COUNCIL AGENDA: 06-08-10 ITEM: 217



## Memorandum

**TO:** HONORABLE MAYOR AND CITY COUNCIL

FROM: Lee Price, MMC

City Clerk

SUBJECT: PUBLIC CALENDARS

**DATE:** 05-27-10

#### RECOMMENDATION

As recommended by the Rules and Open Government Committee on May 26, 2010 and outlined in the attached memo previously submitted to the Rules and Open Government Committee:

- Accept the report on compliance with Open Government requirements for posting of (a) public calendars by City officials on the City's website; and
- Approve the two minor modifications to the calendar disclosure requirements (b) recommended by the Rules and Open Government Committee:
  - Changing the posting deadline time from Noon to 5:00 p.m.; and (1)
  - When the posting deadline falls on a Monday holiday, extending it to the same (2) time on the following day.

#### **ATTACHMENTS**

1) Calendaring Requirements Revisions

Memorandum from Director of Communications Tom Manheim to the Rules and Open 2) Government Committee dated May 17, 2010

#### 4.3 Calendars of Certain Officials

- A. The following officials must maintain a calendar: the Mayor, City Councilmembers, Chiefs of Staff (or equivalent regardless of title) for the Mayor and City Councilmembers, City Manager, City Clerk, City Attorney, Executive Director of the San Jose Redevelopment Agency, Airport Director, Budget Director, Chief Development Officer, Emergency Services Director, Environmental Services Director, Fire Chief, Finance Director, General Services Director, Housing Director, Information Technology Director, Library Director, Parks Director, Planning Director, Police Chief, Public Works Director, Retirement Director and Transportation Director.
- B. Calendars must include, at a 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. City officials are encouraged to record unscheduled meetings of a material nature with interested parties in any matter coming before a policy body for a vote in which the matter under consideration is discussed.
- C. Each City-related appointment must include the following information: name(s), title(s), affiliated organization(s) and a general statement of the issues discussed. The following information may be exempted:
  - 1. Personal appointments;
  - 2. Information protected by the attorney-client privilege;
  - 3. Information about attorney work product;
  - 4. Information about City staff recruitment;
  - 5. Information about a personnel issue;
  - 6. Information about corporate recruiting and retention
  - 7. Information about criminal investigations and security;
  - 8. Information about whistle-blowers;
  - 9. Information about those who may fear retaliation; and
  - 10) Information that is otherwise prohibited from disclosure.
- D. The Mayor, City Councilmembers, Chiefs of Staff (or equivalent regardless of title) for the Mayor and City Councilmembers, City Manager, City Clerk, City Attorney, Executive Director of the San Jose Redevelopment Agency must publish their calendars to the City's website once a week, on Monday, by 12-5 pm, for the previous seven days, except when the deadline falls on a Monday is a holiday. When the deadline for publishing calendars would otherwise fall on a Monday is a holiday, the deadline will be extended by 24 hours, to Tuesday at 5 pm.

RULES COMMITTEE: 05-26-10

ITEM: H.4



## Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Tom Manheim

SUBJECT: PUBLIC CALENDARS

**DATE:** May 17, 2010

Approved \_\_\_\_\_

Date 5/19/10

#### **RECOMMENDATIONS**

Accept this report on compliance with Open Government requirements for posting of public calendars by City officials on the City's web site.

#### **BACKGROUND**

On August 21, 2007, the City Council approved a Rules and Open Government Committee (ROGC) recommendation requiring the Mayor and Council, their Chiefs of Staff, as well as four appointees (City Manager, City Attorney, City Clerk, and SJRA Executive Director) to maintain and post their calendars with City-related appointments online for the previous seven days. The deadline for posting each week's calendar is noon on the following Monday (see Attachment B for the full language of the provision).

On December 15, 2009, as part of the Mayor's Biennial Ethics Review, the Council directed staff as follows:

Direct the City Manager to review how well we are complying with our requirement to disclosure calendars by Monday at noon and report bimonthly to the Rules and Open Government Committee.

Data reporting was originally scheduled for March. However, confusion over when updated calendars are published for public viewing raised questions about the accuracy of the initial data. Staff is confident that the data upon which this current report is based are accurate.

#### **ANALYSIS**

Staff conducted a weekly review of on-line calendars from March 22 through May 10. The data show that, on average, 68% of the calendars are updated before noon on Mondays, consistent with the calendaring requirement. In most cases when the updating deadline is missed, the calendar is updated later on the same day. In fact, if the deadline were to be extended to close of business on Mondays, it would result in an 84% compliance rate.

RULES COMMITTEE **Date:** May 17, 2010 **Subject:** Public Calendars

Page 2

Attachment A is the compliance report detailing results with explanatory notes for each calendar during the weeks covered by this review period. Inability to comply with requirements due to technical problems or long-term absence is not factored into either of the percentages described above.

Tom Manheim

**Director of Communications** 

For questions please contact Tom Norris, Public Records Manager, at (408) 535-8120.

#### Attachment A

# Public Calendars Weekly Update Status

Mayor			
Deadline	Comp	oliant?*	Notes
	Yes	No	
3/22/2010		<b>✓</b>	Updated at 1:21pm.
3/29/2010	<b>✓</b>		
4/5/2010	<b>✓</b>		
4/12/2010	$\checkmark$		
4/19/2010	<b>✓</b>		
4/26/2010	<b>V</b>		
5/3/2010	<b>~</b>		
5/10/2010	<b>V</b>		
Mayor - Chief of Staff			
Mayor - Chief of Staff Deadline	Сотр	oliant?*	Notes
-	Comp Yes	oliant?* No	Notes
-			Notes  Most recent update was 3/16/2010.
Deadline	Yes	No	
<b>Deadline</b> 3/22/2010	Yes	No ✓	Most recent update was 3/16/2010.
<b>Deadline</b> 3/22/2010 3/29/2010	Yes	No ✓	Most recent update was 3/16/2010.  Updated at 2:19pm
Deadline  3/22/2010  3/29/2010  4/5/2010	Yes	No  V	Most recent update was 3/16/2010.  Updated at 2:19pm
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010	Yes	No  V  V	Most recent update was 3/16/2010.  Updated at 2:19pm
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010  4/19/2010	Yes	No  V  V	Most recent update was 3/16/2010.  Updated at 2:19pm

Monday, May 17, 2010

<sup>\*</sup>On-line calendars must be updated by noon each Monday.

D1 - Councilmember			1
Deadline	Comp	oliant?*	Notes
	Yes	No	
3/22/2010	V		
3/29/2010			Technical problem.
4/5/2010	<b>~</b>		
4/12/2010	V		
4/19/2010	<b>~</b>		
4/26/2010	✓		
5/3/2010		$\checkmark$	Updated at 2:16pm.
5/10/2010	$\checkmark$		
D1 – Chief of Staff		·····	
D1 – Chief of Staff Deadline	Comp	liant?*	Notes
	Comp Yes	oliant?* No	Notes
	_		Notes
Deadline	Yes		Notes  Technical problem.
<b>Deadline</b> 3/22/2010	Yes	No	
<b>Deadline</b> 3/22/2010  3/29/2010	Yes	No	Technical problem.
Deadline  3/22/2010  3/29/2010  4/5/2010	Yes	No	Technical problem.  Most recent update was 4/1/2010
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010	Yes	No	Technical problem.  Most recent update was 4/1/2010  Leave of absence posted for April - June
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010  4/19/2010	Yes	No	Technical problem.  Most recent update was 4/1/2010  Leave of absence posted for April - June  Leave of absence posted for April - June

<sup>\*</sup>On-line calendars must be updated by noon each Monday.

D2 - Councilmember				
Deadline	Comp	oliant?*	Notes	
	Yes	No		
3/22/2010	V			
3/29/2010	V			
4/5/2010	V			
4/12/2010	V		<i>,</i>	
4/19/2010			Technical problem	
4/26/2010	<b>✓</b>			
5/3/2010		V	Updated at 1:43pm.	
5/10/2010		V	Updated at 12:13pm.	
D2 – Chief of Staff				
D2 – Chief of Staff Deadline	Comp	oliant?*	Notes	
	Comp Yes	oliant?* No	Notes	
			Notes	
Deadline	Yes	No	Notes	
<b>Deadline</b> 3/22/2010	Yes	No	Notes	
Deadline  3/22/2010  3/29/2010 **	Yes ✓ ✓	No	Notes	
Deadline  3/22/2010  3/29/2010  4/5/2010	Yes ✓ ✓	No	Notes	
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010	Yes  ✓  ✓	No	Notes	
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010  4/19/2010	Yes  ✓  ✓  ✓	No	Notes	

<sup>\*</sup>On-line calendars must be updated by noon each Monday.

D3 - Councilmember			
Deadline	Comp	oliant?*	Notes
	Yes	No	
3/22/2010	$\checkmark$		
3/29/2010	<b>V</b>		
4/5/2010		$\checkmark$	Most recent update was 3/29/2010
4/12/2010		$\checkmark$	Most recent update was 3/29/2010
4/19/2010		$\checkmark$	Most recent update was 3/29/2010
4/26/2010		$\checkmark$	Most recent update was 3/29/2010
5/3/2010		$\checkmark$	Most recent update was 3/29/2010
5/10/2010			Technical problem.
D3 – Chief of Staff			and the second of the second o
D3 – Chief of Staff Deadline	Comp	oliant?*	Notes
	Comp	oliant?* No	Notes
	_		Notes
Deadline	Yes		Notes
<b>Deadline</b> 3/22/2010	Yes		Notes
<b>Deadline</b> 3/22/2010  3/29/2010	Yes 🗸	No	Notes
Deadline  3/22/2010  3/29/2010  4/5/2010	Yes ✓	No	Notes  Most recent update was 4/12/2010
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010	Yes ✓	No	
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010  4/19/2010	Yes ✓	No	Most recent update was 4/12/2010

<sup>\*</sup>On-line calendars must be updated by noon each Monday.

D4 - Councilmember			
Deadline	Comp	oliant?*	Notes
1	Yes	No	
3/22/2010	$\checkmark$		
3/29/2010	$\checkmark$		
4/5/2010	$\checkmark$		
4/12/2010	$\checkmark$		
4/19/2010	$\checkmark$		
4/26/2010	V		
5/3/2010	$\checkmark$		
5/10/2010		$\checkmark$	Most recent update was 5/3/2010.
D4 – Chief of Staff			
Deadline	Comp	liant?*	Notes
	Yes	No	
3/22/2010	$\checkmark$		
3/29/2010			
4/5/2010			
4/12/2010	$\checkmark$		
4/19/2010	✓		:
4/26/2010	$ \checkmark $		
5/3/2010	$\checkmark$		
5/10/2010	$\checkmark$		

<sup>\*</sup>On-line calendars must be updated by noon each Monday.

D5 - Councilmember		
Deadline	Compliant?*	Notes
	Yes No	
3/22/2010	<b>V</b>	
3/29/2010	$ leve{}$	
4/5/2010		
4/12/2010		
4/19/2010	<b>Y</b>	
4/26/2010		
5/3/2010		
5/10/2010		Updated at 12:02pm.
		·
D5 – Chief of Staff	: · · · · · · · · · · · · · · · · · · ·	
D5 – Chief of Staff Deadline	Compliant?*	Notes
	Compliant?* Yes No	Notes
	<del>-</del> .	<b>Notes</b> 1 day late.
Deadline	Yes No	
<b>Deadline</b> 3/22/2010	Yes No □ ✓	
<b>Deadline</b> 3/22/2010  3/29/2010	Yes No      ✓	1 day late.
Deadline  3/22/2010  3/29/2010  4/5/2010	Yes No	1 day late.
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010	Yes No  U U U U U U U U U U U U U U U U U U	1 day late.
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010  4/19/2010	Yes No  V  V  V  V  V  U	1 day late.

<sup>\*</sup>On-line calendars must be updated by noon each Monday.

D6 - Councilmember			
Deadline	Comp	oliant?*	Notes
	Yes	No	
3/22/2010	<b>✓</b>		
3/29/2010	V		
4/5/2010	V		•
4/12/2010	<b>✓</b>		
4/19/2010	V		
4/26/2010	V		
5/3/2010	$\checkmark$		
5/10/2010	V		
D6 – Chief of Staff	·····		
Deadline Deadline	Comr	oliant?*	Notes
	Yes	No	
3/22/2010	V		
3/29/2010	$\checkmark$		
4/5/2010	$\checkmark$		
4/12/2010	<b>~</b>		
4/19/2010		<b>V</b>	Most recent update was 4/14/2010
4/26/2010	$\checkmark$		
5/3/2010	$\checkmark$		
5/10/2010	<b>~</b>		

<sup>\*</sup>On-line calendars must be updated by noon each Monday.

D7 - Councilmember			.1
Deadline	Comp	oliant?*	Notes
	Yes	No	
3/22/2010		$ \checkmark $	Most recent update was 3/15/2010.
3/29/2010		V	Updated at at 1:39pm
4/5/2010		<b>✓</b>	Updated at at 5:56pm
4/12/2010	$\checkmark$		
4/19/2010	<b>~</b>		
4/26/2010	$\checkmark$		~
5/3/2010	V		
5/10/2010		V	Updated at 2:14pm.
D7 – Chief of Staff			
D7 – Chief of Staff Deadline	Comp	oliant?*	Notes
	Comp Yes	oliant?* No	Notes
	_		Notes  Most recent update was 3/4/10.
Deadline	_	No	
<b>Deadline</b> 3/22/2010	Yes	No 🗹	Most recent update was 3/4/10.
<b>Deadline</b> 3/22/2010  3/29/2010	Yes	No ✓ ✓	Most recent update was 3/4/10.  Most recent update was 3/4/2010
Deadline  3/22/2010  3/29/2010  4/5/2010	Yes	No ✓ ✓ ✓	Most recent update was 3/4/10.  Most recent update was 3/4/2010  Most recent update was 4/1/2010
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010	Yes	No  V  V  V	Most recent update was 3/4/10.  Most recent update was 3/4/2010  Most recent update was 4/1/2010  Most recent update was 4/1/2010
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010  4/19/2010	Yes	No  V  V  V	Most recent update was 3/4/10.  Most recent update was 3/4/2010  Most recent update was 4/1/2010  Most recent update was 4/1/2010  Most recent update was 4/1/2010

<sup>\*</sup>On-line calendars must be updated by noon each Monday.

D8 - Councilmember				
Deadline	Comp	oliant?*	Notes	
	Yes	No		
3/22/2010		$\checkmark$	Updated at 5:28pm	
3/29/2010		$\checkmark$	Updated at 4:40pm	
4/5/2010	$\checkmark$			
4/12/2010	$\checkmark$			
4/19/2010	$\overline{\checkmark}$			
4/26/2010	$\checkmark$			
5/3/2010	$\checkmark$			
5/10/2010		V	•	
D8 – Chief of Staff				
D8 – Chief of Staff Deadline	Comp	oliant?*	Notes	
	Comp Yes	oliant?* No	Notes	
	-		Notes Updated at 4:48pm	
Deadline	Yes	No		
<b>Deadline</b> 3/22/2010	Yes	No 🗹	Updated at 4:48pm	
<b>Deadline</b> 3/22/2010  3/29/2010	Yes	No ✓	Updated at 4:48pm	
<b>Deadline</b> 3/22/2010  3/29/2010  4/5/2010	Yes	No  ☑  ☑	Updated at 4:48pm	
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010	Yes	No	Updated at 4:48pm Updated at 1:29pm	
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010  4/19/2010	Yes	No  V  U	Updated at 4:48pm Updated at 1:29pm Updated at 2:42pm	

<sup>\*</sup>On-line calendars must be updated by noon each Monday.

D9 - Councilmember			
Deadline	Comp	oliant?*	Notes
	Yes	No	
3/22/2010		$\checkmark$	Most recent update was 3/15/2010.
3/29/2010		$ \checkmark $	Updated at 12:09pm
4/5/2010		$\checkmark$	Updated at 1:43pm
4/12/2010	V		
4/19/2010		$\checkmark$	Most recent update was 4/12/2010
4/26/2010		$\checkmark$	Updated at 4:06pm
5/3/2010		V	Updated at 1:55pm.
5/10/2010		V	Updated at 1:55pm.
D9 – Chief of Staff			
D9 – Chief of Staff Deadline	Comp	oliant?*	Notes
	Comp Yes	oliant?* No	Notes
	-		Notes
Deadline	Yes		Notes
<b>Deadline</b> 3/22/2010	Yes 🗸	No	<b>Notes</b> Updated at 5:56pm
<b>Deadline</b> 3/22/2010  3/29/2010	Yes 🗸	No	
Deadline  3/22/2010  3/29/2010  4/5/2010	Yes  ✓	No	
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010	Yes ✓	No	
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010  4/19/2010	Yes  ✓	No	Updated at 5:56pm

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				_
D10 - Councilmember				
Deadline	Comp	oliant?*	Notes	
	Yes	No		
3/22/2010		$\checkmark$	Updated at 12:13PM.	
3/29/2010			Technical problem.	
4/5/2010	<b>✓</b>			
4/12/2010	<b>~</b>			
4/19/2010	<b>✓</b>			
4/26/2010	<b>✓</b>			
5/3/2010	V			
5/10/2010		$\checkmark$	Updated at 3:26pm.	
D10 - Chief of Staff			enter de la companya de la companya La companya de la companya de	
D10 - Chief of Staff Deadline	Comp	oliant?*	Notes	
	Comp Yes	oliant?* No	Notes	
			Notes	
Deadline	Yes		Notes	
<b>Deadline</b> 3/22/2010	Yes 🗸	No	Notes	
<b>Deadline</b> 3/22/2010  3/29/2010	Yes 🗸	No	Notes	
Deadline  3/22/2010  3/29/2010  4/5/2010	Yes  ✓	No	Notes	
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010	Yes  ✓  ✓	No	Notes	
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010  4/19/2010	Yes  ✓  ✓  ✓  ✓	No	Notes	

<sup>\*</sup>On-line calendars must be updated by noon each Monday.

City Manager			
Deadline	Comp	liant?*	Notes
	Yes	No	
3/22/2010	<b>V</b>		
3/29/2010	<b>✓</b>		•
4/5/2010	V		
4/12/2010	V		
4/19/2010		$\checkmark$	Updated at 1:22pm
4/26/2010	V		•
5/3/2010	V		
5/10/2010	<b>V</b>		
City Attorney			
City Attorney Deadline	Comp	liant?*	Notes
· ·	Comp Yes	liant?* No	Notes
· ·			Notes  Most recent update was 3/12/2010.
Deadline	Yes	No	
<b>Deadline</b> 3/22/2010	Yes	No ✓	Most recent update was 3/12/2010.
<b>Deadline</b> 3/22/2010 3/29/2010	Yes	No ✓ ✓	Most recent update was 3/12/2010. Updated at at 5:04pm
Deadline  3/22/2010  3/29/2010  4/5/2010	Yes	No  V  V	Most recent update was 3/12/2010. Updated at at 5:04pm
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010	Yes	No  V  V	Most recent update was 3/12/2010. Updated at at 5:04pm Updated at 1:50pm  Most recent update was 4/12/2010
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010  4/19/2010	Yes	No  V  V  V	Most recent update was 3/12/2010.  Updated at at 5:04pm  Updated at 1:50pm

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City Clerk			
Deadline	Compliant?*		Notes
	Yes	No	
3/22/2010	<b>✓</b>		
3/29/2010	V		•
4/5/2010	<b>✓</b>		
4/12/2010	•		
4/19/2010		<b>✓</b>	Updated at at 2:14pm
4/26/2010		V	Most recent update was 4/19/2010
5/3/2010	V		
5/10/2010		V	Most recent update was 5/3/2010.
SJRDA Exec Dir			
SJRDA Exec Dir Deadline	Comp	oliant?*	Notes
	Comp Yes	oliant?* No	Notes
			Notes
Deadline	Yes	No	Notes
<b>Deadline</b> 3/22/2010	Yes 🗹	No	Notes
<b>Deadline</b> 3/22/2010 3/29/2010	Yes  ✓	No	Notes
Deadline  3/22/2010  3/29/2010  4/5/2010	Yes  ✓	No	Notes
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010	Yes  ✓  ✓	No	Notes
Deadline  3/22/2010  3/29/2010  4/5/2010  4/12/2010  4/19/2010	Yes  ✓  ✓  ✓  ✓	No	Notes

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### 4.3 Calendars of Certain Officials

- A. The following officials must maintain a calendar: the Mayor, City Councilmembers, Chiefs of Staff (or equivalent regardless of title) for the Mayor and City Councilmembers, City Manager, City Clerk, City Attorney, Executive Director of the San José Redevelopment Agency, Airport Director, Budget Director, Chief Development Officer, Emergency Services Director, Environmental Services Director, Fire Chief, Finance Director, General Services Director, Housing Director, Information Technology Director, Library Director, Parks Director, Planning Director, Police Chief, Public Works Director, Retirement Director and Transportation Director.
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- C. Each City-related appointment must include the following information: name(s), title(s), affiliated organization(s) and a general statement of the issues discussed. The following information may be exempted:
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  - 2. Information protected by the attorney-client privilege;
  - 3. Information about attorney work product;
  - 4. Information about City staff recruitment;
  - 5. Information about a personnel issue;
  - 6. Information about corporate recruiting and retention
  - 7. Information about criminal investigations and security;
  - 8. Information about whistle-blowers;
  - 9. Information about those who may fear retaliation; and
  - 10) Information that is otherwise prohibited from disclosure.
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