The following transcript is provided for your convenience, but does not represent the official record of this meeting. The transcript is provided by the firm that provides closed captioning services to the City. Because this service is created in real-time as the meeting progresses, it may contain errors and gaps, but is nevertheless very helpful in determining the gist of what occurred during this meeting.

>> Ed Rast: If everybody would please take a seat. Be sure that all the task force members sign in and if we have public speakers, they're requested but not required to fill out a speaker's card. Can you hear it now? Okay. Start off again. We ask the task force members to sign if in and pick up an agenda. And also, when you talk tonight, to make sure you talk close to the microphone. So the speaker can pick you up. Also, make sure that you validate your park if you need it. If you're public speakers, we request that they fill out a speaker's card but they're not required to. That's about it. And we're just about ready to start. We have a quorum. All right, calling to order the Sunshine Reform Task Force for Thursday, August 16th, 2007. The first agenda item is the approval of the August 2nd, 2007, minutes.
>> I move approval.
>> I have one minor modification. In section 8, the public record subcommittee, although we are working really hard, we did not meet four times in June. We have met four times since June.
>> Ed Rast: Do we have a second on the minutes?
>> Ken Podgorsek: I'll name motion to second.
>> Ed Rast: Seconded?
>> Virginia Holtz: I'll second.
>> Ken Podgorsek: Motion approval with amendments.
>> I have one request, which is I'd like to with respect to the absentees on that I'd like the minutes to reflect that the agenda for that meeting was not Web-posted. As is normal and customary.
>> Ed Rast: Yes, Tom Manheim.
>> Tom Manheim: With all due respect, I believe you may be referring to the annual meeting calendar which shows the previews the calendar, the agenda was posted, and online distributed. I think you're thinking of the meeting -- there is just a meeting schedule that lists everything from '06-'07 fiscal year.
>> The meeting schedule was not updated. In fact it was misleadingly -- an old version was posted which indicated no August meetings. And secondly there was no link to the meeting on either the sunshine reform main page or the meeting schedule. So I just want the minutes to note that there were some ambiguous information that was posted.
>> Ed Rast: Any additional changes, discussion?
>> Can you put it in as my comment, if you want.
>> Ed Rast: No additional changes? All in favor of approval, say aye. Abstentions? And I'm sorry, noes?
>> Abstention.
>> Ed Rast: if the abstentions would raise their hands. Okay. Four abstentions. Minutes are approved as amended. Have comments from the chair. As tonight we have a very full agenda, we're going to stay as we've talked about before, stay on time, and try to move the conversation along. If we have to we'll go to time limits on speakers. We have a new member, Marjorie Matthews, the council representative because of other commitments resigned and we welcome Trixie Johnson who a.m. as most of you know was a former Councilmember and with the Mineta transportation center in San José.
>> Thank you.
>> Ed Rast: Comments?
>> In the late '80s the league of women voters was fighting agenda reform. I feel like this has been going on a long time.
>> Ed Rast: Some of us feel it's the same way with the Sunshine Reform Task Force. Staff, next item is agenda item 3, review of the meeting material. Staff, are you going to --
>> Yes, Eva Theresa,. A couple of announcements. At the August 7th meeting, the City Council deferred action on the phase 1 report and it is now going to be heard on August 21st, not to be heard before 3:00 p.m. And so we're still encouraging task force members to attend, and subcommittee members to be

available or subcommittee chairs to be available to answer any questions.
>> Ed Rast: Okay, is the subcommittee chairs, they're all going to be able to attend? On the 21st?
>> Ton 21st. No earlier than 3:00 p.m., after 3:00 p.m.
>> Ed Rast: Who is going to cover for closed session? Karl?
>> Karl, can you do that? You did that before.
>> Karl Hoffower: Yes, did I that.
>> Ed Rast: Ken, Dave and Karl will be there. Eva.
>> Also, the Rules Committee deferred action on the major subsidies issue. It was deferred to the August 28th meeting, not to be heard before 3:00 p.m. Task force member Bob Brownstein was at the meeting and had requested that that item come back when the phase 1 report was going to be heard so they were heard simultaneously. The mayor decided to move that forward and have it heard on August 28th. In case task force members are interested in that issue. Tom.
>> Tom Manheim: I'm wanting to clarify the time the council will hear the task force item next Tuesday. Correct me if I'm wrong, Lee, but it will be heard immediately following redevelopment agency which will not be heard before 2:30. It is in fact possible because it is a fairly short agenda, that we could get the redevelopment agency right at 2:30. And if we get through theirs in ten or 15 minutes, which has been known to happen, it could be before 3:00. So for those of you attending, you may want to be there a little bit before 3:00, closer to 2:45 or 2:30, if you want to be absolutely safe.
>> Ed Rast: Thank you, Tom. Eva.
>> And then the final comment is that in September, the council, I don't believe the date has been set for when the council will hear the feedback from the various boards and commissions and take remaining provision for we will keep the task force advised when that meeting is scheduled.
>> Ed Rast: Karl.
>> Karl Hoffower: I wanted to bring up on August 21st, the tech subcommittee is going to be meeting at 1:00 that day, also. So as long as we get done before 2:30. Will staff be able to tell us if we're still going at 2:30 if the council suddenly needs us to come down?
>> Tom Manheim: Yes, if you can check with me that day we'll try to arrange something. We'll be at the council meeting but I can arrange for somebody to let you know.
>> Ed Rast: Eva do you have anything else?
>> No.
>> Ed Rast: Item 4, subcommittee review and discussions of recommendations regarding the process to disclose public records. Bert Robinson.
>> Bert Robinson: Okay. Ed and I talked about the way we might proceed with this during the meeting that hopefully would be time-efficient. So what we are trying to do is this, and holler if this doesn't work for anybody. I'm assuming you all read our transmittal memo. I was going to jump right into the draft language. Because it's a little bit on the lengthy side, I have written down some ways that we could divide it into parts that would help us to discuss it by subject matter. Is and the thought was that I -- and the thought was that I would discuss what parts to cover first, that I could put a motion on the floor for acceptance of that part. That I could explain what it is we were trying to address in the California public records act or in practice, occasional practice, we were trying to address, and then we could have questions and discussions. And then vote on that portion and then move to the next portion. I've divided this into five different parts in my notes here does that sound like that will work for everyone? Okay. Ed, the one thing that I forgot to ask you in terms of running this part of the meeting, should people address their questions through the chair or should it come through me? What's easier?
>> Ed Rast: I can probably chair you. I'll try to keep it moving along. Go ahead and take it.

>> Bert Robinson: Okay. So this is process for disclosure. The first section I was going to discuss was 2.1. The immediacy of response, and the first half of immediacy of response, A through F. The problem we were trying to address here was a lack of clarity in the California public records act in regard to the time frame for a response. The only time frame that is actually mentioned in the act, other than words that can be vague and subject to a lot of interpretation like promptly, is that there is a ten-day rule in terms of an outside window for a response. The problem that sometimes occurs is that because there isn't another time frame, ten days becomes the default. And you get into a situation, occasionally this usually happens in places where the public official that you're asking is less familiar with the public records act, that you ask a simple question an the person says, follow written request and we'll get back to you in ten days. So what we were aiming at here, and this is something that other sunshine laws have done as well, was to come up with some language that suggested what the more appropriate response should be. And to put some time frames in for quicker response leading up to the ten days. Some ordinances, some sunshine owners, particularly in San Francisco and Milpitas, require the requestor to designate the request, immediate disclosure requested, if they want a quick response. We discussed this in the subcommittee, and with the -- I think with the urging of thecy staff, we decided that that would really be too cumbersome and it would be better to treat every request as if we were trying -- the city is trying to respond to them quickly. San Francisco and Milpitas, there's a different construct for when you -- if you have the presence of mind to know to put immediate disclosure requested on your request, and if you don't. So we abandoned that as an idea. Instead, we looked for language that attempted to make it clear that simple requests should be complied with immediately. And that more complicated requests should be met something short of immediately. But not very short of immediately. We also instituted a requirement that is found in some other sunshine ordinances. If a request is going to take longer than a day or two, the requestor should be given a clear, quick estimate when the request should be met. So you're not waiting around saying, gee, I wonder when they'll get back to me. Our biggest challenge in crafting this section, and the part that Lisa did a lot of hard work on was finding language that wouldn't allow every response to drift towards the maximum allowable time, which again is what does happen with the -- given the looseness of the language in the CPRA. I think we did a pretty good job of that. It was hard to do. It was a difficult balance to strike, to allow a little bit of wiggle room, when there's a legitimate issue with responding to a voluminous request. That's what we did with 2.3 A. If people have questions or discussion.
>> Ed Rast: Ken Podgorsek.
>> Ken Podgorsek: Ken Podgorsek. My question has got more to do with just the use of the words, simple or routine, on extensive or demanding. And it's not that those are really subjective terms, and my concern would be, -- but my concern is they're subjective terms but are they reasonably universally accepted concepts. The person handling the request thinking everything is extensive and demanding, how do we keep that interpretation challenge from being part of the frustration later?
>> Bert Robinson: I think there's -- there are things that are obviously simple and routine, right? Can I see last week's agenda. And there are things that are obviously complicated. Could the police department run a study of burglaries in my area for the last ten years. But there is a gray area in between. We wrestled with that a lot. To some extent, there is no way around it and you're just going to allow --
>> Ken Podgorsek: Flexibility?
>> Bert Robinson: Flexibility, and people will have to be understanding of that. Will be a section I think in our sunshine law which goes through particular kinds of records that ought to be disclosed. And goes into drafts and into budget documents and into public employee records. One of the things that we discussed is perhaps after we get through that, we might want to look at what it is that we have created, and see

whether that allows us to lend some additional specificity to what is described as simple and routine. There is a possibility that you could say, including records that are designated as public in this document. And we talked about that but because we haven't gotten to that section of the ordinance, we were reluctant to go ahead and do that now. Because we don't know whether that's going to end up being irrelevant to what we construct. It is conceive annal that we go back and say, let's add this to this language. But I think we're getting ahead of a longer discussion that we are going to have to have.
>> Ed Rast: Judy Nadler.
>> Judy Nadler: Bert, this is a good way of getting at this, I appreciate the work of your committee in presenting this this evening. It really chokes me up.
>> Bert Robinson: I think I can speak for the subcommittee, it does us, also.
>> Judy Nadler: Because we understand that as of jet, records retention and access are in issue, do you have any way of at least parenthetically addressing that? Because -- and tom had mentioned to us, many months ago, that sort of the archives are a little bit dusty. And that we don't have the record management kind of system that might make something that someplace else would be routine, and easy, so do you have any thoughts about that?
>> Is it okay that I just jump in here?
>> Bert Robinson: I think Dan Pulcrano had some responses to that.
>> Dan Pulcrano: If we could hold that I have some remarks on that later. The other thing I wanted to sigh is, first off, I just think this committee has really done just a fine job of deconstructing this issue and coming up with some very practical solutions to the issues that I know many people seeking public records deal with on an ongoing basis with a lot of sensitivity to staff's concerns. So Bert, I really want to commend you on this. And two parts of this, with respect to what technology is working on, I'm not suggesting that any parts of it need to be slowed down, I'd like a few parts of it referred to technology specifically with the tracking of responses, if a response comes in how there will be some logging in response I believe can be accomplished technologically. There's one other part. There's two things I'd like referred, the part that's labeled C, to the extent that it's technologically and economically feasible, forms and computer systems, that paragraph, if that could be referred to technology, as well as section --
>> Bert Robinson: You're in 2.3C, right?
>> Dan Pulcrano: I believe so. And then process for disclosure, immediacy of response. If I'm jumping ahead, just file that away for later.
>> Bert Robinson: I'll file that with 2.3C so as we get to that we'll know that.
>> Ed Rast: Any other comments, sections. Trixie.
>> I just want to talk to responding in one day, which may be unrealistic. For several years out we're going to have budget problems. That has generally been solved in this issue by hiring freezes. Especially if there is a flu epidemic or whatever happens, when a request comes in you know if that person is here it can skip to someone else. But given the fact fact that people may be handling what used to be two jobs, I think responding in one day may be asking a bit much. And I do think something less than 10 is very reasonable. But I would think you need a little more flexibility than one day provides. I could live with three or four. For getting back. They need to get back and say, "I got your request." That should be within the one day, acknowledging that that comes in. And that should be from whoever is designated at the responder. We expect to get back to you by X. But I think one day is way too short. Because I just know how those departments run. It could be the day before a council meeting and they are under huge pressure to get a report done. The auditor may be in their department disrupting everything they're doing. That's important work, too. I think we have to keep in mind that this may be a request for one person holding up the work for a million people. And so I think it's really important to provide something

that's realistic.
>> Bert Robinson: You know, if I can ask for Tom's assistance here, I think in this subcommittee we discussed the issue of whether this was realistic. And I think I would characterize this as not something that the six members on the subcommittee said this is something we can do. And the staff said no, God, no.
>> But the staff people can really more can do than can be.
>> Tom Manheim: I would argue that we can really be more can do than can be at times. We did believe this is something we can do. It is with the understanding that it is on the simple requests, and that not all requests are simple. The only other caveat I would put out there, which perhaps speaks to your concern, is that right now, this is a small group of us sitting in a subcommittee. One of -- some of the work will have to happen before this actually goes to the council, as we do need to go out to the organization, give them an opportunity to weigh in. And I may hear a number of people who ask me what I was thinking, when we didn't argue more vociferously about this. [laughter]
>> You might have a councilmember who's upset that this one public request is ahead of the councilmember's request for that person's activity, as well.
>> Bert Robinson: Anybody else?
>> Ed Rast: I've got one comment. Down in 2.1E, half-way down you say in the third, middle of the third line, it says the city employee responsible for responding to the request must provide a response which would include either the requested public information or an estimate as to when the requested public information would be available. Did your committee discuss maybe giving also a brief explanation if, in other words, you say it's going to be ten days out because, so the person has an expectation of what the issue is, or what the concerns are?
>> Bert Robinson: We didn't discuss that.
>> Ed Rast: Because it might help the public understand the process, and be more positive communication if you kind of -- if the person kind of would be able to communicate what's going on or why it's taking ten days. Because you know, the initial, unfortunately sometimes the initial response from the public is, you mean you can't just press the button, get it? What's wrong? I'm just trying to -- Judy Nadler.
>> Judy Nadler: Not to resist -- I can't resist the temptation. To micromanage. I just want to say there's a plus and perhaps a drawback to that. It's a plus if you say you can't get it right away because actually it involves pulling together from X different departments, including some department that's got their back up whatever, it's probably not good in my judgment for the public to hear. Your request is not nearly as important as the upcoming agenda, whatever. Could very well be that there is a budget document that's due and it's all hands on deck to do that. Now, how do you weigh those things? I think the public believes they have an expectation that things are always going 24 hours a day, and you know, there are crises that should come unin addition to the every day work that goes on at City Hall. So I think you're right, Ed, to say you know, there might be a delay because of. But I would just say, be careful --
>> Ed Rast: I agree with you on what you say. But my thought on all these things is, what you're trying to do is build the public trust in the process. And the more to the point of information you give, we're in the budget process, we're not going to be able to get to it until next Tuesday, I would go okay. I'm not going to be upset about it. I would be better knowing that, knowing full well, I may be of more knowledge than somebody else of some of the processes. But the average person ought to -- and it's a certain education that needs to be done to the public so they have realistic expectations. Karl, had you a comment?
>> Karl Hoffower: Yes, the comment I was going to make is, the deadlines we have for complying with these is not very long. That's why we didn't discuss that one issue of letting you know the reason why. We did it more when it was -- we went in depth on exempt issues. That took a large amount of time. If you are

going to answer something that has something exempt, then you're going to be notified. This is one of the reasons why you are not going to get this data. That makes it more complicated because the person requesting has no idea what is or is not exempt. It has to be vetted by someone else more knowledgeable. That's the reason we didn't come up with that. That's also the reason why we didn't say on the day, giving you one day, longer than this, the more you make a person make a judgment cog and decide what to do, then the person can make the request, I don't believe you, it's going to take that long. It can get into aa thing wanting to protest, no, it should be this amount. We get into it's not an exorbitant amount of time. It should be that simple.
>> Ed Rast: Bob, do you have something?
>> Bob Brownstein: I'm also -- these standards seem reasonable to me under normal operating circumstances. As other people have mentioned, you don't always get normal operating circumstances. And if, by luck of the draw or maybe even deliberately, your requests are voluminous, when things are strained, it may be difficult to do this. I'm particularly looking at it from the perspective I'm on, the subcommittee I'm on is the accountability subcommittee. How to react in a situation where somebody misses these deadlines. This is something like it's a hit or a miss. I think something should be useful to pit together some sort of language that says, keep the deadlines but say if the deadlines are missed, the evaluation of that will be based on what's going on. You know, are these normal circumstances, or are they abnormal circumstances? I mean, is it a sunny day or is it a flood, I mean, those kinds of things. Not that you don't have the standards, but that there's some guidance so that if somebody's trying to figure out what do I do when somebody didn't respond in a day, to say this is what we're going to handle, and the reason they didn't is because the value was underwater, that you say, okay, we got that, there was a reason for, you know, he didn't have the waders, he couldn't get to City Hall.
>> Bert Robinson: Bob, two things on that. One thing is that you mentioned voluminous as an issue. And I just wanted to point out that we'll be getting to that in a moment. Voluminous is one of the justifications for taking up to 24 days to respond, which is a fair amount of time. So I think we're probably covered on that one. In terms of the other one, that's certainly something we could look at. The only thing I was unclear of when you were talking is where that falls between the accountability subcommittee and the public reports subcommittee. The issue is, if you reach the deadline, is it off with your head or not? Is that for the accountability subcommittee or is that for the public records subcommittee?
>> Bob Brownstein: That may be the accountability subcommittee. What I was looking for was an understanding by the people on the public records subcommittee. If you think that is reasonable or not. If you are in agreement, you should say that. Because my view is that this -- these kinds of standards become workable in the real world if you have language that says, if somebody misses it, you look at the circumstances and there maybe circumstances that any prudent person would say, you know, the power went out for 14 hours. There's no way, you know, anybody could give the guy the response that he was entitled to get. And something like that.
>> Ed Rast: Ed.
>> Ed Davis: I was just going to mention from purely a legal perspective, the more concise and the simpler you can be with these kinds of rules, the better off you are. These are very, I think very concise and very simple. And I would assume that whatever Bob's subcommittee, when they do what they would do, if it's ever evaluating somebody's performance, I didn't meet this one-day dead lain because the valley has flooded, that you're going to exercise good judgment and not do anything about it, each even the Mercury News won't be upset for that response.
>> Bert Robinson: I don't think it's appropriate for you to commit the Mercury News.

>> Ed Davis: The less tinkering, the better, so there's not going to be any confusion on either side.
>> Ed Rast: Bert.
>> Bert Robinson: I think Bob was maybe looking for an answer from the subcommittee. Do we think like something like that would be sensible for when the accountability subcommittee goes into that? I think depending on what the language is, we would probably all say yes.
>> Virginia Holtz: I'd like to see some language that defines it more clearly, so that I would be willing to revisit that and look at it. And I can see situations where that 24 hours, there is one business day, it doesn't even have to be a flood. It could be when the Website's down. And that does occur.
>> Bert Robinson: A modern day equivalent of a flood.
>> Virginia Holtz: And most people don't give other ways to contact other than through technology of the Website. They wouldn't have any other way of reaching them. So I can see where there are some challenges. But I want -- it needs to be very clear, though, in my mind that our expectation is as soon as possible.
>> Ed Rast: Ken.
>> Ken Podgorsek: Ken Podgorsek. Just another comment on that one-day issue. I'm willing to go with Tom's recommendation but I'd like to at some point you recommended the one day --
>> Tom Manheim: You're really trying to hang this on me, aren't you?
>> Ken Podgorsek: For public records. But away I would like to say though is this should be open that when this is brought out to a larger group, of the various departments, you know, if they come back and say one day is going to be tough and two days would be better, I would hope that we would be open to that. Because I really -- one of the things that I'll just give you a little hypothetical on accountability, one of the things we're really working on accountability is the concept of the sunshine ordinance should be voluntary compliance with the ordinance. Everything we're doing should be to encourage compliance, voluntary compliance, not a big sword hanging over their head. One of the ways to get voluntary compliance is not to create situation that are hard to comply with. If Tom believes one day is an honest number, I'm all for that. Don't worry Tom. But when it's sent out to the larger force and they say two would be better, I hope we're going to be open to that.
>> Bert Robinson: I'm sure if the vast majority says two days, Tom would be open to that. The public records subcommittee will see.
>> Tom Manheim: A lot of this is what a simple request is, versus a more complex request.
>> Bert Robinson: Okay. Any other questions on this part?
>> Ed Rast: Let me see if I can clarify something. The way I read this is, if the request is presented to a city employee who is not responsible for request, in other words, for responding to it, that's until the ends of that first business day. Then it goes to the person responsible for it. And they acknowledge receipt by the end of that -- their business day which potentially is only one day or two if you add the first one into it. And then they've got to get back by the end of the next business day which potentially is the third day. So depending on where you start, it's either two or three days. Not one day, am I correct in the way I read it?
>> Bert Robinson: Lisa, I don't think -- I think it's one or two, not two or three.
>> Tom Manheim: Tom Manheim. If I could just clarify. This is probably 80 felt some comfort in agreeing with the one day. You do have the one day to just notify that you've confirmed you've received it. Then you've got a day to respond. And then you go to a three-day point, at which point you can either provide the information, or let the requestor know when the information will do. So it's not -- it's just one day or you're out of luck.
>> Ed Rast: It's potentially a couple of days.

>> Ken Podgorsek: And longer if it's extended.
>> Tom Manheim: I think it's really well-written.
>> Ed Rast: Bert. Next.
>> Bert Robinson: Okay.
>> The Clerk: I do have a question for the committee. Lee Price, City Clerk. D, for simple and routine request, then it goes on to say, that the employee responsible for responding to the request, must provide a response and public information. At the clerk's office, our office is probably one that provides records on a daily basis. Simple or routine is something we can go to the file pull and copy and give you on the spot. In the instances where it's simple or routine, it's 4:30, willing to come back tomorrow for it, I guess I just don't understand why we would need to provide a response if, in fact, we're just going to be able to give them a record. What are we thinking --
>> Bert Robinson: Then that is your response. Giving the record is certainly a response.
>> The Clerk: Here is my response to your request and by the way here is the information.
>> Bert Robinson: I'm sure anyone would feel that was a response.
>> If you are not giving me the response you're going down.
>> The Clerk: We can assume that to provide the record --
>> Bert Robinson: I'm not sure I remembered to put a motion on the floor for this part. So I was going to move approval of section 2.1E through F.
>> Ed Rast: He E through F?
>> Bert Robinson: A through F.
>> Second the motion.
>> Dan Pulcrano: Bert, can that include the referral as well?
>> Bert Robinson: Which section was that Dan?
>> Tom Manheim: You wanted logging of responses.
>> Bert Robinson: Dan was indicating, including technological responses to the information. Sure.
>> Ed Rast: Discussion?
>> Bert Robinson: I think we have it.
>> Ed Rast: Okay. All in favor? [ayes]
>> Ed Rast: Opposed? Abstentions? The motion passes. Bert, next.
>> Bert Robinson: Okay, 2.1 G through H. This is question of when an extension can be granted. This is actually one that the California public records act and various sunshine ordinances all attempt to define pretty tightly, so it's clear when an extension can be granted and when it can't be. This CPRA section has been amended relatively recently, the state law has, and the San Francisco and Milpitas laws which mimic the way the CPRA used to be, hasn't actually picked up the amendments. If some of you have looked at your matrix, you might get a little bit confused. It's because the other cities are behind. I can go into the details on what those changes were, if anybody wants me to but I'll skip them now. We took the language currently in the CPRA and attempted to clean it up so it is more clearly applicability to a city than a state government which is where the CPRA is primarily oriented. We also, and this is probably the largest change we made in any of the -- these four again mirror the CPRA. The one we did the most significant changes to was circumstance number 4, the phrasing in the CPRA is fairly broad. It says the need to compile language, to construct the computer report to construct data, that language could describe any time you run a computer report at all in any form. So what we looked at here was language that would make it clear that you're requiring someone to create something new that they don't normally create. That has been probably an ongoing problem with the public records act. That is what we did with G. H is again a -- something that is somewhat common in sunshine ordinances. And that I believe, Tom

correct me if I'm wrong here -- this is something the city does or attempts to do already, the rolling response.
>> Tom Manheim: In other words, the thinking behind this is, if we have a bunch of records, we've collected most of the records. But there's one thing, there's something we can't get to, we would typically try to release what we have compiled.
>> Bert Robinson: So we're just codifying that. So it would be clear that one thing that can't be found or it's still not clear whether that's exempt wouldn't hold up the rest of the request. So that's the description there. What I will try to do now is try to do it in the order I said I was going to and then didn't. Move approval of section G and H.
>> Bobbie Fischler: Second, Bobbie Fischler.
>> Just a question on voluminous.
>> Bert Robinson: Question on voluminous, good question. It is another issue where I think you're choosing the word because you've got to go somewhere, and to some extent it is going to be -- I'm sure there will be occasionally disagreement on that. Someone may say agenda packets are voluminous, they certainly look voluminous when I look at them, but you can also get them from the clerk's office pretty quick. That's a word that's used in the state law, and in the other sunshine ordinances. And it seemed as good a word as any, I would imagine that there will be disagreements about what that means, and people will just have to work it out.
>> Dot put voluminous in the definitions. Tom.
>> Tom Manheim: Tom Manheim. It is in the public records request. I thought it might be helpful for the task force to hear at least a piece of the discussion we had. That in fact right now we deal with this language and we certainly don't always have the best relationship with the Mercury News but it's rarely been a problem when we say the Mercury News, you know, we need more time. There's just too much, we're trying to collect it. So I mean, in the real world that we operate in it has not been a problem historically.
>> Bert Robinson: I can't remember a disagreement between us over whether something is voluminous. Since they mostly all are.
>> Tom Manheim: They mostly all are.
>> Bert Robinson: I admit it.
>> Easy definition.
>> Bert Robinson: Anything else?
>> Ed Rast: Dave.
>> Dave Zenker: I think up to this point everything has been clear to me except for that first sentence in H. And until Tom explained it I didn't really understand it. So I would maybe suggest a little wordsmithing. Maybe it's me, I don't know. That didn't make sense to me until he explained what the rolling basis was, and maybe it's the words rolling basis that threw me off. And I don't even have a suggestion. Maybe just needs to be as simple as documents shall be released as they become available.
>> Bert Robinson: That sounds good. We like that. That's what it means. We'll take that. We like that.
>> Ed Davis: You say language, just say incremental.
>> Lisa Herrick: The direction of the events takes them into another ordinance.
>> Bert Robinson: You're not responsible for at a one, Lisa.
>> Ken Podgorsek: I think it would be easier to understand it.
>> Bert Robinson: Anything else?
>> The Clerk: Take that as a friendly amendment, motion maker and second accept that?
>> Yeah.

>> Bert Robinson: Call for vote.
>> Ed Rast: Additional comments, none. All in favor? [ayes]
>> Ed Rast: Opposed, item passes.
>> Bert Robinson: Pretty much modeled exactly what exists in state and other local sunshine ordinances, so I'll just move approval.
>> Ed Rast: Do we have a second?
>> Virginia Holtz: Second.
>> Ed Rast: Discussion? Trixie.
>> Just a question. I suspect that in reality, there's a real question, you're going to get a City Attorney responding rather than the person responsible for the response.
>> Bert Robinson: That often happens, yes.
>> As long as that's understood.
>> Ed Rast: City employee or city attorney's office? You want to add to it?
>> Tom Manheim: I believe the definition would include city attorney's as city employees, I think we're fine.
>> But it does say the person who is responsible for the response who has to do that. That's what worried me.
>> Ed Rast: If you got the response, then you're responsible. Lisa.
>> Lisa Herrick: Lisa Herrick. As a practical matter, usually the departments rely on the attorney assigned to them. I think that will fold into that language. I agree, that's usually how the advice is coming in and how the employee is making that determination. And so whether or not we specify how the city employee is making that determination, I think we can still -- I think this language would cover that.
>> Ed Rast: Bert, comfortable with it?
>> Bert Robinson: That's fine with me. I think no one's going to object to -- the letter does often come from the city attorney's office.
>> Ed Rast: Any additional discussion? Staff? All in favor? [ayes]
>> Ed Rast: Opposed? Abstentions? Motion passes.
>> Bert Robinson: All right. Section 2.3. This is a section that's adapted from the Milpitas and San Francisco ordinances. Both of them have the sections that it is the duty of a public employee to respond to information, and that you can't charge for redaction. Am I in the right place? Yes. If you're having to separate out certain information. You can't actually charge for that. We'll get to things you can actually charge for in just a minute. We're essentially codifying city practice, as we discuss this section 2.3, that the discuss was that this is pretty much the way the city operates. The one thing that we did hear, and this is the thing that is different from other ordinances, and this is the thing that I think that in conversation with Dan, we might ask the technology subcommittee to take a look at, is section C. Which is to, as records are kept more and more in computer systems, but this can also apply to paper records, as well, there are ways to design record keeping systems that make it much easier to separate the information that can be released to the public from the information that should be exempt from release. We do occasionally, and I think this particularly happens with older data systems, get into situations where it's very cumbersome to separate the name of the person who's receiving the grant, which may not be public in some construct, from the other information. But going forward, it's easy to design systems so that's easier to do. So we crafted language here that encourages the systems to be designed in that way. I think that's a good thing for the technology subcommittee to look at. It is something that, while I think there isn't something that's parallel to this in other ordinances, I am sure will prove a model for state and will spread like wildfire.

>> Ed Rast: Discussion?
>> Bert Robinson: Any other discussion? Well, that's easy.
>> Ed Rast: All in favor? [ayes]
>> Bert Robinson: All right.
>> Ed Rast: Nos or any abstentions?
>> Bert Robinson: You know what, there wasn't an abstention. My motion was going to be move approval to move approval of 2.3, and ask for items in 2.3C for additional discussion in technology subcommittee.
>> Ed Rast: Do we have a second? Discussion? Vote? All in favor? [ayes]
>> Ed Rast: Opposed? That passes. Next section.
>> Bert Robinson: Fees, we took a slightly different approach to fees than other sunshine ordinances did. The 10 cents a page thing is fairly standard. What the other ordinances typically do is records that are routinely copied in bulk, meetings are routinely free but everything else is 10 cents a page. The discussion in the subcommittee was that for relatively simple requests that are brought forward by individuals or organizations that maybe don't have a lot of resources, there ought to be some way to provide that material at minimal or no cost. And after some discussion, we adopted the notion that when the response for the request for the public information totals 100 pages or less, that the fee should be waived. It's not going to be a lot of money to the city but it's sometimes going to be a lot of money to the individual or to the organization that's requesting the record. We felt that was a good way to -- in section B you'll see that we have one blank there. So let me explain to you what was going on there. There is a question that comes up when -- and this comes up, I think, particularly often with computer records. When you're asking someone to create a record that it involves programming time, and sometimes, it involves a lot more programming time than one might think, that that is a legitimate thing that can be charged for. A lot of municipalities allow that to be charged for. The question some what should the charge be? We had some discussion on what the charge should be. We heard some discussion from a member of the subcommittee that some people have found the charges to be alarming.
>> Exorbitant.
>> Bert Robinson: We tried to narrow up the language a little bit about when a charge could be imposed. Basically to make it clear that it was really when the department was doing something sort of unusual or above and beyond in order to comply with the request, that the charge would come into place. We left the -- we left the space for the charge blank, with an intention to survey some other agencies in the private sector to try to get an idea of what a standard charge was per hour for programming. But we have not gotten to that I survey yet. So we're leaving it blank for now, suggesting that we go ahead and adopt the rest of the language, and as we move forward, we will come up with a suggestion for what the fees should be. So with that explanation, I'll move approval of 2.4.
>> Second.
>> Ed Rast: Lee Price.
>> The Clerk: I was going to offer that I could help with the survey work. I'm a member of the California clerks association, listserve, coy get responses within a day and I could probably help with you that.
>> Bert Robinson: That would be great. Some of the things that seem to be occurring, within different areas of the city the hourly charge is different. There isn't a standard. That was another reason we have some question about how to set this. If you could do the listserve thing, that would be very helpful. Anybody else? .
>> Ed Rast: Karl and Judy and Dave.
>> Karl Hoffower: Karl Hoffower. One thing I want to do is offer an amendment. And that would be to add on that when a charge, whatever it ends up being is cleated, that the person making the request is given

notice to either continue or not continue.
>> Bert Robinson: That's, you know, we talked about that, and I failed to write down that we were going to try to do something like that.
>> Karl Hoffower: That's fine. I don't think any --
>> Tom Manheim: We clearly intended that to be in there. In fact, city practice is before the charges are incurred, the requesting party is notified and given the option to either get them or not.
>> Bert Robinson: We saw some instances in which that didn't happen.
>> Absolutely.
>> Ed Rast: Judy.
>> Karl Hoffower: I wasn't totally finished.
>> Ed Rast: All right, go ahead.
>> Karl Hoffower: So I wanted to put that into -- was that something that you'll add, then?
>> Ed Rast: You make a motion?
>> Karl Hoffower: I don't know if I want to wordsmith that, I think I want to send it to you.
>> Lisa Herrick: Your intent would be helpful but you want to make sure that's accepted by the motion maker and person who seconded it?
>> Bert Robinson: I think that was always our intent, we're agreeing. The other thing I want owed to bring to light though, is when I was given an opportunity by the San José police department to make a request for information, and when they fulfilled that request and they said oh, by the way, you're lucky we're not going to charge you $75 an hour to fulfill this request, which I guffawed at strongly. The interesting thing for me was, you know, that they didn't have a policy in practice to let us know. But when I brought this in front of the technology gentleman and Captain Kirby, captain Kirby shifted the blame of the $75 an hour to the city, that that was the policy they were following. I didn't get where this policy is and how it's established.
>> The Clerk: If I could, in the City's schedule of fees and charges, somewhere in that document is a research fee that has been approved. So that's probably what he was referring to.
>> I thought we had a discussion on that and someone said when we had that discussion that that varied from department to department.
>> The Clerk: It might. He might be referring to the ones that police have adopted. But I think there might be other ones in various departments.
>> Lisa Herrick: Manager's office adopted it on behalf of the police department, yes.
>> Karl Hoffower: I'd like to know where that is.
>> The Clerk: You can get that on my Website, it's called schedule of fees and charges.
>> This is what the City of San José's police department charges, I can see specifically, for programming?
>> The Clerk: You can search the word "research."
>> Virginia Holtz: Mr. Chair, I happen to view that very page this afternoon. If you want that information, I can give it to you now or I can --
>> Karl Hoffower: I'd love to hear that now.
>> Virginia Holtz: For the police department, per page, 30 cents a page or $13 per report. If it's a search, a public records act search, it's $68 per hour. If it's a computerized search, it's $271 per search. Additional years or addresses, if you wanted to add to that particular search, is $67 per search.
>> So you're even luckier than you realized.
>> Karl Hoffower: I guess so. Which begs the question of why I was given this information of $75 an hour. So anyway it concerns me that I was given this opportunity to have this great search done because

it was so easy and then to be finding out I narrowly missed incurring a $75 per hour charge.
>> Bert Robinson: It sounds like after Lee brings us that listserve information we can have another conversation at the committee level.
>> Tom Manheim: I'm sure the city would not charge you if they had incurred the charge before getting your approval. You'd have the option of not paying it. I just want to clarify for the record.
>> Karl Hoffower: That brings up the other question though, it was discussed that ACLU had made a request, wasn't informed of the charges, he said we're not going to pay it, then they requested it under the public records act.
>> Bert Robinson: I think they got it but went to the Rules Committee and got it. Lisa.
>> Lisa Herrick: They were notified of the charge, didn't want to pay the charge, the police department had made the copies already. The police department had incurred the charge and understood that because the ACLU didn't want to pay the cost, they would have to absorb the cost. The ACLU was informed according to the police department's practices, is my understanding.
>> Ed Rast: Judy Nadler.
>> Judy Nadler: Just a couple of questions. There may be some folks who would interpret this kind of strictly. And so I understand that unless things have changed, there is a requirement for the city to recover charge. That's why you charge the 10 cents a page. If that's the case, is this you know, a gift of public funds that you've decided that if it's 100 pages or whatever, and then if I were to be really cynical, I might ask the question, so let's say I really want 500 pages of information, but I'll just dribble my requests in so that they're all 99 pages, you know, increments, so that I don't have to pay that. Not to say that anyone would do that. [laughter]
>> Bert Robinson: There's no protection against somebody as clever as you, Judy.
>> Judy Nadler: I understand. While I have full sympathy, and you know, I spent time at the City Clerk's -- in the City Clerk's office when people came to ask for information, and were told what the per-page charge is for things that aren't available, you can download yourself off the Web or whatever. And I know that those can be burdensome. And I'm certainly not wanting to deprive anyone of public information because they don't have the funds. But I do think this comes to kind of a fairness and equity question, as well as, you know, uniformly applying these fees and who makes that determination -- you've done it in an arbitrary way, so to speak, by setting a number of pages. But I don't know. Pain you could just tell me what some of your conversation was like in the committee meeting, and I I might feel a little bit more comfortable as to how you --
>> Bert Robinson: You've also raised a question about whether it would be legal to waive the fee, right?
>> Judy Nadler: I'm concerned about this whole thing.
>> Ed Rast: Lisa.
>> Lisa Herrick: Lisa Herrick. I haven't done any research on this. I don't know if it would be illegal to waive the fee. I haven't looked into it precedent wise.
>> Judy Nadler: Once you waive the fee in some department, like the clerk's office is generous enough to waive that fee, and then you go to the parks and rec -- let me get the answer from the -- I understand that.
>> Ed Rast: Lisa or Lee do you have a comment on it? Or we have to research it?
>> Bert Robinson: I think Lisa said she thought there wasn't a legal issue. Bob, did you have a response?
>> Bob Brownstein: I just wanted to point out there is no legal obligation to recover full fees. There are many times when the city provides charges that they could completely cost recover and they don't. If it's a city policy that says we're not going to charge, that's legal.

>> We weren't leaving it to the discretion. Did we answer your question, Judy?
>> Judy Nadler: Well, I think you said when you had in this made the determination, you the royal committee, made a determination of making those exemptions, I think that's significant. Because this is actually, this is toner, paper, staff time, whatever. And I just know that in, you know, tight economic times, that you really want to watch everything. And Ifully understand the cost recovery concept. There's, you know, everything is subsidized and hauled all over the world, all over the country, at least. But there are I think some just entry level costs so that you have to say -- so that people have an understanding that it does cost money to do business at City Hall, just like it does going to kinkos.
>> Ed Rast: We've got about four or five people. I think it's Dave, Karl.
>> Ed, were you going to respond to this?
>> Ed Davis: I can wait until the others.
>> Ed Rast: Dave, Karl, Trixie.
>> Dave Zenker: Dave Zenker. I think whenever we're talking about the cold hard cash of the city we need to be a little bit more careful. My questions are specific to the 10 cent per page and the 100 page aware. I'm interested that the city's police department is chargefully cents per page. But Bert had made a statement about you know, the 100 page waiver and that, quote unquote, shouldn't be a lot of cost to the city. But how do we know that 98% of the public records request that are coming into the city are not 98 pages or 50 pages on average? So I think we really have to be careful and do some research. I'd be interested in hearing from Lee, what your office charges per page. Lee? I'd be interested in hearing what --
>> The Clerk: Sorry.
>> Dave Zenker: That's okay. I'd be interested in seeing what your office charges per page and what you normally get.
>> The Clerk: We upped our fees from 10 cents a page to 25 cents a page July 1, 2005 that is based on research I did on my listserve, based on what cities in California were charging. Based on that I recommended to the council we lunch it to 25 cents. It's not full cost recovery. We knew that. I do feel that we weren't at least doing a best practice. The exception to that, and it's the only place that I know of in state law that an amount per copy is set. It's in the elections code for campaign disclosure records, and statements of conflict of interest, otherwise known as 700 forms, under state law we may charge no more than 10 cents per copy. But I don't think it says we cannot waive the fee. We just cannot set the fee beyond 10 cents per page.
>> Dave Zenker: One question, one comment. Of those how many are 100 pages or less, what percentage, and the second is a comment. Do we need to refer to specifically written documents here? Is there a case where someone would be getting tapes duplicated?
>> Bert Robinson: In our transmission issue, we had not dealt with the tape issues. What the charge would be.
>> The Clerk: We have fees set for video, audio tapes already. Videos, when we were still on VHS were 15 dollars. We outsource that and send people to a particular video store. Somebody can't watch it on the computer and wants the DVD, we burn the DVD and charge them a $15 fee for that.
>> Dave Zenker: I would opponent out the fee for copying public information. So I don't know if that's something you want to Claire but --
>> The Clerk: Might be helpful.
>> Dave Zenker: And it says that throughout the odocument, by the way. My question is what's the average size of the documents that you reproduce, under 100 pages?
>> I would say in our Office, for the most part they are. When we get into really busy campaign as soon

as, we can have campaign disclosure statements, you know, 300 pages or more. We're limited to the 10 cents per page there. We don't charge for agenda materials anyway, by policy. Sometimes we will get requests like, I want every e-mail on a particular subject matter, and I'm thinking of one that just came to me while we were talking about this. And so in that instance, my office coordinated a research amongst all of the council offices and a variety of other city offices. To make sure we have every e-mail on this particular topic. It was under 100 pages. However, the documents came from many, many departments. So that particular request took us a full 10 days if I'm not mistaken. Just because we had to get them from all of the various offices, council office necessary particular. So even though it was under 100 pages, you know, there was some work involved there. And I'm only bringing that up just because it kind of appeared when I first read this, 100 pages or less would be a document of 100 pages or less. But the request could be for multiple records, still under 100 pages or less and still a significant research effort by the city.
>> But you're not charging additional for the research effort?
>> The Clerk: No. We print it and charge them the 25 cents a page.
>> Ed Rast: Who else, Karl?
>> Karl Hoffower: One things that the task force should be apprised of, our view in the subcommittee was we thought it was part of the duty of the city to provide this at low cost. It was part of the job of the city to keep the citizens informed. That's why we wanted to come up with this waiver. We didn't want to overburden people who don't have the cash to do it. One of the cost recoveries, we were thinking was, that I was thinking and I brought up about being electronic media, if you can just thumb-drive it or something like that and give it over, it was something we started to talk about and we didn't really put anything into. I just wanted to make the recommendation, maybe we should look at that again, if it's easier or at least the provision that allows you, a person to say here, is some sort of blank media, can you just put it on here and we don't have to burn a tree do it.
>> The Clerk: We might have our I.T. director here, we might have some issues there. Your technology group could probably take a look at that and then we could invite the I.T. director to comment.
>> Karl Hoffower: Or an e-mail.
>> The Clerk: Taking something on a city might be a problem but if you burned it to DVD --
>> Karl Hoffower: Or provide e-mail.
>> The Clerk: We do that all the time. Provide it on e-mail and don't charge.
>> Ed Rast: Trixie.
>> It's been mentioned that the council has a fee schedule that's adopted every year as part of the budget process. It seems to me if you lock this into this ordinance, you're going to come into conflict with what is essentially an adopted ordinance literally every year. So I think you need to have language that ties it to the adoption of fees that gives advice to the council about fees should be set at no more than cost recovery. And consideration should be given, for example, library fines are far less than cost recovery. About what kinds of public records can be charged at less than full cost recovery. It's a bigger policy issue, as Judy had mentioned than you're recognize here in this policy. And you're stepping on something that happens every year, and will change the value every year, potentially, of the fees. So to lock them into this ordinance it seems to me is going to be very awkward very shortly.
>> Ed Rast: Ken Podgorsek then Bob Brownstein then Ed Davis.
>> Ken Podgorsek: Ken Podgorsek. I just realized I'm an expert on this. I've used my entire career how to make money selling these. I don't have a problem with 10 cents a page. I have a real problem with 25 cents a page and calling it cost recovery. I'm really familiar with the cost of what it is to purchase copy medicines. Maintenance, paper, that's what I do for a living. The firm I work for the most expensive

copying cost we have is for 1 to 100 copies at 7 cents a piece. Off of that we pay for the paper, we pay for the maintenance. We pay for the machine. We pay for the employee that runs the machine at living wage with health insurance and we cover overhead and you know what, there is still a little bit of money for my employer so they make a little profit on this deal. The average copying cost for the average job we operate is actually 4 cents a page. So I have no problem with 10. I don't think it's an unreasonable number. But I have a real challenge with the concept that 10 cents, 25 cents or 30 cents is cost recovery, if I could get 25 cents a copy, for away I'm doing in a for-profit business, believe me, I'd work two days a week.
>> Ed Rast: Ed Davis. I'm sorry, Bob Brownstein and then Ed Davis.
>> Bob Brownstein: I have a couple of comments. One, in terms of what is a reasonable amount per page in the doing of the work, this is both to capture the work in findingant and getting the document -- no? The document came from somewhere else and this is just the cost --
>> Bert Robinson: Bob, in section 2.3 I think we state explicitly in 2.3, the work for searching for public information will not be charged for. We just approved this. This is just for copying.
>> Bob Brownstein: This is just for copying? Okay. Then there was something that bothered me about this. And I finally realized what it is the logic, I'm talking about the waiver provision. The logic behind the waiver position I think seems to be that there is a demand for public information that is generated by things that are totally unrelated to price. And then the only question is whether this legitimate demand is somehow blocked by price imposition. But if that's the case, then the demand for public information is different than the demand for virtually everything else that we know of. And virtually everything else we know of, demand isn't independently generated, you cannot even conceive of demand except in relationship to price. If you set the price at zero, in the vast majority of cases what you're doing is increasing demand. And usually increasing demand in ways that are in the least meritorious ways. In ways that are frivolous. They want 80 pages but why not ask for 100. It doesn't mean you can't have a low price so you're not discourage people. But once you go to the no-price area, then you're clearly moving demand in directions that don't make a lot of sense.
>> Ed Rast: Ed Davis. Then I've got a comment.
>> Ed Davis: I believe the public records act says that cost of duplication has to be your actual cost of duplication excluding personnel and overhead cost. I think you may be buying yourself a lawsuit here because now for the first time in one location we have 10 cents a page set. And as Ken said, and he actually preempted what I was going to say. What my understanding is the actual cost of duplication, what you can legally charge under the public records act is less than 10 cents. I don't know that to be absolutely true but I'd suggest that you look into that. Because if you're setting a cost, fixing the cost at more than the actual cost of duplication you're actually violating the public records act.
>> Ed Rast: Let me make a comment. My suggest is that you might consider the idea of withdrawing the motion, going back and addressing some of the issues. There's a lot of issues, everything from the cost of it to the idea, is there any limit for somebody coming in every day and asking for 98 copies? And I'm very concerned, you know, and also you get into the issue of the annual fee schedule. What about electronic file costs, how that's done? Because one of the questions I have would be, how are the documents currently gathered? If they're gathered in an electronic process, then it would make sense that we could gather them that way, and either give them on a UBS stick or give them over on e-mail for the vast majority of people and cut out the duplication cost. Also, handle e-mail, so I think that part of question comes down to how are they gathered? If they're coming into the clerk's office all electronic, maybe we should figure a way to get them out of that there electronically, at little or no cost. I think you should maybe consider withdrawing the motion and looking again at the issues.

>> Bert Robinson: I think we can do that. The consensus on cost is that it's too high and too low, right? [laughter]
>> Bert Robinson: I just want to make sure what the direction is of my subcommittee.
>> Ken Podgorsek: That's why it's your subcommittee.
>> Ed Rast: Nanci.
>> Bert Robinson: I did want to have one response real quick Nanci if I could. I do think that in fact in terms of the supply and demand equation that public information is different. And let me just give you this, make this suggestion. If somebody tells me that 95 pieces of bubble gum cost the same thing as 15, I'll take 95. But if I come in to the Planning Department for a document that's 25 pages and they say I can get 70 more pages for the same price, I don't think I'm going to say, well then just copy 70 pages at random out of some other files and give them to me, since they're free. I think people come in and ask for a particular thing, and then it happens to be the size that it is.
>> Ed Rast: Let me make a quick comment about that.
>> Ed Davis: Let me clarify my term, saying it's too high. 10 cents doesn't seem unreasonable. I think you should look at the language of the public records act and make sure you're comfortable matching that language up with what you'd like to do here. I hate to -- it sounds really good to me, 10 cents a page doesn't sound outrageous at all. But I just want to make sure you're on safe legal grounds.
>> I find myself in violent agreement with Bob Brownstein. You say, I want to see this file. Do you want to see the summary or the entire file? What's the cost difference? There's no cost at all. Then give me that whole file. I think it's human nature that if it's free, you want it all. And then I was also just curious, Lee, you said that 25 cents a page was kind of the standard for a lot of other cities. Are they all in violation of the Brown Act? Or --
>> The Clerk: Yeah, it was an average. It was an average.
>> Ed Rast: Ken Podgorsek.
>> Ken Podgorsek: I wanted to make a comment, my explanation that I have a problem with 10 cents a page, I don't. From a fairness standpoint, 10 cents, you could use my example to say 10 cents a page helps supplement those less than 100 page no-cost items and sort of is a wash deal for city. But any costs over 10 cents a page would be -- would in my opinion would be outrageous. Because I can't believe anybody would write a contract for a copy machine that would require that. Second, no matter what we do in the sunshine ordinance, there are going to be people who are going to abuse sections. That's just human nature. But I remember a quote 50 chairman of Nordstrom's one day when they asked about some of his policies related to returns. They have very liberal return policies at Nordstrom's. His comment was, we find 2% abuse our return policies. We are not going to penalize the 98% who are good for the 2% that are good.
>> Bert Robinson: Let me suggest that since it's 7:30, we will withdraw this motion, because we do pride ourselves being punctual in the public records subcommittee.
>> Ed Rast: We're done?
>> Bert Robinson: We're done.
>> Ed Rast: Agenda item 5, ethics in conduct. Staff has a presence and then Judy Nadler will --
>> Lisa Herrick: Yes, Lisa Herrick. Lee piss Price and I prepared and distributed a memo for you. And there's a short PowerPoint presentation that we can go through, where I'm going to highlight essentially what's in the memo. Or I could answer questions, just wanted to take the temperature of the top force to see if there was a preferred way of proceeding.
>> May I suggest that since people who are not in this room and may not have had a chance to look at this would be interested, that it would be helpful for you to provide that overview.

>> Lisa Herrick: That's immigrate, I'll do that. So it is very short. Everyone should be happy about that. We wanted to let you know, just generally, what written documents relate to ethics and conduct in the city. The city charter talks about ethics. And in fact requires a biannual review of the ethics provisions, which means codes of conduct as well as all of the ethics provisions in title 12, which includes stuff like the lobbyist ordinance, the revolving door ordinance, everything included in chapter 12. And in fact, since -- well, actually that charter provision requires that beginning -- that starting in 1993, that there be this biannual review. And in 2003, the City Council established a blue ribbon task force to look at ethics provisions, and did in 2005, as well. And made some comments about a number of things, and where applicable to the particular topic, I noted that in the memo and I'll try and flag that as we go through. But just generally I wanted you to know about that. There are also ethics policies, and laws, ace mentioned in title 12 that govern campaign contributions, lobbyists, gift and honorarium and then the revolving door. Conflicts of interest, specifically there are a number of either policies or ordinances that talk about conflicts of interest. Some of them are recent enactments. We have a disclosure of material facts policy that was enacted in April 2006. And the council approved a policy that councilmembers publicly share substantive information that relates to any matter under consideration before the City Council. There's also the council staff interaction policy that was also approved in April of 2006 where the council approved a policy to ensure that staff recommendations really reflect the independent judgment of staff and requires that the council get out of the way of staff doing its work. The policy is worded much more nicely than that. The disclosure of income and time is actually part of title XII new ordinance, and it really goes beyond form 700 and the statement of economic interest that councilmembers need to file on an annual basis and it requires the councilmembers on a quarterly basis to disclose the income that's earned outside of tear duties as councilmembers and the time spent in earning that income, so that the public has a good sense of how much time councilmembers are spending on activities outside of their official duties. The declaration of conflicts of councilmembers is a policy that was enacted, pretty recently, November 2006. And that requires a declaration form to be filed within 24 hours of the council agenda. If the councilmember becomes aware of a conflict that he or she may have. The board and commission code of conduct is a very new policy that passed in June. Or was that just new -- June of 2000 -- I was wondering if it was after the break but right before the break, the code of conduct of board answer commissions was passed, it relates to the councilmembers who act as liaisons to many of those boards and commissions. Really addresses the councilmembers' conduct, lets the boards and commissions do their work, don't influence them because you're a councilmember.
>> The Clerk: If I could add something maybe for Trixie's edification, I think you were on the council in 1998, when, by council motion, you adopted this policy. But it never got codified. And that was -- I think that was your intent at the time. So the blue ribbon task force resurrected that and said, we think that should be a council policy. We spent about six to eight months gathering input from the boards and commissions on the policy before taking it to the council.
>> Lisa Herrick: The expenditure and reimbursement policy is something near and dear to Lee's heart in the sense that she's spent a lot of time and effort over the last couple of months trying to get that into a good document to present to the council as a whole. The Rules Committee has discussed it for several months and it's really taking various policies that existed throughout the city, compiling them into one expenditure and reimbursement policy, simplifying it and clarifying which things are appropriate for reimbursement. And if you want to add anything about that. And then finally the process integrity guidelines are -- relate to the RFP process and requires those in the RFP process to disclose conflicts of interest and otherwise behave ethically. Also relatively recently there are a couple of changes to the way councilmembers can be disciplined. In, I think going in reverse chronological order, the council reversed

the policy it breaks out progressive methods of discipline for violation of any -- of any city policy, ordinance. The progression is censure of a councilmember, and then finally under discipline very recently the council approved removal and recall process that will actually -- because we're going to modify that charter that will go to the voters at the next general election, which will be June of 2008. But that will actually set out a policy for recall that is similar to the state's process. Well, very, very recently, before the break, end of June, 2007, the council approved some changes to the revolving door ordinance as well as the lobbyist ordinance. The revolving door ordinance is very simple. It's -- basically extends the time from one year to two years, so that someone employed by the city may not come back and work and lobby the city on that same topic for two years rather than one. The lobbyist ordinance underwent a number of changes. You know, the highlights include banning success fees, whether there are contingent arrangements that are not -- not expressly contingent on -- unfortunate choice of words, contingent -- on the outcome of some administrative or legislative action, then there has to be disclosuren of that compensation arrangement. There is an amendment to the way in-house lobbyists are defined, so that organizations need to register as lobbyists if any one of their members, in the aggregate, lobbies for ten hours within a three-month period. The old rules were 20 hours, excuse me -- reversed. It's ten hours in a 12-month period. The old rules were 20 hours every three months. And there was no aggregation. So you could have an organization with three people who would get up to 19 hours and then there was no requirement to register as a lobbyist. That will have to change because you'd have to aggregate all of that time now just to get to ten. I think those are the highlights of the lobbyist ordinance. The coil will be hearing more revisions to the lobbyist ordinance in September. The city attorney's office is going to bring back some technical fixes, some responses to the questions that the council had about the lobbyist ordinance when it passed those revisions at the end of June. And so stay tuned on that. And then finally, there's a whole bunch of training that's going on in the city on ethics and conduct. I think Lee has been doing for a long time orientation for newly elected officials to get them up to speed on what policies exist and how they can do their job well and appropriately. The blue ribbon task force mandated that there be an ethics for council management staff. And the first training was in January of 2005, I think I recall. At the very -- ten minutes later, AB 1234 was passed, and that was a statewide initiative to mandate ethics training for all elected officials and then all boards and commissioners who receive any sort of reimbursement or stipend. And so AB 1234 requires training on, well, I do it so it's stuck. With my colleagues, the Brown Act, public records act, there are process laws. And then all of the conflict of interest and political reform act laws. And so all of the persons I mentioned, councilmembers and boards and commissions who receive stipends or reimbursement have to have that training every two years. At one of the Reed reforms was to provide some ethics training for the council. And the attorney's office did one in April of this year. And after it, apparently council was so thrilled, decided it should be quarterly, in the vein that no good deed goes unpunished, we'll be doing it quarterly. Our next ethics training actually will be on August 28th. We're going to do FEPC conflicts. That's always a lot of fun.
>> What kind of training do the council need?
>> Lisa Herrick: They're interested in getting as much and as often. Another Reed reform was that the council would have a good understanding about what was expected of their electeds. People for whom they work. And so the mayor suggested that there be a similar sort of training program that would actually rise to the level of certification. And Lee is very involved in that I know as well and they're getting training on the Brown Act, public records act and whole bunch of other stuff. And that's happening on an annually basis.
>> The Clerk: Yes, right, it is happen on an annual basis. The first training was August the 3rd. The second training is tomorrow.

>> Lisa Herrick: If you have any questions I'm happy to try and field them. Some of this stuff I've been personally involved in the more recent changes, some of the historical stuff that happened more than a year ago. I'm a -- I might have to defer to Lee.
>> Ed Rast: Virginia.
>> Go ahead.
>> Ed Rast: Virginia, do you have a question?
>> Virginia Holtz: Yes. Lisa, I wanted to know if there have been any court cases pending regarding any of the issues over things that the city has been implementing being over the last couple of years? Are you aware of any, that's all I'm asking.
>> Lisa Herrick: No. You're saying yes, court cases?
>> The Clerk: Not court cases. Has anyone filed a complaint against the city concerning --
>> Virginia Holtz: Not a court case, but for instance, statewide, any of these issues pending in the courts that you're aware of?
>> Lisa Herrick: Councilmembers are always doing crazy things all over the state. I mean in Colma, you know, just ripped from the headlines you can finds some constructive tool for the council. In April we went over things that happened. People accept plane tickets from casinos that have a permit application in front of the council. You know, stuff that seems obvious conflicts.
>> What happened in Colma, there are people on the council that --
>> Lisa Herrick: That's what I'm saying, yeah. I'm sorry, I'm obviously not understanding your question. [laughter]
>> Virginia Holtz: Some of these new ordinances that we've incorporated now, have tightened up a lot of stuff regarding -- and that's what I'm concerned -- that's what I'm thinking about, somewhere in the back of my memory, one of these issues, and I thought was pending and it was a big court case someplace in the state. I don't remember anything more about it. That's why I was just wondering.
>> Lisa Herrick: Well, I can think of two things. Obviously, the mayor and his aide had been indicted in the Norcal scandal, when the judge, however --
>> Virginia Holtz: No, that's not my --
>> Lisa Herrick: Okay. Then there was also --
>> Virginia Holtz: No, I'm talking about this kind of legislation that we are implementing in this city today.
>> Tom Manheim: Could I clarify? Are you asking whether there is legislation that has test precedence for us, issues that are pending in the court that we might want to consider?
>> Virginia Holtz: Yes.
>> Lisa Herrick: I'm not aware of any. None accommodation up off the top of my head. I'm sorry.
>> Virginia Holtz: We're spending a lot of time on this. Let's move on.
>> The whole world is looking to us.
>> Antonio Guerra, mayor's office. Are you referring to the current lawsuit against the lobbying ordinance?
>> Virginia Holtz: No.
>> Okay, just wanted to make sure.
>> Ed Rast: Judy Nadler is going to have a discussion on the defining the expectation of the subcommittee's work.
>> Judy Nadler: I'm very interested in what you all are wanting us to do. One thing that strikes me is the ethics education, which I prefer to call it rather than training, because I will tell you, people resist the thought that they can be trained on ethics. But it is education. It's about being aware, it's about knowing what the unavoidable ethical dilemmas are and how to respond appropriately, given a variety of high

pressured and sometimes just silly things that happen. So the things that you have outlined for us would indicate that the people who are required by the state, under 1234, are taking the required courses, and that you've now instituted this certification program, and there are others who are -- who come under this requirements or policies. But there seems to me to be kind of a big group in the middle, if you will, and I'm interested in how the employees at large, those who do not have these particular requirements who aren't elected who don't have to file disclosure statements, et cetera, what is their involvement? What are the division heads, the department heads, the managers, senior managers, middle managers, all of that, that is an area that is extremely important. That creates -- that's critical to creating a culture of ethics. Obviously it starts at the top. But it has to be reinforced at all levels. So what's happening with that?

>> Tom Manheim: Tom Manheim. Thank you, this seems to work better. In fact, if you look at the ethics training that -- in the memo that Lisa referred to, it mentions management staff. And in fact, that is the entire management staff of the city that went through the ethics training, as well. That is a group of several hundred, I think it's closer to a thousand people. It's the entire management structure within the city from the highest level managers down to the lowest level managers who also did go through the same ethics training.

>> Judy Nadler: And then they include with that, they have the ability to explain to the ground maintenance workers? Set the tone?

>> Tom Manheim: Yeah, it was -- the training really was provided to the management staff as a way, a vehicle of driving it down into the organization and making it clear that the entire organization embraces an ethical way of doing business.

>> Judy Nadler: Is there ethical guidelines in line for line employees?

>> Tom Manheim: I can't answer that.

>> Judy Nadler: What would be outstanding for one would probably be outstanding for everyone. If only so everyone's on the same page and you're operating off the same basic principles and you all know, you speak the same language in termination of what is and what is not allowed.

>> Lisa Herrick: I can respond to that a little bit as well. Lisa Herrick. The ethics team responded to the City Manager when she came on. The ethics team is a group of five or six lawyers in the city attorney's office. We let her know we were doing the AB 34 trainings and among other trainings, education opportunities, I like that, that's good, and we'd be happy to take it on the road. We've done it a few times We're going to do it again next Wednesday afternoon. And we thought it would be very valuable for department heads and below of their choosing to send staff to those trainings. And while nothing has been scheduled, we agree that's something that we should be able to present those opportunities more at a line staff level.

>> Judy Nadler: And if I can just say that one of the things that's really great if you do that is when you have a variety of employees across departments or division and across reporting lines, so people who have direct reports and those who don't in a discussion, it is extremely rich discussion. That's exactly what you want. You want someone to understand how -- away it's like to be raking the leaves at the park, when someone comes and asks you to do something that you really shouldn't do. Maybe someone who's in an office in a supervisorial type situation might not comprehend what an anxiety ridden situation might be, might not fully understand or appreciate. And another part, what happens within an organization what is being done or can be done to share these same principles, concepts, with the public, so that the public has an expectation of the type of ethical standards that are in place in City Hall, knowing that they can expect that type of response, ethical decisions from all levels within City Hall because I think really one of the big issues is how the public perceives the ethical climate and the decisions that are made by public

employees and elected officials. So I think another part of kinds of the ethics program, if you will, is to some degree externally communicating what's happening, and making the public aware of those same principles, and values, and what the Brown Act means, and the FPPC and a few things like that.
>> Ed Rast: Judy, we have to stay on schedule.
>> Judy Nadler: No, that's fine. I want to hear from all of you as to what you want to hear about.
>> Ed Rast: Go around the table, maybe give everybody 30 seconds and then we can pretty much get a summary. Somebody want to start off? Dave?
>> Dave Zenker: Well, I'm on the committee so I'm actually interested in listening more than talking.
>> Ed Rast: Nanci? Bobbie? No suggestions, huh? Okay. Virginia, Brenda, Karl? Ken Podgorsek.
>> Ken Podgorsek: Ken Podgorsek. Just real quick. I'd love to see in the sunshine ordinance a code of ethics, and chair Rast has recommended this, a code of ethics that has a similarity to one we adopted to ourselves, that is a core portion or a core part of the ordinance itself.
>> Ed Rast: Joan.
>> Joan Rivas-Cosby: Great minds think alike.
>> Ed Rast: Staff.
>> The Clerk: I would point out the city does have an adopted code of ethics. It was revised as a result of the blue ribbon task force did in 2004. The city has adopted it as a whole, and that policy affects all city employees. We already have an adopted code of ethics.
>> Ed Rast: Lee, is there one place on the City's Website where somebody can go and take a look at ail of these ethics and code of conduct things? My impression is they're somewhat not available to spread all over the place. Or maybe I can't find it somehow.
>> The Clerk: There are two. We have had this whole conversation before but the whole group probably hasn't heard it. There are two policy manuals, if you will. One is a council policy manual. Those are policies that the council adopts. Then those are city administrative policies and those are the policies of the City Manager and affect the administration of all employees who work for the city. And those are codified in the city policy manual on the City's intranet, is not currently on the intranet. The council policy manual is in the process of being codified and will soon be available on the intranet. And beyond that, the ethics provisions of title XII are on the Website.
>> Ed Rast: Is like for instance the city policy manual is the code of conduct for the councilmembers as one of those policies or is that a separate document?
>> The Clerk: It's the same. They're exactly the same. The code of ethics for city employees and the code of ethics for the City Council is the same policy. Right.
>> Ed Rast: Dave Zenker.
>> Dave Zenker: Dave Zenker. I have a couple of questions. When we first developed our work plan and the major topics of how we were going to separate out the ordinance, I don't really remember why we developed an ethics and code of conduct subsection. There was some discussion about lobbyists and I know we attached Judy's name to it just because she's Judy. She knows a lot about ethics and who else would be on that subcommittee but Judy? But I guess my first question is more to the group and maybe you more have better institutional memory than I do. But my second question is, also to the group if anybody wants to answer that, and that is, I remember the blue ribbon task force and it's activities. But I don't really remember why it was formed and what was kind of going on at the time, and maybe if somebody could fill that history in and give me a sense of what its charge was and what it was supposed to accomplish and when it ultimately accomplished.
>> The Clerk: I can take that. The city charter in the provisions as it relates to the mayor's powers, duties, responsibilities, mandates that he or she shall call, shall form a blue ribbon task force on ethics every

other year. And so the 2004 effort was the former mayor Gonzales' opportunity to make sure that he was living up to the charter. And formed the task force. The task force actually kind of took on a life of its own, and went on for about a year, because new things got added to the work plan. But when it all was completed, then the mayor took a final report to the City Council on May 13th, 2005. I understand our current mayor is putting his thoughts arounds some sort of committee review -- hit this be out, it is specifically to look at title XII. Mayor Reed is looking at forming some kind of committee now to start that process over again.
>> Ed Rast: One thing that -- we'll talk about it in a minute. But back to Dave's comments. There were a series of City Council referrals and public referrals in this area, both in the Reed reforms and other areas that the committee might want to take a look at.
>> Dave Zenker: From what I understand, all of those have either been dealt with, or been referred even further away. To the elections commission or I don't know, maybe staff can help me, are any of those referrals still there?
>> The Clerk: I could start. The mayor's transition team on ethics and local open government -- ethics and open government, thank you, there were a number of lobbyists and campaign type of referrals. And all of those have been punted to the elections commission. The elections commission, who used to only meet as needed, therefore to have a hearing on a complaint, is now meeting on a regular basis, the second Wednesday of every month. And they have gun work to develop their work plan about how to address those referrals, so they can develop recommendations to take back to the City Council.
>> Ed Rast: Okay, thank you, that includes the agenda items and if anybody has additional comments, if they'd see Judy or one of the committee members afterwards, that would be great. We're on time and we're doing technology subcommittee. Dan Pulcrano.
>> Dan Pulcrano: Thank you. The technology subcommittee had its first meeting last week. And I want to thank my colleagues, Karl and Ed, who were on the committee with me. I'd also like to thank city staff, because this is absolutely the best-staffed small subcommittee I've ever seen. We have four members of the city staff for a three-member subcommittee. So it's just great. So thank you Dottie, Tom Manheim, Lisa Herrick and Steve, who came last time. Steve turner is, I guess you're one of the deputies in the office, to Randy Murphy, our I.T. director is here today, as well. Thank you for being here. So the task we have is actually voluminous. That is an accurate definition. We're looking at what the City of San José does and what other cities do to find best practices in the field. Reviewing what the city does is voluminous, because not only is there the major Website of the city, Sanjosé.CA.GOV, but it is fairly easy to register a demain and start your own Website. And to prove that point that's exactly what I just did. I created a Website, if you scroll up just a little bit there, is there something on top of goals? No. No one's manning the show. But if you do scroll down, you'll see that -- can you scroll down? No, top of page. Top of page.
>> Ed Rast: I would help I guess going up.
>> Dan Pulcrano: There you go. You'll see I did what many city departments do, register a URL, I registered SRTF.org. If anybody needs to go to the page, go to SRTF.org. It goes directly to the agendas part of the Website. That gives you an illustration of what a lot of departments are doing. I see Ed fretting there, another rogue unsanctioned part of the city. We got our goals out. It was a very productive meeting. The goals we have here, first one is speed. Faster, easier access to documents and information. This ties in with what the public records subcommittee is doing, which is giving the people the information they need, when they want it, very quickly. And looking at ways in which the city can do that to meet the public's and also don't forget that some of the biggest consumers of information are within the city. People who are performing functions and need information very often will need it quickly to handle a

matter. So we believe that this is also a productivity issue for the city as well, as a side benefit. That's not the primary purpose of this initiative but it's another benefit that's going to come out of it. Which leads to the second point which is efficiency. Reduce staff time and cost of accessing documents. Looking at ways in which we can actually drive the costs down through sunshine, by creating a more efficient infrastructure for the city to deliver requests and also to internally manage information. This is not a new idea, we're supporting initiatives that are currently underway, because staff has wisely foreseen many of these things. And in fact, in last year's budget request, the I.T. department did actually identify sunshine as one of the driving factors for I.T. improvements and did anticipate that and did include a budget request which I'll get to in a moment. The third aspect is customer service. Customer service is the business term. Public service is the government term, I guess. To meet the public's expectation of sunshine and transparency. So we wanted to make sure that the I.T. and systems and the technology that the city has supports the public's expectations of greater sunshine. That when we pass this wonderful ordinance that we're going to get to council at some point, there is going to be an expectation that things will get better. And then it's going to be up to the city to deliver. So making sure that they have the very best tools to deliver and meet the public's expectation I think is going to be very critical. And finally, convenience. Making it easy for the public to get the information they need, which we have the worldwide web, of course, and exploiting that revolutionary advance in information technology over the past ten years to its full advantage I think is important and makes our job a little easier. The sunshine movement started in the Bay Area in the '90s before many of these technologies were available. What I am hoping is that the San José sunshine ordinance will be a 2007 ordinance, or 2008 ordinance, but reflects the tenor of the times, that we are using, that we are contemporary and that we have advantage that when the sunshine movement started last century was not available. So this is the stamp that we can put on this ordinance, make it a Silicon Valley ordinance by looking at that time technological requirements, rather than a warmed over version of the Milpitas, San Francisco and Benicia ordinance. We can take the step ahead by looking at the technology. The -- I also want to say that the Silicon Valley leadership group has graciously provided some resources and access to some of the people, some of the experts in their field and will hopefully help us with some good ideas in looking at this, as well. So getting to the second page is the work plan which I'm going to be submitting tonight for approval. It's broken into three areas. The first is back-end systems. The second is the Website. And the third is procedures and practices. The human element that's important, of course, and the process issues. The first issue is the back-end systems. The acronym, the first acronym is EDMS, electric document management system and EDA, which is electronic document access. If we go to page 4.
>> Virginia Holtz: Can I interrupt here a minute? Excuse me Dan. But I'd like to know, are you going to break this down so that after you talk about the work plan then we can comment on the work plan?
>> Dan Pulcrano: Absolutely. Absolutely.
>> Virginia Holtz: Thank you.
>> Dan Pulcrano: On page 4, I provide a definition of what electronic document management system is. Essentially its a system to scan and record electronic images of documents in computer form. This is basically encouraging the city to go to a paperless system so that the documents are electronic, are stored in a manner which they can be instantly retrieved. We believe that that will make it much easier for people to get and receive information. Paper is an environmentally inefficient system that is so 20th century. Electronic folders is the method in which it is stored cataloged, there are various stages that a document will go through and then the method in which it is filed. These are large enterprise wide systems. I.T. has been looking at this. In February an RFP was issued. Randy or Steve may be able to expand on that but I understand it's in process. I'm not sure how fast it's moving. It's been about a year

since it was first talked about but hopefully, we'll get some updates on that as soon as I finish this. The second aspect, on the last page is electronic document access. And that is how people view the documents: To make them timely, to search and retrieve them, and basically provide 24-7 access to documents. Eva, if we can back up to the work plan again, I'll drill into this further. Which is the third point on there is the content management system. These are all linked. A content management system is simply a system to manage the production of documents as well as the splay on the worldwide web. So make it a little bit easier as opposed to having individual departments post individually through stand-alone systems, to go through a more integrated process for managing the huge amount of information that the city produces, and to select and display it on the Web. This is just a more organized system and part of I.T. initiative as well. The fourth aspect is Public Safety and law enforcement records. A number of police departments throughout the state have made major advances in the terms of crime mapping, so neighbors can see what is happening in their neighborhood, robbery statistics, homicide statistics, whatever it is, to be able to get information and see what kinds of things are happening in their neighborhood. Initial indications are that people appreciate that kind of information, and it's a very good way for law enforcement to interact with the community. We're going to be looking at how the City of San José can improve the police department. Broadcast recordings, we'll look at which commissions actually have broadcasts, which do not, and we expect to have some recommendations on that as well. Finally notifications and alerts, finding a way in which if you are interested in a particular issue to sign up and subscribe, you're actively alerted to it. Instead of having to look for it, you'll be notified. Which brings me to the second part of the work plan, which is the Website. We're looking at how the Website is navigated, the way the menus work, so that the information is easy to find. A lot of times the information is there, but it's hard to find. Making it more user friendly for the city is one thing. The organization, secondly what's there, the content. What should be posted, what isn't posted and what can be posted. And then how long it remains there, whether it's taken down or remains part of a permanent archive. And then finally on part 2, the interactive services, buying permits online, filling out forms online. Steve, maybe you can help me with the acronym, doing business better or making government work better, something like that, mugwup or something, away was the acronym? You know the committee I'm talking about?
>> The Clerk: It was a council committee called making government work better. But now it's the Public Safety, finance and strategic support committee. It's Thhhh -- [laughter]
>> Dan Pulcrano: Okay, one of the things we're trying to do is make it easier an more understandable for the public. There has been work done on these things. We'll not invent them but we'll be looking at them. Finally some what procedures in process. The posting of information on the Web, some of this has already been covered by the documents committee. We'll be looking at this from the I.T. perspective. The City's effort to hire a documents manager, standard records, making it available to the public, knowing what records they do and don't keep so that people don't have to call up and ask, hey, do you have this document, they'll know what the level of access is and how to get that kind of document. And finally, privacy, protecting a family's property, making sure that Social Security numbers or the not released. Make it clear to the city the expectations of what request and cannot be released. Finally, I have a recommendation which is -- which was unanimously passed by the committee. It's at the very end there. And this is basically to endorse the foresight and work of the T department and what is currently city policy. But basically we're saying that it should be expedited and given attention, because very often things are passed and not given to particular attention or support from above. We're saying that this is critical that the city speedily fund and deploy the document management and web content management systems to better manage. Necessary for the sunshine reforms and will give the community and staff

faster access to information while documenting storage and retrieval cost. We believe it will support costs and the sunshine goals, and if there's support by this task force I'd like to ask that the work plan and goals are approved along with this organization to excite the enterprise wise document management systems that are critical to support everything we're doing here, thank you. Randy or Steve, did you want to add anything or race any document management issues or rebut anything I said?
>> I'm Randy Murphy, I'm CIO for the city. And yes, we are supporting open access of technology, and yes, we have taken the initiative to attempt to start the process of defining business requirements for document management issues and systems. And yes, we have a very large Website that is managed by lots of people. And I wish I could figure out what violation you just did by creating yet another one. But I'll work on that after I get done with this. I guess at the risk of being straightforward, what would help me the most is -- and the reason I came and have been listening to this over the last few months, is it's most helpful for me to understand what you want and why you want it. So that I can help focus attention on how we can go about delivering it. I would urge you not to worry too much about the specific technologies but what you want out of those technologies. That's not clear to me the delivering of what you want, but what we need to do and why we need to do it so we can select the right products and we can procure them openly and we can have a procurement process that moves along the way it is supposed to and get that. They are not steps that are done quickly. They are done with due diligence. With that comment, we are putting money in the budget. Yes, we are engaging staff to move forward. Progress in her office, Lee's office, to show results to illustrate that we are trying to provide more open and readily available records. It is a day-to-day operation and we're working on it. I am going to be listening to what you want and why you want it. You have to know that every dollar I ask for is carefully scrutinied.
>> Mr. Chair.
>> Dan Pulcrano: Where is the process now? You've defined the RFP, but has the RFP been posted? Has anybody --
>> Yes, the RFP has been posted. First of all, let's have somebody meet with each of the city agencies to identify the business requirements for electronic content management. That is a -- and as a result of that, they will draft an RFP for the purpose of selecting our appropriate software. Okay? That's the first phase. That's funded, that RFP has gone out, it came back, we had some difficulties with the evaluation, so we need to reissue it again. It has been drafted and published but because of some procurement issues, it will be redrafted and reissued within two weeks.
>> Dan Pulcrano: You'll spend about a half million to assess and then go out and buy the system?
>> We'll spend as little as possible, but yes, until I get the estimates from the marketplace, I hope it's less than that.
>> Dan Pulcrano: But it's just to define the requirement, then afterwards you go and buy the system.
>> Then I've got a second system to define the projects. There are important issues of search, they are storing forward and work flow. And those are embedded technologies in the platform that's available, and we need to make sure we're clear about what we need, and getting a product that does what we need. Because we'd really rather not get involved in custom development. We really try to keep things main line, we try to keep our costs controlled. We are going to try to use something that is more generic and adjust our work processes to it. But we have to look at our work processes so we get some of the economies when we institute it. An automated environment is not the same as a paper environment. We have a budget, we have an approach, we have a launch and we're attempting to engage the technology, the business, the legal aspects in concert to move forward. So wish me luck.
>> Dan Pulcrano: Virginia, I believe you had a question.
>> Virginia Holtz: Actually, I had two. One, you've talked about a budget, and no place here does it give

any indication of how much this is costing. This is one of Ken's thoughts and recurring themes, was yes, we wanted more open government. But we were cognizant that it is costing the city money to do this. So would you -- do you have those figures that -- how much you've spent so far and what's projected for the future on that with you in your head?
>> No. Remember, my statement, what do you want and why? The why part is where the cost benefit part comes in. A lot of electronic content management if you're familiar with the technology, is comes from use of city employees, it comes from productivity enhancements. You're asking for productivity efforts that are supposed to come out of that.
>> Virginia Holtz: You believe there will be cost savings?
>> Absolutely I believe there will be cost savings. But I don't think they'll be easy pickings. Because you've got to do due diligence of what is the work, what are the process and who's doing it and you need to change the way you've done business in the past. And that's not something that is handled automatically or easily. It takes time.
>> Virginia Holtz: If you wouldn't mind, I'm looking at the public records part of this and wondering, are there going to be any restrictions to just having files electronically, and not paper? Is there any legality problems?
>> Lisa Herrick: The public records act already defines public records as including electronic information. In fact your own definition of public information in phase 1 is -- includes public records as defined 50 the California public records act, including any electronic records. Photographs, maps, films, the whole gamut.
>> Virginia Holtz: Thank you.
>> Ed Davis: If I can just add one comment to that, interestingly enough, the technology outstripped the public records act for a significant period of time. And what governments were doing was producing documents and records under the old cumbersome paper way. And denying access to records that were more easily obtainable, and less expensive under the electronic version. And it took a while for the public records act to catch up with the technology. And I think what I've just heard described here is consistent with that new policy of making sure that the access, the sunshine areas are consistent with the technology. So the legal part of it, the access part of it keeps up with the technology. So what I'm hearing today, with Dan's committee and what the city is doing, I think is terrific, because it makes sure that the technology and the legal access parts run parallel, as opposed to lagging behind, as what happened in the past.
>> Dan Pulcrano: I'd like to get some feedback from other task force members who haven't spoken. Specifically, let me back it into three pieces, since we have five minutes left. Recommendation, essentially endorsing I.T.'s effort for electronic management. Does anybody have any comments or questions about that? Okay, good. With respect to the goals, maybe if we scroll back to that. Bobbie.
>> Bobbie Fischler: I do have one comment. Given the series budget problems in the city, is this truly a realistic requirement for city at this time, or goal for the city at this time?
>> Dan Pulcrano: Randy might be able to answer it. But my feeling is, one, it is going to save money, long term, capital investment will bring cost savings and secondly, it is probably essential to support sunshine. Randy. You may have comments.
>> We have each of these issues very very seriously. Departments improving their operational effectiveness, they're going to have to put their staff where their mouth is. It is one thing to say it, but another to deliver. I know there is broad popularity to endorse this. Another thing you didn't mention is a sister initiative to this. Another thing is information security. As a CIO I take this topic extremely seriously. There are responsibilities that we need to, what we give it out, when we give it out, under what

terms we give it out. And I believe that we have data that, by law, you're required to capture that could potentially expose your identity. And I think we have to take a responsibility as a public body to how we're going to handle that. So what we're asking to do is to bring in an independent third peter look at our information security practices. Give us an audit, give us some recommendations and some options and some pros and cons so we can tighten up and shore up our responsibility in this area. It is relevant in this area. It is not just open the vault. It is with due diligence and with due consideration. We have a lot of data about a lot of parcels, a lot of people, and I think we need to be responsible for that within the confines of what we manage. I want you to be aware, it is a parallel effort that we're also pursuing.
>> Dan Pulcrano: I see you have that comment and that shows some foresight as well. Trixie.
>> Making sure that everything is accessible for handicapped, becoming more and more important. And the other is to never forget that as long as we love all this technology there still always will be a portion of our population that does not have access easily to that. And whatever we do electronically has to be very easily translated to a paper environment, when required.
>> Dan Pulcrano: Excellent points. We will be looking at that. With respect to the goals, fast action, efficiency, reducing cost, customer service, meeting the public's expectations, convenience. Those four goals. Does anybody have any questions about those? And by the way, that is -- that was an attempt to address Randy's concern, which was tell us what you want, don't tell us how to do it. And that's what I'm proposing, we're saying what we want which we'll define in more detail.
>> Ed Rast: One question I had is, in many corporate or even Websites, you can two in and sign up for an account, like a stock broker, and therefore, your information is kept in one place, you change your e-mail addresses and everything else, as well as signups for all sorts of e-mail or information you want. Is the city taking a look at that for both individuals and businesses?
>> Tom Manheim: While Randy is wandering up to the microphone if I could just comment on that. That is both a technological sort of solution. There are also some serious privacy issues, providing a subscription service with the master calendar we're putting up. We're trying to figure out if there is a way to allow people to subscribe to that service without them giving up their e-mail address because we're a public agency and we're creating a public record or do we need to disclose that, so there are some legal issues that go along with that as well.
>> Dan Pulcrano: If it's okay if we hold this issue for the committee, because I just want to help Ed stay on schedule here.
>> Ed Rast: Randy, did you want to comment?
>> I serve at your pleasure.
>> Dan Pulcrano: Brief comment.
>> Yes, there are lots of technologies such as this that are readily available to do. That's not on my A item of list to address because I've got really bigger issues of the quality of the data and the quality of the service that we deliver that I've got to pay attention to. That's an add-on that I think we'll pay attention to at a later time. But I've got to get the main mission in mind and intact and solid and correct. That's my main undertaking.
>> Dan Pulcrano: Okay, so are there any questions specifically about the goals and efficiency and convenience? Tom?
>> Tom Manheim: Just to clarify, would it be safe to assume that the subcommittee won't be revisiting any of these -- any of the requirements that have already been addressed? Because as you were going through some those things they could easily overlap some of the existing requirements how long we maintain records or things like that, that the task force has already addressed. You're trying to be consistent with all the stuff that the task force has already addressed?

>> Dan Pulcrano: I believe -- I'll defer to my colleagues but one of the things we're looking at is what the I.T. department is doing and supporting initiatives underway, as well as the will of the task force. We're not trying to invent anything new. Just show the enabling technologies. And finally, the work plan, the three parts to the work plan. Where did those go? Which is back-end systems, Website, procedures and practices. So I want to just see if there's general support for approaching our work plan in these three areas. Looking at the Website, looking at the systems that support the Website, the invisible systems that store and deliver the system for the Website and the city as well as the procedures and practices. Does that sound like a sensible way to approach this?
>> Ed Rast: Probably add information security to the procedures and practices.
>> Dan Pulcrano: I think so. We have it down there as privacy, but it could be information security as well. Okay. You want to call it?
>> Ed Rast: Thank you very much, Steve and Randy. Or Randy and Steve. Go ahead.
>> Just looking at your list here, particularly the back-end systems, that's a really deep hole. I mean, depending upon what you mean by those nice headings, there is an enormous amount of information and systems and things behind that. And your committee will never end if you really are going to chase all of those. So it would be helpful to clarify some limits on your boundaries and your approach to that, if you don't mind. I mean, those are nice generalities. But you're not running for office. If we're going to do something with this we'll needs to know what they are, just a comment. Sorry.
>> Ed Rast: Dave Zenker.
>> Dave Zenker: Dave Zenker. I was going to say the work plan seemed especially broad and was maybe going to suggest that you come back with some specifics.
>> Ed Rast: Policy issues?
>> Dave Zenker: What?
>> Ed Rast: Policy issues?
>> Dave Zenker: Yeah, I mean, how is it specifically going to develop into ordinance language. That's where we're headed here. That's where the training's going. And to have a proposed work plan of back-end systems means a little vague. I wouldn't be able to support it as far as any kind of motion tonight, because I don't know away I'm voting on.
>> Dan Pulcrano: Well, this is simply what the technology committee will look at. Not necessarily a recommendation to go forward with anything. Except the only recommendation that I'm suggest that we go forward with today is that we support the City's effort to go electronic with its documents and manage them through an enterprise wide system. And that's something that I.T. has recommended, and we're basically endorsing that, and want to let the City Council know it's very important.
>> Ed Rast: We're five minutes into the schedule.
>> Ken Podgorsek: Call the vote.
>> Ed Rast: Do we have a motion?
>> Dan Pulcrano: I did make a motion and Karl seconded it.
>> Karl Hoffower: I seconded it.
>> Dan Pulcrano: The motion was to accept the report of the technology subcommittee for those four goals, for the general groupings of the work plan, and then the one recommendation regarding the electronic document management initiative, endorsing that.
>> It's on the last page, bottom paragraph.
>> Second.
>> Karl seconded it.
>> Ed Rast: Okay, any discussion? No discussion all in favor? [ayes]

>> Ed Rast: Opposed? Abstentions? Motion passes. We'll poof on to the next agenda item. Which is upcoming phase 2 work plan schedule.
>> Yes, Eva Terasas. Staff pulled together an agenda for the remainder of the year. We did this based on information from your previous meetings, the others we've just plugged in as a draft, so that we can have a view of what the year's schedule will be like. It's important to note that this is a draft. There will be revisions. The task force hasn't had a chance to take a look at it. And as subcommittees have met, there have been changes to some of the meeting dates, and it will affect the report-out. For example, on the public records meeting, in the public records committee, we have a report-out on September 6th. But because the committee won't be meeting prior to that, we are recommending that that item be moved to the September 20th meeting so that technology, ethics and public records could be presented at one meeting, and administration and accountability would be the only item for your September 6th meeting. I think this requires a discussion from the task force, in terms of whether you're comfortable with the schedule that staff has laid out. And if the committees are 23rd prepared to come forward during the times that we've slotted presentations.
>> Ed Rast: Tom.
>> Tom Manheim: Just one sort of late-breaking bit of news as well, and I'm sorry, Bob isn't here right now, but my understanding is, there's even a question now about whether administration and accountability will be ready for the next meeting.
>> Ken Podgorsek: Mr. Chair, Ken Podgorsek. You know, that committee did have a conversation before, because we were concerned about where we're -- sorry, we're a bit concerned about where we're at. But I have to tell you after watching the excellent presentations this evening by public records, ethics and technology, in doing the first stage for their work, I believe that we are probably far enough to bring material forward that can be adopted as a framework, as a beginning stage. Some of it's even less. We've done a lot of good work. And I'm comfortable with doing that on the 6th. In looking at this schedule, and then looking at the fact that you know, all the work we still have before us between now and December, I would feel uncomfortable asking for an extension on ours. Because I think we need to stay on track. And I do -- we have completed a reasonable A work. We also came up with a couple concepts today that are going to require some legal research before we can bring it forward, but there are other things that aren't. And I think if -- I like the way the other committees brought their material today, and I think we can do the same.
>> Ed Rast: Tom.
>> Tom Manheim: Yes, just to sort of help the task force visually understand what's behind the scenes. This is a little bit of a complicated table that Eva has just put up. But this is the work plan for the public records task force that we have created, based on the assumption that we will begin operating under the sunshine reform proposed noticing requirements. And it starts setting out essentially the dates, and Eva maybe can you walk through it. But the dates both when notices and agendas are required to be posted for the subcommittees, and reported out to get onto the task force agenda for proper noticing.
>> What I did was start with the subcommittee meeting date, their schedule. We work back to when the subcommittee materials are due and we included two days for staff to be able to turn around that material and have that posted. The actual subcommittee agenda materials to be distributed and posted is listed. When the minutes are due for subcommittee approval, as you know for ancillary committees, the requirement was to take three action items. And there was no specific recommendation for posting. What we've done here is, we've used the same policy, the same procedures for a policy committee. But we are looking at turning around the minutes because they're only action minutes by the next meeting.
>> Tom Manheim: Just one other thing to help you walk through this. If you look at the third row down,

where it says under the subcommittee meeting date, September 17th. So I'm just going to walk you across. The assumption for the public records committee is that they will actually be reported to this task force on September 20th. And so the time frame becomes that, moving over from the September 17th meeting date, actually because of a weekend, I think, there's six days between when the agenda would have to be due for posting. Because staff actually needs a little bit of time to get the material, turn it around, get it posted. It would be posted on the 13th, the minutes would be due back to that subcommittee ten days later. But then you'll see, we have the reports to the task force are due on the 10th. For the 20th. And that's where, for instance, for the meeting of the sixth, the reports to the task force be due, others, Eva, a week from today, the 23rd?
>> The 27. So it's actually the 23rd. It's actually the 23rd.
>> Tom Manheim: It is going to be a big push for us to manage through, this is just for one of the subcommittees, we're going to be working with all the subcommittees. That is sort of behind when that drives different subcommittees being able to report out. I guess we would hope for direction from the task force.
>> Ed Rast: Ken Podgorsek.
>> Ken Podgorsek: Ken Podgorsek. Tom, based on this, then I have a -- then my question would be, is there a concern on -- would there be concern on staff's part of taking the public, at least where we're at at this point, public, sorry, accountability forward on the 6th?
>> Lisa Herrick: I think -- Lisa Herrick. I know that Bob is going to be out of town next week, but I think you and Ed and Sheila and I should meet next week to get something more complete.
>> Ken Podgorsek: Yes.
>> Lisa Herrick: It may not be as complete as we envisioned at the beginning of the meeting today but I think we're going to need at least one more meeting. That it will have to be without Bob.
>> Ed Rast: Let's check with each committee and see where they are on things. Bert, when you look at the schedules, are you fine with the way -- so your next one is going to be on September 20th?
>> Bert Robinson: Yes, this is the schedule we paid up at our last subcommittee meeting so we're --
>> Ed Rast: Then you're following that. Does that mean that the October 4th is going to also be pushed because you come back right a week later-actually, it's not -- about two weeks later?
>> I don't think so.
>> Tom Manheim: Let me ask you, because one of the things we were discussing at the start of the meeting is, is that going to be the Public Safety, the law enforcement records?
>> Bert Robinson: On September 20th.
>> Tom Manheim: We're going to need to find out if the City Council chambers are available, because we'll not have enough room for the number of people that want to attend. So that will also probably drive the date.
>> Ed Rast: I don't think there's room for technology and ethics ton 28th.
>> Bert Robinson: We had initially been asked if we could come back on the 6th. We actually will have two more subcommittee meetings, well before the sixth but we can't make the ten-day notice requirement. So -- our schedule actually has us making our final decisions on police records I believe on the 29th. But then because of the notice requirements we can't get back until the 20th. If the council chambers are for some reason not ready that day, we may think in going in a different order so we can do something that we can have here by the 20th. It doesn't have to be in the council chambers. We should learn as soon as we can whether we can get the council chambers, I hate to interrupt police records since we're in the middle of it but let's do something different because --
>> Tom Manheim: My apologies, the council chambers issue just came up. We'll have an answer for that

soon.
>> Judy Nadler: So Bert, were you suggesting that the ethics discussion wouldn't fill the council chambers?
>> Tom Manheim: We're going to check now to find out if the council chambers are available on the 20th. We should know the answer to that fairly quickly.
>> Bert Robinson: To conclude, we have got to figure that out but we're fine with the broad outline on the schedule. We'll bring something back that the group can discuss.
>> Ed Rast: Public Safety, public records later, most likely?
>> Bert Robinson: If the council chambers are available, which we're about to find out, we'd like to do that, because we have two more meetings and I think we can be finished.
>> Ed, I'm going to be as I mentioned to the tasks at the last meeting, I am out of town on October 4th, so that would not be a good meeting if you're talking about how you're going to move everything around to talk about ethics and Mary Ann is not here and I'm not sure what your schedule is for us to meet. And of course we'd have to check with Lisa because Lisa, aren't you staff to all, to everything?
>> Lisa Herrick: Yes, I am. And I'm -- it's helpful to try and set some standing -- some time frames that we need -- whether we need it or not, or that we plan on meeting whether we need to or not. That will help with my schedule, if we can do that. Maybe we can talk by e-mail with Mary Ann and figure out some good standing time frame.
>> Ed Rast: I've got a couple of questions to ask the task force. So what it looks like is that can ethics go on the 20th, if you're going to move public records up, Public Safety --
>> Ken Podgorsek: Can't go on the 20th when you're doing police records.
>> Ed Rast: It can't go at a time when police records are taken care of. Can we move to September 20th, otherwise we'll bump everything another two weeks off. Right now it looks like we've got a very lied schedule on the sixth, and there is a question in mind, in Ken's mind about accountant. If we're going to be ready to go beyond a certain point. I'm concerned now that we have very little to go on the 26th.
>> Ken Podgorsek: Mr. Chair, I should say in the most adventurous look, we should be able to bring some material forward. But it won't be the substantial partner of the work. That was one of the conversations -- we met before this meeting was our regular meeting time. That was one of our staff. We could the work needs more vetting and it's not reasonable to bring it forward, I don't think we can do it in the very short time frame of three or four work days to meet the requirements and the posting requirements. Plus the fact Lisa has to have a life.
>> Virginia Holtz: Would technology be ready to go?
>> Ed Rast: I guess a couple of questions. We could defer the meeting is one possibility. We could use that date, rather than -- we can defer the public meeting here to do that date and time to do committee meetings, to try to get ahead. Right now, we're all committed to a plan to come here tonight, but after try to move the committees forward -- I don't know. [simultaneous speech]
>> Ed Rast: To save trouble, give her roller skates.
>> Lisa Herrick: We would need to have all the materials for all of those subcommittees prepared concurrently as well. If you are handling all meetings in a row, it's hard.
>> Ed Rast: It's difficult I would say if we did not do this on the sixth and the City Council chambers were not available on the 20th, I could say that accountability worked at this task force would be more substantial on the 20th than it would be on the 6th. So we could very easily -- we could very easily fill that gap. If there is a gap there.
>> Ed Rast: Let me bring up two other issues, and we'll throw it into the ring. One is, how many of the committees have taken a look at the council recommends and the milk record information and incorporate

that into your planning, your committee work? Okay. At the very beginning, we have puzzled looks. Councilmembers, individual or more Then I forget the public recommendations, which I remember correctly, staff was able to consolidate the public records one in to like a single list. But the other once have not been involved in, a a second list. Do we want to take a look at those recommendations and go down through some of those committee by committee, and decide which once we think are covered? Which ones are not trying to rush through that stuff. Dave Zenker.
>> Dave Zenker: Every person should be responsible for making those departments available.
>> Councilmember Williams: Another comment came in the District Attorney's office. Now, the District Attorney's office has offered to come down and sit with the Sunshine Reform Task Force and give their view on some of the issues. Is that something that we particularly want to have a case with them?
>> Dave Zenker: Maybe that would be appropriate for your group, Ken, for the subcommittee to have at a.
>> Virginia Holtz: Aren't they involved in -- Lisa attends your meeting.
>> But Lisa is 92nd --
>> Tom Manheim: I was just going to comment on the model of the public records is hem in that they have gone back to the, for instance, the hole of the police records issued the first time in February, and they're looking at whether a District Attorney would be hex to the subcommittee, they could invite their input.
>> Ed Rast: Can I ask a question?
>> It does appear that the council chambers are open for the 20th. We'll get back to you shortly.
>> Tom Manheim: We will probably not be able to deal with any subcommittee issues that day, that will push technology and ethic to some other date. We are also surmising that we might need some time on the next task force meeting to finish up city reports. There may be a lot of testimony you here and then have discussion next time.
>> We will have a proposal from the subcommittee that will be out ten days from the meeting. That some members of the committee and some members of the effective departments will ready to. We have that testimony, and depending how long that testimony takes, we'll either have or have no recommendations. As complicated as this issue is, I think it's at least conceivable. It's more complicated than fees, let me say it that way.
>> Ed Rast: Tom.
>> Tom Manheim: Well, if I could suggest to the task force, you might want to look at that time tentative schedule I put up here. They assume that we literally just paired them off, two here, two here, two year, two year. As I'm looking at our schedule aat this point, if we assume that on the 20th we will do neither technology or ethics, it would be helpful to know if the technology and the ethic subcommittee looks like they will need, looks like they're scheduled for three meetings to complete their work. Or I don't know if there's any way of prediagnosticking at this point but part of the problems is we don't know how much to cork for Evangelism subcommittee.
>> Ed Rast: On accountability, we'd need two partial meetings. I'd be surprised if we brought all the controversy issues, so when we come back to the second meeting we have motions already to go.
>> Ken Podgorsek: I think public records has the hard problem.
>> Ed Rast: Dan, what do you think about technology?
>> There's no discount for those.
>> Councilmember Constant: There is a word for subcommittee,. Tom. Well leave technology at 3, at 3.
>> Three meetings for technology,.
>> Mr. Chair, I can barely earn,.

>> It concludes that we're going to short small text.
>> Ed Rast: Looks like no 6th meeting, that's the way --
>> When we get to the first one we'll be there. The second one is the 6th. Hopefully --
>> Ed Rast: Trixie made a good point that that's Labor Day week also. So --
>> Ken Podgorsek: And being in charge of the technology in the park, I could definitely use the time.
>> It sounds like we may not meet on the 6th, which would be the next meeting, that on the 20th, the scope will be that and the 27th through the task force with the public records proposal and nothing but that.
>> Ed Rast: Right. So it essentially gives us a month and a half, minus the ten days, so you're looking --
>> Tom Manheim: Well, we will need to schedule and agendize, distribute agendas, we'll need to have the agenda finalized for the 4th, for October 4th.
>> Ed Rast: Right.
>> Tom Manheim: And we'll need to have some mechanism for doing that without the task force. Because it is going to be too late to finalize that at the September 12th meeting. Let me suggest that with the exception that it may flow over. So we have that agendized. And then I would suggest since at that point we will just hopscotched over both technology and ethics, but one of those two volunteer to be ready, also.
>> Ed Rast: We have one volunteer, Judy says she's going to be out of town that day. Technology is the third item on there.
>> Tom Manheim: Because that's one of the committees that's -- I think what we may end up doing here is we're talking about we may be just flipping this calendar. If I understand you correctly. On the 18th you're talking about ethics and medicine and calendar. On the 1 he?
>> Ken Podgorsek: Tom, I think with the noticing requirements, it's difficulty to go from one meeting to the next.
>> Tom Manheim: That's right. I was trying to do them every other.
>> Ken Podgorsek: May I make a suggest? I have a feeling that we're going have a reasonable amount on Public Works records on the 4th, after this, especially if we don't get a lot of public input, the public accountability section will be substantially prepared. Then under the 3750, just start the pattern as it goes way down, and that way we're discharging the responsibilities without overdoing staff.
>> Tom Manheim: I'm just looking at this schedule, if we left it this way, technology only gets two meetings.
>> Councilmember Constant: You could do them as a stand-buy meeting on the fourth and it would happen again on the 15th of November. So in other words, I just leave three on there. Whatever's prepared for the 4th we will then continue to work on it and move the others onto the 18th.
>> Tom Manheim: We're knot meeting on the sixth, on the 20th we'll do specifically, we'll have administrative and technology on the agenda. Then on the 18th we'll have technology and efforts. Then we'll go back to exactly what this show is, information and accountability and public records finish being up on the last meeting.
>> Ed Rast: If we use the example that Bert and his committee had tonight, it's all written up, we can move through all of this.
>> Ken Podgorsek: These subcommittee meetings tonight, did an excellent jock. We moved through this material in literally record time for us.
>> Ed Rast: Tom is alerting any of the staff to comments.
>> If all of the subcommittees could set a standing time.
>> Councilmember Liccardo: Flip over to the other side. So public records when are your next meetings,

your subcommittee meetings?
>> We've got them all written up there. For the rest of the year.
>> Ed Rast: And administration accountability, we need to, between 3:30 to 5:00 on the first and third Thursdays, right before this meeting, 3:30 to 5:00. Ethics and conduct --
>> Just to be clear on public records subcommittee, there's disagreement an this sheet, it's from 12:45 to 2:00.
>> Dave Zenker: That's why I'm always late then.
>> Ed Rast: Work it out. Technology is -- ethics is going to work it out.
>> Lisa Herrick: We'll let you know.
>> Ed Rast: By tomorrow? By Monday? How about Monday? I mean, tomorrow. So Judy will get back to Sheila tomorrow and let her know ton schedule. And technology is going to be done the 21st. We'll keep our meetings Tuesday from 1:00 to 3:00. We'll schedule it out on that basis.
>> Tom Manheim: A Tuesday afternoon is the absolute worst time for every member of city staff.
>> But we've talked about the committee members as basically the best time to meet. Which ever staff member can meet with us is fine with us. It's for you guys.
>> We would really appreciate your trying to accommodate city staff on this. We'll do it after library.
>> Ken Podgorsek: I still have a motion.
>> Ed Rast: And second. All in favor? [ayes]
>> Ed Rast: Opposed, abstentions. Thank you so much.