</b>				
Alcohol, off-site sales		√	√	√
Dancehall		√	√	√
Entertainment		√	√	√
Poolroom/billards		√	√	√
Private club or lodge		√	√	√
Theatre, indoor		√	√	√
Drinking establishment		√	√	√
Hospital		√	√	√
Residential Care Facility		√	√	√

**Notes:**

1. The Director will determine when modifications to the radius are required. (Continued on next page)
2. The designee(s) of the relevant Neighborhood Group, Neighborhood Advisory Committee, or Community Organization should receive a Notice of those Proposals within their area(s) of interest.

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**Legend**

- 1 Most applications are defined as Standard Proposals; the Director will make the determination when an application qualifies as a Large or Significant Community Interest Proposals.
- 2 Most Conditional Use Permits are Standard Proposals, but specific uses generate greater community interest and are therefore defined as Significant Community Interest Proposals.
- 3 Most applications are defined as Standard Proposals, unless they are for Single-Family projects for which a 300-foot notification radius is appropriate.

## **Attachment C**

### **Capital Improvement Project Outreach**



# Memorandum

**TO:** BUILDING STRONG  
NEIGHBORHOODS COMMITTEE

**FROM:** Ed Shikada

**SUBJECT: PUBLIC OUTREACH FOR  
CAPITAL PROJECTS**

**DATE:** 10-06-06

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Approved

Date

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**COUNCIL DISTRICT:** City-Wide

## **RECOMMENDATION**

It is recommended that the Committee accept this report on Public Outreach for Capital Projects.

## **OUTCOME**

This report provides the committee with information on the current practices of informing, involving and engaging the community in the development and construction of the City's capital improvement and infrastructure maintenance projects.

## **BACKGROUND**

A status report on the current City Council Policy 6-30, "Public Outreach Policy for Development and Land Use Proposals", was presented to the Committee on February 23, 2006. A motion was passed directing staff to return with recommendations on how Policy 6-30 could be amended to include a community outreach process for the City's capital improvement and infrastructure maintenance projects.

This report provides the Committee with an analysis of the City's current outreach practices for capital projects and how it aligns with Council Policy 6-30.

## **ANALYSIS**

The City's current Capital Improvement Program consists of more than 600 active programs and projects ranging from parks, fire stations, libraries and public art to Airport terminals, traffic signals

and sewer repairs. Attached to this report is an overview of Public Outreach for Capital Projects (Attachment A) as well as a Public Outreach Matrix (Attachment B) which details the various levels of communication that take place with the community when developing and delivering these public projects. The matrix shows broad categories of projects and describes the timing of various forms of outreach, along with the goal of the outreach, the target group and the methods used to communicate with them. Also shown is how the City's current practices for public projects aligns with Council Policy 6-30, the outreach process for private development and land use proposals.

Different methods of community engagement take place depending on the nature of the project, its complexity and its level of community interest. Community engagement ranges from simply providing information, to higher levels of interaction such as consultation, involvement, collaboration and, finally empowerment. At one end of the spectrum is the Strong Neighborhoods Initiative (SNI) process which engages neighborhoods to determine their own priorities which are then implemented in partnership with the City. Projects such as parks, community centers and libraries also undergo extensive community input as the public participation process provides valuable direction as to the project's amenities and programming. A sewer project or street resurfacing project may not require public input as to the design or features of the installation, but will require solid communication during the construction phase to minimize impacts and provide information to the adjacent residents and business community.

Council Policy 6-30 requires private development projects to undergo a process that culminates in a public hearing. While most City projects do not result in a project specific public hearing, most are discussed in a public forum at numerous City Council meetings. This may occur during budget approval for the project, masterplan approval, land acquisition, CEQA approval, consultant selection and contract award. In fact, most large scale City projects undergo all of these City Council approvals in addition to a half dozen community meetings during design development, public art approval and construction.

Unlike the manner described in Council Policy 6-30, there is no clear method to group public projects into distinct categories that require specific levels of community engagement. For example, a small park improvement could be very straightforward as to the needs of the community, or it could require a great deal of public input as to the amenities, layout and design of the park features. The former might involve one community meeting, the latter might involve six. Likewise, a sewer project that takes place in an open, industrial area would require a very different outreach approach than a similarly sized project through the middle of a residential neighborhood or business district. By necessity, the Acoustical Treatment Program at the Airport utilizes an entirely different approach to community outreach than that used for the Police Substation.

For this reason staff does not recommend amending Policy 6-30 to include public projects since it works well in its current form for development and land use decisions, but would be awkward to tailor to the City's wide variety of capital projects. Staff believes that the spirit and intent of Policy 6-30 is being met, and often exceeded, through the high level of community involvement used to shape the City's Capital Improvement Program.

City Council Policy 6-16, “Uses of Public Property”, was approved over 20 years ago with the intent of ensuring that the public is provided an opportunity to participate in decisions affecting the use of public land. Current outreach practices provide ample opportunity for public comment and far exceed the requirements of the policy. The Departments of Planning and Public Works will be bringing forward revisions to Policy 6-16 within a year that will clarify the various processes currently in use for obtaining public input on projects such as libraries, community centers and fire stations.

### **PUBLIC OUTREACH/INTEREST**

This report will be presented to the Sunshine Task Force in November.

### **COORDINATION**

This report has been coordinated with all City departments involved in delivering capital projects, PBCE and the Redevelopment Agency.

### **CEQA**

CEQA: Not a project.

ED SHIKADA  
Deputy City Manager

Attachment

For questions please contact JOHN CANNON, Assistant to the City Manager, at 535-8166.

# Overview of Public Outreach for Capital Projects

	PROJECT PHASE			
	Master Plans and Site Selection	Facility Design	Prior to Construction	During Construction
Goal of Outreach	<ul style="list-style-type: none"> <li>■ Identify Community Priorities</li> <li>■ Select Services</li> <li>■ Identify any Negative Impacts</li> <li>■ Set Scope and Budget expectations</li> </ul>	<ul style="list-style-type: none"> <li>■ Confirm Consistency with Service Priorities</li> <li>■ Input to Aesthetics and Functionality</li> <li>■ Address Construction Issues</li> </ul>	<ul style="list-style-type: none"> <li>■ Identify and Address Unexpected Issues</li> <li>■ Provide Contact Info</li> <li>■ Increase Community Awareness of Project</li> </ul>	<ul style="list-style-type: none"> <li>■ Maintain Point of Contact</li> <li>■ Progress Reporting</li> <li>■ Address Unexpected Issues</li> </ul>
Audience	<ul style="list-style-type: none"> <li>■ Citywide</li> <li>■ Neighborhood Served</li> <li>■ User Groups</li> <li>■ Commissions</li> <li>■ City Council</li> </ul>	<ul style="list-style-type: none"> <li>■ Nearby Property Owners and Residents</li> <li>■ Neighborhood Served</li> <li>■ User Groups</li> </ul>	<ul style="list-style-type: none"> <li>■ City Council Office(s)</li> <li>■ Affected Residents and Businesses</li> <li>■ Traveling Public</li> <li>■ General Public</li> </ul>	<ul style="list-style-type: none"> <li>■ Neighborhoods</li> <li>■ Businesses</li> <li>■ Traveling Public</li> </ul>
Method	<ul style="list-style-type: none"> <li>■ Meetings/Workshops</li> <li>■ Mailers/Flyers</li> <li>■ Website/Email</li> <li>■ Newsprint/Media</li> <li>■ Council Approval(s)</li> </ul>	<ul style="list-style-type: none"> <li>■ Focus Groups</li> <li>■ Community Meetings</li> <li>■ Surveys</li> <li>■ Council Award of Contract(s)</li> </ul>	<ul style="list-style-type: none"> <li>■ On-site Signage</li> <li>■ Flyers</li> <li>■ Media</li> <li>■ Knock-n-Talk</li> </ul>	<ul style="list-style-type: none"> <li>■ Signage</li> <li>■ Flyers</li> <li>■ Website</li> <li>■ Construction Office</li> </ul>

**PUBLIC OUTREACH FOR CAPITAL PROJECTS**

PROJECT PHASE	TYPE OF CONTACT WITH COMMUNITY	GOAL OF OUTREACH	METHOD OF OUTREACH	TARGET GROUP
<b>NEIGHBORHOOD PARKS, REGIONAL PARKS, COMMUNITY CENTERS, TRAILS</b>				
All Phases of Project	General project information Community/Neighborhood Meetings Parks Commission Meetings (Monthly) Parks Bond Citizen Oversight Cmte.(1/4erly) Annual Report to Council	General information/status Provide project information Provide project information Provide project information Seek Council approval of report	CPMS website Community notices/emails/letters Email/Brown Act Board Email/Brown Act Board Council Hearing	General Public Community groups General Public and Commission General Public and COC General Public and COC
Project Conceptualization (SNI Priorities)	Neighborhood Improvement Plan/Plan Amendment Development	Assessment of community assets/needs. Consensus on priorities. Finalize "Top Ten" lists/Action Agenda	Extensive Community meetings, mail, email, phone	Community groups, residential neighborhoods
Project Development	Budget Process	Comment on priorities	Council Hearing	General Public
Real Estate	Acquisition process Council Agenda (site/easement acquisition)	Provide project info., Feedback on site Council approval, public input	Mail/Email/Community Meeting Council Hearing	Surrounding Community General Public
Feasibility/Master Plan	Public input  CEQA process	Assessment of community needs, Obtain consensus of project layout/major components Comment on environmental impacts	Community (& SNI) meetings, CPMS website, email, mailers	Adjacent residential neighborhoods, Special user groups (seniors, skateboarders, etc.), schools
Design Development	Design review	Public input	Tech. Adv. Cmte., community meeting	TAC, General Public, Community groups
Bid/Award	Notice of upcoming contract award Council Award of Contracts over \$1M	General information/status Council Approval and Public Comment	City/CPMS Website Council Agenda	General Public, contractors General Public
Construction	Construction signage Groundbreaking Event	Provide project information Celebration	Project sign Council office & SNI	General Public General Public, Community groups
Post Construction	Ribbon cutting/Grand Opening Event Project surveys	Celebration Obtain feedback on completed projects	Council office & SNI CPMS website/email	General Public, Community groups Facility users
<b>ALIGNMENT WITH COUNCIL POLICY 6-30:</b> Exceeds policy with respect to early notification, community meetings, radius and frequency. Although these projects do not result in a public hearing that mirrors 6-30, each project may come before the City Council for various reasons including budget approval, CEQA/Master Plan approval and contract award. In addition, many of these projects come before the Parks and Rec. Commission where the public has the opportunity to comment. Many of these projects are also included as SNI priorities and are subject to the extensive public input process. Construction area/project signage informs the community of the project as well.				

<b>LIBRARIES</b>				
All Phases of Project	General project information Community/Neighborhood Meetings Library Commission Meetings (Monthly) Library Bond Citizen Oversight Cmte.(1/4erly) Annual Report to Council	General information/status Provide project information Provide project information Provide project information Seek Council approval of report	CPMS website Community notices/emails/letters Email/Brown Act Board Email/Brown Act Board Council Hearing	General Public Community groups General Public and Commission General Public and COC General Public and COC
Project Development	Budget Process	Comment on priorities.	Council Hearing	General Public
Real Estate	Acquisition process Council Agenda (site/easement acquisition)	Provide project info., Feedback on site Council approval, public input	Mail/Email/Community Meeting Council Hearing, Post on library bulletins	2000 ft radius (new and old sites) General Public
Conceptual Design/ Public Art *(sometimes separate process)	Public input/Provide project information (4-6 meetings)	Solicitation and gathering of community needs and concerns; Presentation of project scenarios;	Community (& SNI) meetings, CPMS website, email, mailers School involvement Council office communication	2000 ft radius (new and old sites) Library users Adjacent schools or other organizations
Design Development	Public input/Provide project information CEQA process Notice of consultant contract awards	General information/status Comment on environmental impacts General info.	Library and CPMS Website, community meetings Council Hearing	General Public General Public
Bid/Award	Notice of upcoming contract award Council Award of Contracts over \$1M	General Info. Council Approval and Public Comment	Library and CPMS Website Council Agenda	General Public, contractors General Public
Construction	Construction signage Groundbreaking Event	Provide project information Celebration	Project sign Council office & SNI	General Public General Public, Community groups
Post Construction	Ribbon cutting/Grand Opening Event Project surveys	Celebration Obtain feedback on completed projects	Council office & SNI CPMS website/email	General Public, Community groups Facility users
<b>ALIGNMENT WITH COUNCIL POLICY 6-30:</b> Exceeds policy with respect to early notification, community meetings, radius and frequency. Although these projects do not result in a public hearing that mirrors 6-30, each project may come before the City Council for various reasons including budget approval, CEQA/Master Plan approval and contract award. In addition, many of these projects come before the Library Commission where the public has the opportunity to comment. Construction area/project signage informs the community of the project as well.				

**PUBLIC OUTREACH FOR CAPITAL PROJECTS**

PROJECT PHASE	TYPE OF CONTACT WITH COMMUNITY	GOAL OF OUTREACH	METHOD OF OUTREACH	TARGET GROUP
<b>PUBLIC SAFETY PROJECTS</b>				
All Phases of Project	Public Art	Public Input/Provide project information	Community notices/emails/flyers	Neighbors/User Groups
	General project information	General information/status	CPMS website	General Public
Project Development	Public Safety Bond Citizen Oversight Cmte. (Quarterly)	Provide project information	Email/Brown Act Board	General Public
	Annual Report to Council	Seek Council approval of report	Council Hearing	COC and Public
Real Estate	Budget Process	General info.	Council Hearing	General Public
Design Development	Acquisition process	Provide project info., Feedback on site	Mail/Email/Community Meeting	Surrounding Community
	Council Agenda (site/easement acquisition)	Council approval, public input	Council Hearing	General Public
Bid/Award	Public input/Provide project information	General information/status	CPMS Website, community meetings	General Public
	CEQA process	Comment on environmental impacts		
Construction	Notice of consultant contract awards	General info.	Council Hearing	General Public
	Notice of upcoming contract award	General information/status	City/CPMS Website	General Public, contractors
Post Construction	Council Award of Contracts over \$1M	Council Approval and Public Comment	Council Agenda	General Public
	Construction signage	Provide project information	Project sign	General Public
Post Construction	Groundbreaking Event	Celebration	Council office & SNI	General Public, Community groups
	Ribbon cutting/Grand Opening Event	Celebration	Council office & SNI	General Public, Community groups
	Project surveys	Obtain feedback on completed projects	CPMS website/email	Firefighters and the general public
<p><b>ALIGNMENT WITH COUNCIL POLICY 6-30:</b> These projects meet the policy with respect to early notification in the budget process, the environmental process and on the City's CIP website. Community input is solicited during the design/public art phase from nearby residents in compliance with 6-30. Although these projects do not result in a public hearing that mirrors 6-30, each project may come before the City Council for various reasons including budget approval, CEQA/Master Plan approval and contract award. Construction area/project signage informs the community of the project as well.</p>				

<b>STRONG NEIGHBORHOOD INITIATIVE PROJECTS</b>				
Neigh. Imp. Plan / Plan Amendment Development	Plan Development	Assessment of community assets and needs, obtain consensus on neighborhood priorities and finalize list of prioritized projects, "Top Ten"/ Action Agenda	Extensive community meetings, Mail / Email / Phone	Community groups, residential neighborhoods
Neigh. Imp. Plan / Plan Amendment Development	Plan Approval	Council approval and public input	Council Agenda Mail/Email/Phone	General Public, community groups, residential neighborhoods
Project Development	Develop Scope	Establish project parameters, identify neighborhood vision for project layout/major components	Community meetings, Mail / Email / Phone	Community groups, residential neighborhoods, special user groups (as needed)
Feasibility/Master Plan	Public input/Provide project information	Establish consensus on project scope based on project parameters (i.e. budget, City policy, etc.)	Community meetings, Mail / Email / Phone	Community groups, residential neighborhoods, special user groups (as needed)
Design Development	Design review	Public Input	Project sub-committee meeting, Mail / Email / Phone	Neighborhood project liaison, sub-committee
Bid/Award	Groundbreaking Event	Celebration	Mail / Email / Phone	Community groups, residential neighborhoods, special user groups (as needed)
Construction	General Information	Project updates	Project sub-committee meetings, Mail / Email / Phone	Neighborhood project liaison, sub-committee
Post Construction	Ribbon Cutting/Grand Opening Event	Celebration	Mail / Email / Phone	Community groups, residential neighborhoods, special user groups (as needed)
Project surveys (as needed)		Measure community satisfaction regarding project (for CDBG grants, etc.)	Mail / Interviews	Community groups, residential neighborhoods, special user groups (as needed)
<p><b>ALIGNMENT WITH COUNCIL POLICY 6-30:</b> SNI projects exceed Policy 6-30 in almost every regard. These projects begin with the community's vision which gets refined into discreet projects to be implemented in partnership with the City. These projects have the community's involvement at every phase. Many of these projects are covered elsewhere in this matrix, but the size and success of the SNI process warrants its own category.</p>				

**PUBLIC OUTREACH FOR CAPITAL PROJECTS**

PROJECT PHASE	TYPE OF CONTACT WITH COMMUNITY	GOAL OF OUTREACH	METHOD OF OUTREACH	TARGET GROUP
<b>AIRPORT - ACOUSTICAL TREATMENT PROGRAM</b>				
All Phases of Project	Target Community - Neighborhood Meetings	Provide project information	Community notices/emails/letters	Targeted Community Residents
	Airport Commission Meetings (Monthly)	Provide project/amendment information	Email/Brown Act Board	General Public
	Annual Report to Council	Municipal Code compliance	Info Memo	City Council
Project Development	Targeted Community/Neighborhood Meetings	Provide project information Solicitation and gathering of community needs	Community notices/emails/letters, SNI Outreach	Targeted Community Residents
Conceptual Design & Design Development	Individual Meetings with Homeowners	Present plans of ACT improvements	Community notices/emails/letters,	Targeted Community Residents
	Target Community - Neighborhood Meetings	Attract Participation in program	SNI Outreach	
Bid/Award	Notice of upcoming contract award	General Info.	Airport Website	General Public
	Council Award of Contracts over \$1M	Council Approval and Public Comment	Council Agenda	General Public
Construction	Individual Meetings with Homeowners	Provide project information	Community notices/emails/letters, Pre-Proposal Meetings	Targeted Community Residents
Post Construction	Project surveys	Obtain feedback on completed projects	Community mailers	Targeted Community Residents
<b>ALIGNMENT WITH COUNCIL POLICY 6-30:</b> Due to the size and fixed location of the airport, these projects are difficult to compare with the requirements of Policy 6-30. Numerous plan approvals, Council workshops and other items come before the City Council and provide ample opportunity for public comment and input. Monthly Airport Commission meetings also offer a venue for public input.				

<b>AIRPORT - MASTERPLAN IMPLEMENTATION</b>				
All Phases of Project	General project/amendment information	General information/status	CPMS/Airport website	General Public
	Community/Neighborhood Meetings	Provide project/amendment information	Community notices/emails/letters, Airport/City websites	Community/Business groups, Airport Tenants
	Airport Commission Meetings (Monthly)	Provide project/amendment information	Email/Brown Act Board	General Public
	Annual Report to Council	Municipal Code compliance	Info Memo	City Council
Conceptual Design/ Public Art* (sometimes separate process)	Public input/Provide project information	Presentation of project/amendment scope; Solicitation and gathering of community needs and concerns	Community meetings, Airport/Public Art/City website, email, mailers, Council office communication	General Public, Airport Tenants, Art Community
Conceptual Design & Design Development	Design review	Public Input	Community Meeting	General Public, Community/Business groups, Airport Tenants, Regulatory Agencies
	CEQA process (when required)	Comment on environmental impacts	Community meetings, email, mailers, Airport/Planning website	General Public, Property Owners, Affected Agencies
Bid/Award	Notice of upcoming contract	General information/status	Airport/CPMS Website, Pre-Proposal Meeting	Contractors
	Council Award of Contracts over \$1M	Council Approval and Public Comment	Council Agenda	General Public
Construction	Construction signage	Provide project information	Project sign	General Public
	Groundbreaking Event	Celebration	Council office & Invitation Mailer to Airport Database	Council, Community/Business groups, Airport Tenants
Post Construction	Ribbon cutting/Grand Opening Event	Celebration	Council office & Invitation Mailer to Airport Database	Council, Community/Business groups, Airport Tenants
<b>ALIGNMENT WITH COUNCIL POLICY 6-30:</b> Due to the size and fixed location of the airport, these projects are difficult to compare with the requirements of Policy 6-30. Numerous plan approvals, Council workshops and other items come before the City Council and provide ample opportunity for public comment and input. Monthly Airport Commission meetings also offer a venue for public input.				

**PUBLIC OUTREACH FOR CAPITAL PROJECTS**

PROJECT PHASE	TYPE OF CONTACT WITH COMMUNITY	GOAL OF OUTREACH	METHOD OF OUTREACH	TARGET GROUP
<b>PUBLIC ART</b>				
All Phases of Project	Community/Neighborhood Meetings	General information/status Provide project information	Community notices/emails/letters Community notices/emails/letters/public notices in papers; OCA website	General Public Community groups
	Public Art Committee Meetings (Monthly)	Provide project information	Letters/Email/Brown Act Board/OCA website	General Public and Commission
	Arts Commission Meetings (Monthly)	Provide project information	Letters/Email/Brown Act Board/OCA website	General Public and Commission
	Semi-Annual Report	Provide update to Public Art Committee (PAC), Arts Commission (AC), and Council	Council, AC, and PAC	General Public, SJPAC, SJAC, and Council
	Project surveys	Obtain feedback on public art process	e-mail and letters	General Public, Community stakeholders and groups
*Project Conceptualization *(sometimes in partnership)	Community/Neighborhood Meetings	Assessment of community assets/needs. Presentation of project scenarios; Consensus on priorities.	Extensive Community meetings, mail, e-mail, phone	Community groups, residential neighborhoods
Project Development	Community/Neighborhood Meetings	Notice of Artist selection w/community input to artist	Extensive Community meetings, mail, email, phone	
Conceptual Design	Community/Neighborhood Meetings (1-6 meetings)	Provide project information. Presentation of project scenarios. Solicitation and gathering of community input, history, ideas and concerns.	Extensive Community meetings, mail, email, phone; OCA website	General public, Community stakeholders and Arts Commission
Design Development	Public input/Provide project information	General information/status	PAC Meeting, e-mail and letter; community meetings	General Public
Post Construction	Artwork Dedication Event	Celebration; community education	In partnership w/client department; OCA Website; e-mail and letters	General Public, Community stakeholders and groups
<b>ALIGNMENT WITH COUNCIL POLICY 6-30:</b> Exceeds policy with respect to early notification, community meetings, and frequency. In addition, all of these projects come before the Public Art Committee of the Arts Commission and the full Arts Commission where the public has the opportunity to comment.				

<b>STREET IMPROVEMENTS, BRIDGES, MEDIAN ISLANDS</b>				
All Phases of Project	General project information	General information/status	CPMS website	General Public
	Annual Report to Council	Seek Council approval of report	Council Hearing	General Public
Project Development	Budget Process	Comment on priorities	Council Hearing	General Public
Real Estate	Acquisition process	Provide project info., Feedback on site	Mail/Email/Community Meeting	Surrounding Community
	Council Agenda (site/easement acquisition)	Council approval, public input	Council Hearing	General Public
Design Development	Public input/Provide project information	General information/status	CPMS Website, community meetings	General Public
	CEQA process	Comment on environmental impacts		
Bid/Award	Notice of consultant contract awards	General info.	Council Hearing	General Public
	Notice of upcoming contract award	General Info.	CPMS Website	General Public, contractors
Construction	Council Award of Contracts over \$1M	Council Approval and Public Comment	Council Agenda	General Public
	Construction signage	Provide project information	Project sign	Neighbors, travelling public
Post Construction	Groundbreaking Event	Celebration	Council office & SNI	General Public, Community groups
	Ribbon cutting/Grand Opening Event	Celebration	Council office & SNI	General Public, Community groups
	Project surveys	Obtain feedback on completed projects	Email or U.S. Mail	300' radius
<b>ALIGNMENT WITH COUNCIL POLICY 6-30:</b> These projects are nearly always in the public right of way and improve the City's transportation network. As such, communication often revolves around notifying the community of the project rather than receiving input as to the design or features. These projects meet the policy with respect to early notification in the budget process, the environmental process and on the City's CIP website. Although these projects do not result in a public hearing that mirrors 6-30, each project may come before the City Council for various reasons including budget approval, CEQA/Master Plan approval and contract award. Construction area/project signage informs the community of the project as well.				

**PUBLIC OUTREACH FOR CAPITAL PROJECTS**

PROJECT PHASE	TYPE OF CONTACT WITH COMMUNITY	GOAL OF OUTREACH	METHOD OF OUTREACH	TARGET GROUP
<b>TRAFFIC CALMING, BICYCLE/PEDESTRIAN IMPROVEMENTS</b>				
All Phases of Project	General project information Annual Report to Council	General information/status Seek Council approval of report	CPMS website Council Hearing	General Public General Public
Project Development	Budget Process	Comment on priorities.	Council Hearing	General Public
Design Development	Design review	Public input	Community (& SNI) meetings,	Adjacent residential neighborhoods,
Bid/Award	Notice of upcoming contract award Council Award of Contracts over \$1M	General Info. Council Approval and Public Comment	CPMS Website Council Agenda	General Public, contractors General Public
Construction	Construction signage Groundbreaking Event	Provide project information Celebration	Project sign Council office & SNI	Neighbors, travelling public General Public, Community groups
Post Construction	Ribbon cutting/Grand Opening Event Project surveys	Celebration Obtain feedback on completed projects	Council office & SNI Email or U.S. Mail	General Public, Community groups 300' radius
<b>ALIGNMENT WITH COUNCIL POLICY 6-30:</b> Meets policy with respect to early notification, community meetings, radius and frequency. Many of these projects are also included as SNI priorities and are subject to the extensive public input process. Construction area/project signage informs the community of the project as well.				

<b>TRAFFIC SIGNALS, STREETLIGHTS, INTELLIGENT TRANSPORTATION SYSTEMS</b>				
All Phases of Project	General project information Annual Report to Council	General information/status Seek Council approval of report	CPMS website Council Hearing	General Public General Public
Project Development	Budget Process	Comment on priorities.	Council Hearing	General Public
Design Development	Design review	Public input	Community (& SNI) meetings,	Adjacent residential neighborhoods,
Bid/Award	Notice of upcoming contract award Council Award of Contracts over \$1M	General Info. Council Approval and Public Comment	CPMS Website Council Agenda	General Public, contractors General Public
Construction	Notice of upcoming project Notice of upcoming construction	General info, traffic safety Notice of const. impacts, parking restrictions	Door hangers/flyers	Neighbors Adjacent residents/businesses
Post Construction	Project Surveys	Feedback	Email or U.S. Mail	300' radius, groups described above
<b>ALIGNMENT WITH COUNCIL POLICY 6-30:</b> These projects meet the policy with respect to early notification in the budget process, the environmental process and on the City's CIP website. Many of these projects are generated by requests from the community. Construction area/project signage informs the community of the project as well.				

<b>STORM AND SANITARY SEWERS AND OTHER EUS PROJECTS</b>				
All Phases of Project	General project information Annual Report to Council	General information/status Seek Council approval of report	CPMS website Council Hearing	General Public General Public
Project Development	Budget Process General project information	Comment on priorities. General info.	Council Hearing CPMS website	General Public General Public
Design (projects >\$10M)	CEQA process Construction Impact Mitigation Plan (CIMP) Advance coordination with Council Office staff, Business and Neighborhood Associations	Comment on environmental impacts. Ensure stakeholder impacts and concerns addressed Ensure stakeholder impacts and concerns addressed	U.S. Mail U.S. Mail and direct meetings U.S. Mail, email, community meetings, direct meetings	300' radius Adjacent residents/businesses Adjacent residents/businesses
Bid/Award	Notice of upcoming contract award Council Award of Contracts over \$1M	General information/status Council Approval and Public Comment	City/CPMS Website Council Agenda	General Public General Public
Construction	Notice of upcoming project Notice of upcoming construction	General info, traffic safety Notice of const. impacts, parking restrictions	U.S. Mail, "Tailgate" community mtgs. Door hangers/flyers	Adjacent residents/businesses Adjacent residents/businesses
Post Construction	Customer surveys	Feedback	Email or U.S. Mail	Adjacent residents/businesses
<b>ALIGNMENT WITH COUNCIL POLICY 6-30:</b> Meets policy with respect to early notification, community meetings, radius and frequency. Although these projects do not result in a public hearing that mirrors 6-30, each project may come before the City Council for various reasons including budget approval, CEQA/Master Plan approval and contract award. Construction area/project signage informs the community of the project as well.				

**PUBLIC OUTREACH FOR CAPITAL PROJECTS**

PROJECT PHASE	TYPE OF CONTACT WITH COMMUNITY	GOAL OF OUTREACH	METHOD OF OUTREACH	TARGET GROUP
<b>MAINTENANCE PROJECTS (STREETS, SEWERS, ETC.)</b>				
All Phases of Project	General project information	General information/status	CPMS website; door hangers/flyers; U.S. Mail	General Public; affected residents and businesses
	Annual Report to Council	Seek Council approval of report	Council Hearing	General Public
Project Development	Budget Process	Comments on priorities	Council Hearing	General Public
	Resident/Business complaints/concerns	Understand public priorities	Phone, email, call center	General Public
Design Development	Design review	Public input	Community (& SNI) meetings,	Adjacent residential neighborhoods,
Bid/Award	Notice of upcoming contract award	General Info.	CPMS Website; City Clerk Website; builders exchange, etc.	General Public
	Council Award of Contracts over \$1M	Council Approval and Public Comment	Council Agenda	General Public
Construction	Notice of upcoming project	General info, traffic safety		Neighborhoods
	Notice of upcoming construction	Notice of const. impacts, parking restrictions	Door hangers/flyers; posted signs	Adjacent residents/businesses
Post Construction	Project Surveys	Feedback	Door hangers; phone calls; Email or U.S. Mail	Neighborhoods; adjacent residencies/businesses
<p><b>ALIGNMENT WITH COUNCIL POLICY 6-30:</b> These projects meet the policy with respect to early notification in the budget process, the environmental process and on the City's CIP website. Community meetings are typically not held unless there is a significant impact to the community. Construction area/project signage informs the community of the project as well.</p>				

**NOTES:**

- For Agency and SNI projects, additional outreach efforts are conducted prior or during Project Development phase. Projects are discussed at either the Business Association meetings for the Neighborhood Business Districts and Downtown or the Neighborhood Advisory Committee (NAC) meetings for each of the SNI 19 neighborhoods. In addition, it should be noted that nearly all Agency projects are recommended by the Business Association or NAC through the NBD or Downtown Strategies or in the case of the SNI areas as an outcome (top ten priority) of the various Neighborhood Improvement Plans. These groups are also kept informed on the ongoing progress of projects and at times, the public outreach efforts will occur concurrently with City efforts described above.
- CIP/SNI Status Reports are distributed to the Council/Agency Board on a quarterly basis.

**Sunshine Reform Task Force – Public Information Provisions  
Comparison of the City of Milpitas Provisions with Public Records Act, and Other Local “Sunshine” Ordinances  
10/17/06 - Draft**

<u>Provisions</u>	Public Records Act and Comparison of other Ordinances
<b>A. Definition of Public Information</b> (Content from Milpitas Ord., Sec. 3, I-310-3.10)	
Public Information shall mean: The content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication. "Public Information" shall not include "computer software" developed by the City as defined in the California Public Records Act (Government Code Section 6254.9).	<p>The Public Records Act defines "public records" to include "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." (Government Code Section 6252(e).) A "writing" means "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored." The Public Records Act does not include a separate definition of "public information."</p> <p><b>San Francisco:</b> Identical to Milpitas definition. (Article III, Sec 67.20b)</p> <p><b>Oakland:</b> Similar definition; however does not include reference to "computer software." (Article III. Public Information, Section 2.20.180 Definitions.)</p>
<b>B. Release of Oral Public Information</b> (Content from Milpitas Ord., Sec. 3, I-310-3.50)	
<p>Release of oral public information shall be accomplished as follows:</p> <p>(a) Every department head shall designate a person or persons knowledgeable about the affairs of the department, to provide information, including oral information, to the public about the department's operations, plans, policies and positions. The department head may designate himself or herself for this assignment, but in any event shall arrange that an alternate be</p>	<p>The Public Records Act requires that the public agency, in response to a request for a public record from a member of the public, to the extent reasonable under the circumstances, (1) assist the member of the public to identify records and information that respond to the request, (2) describe the information technology and physical location in which the records exist, and (3) provide suggestions for overcoming any practical</p>

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<b>Provisions</b>	<b>Public Records Act and Comparison of other Ordinances</b>
<p>available for this function during the absence of the person assigned primary responsibility.</p>	<p>basis for denying access to the records or information sought. (Government Code Section 6253.1.)</p> <p><b>San Francisco:</b>            Identical language to Milpitas but also includes the following sentence at end of paragraph: If a department has multiple bureaus or divisions, the department may designate a person or persons for each bureau or division to provide this information. (Article III; Sec. 67.22a)</p> <p><b>Oakland:</b>            Similar language to Milpitas and San Francisco Ordinances. In addition, requires the designated person’s name be filed with the Clerk and posted online. (Article III; Sec. 2.20.200)</p>
<p>(b) The role of the person or persons so designated shall be to provide information on as timely and responsive a basis as possible to those members of the public who are not requesting information from a specific person. This section shall not be interpreted to curtail existing informal contacts between employees and members of the public when these contacts are occasional, acceptable to the employee and the department, not disruptive of his or her operational duties and confined to accurate information not confidential by law.</p>	<p><b>San Francisco:</b>            Identical language to Milpitas Ordinance. (Article III; Sec. 67.22b)</p> <p><b>Oakland:</b>            Similar to S.F. and Milpitas Ordinances but includes the following: It shall also be the duty of the person or persons so designated to assist members of the public in identifying those public records they wish to obtain pursuant to Government Code Section 6253.1. (Sec. 2.20.200(b))</p>
<p>(c) If it would take an employee more than fifteen minutes to obtain the information responsive to an inquiry or inquiries from a member of the public, the employee shall notify the requestor of the procedures for obtaining records under sections 1-310-3.70 and 1-310-3.80 of this Ordinance.</p>	<p>There is no specific provision to this effect in the Public Records Act.</p> <p><b>San Francisco:</b>            The ordinance states, “No employee shall be required to respond to an inquiry or inquiries from an individual if it would take the employee more than fifteen minutes to obtain the information responsive to the inquiry or inquiries.” (Article III; Sec. 67.22c)</p>

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<u>Provisions</u>	Public Records Act and Comparison of other Ordinances
	<p><b>Oakland:</b> Not addressed.</p>
<p>(d) Public employees shall not be discouraged from or disciplined for the expression of their personal opinions on any matter of public concern <u>while on duty</u>, so long as the opinion (1) is not represented as that of the department and does not misrepresent the department position; and (2) does not disrupt coworker relations, impair discipline or control by superiors, erode a close working relationship premised on personal loyalty and confidentiality, interfere with the employee's performance of his or her duties or obstruct the routine operation of the office in a manner that outweighs the employee's interests in expressing that opinion. In adopting this subdivision, the City Council intends merely to restate and affirm court decisions recognizing the First Amendment rights enjoyed by public employees. Nothing in this section shall be construed to provide rights to City employees beyond those recognized by courts, now or in the future, under the First Amendment, or to create any new private cause of action or defense to disciplinary action.</p>	<p>There is no specific provision to this effect in the Public Records Act.</p> <p><b>San Francisco:</b> Similar to Milpitas Ordinance but not as clear. S.F. also uses “while not on duty” instead of “while on duty” (see underlined to the left). (Article III; Sec. 67.22d)</p> <p><b>Oakland:</b> Similar language to Milpitas, although Milpitas more expansive. (Section 2.20.200 (c))</p>
<p>(e) Notwithstanding any other provisions of this ordinance, public employees shall not be discouraged from or disciplined for disclosing any information that is public information or a public record to any journalist or any member of the public. Any public employee who is disciplined for disclosing public information or a public record shall have a cause of action against the City and the supervisor imposing the discipline.</p>	<p>The Public Records Act does not address this issue .</p> <p><b>San Francisco:</b> Identical language to Milpitas Ordinance. (Article III; Sec. 67.22e)</p> <p><b>Oakland:</b> Not addressed.</p>
<p><b>C. Public Review File – Policy Body Communications</b> (Content from Milpitas Ord., Sec. 3, I-310-3.60)</p>	
<p>(a) The City Clerk shall maintain a file, accessible to any person during normal office hours, containing a copy of any letter, memorandum or other communication which the clerk has distributed to or received from a quorum of the policy body concerning a matter calendared by the body within the previous 30 days or likely to be calendared within the next 30 days, irrespective of subject matter, origin or recipient, except commercial</p>	<p>These documents are public records pursuant to the Public Records Act.</p> <p><b>San Francisco:</b> Identical language to Milpitas Ordinance. (Article III; Sec. 67.23a)</p>

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<b>Provisions</b>	<b>Public Records Act and Comparison of other Ordinances</b>
solicitations, periodical publications or communications exempt from disclosure under the California Public Records Act (Government Code Section 6250 et seq.) and not deemed disclosable under Section 1-310-3.70 of this Chapter.	<b>Oakland:</b> Similar to Milpitas and S.F. Ordinances. (Article III; Sec. 2.20.210)
(b) Communications, as described in subsection (a), sent or received in the last three business days shall be maintained in chronological order in the office of the department head or at a place nearby, clearly designated to the public. After documents have been on file for two full days, they may be removed, and, in the discretion of the Council, board or commission, placed in a monthly chronological file	<b>San Francisco:</b> Identical language to Milpitas Ordinance. (Article III; Sec. 67.23b)  <b>Oakland:</b> Not addressed.
(c) Multiple –page reports, studies or analyses which are accompanied by a letter or memorandum of transmittal need not be included in the file so long as the letter or memorandum of transmittal is included	<b>San Francisco:</b> Identical language to Milpitas Ordinance. (Article III; Sec. 67.23c)  <b>Oakland:</b> Similar to Milpitas and S.F. Ordinances. (Article III; Sec. 2.20.210)
<b>D. Internet Access/World Wide Web Minimum Standards</b> (Content from Milpitas Ord., Sec. 3, I-310-3.150)	
Each department of the City shall maintain on a World Wide Web site, or on a comparable, readily accessible location on the Internet, information that it is required to make publicly available. Each department is encouraged to make publicly available through its World Wide Web site as much information and as many documents as possible concerning its activities. <u>These include but are not limited to campaign report forms, statements of economic interest, operating and capital budgets, meeting agenda, meeting minutes, public notices and, when feasible, staff meeting reports.</u> Within 12 months after enactment of this provision, each department shall post on its World Wide Web site all meeting notices required under this ordinance, all agendas and the minutes of all previous meetings of its policy bodies for the last three years. Notices and agendas shall be posted no later than the time that the department otherwise distributes this information to the public, allowing	State law does not impose requirements on maintenance of a website by local public agencies.  <b>San Francisco:</b> San Francisco Ordinance does not include the underlined sentence (see to the left) specifying certain documents. This ordinance further states that, six months following enactment of the ordinance, the departments must post the meeting notices required under this ordinance. The ordinance also specifies that departments – as opposed to the City - shall make every reasonable effort to review and update the website. The ordinance does not address webcasting or archiving (3 years) of City Council and Planning

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<p>reasonable time for posting. Minutes of meetings shall be posted as soon as possible, but in any event within 48 hours after they have been approved. The City shall make reasonable efforts to ensure that its World Wide Web site is regularly reviewed for timeliness and updated on at least a weekly basis. The City shall also make available on its World Wide Web site, or on a comparable, readily accessible location on the Internet, a current copy of the Municipal Code.</p> <p>The City shall also webcast all City Council and Planning Commission meetings and archive the webcasts of such meetings for at least three years. (1-310-3.150)</p>	<p>Commission meetings. (Article III; Sec. 67.29-2)</p> <p><b>Oakland:</b> Not addressed.</p>
<b>E. Calendars of Certain Officials</b> (Content from Milpitas Ord., Sec. 3, I-310-3.170)	
<p>Members of the City Council (including the Mayor), Planning Commission and the City Manager shall maintain a monthly City Calendar form which includes all City-related appointments, meetings, including regular and special City Council and Planning Commission meetings, public events or speaking engagements, meetings with developers, meetings with consultants, meetings with lobbyists, regional meetings, and meetings of subcommittees or task forces. The description shall include the meeting's duration, and shall include a listing of all principal individuals present at meetings with developers, meetings with consultants, and meetings with lobbyists. The Mayor, City Council, City Manager and Planning Commission members shall submit the updated calendar forms for the prior month to the City Clerk during the first week of every month, and the schedule shall be a public record subject to inspection during normal business hours at the office of the City Clerk and additionally available in electronic format on the City's official website. Councilmembers shall be trained in the operation and procedures for entering or re-entering data into an automated calendaring system maintained on the City's website.</p>	<p>There is no state statute that requires maintenance of a public calendar by officials.</p> <p><b>San Francisco:</b> The Ordinance specifies that the Mayor, the City Attorney, and every Department Head shall keep or cause to be kept a daily (as opposed to a monthly calendar as in the Milpitas Ordinance.) Also provides that calendars shall be public records and shall be available to any requester <u>three business days subsequent to the calendar entry date.</u> (Article III; Sec. 67.29-5)</p> <p><b>Oakland:</b> Not addressed</p>
<b>F. Lobbyist on Behalf of the City</b> (Content from Milpitas Ord., Sec. 3; I-310—3.160)	
<p>(1) Any lobbyist who contracts for economic consideration with the City of</p>	<p>The Political Reform Act of 1974 requires lobbyist, lobbyist</p>

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10/17/06 - Draft**

<b>Provisions</b>	<b>Public Records Act and Comparison of other Ordinances</b>
<p>Milpitas to represent the City in matters before any local, regional, state, or federal administrative or legislative body shall file a public records report of their activities on a quarterly basis with the City Clerk's office. This report shall be maintained by the City Clerk's office and not be exempt from disclosure. Each quarterly report shall identify all financial expenditures by the lobbyist, the individual or entity to which each expenditure was made, the date the expenditure was made, and specifically identify the local, state, regional or national legislative or administrative action the lobbyist supported or opposed in making the expenditure. The failure to file a quarterly report with the required disclosures shall be a violation of this ordinance.</p> <p>(2) No person shall be deemed a lobbyist on behalf of the City under section (a), unless that person receives or becomes entitled to receive at least <u>\$250</u> total compensation in any month for influencing legislative or administrative action on behalf of the City of Milpitas. No business or organization shall be deemed as a lobbyist under section (a) unless it compensates its employees or members for their lobbying activities on behalf of the City of Milpitas, and the compensated employees or members have at least 25 separate contacts with local, state, regional or national officials for the purpose of influencing legislative or administrative action within any two consecutive months. "Total compensation" shall be calculated by combining all compensation received from the City of Milpitas during a month of lobbying activities on matters at the local, state, regional or national level. "Total number of contacts" shall be calculated by combining all contacts made during a two-month period on behalf of the City of Milpitas for all lobbying activities on matters at the local, state, regional or national level.</p> <p>(3) Funds of the City of Milpitas shall not be used to support any lobbying efforts to restrict public access to records, information, or meetings, except where such effort is solely for the purpose of protecting the identity and privacy rights of private citizens.</p>	<p>employers and lobbying firms to be registered and to file lobbying disclosure of financial activities reports including financial activities statement with the Secretary of State's Office. Lobbyists, employers of lobbyists and lobbying firms are required to file quarterly reports with the Political Reform Division. The lobbying disclosure statements must be filed every quarter for the two-year lobbying cycle (corresponding to each two-year legislative session). Deadline dates for filing these disclosure statements are one month after the end dates of each quarter. Different documentation is required to be filed depending on whether one is a lobbying firm, registered lobbyist or lobbyist employer.</p> <p><b>San Francisco:</b> Similar to Milpitas Ordinance; however, S.F. requires \$300 in total compensation in any month, rather than \$250, to qualify as a lobbyist. (Article III; Sec. 67.29-4)</p> <p><b>Oakland:</b> Not addressed</p>



Public Information  
Reform Proposals

Submitted by Individual Councilmembers and Members of the Public

**A. Release of Oral Public Information**

No proposals received

**B. Public Review File – Policy Body Communications**

No proposals received

**C. Internet Access/World Wide Web Minimum Standards**

No proposals received

**D. Calendars of Certain Officials**

1. Councilmembers' calendars must be made available (running in real time) on-line for the San Jose citizens to review. (*Pete Campbell, August 17, 2006*)
2. Disclose the calendars of the Mayor and Councilmembers (*Councilmember Chuck Reed, March 13, 2006*)
3. Require all electronic correspondence – including e-mails, voice-over-internet and calendars of public employees and elected officials – be made available in the City Clerk's office for easier public access. Require the City Clerk to maintain a central point of access to this information and that of item #7 on the City's website. (*Councilmember Dave Cortese, June 13, 2006*)
4. The Mayor, City Attorney, Members of the City Council, the City Administrator and every department head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, the exclusion of purely personal or social events at which no city business is discussed and that do not take place at City Offices or at the offices of residences of people who do substantial business with or are otherwise substantially financially affected by actions of the City. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues discussed. Such calendar shall be public records and shall be available to any requester three business days subsequent to the calendar entry date. (*David Parker, August 31, 2006*)

**E. Lobbyist on Behalf of the City**

No proposals submitted.

**General Public Information Referrals**

1. Establish and make public a citywide directory of neighborhood associations with current contact information. This directory should include at minimum Neighborhood Groups, community Associations, and their designees. (*Councilmember Dave Cortese, August 31, 2006*)