

## Lara Weisiger

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**From:** ps4man@comcast.net  
**Sent:** Wednesday, June 24, 2020 1:18 PM  
**To:** bryan@bryanschwarzlaw.com; 'Catherine Pauling'; heatherlittle9691@gmail.com; 'Rasheed Shabazz'; 'Ruben Tilos'  
**Cc:** Irma Glidden; Lara Weisiger; Michael Roush; John Le; Ashley Zieba; Eric Levitt; Malia Vella  
**Subject:** [EXTERNAL] FW: June 1 OGC meeting-Amending Sec. 2-91.4 (f) Special Meetings (June 24 OGC Agenda Item 3-G)  
**Attachments:** SpecialMeetings.docx; SpecialMeetingsCleanCopy.docx

My email to you of May31 was included in the correspondence file for the postponed June 1 meeting but does not appear in the agenda item addressing the same subject tonight, so I am re-submitting it here.

Since My 31 I have conversed with a Councilmember who is concerned with the only exception to normal notice being an urgent matter beyond the control of Council. He argues that there could be a need for a meeting on shorter notice that does not meet "urgency", but requires less time than it takes to get a majority vote of Council at a regular meeting plus 12 days-notice of the meeting. Our current issue concerning policing might be the kind of scenario his objection addresses. As a solution I suggest that there be three levels of notice:

1. The "normal" procedure of authorization by a majority of a policy body at a regular meeting plus 12 days-notice as provided in my draft.
2. The submission to the City Clerk of a written request for a special meeting on an identified subject signed by two policy body members, in which case the Notice time would be 7 days with full website and media notice as required in Item 1.
3. The existing urgency level as stated in the current Ordinance and in my draft.

Obviously, there may be other ways of dealing with this, but I do think it is an issue which should be addressed.

Paul Foreman

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**From:** ps4man@comcast.net <ps4man@comcast.net>  
**Sent:** Sunday, May 31, 2020 2:26 PM  
**To:** 'Ashley Zieba' <AZieba@alamedaca.gov>; 'bryan@bryanschwarzlaw.com' <bryan@bryanschwarzlaw.com>; 'Catherine Pauling' <cjpauling@gmail.com>; '<heatherlittle9691@gmail.com>' <<heatherlittle9691@gmail.com>>; 'IRMA Glidden' <IGlidden@alamedaca.gov>; 'LARA WEISIGER' <LWEISIGER@alamedaca.gov>; 'Michael Roush' <mroush@alamedacityattorney.org>; 'Rasheed Shabazz' <rasheed@berkeley.edu>; 'Ruben Tilos' <rtilos@yahoo.com>; 'John Le' <jle@alamedacityattorney.org>; 'elevitt@alamedaca.gov' <elevitt@alamedaca.gov>  
**Cc:** Malia Vella <mvella@alamedaca.gov>  
**Subject:** June 1 OGC meeting-Amending Sec. 2-91.4 (f) Special Meetings

Dear Open Government Commission Members and City Manager and Staff:

On March 4 I sent you an email primarily concerning the restoration of some level of enforcement power in the OGC and attached a draft of amendments to Sec. 2-93.2 and 2-93.8. I assume that you will have that before you at the above captioned meeting.

Since that time another issue has been added to your agenda concerning revision of Sec. 2-91.4 (f) concerning special meetings. I have drafted an extensive revision of that section and attach it here in two versions, one that tracks my

revisions and the other which is a clean copy of the same document showing the section in its revised form. Both documents contain identical marginal notes that explain the changes in language.

If anyone wishes to discuss this with me, you may either email or call me at 510-455-1315. As most of you know, I served for four years on the OGC. Therefore, I have a special interest in the efficacy of the OGC role in city government, which is primarily to assure full transparency and public participation in the governing process.

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.