

MINUTES OF THE OPEN GOVERNMENT COMMISSION MEETING
MONDAY - - - NOVEMBER 6, 2023 - - - 7:00 P.M.

Chair Chen convened the meeting at 7:00 p.m.

ROLL CALL - Present: Commissioners Miley, Sullivan, Tilos and Chair Chen – 4.

Absent: Commissioner Miyao – 1.

[Staff present: Outside Counsel Eric Lee; City Clerk Lara Weisiger; Base Reuse and Economic Development Director Abby Thorne-Lyman; Strategic Advisor Andrew Thomas]

NON-AGENDA PUBLIC COMMENT

None.

COMPLAINT HEARINGS

3-A. Hearing on Sunshine Ordinance Complaint Filed on October 2, 2023

Shelby Sheehan, Complainant, gave an Opening Statement and Presentation of Facts.

The Strategic Advisor, City/Respondent, gave an Opening Statement and Presentation of Facts.

Commissioners asked questions and Ms. Sheehan, the Strategic Advisor, the City Clerk and Outside Counsel provided responses.

Chair Chen noted that the Complainant should have had an opportunity to respond to the City/Respondent's Opening Statement.

Ms. Sheehan stated her answers to Commission questions are a sufficient response.

Commissioners asked additional questions and responses were provided by the Strategic Advisor.

Ms. Sheehan gave a Closing Statement.

The Base Reuse and Economic Development Director gave a Closing Statement.

Commissioners discussed whether to make a motion or have Commissioner express viewpoints.

Vice Chair Miley and Commissioner Tilos expressed they do not see the grounds to

sustain the complaint.

Commissioner Sullivan stated that he agrees, but does not find the complaint to be unfounded.

Chair Chen outlined reasons she would like the complaint to be denied and unfounded.

Commissioner Tilos moved approval of denying the complaint as unfounded.

Commissioner Miley seconded the motion, which carried by the following roll call vote: Commissioners Miley: Aye; Sullivan: No; Tilos: Aye; and Chair Chen: Aye. Ayes: 3. Noes: 1. [Absent: Commissioner Miyao – 1.]

3-B. Hearing on Sunshine Ordinance Complaint Filed on October 12, 2023

Shelby Sheehan, Complainant, gave an Opening Statement and Presentation of Facts.

The Strategic Advisor, City/Respondent, gave an Opening Statement and Presentation of Facts.

Ms. Sheehan gave a Reply to the City/Respondent Opening Statement and Presentation of Facts.

The Commissioners asked questions and responses were provided by the Strategic Advisor, City Clerk and Ms. Sheehan.

Ms. Sheehan gave a Closing Statement.

The Base Reuse and Economic Development Director gave a Closing Statement.

SPEAKERS

Stated that she was disappointed the Food Bank would no longer be part of the Park; she objects to the City leasing the land to a private organization: Dorothy Freeman, Jean Sweeney Open Space Park Fund.

Stated a direct response was not provided to her inquiry regarding whether the land is Park property; any change in public park property is required to go to the public for a vote; there was no disclosure in first or second reading: Trish Herrera Spencer, Alameda.

The Commission discussed whether the complaint is time barred, with Commissioner Sullivan expressing that he does not find the complaint to be time barred and Commissioner Tilos, Vice Chair Miley and Chair Chen expressing the complaint relates to the September 19th meeting.

Vice Chair Miley indicated the matter may be something to consider to request guidance

in the end-of-year report so that it is clear to the public.

In response to Commissioner Sullivan's inquiry, Outside Counsel outlined Section 2-93.2.a.

The Commission further discussed whether the matter should be considered time barred.

The City Clerk noted staff allowed the Commission to hear the complaint to determine whether it is time barred.

The Commission further discussed whether the matter should be considered time barred and discussed the public records request.

In response to Commissioner Sullivan's inquiry, Outside Counsel gave an overview of how the allegations relate to the September 19th meeting.

After Vice Chair Miley outlined finding options as being denied as unfounded or time barred, the Commission further discussed the matter and agreed the complaint is time barred.

Vice Chair Miley moved approval of dismissing the complaint under jurisdictional grounds as time barred.

Commissioner Tilos seconded the motion, which carried by the following roll call vote: Commissioners Miley: Aye; Miyao: Aye; Sullivan: Aye; Tilos: Aye; and Chair Chen: Aye. Ayes: 4. [Absent: Commissioner Miyao – 1.]

REGULAR AGENDA ITEMS

4-A. Minutes of the August 7, 2023 Meeting

Vice Chair Miley moved approval of the minutes.

Commissioner Tilos seconded the motion, which carried by unanimous voice vote – 4. [Absent: Commissioner Miyao – 1.]

4-B. Discuss the 2023 Annual Report(s), including Possibly Forming Subcommittee(s)

The City Clerk gave an overview of the Annual Report and how it was done in the previous years.

Commissioner Tilos stated there is a very nice framework for each Commissioner to provide input for staff to draft the report, which would be more efficient; a subcommittee is not necessary.

The City Clerk stated the Commission's direction is for staff to proceed with drafting the

Annual Report, including public record requests and highlighting topics discussed by the Commission.

STAFF UPDATE

During the Item 4-B discussion, the City Clerk noted Council has not heard the referral proposing to amend the Sunshine Ordinance.

COMMISSION AGENDA REQUESTS

None.

COMMISSIONER COMMUNICATIONS

None.

ADJOURNMENT

Chair Chen adjourned the meeting at 9:19 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Sunshine Ordinance.