

## **Alameda Open Government Commission: Commissioner Communications (LoPilato)**

Preliminary Proposal To Address Possible OGC Procedure / Bylaw Revisions and Ensure OGC's Substantive Compliance With Governing Ordinances via Subcommittee Formation

### **Issues / Potential Opportunities for Improvement:**

1. Lengthy meetings in which agendaized items get postponed and actions delayed, thereby resulting in sub-optimal accessibility for the public and decreased efficiency.
2. Uptick in complaints brought before the Commission may bring to light issues with Sunshine Ordinance compliance beyond the scope of individual complaint resolution.
3. Multiple subsections in the Alameda Municipal Code indicate the Commission can / should be taking additional actions to effectuate implementation of the Sunshine Ordinance. These statutorily-driven actions appear to align with the Commission's desire to report on feedback and complaints from the public, and could be beneficial information for Council and/or Staff.

### **Governing Documents:**

1. City of Alameda Open Government Commission Bylaws
2. Alameda Municipal Code 2-90 *et seq.* (Sunshine Ordinance)
3. Alameda Municipal Code 2-22.1 *et seq.* (Administration: Boards and Commissions: Open Government Commission)

### **Potential Solutions<sup>1</sup> Suggested for Discussion by Commission**

1. Minor modifications to the Open Government Commission Bylaws could result in streamlined Commission meetings. Specific items that might warrant evaluation include:
  - o time limits for individual Commissioner statements during deliberations
  - o adoption of all or part of [Rosenberg's Rules of Order](#) to clarify the meeting "flow" and guardrails (see, e.g. "The Basic Format for an Agenda Item Discussion")
2. Consider forming a subcommittee to track issues related to practical or policy problems encountered in the administration of the Sunshine Ordinance, including but not limited to, identification of trends and issues that come to light via Sunshine Ordinance complaints raised to the Commission. This could potentially be organized around thematic areas / principles, as outlined in Vice Chair Shabazz's March 1, 2021 Commissioner Communication email.
  - o These issues and possible recommendations for improvement could be set forth in a report for the City Council, pursuant to [Alameda Municipal Code 2-22.4\(d\)](#), which states:

"It shall be the duty of the Open Government Commission to (...) [r]eport in writing to the City Council at least once annually on any practical or policy problems encountered in the administration of the Sunshine Ordinance."

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<sup>1</sup> To streamline OGC meetings and ensure the Commission's ability to timely hear complaints and other time-sensitive matters, all of these potential solutions could be undertaken by a properly formed subcommittee of 1-2 Commissioners who conduct their compilation of information and initial drafting outside of meetings. The subcommittees would then report back to the full Commission and Staff under a duly-noticed agenda item with a proposal for the full Commission to deliberate on, modify, accept, or reject.

3. Where there is a specific, time-sensitive issue or trend that warrants a standalone report created by the OGC, the Commission could vote to form a subcommittee to prepare such a report. This may be particularly relevant in instances where a complaint is brought to the OGC that presents problematic barriers to accessibility and transparency in one particular Department. In those instances, the OGC could take a vote - *separate from any findings regarding the merit of the specific complaint* - as to whether a subcommittee should be formed to evaluate the issue further. The Subcomm could then prepare a preliminary report for the full Commission to review, modify, and vote on whether to pass it along to Council.
  - It would be beneficial to have the City Attorneys' Office weigh in on this point, but it appears that this type of report could be prepared pursuant to any of the following Alameda Municipal Code sub-sections:
    - i. [AMC 2-22.4\(e\)](#): "It shall be the duty of the Open Government Commission to (...) [f]rom time to time as the Commission sees fit, issue public reports evaluating compliance with the Sunshine Ordinance by the City or any Department, Office, or Official thereof."
    - ii. [AMC 2-22.4\(f\)](#): "It shall be the duty of the Open Government Commission to (...) [c]onsider ways to informally resolve those complaints and make recommendations to the Council regarding such complaints."
    - iii. [AMC 2-22.4\(b\)](#): "It shall be the duty of the Open Government Commission to (...) [a]dvise City Council on appropriate ways to implement the Sunshine Ordinance."
4. Consider forming a subcommittee to ensure the OGC's compliance with the Sunshine Ordinance provision regarding Notices and Posting of Information. Specifically, [Sunshine Ordinance section 2-92.4\(e\)](#) states: "The Open Government Commission shall review public notices to ensure that they conform to the requirements of this article and work to improve publicly accessible information databases to ensure consistency, equity, timing, and extent of noticing for meetings and other matters of public interest."
  - A subcommittee that monitors notices and postings (to whatever extent appropriate) may help to proactively curtail issues that give rise to complaints and would further the Commission's transparency and accessibility goals.

#### **Next Steps:**

If there is sufficient alignment on resolving the issues identified above, I would propose the Commission request that Staff agendize any or all of the following items for action at a future OGC meeting. (All of these would benefit greatly from Staff guidance on parameters and guardrails.)

1. Creation of a Subcommittee to Review and Identify Potential Revisions to the OGC Bylaws to Maximize Efficiency, Transparency, Accessibility, and Effectiveness of Commission Meetings.
2. Creation of a Subcommittee to Prepare a Preliminary Report On Practical And Policy Problems Encountered In The Administration Of The Sunshine Ordinance (*\*should seek input on whether City Council would like this as an annual or semi-annual report*)
3. Creation of a Procedure By Which The Open Government Commission Can Prepare As-Needed Reports Evaluating Compliance With The Sunshine Ordinance Under Alameda Municipal Code Section 2-22.4(e)
4. Creation of a Subcommittee To Monitor Notices And Postings Of Information Pursuant To Alameda Municipal Code Section 2-92.4(e)