

Legislation Text

File #: ROGC 23-015, **Version:** 1

Biennial Ethics Review. (Liccardo)

Pursuant to San Jose Charter Section 608, I make the following biennial recommendation for “amendments or changes to the Code of Ethics and its implementing ordinances to the City Council”; specifically that the Council direct the City Attorney and City Manager to:

1. Bring to Council any proposed changes in City ordinances, rules, protocols and processes - including the integration of proposed technology solutions - to better facilitate the production of documents, audio, and video under the Public Records Act and similar transparency laws, to:

- a. Address the rapidly growing volume of Public Records Act requests to the City, in a manner that will:
 - i. Reduce fiscal burden on taxpayers (and concomitant workload on City staff);
 - ii. Reduce delay of record production and improve responsiveness;
 - iii. Reduce errors in failing to turn over relevant records.

b. Identify voluntary protocols that can lawfully encourage media and other entities to better focus their PRA requests to satisfy their (& the public’s) need for information without overburdening understaffed City records offices seeking to comply with voluminous, “fishing expedition” re-productions of audio, video, and paper records. Consider also legislative advocacy-in concert with the League of California Cities and the Big City Mayors’ coalition - to enable mechanisms that will curtail abuse of well-intentioned PRA requirements.

c. Given the rapidly growing inventory and cost of digital records and data, review record destruction policies under City Policy 6.1.5, and return to Council for a public discussion about the appropriate policy, and the best approaches to ensure compliance.

2. On the Brown Act, without creating any additional standing committees under Cal. Govt Code Section 54952(b),

- a. Clearly define the appropriate duration of five-councilmember “groups” formed to avoid Brown Act violations, presumably based on the recency of the Council vote on the matter. Clarify the City’s interpretation of the letter and spirit of the law, and to avoid rigid interpretations that make future discussions of policy matters unreasonably difficult.

- b. Clearly define the scope of issues, such that a Council vote on a large, umbrella issue (e.g. Climate Smart, the City’s affordable housing strategy, or Measure T) will not forevermore preclude communication outside a Brown Act group on a very specific implementation of that strategy.