



# Memorandum

**TO:** Honorable Mayor &  
City Council

**FROM:** Toni J. Taber, MMC  
City Clerk

**SUBJECT:** The Public Record  
October 2, 2025 – October 9, 2025

**DATE:** October 15, 2025

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## **ITEMS FILED FOR THE PUBLIC RECORD**

### **Letters from Boards, Commissions, and Committees**

#### **Letters from the Public**

1. Letter from Blair Beekman, received October 2, 2025, regarding: sj. Blair Beekman. Thursday. October 2, 2025.....To ask for SF Bay Area openness & accountability, to help shape the future of BAUASI.
2. Letter from Brian Darby, received October 7, 2025, regarding: Reconsideration for public records and virtual comments in meetings.
3. Letter from Michelle Fernandez, received October 7, 2025, regarding: Advancing San José: Enhancements for Plaza de César Chávez.

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Toni J. Taber, MMC  
City Clerk

TJT/tt



Outlook

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sj. Blair Beekman. Thursday, October 2, 2025.....To ask for SF Bay Area openness & accountability, to help shape the future of BAUASI.

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From b. beekman [REDACTED]

Date Thu 10/2/2025 2:15 PM

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Dear BAUASI staff, Approval Authority persons, and the Bay Area community,

As it was described, in the audio recordings, of Approval Authority public meeting, June 12, and more discussed, at the Approval Authority public meeting, Sept 18 there are many different administrative changes & choices, currently being considered, for the future of BAUASI. I hope current BAUASI staff and Approval Authority persons, can learn to make more clear, that these possible upcoming changes, to the future of BAUASI may have had, some beginning early thought & development, from BAUASI and Approval Authority staff, themselves. And possibly ongoing, continual input & ideas, from state & federal government agencies.

New BAUASI/Approval Authority ideas & changes, can include, a possibly more streamlined BAUASI administration, with less staff, and embedded within, a local city govt like the UASIs, of San Diego & Denver. And from this, BAUASI may be developing, easier access & flexibility, to future funding streams, that can include funding, from local NGOs. But the open public process, public participation, and public oversight, may be seriously lacking, in these new ideas.

In the events of 9/11/01, and it's ideas of continual war, an important reminder, that BAUASI was created, at least in part for more organized, accountable, administrative practices, public participation, and public oversight, as ways to develop examples, of accountability & open participatory democracy. These are ideas, that simply try to work towards peace, our better human

reasoning, and long term community sustainability. And that can work to limit war, and its needs of secrecy & opacity. These are efforts, that are simply meant to cause harm, in it's decision making.

As the future of emergency preparedness services, for local communities, will probably continue to have links, with the military industrial complex, and its technologies - I hope the guidelines, of open participatory democracy, accountability, and public oversight, can continue to help remind, and to better develop - the past, present, and future of BAUASI.

It is my current feeling, there is a possible ambivalence, confusion, and apathy, that may be taking place, within local SF Bay Area govts, and everyday community, in how to help offer, critical good thought & open community dialogue, for a more positive future direction of BAUASI.

I think we have to work, to be more clear, honest, and to acknowledge certain realities, at this time. The previous, very well-organized, open, accountable, BAUASI administration & leadership, and its public process, may have been forcibly ended - by emerging new voices & ideas, within BAUASI, and the Approval Authority. And that, there is now, a 3rd BAUASI General Manager in place, in only one year. With much current planning, and busy work, in emergency preparedness, for upcoming SF Bay Area events, in 2026 - a confusion, an apathy, and a tacit compliance, about the future of BAUASI, from Bay Area local govts & communities, in this recent BAUASI fallout, over the past year, may also be taking place.

But I think, in what to most fear, at this time, is that a continued apathy, and lack of constructive dialogue, from local Bay Area govts & communities, about the future direction of BAUASI - may soon bring, federal administration austerity measures & changes to BAUASI. To also note from this, these possible, upcoming federal govt austerity measures, can be very similar, to the new BAUASI administrative ideas & changes, that are being considered & planned, by current BAUASI/Approval Authority staff.

The reason for my letter writing, at this time, is to again remind, the importance of accountability, transparency, public participation & public oversight, as best practices. It is local Bay Area communities, the public process, and open, positive, constructive dialogue, that should be making the decisions, about the future of BAUASI. And not, more hidden, secretive, federal administration, default austerity measures.

As a possible Federal administration austerity program, may be looming - and that may only be serving - some of the future planning ideas, of current BAUASI and Approval Authority - BAUASI has also, very wisely been creating, at this time - the legal framework, for an on-call subcommittee process, that can address important topic matter, such as this. A BAUASI subcommittee process, at this time, could be a very good place, to create an open public review & discussion, in how the future, of a BAUASI administration, can develop & work, in the SF Bay Area.

If asked, and if pressed, in the importance of both, positive good efforts & best practices - I think current BAUASI & Approval Authority persons, would actually be in favor of, wanting to help facilitate, with Bay Area communities - a beginning dialogue & focus, of current questions, ideas, and planning, about the future direction of BAUASI, at this time. From this, local Bay Area communities, can

then offer, important additional ideas, to the process. Such as the importance, of BAUASI beginnings, as an open accountable public process.

I am also hopeful, in how an open subcommittee process, in the near future, can also be of some help, for local Bay Area communities, to more legally discuss, to better clarify, and to arrive at local agreements, in overall questionable federal administration policies & plans, for local Bay Area communities, at this time, as well.

I feel there are ways, BAUASI & local Bay Area communities, can more openly work together at this time, in how to create a future direction for BAUASI. And from this, to avoid a default system, of a more opaque, hidden, & dense, federal government takeover, in how to decide BAUASI's administrative future. To consider a difficult question, in populist terms - Do Bay Area communities, at this time, want to work towards, the good efforts of open democracy, and not the limitations of autocracy, as how to solve these issues ?

At this time, more open, positive, constructive dialogue, information sharing & cooperation, simply may be of much help, for local Bay Area communities, in how to continue to better develop, the long time, federal agency, BAUASI. And it's role, in coordinating & organizing, good emergency preparedness planning, for surrounding Bay Area cities & counties. I think people, from all sides, and all levels of government, would respect, and want to work with these ideas, of open, responsible community democracy. And as we would be following the ideas, of accountability, organization, good communication, and the open public process, that are something of the cornerstones, in how BAUASI was first created, after the events of 9/11/01.

I personally feel, that more openly addressing, previous BAUASI administration best practices, of accountability, good communication, and an open public process, can create a good foundation & framework, in how to help better continue, current BAUASI administration practices. This can give a better understanding, to then more easily & openly consider, the new ideas & plans, of more recent BAUASI & Approval Authority staff. To sum up, and to paraphrase, an important saying - We cannot move into, a more sustainable future, without better understanding & respecting our past. I feel our BAUASI past, simply needs to be more openly talked about, in how to move into, a sustainable BAUASI future.

If there are national security reasons, or legal obligations involved, and that you cannot say more, in why former BAUASI general managers, Craig Dzedzic & Adrienne Bechelli, have moved on from BAUASI - this may be all, that is needed to be said, by BAUASI & Approval Authority staff, at this time. I think this can be fully understood, by most people, within the BAUASI public process.

But from this, I think it will be important, to better consider & develop, some procedural good terms, and a good legal language, in how we can talk about, these past BAUASI general managers, in minimal & appropriate terms, as needed - when their previous, BAUASI planning ideas & overall philosophies, may have important discussion points, within the future of the BAUASI public process.

A good luck, in how we can be developing openness, instead of tacit agreements, based on silence, confusion, & apathy, at this time. I may always be a considered, as a beginner, in the back & forth, and give & take, of local govt & community practices. But I simply have good intentions, in addressing this item. And I am fully willing to listen, and to help contribute, to all points of view, on this matter. I hope Bay Area govts & communities, will want to be, more openly addressing these issues. And that I can get, feedback, conversation, and replies, to the my email letters, I will be sending to yourselves, on this subject, in the fall of 2025.

sincerely,  
blair beekman

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**Fw: Reconsideration for public records and virtual comments in meetings**

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**From** Agendadesk <Agendadesk@sanjoseca.gov>

**Date** Tue 10/7/2025 9:12 AM

**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

 1 attachment (102 KB)

To\_ San José City Mayor and City Council.pdf;

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**From:** City Clerk <city.clerk@sanjoseca.gov>

**Sent:** Tuesday, October 7, 2025 7:12 AM

**To:** Agendadesk <Agendadesk@sanjoseca.gov>

**Subject:** FW: Reconsideration for public records and virtual comments in meetings

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**From:** brian darby [REDACTED]

**Sent:** Tuesday, October 7, 2025 1:35 AM

**To:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Reconsideration for public records and virtual comments in meetings

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**To:** San José City Mayor and City Council

**From:** Brian Darby

**Subject:** Request for Review: Public Records Access, Appeals, and Transparency Rules

**Date:** October 7, 2025

I would like to urge the City Council to initiate a review of San José's current public records access policies, including the appeals process, public comment restrictions, and transparency procedures. The reforms implemented since 2023, while intended to improve administrative efficiency, have significantly curtailed public oversight and accountability. This review is needed to restore public trust, align with best practices across California, and ensure legal defensibility.

## **1. Key Issues Undermining Transparency**

### **A. Elimination of Independent Appeals Review (BFCPP)**

The 2023 removal of the Board of Fair Campaign and Political Practices (BFCPP) from its public records appeals role has stripped residents of an independent review pathway. Denials are now appealed internally to city staff or the Rules and Open Government Committee, compromising impartiality and procedural fairness.

### **B. Conflict of Interest in Privilege Appeals**

Requests denied under attorney-client privilege are now appealed directly to the City Council. This creates a conflict of interest, as councilmembers may be ruling on disclosure of their own communications or those of their colleagues.

### **C. "Voluntary Instructions" Discouraging Broad Requests**

The city website encourages requesters to narrow their records requests, citing keywords, date ranges, and specific departments. While framed as guidance, this may discourage journalists and watchdogs who rely on broader queries to uncover patterns of misconduct.

### **D. Repeated Delays and Request Closures**

Local reporting and litigation have highlighted San José's pattern of serial extensions—up to six over nine months in some cases—resulting in requests being closed without fulfillment. Such practices undermine the California Public Records Act (CPRA)'s intent of timely access.

### **E. Improper Use of Private Accounts**

San José officials, including the former Mayor, have used private emails and messaging apps for public business. Courts have ruled these are subject to disclosure, yet recent reforms weaken the mechanisms to enforce transparency in such instances.

### **F. Elimination of Virtual Public Comment Options**

The city's decision to eliminate remote public comment options, reportedly due to disruptions by a few bad actors, has significantly reduced accessibility for residents unable to attend meetings

in person. This has disproportionately impacted individuals with disabilities, caretaking responsibilities, or transportation barriers, and runs counter to broader civic engagement goals.

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## 2. Comparative Practices Across California

- **San Francisco** faced backlash after suspending its disclosure obligations during emergencies.
- **Mendocino County** was criticized for charging excessive fees, pricing out access.
- **El Dorado County** lost in court (*Getz v. El Dorado*) after claiming large requests were too burdensome without evidence.
- Most cities retain **independent oversight** for appeals or use third-party review in privilege disputes.
- Many jurisdictions have retained **hybrid public comment options** post-pandemic to expand participation.

San José is an outlier in consolidating appeals power within the same body that generates the records in question, and in restricting virtual public comment access despite its demonstrated benefits.

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## 3. Recommendations for Council Action

### A. Reinstate Independent Appeals Review

Restore the BFCPP or create a new semi-independent commission to handle appeals of denied requests.

### B. Use External Counsel for Privilege Appeals

Assign outside legal counsel to conduct in-camera review of records withheld under privilege claims.

### C. Revise Public Guidance Language

Reframe records request instructions to affirm broad requests are legal and legitimate.

### D. Enforce Reasonable Response Timelines

Impose a cap on the number and duration of extensions the city can grant.



#### **E. Require Forwarding of Public Business from Private Accounts**

Adopt a policy mandating that officials forward any city-related messages from private accounts to official city servers.

#### **F. Publish Appeals Log and Outcomes**

Create a public-facing log of appeals, summarizing outcomes and timelines to increase transparency.

#### **G. Legal Audit and Best Practice Review**

Commission a legal audit comparing San José's transparency practices with peer cities and provide recommendations.

#### **H. Restore Hybrid Public Comment Access**

Reinstate the ability for residents to provide virtual public comment during meetings, with appropriate moderation protocols to address disruptions without excluding large segments of the public.

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### **4. Why This Matters**

San José's legitimacy as a democratic institution relies on public trust. That trust is eroded when transparency and access are sacrificed for administrative expediency. A growing number of watchdog groups, legal experts, and community leaders have expressed concern that the city's trajectory places it at odds with the spirit of the CPRA and with public expectations.

Reforming our public access framework is not just a legal imperative—it is a civic one. The City Council has an opportunity to demonstrate leadership by restoring a meaningful balance between efficiency and accountability.

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**Thank you for your attention in this matter.**

**Brian Darby**





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**Fw: Advancing San José: Enhancements for Plaza de César Chávez**

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**From** Agendadesk <Agendadesk@sanjoseca.gov>

**Date** Wed 10/8/2025 9:02 AM

**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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**From:** City Clerk <city.clerk@sanjoseca.gov>

**Sent:** Wednesday, October 8, 2025 7:38 AM

**To:** Agendadesk <Agendadesk@sanjoseca.gov>

**Subject:** FW: Advancing San José: Enhancements for Plaza de César Chávez

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**From:** Michelle Fernandez [REDACTED]

**Sent:** Tuesday, October 7, 2025 10:30 PM

**To:** District 10 <District10@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; Cicirelli, Jon <Jon.Cicirelli@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; Taber, Toni <toni.taber@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District8 <district8@sanjoseca.gov>  
**Cc:** Lomio, Michael <Michael.Lomio@sanjoseca.gov>; Yotam, Avi <Avi.Yotam@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Advancing San José: Enhancements for Plaza de César Chávez

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Dear Mayor Mahan and Members of the City Council,

I'm writing as someone who enjoys attending events in San José and cares about the experiences we create in our public spaces. Plaza de César Chávez, which has long been the heart of the city, should be prioritized for improvement and not just for event goers, but also for families, visitors, and the artists and producers who bring these events to life.

I strongly support the vision put forth by the Plaza Conservancy. Their plan to enhance the park—with a permanent stage, quality sound system, and improved amenities—aims to create a vibrant community hub. What's more, the Plaza is more than just a venue; it's a gathering space where we can celebrate art, culture, and community.

I urge you to support this initiative that not only benefits the Plaza but also uplifts the entire city. Together, let's make our public spaces places of joy and connection.

10/8/25, 9:04 AM

Mail - Rules and Open Government Committee Agendas - Outlook

Best,  
Michelle Fernandez

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