
FW: City Council agenda - item 2.7 from anonymous community member

From City Clerk <city.clerk@sanjoseca.gov>
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To Agendadesk <Agendadesk@sanjoseca.gov>

From: snipers.lungful5v [REDACTED]
Sent: Monday, February 9, 2026 5:19 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: City Council agenda - item 2.7 from anonymous community member

council agenda
02/10/2026
item 2.7

What is the benefit to
the city by joining
Amicus Curiae briefs?



Given the proposed exclusion to the long-standing Sunshine policy, it would be prudent to describe the benefit in order to assess this departure. The benefit of the Sunshine policy is clearly enumerated. The benefit, if any, in joining in AC briefs is not described in this memo. The impact of the issue being litigated on the San Jose fundings, policies, operations, programs and services should be detailed. One must also consider the amount of time expended by the City Attorney which depletes the amount of time available to devote to other issues. If the benefit of joining is amorphous, perhaps the departure is not warranted.

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What about compliance with the Brown Act?



California's Brown Act requires posting agendas 72 hours before a public meeting.

San Jose's Sunshine policy requires agendas must be released 10 days before City Council meetings, allowing the public and policymakers enough time to digest the complex topics.

"Sunshine waivers" can be issued on such documents as long as they're released within 72 hours of the meeting as mandated by the Brown Act.

This memo fails to contain any mention of compliance with the Brown Act.

What are the timelines to join Amicus Curiae briefs?



The memo lists 6 cases in which the City joined AC briefs and 3 instances in which the City did not join. What were the timelines associated with the 6 cases starting from the time the City was made aware of potential AC briefs?

What were the individual timelines that prevented the City from joining AC briefs in each of the 3 instances?

- conditioning funding on DEI elimination
- deployment of the National Guard, and
- conditioning funding on cooperation with civil immigration enforcement

Did the City Attorney request a sunshine waiver for these 3 instances? if not, why not?

How to assess haste?



Is it prudent to make decisions under excessive speed deadlines?

The proposed exemption implies that decisions must be made in haste - i.e., with excessive speed or urgency.

Should the proposed policy include a provision that the City Attorney must attest to a thorough review of the complete and final draft of the AC brief prior to joining?

Why not limit the proposed exemption to those matters in which the Sunshine policy cannot be complied with instead of all matters?

LIMITED

The memo proposes the the City Attorney be allowed to file AC briefs regards of whether the Sunshine Policy can be complied with or not. It would be prudent for the proposed policy to limit authority to those matters in which the Sunshine Policy timelines cannot be met. Then, the City Attorney can provide the Council with the "informational memo" as outlined in section "Evaluation and Follow-Up" including the timeline prohibiting following the Sunshine policy (and Sunshine Waiver policy).

