

Date: February 3, 2007

To: Mayor Esteves, City Council

Cc: Tom Williams, City Manager
Mary Lavelle, City Clerk
Steve Mattas, City Attorney
Rob Devincenzi, Milpitas Post
Lisa Fernandez, San Jose Mercury News

From: Althea Polanski, City Council Member

Subject: Citizens Sunshine Committee

On the agenda for February 6, 2007 is Item # 3 regarding a Citizens Sunshine Committee to oversee the Open Governance Ordinance. After much deliberation and input from citizens of Milpitas, I wish to submit options for review and discussion by the full council. During my tenure on the Milpitas Board of Education, a citizen's oversight committee was appointed to ensure the Board of Education and school district administration adhered to the promises we made to the public during the Bond Election in 1996. The committee worked diligently and ensured the promises made to the voters of Milpitas by the Board of Education were followed. No one objected to the committee or feared their oversight. It was an important element of open government.

In reviewing what has transpired over the past two years on the Milpitas City Council, it is imperative the current City Council ensure the Open Government Ordinance is fairly adhered to by each of us and our administrative staff. The only way this can be done is with citizen oversight. I have nothing to fear by having representatives from our community ensure I adhere to the ordinance. I welcome the opportunity to be held accountable and ensure I am doing the business of the city in an open and honest public forum.

When Councilmember Gomez initiated the first ordinance, I was in agreement with 90% of his proposal. Even though I did not support the current version of the ordinance, it was not because it is not a solid ordinance but that it did not go far enough. The comprehensive proposal from the Community Advisory Commission on the Lobbyist portion was rejected. The proposal to ensure that a current member of the city council could not serve on certain positions within the city was rejected and was one of the specifications in the ordinance that I feel strongly about. In reviewing the agendas of various commission and subcommittee meetings, none of them refer to a "city council subcommittee". The agendas state "for more information on your rights under the open government ordinance or to report a violation of the ordinance, contact the open government commission." This commission does not exist and has not existed since

the adoption of the current ordinance. We are misleading the public and it needs to stop now.

As a city council, we must be willing to take a step back from political differences and let the public know we have nothing to fear and appoint a Citizen's Sunshine Committee. The following are options to ensure a fair and balanced committee.

Option 1

The Mayor and each member of the city council appoint one member to the committee and the two members initially agreed upon by the council become members of the committee. This would constitute a committee of 7 members.

Option 2

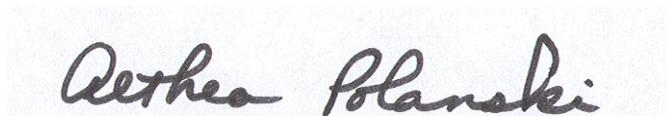
The Mayor and each member of the city council appoint one member to the committee, the two members initially agreed upon by the council become members of the committee and a representative of the media and a representative of a service organization in Milpitas would be selected. This would constitute a committee of 9 members.

Option 3

The Mayor and each member of the city council appoint one member to the committee, a representative from the media is selected and a representative from our service organizations is selected. To ensure the selection of the media and service organization is fair, media names and service organizations serving Milpitas would be put in a container and one from each would be pulled from the container by someone not represented by the council. The media and service organization would choose who their representative would be. This would constitute a committee of 7 members.

There are several variations on these three options. These options are fair, balanced and do not constitute a political numbers game by either faction of the city council. If we truly believe in open government, let us make a decision tonight to ensure the citizens of Milpitas and surrounding communities we are committed to doing the public's business in public.

Respectfully submitted,

A handwritten signature in black ink that reads "Althea Polanski". The signature is written in a cursive, flowing style.

Althea Polanski
Milpitas Council Member