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>> ED RAST: WE'LL GET STARTED IN ABOUT A MINUTE HERE. THE TICKET VALIDATION MEDICINE IS NOT HERE. IT'S ON ITS WAY.

>> TOM MANHEIM: LET ME JUST CLARIFY. WE ASKED LEE NOT TO BRING THE PARKING VALIDATION DOWN. WE'RE GOING TO KEEP YOU HERE UNTIL YOU FINISH YOUR WORK, NO MATTER HOW LONG.

>> ED RAST: SO PEOPLE SIGN IN GET A COPY OF THE AGENDA, IF YOU TURN OFF YOUR CELL PHONES, PAGERS, ET CETERA, SO THEY DON'T INTERFERE WITH THE AUDIO. AND ALWAYS IF YOU SPEAK CLOSE TO THE MICROPHONE SO WE CAN HEAR YOU. OKAY. ALL RIGHT, CALLING THE SUNSHINE REFORM TASK FORCE FOR THURSDAY, MARCH 20TH, 2008, IS CALLED TO ORDER. AND THE FIRST ITEM IS THE APPROVAL OF THE FEBRUARY 21ST MINUTES.

>> KEN PODGORSEK: I MOVE WE APPROVE AS SUBMITTED.

>> SECOND.

>> ED RAST: ANY DISCUSSIONS, CHANGES, CORRECTIONS? BOB BROWNSTEIN.

>> BOB BROWNSTEIN: PAGE 2 NEAR THE BOTTOM OF THE PAGE, THE PROVISION DOES NOT REQUIRE --

>> ED RAST: MICROPHONE.

>> BOB BROWNSTEIN: THERE IS A TYPO ON THE BOTTOM OF PAGE 2. THE PROVISION DOES NOT REQUIRE THE DISCLOSURE OF THE ACTUAL ADVICE GIVEN TO ANY CLIENT, DOES NOT REQUIRE AS OPPOSED TO DOES NOR REQUIRE.

>> KEN PODGORSEK: I'LL CHANGE MY MOTION TO AS AMENDED.

>> SO NOTED.

>> GOOD READER.

>> ED RAST: ANY OTHER COMMENTS? OKAY. ALL IN FAVOR? [ AYES ]

>> ED RAST: OPPOSED, ABSTENTIONS, TWO ABSTENTIONS. ALL RIGHT, CHAIR'S COMMENT. I THINK MY UNDERSTANDING IS, THE PUBLIC RECORDS COMMITTEE IS PRETTY MUCH WRAPPED UP AND IS GOING TO GIVE THE NEXT REPORT. SO WE HAVE THE APRIL, THE NEXT MEETING AFTER THAT WILL BE THE APRIL 4TH MEETING. SO WE'LL BE COVERING POLICE RECORDS AT THAT POINT IN TIME. AND ALSO THE TUESDAY BEFORE THAT THE RULES COMMITTEE WILL BE REVIEWING THE PHASE 1 RECOMMENDATIONS, IN A MEETING THAT WILL GO FROM 9:30 TO 12 --

>> TOM MANHEIM: THE CHAIR IS CORRECT EXCEPT THE DATES ARE ACTUALLY, THE SPECIAL RULES MEETING WILL BE ON THE 1ST AND THE NEXT TASK FORCE MEETING WILL BE ON THE 3RD. THE SPECIAL RULES COMMITTEE MEETING WILL RUN FROM 9:00 TO NOON.

>> ED RAST: SO IT'S TUESDAY THE 1ST AND THURSDAY THE 3RD.

>> TOM MANHEIM: THURSDAY MORNING.

>> ED RAST: NO, TUESDAY MORNING, THURSDAY EVENING.

>> TOM MANHEIM: TUESDAY MORNING, THURSDAY EVENING.

>> ED RAST: WHAT WE'RE GOING TO DO IS AN UPDATE OR A REVIEW OF THE STATUS REPORT FOR PHASE 1. AND I THINK AGAIN, CONGRATULATIONS ON EVERYBODY'S HARD WORK. I THINK WE'RE MOVING A LITTLE BIT FASTER THAN WE THOUGHT WE WOULD WITH THIS. STAFF, I GUESS TOM, ITEM 3 IS THE REVIEW OF THE MEETING MATERIALS AND PRESENTATION OF THE STATUS REPORT ON THE DECISION ON PHASE 1 TOPICS.

>> TOM MANHEIM: THANK YOU. THE FIRST ITEM THAT WE'LL BE GOING THROUGH IS THE PHASE 1 RECOMMENDATIONS. AND WHAT I'D LIKE TO DO, IF CAN I FIND MY NOTES HERE, LET ME FIRST IF I COULD JUST REFRESH EVERYBODY'S MEMORY ON WHAT HAS ACTUALLY BEEN APPROVED BY THE COUNCIL AND WHAT IS STILL WORK ITS WAY THROUGH RULES. WHEN YOU SENT FORWARD THE PHASE 1 RECOMMENDATIONS, WE DID GO TO RULES, WE DID GO TO THE CITY COUNCIL WITH THOSE. THE DIRECTION FROM THE CITY COUNCIL WAS TO ACTUALLY TAKE THE PUBLIC MEETING SECTION, WHICH WAS THE SECTION THAT CONTAINED SORT OF WHO WOULD BE COVERED, AS WELL AS WHAT REQUIREMENTS WOULD BE IMPOSED ON THEM. AND TO GO OUT AND TALK TO ALL OF THE VARIOUS ENTITIES THAT WOULD BE COVERED, TO SO THAT WE WERE ABLE TO GIVE TO THE RULES COMMITTEE AND TO THE CITY COUNCIL SORT OF A SENSE OF, ARE THERE BARRIERS, ARE THERE PROBLEMS THAT WE WEREN'T AWARE OF, TO IMPLEMENTING THE TASK FORCE RECOMMENDATION. WE DID THAT THROUGHOUT THE SUMMER, EARLY FALL. AND WE HAVE, STARTING IN OCTOBER, WE STARTED GOING TO RULES DURING THEIR WEEKLY MEETINGS, AND TAKING THE VARIOUS PUBLIC MEETING RECOMMENDATIONS FORWARD. BECAUSE THERE'S SO MUCH BUSINESS THAT DOES HAVE TO GO THROUGH RULES, WE'VE NOT BEEN ABLE TO GET THROUGH QUITE AS EFFICIENTLY AS WE WOULD HAVE LIKED, WHICH IS ONE OF THE REASONS WHY WE ARE GOING TO FINISH UP ALL OF THE RECOMMENDATIONS ON APRIL 1ST. BUT THE -- WE HAVE GOTTEN THROUGH A GOOD SET OF THEM. AND I'LL GO THROUGH THOSE IN DETAIL. YOU HAVE A STAFF REPORT ABOUT THOSE AS WELL AS A MATRIX WHICH I'M GOING TO CALL YOUR ATTENTION TO IN THE PACKET THAT WE'LL WALK THROUGH IN JUST A SECOND. WHAT ENTITIES SHOULD BE COVERED, WHAT RULES SHOULD BE IMPOSED UPON THEM, AND THE ISSUE OF RECORDING CLOSED SESSIONS, WHETHER TO RECORD THEM, IF WE RECORD THEM, HOW THOSE RECORDINGS SHOULD BE USED, AND THEN FOR ALL OF THE OTHER ENTITIES THAT ALSO ARE ALLOWED TO HOLD CLOSED SESSIONS, WHAT RULES SHOULD GOVERN THEIR HOLDING CLOSED SESSIONS. SO THOSE ITEMS ARE STILL WORK THEIR WAY THROUGH COUNCIL. IN TERMS OF THE ENTITIES THAT WOULD BE COVERED, YOU'LL RECALL THAT THE TASK FORCE RECOMMENDATIONS BROKE EVERYBODY INTO THREE GROUPS, POLICY BODIES, ANCILLARY BODIES, AND NONGOVERNMENTAL BODIES. THE RULES COMMITTEE AS THEY HAVE BEEN WORKING THROUGH THIS, THEY HAVE BEEN DEALING WITH THE SAME GROUPS OF ENTITIES. NOBODY HAS DROPPED OFF THE TABLE, BUT FOR CONSISTENCY AND CLARITY, RATHER THAN USING THOSE DEFINITIONS AND THOSE TERMS, THEY HAVE BROKEN THEM UP INTO THE GROUPINGS OF ENTITIES THAT WE MORE CONSISTENTLY THINK OF WITHIN THE CITY ORGANIZATION. SO AS WE TALK TONIGHT I'LL TALK TO YOU ABOUT THE COUNCIL AND THE REDEVELOPMENT AGENCY, WE'LL THEN MOVE ON TO THE COUNCIL COMMITTEES. I'M SORRY, DID YOU --

>> ED RAST: I'LL MAKE COMMENTS LATER.

>> TOM MANHEIM: WE WILL THEN MOVE ON TO THE COUNCIL COMMITTEES. FOLLOWING WHICH, WE'LL GO TO THE BOARDS, COMMITTEES, AND COMMISSIONS. ALL OF THOSE WERE IN YOUR ORIGINAL DEFINITION OF POLICY BODIES. WE'LL MOVE ON TO WHAT THE RULES COMMITTEE IS CALLING OTHER ADVISORY COMMITTEES. WHICH WERE IN THE CLASSIFICATION YOU CALLED ANCILLARY BODIES. AND WE'LL GET TO NONGOVERNMENTAL BODIES. WE'VE NOT YET GOTTEN TO THOSE GROUPS. LET ME PAUSE, I THINK THE CHAIR WANTS TO MAKE A COMMENT.

>> ED RAST: I HAVEN'T GONE TO ALL OF THESE, BUT A MAJORITY. MY OBSERVATION IS THE STAFF HAS DONE AN EXCELLENT JOB THE ANSWERING THE RULES COMMITTEE'S QUESTIONS. ALSO, AS MANY OF US REMEMBER, MANY OF THE OTHER CITY DEPARTMENTS

HAD NOT PUT THEIR COMMENTS IN, SO THOSE COMMENTS CAME IN, AND SOME OF THE COMMENTS THAT WERE DONE BY THE CITY MANAGER, AND THE STAFF. I REVIEWED THIS DOCUMENT. HOPEFULLY EVERYONE ELSE WOULD HAVE GONE THROUGH WHAT THE RULES COMMITTEE'S RECOMMENDATIONS ARE. WHAT I SEE IS, THAT THE STAFF, CITY MANAGER AND THE RULES COMMITTEE HAS REALLY DONE A GOOD FAITH EFFORT IN TRYING TO ACCOMPLISH WHAT WE WERE TRYING TO DO, WHICH IS HAVE SUNSHINE AND OPEN GOVERNMENT. AT THE SAME TIME, THEY WERE TRYING TO BALANCE OFF ANOTHER ONE OF OUR CONCERNS, WHICH WAS THE STAFFING ISSUES, AND THE FINANCIAL ISSUES THE CITY IS FACING. SO I THINK THEY'VE COME UP WITH GOOD COMPROMISES IN THE FEW AREAS WHERE THEY'VE MADE SOME CHANGES. WE HAVE AN OPPORTUNITY GOING BEFORE COUNCIL TO MAKE SOME COMMENTS ON THOSE. I WOULD HOPE THAT MAYBE IF YOU READ THIS AND YOU HAVE A CONCERN ABOUT SOMETHING THAT YOU DON'T UNDERSTAND THAT YOU WOULD TALK TO STAFF ABOUT THAT, AND MAYBE THEY CAN CLARIFY SOME OF THOSE. OR IF THAT'S STILL NOT CLEAR, MAYBE YOU MIGHT SHOW UP AT THE APRIL 2ND MEETING, AND ASK FOR SOME CLARIFICATION FROM RULES, ON HOW THE LOGIC OF THEIR DECISION WENT ABOUT, IF IT'S NOT CLEAR OR THE STAFF HAS NOT CLEANED IT UP TONIGHT. SO I THINK IN LOOKING AT EVERYTHING, I THINK THEY'RE MAKING GREAT PROGRESS FOR A VERY COMPLICATED AREA, WITH SOME CONSTRAINTS ON STAFF, AND OTHER THINGS. BUT I THINK THERE ARE PROBABLY BE A FEW THINGS THAT THEY'LL WANT ADDITIONAL CLARIFICATION ON.

>> TOM MANHEIM: THANK YOU FOR THE COMMENTS. THAT LEADS INTO THE OVERARCHING COMMENTS THAT I WANTED TO MAKE AS WELL. AS WE GO THROUGH THESE AND FOR THOSE OF YOU WHO HAVE HAD AN OPPORTUNITY TO LOOK THROUGH THE STAFF REPORT, YOU'LL SEE THAT THE TASK FORCE HAS, IN SOME CASES, TAKEN THE -- PARDON ME, THE RULES COMMITTEE HAS IN SOME CASES TAKEN THE TASK FORCE'S RECOMMENDATIONS EXACTLY AS THEY ARE. IN OTHER CASE, THEY'VE MADE CHANGES. AND I'LL GO THROUGH ALL OF THOSE IN DETAIL. BUT THEY REALLY HAVE, AS THE CHAIR MENTIONED, BEEN DESIGNED TO HOLD TRUE TO THE TASK FORCE, I THINK, GOALS OF TRANSPARENCY, BUT WHERE THEY FELT THAT IT WOULD ESSENTIALLY PUT ALMOST -- MY TERM FOR IT IS PUTTING SAND IN THE GEARS THAT YOU KNOW, TRY TO KEEP ALL OF THIS STUFF GOING, DAY IN AND DAY OUT, THEY'VE ADJUSTED SOME THINGS TO MAKE THEM MORE CONSISTENT WITH JUST THE SCHEDULES THAT WE ALL KEEP THROUGHOUT THE YEAR. I'LL GO THROUGH THOSE IN DETAIL. THE OTHER THING TO POINT OUT, WE SOMETIMES FORGET BEFORE WE STARTED THIS, BEFORE THIS TASK FORCE STARTED MEETING AND BEFORE THE REED REFORMS AND THE OTHER COUNCIL RECOMMENDATIONS, THE CITY WAS PRETTY MUCH TAKING THE BROWN ACT AS ITS STANDARD. THAT WAS NOT TRUE FOR THE COUNCIL. THE COUNCIL HAS ALWAYS DONE MORE THAN THE BROWN ACT REQUIRES, BUT NOWHERE NEAR WHAT IT'S DOING NOW. I THINK THE COUNCIL WAS GENERALLY POSTING AGENDAS AND MOST STAFF REPORTS BY THE FRIDAY BEFORE A MEETING, BEFORE ALL THIS BEGAN. SO THAT'S ESSENTIALLY FIVE DAYS. WE'VE GONE A LONG WAY FROM THERE. THE COUNCIL NOW ROUTINELY DOES THINGS AT TEN DAYS. SO AS YOU HEAR THESE, I GUESS I JUST WANTED TO REMIND YOU THAT THERE'S BEEN A LOT OF -- THERE'S A LOT OF GROWTH FROM THE 72 HOURS MINIMUM REQUIREMENT, EVEN WHEN THEY MAY NOT HAVE GONE AS FAR IN THEIR RECOMMENDATIONS AS THE TASK FORCE WAS RECOMMENDING. THE OTHER THINGS I WOULD POINT OUT ABOUT THE BROWN ACT, IS THE BROWN ACT REALLY JUST REQUIRES THAT AGENDAS BE POSTED. SO WHEN YOU THINK ABOUT ALL THE OTHER THINGS THAT WE'RE TALKING ABOUT POSTING FOR ALL OF OUR MEETINGS, WE REALLY HAVE GONE A LONG WAYS TO INCREASING TRANSPARENCY. SO WITH THAT, I'M GOING TO GO THROUGH THE THREE MATRICES, THE FIRST ONE I WANT TO DEAL WITH IS THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY. THAT'S ACTUALLY I THINK THE SECOND ONE IN THE STAFF REPORT. AND IF YOU LOOK AT THE MATRIX, ALL OF THE AREAS WE THOUGHT NEEDED SIGNIFICANT CHANGES THAT NEEDED TO BE CALLED TO THE COMMITTEE'S ATTENTION FOR THEM TO LOOK AT. IN THE NEXT COLUMN OVER, UNDER TASK FORCE RECOMMENDATIONS ARE, WHAT IN FACT THE TASK FORCE RECOMMENDED. MOVING FROM LEFT TO RIGHT, THE NEXT COLUMN IS SOMETHING WE DID NOT HAVE FOR YOU, BECAUSE WE HAD NOT

COLLECTED IT FOR ALL OF THESE ENTITIES. BUT IT REALLY REFLECTS WHAT CURRENT PRACTICE IS. WHAT'S HAPPENING RIGHT NOW. AND THEN FINALLY ON THE RIGHT-HAND SIDE, YOU'LL SEE THE RULES DECISION. SO THOSE DECISIONS, AND IT'S IMPORTANT TO KEEP IN MIND, AS THE CHAIR JUST MENTIONED, THOSE DECISIONS ARE RECOMMENDATIONS. THE FINAL RECOMMENDATION WILL BE MADE BY COUNCIL. IF THE TASK FORCE HAS CONCERNS THAT THEY WANT TO RAISE, THERE WILL BE A SPECIAL RULES COMMITTEE MEETING WHERE WE EXPECT TO GO THROUGH THE REST OF THESE ITEMS ON TUESDAY, APRIL 1ST FROM 9:00 TO NOON, AND THERE WILL CERTAINLY BE OPEN COMMENT ON ANY SUNSHINE ITEMS AT THAT MEETING, WHERE OUR TASK FORCE MEMBERS COULD COMMENT, IF YOU WISHED. AND THEN WHEN THIS GOES TO THE COUNCIL, AND WE DON'T YET HAVE A DATE FOR THAT, BUT WHEN THIS GOES TO THE COUNCIL, I'M SURE THE COUNCIL WILL BE VERY INTERESTED IN ANY COMMENTS THE TASK FORCE MEMBERS HAVE. WITH THAT I'M GOING TO GO DOWN THAT RIGHT-HAND COLUMN ON THIS FIRST MATRIX. AND YOU'LL SEE FOR 1, 2 AND 3, THE AGENDA POSTING, THE STAFF REPORTS, AND THE STAFF REPORTS FOR EXPENDITURES OF \$1 MILLION OR MORE, THE RULES COMMITTEE HAS ESSENTIALLY ADOPTED THE TASK FORCE RECOMMENDATIONS WITH ONE MODIFICATION, RATHER THAN HAVING A HARD-AND-FAST RULE WHERE, IF THAT DEADLINE WAS NOT MET, THERE WAS NO ABILITY FOR THE ITEM TO MOVE FORWARD. THEY'VE INSTEAD RECOMMENDED THAT THE RULES, IF IT -- IF IT COMES OUT LATER THAN TEN DAYS BUT PRIOR TO RULES COMMITTEE WHICH I'LL REMIND YOU IS SIX DAYS BEFORE A MEETING, THE RULES COMMITTEE COULD WAIVE THE -- WAIVE THIS RULE AND ALLOW THE ITEM TO GO FORWARD. SO AT THAT POINT, SIX DAYS BEFORE A MEETING IS STILL WITHIN THE BROWN ACT REQUIREMENTS. SO THE BASIC RULE IS, IT'S GOT TO BE CONSISTENT WITH THE BROWN ACT AND RULES WOULD HAVE TO APPROVE THE EXCEPTION. ON THE FOURTH ITEM, WHICH WAS THE PUBLIC SUBSIDY ISSUE, YOUR RECOMMENDATION WAS 30 DAYS, THAT EVERYTHING HAD TO BE OUT 30 DAYS BEFOREHAND. THEY'VE MODIFIED THAT, AND I THINK THEIR GOAL, REALLY, WAS HOLDING TRUE TO THEIR UNDERSTANDING OF WHAT'S MOST IMPORTANT, WHICH IS TO GET THESE ITEMS SURFACED EARLY ENOUGH, SO THAT PEOPLE AREN'T SURPRISED BY THEM. IN THIS CASE, I THINK WHAT THE MODIFICATION IS TENDED TO DO -- INTENDED TO DO IS TO MAKE SURE THAT THE WORD GETS OUT, PEOPLE WILL KNOW. BECAUSE THERE WILL BE AN INFO MEMO, NOT 30 DAYS, BUT 28 DAYS BEFORE THE ITEM WOULD BE HEARD. WHICH THEN SURFACES THE ISSUE. JUST SO YOU KNOW, INFO MEMOS GO TO THE MERCURY NEWS AND OTHER SOURCES THAT REQUEST IT. THAT GETS ATTENTION, BECAUSE AS YOU KNOW, AN ITEM LIKE THIS IS SOMETHING THAT NEWS ORGANIZATIONS ARE LIKELY TO PAY ATTENTION TO. SO WE'RE CONFIDENT THAT IT WOULD GET A LOT OF ATTENTION IN THE COMMUNITY, PEOPLE WOULD BE AWARE OF IT. BUT THE RULES COMMITTEE WANTED TO KEEP THE RULE FOR ACTUALLY DISTRIBUTING THE STAFF REPORT, CONSISTENT WITH THE OTHER REQUIREMENT YOU'VE IMPOSED FOR THE EXPENDITURES OF A MILLION DOLLARS OR MORE. SO IT'S THAT 14 DAYS RATHER THAN 30 DAYS. AND PART OF THIS WAS, AGAIN, SOMETHING THAT THE TASK FORCE HAD MENTIONED ALONG THE WAY. THAT GOAL OF NOT MAKING THE RULES SO COMPLICATED THAT THEY'RE DIFFICULT TO FOLLOW. SO THE MORE CONSISTENCY WE CAN HAVE IN TERMS OF WHAT WE'RE RECOMMENDING FOR THESE DIFFERENT ENTITIES AND THESE DIFFERENT TYPES OF REPORTS, THE BETTER. THE NEXT ITEM IS AS WE'VE DESCRIBED IT HERE, MEMOS FROM SUBGROUPS OF THE BODY, IT'S WHAT WE CALL THE COUNCIL MEMO. THERE'S AN ITEM ON THE COUNCIL AND COUNCILMEMBERS TYPICALLY WILL COME OUT WITH MEMOS SUGGESTING DIFFERENT APPROACHES OR THEY MAY COME OUT WITH A MEMO THAT REFLECTS THE VIEWS OF SEVERAL MEMBERS, AND A DIRECTION THEY WOULD LIKE TO GO WITH WHATEVER THAT ITEM IS. UNDER CURRENT PRACTICE, THERE'S NO LIMIT ON WHEN THOSE COULD COME OUT, THERE IS NO LIMIT ON THE NUMBER OF SIGNATURES. NOW, THIS IS LIMITED BY THE BROWN ACT, WHICH SAYS THAT YOU CANNOT HAVE MORE THAN -- IS IT A MAJORITY OF THE COUNCIL? A MAJORITY OF THE COUNCIL, IT MUST BE LESS THAN A MAJORITY OF THE COUNCIL THAT HAS ANY OF THESE DISCUSSIONS. SO YOU COULD NEVER HAVE MORE SIGNATURES THAN THAT ON A MEMO. THE RULES RECOMMENDATION IS SIGNIFICANTLY DIFFERENT. AND THEY'RE ACTUALLY, AS THEY TALKED ABOUT IT, THEY CAME THE REALIZATION THAT THE UNINTENDED CONSEQUENCE OF THE TASK FORCE, IS NOT EXACTLY INTUITIVE. SO LET ME EXPLAIN WHAT THEIR THINKING

IS. UNDER THE BROWN ACT, FOR INSTANCE, FOR THE COUNCIL, WHICH HAS 11 MEMBERS, UP TO FIVE MEMBERS COULD BE HAVING CONVERSATIONS ABOUT AN ITEM. THAT'S THE BROWN ACT DOES NOT BAN THAT, IT'S PERFECTLY APPROPRIATE. IF WE THEN SAID, YOU CANNOT HAVE MORE THAN TWO SIGNATURES ON A MEMO, THE FEAR WAS THAT YOU WOULD HAVE THE CONVERSATIONS GOING ON, BUT YOU WOULD THEN HAVE -- YOU WOULD HAVE CERTAIN COUNCILMEMBERS NOT ABLE TO ACTUALLY SIGN ON AS HAVING IN A WAY ACKNOWLEDGING THAT THEY WERE PARTY TO THOSE CONVERSATIONS. THAT THE IDEA OF LIMITING THE NUMBER OF SIGNATURES DOESN'T LIMIT THE NUMBER OF CONVERSATIONS. IT SIMPLY LIMITS PEOPLE SIGNING ON, WHICH IS A WAY OF DISCLOSING WHO'S TALKING ABOUT IT. SO THEY DID NOT WANT TO LIMIT THE NUMBER OF SIGNATURES. INSTEAD WHAT THEY DID IS THEY SAID THAT IF YOU HAVE MORE THAN ONE SIGNATURE, IT SHOULD BE OUT FOUR DAYS AHEAD OF TIME. IF YOU HAVE A SINGLE SIGNATURE, THEY DIDN'T WANT TO PUT ANY LIMIT ON IT, BUT THEY'RE BASICALLY SAYING THEY'RE DISCOURAGING. IF YOU'RE PUTTING OUT YOUR OWN MEMO, YOU SHOULDN'T DO IT WITH LESS THAN FOUR DAYS' NOTICE. THEY REALLY DIDN'T WANT TO PUT A HARD LIMIT ON THAT. THAT'S BECAUSE SOMETIMES HAVING THAT IN WRITING ACTUALLY CLARIFIES THINGS. IT'S NOT UNUSUAL FOR A COUNCILMEMBER TO COME IN, WITH A MOTION THAT THEY WANT TO MAKE FOR AN ITEM, AND IF THEY CAN'T HAVE IT IN WRITING, OR THEY CAN'T DISTRIBUTE TONIGHT WRITING, WHATEVER, THEY COULD HAVE THEIR OWN NOTES, BUT IT CREATES A SITUATION WHERE YOU'RE REALLY GOING TO HAVE LESS CLARITY THAN IF YOU PUT IT IN WRITING, AND EVERYBODY HAS IT, AND I KNOW LEE WOULD PROBABLY CONCUR WITH THIS AS THE PERSON WHO HAS TO MAKE SURE SHE GETS THE MOTIONS RIGHT. IT'S A WHOLE LOT BETTER TO GET IT IN WRITING THAN TO BE TAKING IT ON THE FLY. SOMETIMES THEY'RE HAPPENING ON THE FLY. BUT WHEN THEY ARE, WHEN SOMEBODY'S THOUGHT ABOUT IT AHEAD OF TIME IT'S WORTH GETTING IT IN WRITING. SO THAT WAS THE -- OH, IT ALSO ALLOWS US TO PUT IT UP AS A TRANSPARENCY FOR EVERYBODY TO SEE. SO THAT WAS THE RULES COMMITTEE THINKING ON THE RECOMMENDATION YOU SEE THERE. ANOTHER QUESTION? YES, BOBBIE. I GUESS IN REALITY, IT WOULD. BECAUSE YOU WOULDN'T BE -- UNLESS SOMEBODY WAS SENDING IT OUT, I DON'T THINK THERE WOULD BE ANY WAY TO DISTRIBUTE IT ON A SATURDAY UNLESS THEY MADE SPECIAL ARRANGEMENTS WITH THE CLERK. SO IN ESSENCE, IT WOULD BE FIVE DAYS, THAT'S A GOOD POINT. EXCUSE ME. THE PLEASE DO WHILE I FIND MY PLACE.

>> THE CLERK: LEE PRICE, CITY CLERK. JUST TO ADD, SINCE THE COUNCIL HAS STARTED TO PRACTICE THESE METHODS OVER THE LAST SEVERAL MONTHS, THEY HAVE REALLY MADE A SIGNIFICANT EFFORT TO GET THEIR COUNCIL MEMOS OUT SOONER. AND WE ARE NOW POSTING THOSE UP ON THE WEBSITE, WITHIN LITERALLY MINUTES OF RECEIVING THEM. SO YOU KNOW, A YEAR AGO, I COULDN'T SAY THIS WITH THIS KIND OF CERTAINTY, AND ACTUALLY, YOU KNOW, IT'S QUITE AN ACCOMPLISHMENT I THINK THAT ONE THAT WE CAN BE PROUD OF, THAT THESE COUNCIL MEMOS COME IN AND THEY GET POSTED ALMOST IMMEDIATELY, MANY TIMES THEY'RE THERE OVER THE WEEKEND FOR REVIEW FOR THE TUESDAY MEETING.

>> TOM MANHEIM: NUMBER 5, SUPPLEMENTAL STAFF REPORTS. YOUR RECOMMENDATION WAS FOR FIVE CALENDAR DAYS. THE RULES COMMITTEE INSTEAD IS RECOMMENDING WHAT CURRENT PRACTICE IS. AND THERE ARE ESSENTIALLY TWO KINDS OF INFO MEMOS, YOU MAY RECALL THE DISCUSSION WE HAD ABOUT IT BUT THERE ARE SOME THAT ARE PURELY INFORMATIONAL. THEY DON'T MAKE ANY SUBSTANTIVE CHANGES AT ALL BUT SOMETIMES THEY MAY BE IN REACTION TO WHAT'S COME UP, THE QUESTIONS RAISED IN THE PUBLIC, IF SOMEBODY RAISES A QUESTION OR THE COUNCILMEMBER RAISES A QUESTION. IT'S SIMPLY AN ANSWER TO THE QUESTION. IT IN ESSENCE, COMPLETES THE RECORD, MAKES THE RECORD MORE COMPLETE BUT DOESN'T CHANGE ANYTHING. THERE WOULD BE NO LIMIT ON WHEN THOSE WOULD COME OUT. REGARDING THE OTHER KIND OF INFO MEMOS WHICH ARE ESSENTIALLY THOSE THAT WOULD MAKE A SUBSTANTIVE CHANGE, THOSE WOULD NOT HAVE A LIMIT, BUT THEY WOULD, IN TERMS OF -- YOU WOULDN'T HAVE TO, AGAIN, POSTPONE THE MEETING. IT WOULD HAVE TO GO TO RULES, AND RULES WOULD HAVE THE RIGHT TO MAKE THE DECISION OF WHETHER OR NOT IT'S A SUBSTANTIVE ENOUGH CHANGE THAT THEY FELT

LIKE IT SHOULD BE PUT OFF SO PEOPLE HAVE MORE TIME TO THINK ABOUT IT, OR WHETHER IT WAS SOMETHING THAT WAS SUBSTANTIVE IN TERMS OF SORT OF CORE TO THE ISSUE, BUT THEY FELT IT WAS EITHER URGENT ENOUGH TO MOVE FORWARD, OR WAS NOT CHANGING IT IN A WAY THAT NEEDED TO PROVIDE MORE TIME.

>> ED RAST: KEN PODGORSEK.

>> KEN PODGORSEK: TOM, MAYBE A QUICK COMMENT AND MAYBE IT'S A QUESTION TOO. I THINK THERE'S LIKE IN THIS PROCESS. ONE THING THAT CONCERNS ME IS CLARITY. WHEN YOU'RE REFERENCING THE LINE, IF CONSISTENT WITH THE BROWN ACT, AND THE BROWN ACT DOESN'T ACTUALLY COVER SUPPLEMENTAL MEMOS, WHAT YOU'RE REALLY IMPLYING IS YOU'RE REALLY SAYING THREE DAYS BEFORE THE MEETING. WOULDN'T IT BE MORE CLEAR JUST TO STATE IF THREE SUBSTANTIVE -- YOU KNOW WOULDN'T IT BE MORE CLEAR TO SAY THREE DAYS, RATHER THAN SAY CONSISTENT WITH THE BROWN ACT?

>> TOM MANHEIM: I THINK THAT'S A GOOD POINT. WE'LL MAKE THAT NOTE AS WE CARRY THIS FORWARD. EXACTLY, 72 HOURS.

>> ED RAST: BOB BROWNSTEIN.

>> BOB BROWNSTEIN: I'M TRYING TO UNDERSTAND THE LOGIC BEHIND THIS NOTION OF THE INFORMATIONAL STAFF REPORT. ASSUMING THERE IS A GENUINE DEBATE, IT MAY IN FACT BE TRYING TO IMPACT THE DECISION THAT THE COUNTY MAKES. IT'S VERY DIFFICULT TO RESPOND TO SOMETHING IF YOU HAVE ESSENTIALLY ZERO TIME.

>> TOM MANHEIM: LET ME -- YOU WERE SAYING, YOU'RE TALKING ABOUT THE SUPPLEMENTALS, YOU MENTIONED THE INFO MEMO.

>> BOB BROWNSTEIN: RIGHT.

>> ED RAST: NUMBER 5. BOB, YOU TALKING ABOUT NUMBER 5?

>> TOM MANHEIM: SUPPLEMENTAL MEMOS?

>> BOB BROWNSTEIN: YES.

>> TOM MANHEIM: IT WOULD BE A MINIMUM OF THREE DAYS. IT HAS TO BE CONSISTENT, THAT'S EXACTLY WHAT KIM WAS -- YOU'RE SAYING ANY TIME.

>> BOB BROWNSTEIN: IT LOOKS LIKE YOU'RE SAYING ANY TIME.

>> TOM MANHEIM: LET ME CLARIFY. WE'RE TALKING ABOUT SUPPLEMENTAL MEMOS, NOT INFORMATIONAL MEMOS. THOSE TERMS WERE MEANT TO BE DESCRIPTIVE. SOME SUPPLEMENTAL MEMOS PROVIDE ADDITIONAL AMOUNT OF INFORMATION. OTHER SUPPLEMENTAL MEMOS COULD SUBSTANTIVELY CHANGE THE ITEM. THE -- IF THERE'S ANY SUBSTANTIVE CHANGE, IT WOULD HAVE TO BE OUT AT LEAST THREE DAYS BEFOREHAND. AND IN ESSENCE, THE REALITY IS, IT WOULD HAVE TO BE OUT SIX DAYS. BECAUSE THE EXCEPTION NEEDS TO BE APPROVED BY RULES.

>> BOB BROWNSTEIN: THE PART REGARDING THE SUBSTANTIVE CHANGE I UNDERSTAND AND I THINK IT'S REASONABLE. THE -- WHAT I'M THINKING ABOUT IN TERMS OF THE INFORMATIONAL MEMO IS, THERE'S AN ISSUE IN WHICH THERE IS PUBLIC DEBATE, THERE'S TWO SIDES, MAYBE THREE OR FOUR SIDES. AND IF STAFF COMES UP WITH AN INFORMATIONAL MEMO THAT IS TAKING ONE SIDE, GOING TO THE CITY COUNCIL, YOU SHOULD DO, IT'S NOT CHANGING THE PROPOSAL, IT'S MAKING SUBSTANTIVE DIFFERENCE IN WHAT THE INFORMATION SHOULD BE, MEMBERS OF THE PUBLIC DISAGREE, THEY GET TO

SEE THAT THE AFTERNOON OF THE COUNCIL MEETING, THAT'S NOT IN THE SPIRIT OF OPEN GOVERNMENT, THAT GIVES PEOPLE ESSENTIALLY NO TIME TO RESPOND. I FAIL TO UNDERSTAND THE LOGIC THERE, THAT THAT ISN'T A CONSTRAINT ON REAL PUBLIC DEBATE ON THAT ISSUE.

>> TOM MANHEIM: I GUESS, YES, I --

>> ED RAST: IF I REMEMBER CORRECTLY, YOU OR LISA CAN CORRECT MY MEMORY OF IT. WHEN THEY WERE TALKING ABOUT INFORMATIONAL MEMOS, THEY WERE TALKING ABOUT WORD-CHANGE CORRECTIONS OR OTHER RELATIVELY MINOR INFORMATIONAL ISSUES. SOMETHING WAS STATED INCORRECTLY AND THEY WERE GOING TO CORRECT IT. AT LEAST THAT'S MY UNDERSTANDING OF WHAT THEY WERE PRIMARILY TALKING ABOUT. WHEN THERE'S A LARGER PIECE OF IT, IT'S AWAY YOU'RE TALKING ABOUT, THE DIFFERENCE BETWEEN SUBSTANTIAL CHANGE. I DON'T KNOW IF THEY GOT INTO EXACTLY THE POINT THAT BOB WAS TALKING ABOUT. MAYBE LEE.

>> THE CLERK: PERHAPS I CAN GIVE AN EXAMPLE. THE PLANNING COMMISSION, GENERALLY SPEAKING OUR LAND USE ITEMS WILL GO ON THE COUNCIL AGENDA BEFORE THE PLANNING COMMISSION HAS HEARD THE ITEM, IN THEIR OWN PUBLIC HEARING. SO WHAT WILL HAPPEN IS THAT PLANNING WILL PUT OUT A SUPPLEMENTAL MEMORANDUM, THAT PUTS FORWARD WHAT THE PLANNING COMMISSION RECOMMENDATION WAS, RELATIVELY TO THE APPLICATION. SO WE ENSURE THAT THOSE ARE DISTRIBUTED AND POSTED BEFORE THE END OF THE DAY ON FRIDAY, BEFORE THE TUESDAY MEETING. SO THAT THE COUNCIL KNOWS WHAT THE PLANNING COMMISSION DID WITH IT. I THINK WE MAY HAVE CONFUSED OURSELVES WITH THE WAY WE WORDED IT. BUT ESSENTIALLY, WE ARE NOT DISTRIBUTING ANY MEMORANDA AFTER FRIDAY EVENING THAT CHANGE ANYTHING THAT THE COUNCIL IS CONSIDERING. IF WE DID, THE COUNCIL THEN WOULD MORE THAN LIKELY DEFER THE ITEM. BECAUSE YOU KNOW, IF SOMETHING SIGNIFICANT CHANGED, WITH THE RECOMMENDATION, THEN THE COUNCIL WOULD DEFER THE ITEM. IN FACT, WE WOULD RECOMMEND DEFERRAL, AND PLACE IT ON THE ADMINISTRATIVE -- I'M SURE, ON THE AMENDED AGENDA, THAT THE ITEM WOULD BE RECOMMENDED TO BE DEFERRED AND GENERALLY PUT A DATE TO WHICH IT'S GOING TO BE DEFERRED TO.

>> ED RAST: THAT'S MY RECOLLECTION OF THE CONVERSATION ALSO. I DON'T KNOW IF THAT CLARIFIES IT FOR YOU.

>> BOB BROWNSTEIN: IT DOESN'T. IT SEEMS TO ME THERE'S REALLY THREE KINDS OF MEMOS WE'RE TALKING ABOUT. ONE IS THE MEMO THAT FOR WANT OF A BETTER TERM I WOULD CALL MINISTERIAL, ADMINISTRATIVE. AND NO ONE I THINK, CERTAINLY I DON'T HAVE ANY PROBLEM WITH THAT ARRIVING AT ANY TIME, WHETHER THAT'S CORRECTING TYPOS OR JUST PROVIDING TECHNICAL INFORMATION SOMEBODY ASKED FOR OR THE KINDS OF THINGS YOU TALKED ABOUT. THEN THERE IS THE ISSUE WHERE THERE'S ACTUALLY A CHANGE IN THE PROPOSAL, AND THAT SEEMS TO BE COVERED. THE AREA THAT IS NOT COVERED IS THE SITUATION IN WHICH THE PROPOSAL IS NOT CHANGED, BUT NEW INFORMATION MAYBE EVEN EXTENSIVE NEW INFORMATION, ARGUED IN A NEW WAY, IS PRESENTED TO TRY AND CHANGE THE OUTCOMES OF THE ORIGINAL PROPOSAL. THERE'S NO SUBSTANTIVE CHANGE IN THE PROPOSAL. AND I CERTAINLY CAN -- AND I THINK PROBABLY IN MY OWN RECOLLECTIONS, REDEVELOPMENT HISTORICALLY HAS BEEN MORE GUILTY OF THIS THAN CITY STAFF BUT PROBABLY HAS HAPPENED ACROSS THE BOARD, WHERE YOU KNOW, A MEMO COMES IN, VERY, VERY LATE IN THE DEPAID, PERHAPS THE DAY OF A COUNCIL OR REDEVELOPMENT AGENCY MEETING, WITH EXTENSIVE INFORMATION, DEFENDING AN ORIGINAL STAFF PROPOSAL. AND PEOPLE WHO DISAGREE WITH THAT HAVE TO HOPELESSLY SCRAMBLE TO BE ABLE TO EVALUATE IT AND BEFORE MEMBERS OF THE COUNCIL AND REDEVELOPMENT AGENCY BOARD HAVE TO DEFEND POTION.

>> ED RAST: LET ME ASK A QUESTION OF BOB, DO YOU THINK YOU WILL BE ABLE TO MAKE THE APRIL 1ST MEETING? RATHER THAN HAVING A LONG DISCUSSION ON IT --

>> TOM MANHEIM: AS I KNOW BOB WELL KNOWS, I CAN TRY TO ANSWER HIS QUESTIONS, BUT THIS IS A RECOMMENDATION THAT THE RULES COMMITTEE HAS REPORTED OUT. I'M JUST SIMPLY REPORTING THAT BACK. AND SO EITHER AT THE RULES MEETING, OR AT THE COUNCIL MEETING, EITHER ONE OF THOSE WOULD BE AN OPPORTUNITY TO REVISIT THAT. I UNDERSTAND YOUR POINT. I THINK YOU'RE MAKING A GOOD POINT. I'M NOT QUITE CLEAR HOW TO DIFFERENTIATE BETWEEN THEM. I WOULD ARGUE THAT IF IT'S AS SUBSTANTIVE AS YOU DESCRIBE, IT'S SUBSTANTIVE, NOT INFORMATIONAL. WHEN WE TALK ABOUT INFORMATIONAL AND WHEN WE WERE TALKING WITH THE COUNCIL, IT WAS MUCH MORE ALONG THE LINES OF WHAT LEE DESCRIBED OR ANOTHER EXAMPLE THAT I'M FAMILIAR WITH IS WHERE PUBLIC WORKS HAS A BID OPENING, AND EVERYTHING IS IN THERE, INCLUDING WHAT THE BUDGET IS FOR IT, BUT YOU DON'T KNOW WHO IT'S GOING TO BE AND YOU DON'T KNOW WHAT THE ACTUAL BID WAS AND THAT GETS OPENED AND PUT IN AT THE LAST MINUTE. I'VE SEEN THOSE WHERE THE BIDS WERE WAY OVER. THOSE ARE SUBSTANTIVE, THEY GET PULLED OFF THE AGENDA, THEY DON'T GO FOR IT. BUT IF IT'S WITHIN THE PLANNED BUDGET THEN IT DOES. I TAKE YOUR POINT. I WOULDN'T ARGUE WITH IT. I WOULD SIMPLY THINK THOSE ARE SUBSTANTIVE CHANGES AND SHOULDN'T BE DEALT WITH THAT WAY.

>> BOB BROWNSTEIN: OKAY. I WILL MAKE EVERY EFFORT TO SHOW UP ON APRIL 1ST AND TRY TO GET THAT KIND OF CLARIFICATION.

>> I'VE BEEN THROUGH THAT PROCESS SOFOL TIMES, I TEND TO AGREE WITH BOB. THE DEFINITION OF WHAT IS SUBSTANTIVE CAN VARY SUBSTANTIALY. I CONSIDER THE BID ITEM TO BE ADMINISTRATIVE AND CORRECTIONS TO BE ADMINISTRATIVE. THINGS OF THAT NATURE. AND THERE MIGHT BE BE A WAY TO ADDRESS IT THAT WAY.

>> TOM MANHEIM: IT'S THE MIDDLE GROUND THAT WE ARE, SOUNDS TO ME LIKE YOU'D LIKE TO GET ADDRESSED EVEN MORE CLEARLY.

>> AND I AGREE THERE.

>> TOM MANHEIM: THANK YOU. MOVING ON TO THE NEXT ITEM, YOU READY? WHICH IS THE SPECIAL POSTING FOR AGENDAS. AGENDA POSTING FOR SPECIAL MEETINGS. AND THE RULES COMMITTEE DID ACCEPT THE TASK FORCE'S RECOMMENDATIONS. I DO WANT TO LET YOU KNOW THAT WE ARE GOING TO AT LEAST REVISIT THIS WITH THE RULES COMMITTEE. WE HAVE HAD RECENT INSTANCES JUST A COUPLE OF WEEKS AGO WHERE, WITH THE BOND MARKET FLUCTUATING, WE NEEDED TO CALL A MEETING WITHIN 24 HOURS.

>> ED RAST: KEN PODGORSEK.

>> KEN PODGORSEK: WOULD IT BE POSSIBLE AT A UPON A VOTE OF TWO-THIRDS OF THE COUNCILMEMBERS, THIS CONDITION CAN BE --

>> TOM MANHEIM: I SEE LISA TAKING NOTES AND WE CAN CERTAINLY, YOU KNOW, TALK TO THE RULES COMMITTEE ABOUT OTHER OPTIONS. I WOULD POINT OUT IN THIS CASE, YOU DON'T HAVE -- THE BODY IS NOT THERE, THEY HAVE NOT MET. THIS IS ABOUT CONVENING THEM FOR THAT PURPOSE. AND YOU SORT OF HAVE THIS ROLLING PROBLEM. IF YOU GO TO RULES, THEY'VE GOT TO BE NOTICED BY A CERTAIN A TIME, SO WE GET CAUGHT UP IN THE NOTICING REQUIREMENTS. I WOULD JUST POINT OUT, THIS IS REALLY RARE STUFF. I MEAN, THIS HAPPENS SO RARELY, THAT WE HOLD SPECIAL MEETINGS.

>> KEN PODGORSEK: I'M JUST WONDERING IF THERE'S WAY TO CREATE LANGUAGE FOR THAT EXTREME CIRCUMSTANCE, PUBLIC SAFETY OR --

>> TOM MANHEIM: WE HAVE OTHER LANGUAGE THAT COVERS HEALTH AND SAFETY EMERGENCIES.

>> KEN PODGORSEK: MAYBE FINANCIAL EMERGENCIES MIGHT NOT BE A BAD THING TOO.

>> ED RAST: MY RECOLLECTION, THE OPINION WAS THAT WE WERE GOING TO TAKE THIS INTO CONSIDERATION. IF I REMEMBER, IT WAS MONTHS AGO, BUT THE CONVERSATION WAS FOR EARTHQUAKES, NATURAL DISASTERS, FINANCIAL THINGS THAT WERE IMPORTANT, WE JUST WOULD MAKE AN EXCEPTION AND MOVE ON WITH IT. THAT I THINK WAS THE CONSENSUS, I BELIEVE. SO I DON'T SEE A PROBLEM, AS LONG AS IT'S DEFINED.

>> THE CLERK: MR. CHAIR IF COY ADD A PIGGYBACK ON KEN'S COMMENT, TWO-THIRDS OF THE COUNCIL. ESSENTIALLY THE BROWN ACT DOES REQUIRE THAT THE -- THAT EITHER THE MAYOR OR A MAJORITY OF THE MEMBERS OF THE COUNCIL MAY CALL THE SPECIAL MEETING. AND THE COUNCILMEMBERS MUST RECEIVE NOTICE AS SOON AS THE SPECIAL MEETING HAS BEEN CALLED. SO IN THE MOST RECENT EXAMPLE, HERE'S THE PRACTICE, AND THIS IS VERY ROUTINE, I'VE DONE IT MANY, MANY TIMES IN MY ENTIRE CAREER AS A CITY CLERK. WHEN A SPECIAL MEETING WAS CALLED BY THE MAYOR, THEN EACH OF THE COUNCILMEMBERS MUST SIGN AN ACKNOWLEDGMENT FROM ME, TRIXIE IS NODSING HER HEAD, THE ACKNOWLEDGMENT OF A CALL, THEY ESSENTIALLY SIGNED ON TO THE FACT THAT IT WAS BEING HELD.

>> ED RAST: TOM.

>> TOM MANHEIM: THE GOOD NEWS IS, WE'VE GOTTEN THROUGH THE HARDEST PART OF THIS. THEY'VE ACCEPTED YOUR RECOMMENDATION REGARDING VIDEO RECORDING AND RETAINING THE VIDEOS OF THESE ENTITIES, I'LL DEAL WITH THE OTHER ENTITIES YOU RECOMMENDED AS WE GET FURTHER DOWN. BUT CERTAINLY FOR THE COUNCIL AND THE AGENCY, WE DO THEM NOW, WE KEEP THEM LONGER THAN TWO YEARS. PUBLIC TESTIMONY, THEY -- THIS HAS ALWAYS BEEN AT THE CHAIR'S DISCRETION. AND THERE -- THIS WAS THE RULE ABOUT IF YOU HAVE A LARGE CROWD AND A LOT OF INTEREST, IS THERE A WAY TO SORT OF ALLOW SOMEBODY MORE TIME? I THINK IN FACT THE RECENT LITTLE SAIGON HEARINGS IS A GOOD EXAMPLE OF HOW THE MAYOR DID THAT. WHICH IS THERE WERE TWO SIDES. EACH OF THOSE SIDES GOT 15 MINUTES. AND THEN ALL THE INDIVIDUALS WERE GIVEN A MINUTE. BECAUSE YOU CAN'T STOP OTHER PEOPLE FROM COMING UP. SO IT'S AT THE CHAIR'S DISCRETION. BUT I THINK THEY RECOGNIZED THIS RECOMMENDATION WHEN THEY SAW IT, AND YOU CAN SEE THE MAYOR ACTUALLY DID TRY THAT WITH THE MOST RECENT ONES. REGARDING MINUTES, THIS IS A -- SOMETHING OF A CHANGE FROM THE RECOMMENDATION. THE TASK FORCE RECOMMENDATION WAS TO DRAFT SUMMARY MINUTES AND HAVE THEM POSTED NO LATER THAN TEN DAYS AFTER THE MEETING, AND THEN HAVE THE FINAL SUMMARY MINUTES POSTED -- AND HAVE FINAL SUMMARY MINUTES POSTED FIVE DAYS AFTER THE MEETING. MY RECOLLECTION IS THERE WAS SOME POSTING BEFORE THE NEXT MEETING, GETTING THEM A CERTAIN A TIME BEFORE THE NEXT MEETING. WHAT HAPPENS NOW IS A SYNOPSIS OF THE MEETING IS PUT OUT FAIRLY QUICKLY. HOW QUIGLEY DO YOU GET THOSE OUT?

>> THE CLERK: MY PERFORMANCE MEASURE IS BY FRIDAY, NOT MORE THAN THREE DAYS.

>> TOM MANHEIM: A SYNOPSIS OF THE MEETING IS OUT VERY QUICKLY. IN FACT WHEN YOU LOOK ONLINE YOU CAN SEE THE SYNOPSIS OF THE MEETING POSTED WITH THE AGENDAS. THE MINUTES THEN, THEY'RE ACTION MINUTES. AND THE ACTION MINUTES ARE TO BE PUT OUT AS SOON AS POSSIBLE. AND IN LEE'S DEFENSE I KNOW SHE FREQUENTLY GETS THOSE DONE BY I THINK IT'S TWO WEEKS OR SO. BUT IT'S NOT REASONABLE FOR IT TO -- FOR THAT TO BE A REGULAR OCCURRENCE. I MEAN, SHE HAS A SMALL STAFF. THERE'S A LOT OF

INFORMATION TO GO THROUGH. AND SO WHAT THE RULES COMMITTEE RECOMMENDS IS THEY BE DONE AS SOON AS POSSIBLE.

>> ED RAST: THE THOUGHT OF THAT, FOR MOST OF THESE THE VIDEO IS OUT AND PEOPLE CAN LOOK AT THE VIDEOS. AND THEY REALLY AREN'T, IN MANY CASES, UNLESS THEY WANT TO LOOK AT FINITE DETAIL.

>> TOM MANHEIM: ALONG WITH THE TRANSCRIPT OF THE MEETING WHICH IS POSTED WITHIN A DAY.

>> ED RAST: QUESTION, YOU SAID VIDEO-RECORD, I'M ASSUMING THAT OUR RECOMMENDATION FOR RULES, PLANNING, ELECTIONS --

>> TOM MANHEIM: I WAS GOING TO GET TO THE OTHER ENTITIES WHEN I GET TO THE NEXT MATRICES. YOU'LL SEE A PATTERN DEVELOPING HERE. COUNCIL COMMITTEES IS I BELIEVE THE LAST IN YOUR HANDOUT, WOULD BE THE LAST MATRIX FOR CONSISTENCY, I NOTICED ABOUT A YEAR AGO, IS SEVEN-DAY NOTICING, FOR RULES, BECAUSE RULES COMMITTEE MEETS EVERY WEEK, AND THEIR ROLE IS IN FACT AGENDA-SETTING IS THEIR PRIMARY FUNCTION FOR THE FOLLOWING COUNCIL MEETING, IT BECOMES VERY PROBLEMATIC TO HAVE A NOTICING PERIOD THAT IS MORE THAN FIVE DAYS, BECAUSE THAT MEANS THAT FOR A WEDNESDAY COUNCIL MEETING, IT'S COMING -- YOU'VE GOT A RULES COMMITTEE, TWO DAYS LATER THE AGENDA FOR THE NEXT RULES COMMITTEE HAS TO BE OUT. IT HAS TO GO OUT THE FRIDAY BEFORE THE NEXT RULES COMMITTEE MEETING. SO JUST THE PROCESSING OF GETTING THIS OUT AND GETTING THINGS ONTO A COUNCIL AGENDA REALLY DEMANDS THAT THERE BE A SHORTER NOTICING PERIOD. SO YOU'LL SEE CONSISTENTLY, DOWN THE LINE HERE, FIVE DAYS FOR RULES AND SEVEN DAYS FOR ALL OTHER COMMITTEES, ON AGENDA POSTING, STAFF REPORTS, STAFF REPORTS OF EXPENDITURES OF \$1 MILLION OR MORE, AND THE PUBLIC SUBSIDIES. THE SUPPLEMENTAL STAFF REPORT, THE RECOMMENDATION IS EXACTLY THE SAME AS THE ONE WE JUST DISCUSSED FOR THE CITY COUNCIL. THE SIGNATURE, THE MEMOS FROM MEMBERS OF THE COMMITTEES IS EXACTLY THE SAME AS WHAT WE JUST DISCUSSED FOR THE CITY COUNCIL. SPECIAL MEETING, POSTING AGAIN, THE SAME, IT'S THE FOUR DAYS WHICH IS THE TASK FORCE RECOMMENDATION, AGAIN, ACE SAID WE'LL BE GOING BACK TO THEM ON THAT. ON THE RECORDING, ALL OF THESE ARE RECORDED, SO ALL OF THE COMMITTEE MEETINGS ARE VIDEO RECORDED AND POSTED ONLINE, THAT WILL CONTINUE. PUBLIC MEETINGS ARE AT THE CHAIR. LEE CAN I ASK YOU TO WALK THROUGH THE MINUTES ON COMMITTEES?

>> THE CLERK: SURE. FOR THE COUNCIL COMMITTEES, WE GENERALLY CALL THE MEETING MINUTES THE REPORT. BUT ESSENTIALLY, THE MINUTES OF THE MEETING. AND THE CITY COUNCIL'S RESOLUTION ADOPTING CONDUCT FOR -- I'M SORRY, ADOPT BEING RULES FOR CONDUCT OF MEETINGS REQUIRE THAT REPORTS FROM THE COUNCIL COMMITTEE GO ON THE COUNCIL AGENDA FOR APPROVAL, TWO WEEKS FROM THE COMMITTEE MEETING. SO WE GENERALLY WILL SEE -- THE RULES REPORT WILL SHOW UP TWO WEEKS LATER ON A WEEKLY BASIS, SO THAT'S WHY YOU'LL USUALLY SEE A RULES REPORT ON EVERY SINGLE COUNCIL AGENDA, AND FOR THE OTHER THREE COUNCIL COMMITTEES, TWO WEEKS AFTER THE MEETING IS HELD IS WHEN THE COUNCIL APPROVES THE REPORT, OTHERWISE KNOWN AS THE MINUTES. IS THAT WHAT YOU WERE LOOKING FOR TOM?

>> TOM MANHEIM: YES, THANK YOU. I'LL JUST GO BACK AND POINT OUT THAT ONE OF THE THINGS RULES WAS LOOKING AT IS SORT OF AS WE'RE ADDING SUNSHINE, WHAT'S THE CUMULATIVE EFFECT OF THE WORK THAT'S COMING OUT OF THE TASK FORCE? AND IN THIS CASE, IF YOU TAKE ALL OF THE WORK THAT HAPPENS AT RULES OR AT ANY OF THE OTHER COUNCIL COMMITTEES, THEN GOES ON TO THE COUNCIL, SO YOU START BUILDING UP ALL OF THAT NOTICING AND YOU NOW HAVE 15 DAYS IF IT'S RULES OR 17 DAYS IF IT'S A -- IF IT'S COMING OUT OF ANY OTHER COMMITTEE. SO AGAIN, THERE ARE A FAIR A NOTICING FOR ALL OF THESE THINGS. I'M NOW READY TO MOVE ON TO BOARDS, COMMISSIONS AND

COMMITTEES IF YOU ARE. THIS IS NOW, THESE ARE ALL OF THE THIS IS THE REST OF THE PUBLIC SUBSIDY -- APARTMENT, THE POLICY GROUP THAT YOU HAD ORIGINALLY IDENTIFIED. AGAIN, THIS WAS AGAIN SEARCHING FOR THAT CONSISTENCY, THEY TOOK THE SAME NUMBER OF DAYS THAT THEY'RE ASSIGNING TO ALL OF THE COUNCIL COMMITTEES AND ASSIGNING IT TO ALL OF THESE BOARDS, COMMISSIONS AND COMMITTEES. AND ONE OF THE THINGS I WOULD POINT OUT TO YOU, YOU'LL NOTICE THERE IS A COLUMN MISSING ON THIS SHEET, THE CURRENT PRACTICE. IT'S BECAUSE WE COULDN'T CREATE ANYTHING THAT WOULD CAPTURE CURRENT PRACTICE. THERE ARE SO MANY OF THESE AND IT IS DIFFERENT FOR EVERY ONE OF THEM. THIS WILL FOR THE FIRST TIME BRING CONSISTENCY TO ALL OF THESE AND PREDICTABILITY, WHICH I THINK WE WOULD AGREE IS A GOOD THING. SEVEN DAYS FOR AGENDA POSTING, SEVEN DAYS FOR STAFF REPORTS, SEVEN DAYS FOR STAFF REPORTS OF \$1 MILLION OR MORE, SEVEN DAYS IF THERE'S A PUBLIC SUBSIDY INVOLVED, AGAIN, THESE SAME RECOMMENDATIONS ON SUPPLEMENTAL MEMOS, THE SAME RECOMMENDATION ON MEMOS THAT ARE FROM MEMBERS OF ANY OF THOSE ENTITIES, THE SAME RECOMMENDATION ON THE SPECIAL MEETING AGENDA POSTING, AND AGAIN, I'LL REMIND YOU WE'RE GOING BACK TO THEM TO AT LEAST HAVE THEM REVISIT THAT. YOUR RECOMMENDATION HERE, FOR RECORDING, WAS THAT THE PLANNING AND ELECTION COMMISSIONS BE VIDEOTAPED, AND ALL OTHERS BE AUDIO RECORDED. THE RULES COMMITTEE IS RECOMMENDING THAT THE PLANNING COMMISSION BE VIDEOTAPED. THEY DID NOT RECOMMEND THAT THE ELECTIONS COMMISSION BE VIDEOTAPED FOR A VERY SIMPLE REASON. WE ONLY HAVE TWO ROOMS THAT WE CAN VIDEOTAPE OUT OF. THESE SERIES OF ROOMS, THESE ROOMS OR ALL OF THEM TOGETHER OR COUNCIL CHAMBER. THESE ROOMS ARE THE MOST IN DEMAND OF THE WHOLE COMPLEX. THEY ARE BOOKED WELL AHEAD OF TIME. THE ELECTIONS COMMISSION NEEDS TO MEET FAIRLY QUICKLY BECAUSE THEY ARE SOMETIMES DEALING WITH COMPLAINTS AND SO FORTH. THE CONCERN WAS THAT WE DON'T HAVE THE CAPACITY BUILDING-WISE TO ACCOMMODATE THIS. SO THEY WOULD BE AUDIO-RECORDED ALONG WITH ALL OF THE OTHER ENTITIES IN THIS SECTION. THAT IS A CHANGE. NOT ALL OF THEM, MOST OF THEM ARE AUDIO-RECORDED, BUT NOT ALL OF THEM, IS THAT CORRECT? SO HAVING THEM ALL AUDIO-RECORDED WOULD AGAIN BE AN INCREASE IN TRANSPARENCY. YES.

>> ED RAST: DAVE ZENKER.

>> DAVE ZENKER: WHEN WE SAY VIDEOTAPED, DOES THAT PRESUME IT WOULD BE BROADCAST?

>> TOM MANHEIM: IT WOULD BE STREAMED ONLINE AND ARCHIVED AS WELL. PUBLIC TESTIMONY AGAIN AT THE DISCRETION OF THE CHAIR. AND THEN MINUTES, IT WOULD BE ACTION MINUTES, AND DRAFT ACTION MINUTES WOULD BE POSTED TEN DAYS AFTER THE MEETING. AND RULES, I THINK, WANTED TO BE A LITTLE MORE LENIENT IN TERMS OF THE MINUTES REQUIREMENTS FOR THESE GROUPS, BECAUSE OF -- THE OTHERS THAT WE'VE TALKED ABOUT ARE ALL STAFFED EITHER BY THE CITY MANAGER'S OFFICE OR THE CITY CLERK'S OFFICE. THESE NOW ARE DISTRIBUTED OUT THROUGHOUT THE DEPARTMENTS, AND I THINK JUST BRINGING SOME ORDER TO THE -- TO WHEN ALL OF THIS HAPPENED AND SOME CONSISTENCY THEY FELT WOULD BE A GREAT ADDITION. QUESTIONS? VIRGINIA?

>> VIRGINIA HOLTZ: THIS IS REGARDING THE BOARDS' LISTING HERE. WHEN THE AGENDAS ARE POSTED, OF COURSE THEY HAVE JUST THE TOPICS. WILL THERE BE LINKS TO THE BACKGROUND MATERIAL?

>> TOM MANHEIM: YEAH, IT'S ANTICIPATED THAT JUST --

>> VIRGINIA HOLTZ: ALL THE STAFF AND BACKGROUND MATERIAL FOR THE PUBLIC TO HAVE ACCESS TO?

>> TOM MANHEIM: THAT'S CORRECT.

>> VIRGINIA HOLTZ: THANK YOU.

>> TOM MANHEIM: THAT WOULD BE A SIGNIFICANT CHANGE FROM CURRENT PRACTICE AND SIGNIFICANT WORKLOAD FOR SOMEBODY. WE'RE STILL WORKING OUT THE DETAILS OF THAT.

>> ED RAST: STAFF CAME UP AND SHOWED A CHART OF ALL THE BOARDS, COMMISSIONS AND COMMITTEES, AND THEY WERE, I GUESS THE WAY TO PUT IT IS, ALL OVER THE PLACE. THEY WERE NO CONSISTENCY AT ALL. YOU COULD GROUP THREE OR FOUR BIG GROUPS BUT THIS COULD BE A VERY SUBSTANTIAL IMPROVEMENT. KEN.

>> KEN PODGORSEK: MORE OF JUST A COMMENT. I'M HOPING THAT WHEN DO YOU THAT, YOU PUT IT ON A SINGLE PAGE SOMEWHERE LISTING ALL THE COMMISSIONS AND BOARDS. RIGHT NOW IT COULD BE AN INTERESTING CONCEPT, TRYING TO FIGURE OUT WHAT BOARD GOES WITH WHAT DEPARTMENT, AND THEN WHERE ON THAT WEB PAGE IS THIS INFORMATION. SO HOPEFULLY, IT WOULD BE IN ONE NICE CLEAN SECTION.

>> TOM MANHEIM: YEAH, WE'RE ALREADY TALKING ABOUT THAT. MY GUESS IS, REGARDLESS WHO DOES THE WORK, YOU'LL FIND THE LINK SOMEWHERE ON THE CITY'S WEB PAGE.

>> DOTTIE DISHER, CITY CLERK'S OFFICE. WHEN YOU CLICK ON BOARDS AND COMMISSIONS ON THE LEFT, WE ALREADY HAVE SEVERAL. WE ARE PROGRESSING TO GET THE OTHER LINKS THERE AND MAKE THEM INTERACTIVE AND DO ALL THIS. BUT TOM'S RIGHT, WE'LL GET THAT AS SOON AS WE CAN.

>> VIRGINIA HOLTZ: SO WE WON'T HAVE TO GO INTO THE DEPARTMENT?

>> YOU COULD STILL GET TO THE SAME PLACE AND GET TO ALL THE BOARDS AND COMMISSIONS SO WE'LL CROSS THEM.

>> TOM MANHEIM: AND IF I COULD, LISA HAS JUST REMINDED ME THAT THE OTHER ADDITION THAT'S THE RESULT OF THE WORK YOU'VE DONE IS THE MASTER CALENDAR, WHICH INCLUDES ON MEETINGS THE ABILITY TO HAVE LINKS ON AGENDAS AND LINKS TO EVERYTHING ELSE. PRETTY SOON YOU WON'T BE ABLE TO GO ANYWHERE WITHOUT GETTING LINKED TO AN AGENDA. TRIXIE.

>> TRIXIE JOHNSON: JUST A QUESTION, ARE THE AUDIO RECORDINGS ALSO AVAILABLE ON THE WEB?

>> TOM MANHEIM: NO, I DON'T BELIEVE THEY WILL BE. THE RECOMMENDATION WAS THAT THEY WOULD BE ARCHIVED AND HELD. BUT NOT POSTED.

>> TRIXIE JOHNSON: IT SEEMS THAT WITH PODCASTS THAT WOULD BE DOABLE.

>> TOM MANHEIM: THE PLANNING COMMISSION WOULD BE AVAILABLE.

>> TRIXIE JOHNSON: THEY WILL BE VIDEOED. BUT THE LIBRARY DISCUSSION ON INTERNET FILTERING OR THOSE KINDS OF THINGS, THEY MAY WANT TO HAVE ACCESS TO THE AUDIO RECORDING.

>> LISA HERRICK: LISA HERRICK. WE MADE SOME PRESENTATION TO THE SENIOR STAFF AND I THINK THERE'S A WILLINGNESS OR A ENTHUSIASM TO DO THAT AND HAVE THAT POSTED ON THE INTERNET EVENTUALLY. RIGHT NOW, PART OF THE AUDIO, EVERY -- MOST OF THE BOARDS COMMISSIONS AND COMMITTEES ARE RECORDING, BUT NOT AUDIO-

RECORDING DIGITALLY. THE TRANSITION OF THAT IS NOT SMOOTH. AS TECHNOLOGY IS PURCHASED AND PEOPLE ARE TRAINED TO USE AND OPERATE DIGITAL RECORDING, THAT WILL BECOME MORE SEAMLESS. I THINK THAT'S ONE OF THE ISSUES.

>> TOM MANHEIM: NOW YOU KNOW WHY WE WON'T LET LISA TALK VERY MUCH, HER VOICE IS NOT VERY GOOD. UNLESS THERE ARE PRESSING QUESTIONS, WE HAVE GONE OVERTIME. WE HAVE THE OPPORTUNITY TO MAKE THE NEXT MEETING THE LAST MEETING IF WE STAY ON TRACK FOR THIS MEETING.

>> ED, I WOULD LIKE TO THANK STAFF FOR THIS OVERVIEW. THE FORGOT IS GREAT. IT IS EASY TO UNDERSTAND. I SHARE SOME OF THE CONCERNS THAT WERE MADE BUT I REALLY APPRECIATE THIS. THANK YOU.

>> TOM MANHEIM: THANK YOU.

>> ED RAST: THANK THE STAFF, TOM, LISA, LEE, ELAINE AND DOTTIE PARTICULARLY. THEY PUT IN A LOT OF WORK TO HELP THE RULES COMMITTEE UNDERSTAND, THAT HELPED OUT A LOT, IT IS A VAST IMPROVEMENT FROM WHERE WE WERE AND WHAT I'VE SEEN SO FAR IT'S REASONABLE BUT I WOULD SUGGEST TO THE TASK FORCE MEMBERS THAT YOU TAKE A LOOK AT THIS AND THINK THROUGH IT. AND IF YOU HAVE CONCERNS LIKE BOB HAS THAT YOU SHOW UP AT THE APRIL 1ST MEETING TO EXPRESS YOUR CONCERNS OR AT THE COUNCIL MEETING. UNLESS WE HAVE ANOTHER COMMENT WE'LL MOVE TO THE NEXT AGENDA ITEM, WHICH I BELIEVE IS BERT. PUBLIC RECORDS SUBCOMMITTEE, BERT ROBINSON.

>> BERT ROBINSON: ALL RIGHT, WE HAVE TONIGHT FOUR DIFFERENT ISSUES TO GO THROUGH HERE. THE RECOMMENDATIONS ARE MOSTLY NOT CONTROVERSIAL BUT THEY ARE, A FEW OF THEM ARE IN SOME RATHER COMPLICATED AREAS OF THE LAW. SO BEAR WITH ME WHILE I TRY TO GO THROUGH THESE. I NEGLECTED, I HAD ALL INTENTIONS OF WRITING A SUMMARY MEMO, AND GOT DISTRACTED AT SOME OF THE THINGS GOING ON AT THE MERCURY NEWS. AND NEVER WROTE THE MEMO. EILEEN AND I HAVE COLLABORATED ON A POWERPOINT PRESENTATION WHICH WE HOPE WILL MAKE IT A LITTLE EASIER TO WALK THROUGH THESE DIFFERENT AREAS FOR EVERYONE. SO I THINK WHAT WE'LL DO IS START HERE WITH THE EMPLOYEE DISCIPLINE ISSUE. THE EMPLOYEE DISCIPLINE ISSUE ACTUALLY CONSUMED A LOT OF THE SUBCOMMITTEE'S TIME. BUT IN THE END WE CAME UP WITH RECOMMENDATIONS THAT EVERYBODY WAS HAPPY TO. HENCE THERE ARE NO REPRESENTATIVES. PUBLIC EMPLOYEE UNIONS HERE TONIGHT WHICH I BELIEVE THEY ARE HAPPY WITH WHAT WE DID. LET ME WALK ENTHUSE THIS BRIEFLY. THE ISSUE HERE, THIS WILL SET IT UP FOR EVERYONE. UNDER THE PUBLIC RECORDS ACT, THERE IS NO SPECIFIC WORDING IN THE PUBLIC EMPLOYEES ACT, THAT GOES TO DISCIPLINE. IT HAS BEEN INTERPRETED TO MEAN BECAUSE OF A NUMBER OF OTHER CLAUSES ABOUT PERSONNEL RECORDS AND RECORDS THAT CAN BE MADE PUBLIC, THAT RECORDS OF EMPLOYEE DISCIPLINE CAN BE MADE PUBLIC AFTER A GLANCING OF THE PUBLIC'S RIGHT TO KNOW. THERE ARE A NUMBER OF COURT CASES, THAT HAVE DETERMINED THAT THE BALANCE SHOULD BE STRUCK IN DIFFERENT PLACES DEPENDING ON THE PLACE THAT THE OFFICIAL OR THE EMPLOYEE HOLDS IN THE HIERARCHY OF THE PUBLIC AGENCY. THE CASES ARE NOT CRYSTAL CLEAR, THE ISSUE REMAINS CONTROVERSIAL. HOWEVER MAYOR REED DID RECOMMEND IN THE REED REFORMS THAT EMPLOYEE DISCIPLINE RECORDS SHOULD BE MADE PUBLIC TO THE FULL EXTENT ALLOWED BY LAW. SO THE PUBLIC RECORDS SUBCOMMITTEE MADE AN EFFORT TO SEE IF WE COULD AT LEAST CLARIFY AND INSERT IN THE SUNSHINE -- RECOMMEND FOR INSERTION IN THE SUNSHINE LAW, SOME GUIDANCE ON WHICH RECORDS SHOULD BECOME AVAILABLE AND WHEN. THIS WAS UNFORTUNATELY NOT A SPECIALLY EASY THING TO DO. IT WAS NOT EASY AGAIN BECAUSE THE SITUATION IS THAT THIS IS A PLACE WHERE THE PRACTICE IN CALIFORNIA HAS REALLY BEEN SET BY COURT CASES, INTERPRETING THE PUBLIC RECORDS ACT, NOT THE LANGUAGE OF THE PUBLIC RECORDS ACT ITSELF. AND HERE'S WHERE WE ENDED UP, IF WE CAN GO TO THE NEXT -- WE

ARE THERE ALREADY. AFTER HEARING EXTENSIVE TESTIMONY FROM REPRESENTATIVES OF THE PUBLIC EMPLOYEES UNIONS, THE SUBCOMMITTEE DECIDED THAT DISCIPLINARY RECORDS FOR CLASSIFIED EMPLOYEES SHOULD BE REVIEWED AND RELEASED ON A CASE-BY-CASE BASIS. THAT MEANS IF THERE IS A SITUATION WHERE SOMEONE AT A PARTICULAR LEVEL BELOW THE TOP LEVEL OF AN ORGANIZATION HAS BEEN DISCIPLINED AND THERE ARE QUESTIONS THAT ARISE ABOUT THE DISCIPLINE, THE DETAILS OF THE DISCIPLINE, WHAT THE EVIDENCE WAS THAT AS IS THE CASE NOW, SOMEONE CAN MAKE A REQUEST, THE CITY ATTORNEY CAN WEIGH THE PRIVACY INTEREST, AND DETERMINE WHAT SHOULD BE RELEASED. WE FOUND IT FRANKLY NOT DOABLE TO COME UP WITH CLEAR GUIDANCE ON HOW THAT BALANCE SHOULD BE STRUCK. ALTHOUGH WE DID TRY. SO WE ARE MOVING PAST THAT ONE. WE ARE RECOMMENDING, HOWEVER, IN THE AREA OF PUBLIC EMPLOYEES, THAT THE PUBLIC RELATIONS DEPARTMENT MAINTAIN AN ONGOING LOG OF FORMAL DISCIPLINARY ACTIONS. THIS SHOULD BE FREE OF IDENTIFICATION OF THE EMPLOYEE BUT STILL HAVE ENOUGH INFORMATION. IF YOU LOOK AT DOCUMENT 4A YOU CAN SEE WHAT SORT OF INFORMATION WE WERE CONTEMPLATING, THAT WOULD ALLOW THE PUBLIC TO TRACK THE ISSUE AND THE PERFORMANCE OF THE EMPLOYEE RELATIONS DEPARTMENT. THE -- FOR THOSE OF YOU WHO ARE NOT AWARE, THE CITY HAS A FORMAL DISCIPLINARY PROCESS THAT APPLIES TO CLASSIFIED EMPLOYEES. IT'S GOT SOME VERY SPECIFIC STEPS, SOME VERY SPECIFIC DEFINITIONS OF WHAT IS A FORMAL DISCIPLINARY ACTION, WHAT'S NOT A FORMAL DISCIPLINARY ACTION. AND THERE'S A BROAD UNDERSTANDING WITHIN THE ORGANIZATION OF WHAT THESE VARIOUS LEVELS OF DISCIPLINE ARE AND WHEN YOU'VE HIT A TRIGGER. SO WE LOOKED AT THE LANGUAGE IN THE CITY CHARTER, AND IN THE CITY POLICY MANUAL, IN AN ATTEMPT TO CAPTURE THAT LANGUAGE. THAT'S WHERE FORMAL DISCIPLINARY ACTION COMES FROM. OUR PURPOSE THROUGHOUT WAS NOT TO TRY TO INVENT SOMETHING NEW HERE, REQUIRE MORE DISCLOSURE THAN HAS BEEN CONTEMPLATE ANYWHERE IN CALIFORNIA, BUT SIMPLY TO CLARIFY SOMETHING THAT COULD OTHERWISE SOMEWHAT MURKY. SO THAT -- AND AGAIN, THIS DOESN'T IDENTIFY INDIVIDUALS. BUT WE ARE TRYING TO -- WE WERE TRYING TO LOOK AT WHAT THE CITY'S PROCESS IS NOW, AND INCORPORATE IT IN A LOG THAT WILL GIVE PEOPLE SOME GUIDANCE IN A COMPREHENSIVE WAY AS TO HOW THE CITY DISCIPLINE PROCESS WORKS. BUT AGAIN, ANY INFORMATION THAT WOULD IDENTIFY AN EMPLOYEE. AND CAN YOU SEE IF YOU LOOK AT THE LANGUAGE THAT WE WERE VERY CAREFUL THAT NO -- IF THE EMPLOYEE WHO'S INVOLVED IS IN A SINGLE POSITION CLASSIFICATION, THAT YOU WOULD KEEP SOME LEVEL OF INFORMATION CONFIDENTIAL. SO THERE'S NO POSSIBILITY OF IDENTIFYING THE EMPLOYEE. THIS IS AGAIN THE PURPOSE NOT TO IDENTIFY SOMEONE, IT IS NOT TO RAISE ANY PRIVACY CONCERN AT ALL IN THIS LOG. IT IS SIMPLY TO ALLOW THE PUBLIC TO TRACK HOW THESE ISSUES MOVE THROUGH THE SYSTEM. FOR CITY OFFICIALS HOWEVER, AND I'M GOING TO CALL YOUR ATTENTION HERE TO DOCUMENT 4B. IN -- THERE IS A DIFFERENCE IN THE LAW BETWEEN WHAT IS A PUBLIC EMPLOYEE AND WHAT IS A PUBLIC OFFICIAL. IN THE CITY OF SAN JOSÉ THERE ARE CLASSIFIED EMPLOYEES AND UNCLASSIFIED EMPLOYEES. HOWEVER, THERE HAVE ALSO BEEN ADOPTED IN THE CITY OF SAN JOSÉ DEFINITIONS FOR SOMETHING CALLED CITY OFFICIAL, WHICH IS AN EFFORT BY THE CITY, AND I THINK THIS COMES FROM THE LOBBYIST ORDINANCE, LISA, IS THAT CORRECT?

>> LISA HERRICK: THAT'S CORRECT.

>> BERT ROBINSON: TO IDENTIFY OFFICIALS AT THE TO BE RANK, OFFICIALS WHO SHOULD BE LOOKED TO FOR SOME SPECIAL REQUIREMENT, SOME REQUIREMENT IN THE CASE OF LOBBYIST ORDINANCE. AND WE DECIDED TO PICK UP THAT DEFINITION AND USE THAT FOR WHAT I'M ABOUT TO DESCRIBE TO YOU, WHICH IS A RECOMMENDATION THAT WE'RE MAKING ON -- THAT BASICALLY OFFERS SOME GUIDANCE. IT DOESN'T -- IT'S NOT AN ATTEMPT TO GO BEYOND EXISTING LAW BUT OFFER SOME GUIDANCE TO THE PUBLIC SO THE PUBLIC WILL UNDERSTAND WHEN THIS INFORMATION BECOMES AVAILABLE, WHAT YOU CAN ASK FOR, WHAT YOU CAN GET.

>> LISA HERRICK: IF I COULD QUICKLY CLARIFY.

>> BERT ROBINSON: PLEASE.

>> LISA HERRICK: THIS DEFINITION IS TWEAKED FROM THE LOBBYIST ORDINANCE. FOR EXAMPLE, BOARDS AND COMMISSIONS WOULD BE A CITY OFFICIAL BUT FOR EMPLOYMENT PURPOSES THAT DOESN'T WORK. THIS HAS A FEW TWEAKS THAT WILL NOT TRANSLATE PERFECTLY.

>> BERT ROBINSON: THANKS LISA. WE'RE RECOMMENDING A STANDARD FOR DISCLOSURE. AND WHAT I NEED TO MAKE CLEAR ABOUT THIS STANDARD FOR DISCLOSURE IS THAT IT IS A STANDARD BASED ON EXISTING LAW THAT MAKES CLEAR AS IS THE CASE UNDER EXISTING LAW, THAT RECORDS BECOME PUBLIC IN MANY CASES EVEN IF DISCIPLINE IS NOT IMPOSED. WHY WOULD YOU WANT THAT TO BE THE CASE? THERE ARE TWO PRIMARY REASONS, I THINK, THAT WE DISCUSSED AND CONSIDERED AND ARE THE REASONS WE'RE MAKING THIS RECOMMENDATION. THE FIRST REASON FOR IT IS THAT THE PUBLIC HAS THE RIGHT TO KNOW ABOUT ALLEGATION AGAINST PUBLIC OFFICIALS, REGARDLESS WHETHER OR NOT THEY'VE BEEN PROVEN TRUE. THE SECOND AND MORE IMPORTANT ARGUMENT I THINK IS THAT IN THIS PLACE OF OUR DEFINITION OF CITY FOIBLES, THOSE AT THE TOP OF ORGANIZATION, THERE IS NO FORMAL DISCIPLINARY PROCESS. THE SITUATION THAT OCCURRED RECENTLY WITH THE CITY AUDITOR WHERE ALLEGATIONS AROSE AND THERE WAS AN INVESTIGATION, AND IT WENT ALL THE WAY THROUGH TO A CONCLUSION AND A VOTE BY THE CITY COUNCIL, WAS EXTRAORDINARILY UNUSUAL. THAT IS NOT USUALLY WHAT HAPPENS WHEN ALLEGATIONS ARISE AGAINST A TOP OFFICIAL. USUALLY, THE SITUATION ENDS WELL BEFORE YOU GET TO A COUNCIL VOTE. AND IN THOSE KINDS OF CASES AWAY EXACTLY IT IS THAT WENT ON AND WHY CAN REMAIN MYSTERIOUS. AND THERE REALLY ISN'T ANY WAY, AS THERE WOULD BE WITH PUBLIC EMPLOYEES, TO HOOK THE DISCLOSURE TO A PARTICULAR POINT IN THE PROCESS. THERE IS NO FORMAL DISCIPLINARY PROCESS. THERE IS NO FORMAL FINDING. THERE IS NO SKELLY HEARING. NONE OF THIS EXISTS. SO WHAT WE DID WAS, AND THIS IS THE ONE PLACE WHERE I'LL CALL YOUR ATTENTION TO SOME SPECIFIC LANGUAGE THAT IS CRAFTED IN THE ORDINANCE. LOOKING AT DOCUMENT 4 B AND THEN B 3. WE PICKED UP LANGUAGE THAT HAS BEEN USED IN A COUPLE OF COURT RULINGS AND SAID, WHERE THERE IS REASONABLE CAUSE TO BELIEVE THE COMPLAINT IS WELL FOUNDED, RECORDS OF MISCONDUCT BY A CITY OFFICIAL INCLUDING ANY INVESTIGATION AND DISCIPLINE IF ANY FORM OF DISCIPLINE IS IMPOSED ARE SUBJECT TO DISCLOSURE. LISA MAY WANT TO COMMENT ON THIS BUT I BELIEVE THIS LANGUAGE IS IN KEEPING WITH THE CURRENT PRACTICE OF THE CITY IN THESE SORTS OF CASES.

>> LISA HERRICK: I THINK THAT'S FAIR TO SAY, YES.

>> BERT ROBINSON: ALL RIGHT. SO ANYWAY, THAT IS -- THAT CONCLUDES I THINK OUR RECOMMENDATIONS ON THE EMPLOYEE DISCIPLINE ISSUE. PROBABLY THE BEST THING TO DO WOULD BE TO TAKE ANY QUESTIONS, AND DEPENDING ON WHERE THE TASK FORCE SITS, WE DECIDE WHETHER WE VOTE ON THEM SEQUENTIALLY OR IN A BIG GROUP ON EMPLOYEE DISCIPLINE. SHOULD I CALL ON PEOPLE, OR SHOULD ED?

>> ED RAST: GO AHEAD.

>> BERT ROBINSON: TOM, DO YOU HAVE A CLARIFICATION?

>> TOM MANHEIM: YOU MAY HAVE SEEN ME SCURRYING OUT OF THE ROOM. WE HAD EXPECTED EITHER THE EMPLOYEE RELATIONS DIRECTOR OR ASSISTANT DIRECTOR TO BE HERE TO COMMENT. WE'RE NOT SURE WHAT HAPPENED. THEY'RE NOT HERE. BUT I DID TALK WITH THE DIRECTOR. AND THE ONE CONCERN THAT I WILL RELAY ON HIS BEHALF IS, THE LAST SECTION THAT BERT WAS JUST REFERRING TO ON DOCUMENT 4B, ITEM B-3, HE DOES HAVE SOME CONCERN ABOUT THE PHRASE, "WHERE THERE IS REASONABLE CAUSE," ONLY, I MEAN, THERE ARE CERTAIN, AS I WOULD DESCRIBE IT, IT'S SORT OF A CONTINUUM, AND

THERE ARE CERTAIN TIMES IT'S GOING TO BE OBVIOUS THERE WAS A REASONABLE CAUSE. THERE ARE TIMES WHEN HE'S NOT GOING TO BE ABLE TO KNOW WHAT THAT LANGUAGE MEANS. I'LL JUST LEAVE IT AT THAT.

>> BERT ROBINSON: BOB.

>> BOB BROWNSTEIN: THAT IS THE SAME CLAUSE I HAVE A QUESTION ABOUT. I PRESUME IN CASE LAW, WHAT A JUDGE SAYS IS REASONABLE CAUSE, IS REASONABLE CAUSE. FINE. SINCE WE DON'T HAVE A JUDGE, THIS IS PROBABLY GOING TO BE RESOLVED IN PROCESS MODE, AS OPPOSED TO A LANGUAGE MODE. SO PROCESS WISE IS REASONABLE CAUSE, WHAT THE CITY ATTORNEY SAYS IS REASONABLE CAUSE, IS THAT WHAT WE'RE ASSUMING HERE?

>> LISA HERRICK: I THINK THAT'S NOT NECESSARILY THE WAY THAT'S GOING TO WORK IN RESPONSE TO A PUBLIC RECORDS REQUEST. WE'RE MAKING THE ANALYSIS ABOUT WHETHER OR NOT SOMETHING SHOULD BE PRODUCED UNDER THE LAW. AND THAT JUST IS GENERALLY THE WAY IT WORKS.

>> BOB BROWNSTEIN: ALL RIGHT, JUST ONE FOLLOW-UP TO THAT. AND LISA, I MEAN, DOES THE CASE LAW HAVE A -- I MEAN OTHER THAN IT'S WHAT JUDGES SAY IT IS, IS THERE A SUBSTANTIVE GUIDANCE THERE, SO THAT THE CITY ATTORNEY'S OFFICE HAS SOMETHING OTHER THAN THEIR JUST JUDGMENT CALL IN TERMS OF WHAT THIS MEANS?

>> LISA HERRICK: WELL, I'M SURE ED HAS OPINIONS ABOUT THIS, AS WELL. BUT.

>> BOB BROWNSTEIN: DID I TOO. I WANT TO KNOW. I DON'T KNOW.

>> LISA HERRICK: THIS PARTICULAR PHRASE CAME FROM A PARTICULAR CASE, WHICH HAD PARTICULAR FACTS. AND SO THERE, WE CAN CERTAINLY LOOK TO THE CIRCUMSTANCES IN THAT CASE. AND MAKE COMPARABLE ANALYSES BASED ON THE FACTS OF THAT CASE. AND YOU KNOW, REASONABLE IS A PHRASE THAT WE USE IN THE LAW. AND INTERPRET ACCORDINGLY. AND SO I THINK THAT WE -- I APPRECIATE ALEX GURZA'S CONCERNS. BECAUSE OBVIOUSLY WHEN THERE ISN'T SOMETHING THAT'S HARD AND FAST, IT'S SUBJECT TO INTERPRETATION. OUR OFFICE IS COMFORTABLE AND CONFIDENT THAT WE CAN OPERATE WITHIN THIS LANGUAGE.

>> BERT ROBINSON: ED.

>> ED DAVIS: TO ANSWER BOB'S QUESTIONS, I THINK ONE OF THE GOOD THINGS ABOUT THE WORD REASONABLE, IT IS NOT LEGAL PER SE, IT IS SUPPOSED TO BE UNDER COMMON SENSE MANNER. OPPORTUNITY CIRCUMSTANCES, I'LL TALK ABOUT, I THINK IT'S THE BEST LANGUAGE POSSIBLE TO GIVE GUIDANCE TO WHOEVER IS MAKING THE DECISION. I'LL POINT OUT ALSO THAT AS YOU RECALL, AGAIN, IT'S IMPORTANT TO REMEMBER THAT IN ALL OF THESE THINGS, YOU'VE GOT TO REMEMBER THE CONTEXT THAT WE'VE DEVELOPED IN OTHER AREAS, AS WELL, AND THAT IS, THAT REQUESTS FOR PUBLIC DOCUMENTS ARE NOT GOING TO BE JUST WHETHER THE CITY ATTORNEY SAYS YES OR NO. BUT WE HAVE AN OFFICER WHO'S GOING TO TAKE A LOOK AT THINGS ALSO. AND THEN A COMMISSION WHO WILL REVIEW WHAT THE OFFICER DOES, AS WELL. AND THEY'LL BE PUBLISHING THEIR FINDINGS AS TO WHETHER SOMETHING IS REASONABLE OR NOT. SO WE'VE GOT SAFEGUARDS BUILT INTO THIS, THAT IT'S NOT GOING TO JUST BE SOME ARBITRARY APPLICATION OF WHAT'S REASONABLE OR NOT. BUT THE KEY POINT IS THAT REASONABLE IS NOT A LEGAL TERM OF ART, BUT IT'S A PRACTICAL COMMON SENSE TERM. BERT, I HAVEN'T HAD AN OPPORTUNITY BEFORE NOW TO REALLY DIGEST THIS. BUT LET ME ASK YOU THIS QUESTION.

>> BERT ROBINSON: I DID SEND IT TO YOU.

>> ED DAVIS: YES, I KNOW.

>> BERT ROBINSON: JUST FOR THE RECORD.

>> ED DAVIS: WITH RESPECT TO NONPUBLIC OFFICIALS, SO THE CLASSIFIED EMPLOYEES THAT YOU DESCRIBED IN ITEM C HERE, IS IT POSSIBLE THAT RECORDS REGARDING DISCIPLINE OF THEM IN TERMS OF IDENTIFYING INFORMATION, WILL NEVER UNDER ANY CIRCUMSTANCES BE RELEASED 50 CITY?

>> BERT ROBINSON: ED, I WILL POINT YOU TO SECTION B-4, WHICH WAS CRAFTED BY A FINE ATTORNEY WE BOTH KNOW WELL, THAT WOULD BE YOU, WHICH SAYS NOTHING IN THIS SECTION SHOULD BE CONSTRUED TO LIMITING ACCESS TO OTHER PUBLIC RECORDS.

>> ED DAVIS: GOOD, THAT'S WHERE I WAS GOING TO GO NEXT. BECAUSE FIRST OF ALL I DIDN'T PUT NUMBER 4 IN SECTION B. SO WHEN YOU HAVE FOUR B AND IT SAYS NOTHING IN THIS SECTION, I DON'T KNOW WHETHER THAT APPLIES TO JUST B, OR WHETHER IT APPLIES TO PERSONNEL INFORMATION. IT WOULD APPLY TO C. IF IT APPLIES TO C, THEN THAT ALLEVIATES MY CONCERN.

>> BERT ROBINSON: WHAT'S C?

>> ED DAVIS: C IS THE CLASSIFIED INFORMATION.

>> BERT ROBINSON: OH, 4A, I'M SORRY. ALL RIGHT.

>> ED DAVIS: YOU SEE WHAT I MEAN? B IS MISCONDUCT OF CITY OFFICIALS. 4 I READ AS JUST MISCONDUCT OF CITY OFFICIALS.

>> LISA HERRICK: LISA HERRICK. THESE WERE NEGOTIATED AND DISCUSSED SEPARATELY. WHEN, IF YOU WANT TO ADD THIS CLAUSE TO SECTION C I THINK THAT WOULD BE APPROPRIATE. AND THAT WOULD BE THE WAY WE WOULD --

>> BERT ROBINSON: I SEE WHAT YOU'RE DRIVING AT AND THAT MAKES SENSE TO ME.

>> ED DAVIS: RIGHT NOW, THE WAY C READS, IT LIMITS WHAT THE PUBLIC RECORDS ACT REQUIRES.

>> BERT ROBINSON: RIGHT. AND WE CLEARLY WERE, WHILE WE WERE -- WE CLEARLY DIDN'T WANT TO DO THAT.

>> ED DAVIS: OKAY.

>> BERT ROBINSON: THERE WAS AS YOU KNOW SOME LEVEL OF DEBATE ABOUT EXACTLY WHAT THE PUBLIC RECORDS ACT REQUIRES. AND WE WERE NO WAY TRYING TO BE MORE RESTRICTIVE THAN THE PUBLIC RECORDS ACT. JUST CHEERER THAN THE PUBLIC RECORDS ACT.

>> ED DAVIS: TO MAKE SURE THAT APPLIES TO C, I'M SURE THAT WOULD BE CLEAR. WITH RESPECT TO 4, I KNOW I WROTE THAT, BUT I WENT AND CHECKED MY NOTES. AND ONE OF MY FAVORITE LEGAL TERMS, THAT I USE, YOU HEAR ABOUT IT IN LAW SCHOOL AND THEN YOU DON'T HEAR ABOUT IT AGAIN, GENERALLY, IS SOMETHING CALLED A NEGATIVE PREGNANT. WHERE IT SAYS NOTHING IN THIS SECTION MUST BE CONSTRUED. THAT IMPLIES THAT WELL, YOU MAY CONSTRUE IT THAT WAY, IF YOU WANT. AND THAT'S WHAT A NEGATIVE PREGNANT IS. I SUGGEST YOU PUT MAY INSTEAD OF MUST.

>> LISA HERRICK: I'M SIMPLY REACTING TO THE SHALL, WHICH IS SOMETHING I EVEN REACT TO WORSE THAN A NEGATIVE PREGNANT.

>> BERT ROBINSON: LETS GO TO MAY.

>> ED DAVIS: WITH THAT, IT PASSES LEGAL MUSTER.

>> BERT ROBINSON: THANK GOODNESS FOR THAT. ANY OTHER QUESTIONS? I'M -- GO AHEAD, VIRGINIA.

>> VIRGINIA HOLTZ: I WAS READY TO MOVE APPROVAL OF THESE TWO DOCUMENTS, WITH THE REVISION OF ADDING ITEM NUMBER 4 TO BOTH, TO THE PERSONNEL, AFTER THE PERSONNEL INFORMATION C. AND CHANGING THE MUST TO MAY. BOTH OF THEM.

>> SECOND THAT.

>> ED RAST: DISCUSSION. ALL IN FAVOR? [ AYES ]

>> ED RAST: OPPOSED, ABSTENTIONS? MOTION PASSES. BERTH.

>> BERT ROBINSON: I THINK WE CAN MOVE NEXT TO THE FIRE DEPARTMENT. SHALL WE DO THAT? ALL RIGHT. TOMMY, I THOUGHT THE FIRE DEPARTMENT WAS GOING TO BE HERE.

>> TOM MANHEIM: I THOUGHT THE EMPLOYEE RELATIONS DIRECTOR WAS GOING TO BE HERE. SO --

>> TOM MANHEIM: I SPECIFICALLY RECALL THE FIRE DEPARTMENT REPRESENTATIVE SUGGESTING HE WOULD HAVE SOME THINGS TO TELL THE TASK FORCE ABOUT SOME OF THIS.

>> KEN PODGORSEK: POSSIBLY THERE'S A FIRE.

>> BERT ROBINSON: ALL RIGHT, WE'RE MOVING ON HERE.

>> TOM MANHEIM: I SUGGEST WE MOVE ON, YES.

>> BERT ROBINSON: I'D LIKE TO START THIS PART OF THE DISCUSSION WITH A VERY BRIEF ANECDOTE, WHICH IS THAT PREVIOUS TASK FORCE MEETING WHICH WENT WELL INTO THE EVENING, I WENT HOME TO RECEIVE AN E-MAIL FROM DAVE ZENKER, WHICH SAID, YOU GUYS SHOULD TAKE ON THE FIRE DEPARTMENT TOO. WHICH I WENT OH, YOU'RE NOT ON THE PUBLIC DISCLOSURE COMMITTEE. THAT'S NOT A FREE PASS FOR SPEEDING IN THE CITY OF SAN JOSÉ, DAVE. BUT IN FACT AS WE DISCUSSED THE ISSUE, DAVE AND I DID AND THE SUBCOMMITTEE DID, WHAT WE REALIZED IS THAT THERE WAS ACTUALLY SOMETHING THAT WAS QUITE ANALOGOUS, WITH WHAT WE DID WITH THE POLICE DEPARTMENT, WHICH SEEMED TO MAKE A LOT OF SENSE. BECAUSE AS WE ALL RECALL, IN ADDITION TO ALL OUR WORK ON POLICE REPORTS, WE DID SOME WORK ON POLICE STATISTICAL REPORTS. AND THE FIRE DEPARTMENT ALSO COLLECTS A FAIR NUMBER OF STATISTICS THAT ARE GOOD PERFORMANCE MEASURES. AND THOSE TASK FORCE ARE IN FACT IN SOME WAYS UNDER CURRENT CIRCUMSTANCES SOMEWHAT MORE DIFFICULT TO GET EVEN THAN THE POLICE DEPARTMENT STATISTICS. THERE ARE A COUPLE OF REASONS FOR THAT. ONE IS THAT CRIME STATISTICS, THERE'S A WHOLE LAYER OF GOVERNMENTAL REQUIREMENT, THE DEPARTMENT OF JUSTICE REQUIRES REPORTS, THE FBI REQUIRES REPORTS. SO THERE ARE A NUMBER OF PERFORMANCE MEASURES REGARDING THE POLICE DEPARTMENT THAT HAVE TO BUBBLE UP BECAUSE OF STATE AND FEDERAL LAW. THE SECOND REASON AS DAVE POINTED OUT TO ME IS THAT THE EFFORTS BY THE FIRE DEPARTMENT TO KEEP ITS WEBSITE UP-TO-DATE HAVE BEEN SOMEWHAT LACKING, WITHOUT ANY JUDGMENT AS TO THE REASON

FOR THAT. WHEN I LOOKED AT DAVE'S BEHEST AT THE WEBSITE IT WAS TRUE, JUST AS HE SAID, THAT MANY OF THE PERFORMANCE MEASURES HAD NOT BEEN UPDATED SINCE 2004. HOWEVER --

>> TOM MANHEIM: THAT'S PROBABLY WHEN THE WEB PERSON WAS LAID OFF WITH OUR BUDGET CUTS. NOT THAT I KNOW THAT THAT ACTUALLY HAPPENED, BUT LIKELY.

>> BERT ROBINSON: HOWEVER, AS WE GOT FURTHER INTO THIS ISSUE, ONE OF THE THINGS WE FOUND OUT, I BELIEVE A COUNCIL COMMITTEE HAD BEEN TO THIS ISSUE BEFORE WE HAD BECAUSE THERE WERE ALREADY IN THE WORKS SOME REQUIREMENTS, NEW REQUIREMENTS ON THE FIRE DEPARTMENT, TO BEEF UP ITS REPORTING OF PERFORMANCE MEASURES. WHAT WE DID HERE AND VIRGINIA REMINDED ME BEFORE THE MEETING THAT I SHOULD MAKE THIS CLEAR, WE DIDN'T INVENT, WHEN YOU LOOK AT OUR POWERPOINT PRESENTATION, WE DIDN'T JUST INVENT A NUMBER OF PERFORMANCE MEASURES AND DECIDED TO REQUIRE THEM OF THE POLICE DEPARTMENT. INSTEAD, WE WENT THROUGH IN THE CITY BUDGET DOCUMENTS, PERFORMANCE INDICATORS THAT ARE EITHER NOW BEING TRACKED, OR ARE PLANNED TO BE TRACKED, I BELIEVE AT THE REQUEST OF ONE OF THE COUNCIL COMMITTEES. AND BASICALLY, PICKED AND CHOSE THE ONES THAT WE THOUGHT GAVE THE PUBLIC THE BEST SENSE OF THE PERFORMANCE OF THE FIRE DEPARTMENT. AND WE ARE RECOMMENDING THOSE, AND IN MUCH THE SAME WAY WE DID WITH THE POLICE DEPARTMENT, WE ARE RECOMMENDING A QUARTERLY REPORT. IF YOU LOOK AT DOCUMENT 4C, I'VE GOT A SUMMARY OF WHAT WE'RE DOING. BUT IF YOU LOOK AT DOCUMENT 4 C, YOU CAN SEE THE PAINFUL DETAILS. BUT WE'RE BASICALLY SUGGESTING THAT THERE ARE MANY PERFORMANCE MEASURES IN TERMS OF RESPONSIVENESS AND IN TERMS OF DEMAND THAT CAN BE TRACKED, AND ACTUALLY ARE TRACKED CURRENTLY, ALTHOUGH THEY'RE NOT REPORTED CONSISTENTLY, BY FIRE STATION. THAT GIVES YOU A GOOD SENSE OF THE FIRE STATION CLOSE TO YOU, IF YOU LIVE IN SAN JOSÉ, IS WHAT'S GOING TO BE RESPONDING, AND SO THAT'S REALLY THE RELEVANT MEASURE FOR YOU. ALTHOUGH NOT THE CITYWIDE MEASURE. YOU WANT TO KNOW HOW THE FIRE STATION CLOSE TO YOUR HOUSE DOES. WE ALSO LOOKED AT SOME MEASURES THAT I THINK ARE MUCH MORE -- ARE MUCH BETTER UNDERSTOOD, IN FACT ARE KEPT ONLY CITYWIDE. PERCENTAGE OF FIRES CONTAINED IN THE ROOM OF ORIGIN, OR THE STRUCTURE OF ORIGIN, WHICH MEASURES HOW WELL THE FIRE DEPARTMENT DOES IN KEEPING THINGS UNDER CONTROL. AND THEN THE WHOLE ISSUE OF CAUSE, THE FIRE DEPARTMENT DOES INVESTIGATIONS, WHEN THEY -- THEY TRACK THE PERCENTAGE BOTH WHEN THEY WERE ABLE TO TRACK THE CAUSE AND THE PERCENTAGE THEY WEREN'T. AND I THINK THIS IS A NEW MEASURE, A BREAKOUT OF WHAT TYPES OF FIRES THERE WERE BY PERCENTAGE. THERE IS INVESTIGATIVE ASPECT, ARSON CASES, WE'RE RECOMMENDING THAT THEY BREAK OUT REGULARLY THE PERCENTAGE OF ARSON CASES THAT HAVE BEEN REFERRED FOR PROSECUTION, BECAUSE THAT WOULD CONNOTE THE DEPARTMENT'S ARSON INVESTIGATION, ONCE IT GETS INTO THE COURTS, IT'S NOT REALLY UP TO THE FIRE DEPARTMENT ANYMORE. AND THEN WE SUGGESTED ALSO, SOME TRACKING AND DISCLOSURE TO THE PUBLIC OF THE PERCENTAGE OF FIRE INSPECTIONS THAT WERE SIGNED OFF. MUCH AS WE DID WITH THE POLICE DEPARTMENT, IN -- ON DOCUMENT 4 C HERE, 5.1.1090, LETTER B, WE ARE SUGGESTING THAT THERE BE A REGULAR REVIEW OF THESE STATISTIC REPORTS AND A REVIEW OF WHAT INFORMATION IS REQUIRED TO BE REPORTED BECAUSE IT IS CERTAINLY THE CASE AS IT IS WITH THE POLICE DEPARTMENT, THAT MEASURES WILL CHANGE OVER TIME, BETTER PERFORMANCE MEASURES WILL BE FOUND, NEW PERFORMANCE MEASURES WILL BE ADDED, AND THE COUNCIL SHOULD BE ENCOURAGED TO MAKE THIS A LIVING DOCUMENT, IF YOU WILL. AND ALLOW THE PUBLIC THE BEST UNDERSTANDING OF THE PERFORMANCE OF THE FIRE DEPARTMENT. SO THAT IS THE SUMMARY OF OUR RECOMMENDATIONS ON FIRE DEPARTMENT STATISTICS.

>> ED RAST: TRIXIE.

>> TRIXIE JOHNSON: WHEN I WAS ON THE CITY COUNCIL, WE USED TO TRACK OTHER MEASURES, HAZ-MAT CALMS, HAVING YOUR INSPECTIONS OF PLACES THAT HAVE STORAGE OF HAZARDOUS MATERIALS. WE CHECKED THE RESPONSE RATES, THERE ARE STATE LAW THAT REQUIRES CERTAIN ONES TO BE DONE AT CERTAIN PERIODS OF TIME, AND SO ON. AND PEOPLE ARE FOUND IN COMPLIANCE OR OUT OF COMPLIANCE. AND THEN THERE'S A FOLLOW-UP REQUIREMENT FOR COMPLIANCE AND ALL OF THOSE THINGS. AND WE CONSTANTLY FOUND THAT WE WERE UNDERSTAFFED WITH INSPECTORS, IT WAS A USEFUL WAY TO DEAL WITH SOME OF THE STAFFING ISSUES THAT WE FELT WERE BEING IGNORED IN BY THE DEPARTMENT. WOULD I LIKE TO HAVE SOMETHING LIKE THIS IN HERE AS WELL, HAZARDOUS MATERIALS INSPECTIONS.

>> BERT ROBINSON: YOU KNOW TRIXIE, THAT'S A GRADE IDEA. I CAN'T REMEMBER, I THOUGHT WE DISCUSSED THAT AND I GUESS WE DIDN'T COMMUNICATE THAT CLEARLY.

>> TRIXIE JOHNSON: I DON'T RECALL NOW, IT'S BEEN TOO LONG, EXACTLY HOW IT WAS ORGANIZED.

>> BERT ROBINSON: I BELIEVE THERE IS AN EASY WAY TO INCORPORATE IT UNDER NUMBER 7 ABOUT THE PERCENTAGE OF FIRE INSPECTIONS. SO IF WE CAN JUST FIGURE OUT A WAY DO THAT, THAT WOULD MAKE PERFECT SENSE. THEY DO TRACK THAT. SO IT'S SOMETHING THEY ALREADY HAVE. IT WON'T BE REQUIRING EXTRA WORK.

>> THIS GROUP CAME FROM A LARGER GROUP OF 61 PERFORMANCE MEASURES AND THESE ARE KIND OF THE TOP ONES THAT THEY REPORT TO THE SAFETY COMMITTEE, THE PUBLIC SAFETY COMMITTEE. AND THAT ONE IS DEFINITELY IN THERE.

>> TRIXIE JOHNSON: I WOULD RECOMMEND YOU ADDING THAT BACK IN. IT'S YOUR SAFETY MEASURE, AND THEY WERE ALWAYS SHORT OF INSPECTORS.

>> ED RAST: DAVE ZENKER.

>> DAVE ZENKER: DAVE ZENKER. AS BERT HAS SAID, THIS IS IMPORTANT TO ME. FIRST AND FOREMOST THE FIRE DEPARTMENT IS CLEARLY A CRITICAL FUNCTION IN OUR CITY. YOU KNOW, THEY'RE INVOLVED IN LIFESAVING EMERGENCY CALLS DAILY AND AS RESIDENTS AND TAXPAYERS IN THE CITY I THINK WE NEED TO BE ASSURED THAT THEY OPERATE AT THE HIGHEST PERFORMANCE AND STANDARDS. BERT EXPRESSED MY FRUSTRATION IN TRYING TO LOOK AT SOME OF THOSE THINGS, AND THE FEW TASKS THAT THEY DO REPORT OUT ON THEIR WEB PAGE ARE EXTREMELY STALE AND DESPITE NUMEROUS REQUESTS TO GET THOSE UPDATED THEY HAVEN'T DONE SO. THE GOOD NEWS IS THAT THERE ARE SOME NEW PERFORMANCE MEASURES BEING REPORTED THROUGH ONE OF THE COUNCIL COMMITTEES. BUT EVEN THAT IS PRETTY LIMITED AT THIS POINT. IT'S KIND OF A GROSS MEASUREMENT OF RESPONSE TIME. IT DOESN'T GIVE ANY INDICATION AS TO WHETHER THE CALLS ARE MEDICAL OR FIRE RELATED OR EVEN ANY GEOGRAPHIC INFORMATION BY STATION. SO I THINK THE WORK THAT THE COMMITTEE HAS DONE, SUBCOMMITTEE HAS DONE ON PUTTING THESE PERFORMANCE MEASURES TOGETHER ARE REALLY IMPORTANT. BUT I WANT TO PUT SOME OTHER ENDORSEMENTS. THE FIRE DEPARTMENT IS THE SECOND LARGEST GENERAL FUND BUDGET EXPENSE, ABOUT \$134 MILLION ANNUALLY. THE PUBLIC MIGHT HAVE A PERCEPTION ABOUT THE TYPES OF CALLS THAT THE FIRE DEPARTMENT RUNS ON A DAILY BASIS. AND IN FACT THEY DO A LOT OF VERY IMPORTANT WORK. BUT IN REALITY, THAT WORK IS ACTUALLY PRIMARILY ENCOMPASSED WITH MEDICAL CALLS. THEIR MOST RECENT REPORT THAT THEY GAVE TO THE PUBLIC SAFETY COUNCIL COMMITTEE SHOWS THAT 92% OF THE CALLS THAT THEY RUN ON A DAILY BASIS ARE MEDICAL EMERGENCIES. ONLY 7 TO 8% OF THEIR CALL VOLUME ARE ACTUALLY FIRES. SO WHEN YOU LOOK AT THE PERFORMANCE MEASURES THAT WE LOOK AT, THE VAST MAJORITY OF THESE ARE SURROUNDING FIRES. AND I THINK A LOT OF THE EMPHASIS NEEDS TO BE PUT ON THE LION'S SHARE OF THE WORK THEY'RE DOING, TAKING CARE OF HEART

ATTACKS, FALLS, THOSE KINDS OF THINGS. THE CITY COUNCIL SET SOME PERFORMANCE GOALS FOR THE FIRE DEPARTMENT BACK IN THE YEAR 2000 UNDER A STRATEGIC PLAN DOCUMENT, AND THAT'S WHERE THE EIGHT-MINUTE NUMBER CAME, 8 MINUTES, 80% OF THE TIME. AND BASED ON THE REPORTING THEY'VE BEEN DOING FOR THE PAST COUPLE OF FISCAL YEARS, THEY'RE NOT MEETING THAT NUMBER AT THIS POINT. THEY ACTUALLY HAVE BEEN RUNNING AN AVERAGE OF ABOUT 79%. MOST RECENT REPORT SHOWS DECLINING TO 76%. AND THE REPORT INDICATES THAT THEY'RE NOW GOING TO SHIFT RESOURCES TO TRY TO DETERMINE WHAT THE UNDERLYING CAUSE OF THAT DECLINE MIGHT BE. THAT'S ABOUT TIME. AND I THINK THAT'S REALLY CONCERNING, AT LEAST AS A COMMUNITY MEMBER, THE FIRE DEPARTMENT IS ONLY SHIFTING RESOURCES TO FIGURE OUT WHY THE DECLINE IN THE PAST THREE YEARS. THAT SHOULD BE A CONCERN TO THE PUBLIC, SEEING SOME OF THESE REPORTS AND LOOKING AT FIRE DEPARTMENT STATISTICS. SO BASED UPON SOME OF THAT ENDORSEMENT FOR THE HARD WORK THE COMMITTEE DID, I'D LIKE TO MAKE SOME SUGGESTIONS FOR CHANGES, MINOR ADDITIONS ACTUALLY TO DOCUMENT 4C. UNDER ITEM A, 1, INDICATES THE STATISTICS THAT THE FIRE DEPARTMENT MUST PRODUCE ON ITS WEBSITE CITYWIDE, THE NUMBER OF A, FIRES, FIRE FATALITIES, IT DOESN'T SHOW MEDICAL EMERGENCIES, I WOULD ASK THAT D BE ADDED, TO STATE EMERGENCY MEDICAL RESPONSES. I'M GOING TO GIVE YOU THREE SUGGESTIONS. THE SECOND ONE IS UNDER ITEM A-2, THAT INDICATOR IS THAT RESPONSE TIME MEASUREMENT, THE EIGHT-MINUTE ONE, IT SAYS BY FIRE STATION, THE PERCENTAGE OF TIME THAT THE INITIAL RESPONDING UNIT ARRIVES WITHIN EIGHT MINUTES. BUT WE ALSO WANT TO KNOW WHAT THE AGGREGATE IS, CITYWIDE. WHICH IS ACTUALLY THE GOAL THAT THE CITY COUNCIL SET, THEY DIDN'T SET A FIRE STATION BY FIRE STATION. MY RECOMMENDATION IS THAT IT STATE CITYWIDE AND BY FIRE STATION, THE PERCENTAGE OF TIME THE RESPONDING UNIT ARRIVES WITHIN EIGHT MINUTES. MY FINAL RECOMMENDATION, THIS IS A MEASURE THAT THE POLICE DEPARTMENT REPORTS QUARTERLY, AND I'M NOT SURE WHY THE FIRE DEPARTMENT, IF THE IS MAYBE MEASURING IT AND NOT REPORTING IT, BUT THE POLICE DEPARTMENT REPORTS IT TO THE PUBLIC SAFETY SUBCOMMITTEE, THE MEASURE OF AVERAGE COST PER CALL OF SERVICE. I'M ASSUMING WHAT THE POLICE DEPARTMENT DOES IS TAKE THEIR EXPENSES PER THAT QUARTER, DIVIDE IT BY THE NUMBER OF CALLS FOR SERVICE THEY HAVE. THIS LAST FISCAL YEAR, THE HE POLICE DEPARTMENT'S COST WAS \$124.80. IT JUST GIVES THE PUBLIC A SENSE FOR WHAT IT'S COSTING A POLICE CAR TO RUN EVERY CALL. BY NO MEANS, WOULD WE BE COMPARING FIRE CALLS TO POLICE CALLS, BECAUSE THAT'S APPLES AND ORANGES. BUT IT WOULD GIVE THE PUBLIC A GOOD SENSE OF, IF WE'RE SEEING SPIKES IN OVERTIME OR DROPS IN COST, THAT WE'D BE ABLE TO COMPARE QUARTER BY QUARTER OR ANNUALLY WHAT THE CHANGE EVER COST IN THE FIRE SERVICE MIGHT BE. SO THAT WOULD BE ONE ADDITIONAL RECOMMENDATION THAT I WOULD MAKE. I DON'T REMEMBER SEEING IT AS A MEASURE, BUT --

>> BOB BROWNSTEIN: I WAS JUST GOING TO ASK YOU, DO YOU HAVE ANY IDEA OF WHETHER THEY KEEP THAT NOW?

>> DAVE ZENKER: I DON'T.

>> I'M NOT SURE THAT'S HOW THE POLICE DEPARTMENT DOES IT. IT'S AN INTERESTING IDEA.

>> DAVE ZENKER: AND I WOULD ADD THAT AS NUMBER 8 BEFORE B THERE. THOSE WOULD BE MY SUGGESTIONS. AND YOU KNOW, OF COURSE I COULD GO ON AND ON. I THINK IT WOULD BE GREAT TO -- [LAUGHTER]

>> DAVE ZENKER: IT WOULD BE GREAT TO SEE SOME STATISTICS ABOUT DISPATCH, THE AMOUNT OF TIME IT'S TAKING FOR CALL PROCESSING TO OCCUR. WE HAVE A NATIONALLY RECOGNIZED DISPATCH CENTER IN THE CITY OF SAN JOSÉ THAT I THINK PROBABLY EXCEEDS STANDARDS. BUT THE PUBLIC DOESN'T GET TO SEE ANY OF THAT DATA. IT WOULD BE GREAT IF WE COULD. ULTIMATELY, WE GOT ENOUGH ON THIS LIST TO START WITH. MAYBE IN A YEAR OR TWO YEARS WE CAN REVISIT SOME OF THAT. BUT IT GOES TO SHOW PUBLIC

SAFETY, POLICE, FIRE, THERE'S A TON OF PERFORMANCE MEASURES OUT THERE THAT I THINK ARE BEING KEPT THAT THE PUBLIC DOESN'T NECESSARILY GET TO SEE, AND IT WOULD BE GREAT FOR SUNSHINE TO BE BROUGHT ON SOME OF THAT.

>> ED RAST: DAN PULCRANO.

>> DAN PULCRANO: I ASKED IF YOU HAVE VETTED ON THIS SO ANY OF YOUR PROFESSIONAL AREAS COULD CONFLICT WITH THIS.

>> DAVE ZENKER: I DON'T WORK FOR MY PREVIOUS EMPLOYER AGAIN SO I FEEL CLEAN ON THIS.

>> ED RAST: BERT, GO AHEAD. IS THERE A LARGE PROBLEM WITH FALSE ALARMS?

>> DAVE ZENKER: AS FAR AS JUST GENERALLY 911 CALLS BEING COMING OUT TO BEING NOT --

>> ED RAST: FIRE DEPARTMENT FALSE ALARMS?

>> DAVE ZENKER: ABSOLUTELY.

>> ED RAST: WOULD IT MAKE SENSE TO ADD FALSE ALARMS IN THIS?

>> DAVE ZENKER: ONCE AGAIN, KIND WHEREOF DO YOU STOP.

>> ED RAST: I WAS JUST ASKING.

>> DAVE ZENKER: YOU WOULD HAVE TO BREAK OUT SOME MORE STATISTICS TO GIVE YOU A GENERAL PICTURE OF THEIR WHOLE CALL VOLUME. I THINK IF YOU COULD SEE, IF YOU COULD GET AN IDEA OF WHAT THEIR CALL PICTURE LOOKED LIKE, YOU KNOW, WHAT PERCENTAGE OF CALLS WERE FIRES, MEDICAL, FALSE ALARMS, BECAUSE THEY DO MORE THAN JUST MEDICAL AND FIRE OBVIOUSLY. THERE'S -- YOU KNOW THERE'S INSPECTIONS, AS TRIxie POINTED OUT. THERE'S PUBLIC SERVICE CALLS. THERE'S --

>> ED RAST: THE OTHER QUESTION THAT WOULD AFFECT THE BUDGET IN LOTS OF WAYS WOULD BE FIREFIGHTER INJURIES. BECAUSE THERE'S A FAIRLY HIGH PERCENTAGE IN SAN JOSÉ OF BOTH POLICE DEPARTMENT AND FIRE DEPARTMENT RETIREMENTS, OR WHAT DO YOU CALL IT, DISABILITY DISABILITY, SO THAT MIGHT GIVE AN IDEA ALSO. BECAUSE I UNDERSTAND THAT AS YOU HAVE PEOPLE WORK A LOT OF OVERTIME AND YOU'RE UNDERSTAFFED, THE INJURIES GO UP DRAMATICALLY. I'VE HEARD IT FROM BOTH THE POLICE DEPARTMENT AND THE FIRE DEPARTMENT.

>> BERT ROBINSON: MY ONLY THOUGHT THERE ED IS SOMETIMES THE QUESTION OF WHETHER THE INJURY IS IN FACT ATTRIBUTABLE, INVOLVES MANY HEARINGS AND MANY APPEALS BEFORE A DETERMINATION IS MADE THAT YES, THAT WAS A FIRE INJURY OR NO, THAT WASN'T A FIRE INJURY.

>> ED RAST: THE REASON I'M SAYING IT'S DETERMINED THAT IT WAS MADE AT THE SCENE OF A RESPONSE, AN INJURY WAS DONE THERE, THAT MIGHT CLARIFY SOME OF THE CONCERNS. I DON'T KNOW, MAYBE WE'RE GETTING TOO DEEP INTO THIS. THE OTHER QUESTION I HAD IS, IS IT POSSIBLE, HAS ANYBODY LOOKED AT THE IDEA, WE'VE GOT A REALLY GOOD INCIDENT REPORTING THAT THE POLICE DEPARTMENT DOES. COULD YOU USE THAT SAME SYSTEM TO OVER38 LAY THIS INFORMATION?

>> DAVE ZENKER: IT IS MY UNDERSTANDING THAT THEY HAVE INVESTED IN A RECORDS MANAGEMENT SYSTEM SIMILAR TO THE POLICE DEPARTMENT. I DON'T KNOW IF THEY'RE TIED

TOGETHER OR NOT. THAT'S COMING ONLINE SOON SO I WOULD ASSUME THEY WOULD LIGHT TO GET THAT FETTERED OUT AND I DOUBT THEY WOULD BE OPEN TO US CREATING SOME KIND OF INCIDENT REPORTING SYSTEM FOR THEM THAT WOULD OVERLAY, YOU KNOW, SOMETHING THEY PROBABLY SPENT MILLIONS OF DOLLARS ON.

>> ED RAST: MY LAST QUESTION IS, I WAS UNDER THE IMPRESSION THAT THE EIGHT-MINUTE STANDARD, THAT THE PERSON BY EIGHT MINUTES IS PRETTY DEAD, OR AT LEAST IN VERY BAD SHAPE. I THOUGHT THAT THE STANDARD NATIONWIDE WAS ABOUT SIX OR SEVEN MINUTES ON AN EMS CALL. AM I CORRECT ON THAT OR -- SO THEREFORE IF THE PERSON, IF WE MAKE 79% AT EIGHT MINUTES AND WE GET OTHER ONES AT 9, 10, 11, WE'RE FEEDING THE PUBLIC A PERCENTAGE --

>> DAVE ZENKER: WE'RE TALKING ABOUT AVERAGES. SO YOU WOULD CERTAINLY HAVE TO LOOK AT THOSE CALLS THAT WERE THE HIGHEST PRIORITY, THOSE PATIENTS THAT WERE NOT BREATHING OR IN CARDIAC ARREST AND LOOK AT THAT SUBPOPULATION. BUT KEEP IN MIND WE'RE LOOKING AT THE ENTIRE CITY, THE ENTIRE GEOGRAPHY. THE AVERAGE ACROSS, I DON'T THINK IT'S FAIR TO THEM TO EXTRAPOLATE THAT WE'RE HAVING A CERTAIN PERCENTAGE IN ALL CALLS, OR EVEN IN ALL ZONES, NECESSARILY.

>> BERT ROBINSON: I'M THOUGHT SURE THE QUESTION OF WHAT THE STANDARD SHOULD BE IS REALLY A QUESTION FOR --

>> DAVE ZENKER: THE STANDARD IS THE STANDARD.

>> BERT ROBINSON: THIS IS THE STANDARD.

>> DAVE ZENKER: I THINK THE OTHER THING TO POINT OUT TOO, THE FIRE DEPARTMENT ALSO OPERATES UNDER A SEPARATE CONTRACT FOR THE COUNTY OF SANTA CLARA FOR EMERGENCY MEDICAL SERVICES AND THEY HAVE DIFFERENT STANDARDS TO UPHOLD THERE AS WELL.

>> ED RAST: SOMEBODY HAD A QUESTION? PUBLIC SPEAKER.

>> ANTONIO GUERRA, MAYOR'S OFFICE. THESE ARE WELL THOUGHT OUT MEASURES ABOUT THE FIRE DEPARTMENT. BUT I ALSO THINK WE NEED TO THINK ABOUT THE WHOLE PURPOSE OF THE SUNSHINE REFORM TASK FORCE. INCREASING TRANSPARENCY IN GOVERNMENT AND ALSO HOLDING TO A HIGHER STANDARD IN TERMS OF PUBLIC PARTICIPATION. I BELIEVE THIS IS A LITTLE BIT OF MISSION CREEP HERE, WHERE WE'RE BUILDING PERFORMANCE MEASURES INTO AN ORDINANCE. I'M NOT SURE WE ACTUALLY NEED TO DO THAT. I THINK IT'S AN ENCROACHMENT ON THE PUBLIC SAFETY, FINANCE AND STRATEGIC SUPPORT COMMITTEE WHICH YOU MENTIONED EARLIER, HOW THE FIRE DEPARTMENT IS REPORTING THERE, NOT AS COMPREHENSIVE, BUT YOU'RE GOING TO HAVE TO START DEFENDING WHY EIGHT MINUTES IS IN HERE OR CERTAIN OTHER PERFORMANCE MEASURES OR WHAT IS OR ISN'T. AND I ALSO THINK IF YOU WANT TO, IF YOU WANT TO GO SO FAR AS PUTTING IN, I DON'T KNOW, PERFORMANCE MEASURES FOR EVERY SINGLE DEPARTMENT IN THE CITY, YOU COULD, AS A PUBLIC RECORD. BUT YOU'RE GOING DOWN A SLIPPERY SLOPE WHEN YOU START TO PUT IN THESE PERFORMANCE MEASURES. SO I JUST WANTED TO POINT THAT OUT. ALTHOUGH I THINK YOU GUYS HAVE DONE A REALLY GOOD JOB OF THINKING THROUGH WHAT THE FIRE DEPARTMENT NEEDS TO BE LOOKED AT. AND IF YOU FEEL THAT THE WEBSITE ISN'T AS CURRENT OR UP TO DATE, I THINK SOMETHING COULD BE HANDLED. WHERE THE FIRE DEPARTMENT COULD UPDATE THAT. THANKS.

>> ED RAST: NANCY AND DAVE ZENKER.

>> NANJI WILLIAMS: SOME OF THIS IS PUBLIC RIGHT TO KNOW STUFF. WHILE THESE ARE STATISTICS THAT THE FIRE DEPARTMENT SHOULD BE KEEPING, THERE SHOULD BE SOME

ENTITY THAT IS LOOKING AT IT, FALSE ALARMS FOR EXAMPLE, I DON'T KNOW THAT THE PUBLIC IS SERVED WELL KNOWING HOW MANY ALARMS ARE FALSE ALARMS. ACTUALLY I ONCE HEARD SOMEONE IN THE FIRE DEPARTMENT SAY THAT THEY'RE AFRAID THAT IF THE PUBLIC KNEW HOW MANY ALARMS WERE FALSE ALARMS, THEY WOULD STOP CALLING THE FIRE DEPARTMENT. BECAUSE THERE'S THAT SENSE OF OH, I DON'T WANT TO BE ANOTHER ONE OF THOSE PEOPLE WHO'S CALLING IN A FALSE ALARM BECAUSE IT COULD JUST BE THEIR FIREPLACE. THEY'D RATHER GO OUT ON FALSE CALLS, AND WORK INTERNALLY AS TRYING TO DETERMINE WHAT THE DIFFERENCE IS BETWEEN A FALSE ALARM AND A REAL ALARM, THAN PUT OUT AN ALARM THAT YOU'RE ALL CALLING US TOO MUCH. DOES THAT MAKE SENSE?

>> ED RAST: DAVE ZENKER.

>> DAVE ZENKER: I ACTUALLY SOMEWHAT AGREE WITH YOU. I DON'T NECESSARILY THINK WE SHOULD BE FILLING THE ORDINANCE WITH SPECIFIC PERFORMANCE MEASURES LIKE THIS. HOWEVER, I HAVE TO SAY THAT DESPITE MULTIPLE STATEMENTS TO GET THE DATA AND GET IT PUBLICLY DISCLOSED, I'VE HAD A REALLY DIFFICULT TIME. WE'VE MENTIONED THE WEBSITE AS ONE. THERE'S ALSO BEEN SOME ATTEMPTS AT THE PUBLIC SAFETY COUNCIL COMMITTEE TO COMMUNICATE WITH THEM, AT LEAST I'VE COMMUNICATED WITH THEM VIA MEMO TO, IN THE MIDST OF THEM CREATING THESE QUARTERLY REPORTS THEY ASK FOR PUBLIC OUTREACH. I COMMUNICATED WITH THEM A NUMBER OF PERFORMANCE INDICATORS THAT I THOUGHT WOULD BE HELPFUL, AND NONE OF THAT INFORMATION WAS INCORPORATED. SO I FIGURE I'M A MEMBER OF THE SUNSHINE REFORM TASK FORCE. IT'S OUR MISSION HERE TO DISCLOSE INFORMATION, HELP THE PUBLIC'S VIEW INFORMATION, WHAT BETTER PLACE TO DO THIS?

>> ED RAST: AS THE CHAIR, LET ME ASK A QUESTION TO THE TASK FORCE. THE TECHNOLOGY COMMITTEE HAD SOME RECOMMENDATIONS THAT WERE GOING TO GO IN THE ORDINANCE AND THEY HAD OTHER RECOMMENDATIONS THAT WOULD GO AS A RECOMMENDATION LETTER, I BELIEVE, DAN, THAT WAS GOING TO GO TO THE CITY THAT WOULD NOT BE IN THE ORDINANCE. MAYBE THAT IS A WAY OF POTENTIALLY HANDLING THIS.

>> TOM MANHEIM: THE RECOMMENDATIONS BE CARRIED RECOMMENDATIONS, AND I JUST WANT TO BE A LITTLE CAREFULLY, THAT'S NOT ON THE AGENDA TONIGHT. WE REALLY CAN'T TALK ABOUT THAT.

>> ED RAST: I'M TALKING ABOUT THE TECHNIQUE.

>> TOM MANHEIM: A COUPLE OF THINGS I DID WANT TO SAY, EVEN THOUGH THE FIRE DEPARTMENT ISN'T HERE, I'LL TRY TO CHANNEL THEM JUST A LITTLE BIT. WE WILL CARRY OBVIOUSLY THE RECOMMENDATIONS GOING FORWARDS. I'M NOT CERTAIN ABOUT THE RECORDS MANAGEMENT SYSTEM. I KNOW THEY ARE HOPING TO GET ONE. IT'S NOT CLEAR TO ME THAT THE CITY IS IF A POSITION TO FUND THAT. AND I'M NOT ABSOLUTELY CERTAIN THAT THERE ISN'T SOMETHING IN THE WORKS. BUT I KNOW THAT WE DO HAVE SOME PRETTY SEVERE RESTRICTIONS WHICH IS ALSO GOING TO MAKE IT CHALLENGING I THINK AS WE TALK ABOUT THE FIRE DEPARTMENT -- I MEAN THE POLICE DEPARTMENT AND THE RECORDS MANAGEMENT SYSTEM THEY'RE LOOKING AT, BECAUSE THESE ARE BOTH VERY EXPENSIVE PROPOSITIONS. THE ONLY OTHER QUICK NOTE I'LL MAKE IS THAT REGARDING THE RESPONSE TIMES WHICH I KNOW THAT YOU'VE LISTED AS BY FIRE STATION, MY UNDERSTANDING IS THAT WE DON'T CURRENTLY KEEP THEM THAT WAY. I KNOW THAT HE WAS THERE, AND SAID HE COULD DO IT. I WILL JUST EXPRESS A LITTLE CONCERN ON THE PART OF DEPARTMENT ABOUT RESOURCE REQUIREMENTS, IF THAT TURNS OUT TO BE THE CASE.

>> BERT ROBINSON: YEAH, YOU KNOW, THE DEPARTMENT, I GUESS I WOULD SAY, HAD THE OPPORTUNITY TO SAY THAT AT THE SUBCOMMITTEE. AND HAD THE OPPORTUNITY TO SAY IT TONIGHT. SO -- AND THERE WILL BE MANY MORE OPPORTUNITIES FOR THEM TO SAY IT.

>> TOM MANHEIM: ABSOLUTELY. I WASN'T TRYING TO CHANGE THE TASK FORCE RECOMMENDATION. JUST PUTTING SOMETHING ON THE RECORD SO YOU'LL ACKNOWLEDGE IT.

>> DAVE ZENKER: I JUST WENT OUT IN THEIR MARCH 3RD QUARTERLY REPORT, IN THE PUBLIC SAFETY, FINANCE AND STRATEGIC SUPPORT, THE PROJECT IS ABOUT 2050% COMPLETE, THEY'RE WORKING ON AN RMS SYSTEM.

>> TOM MANHEIM: THAT'S GOOD INFORMATION. I WAS HEARING SORT OF MIXED. THAT MAY WELL BE TRUE. WE MIGHT BE TALKING ABOUT TWO DIFFERENT SYSTEMS. SO GOOD.

>> DAVE ZENKER: AS FAR AS PUTTING THE SPECIFIC MEASURES IN AN ORDINANCE, ALL I'D ASK IS IT BE CONSISTENT WITH THE POLICE DEPARTMENT. IF THOSE GO FORWARD AS ORDINANCE OR RECOMMENDATIONS, IT DOESN'T REALLY MATTER TO ME, AS LONG AS IT'S CONSISTENT WITH HOW WE RECOMMENDED PERFORMANCE MEASURES FOR PD.

>> I BELIEVE WE DID ORDINANCE LANGUAGE FOR THE PD.

>> LISA HERRICK: ACTUALLY, ALL THESE RECOMMENDATIONS LOOK LIKE AN ORDINANCE. THEY'LL BE PART OF YOUR PHASE 2 REPORT AND RECOMMENDATIONS, AND THEN THE COUNCIL ULTIMATELY WILL DECIDE WHAT TO DO WITH IT.

>> ED RAST: AND VIRGINIA HOLTZ.

>> VIRGINIA HOLTZ: I MOVE THAT WE ACCEPT THESE ORDINANCES WITH THESE CHANGES RECOMMENDED BY DAVE ZENKER. ONE WAS UNDER A, 1, ADDING D, SAYING EMERGENCY MEDICAL RESPONSES, UNDER THE CITYWIDE NUMBER. NUMBER A-2, ADDING CITYWIDE AND FIRE STATION BY PERCENTAGES OF TIME. AND THEN ON THE SECOND PAGE, NUMBER 7, ADDING ITEM C, HAZARDOUS MATERIALS INSPECTIONS. AND THEN ADDING A NUMBER 8, COST PER CALL FOR SERVICE.

>> DAVE ZENKER: IT SHOULD BE AVERAGE COST PER CALL FOR SERVICE.

>> VIRGINIA HOLTZ: AVERAGE COST.

>> SECOND. I SECOND IT.

>> VIRGINIA HOLTZ: WAS THERE A SECOND?

>> TOM MANHEIM: YES, THERE WAS, MIKE SECONDED IT. PARDON ME, DAVE. WE HAVE A MOTION AND SECOND. I'M SORRY, MARY ANN.

>> MARY ANN RUIZ: I DO SUPPORT THE MOTION. MY ONLY CONCERN IS THAT IN THE CASE OF POLICE RECORDS, WE INVITED CAPTAIN KIRBY. I DON'T RECALL THAT WE HAVE THOSE KIND OF DISCUSSIONS WITH REPRESENTATIVES OF THE FIRE DEPARTMENT. HOWEVER I DO SUPPORT THE MOTION SO --

>> TOM MANHEIM: IF I COULD REASSURE --

>> DAN PULCRANO: THEY HAVE ATTENDED SOME OF OUR MEETINGS AT THE SUBCOMMITTEE LEVEL, RIGHT?

>> TOM MANHEIM: A REPRESENTATIVE FROM THE FIRE DEPARTMENT DID PARTICIPATE IN THE DISCUSSION WHERE THE SUBCOMMITTEE HEARD THESE ITEMS AND MADE DECISIONS.

>> MARY ANN RUIZ: FROM MY POINT OF VIEW I HADN'T HEARD DISCUSSIONS, SO THAT'S WHY I WAS CONCERNED.

>> DAN PULCRANO: WERE THERE DISCUSSIONS RAISED AT THOSE MEETINGS, THAT YOU RECALL?

>> VIRGINIA HOLTZ: THE CONVERSATIONS WERE, WE MODIFIED THE LANGUAGE TO ACCOMMODATE, TO MY KNOWLEDGE.

>> AND A GENERAL CONCERN ABOUT RESOURCES.

>> BERT ROBINSON: I THOUGHT I HAD AN UNDERSTANDING THAT THEY WERE GOING TO COME TO THE TASK FORCE AND RAISE A RESOURCE CONCERN, BUT THEY WEREN'T ABLE TO DO THAT OR WHATEVER. I'M SURE THEY'LL HAVE OTHER OPPORTUNITIES TO RAISE THOSE CONCERNS. BUT HE DID EXPRESS THAT AT ONE POINT IN ONE OF OUR MEETINGS SO -- IT WON'T GET ALL THE WAY THROUGH WITHOUT THAT COMING UP.

>> ED RAST: ADDITIONAL COMMENTS FROM THE TASK FORCE? ANY ADDITIONAL PUBLIC COMMENT? ALL RIGHT, WE HAVE A MOTION. ALL IN FAVOR OF THE MOTION? [ AYES ]

>> ED RAST: OPPOSED? ABSTENTIONS? MOTION PASSES.

>> BERT ROBINSON: ALL RIGHT, I THINK THE LAST TWO ARE A BIT EASIER. BIDS, CONTRACTS AND PROPOSALS. WHAT WE'RE BASICALLY DOING WITH THIS ONE, AND THIS IS AN APPROACH THAT WE PICKED UP FROM THE MILPITAS AND SAN FRANCISCO ORDINANCES, AROUND BIDS AND CONTRACTS, WHAT WE'RE BASICALLY DOING IS CODIFYING EXISTING CITY PRACTICE. THE WHOLE BID, CONTRACT AND PROPOSAL PROCESS FOR THOSE WHO ARE NOT FAMILIAR WITH IT, ACTUALLY HAS A FAIRLY WELL UNDERSTOOD SET OF PUBLIC DISCLOSURE REQUIREMENTS BUILT IN, NOT NECESSARILY BECAUSE THE AVERAGE MEMBER OF THE PUBLIC IS INTERESTED BUT BECAUSE EVERYBODY WHO BIDS IS INTERESTED IN HOW THEY WERE JUDGED SO THERE'S -- THE CITY HAS ACTUALLY REVIEWED THESE PROCESSES RECENTLY, AND HAD ADOPTED, I BELIEVE, SOME NEW ORDINANCES, WHEN WE WENT BACK AND LOOKED AT THE ORDINANCES, I THINK ONE OF THE THINGS THAT WAS CLEAR TO US IS THAT BECAUSE THOSE WERE REALLY FOCUSED ON THE INTEGRITY OF THE BID PROCESS ITSELF, RATHER THAN ON PUBLIC DISCLOSURE, IT WASN'T AS CLEAR AS IT MIGHT HAVE BEEN EXACTLY WHAT BECAME PUBLIC AND WHEN. SO WHAT WE DID, WHAT WE DID, AND RATHER, ACTUALLY, THAN FOLLOW THE STRICT GUIDANCE OF SAN FRANCISCO AND MILPITAS AS WE HAVE IN OTHER CASES, WE ASKED THE CITY ATTORNEY'S OFFICE TO WORK UP SOME LANGUAGE THAT WOULD TAKE THE CITY'S PROCESS AND THE CITY'S DEFINITIONS OF DIFFERENT SUBPROCESSES, IF YOU WILL, AND INCORPORATE THAT INTO SOME LANG LANGUAGE THAT WOULD GIVE US SOMETHING IN THE SUNSHINE LAW THAT WOULD APPLY CLEARLY TO THE WAY THE CITY OPERATES NOW. THERE WERE TWO ISSUES THAT CAME UP DURING OUR DISCUSSIONS WHERE WE DEVIATED SOMEWHAT FROM SAN FRANCISCO AND MILPITAS. SO LET ME JUST CALL THOSE TO YOUR ATTENTION, ALTHOUGH I'M NOT NECESSARILY THINKING THEY'LL BE CONTROVERSIAL. WHILE DRAFT CONTRACTS OUGHT TO BE AVAILABLE, BECAUSE A LOT OF TIMES THE NEGOTIATION OVER THESE CONTRACTS IS FAIRLY SIGNIFICANT PUBLIC INTEREST AND ALSO FAIRLY SIGNIFICANT PUBLIC INTEREST TO THE OTHER BIDDERS, WE DID NOT INTEND THIS ORDINANCE, THIS PORTION OF THE ORDINANCE, AND WE WERE SPECIFIC ABOUT THIS IN THE ORDINANCE, TO REQUIRE THE CITY TO SAVE DRAFTS THAT WOULD NOT NORMALLY BE RETAINED. THIS WAS NOT AN ATTEMPT TO SET A RECORDS RETENTION POLICY FOR BIDS AND CONTRACTS, IT WAS AN ATTEMPT TO SET A PUBLIC RECORDS POLICY. AND THEN THE SECOND ISSUE THAT CAME UP WAS IN SAN FRANCISCO AND MILPITAS, AS THERE IS IN OUR ORDINANCE, THERE IS SOME FAIRLY

DETAILED LANGUAGE REGARDING EVALUATIONS OF THE BID AND PROPOSAL. VIRGINIA WHO HAS BEEN INVOLVED IN SOME OF THESE CAN HELP WITH THE DETAILS, IF ANYONE IS INTERESTED. THERE ARE OFTEN SITUATIONS WHERE THE INDIVIDUAL EVALUATORS SCORE A PROPOSAL, USING AN INDIVIDUAL SCORING SHEET, AND THEN THERE IS SOME AGGREGATION OF THE INDIVIDUAL JUDGMENTS AND AN OVERALL SCORE. IN SAN FRANCISCO AND MILPITAS, ALL OF THAT INFORMATION DOWN TO THE INDIVIDUAL SCORING SHEET, IS PUBLICLY AVAILABLE. IT WAS OUR JUDGMENT HE HELPED BY PEOPLE LIKE VIRGINIA AND I THINK BOBBIE HAD DONE IT AS WELL, WHO PARTICIPATED IN THOSE SORTS OF COMMITTEES THAT MAKING THE INDIVIDUAL SCORING SHEETS AVAILABLE WAS PROBABLY A STEP TOO FAR, THAT IT WOULD -- IT WOULD INHIBIT THE DELIBERATIONS, RATHER THAN HELP BRING LIGHT TO THE DELIBERATIONS. AND THE REASON, AS YOU GUYS ALL KNOW, I NORMALLY WANT TO MAKE EVERYTHING PUBLIC, THE REASON THIS MADE SENSE TO ME IS THERE'S A LOT OF INFORMATION BEING MADE AVAILABLE HERE. THE OVERALL EVALUATION WOULD BE MADE AVAILABLE, THE INDIVIDUAL SCORE WOULD BE MADE AVAILABLE. IT'S JUST THE SHEET ITSELF WE ARE SAYING SHOULD NOT BE MADE AVAILABLE. SO THOSE ARE THE PLACES THAT WE -- THAT WAS THE PROBABLY MOST LENGTHY DISCUSSION WE HAD. THOSE WERE THE PLACES WE DEVIATED. THERE ARE PLACES IN THE LANGUAGE THAT WE'VE DRAFTED AS THERE NEEDS TO BE FOR INFORMATION THAT MIGHT CONSTITUTE A TRADE SECRET OR PROPRIETARY BUSINESS INFORMATION. BUT WE'RE NOT INVENTING THOSE TERMS, WE'RE REALLY INVENTING HOW THEY APPLY, THAT'S PROBABLY ALREADY IN THE CITY PRACTICE.

>> ED RAST: BOB.

>> BOB BROWNSTEIN: I HAVE TWO QUESTIONS. THE FIRST, IS IT INTENDED THAT THIS LANGUAGE ALSO COVERS THE REDEVELOPMENT AGENCY?

>> BERT ROBINSON: I BELIEVE THAT IT IS.

>> BOB BROWNSTEIN: IT DOESN'T SAY SO.

>> BERT ROBINSON: THAT WOULD SEEM LIKE A FINE THING TO ADD. ANY THOUGHTS?

>> LISA HERRICK: IF THE INTENTION OF THE TASK FORCE IS THAT THIS COVERS AGENCY AS WELL, WE WILL MAKE THAT CLEAR.

>> BERT ROBINSON: I THINK THAT CERTAINLY WOULD BE THE SUBCOMMITTEE'S INTENTION. IT JUST NEVER CAME UP.

>> BOB BROWNSTEIN: THE ANSWER SO THAT IS YES?

>> LISA HERRICK: YES.

>> BOB BROWNSTEIN: THAT WOULD BE SORT OFF A TECHNICAL AMENDMENT.

>> LISA HERRICK: YES.

>> BOB BROWNSTEIN: SECONDLY, REGARDING THE SOLE -- NEGOTIATIONS WITHOUT A COMPETITIVE PROCESS, IT SEEMS TO ME THAT, THAT'S B, IT SEEMS TO ME THAT THOSE LEVELS THAT REQUIRE DISCLOSURE ARE RELATIVELY HIGH. AND THAT FAIRLY GIGANTIC NEGOTIATED AGREEMENTS WITHOUT A COMPETITIVE PROCESS WOULDN'T -- WOULD NOT BE COVERED. I WAS WONDERING WHY IT'S SO HIGH.

>> BERT ROBINSON: I BELIEVE WE JUST PICKED UP WHAT THE CURRENT PRACTICE IS THERE.

>> LISA HERRICK: THAT'S CORRECT.

>> BERT ROBINSON: WE DIDN'T DISCUSS THE LEVEL.

>> BOB BROWNSTEIN: YOU SAID THAT'S WHAT THEY'RE DOING AND IT'S GOOD ENOUGH?

>> BERT ROBINSON: NO, I DON'T KNOW IT'S REALLY THAT BOB. OUR PURPOSE WAS NOT REALLY TO REINVENT THE BID PROCESS.

>> BOB BROWNSTEIN: I GOT IT, OKAY.

>> BERT ROBINSON: THERE'S BEEN CONSIDERATION I ASSUME AND EXTENSIVE DISCUSSION ABOUT WHAT THAT LEVEL SHOULD BE. I'M NOT AWARE OF ANY OF THE DETAILS OF THAT DISCUSSION. WE COULD LOOK INTO IT AND SECOND-GUESS IT BUT THAT'S NOT WHAT WE DID.

>> BOB BROWNSTEIN: FINE, I APPRECIATE THE ANSWER. THANK YOU.

>> ED RAST: SILENCE. ALL RIGHT. YOU HAVE A MOTION?

>> BERT ROBINSON: I'M SURE WE DO.

>> VIRGINIA HOLTZ: OKAY. I WILL MOVE THAT WE APPROVE THIS SECTION ON CONTRACTS, AND ADD, WITH THE ADDITION OF ADDING REDEVELOPMENT AGENCY TO THE DOCUMENT.

>> ED RAST: DO WE HAVE A SECOND?

>> DAN PULCRANO: I'LL SECOND IT.

>> ED RAST: DISCUSSION? IS THERE ANY FURTHER DISCUSSION?

>> I HOPE NOT. [LAUGHTER]

>> ED RAST: OKAY, ALL IN FAVOR. [AYES]

>> ED RAST: OPPOSED, ABSTENTIONS.

>> TOM MANHEIM: I MIGHT POINT OUT, IF DO YOU THIS NEXT ONE IN TWO MINUTES, YOU'LL BE OUT IN ALMOST THE RIGHT TIME. OH, DO WE GO TO 8:30? OH I'M SORRY. WE HAVE A WORK PLAN TO DO THAT.

>> BERT ROBINSON: BUDGET AND FINANCIAL INFORMATION. AGAIN, WE'RE MAKING A RECOMMENDATION HERE THAT IS PATTERNED ON WHAT'S DONE IN SAN FRANCISCO, AND MILPITAS, BUT IT DOES CODIFY CURRENT CITY PRACTICE. WE DID RECEIVE A FAIR AMOUNT OF TESTIMONY, AND HAD DISCUSSION WITH LARRY LISENBEE, AND SCOTT JOHNSON, AS WELL AS FINANCIAL TRANSACTIONS, PUBLIC PROCESSES, BECAUSE SOME OF THOSE TRANSACTION MIGHT INCLUDE INFORMATION THAT WOULD RAISE PRIVACY CONCERN. WE DID MAKE EXEMPTIONS THAT WOULD PROTECT PERSONAL PRIVACY.

>> ED RAST: DISCUSSIONS, BOB BROWNSTEIN.

>> BOB BROWNSTEIN: I HAVE TWO SUGGESTIONS REGARDING THIS SECTION. THE FIRST IS, THE BUDGET THAT IS THE PUBLISHED BUDGET, IS A SUMMARY DOCUMENT. IT'S A SUMMARY DOCUMENT FROM A BIGGER DOCUMENT WHICH I HAVE ALWAYS REFERRED TO WHEN I WAS THE MAYOR'S BUDGET DIRECTOR, AND I THINK EVERYBODY REFERRED TO IT AS THE LINE ITEM DOCUMENT. IT'S A FORMAL DOCUMENT, IT'S JUST NOT PUBLISHED, IT'S IN BIG SPREADSHEETS. IF YOU WANTED TO KNOW NOT WHAT THE PROPOSED CHANGES IN THE

BUDGET ARE, BUT WHERE THE CITY'S MONEY IS BEING SPENT DURING ANY YEAR, YOU CAN'T FIND THAT OUT EXCEPT IN VERY, VERY GROSS LEVELS FROM THE PUBLISHED BUDGET, THE ONLY WAY YOU CAN FIND THAT OUT IS TO HAVE ACCESS TO THE LINE ITEM BUDGET. I WOULD FIRST SUGGEST AS AN AMENDMENT THAT, A, SAY PROPOSED OR FINAL BUDGETS INCLUDING THE LINE ITEM BUDGET, SHOULD BE SUBJECT TO DISCLOSURE.

>> BERT ROBINSON: SOUNDS LIKE A GOOD SUGGESTION TO ME.

>> BOB BROWNSTEIN: THE SECOND SUGGESTION I HAVE IS, IN THE BUDGET PROCESS, IT IS STANDARD FOR THE CITY TO REQUEST DEPARTMENTS TO MAKE PROPOSALS REGARDING HOW THEIR BUDGET SHOULD BE CHANGED DURING THE COMING YEAR, EITHER WHAT THE DEPARTMENTS WANT, WHICH IS USUALLY MORE MONEY, OR THE CITY MANAGER OR MAYOR OR BOTH SAY, YOU GOT TO PLAN FOR CUTS, GIVE US SOME REDUCTION PROPOSALS. SOME OF THOSE ARE SELECTED AND ARE INCLUDED WITHIN THE BUDGET. I THINK IT'S IN THE PUBLIC INTEREST TO KNOW WHAT THE FULL UNIVERSE OF PROPOSALS FROM DEPARTMENTS ARE, EVEN THE ONES THAT ARE NOT ACCEPTED. SO THAT IF YOU'RE A CITIZEN LOOKING AT THE BUDGET, AND THINKING THEY REALLY PICKED THE AWFUL ONE FROM THE POLICE DEPARTMENT, DO I HAVE TO MAKE UP MY OWN ALTERNATIVE, OR MAYBE THERE WAS SOMETHING THAT WAS NOT SELECTED, YOU CAN FIND OUT WHAT THAT IS.

>> BERT ROBINSON: BOB, WE ACTUALLY HAD EXTENSIVE DISCUSSION OF THAT VERY ISSUE. AND ANYONE HERE WHO WAS ALSO AT THIS DISCUSSION CAN CORRECT ME IF I'M WRONG. BUT I BELIEVE IF WE CONCLUDED WAS THE LANGUAGE THAT THE DRAFT DOCUMENTS SECTION WOULD IN FACT COVER THAT. BUT AS I UNDERSTAND, THE WAY WE THOUGHT THE LANGUAGE THAT WE PREVIOUSLY ADOPTED WOULD APPLY, THAT MATERIAL WOULD BECOME AVAILABLE AT THE TIME THE BUDGET WAS PROPOSED. THERE WAS SOME CONCERN ABOUT INTRUSION ON THE DELIBERATION IF YOU WILL, IF AT THE TIME, AND THIS WAS SOMETHING THAT TOM HELP ME WITH THIS, BUT I BELIEVE THAT LARRY RAISED SOME CONCERNS ABOUT. IF AT THE TIME THAT THE POLICE DEPARTMENT BRINGS ITS PROPOSALS TO THE CITY MANAGER, THE BUDGET DIRECTOR, WHOEVER IT IS, IF THE PROPOSALS BECAME PUBLIC AT THAT TIME, I THINK THERE WAS SOME CONCERN RAISED THAT THAT WOULD BE PROBLEMATIC. AND LARRY FELT FAIRLY STRONGLY ABOUT THAT.

>> VERY STRONGLY.

>> BERT ROBINSON: SO IF THAT'S WHAT YOU'RE DRIVING OUGHT, WHAT WE'VE DONE WITH THE PREVIOUS, LANGUAGE WE PREVIOUS ADOPTED OPEN DRAFTS, ISN'T GOING TO GET YOU TO THAT. THE LANGUAGE, AS WE DISCUSSED AT THE SUBCOMMITTEE, WOULD MEAN THOSE PROPOSALS AT THE TIME THE BUDGET WAS BROUGHT FORWARD, THE ALTERNATIVES WOULD ALSO BE, COULD ALSO BE THERE FOR THE PUBLIC TO SEE, UPON REQUEST. SO ANYWAY, THAT IS WHERE WE ENDED UP WITH IT. I DON'T KNOW IF THAT'S GOING TO GO ALL THE WAY TO MEET YOUR CONCERN.

>> BOB BROWNSTEIN: LET ME MAKE SURE I UNDERSTAND. IS IT THE PREVIOUS LANGUAGE THAT WE'VE ADOPTED INDICATED THAT DURING THE BUDGET PROCESS SOMEBODY COULD REQUEST TO SEE IT AND GET TO SEE IT? FOR EXAMPLE, WE GET TO SEE THE FULL LIST OF POLICE DEPARTMENT PROPOSALS?

>> BERT ROBINSON: AT THE TIME THE BUDGET IS PROPOSED BY THE CITY MANAGER, IS THAT WHAT WE FELT THE THRESHOLD WAS?

>> TOM MANHEIM: JUST TO CLARIFY, BOB, YOU'RE FAMILIAR WITH THE PROCESS. THOSE DOCUMENTS ARE A PART OF WHAT GOES INTO DRAFTING THE MAYOR'S PROPOSED BUDGETS. ONCE AS THE RELEASED, ALL THE BACKUP MATERIAL AT THAT POINT THEN BECOMES SUBJECT TO DISCLOSURE.

>> OKAY.

>> ED RAST: DAN PULCRANO. WOULD YOU LIKE A MOTION?

>> BERT ROBINSON: YES.

>> DAN PULCRANO: I'M GOING TO PROPOSE THAT WE ACCEPT THE PROPOSAL FOR SECTION 5, SO THAT SECTION A ALSO PROVIDES FOR ELECTRONIC COPIES OF THE BUDGET PRESENTATIONS. SPECIFICALLY, SO THAT THEY'RE NOT JUST DISTRIBUTING IN PAPER FORM, THAT WE ALSO HAVE AN ELECTRONIC VERSION OF THEM AVAILABLE AS WELL.

>> TOM MANHEIM: COULD YOU CLARIFY? YOU'RE SAYING THE MAIN DOCUMENT THAT'S PROPOSED --

>> DAN PULCRANO: MAIN DOCUMENTS AS WELL AS THE SUPPORTING PRESENTATIONS, THAT THEY BE MADE AVAILABLE IN ELECTRONIC FORMAT.

>> TOM MANHEIM: THAT WE POST THE BUDGET DOCUMENT. I'M NOT SURE WHAT YOU MEAN BY SUPPORTING PRESENTATIONS, I GUESS.

>> DAN PULCRANO: THE POWERPOINTS AND VARIOUS DEPARTMENTAL PRESENTATIONS. I THINK WE SHOULD INCLUDE THAT. IF IT'S BEING DONE IT SHOULDN'T BE A PROBLEM, RIGHT?

>> TOM MANHEIM: I WANT TO CLARIFY, DAN. ARE YOU ASKING US TO POST ALL OF THE STUFF THAT LED TO THE CREATION OF THE PROPOSED BUDGET? OR ARE YOU ASKING US TO MAKE SURE THAT ANYTHING, ONCE THE PROPOSED BUDGET IS OUT AND WE GO TO COUNCIL FOR CONSIDERATION, THAT ALL OF THE THINGS THAT WE TAKE TO COUNCIL GET POSTED?

>> DAN PULCRANO: I WANT TO MAKE SURE THAT ALL THE DOCUMENTS THAT ARE AVAILABLE ARE ALSO AVAILABLE IN ELECTRONIC FORMAT.

>> BERT ROBINSON: IT SEEMS TO ME THAT WHAT WE WANT TO DO HERE, BECAUSE WE'VE GOT ANOTHER SUGGESTION FROM BOB FOR A. LET ME SEE IF THIS GETS AT WHAT YOU'RE TRYING TO GET AT. IF WE SAID THAT 5.1.0.6 TWO 0, IF THE CITIES DEPARTMENTS OR PROGRAMS ARE SUBJECT TO DISCLOSURE AND SHOULD BE MADE AVAILABLE IN ELECTRONIC FORM. I THINK THAT MAKES CLEAR, THAT CLEARS UP WHAT YOU'RE CONCERNED ABOUT.

>> TOM MANHEIM: THAT'S EASY.

>> ED RAST: LET ME SEE IF I GOT A QUESTION THEN TO TOM. THAT WOULD INCLUDE LIKE FOR INSTANCE, IN THE ELECTRONIC PRESENTATIONS THAT WERE MADE MAYBE AT THAT TIME NEIGHBORHOOD LEADERS BUDGET SETTING, PROJECT SETTING SESSION AND THE OTHERS, THE LEAD-UP MEETINGS THAT ARE DONE IN THE PRIORITY SETTING SESSIONS?

>> TOM MANHEIM: NO, I DIDN'T HEAR THE FIRST PART OF THE QUESTION, I'M SORRY.

>> ED RAST: EARLY BEFORE THE CITY MANAGER ADOPTS THE BUDGETS THERE IS A SERIES OF MAYOR, COUNCIL AND STAFF MENTIONS MADE IN PRIORITY SETTING SESSIONS, STUDY GROUPS, ET CETERA. SO THOSE PRESENTATIONS IN ELECTRONIC FORMAT WOULD BE AVAILABLE?

>> TOM MANHEIM: YEAH, AND LISA REMINDS ME THAT THE PUBLIC RECORD ACT MAKES IT VERY CLEAR AT THIS POINT THAT IF WE HAVE IT IN ELECTRONIC FORM AND YOU WANT IT IN ELECTRONIC FORM, WE MAKE IT AVAILABLE IN ELECTRONIC FORM. IT'S PRETTY STANDARD NOW, PRETTY MUCH EVERYTHING WE HAVE IS ELECTRONIC WITH SOME FEW EXCEPTIONS. SO --

>> ED RAST: YOU MADE THE MOTION.

>> BERT ROBINSON: YOU MADE THE MOTION, WE HAVE A MOTION ON THE FLOOR.

>> ED RAST: WE NEED A SECOND.

>> SECOND.

>> VIRGINIA HOLTZ: BUT SINCE YOU DIDN'T ADDS THE LANGUAGE OF INCLUDING THE LINE ITEM BUDGETS IN YOUR STATEMENT, DAN DID YOU MEAN TO LEAVE THAT OUT OR WERE YOU GOING TO INCLUDE THAT? THAT WAS THE RECOMMENDATION OF --

>> DAN PULCRANO: WE'LL INCLUDE THAT. DOES THE CITY CLERK WANT TO READ IT BACK PERHAPS?

>> THE CLERK: SO 5.1.2.060 IS AMENDED TO READ, PROPOSED OR FINAL BUDGETS INCLUDING THE LINE ITEM BUDGET FOR THE CITY OR ANY OF ITS DEPARTMENTS, PROGRAMS OR PROJECTS ARE SUBJECT TO DISCLOSURE AND SHOULD BE MADE AVAILABLE IN ELECTRONIC FORM.

>> ED RAST: DAVE ZENKER.

>> DAVE ZENKER: I THINK IT'S REDUNDANT TO SAY "IN ELECTRONIC FORM." ARE WE GOING TO PUT IT IN EVERY SECTION? I DON'T UNDERSTAND WHY THIS NEEDS TO BE CALLED OUT.

>> DAN PULCRANO: IF WE WANT TO PUT IT IN, THAT'S OKAY, TOO.

>> DAVE ZENKER: I'M SUGGESTING THE OPPOSITE. I'M SUGGESTING IT'S REDUNDANT BECAUSE IT'S ALREADY IN THE FORM AND THE PUBLIC RECORDS ACT REQUIRES IT ANYWAY.

>> DAN PULCRANO: YOU'D BE SURPRISED THE NUMBER OF REQUESTS I'VE MADE FOR INFORMATION AND I HAVE TO PAY THE 20 CENTS BECAUSE THERE IS NO ELECTRONIC VERSION.

>> BERT ROBINSON: THE PUBLIC RECORDS ACT DOESN'T REQUIRE YOU TO MAKE A FORM AVAILABLE IN ELECTRONIC FORM. TOM WILL CORRECT ME IF I'M WRONG BUT IF SOMETHING IS AVAILABLE IN ELECTRONIC FORM, IF SOMETHING IS IN ELECTRONIC FORM THE CITY MAKES IT AVAILABLE IN ELECTRONIC FORM AND THESE DAYS MOST EVERYTHING IS BUT NOT EVERYTHING.

>> TOM MANHEIM: THAT IS CORRECT. AND IF REQUESTED, IN ELECTRONIC FORM, WE ARE REQUIRED TO PROVIDE IT IN ELECTRONIC FORM. IF IT EXISTS.

>> BERT ROBINSON: YOU DON'T HAVE TO MAKE AN ELECTRONIC DOCUMENT IF THERE ISN'T ONE.

>> TOM MANHEIM: YES, THAT IS CORRECT. KEN PODGORSEK. I'M SORRY, GO AHEAD.

>> I WANT TO SAY TYPICALLY WE PREFER TO SEND IT IN ELECTRONIC FORM, WE CAN E-MAIL IT TO YOU. IT'S BETTER THAN DOING THE PHOTOCOPYING. IT'S SOMETHING WE DO ANYWAY.

>> ED RAST: KEN PODGORSEK.

>> KEN PODGORSEK: I ALSO WANT TO COMMENT. OTHER AREAS OF PUBLIC RECORDS WHERE GETTING SOMETHING IN PAPER FORM IS NOT ONEROUS BY ANY MEANS. BUT THE

CITY BUDGET IS A VERY LARGE DOCUMENT AND JUST HAVING THE ABILITY TO LOOK AT IT IN ELECTRONIC FORM, WHERE YOU CAN GET SEARCH FEATURES AND GET TO THE MEAT OF IT I THINK IS IMPORTANT. AND I DON'T HAVE AN OBJECTION TO IT. IN THIS CASE, ELECTRONIC FORM IS BY FAR THE MOST EFFICIENT AND MOST OPEN WAY TO EXPOSE THIS DOCUMENT.

>> ED RAST: I WOULD AGREE WITH KEN AND DAN. AS AN EXAMPLE THE RECENT CONSULTANT'S REPORT WAS 294 PAGES WHICH CAME IN ELECTRONIC FORM AND YOU WERE ABLE TO PICK OUT THE PAGES YOU NEEDED AND SEARCH THROUGH IT. AND SOME OF THE OTHER THINGS ARE HUGE.

>> DAN PULCRANO: ARE YOU COMFORTABLE THAT THIS LANGUAGE COVERS THE SUPPORTING DOCUMENTS AS WELL? OKAY, GOOD.

>> ED RAST: ANY FURTHER DISCUSSION? ALL IN FAVOR? I'M SORRY, HOLD ON, I'M SORRY. DO WE HAVE ANY PUBLIC COMMENT? THERE'S NO PUBLIC COMMENT. ALL RIGHT. ALL IN FAVOR? [AYES]

>> ED RAST: OPPOSED, ABSTENTIONS, ITEM PASSES.

>> TOM MANHEIM: I BELIEVE THE NEXT ITEM IS THE WORK PLAN.

>> ED RAST: WORK PLAN, YES.

>> TOM MANHEIM: SO THE WORK PLAN IS A SHORT WORK PLAN. I'M HAPPY TO REPORT THAT THE PUBLIC RECORDS COMMITTEE COMPLETED ITS WORK LAST MONDAY. [APPLAUSE]

>> TOM MANHEIM: AND SO OUR INTENTION -- YES. OUR INTENTION IS TO BRING THAT BACK AT THE APRIL 3RD MEETING. THAT WILL BE THE TWO REMAINING ITEMS THAT YOU HAVE YET TO ADDRESS. THAT WOULD BE A SHORT SECTION ON CODE ENFORCEMENT AND THEN REVISITING LAW ENFORCEMENT RECORDS WHICH HAS HAD SOME SUBSTANTIVE CHANGES MADE TO IT.

>> BERT ROBINSON: BRING YOUR SLEEPING BAGS. JUST KIDDING.

>> TOM MANHEIM: AND AFTER THAT, THAT WOULD BE THE LAST MEETING WE CAN ACTUALLY SCHEDULE AT THIS POINT. THERE WILL BE DOWN THE ROAD AS I'VE REMINDED YOU ONE MORE MEETING WHERE YOU'LL COME BACK AND BLESS THE REPORT OR NOT BLESS IT SHOULD YOU CHOOSE NOT TO BUT OUR ATTEMPT TO CAPTURE YOUR WORK.

>> ED RAST: TRIXIE.

>> TRIXIE JOHNSON: JUST A SPECIAL REQUEST. DID THE SHARKS GO THAT FAR IN THE SEASON, WATCH THE SCHEDULE.

>> TOM MANHEIM: THERE ARE CERTAIN PEOPLE IN THE BUDGET OFFICE WHO ARE WATCHING THE SCHEDULE VERY CLOSELY, TOO, I CAN TELL BECAUSE THEY'RE ALL WEARING TEAL.

>> ED RAST: I'VE GOT A CUSTOM COMMENTS. ONE IS, IT WAS MY UNDERSTANDING FOR THE POLICE RECORDS THAT THE CITY HAS RECEIVED RECORDS FROM VARIOUS POLICE, SHERIFF AND POTENTIALLY THE CALIFORNIA ATTORNEY GENERAL'S OFFICE THAT MAY -- THAT PEOPLE MAY WANT TO SPEAK. HAVE WE BEEN OFFICIALLY CONTACTED THAT THEY MAY WANT TO SPEAK AT THAT PARTICULAR MEETING? OTHER THAN JUST THE LETTERS RECEIVED?

>> LISA HERRICK: I'M ACTUALLY NOT AWARE OF ANY LETTERS BEING RECEIVED. BUT I -- AND I DON'T KNOW THAT THE ATTORNEY GENERAL WILL WANT TO SPEAK AT THE MEETING. THE

ATTORNEY GENERAL -- THERE IS AN ATTORNEY GENERAL IN SAN DIEGO WHO HAS TOLD ME AND OTHERS IN MY OFFICE THAT HE AGREES WITH THE DISTRICT ATTORNEYS'S OPINION ON EXEMPTION, AND BELIEVE THERE WILL BE LITIGATION IF THE LANGUAGE AS ADOPTED IS PASSED BY THE COUNCIL, ADOPTED AS AN ORDINANCE, THAT SENTENCE NO MATTER HOW I TRY IT DOESN'T WORK OUT RIGHT BUT YOU GET THE POINT.

>> ED RAST: WELL, IF THAT'S THE CASE CONSIDERING OUR BUDGET SITUATION, WOULD IT MAKE SENSE TO POTENTIALLY INVITE THESE PEOPLE TO MAKE THEIR OBJECTIONS?

>> TOM MANHEIM: WE WILL LET EVERYBODY WHO HAS BEEN ENGAGED ON THE SUBCOMMITTEE'S DISCUSSIONS ON LAW ENFORCEMENT KNOW WHEN THIS WILL BE CONSIDERED. I SUSPECT THE WORD WILL GET AROUND LONG BEFORE WE'VE NOTIFIED THEM.

>> ED RAST: I BELIEVE TOO.

>> CHAIR RAST, IF YOU SEEN THOSE LETTERS?

>> TOM MANHEIM: BY SOMEBODY WE SHOULD BE CONTACTING.

>> ED RAST: I'LL TALK TO YOU AFTERWARDS ABOUT IT.

>> KEN PODGORSEK: THAT'S NOT VERY SUNSHINE.

>> LETTERS TO WHO?

>> ED RAST: I'VE HEARD ABOUT IT FROM THE MEDIA.

>> TOM MANHEIM: WELL, THERE'S A RELIABLE SOURCE.

>> BERT ROBINSON: I DIDN'T TELL YOU THAT.

>> ED RAST: SOMEBODY ELSE DID.

>> BERT ROBINSON: YOU'VE GOT IT WRONG.

>> ED RAST: THE LAST ONE IS, WE WERE GOING TO PUT TOGETHER A INTENT STATEMENT, IT HASN'T BEEN PUT TOGETHER AS YET. WHEN IS THE DEADLINE TO GET THE AGENDA OUT?

>> TOM MANHEIM: MONDAY.

>> ED RAST: KEN. LET ME WORK WITH A COUPLE OF PEOPLE, WE'LL GET SOMETHING TO YOU BY MONDAY. WE'LL HAVE SOMETHING TO YOU BY MONDAY FOR THE AGENDA.

>> TOM MANHEIM: PARDON ME?

>> ED RAST: WE'LL HAVE SOMETHING TO YOU BY MONDAY FOR THE AGENDA.

>> TOM MANHEIM: IF YOU COULD SEND THAT TO EILEEN.

>> ED RAST: YES, I WILL. OKAY, IS THERE ANY OTHER COMMENT ON THE WORK PLAN? THAT FINISHES THE WORK PLAN. OPEN FORUM. NO OPEN FORUM. THAT FINISHES THE OPEN FORUM. DO I HAVE A MOTION FOR ADJOURNMENT?

>> BOB BROWNSTEIN: MOVE TO ADJOURN.

>> TOM MANHEIM: TRUST ME, WE'LL BE BACK NEXT WEEK, OR IN TWO WEEKS.