

From: [Mike Van Dine](#)
To: [City Clerk](#)
Subject: [EXTERNAL] File # 2021-700 Agenda # 3-C Hearing on Sunshine Ordinance Complaint Alameda Open Government Commission
Date: Monday, March 1, 2021 7:07:20 PM

Dear Commissioners,

The stated purpose of the Alameda Open Government Commission's role is:

"to advise the City Council on appropriate ways in which to implement the Sunshine Ordinance. The Commission shall develop goals to ensure practical and timely implementation of the ordinance and propose amendments to the ordinance.

And in case some of the commissioners were unclear of what exactly the Sunshine Ordinance is, you can find it defined on the Open Government's own webpage on the City of Alameda's website.

So why then did no other commissioner second Commissioner Reid's motion last meeting to ask City Council if the commission should investigate whether ad hoc committees were violating the Sunshine Ordinance? If you had followed your stated mission then perhaps we would not have this complaint brought forth tonight.

Instead we heard commissioner comments such as:

Do WE have interest in seeing if the Council has interest in Commissioner Reid's motion? Does Commissioner Reid raise this motion because the committees are too diverse? Wonder if requiring committees to involve the public will have a chilling effect on participation. If the committees are open to the public, they won't be able to communicate organically, build relationships and trust outside of public view. Do we even need to weigh in on this. Hasn't City Council dealt with this already?

So here it is, the Sunshine Ordinance, in case you haven't heard:

"An informed public is essential to democracy. It is the goal of the ordinance codified in this article to ensure that the citizens of Alameda have timely access to information, opportunities to address the various legislative bodies prior to decisions being made, and easy and timely access to all public records."

It's your jobs to help make sure this happens.

Please hear this complaint and understand it aims to protect the backbone of our vital Sunshine Ordinance.

Thank you all for your service on the commission.

Mike Van Dine
(510) 205-4101

Sent from my iPhone

From: [Is Sullivan](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Item 3-C on the March 1 OGC Agenda
Date: Monday, March 1, 2021 6:59:26 PM

I urge the Open Government Commission to dismiss Paul Foreman's complaint that the Recreation and Parks Commission violated Alameda's Sunshine Ordinance. I responded to polls and attended presentations regarding the park's renaming. I also attended the City Council meeting where Council heard public comment and voted on renaming the park Chochenyo Park. I felt well-informed throughout the process, and appreciate the work that the Renaming Committee has done to address white supremacy in Alameda.

Sincerely,
Isabel Sullivan

From: [Im Sook Lee](#)
To: [City Clerk](#)
Subject: [EXTERNAL] AD Hoc Committee
Date: Monday, March 1, 2021 6:39:25 PM
Attachments: [ATT00001.txt](#)

Attention: Open Government Commission
Please refer to my attached letter regarding the Park & Rec Sub-committee

Attention: Open Government Commission

Some points below regarding the Rec & Park ad hoc subcommittee to Rename Jackson Park. This particular case had to be used since the police issue has not completed. Greater points about sunshine in general are appropriate.

Some issues:

- subcommittee meetings were not noticed or agendized
- Community Meeting on 11/23/20 was not noticed on Rec and Park Commission website
- Community poll taken during Zoom 11/23/20 meeting included possible voting members of the commission and subcommittees bevause anyone on Zoom could vote
- At regular scheduled 12/10/20 Rec and Park meeting the subcommittee made a presentation with their recommendation that dismissed a community poll with 625 votes because of a biased interpretation. Amy Wooldrige, Park Director stated:

"The demographics of that poll was predominantly over 50, and predominantly white." @

Dec. 10, 2020 Video Meeting:

http://alameda.granicus.com/MediaPlayer.php?view_id=6&clip_id=2697

SEE: 52:45

From: [Alexia Arocha](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Open Government Commission Item 3-C
Date: Monday, March 1, 2021 5:50:30 PM

Dear Members of the Open Government Commission,

I am writing to strongly urge that the Open Government Commission **dismiss Mr. Paul Foreman's complaint** claiming the Recreation and Parks Commission violated Alameda's "Sunshine Ordinance". As someone who participated along the way at multiple points, I fail to see how the process was not both open and engaging with the public. There were meetings, notices, a vibrant social media campaign, conversations, polling during meetings, etc. I am not sure what more folks would want except to create an entirely new process that would impede the sort of success Rename Jackson Park had. We need the bravery and commitment of folks like the members of the Rename Jackson Park Committee to bring attention and historical context to problematic realities of this island we all love.

I also agree with Special Counsel to the Recreation and Parks Commission and Alameda Recreation and Parks Department in that the complaint's requested relief exceeds available legal remedies. This is not my legal area of practice, but it seems clear the few problematic issues were easily remedied and what Mr. Foreman is asking for is beyond the scope of what is possible here. Therefore, this complaint should be dismissed.

Thank you for your time.

Sincerely,
Alexia Arocha, Esq.

From: [Marilyn Rothman](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Paul Foreman complaint
Date: Monday, March 1, 2021 4:50:39 PM

These ad hoc committees are in accordance with the Brown Act.
I am in total agreement with this type of ongoing activity.

Marilyn Rothman
Alameda Resident

From: [Jenice A](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Item 3-C on the March 1st OGC Agenda
Date: Monday, March 1, 2021 4:30:58 PM

I wasn't able to participate directly in the recent Rename Jackson Park committee or the Police Reform Committee but I greatly admire the work that they have done. I have been able to attend the Renaming committees several public meetings and presentations and appreciated the time and thought that they put into dismantling one of our city's many landmarks honoring white supremacy. As I understand our city charter and council's ability to create ad hoc committees I don't see how this commission could give any more credence to Paul Foreman's complaint regarding the Sunshine Ordinance or the Brown Act. I may only have one degree in Government but it's not difficult to see that this committee was neither a policy body or a legislative body. Further, the public had ample opportunity to participate and comment and the committee's recommendations were presented publicly to the City Council who voted on the final outcome. This complaint isn't rooted in procedure or process but in discrediting the work of a committee that was led by a local Black leader and successfully addressed the harmful legacy of genocidal racist Andrew Jackson. Further validating this complaint only serves to disparage the work of the Renaming Committee and the forthcoming recommendations from the Police Reform Steering Committee.

Sincerely,
Jenice Anderson

From: [David Greene](#)
To: [City Clerk](#); [Marilyn Ezzy Ashcraft](#); [Tony Daysog](#); [Trish Spencer](#); [John Knox White](#); [Malia Vella](#)
Subject: [EXTERNAL] City Council Item 3-D
Date: Monday, March 1, 2021 3:34:06 PM

Paul Foreman's complaint is valid. The open gov't commission should accept Sunshine Ordinance and larger Brown Act policies. To do otherwise is not "open".

Also: Olson Remcho's Special Counsel letter misses the point. Foreman is looking forward, not asking to defend the Jackson park naming change. Remcho answers a question not even asked by Foreman.... Alameda should get its money back for Remcho's submission; it is off point.

Respectfully,
David Greene
Alameda Resident

From: [Jay](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Item 3-C March 1 2021, agenda - OGC
Date: Monday, March 1, 2021 3:22:13 PM

I would appreciate it if you would include the following as an exhibit in tonight's discussion of Item 3-C.

March 1, 2021

City of Alameda Open Government Commission

RE: Agenda of March 1, 2021 - Item 3-C

Honorable members of the Commission:

As I read Paul Foreman's complaint I interpret it to be related to what he appears to perceive, and with which I agree, that the City Attorney's and City Council's interpretation and application of the Brown Act is incorrect and is, therefore, being misapplied. The argument, as I see it, is not that the recommendation of the Recreation and Parks Commission regarding the renaming of Jackson Park was flawed, rather that the methods used in developing the recommendation constituted a violation of the Brown Act.

I will stipulate, and I believe Mr. Foreman would also, that some of the activities of the Commission were in compliance with the Brown Act. And in this regard, I see no reason to spend the Commission's time in enumerating and/or discussing the activities that have been presented as having been in compliance with the Act.

I am writing to urge the members of the Open Government Commission to render a decision relative to the requirement for including AD HOC committees as a committee format that is, in fact, subject to the mandates of the Brown Act. And I would suggest that the activities of the renaming project be accepted only as an example of possibly flawed compliance which use by this open Government Commission would render the facts related to the renaming process moot and, therefore, not deserving of close scrutiny at this time.

Thank you for your time and attention.

Jay Garfinkle

From: [Jason Biggs](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Item 3-C on the March 1st OGC Agenda
Date: Monday, March 1, 2021 12:59:36 PM

I am writing to urge dismissal of Paul Foreman's flawed and misguided Sunshine Ordinance Complaint filed on February 2nd, 2021. I had a long conversation with Mr. Foreman on February 26th to better understand his complaint, and I have concluded that it is nothing more than Mr. Foreman following a decades-old playbook of obfuscation and minutiae to try and muddy the excellent work done by the Jackson Park Renaming Committee.

Mr. Foreman likes to cite Brown Act 54952(b) to support his complaint, but intentionally omits the second sentence. So I will quote the section in full, and please note the second sentence, which I have italicized for emphasis:

"(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. *However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.*"

Further, the office of the Attorney General of California appears to disagree with Paul Foreman on his interpretation of 54952(b) by providing the following scenario:

"The following illustrates how section 54952(b) operates. A city council creates four bodies to address various city problems. [The 3rd body] Advisory committee comprised of two city councilmembers for the purpose of producing a report in six months on downtown traffic congestion: This committee is an exempt advisory committee because it is comprised solely of less than a quorum of the members of the city council. It is not a standing committee because it is charged with accomplishing a specific task in a short period of time, i.e., it is a limited term ad hoc committee."

Given that the renaming committee does not have a quorum and it was "charged with accomplishing a specific task in a short period time," it is very obviously a "limited term ad hoc committee" and thus not required to adhere to the Brown Act. However, Mr. Foreman will try to explain that this application of 54952(b) to this case is wrong by leveraging obfuscation and minutiae. This is nothing more than attempting to conjure up enough smoke and mirrors to try and diminish the excellent work done by our citizens. Please do not indulge in his tactic, please dismiss this complaint. Thank you.

Regards,
Jason Biggs

From: [Laura Gamble](#)
To: [City Clerk](#)
Subject: [EXTERNAL] OGC Sunshine Ordinance Complaint
Date: Monday, March 1, 2021 10:58:03 AM

Please dismiss the Sunshine Ordinance complaint filed by Paul Foreman. The City staff has already determined these committees to be in alignment with our city charter. This complaint is a waste of city resources and a racist sham.

Laura Gamble

From: [Rosie Gonce](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Please dismiss complaint regarding Chochenyo park
Date: Friday, February 26, 2021 3:30:07 PM

Hello,

I am an Alameda resident who only moved here a couple years ago with our baby. When white supremacist stickers (“patriot front”) showed up on my block we were looking for other places to raise our son.

The renaming of the now Chochenyo park gave me so much hope for Alameda and made me feel like this actually is a place I want to raise my son. We go to Chochenyo often and he already says “Chochenyo” (even though he’s two).

It’s offensive that anyone would have a problem with it. Please dismiss this obscure complaint and make a public statement about this offensive gesture. I’ve been pretty appalled at the blatant racism here in Alameda and I hope it continues to progress.

Sincerely,
Rosie Gonce