



# Memorandum

**TO:** RULES AND OPEN GOVERNMENT COMMITTEE      **FROM:** Rosario Neaves

**SUBJECT: JANUARY – JUNE 2018  
OPEN GOVERNMENT REPORT**

**DATE:** September 5, 2018

Approved

*D. D. Syl*

Date

*9/7/18*

## RECOMMENDATION

Accept this semi-annual Open Government Report on posting of public calendars, public record request data, and data regarding posting of agendas and minutes of the City Council and decision-making bodies.

## BACKGROUND

On August 21, 2007, the City Council approved a Rules and Open Government Committee recommendation requiring the Mayor and Council, Chiefs of Staff of the Mayor and Council offices, and certain Council Appointees to maintain calendars. Calendar entries are required to include, at minimum, all City-related appointments, including regular and special City Council meetings, public events or speaking engagements, meetings with developers, meetings with consultants, meetings with lobbyists, regional meetings and meetings of subcommittees or task forces. For each City-related appointment, the name(s), title(s), affiliated organization(s) and a general statement of the issues to be discussed should be included in the calendar entry. The calendar posting requirements were reaffirmed by the City Council at the August 26, 2014 City Council meeting when the Consolidated Open Government and Ethics Provisions was approved.

The Administration prepares a compliance review twice a year covering the January-June and July-December periods and reports the results to the Rules and Open Government Committee within a month following the close of the reporting period.

On August 22, 2017, the City Council approved a recommendation from the City Auditor, which was included in the 2017 Audit of Open Government, to add additional information about the status of open government, including public records requests and data regarding posting of agendas and minutes of the City Council and decision-making bodies in this semi-annual report. Due to staffing transitions after the retirement of the previous Open Government Manager, the January 17, 2018 report did not include the City Auditor's recommendations. This report includes the City Auditor's recommendations for the first time and will continue to have similar categories on each Open Government Report moving forward.

## **ANALYSIS**

### **Calendar Posting Compliance**

The most recent calendar compliance review (Appendix A) was completed on July 31, 2018, for the period of January 1, 2018 through June 30, 2018. The review shows an average of 94% compliance. The asterisk on the compliance check log indicates weeks where the information posted on the calendar was insufficient to determine compliance. Based upon the difficulties in evaluating the data, no rating was made for compliance on the content of the calendar entries.

Issues noted include:

- Postings appeared to only include standing meetings. Entries were replicated each week with little to no variation in the postings.
- Postings did not contain enough information to determine if the meeting met the criteria where the minimum details were required.
- Postings were not published on time.

### **Public Record Requests**

For the period of January 1, 2018 through June 30, 2018, the City completed an estimated 2,746 Public Records Act requests (Appendix B). The data for days to respond to requests was not available at the time of writing this memorandum. Historically, each department did not record the data due to staff transitions, training, and various factors. There has been an increase in the number of requests for “all communications” including emails, text messages, and social media postings. During this period, no appeals were made to the Open Government Manager. In addition, moving forward starting August 2018, all Department Coordinators are required to track their Public Records Act requests. The July through December 2018 Open Government Report for the period July 1, 2018 through December 31, 2018, will reflect the number of processed requests and the data on days to respond to those requests.

### **Posting of Agendas and Minutes**

For the period of January 1, 2018 through June 30, 2018, the breakdown (Appendix C) of the posting of agendas for the City Council, Council Committee, and decision-making bodies with the following average of compliance in meeting Sunshine Ordinance and Brown Act regulations:

- City Council: 100%
- Council Committee: 100%
- Decision-Making Bodies: 100%

Synopsis and minutes completion rates showed below are for the period of January 1, 2018 through June 30, 2018. The following is the average of compliance in meeting Sunshine Ordinance regulations:

- City Council Synopsis: 97% completed
- City Council Minutes: 0% completed
- Council Committee Minutes: 18% completed
- Decision-Making Bodies Minutes: 96% completed

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Decision-Making Bodies includes the Appeals Hearing Board, Board of Fair Campaign and Political Practices, Civil Service Commission, Deferred Compensation Advisory Committee, Planning Commission, Federated City Employees' Retirement Plan Board of Administration, and Police and Fire Retirement Plan Board of Administration. The Salary Setting Commission did not meet during this time. The Voluntary Employees Beneficiary Association Advisory Committee is set to be established at the September 11, 2018 City Council meeting and hold its first meeting in October.

**COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the City Clerk's Office.

/s/

ROSARIO NEAVES  
Director of Communications  
City Manager's Office

For questions, please contact Anh Tran, Open Government Manager, at [anh.tran@sanjoseca.gov](mailto:anh.tran@sanjoseca.gov).

**ATTACHMENTS**

Appendix A: Calendar Posting Compliance

Appendix B: Public Record Requests Completed from January 2018 through June 2018

Appendix C: Posting of Agendas and Minutes

## Appendix A: Calendar Posting Compliance

Review Date	Official	Compliant	Notes
	<b>Mayor</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
<b>100%</b>			
Review Date	Official	Compliant	Notes
	<b>Mayor Chief of Staff</b>		
1/9/2018		NO	Last updated 12/12/17
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	*
7/31/2018		YES	* March through June
<b>83%</b>			
Review Date	Official	Compliant	Notes
	<b>Vice Mayor - D5</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
<b>100%</b>			
Review Date	Official	Compliant	Notes
	<b>D5 Chief of Staff</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
<b>100%</b>			

Review Date	Official	Compliant	Notes
	<b>D1 Councilmember</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>D1 Chief of Staff</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>D2 Councilmember</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>D2 Chief of Staff</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>D3 Councilmember</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>

Review Date	Official	Compliant	Notes
	<b>D3 Chief of Staff</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>D4 Councilmember</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>No Chief of Staff</b>		
1/9/2018		N/A	
1/17/2018		N/A	
1/24/2018		N/A	
2/26/2018		N/A	
7/31/2018		N/A	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>D6 Councilmember</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>D6 Chief of Staff</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>

Review Date	Official	Compliant	Notes
	<b>D7 Councilmember</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>D7 Chief of Staff</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		NO	March through June
			<b>83%</b>
Review Date	Official	Compliant	Notes
	<b>D8 Councilmember</b>		
1/9/2018		YES	
1/17/2018		NO	
1/24/2018		NO	*
2/26/2018		YES	*
7/31/2018		YES	March through June
			<b>67%</b>
Review Date	Official	Compliant	Notes
	<b>D8 Chief of Staff</b>		
1/9/2018		YES	
1/17/2018		NO	*
1/24/2018		NO	*
2/26/2018		NO	*
7/31/2018		NO	* March through June
			<b>17%</b>
Review Date	Official	Compliant	Notes
	<b>D9 Councilmember</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>

Review Date	Official	Compliant	Notes
	<b>D9 Chief of Staff</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>D10 Councilmember</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>D10 Chief of Staff</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>City Manager</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>
Review Date	Official	Compliant	Notes
	<b>City Attorney</b>		
1/9/2018		YES	
1/17/2018		YES	
1/24/2018		YES	
2/26/2018		YES	
7/31/2018		YES	March through June
			<b>100%</b>



Review Date	Official	Compliant	Notes
	<b>City Clerk</b>		
1/9/2018		YES	
1/17/2018		YES	*
1/24/2018		YES	*
2/26/2018		YES	*
7/31/2018		YES	* March through June
			<b>100%</b>

\* The asterisk on the compliance check log indicates weeks where the information posted on the calendar was insufficient to determine compliance.

**Appendix B: Public Record Requests Completed from January 2018 through June 2018\***

<b>Department</b>	<b>Number of Public Records Requests Completed</b>
City Auditor	0
City Attorney	17
City Clerk	804
City Manager	523
Independent Police Auditor	2
Airport	19
Environmental Services	41
Finance	48
Fire – Administration	190
Fire – Fire Prevention	327
Housing	37
Human Resources	8
Information Technology	0
Library	2
Parks, Recreation, and Neighborhood Services	7
Planning, Building, and Code Enforcement	301
Police – Administration	102
Police – Body Worn Camera Unit	2
Police – Operations Support Services	167
Public Works	13
Retirement	11
Transportation	71
Mayor's Office	10
Council District 1	9
Council District 2	9
Council District 3	3
Council District 4	1
Council District 5	10
Council District 6	2
Council District 7	3
Council District 8	0
Council District 9	2
Council District 10	5
Total	2,746

\* This is an estimate. Beginning August 2018, all Department Coordinators are required to track their Public Records Act requests for the next Open Government Report.

## Appendix C: Posting of Agendas and Minutes

### City Council

Meeting Date	Agenda Posted On Time	Synopsis Posted within 3 Days	Minutes Posted
January 9, 2018	Yes	Yes	No
January 16, 2018 Study Session	Yes	N/A	No
January 23, 2018	Yes	Yes	No
January 30, 2018	Yes	Yes	No
February 6, 2018	Yes	Yes	No
February 9, 2018 Study Session	Yes	N/A	No
February 13, 2018	Yes	Yes	No
February 27, 2018	Yes	Yes	No
March 2, 2018 Study Session	Yes	N/A	No
March 6, 2018	Yes	Yes	No
March 8, 2018 Special Meeting	Yes	Yes	No
March 13, 2018	Yes	Yes	No
March 20, 2018	Yes	Yes	No
March 22, 2018 Study Session	Yes	N/A	No
March 27, 2018	Yes	Yes	No
April 3, 2018	Yes	Yes	No
April 10, 2018	Yes	Yes	No
April 16, 2018 Special Meeting	Cancelled Meeting	Cancelled Meeting	Cancelled Meeting
April 17, 2018	Yes	Yes	No
April 24, 2018	Yes	Yes	No
April 26, 2018 Study Session	Yes	N/A	No
May 1, 2018	Yes	Yes	No
May 7, 2018 Special Meeting	Yes	Yes	No
May 8, 2018	Yes	Yes	No
May 9 – 14, 2018 Study Sessions	Yes	N/A	No
May 15, 2018	Yes	Yes	No
May 22, 2018	Yes	Yes	No
June 5, 2018	Yes	Yes	No
June 8, 2018 Joint Meeting	Yes	Yes	No
June 11, 2018 Special Meeting	Yes	No	No
June 12, 2018	Yes	Yes	No

Meeting Date	Agenda Posted On Time	Synopsis Posted within 3 Days	Minutes Posted
June 19, 2018	Yes	Yes	No
June 26, 2018	Yes	Yes	No

#### **AD-HOC Committee for Development Services**

Meeting Type	Agenda Posted On Time	Minutes Posted
January 25, 2018	Yes	No
March 22, 2018	Yes	No
May 24, 2018	Yes	No

#### **Community and Economic Development Committee**

Meeting Type	Agenda Posted On Time	Minutes Posted
January 22, 2018	Yes	No
February 26, 2018	Yes	No
March 25, 2018	Yes	No
April 23, 2018	Yes	No
May 21, 2018	Yes	No
June 25, 2018	Yes	No

#### **Joint Meeting for the Rules and Open Government and Committee of the Whole**

Meeting Type	Agenda Posted On Time	Minutes Posted
January 3, 2018	Yes	No
January 10, 2018	Yes	No
January 17, 2018	Yes	Yes
January 24, 2018	Yes	Yes
January 31, 2018	Yes	No
February 7, 2018	Yes	Yes
February 14, 2018	Yes	Yes
February 21, 2018	Yes	Yes
February 28, 2018 Rules In-Lieu	Yes	No
March 7, 2018	Yes	Yes
March 14, 2018	Yes	No
March 21, 2018	Yes	No
March 28, 2018	Yes	No
April 4, 2018	Yes	No
April 11, 2018	Yes	No
April 18, 2018	Yes	No
April 25, 2018	Yes	No
May 2, 2018	Yes	No
May 9, 2018	Yes	No
May 16, 2018	Yes	No
May 23, 2018	Yes	No
May 30, 2018	Yes	No
June 6, 2018	Yes	No

Meeting Type	Agenda Posted On Time	Minutes Posted
June 13, 2018	Yes	No
June 20, 2018	Yes	No
May 30, 2018	Yes	No

#### **Neighborhood Services and Education Committee**

Meeting Type	Agenda Posted On Time	Minutes Posted
February 8, 2018	Yes	No
March 8, 2018	Yes	No
April 12, 2018	Meeting Cancelled	Meeting Cancelled
June 14, 2018	Yes	No

#### **Public Safety, Finance, and Strategic Support Committee**

Meeting Type	Agenda Posted On Time	Minutes Posted
February 15, 2018	Yes	Yes
March 15, 2018	Yes	No
April 19, 2018	Yes	No
May 17, 2018	Yes	No
June 21, 2018	Yes	No

#### **Smart Cities and Service Improvements Committee**

Meeting Type	Agenda Posted On Time	Minutes Posted
February 1, 2018	Yes	No
March 1, 2018	Yes	No
April 5, 2018	Yes	No
May 3, 2018	Yes	No
June 7, 2018	Yes	No

#### **Transportation and Environment Committee**

Meeting Type	Agenda Posted On Time	Minutes Posted
February 5, 2018	Yes	Yes
March 6, 2018	Yes	Yes
April 2, 2018	Yes	No
May 7, 2018	Yes	No
June 4, 2018	Yes	No

#### **Appeals Hearing Board**

Meeting Type	Agenda Posted On Time	Minutes Posted
January 25, 2018	Cancelled Meeting	Cancelled Meeting
February 8, 2018	Yes	Yes
February 22, 2018 Study Session	Yes	Cancelled Meeting
March 8, 2018	Cancelled Meeting	Cancelled Meeting
March 22, 2018	Cancelled Meeting	Cancelled Meeting
April 12, 2018	Yes	Yes
April 26, 2018	Cancelled Meeting	Cancelled Meeting
May 10, 2018	Cancelled Meeting	Cancelled Meeting

Meeting Type	Agenda Posted On Time	Minutes Posted
May 24, 2018	Yes	Yes
June 14, 2018	Yes	Yes
June 28, 2018	Yes	Yes

#### **Board of Fair Campaign and Political Practices**

Meeting Type	Agenda Posted On Time	Minutes Posted
January 10, 2018	Yes	Yes
February 14, 2018	Cancelled Meeting	Cancelled Meeting
March 14, 2018	Cancelled Meeting	Cancelled Meeting
April 11, 2018	Yes	Yes
May 9, 2018	Yes	Yes
June 13, 2018	Yes	Yes

#### **Civil Service Commission**

Meeting Type	Agenda Posted On Time	Minutes Posted
January 11, 2018	Cancelled Meeting	Cancelled Meeting
January 17/18, 2018	Yes	No
February 1, 2018	Yes	Yes
March 1, 2018	Yes	Yes
April 5, 2018	Cancelled Meeting	Cancelled Meeting
April 24, 2018	Yes	No
May 3, 2018	Yes	Yes
June 5, 2018	Yes	Yes

#### **Deferred Compensation Advisory Committee**

Meeting Type	Agenda Posted On Time	Minutes Posted
March 19, 2018	Yes	Yes
June 18, 2018	Yes	Yes

#### **Planning Commission**

Meeting Type	Agenda Posted On Time	Minutes Posted
January 1, 2018	Yes	Yes
January 24, 2018	Yes	Yes
February 7, 2018	Yes	Yes
February 28, 2018	Yes	Yes
March 7, 2018	Cancelled Meeting	Cancelled Meeting
March 21, 2018	Yes	Yes
April 11, 2018	Yes	Yes
April 25, 2018	Cancelled Meeting	Cancelled Meeting
May 2, 2018	Yes	Yes
May 9, 2018	Yes	Yes
May 23, 2018	Yes	Yes
June 8, 2018	Yes	No
June 13, 2018	Yes	Yes
June 27, 2018	Cancelled Meeting	Cancelled Meeting

**Federated City Employees' Retirement Plan Board of Administration**

<b>Meeting Type</b>	<b>Agenda Posted On Time</b>	<b>Minutes Posted</b>
January 18, 2018 Monthly Meeting	Yes	Yes
February 15, 2018 Monthly Meeting	Yes	Yes
March 15, 2018 Monthly Meeting	Yes	Yes
April 19, 2018 Monthly Meeting	Yes	Yes
May 17, 2018 Monthly Meeting	Yes	Yes
June 21, 2018 Monthly Meeting	Yes	Yes
January 30, 2018 Investment Committee	Yes- Meeting on 1-23-18	Yes
February 27, 2018 Investment Committee	Yes	Yes
March 27, 2018 Investment Committee	Yes	Yes
April 24, 2018 Investment Committee	Yes	Yes
May 22, 2018 Investment Committee	Yes- Meeting on 5-30-18	Yes
June 26, 2018 Investment Committee	Yes	Yes
February 15, 2018 Audit Committee	Yes	Yes
May 17, 2018 Audit Committee	Yes	Yes
March 15, 2018 Governance Committee	Yes	Yes
June 21, 2018 Governance Committee	Yes- Meeting on 5-24-18	Yes
June 7, 2018 Personnel Committee	Yes	Yes

**Police and Fire Retirement Plan Board of Administration**

<b>Meeting Type</b>	<b>Agenda Posted On Time</b>	<b>Minutes Posted</b>
January 4, 2018 Monthly Meeting	Yes	Yes
February 1, 2018 Monthly Meeting	Yes	Yes
March 1, 2018 Monthly Meeting	Yes	Yes
April 4, 2018 Monthly Meeting	Yes	Yes
May 3, 2018 Monthly Meeting	Cancelled Meeting	Cancelled Meeting
June 7, 2018 Monthly Meeting	Yes	Yes
January 23, 2018 Investment Committee	Yes	Yes
February 27, 2018 Investment Committee	Yes	Yes
March 27, 2018 Investment Committee	Yes	Yes
April 24, 2018 Investment Committee	Yes	Yes
May 22, 2018 Investment Committee	Yes	Yes
June 26, 2018 Investment Committee	Yes	Yes
February 15, 2018 Audit Committee	Yes	Yes
May 17, 2018 Audit Committee	Yes	Yes
February 1, 2018 Governance Committee	Yes	Yes
May 3, 2018 Governance Committee	Yes	Yes
January 8, 2018 Disability Committee	Cancelled Meeting	Cancelled Meeting



Meeting Type	Agenda Posted On Time	Minutes Posted
February 5, 2018 Disability Committee	Yes	Yes
March 12, 2018 Disability Committee	Yes	Yes
April 9, 2018 Disability Committee	Yes	Yes
May 7, 2018 Disability Committee	Yes	Yes
June 11, 2018 Disability Committee	Yes	Yes
June 7, 2018 Personnel Committee	Yes	Yes