

Open Government Policy**6.1.4****PURPOSE**

The purpose of this policy is to ensure City departments and employees are aware of the Consolidated Open Government and Ethics Resolution, including all other open government policies, and that Departments and Staff understand their responsibilities, access to, facilitation of, and be held accountable to the goals of these open government policies.

The City's Consolidated Open Government and Ethics Resolution, created by recommendations from the City's Sunshine Reform Task Force established in May 2006, provides additional guidance and procedures, in addition to the California Public Records Act, related to public information and access, neighborhood participation, and government accountability, including ethics and conduct, to further promote open, accessible, and inclusive government.

AUTHORITIES

[Consolidated Open Government and Ethics Provisions \(Ordinance No. 29460\)](#)

[Consolidated Open Government and Ethics Provisions \(Resolution No. 77135\)](#)

RELATED CITY POLICIES

[Consolidated Open Government and Ethics Provisions \(Ordinance No. 29460\)](#)

[Consolidated Open Government and Ethics Provisions \(Resolution No. 77135\)](#)

[Title 12 – Ethics and Open Government Provisions](#)

City Administrative Policy Manual Section 1.7.1 – [Use of E-Mail, Internet Services & Other Electronic Media](#)

City Administrative Policy Manual Section 6.1.1 – [Public Records Policy and Protocol](#)

City Administrative Policy Manual Section 6.1.5 – [Records Retention and Disposition](#)

[Council Policy 0-15](#) – Title Code of Ethics for Officials and Employees of the City of San José

DEFINITIONS – General

The following definitions will apply to this policy:

1. Brown Act

“Brown Act” means the Ralph M. Brown Act (Government Code Section 54950 et seq.), as amended. Except as otherwise provided here, the terms and provisions of this Section of the Open Government Policy shall be interpreted in accordance with the applicable definitions

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and provisions of the Brown Act and any administrative or judicial interpretations of the Brown Act.

2. City Boards, Commissions and Committees

“City Boards, Commissions and Committees” means those bodies created by either the City Charter or the City Council excluding the Decision-Making Bodies.

3. City Council

“City Council” means the San José City Council or any other legislative body that is solely made up of all the San José City Councilmembers.

4. Consolidated Open Government and Ethics Resolution

“Consolidated Open Government and Ethics Resolution” means the resolution adopted simultaneously with the Open Government Ordinance in Municipal Code Chapter 12.21, as may be amended, that includes the specific recommendations of the Sunshine Reform Task Force, and amends and consolidates the City's open government and ethics policies and procedures, as adopted by the City Council.

5. Council Appointees

“Council Appointees” means the City Manager, City Attorney, City Clerk, City Auditor, and Independent Police Auditor.

6. Decision-Making Bodies

“Decision-Making Bodies” means those bodies created by either the City Charter or the City Council that, among other functions, powers and duties, receive evidence and make final decisions about matters that cannot be appealed to another City body.

7. Open Government Manager

“Open Government Manager” means the person designated by the City Manager to be responsible to coordinate interdepartmental responses to Public Records Act requests and assist on complex requests.

8. Political Reform Act

“Political Reform Act” means the California Political Reform Act (Government Code Sections 81000 et seq.), as amended. Except as otherwise provided here, the terms and provisions of this Open Government Policy shall be interpreted in accordance with the applicable definitions and provisions of the Political Reform Act and any administrative or judicial interpretations of the Political Reform Act.

9. Public Information

“Public Information” means the content of “public records” as defined in the Public Records Act (California Government Code Sections 7920.000 et seq.), whether provided in

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documentary form, oral communication or other format that contains public information such as computer tape or disc or video or audio recording. Specifically, “public records” includes any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

10. Public Records Act

“Public Records Act” means the California Public Records Act (Government Code Sections 7920.000 et seq.), as amended. Except as otherwise provided here, the terms and provisions of this Section 1 of this Consolidated Open Government and Ethics Resolution shall be interpreted in accordance with the applicable definitions and provisions of the Public Records Act and any administrative or judicial interpretations thereof.

11. Rules and Open Government Committee

“Rules and Open Government Committee” (alternatively, the “Rules Committee”) means the Council Committee established pursuant to the Council Rules of Conduct Resolution, or its successor, that, among other things, considers and makes recommendations to the Council on disputes over Public Record requests.

POLICY

It is the policy of the City of San José that City staff shall adhere to the Consolidated Open Government and Ethics Resolution as those provisions relate to the departments’ mission and to the employees’ general duties. City staff shall also adhere to the City’s Administrative Policy Manual and any other City policy that pertains to open government.

Approved:

/s/ Jennifer A. Maguire
City Manager

January 31, 2024
Date