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City of Alameda

Open Government Commission
2263 Santa Clara Avenue, Suite 380
Alameda, CA 94501
(510) 747-4800

Email: Clerk@alamedaca.gov

SUNSHINE ORDINANCE COMPLAINT

A complaint must be filed no more than fifteen (15) calendar days after an alleged violation of the Sunshine Ordinance.

Please check the following:

- ☐ Alleged violation of public records access. Date of request: _____
- ☐ Alleged violation of public meeting. Date of meeting: _____

Complaint against which Department or Commission: _____

Name of individual contacted at Department or Commission: _____

If known, please cite provision(s) being violated. See worksheet of most common alleged violations.

Sunshine Ordinance Section: _____

Describe the alleged violation. Use additional paper if needed. Please attach all relevant documentation supporting your complaint. Documentation is required.

Name: _____ Address: _____

Phone: _____ E-Mail: _____

Date: _____ Signature: _____

☐ Please withhold my address and phone number from the public record.

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Worksheet of Common Alleged Violations

INSTRUCTIONS: This is an optional worksheet to help you submit your complaint. The most common types of complaints are listed first.

Check here if this right was violated	Summary of your rights and accompanying evidence requested in order to help the Open Government Commission make a determination
Sunshine Ordinance 2-92.2(b) 2-92.1	The Department must give you a copy of records or allow you to see them in person without unreasonable delay. Check one: ☐ I requested a copy. ☐ I requested to inspect records in person. Did they reply within ten (10) working days of your request? ☐ Yes ☐ No Did they state they were using an up-to-14 working days extension? ☐ Yes ☐ No Have you received all the records that you requested? ☐ Yes ☐ No
Sunshine Ordinance 2-92.10	The Department must provide an immediate response within one (1) business day, if you ask. An immediate disclosure request shall be satisfied no later than three (3) business days unless the requestor is advised in writing within two (2) business days that additional time is needed because of the volume of records sought. Did you label your request as an Immediate Disclosure Request? ☐ Yes ☐ No Did they give a first reply within the next business day? ☐ Yes ☐ No Did you receive the requested information no later than three (3) business days? ☐ Yes ☐ No Were you advised in writing of a reason for the delay? ☐ Yes ☐ No
Sunshine Ordinance 2-92.11 and 2-92.12	The Department must give you a valid written legal justification for all information that they withheld (refused to give you). By default, all records about the conduct of public business are disclosable, unless there is a specific legal exemption for each piece of information not given to you (withheld). Did they refuse to give you any records or information? ☐ Yes ☐ No Did they explain in writing why all of the information was withheld? ☐ Yes ☐ No Do you believe that the information withheld is actually disclosable? ☐ Yes ☐ No If so, explain why the Department's justification for withholding is wrong. _____
Sunshine Ordinance 2-92.12	The Department can only redact the smallest parts of any record and can't withhold

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	an entire record if only a part of it is exempt. Did the department refuse to provide you any record, when only a part of that record was actually exempt? ☐ Yes ☐ No Did the department redact too much of any record? ☐ Yes ☐ No
Sunshine Ordinance 2-92.11	The Department must clearly indicate why each redaction was made. Did the department redact any part of any records? ☐ Yes ☐ No Is there a footnote or clear reference to justification for every redaction? ☐ Yes ☐ No
Sunshine Ordinance 2-92.17	The Department must provide records in electronic format, if you ask. The department must provide copies of records to you in any electronic format you request, if that format is either available to or easily generated by the Department. Electronic format(s) you requested: _____
Sunshine Ordinance 2-92.13	The Department cannot charge you any fees for the personnel costs of your request (such as for searching or redacting records). Did the Department demand or charge any fees other than the costs of copying the records? ☐ Yes ☐ No
Sunshine Ordinance 2-92.4	Required notices must be posted on the City's Website for a period of at least four (4) years.
Sunshine Ordinance 2-91.5	Agenda posting requires the City Council to post their Agenda twelve (12) days prior to meeting, and other policy bodies to post seven (7) days before a meeting. Does your complaint relate to Agenda posting? ☐ Yes ☐ No Agenda descriptions are required to be clear, concise and written in plain, easy to understand English. Was there an issue with the language on the Agenda? ☐ Yes ☐ No Agenda meeting locations must be listed clearly and accessible to the public. Was there an issue with the posted time or location, or accessing a meeting? ☐ Yes ☐ No Policy bodies may only discuss posted Agenda items. Did the policy body discuss an item that was not on the Agenda? ☐ Yes ☐ No
Sunshine Ordinance 2-91.3	The Department must comply, at minimum, with state-wide public records laws. Certain records must be disclosed due to state-wide laws or court rulings. If your complaint is related to any of the following, please check the box. ☐ CPRA Gov Code 6253(b) - The City must notify you within 10 days whether or not they have disclosable public records responsive to your request. ☐ City of San Jose v. Superior Court (2017) - City officials and employees must search for and provide records related to the conduct of public business that they store on

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	personal property. □ SB 1421, Penal Code 832.7 - Certain police records must be disclosed.
	OTHER: Cite the specific violation of law violated. Explain: _____

Reference: SOTF draft, source: twitter.com/journo_anon