

City of Alameda • California



MEMORANDUM

To: Honorable Members of the Open Government Commission

From: Len Aslanian, Assistant City Attorney

Hearing Date: November 6, 2023

Subject: City's Position Statement re: October 11, 2023 Sunshine Ordinance complaint filed by Shelby Sheehan

Shelby Sheehan's 10/11/23 Sunshine Ordinance complaint is time-barred per Alameda Municipal Code (AMC) Section 2-93.2(a), which states in part: "Any person may file a complaint against any violation of the Sunshine Ordinance no more than fifteen (15) days after the alleged violation."

Ms. Sheehan's complaint concerns City Councilmember and staff actions regarding Council File #2023-3338. Council heard that item not on 10/3/23 (as stated in the complaint) but on 9/19/23. Council File #2023-3338 is available at the following weblink:
<https://alameda.legistar.com/LegislationDetail.aspx?ID=6343422&GUID=4D7858A6-F03A-457E-97C8-87EC534985E5&Options=Advanced&Search=>

Ms. Sheehan filed her complaint on 10/11/23, more than 15 days after the 9/19/23 Council hearing on File #2023-3338, and it is therefore time-barred. City staff advised Ms. Sheehan of this but she nevertheless requested that this hearing be held.

To the extent the Commission hears this complaint despite the time bar, the City's position is that Ms. Sheehan has failed to identify any violations of the Sunshine Ordinance. Specifically, her complaint presents no evidence that City staff did not comply with the agenda requirements of AMC 2-19.9 or that the City Council did not comply with the public comment requirements of AMC 2-91.17. As to PRA 23-438, that request is currently "Open" which means City staff are still actively searching for additional responsive records and may provide them at a later date. The request can be accessed at the following weblink:
<https://cityofalamedaca.nextrequest.com/requests/23-438>

For the reasons noted above, the Commission should dismiss this complaint with a finding that it is unfounded.