

Lara Weisiger

From: ps4man@comcast.net
Sent: Sunday, June 14, 2020 5:05 PM
To: Marilyn Ezzy Ashcraft; John Knox White; Malia Vella; Jim Oddie; 'Tony_Daysog'
Cc: Eric Levitt; Yibin Shen; Lara Weisiger
Subject: [EXTERNAL] June 16 City Council Special Meeting- Item 2-A-Amendment of Special Meeting Process-
Attachments: SpecialMeetings.docx; SpecialMeetingsCleanCopy.docx

Dear Mayor Ashcraft & Councilmembers Knox-White, Vella. Oddie and Daysog:

I commend Councilmember Vella for this referral. I believe that Sec. 2-91.4 (f) of our Sunshine Ordinance is badly flawed as is the companion section of the Brown Act. Although one of the purposes of a special meeting is to respond to an emergency, the primary purpose of a special meeting noted in the Sec. 2-91.4(f) is to allow a meeting dedicated to one or two distinct issues rather than have these issues absorbed into a long regular meeting agenda. If the meeting is scheduled for this purpose, rather than an emergency, there is every reason to have it scheduled with even more notice to the public than a regular meeting including notice in public media, and to have it scheduled by a resolution of the policy body at a regular meeting, not by the presiding officer.

A perfect example of the need for more notice than a regular meeting is the special meeting on police procedures scheduled for June 17. People know to look for regular meeting agendas 12 days before the regular meeting. They don't anticipate special meetings. Neither the June 11 edition of the Alameda Sun nor Nextdoor contains a notice of this meeting. I found out about it through word of mouth.

I see no reason to have separate rules for special meetings on Charter issues as opposed to any other City business. The policing issue is again a perfect example. It is of paramount public interest.

I have drafted a suggested significant amendment to Sec-91.4 (f) and have attached it in both a redlined and clean form. It is presented as a concept for consideration by Council. The exact wording that would be adopted would be framed by the City Attorney.

Sincerely,

Paul S Foreman

2-91.4 (f) Special meetings of any policy body, including passive meeting bodies that choose to establish regular meeting times, may be ~~called-proposed at any time by the presiding officer thereof or by a majority of the members thereof in an agenda item presented at a regular meeting that identifies the topic, date, and time of said proposed meeting and is approved by a majority of Council and by delivering personally or by mail written notice to each member of such body and the local media who have requested written notice of special meetings in writing and such general notice as required by Sec. 2-91.5 of this Ordinance.~~ Such notice of a special meeting shall be delivered as described herein at least seven (7) days before the time of such meeting, as specified in the notice, with the exception of any urgent matter beyond the control of the City. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the presiding officer or secretary of the body a written waiver of notice. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Each special meeting shall be held at the regular meeting place of the body except that the body may designate an alternate meeting place provided that such alternate location is specified in the notice of the special meeting.

~~Notwithstanding the above, in the event of an urgent matter beyond the control of the City, the presiding officer of any of the above bodies, or the City Manager may call a special meeting with as much notice as possible to each member of the body and the public, given the exigencies of the matter.~~

Commented [PF1]: Special meetings are generally designed to allow a meeting dedicated to one or two subjects instead of burying them in a long regular meeting agenda. Therefore, there is no reason to give authority to the presiding officer to call such a meeting. It should be by majority vote of Council.

Commented [PF2]: I have deleted any requirement of notice to Council since they are the body calling the meeting, but I am requiring written notice to media whether or not they have requested it. Since special meetings are irregular it is essential that more notice than mere posting on the City website occur. You should also consider requiring posting on social media.

Commented [PF3]: Reference to these sections is to cure the omission in the current law which does not require the posting of an agenda on the City Website and to require exactly the same notice requirements as a regular meeting. Again. Special meetings are irregular and should demand at least as much, if not more notice as a regular meeting.

Commented [PF4]: This is to cover urgent matters where there is not time to do the normally required notice,

2-91.4 (f) Special meetings of any policy body, including passive meeting bodies that choose to establish regular meeting times, may be proposed in an agenda item presented at a regular meeting that identifies the topic, date, and time of said proposed meeting and is approved by a majority of Council and by delivering by mail written notice to the local media and such general notice as required by Sec. 2-91.5 of this Ordinance. . No other business shall be considered at such meetings. Each special meeting shall be held at the regular meeting place of the body except that the body may designate an alternate meeting place provided that such alternate location is specified in the notice of the special meeting.

Notwithstanding the above, in the event of an urgent matter beyond the control of the City, the presiding officer of any of the above bodies, or the City Manager may call a special meeting with as much notice as possible to each member of the body and the public, given the exigencies of the matter.