

From: Tony Daysog
Sent: Thursday, August 5, 2021 9:29 PM
To: Eric Levitt <ele vitt@alamedaca.gov>; Yibin Shen <yshen@alamedacityattorney.org>; Lara Weisiger <lweisiger@alamedaca.gov>; Andrew Thomas <athomas@alamedaca.gov>
Cc: Trish Spencer <tspencer@alamedaca.gov>
Subject: Fw: Call for Review - Planning Board meeting of July 26, 2021

City Staff,

I am joining this call for review for all of the votes by the Planning Board at the July 26, 2021 meeting. Thank you.

- Tony Daysog

From: Trish Spencer
Sent: Thursday, August 5, 2021 9:17 PM
To: Tony Daysog
Subject: Fwd: Call for Review - Planning Board meeting of July 26, 2021

----- Forwarded message -----

From: Trish Spencer <tspencer@alamedaca.gov>
Date: Aug 5, 2021 9:12 PM
Subject: Call for Review - Planning Board meeting of July 26, 2021
To: Eric Levitt <ele vitt@alamedaca.gov>, Yibin Shen <yshen@alamedacityattorney.org>, Andrew Thomas <athomas@alamedaca.gov>, Lara Weisiger <lweisiger@alamedaca.gov>
Cc:

Per attachment, Councilmember Daysog and I are calling for review all of the votes by the Planning Board at the July 26, 2021 meeting.

Thank you.

Trish Herrera Spencer
Councilmember, City of Alameda

From: Trish Spencer
Sent: Thursday, August 5, 2021 9:12 PM
To: Eric Levitt <ele vitt@alamedaca.gov>; Yibin Shen <yshen@alamedacityattorney.org>; Andrew Thomas <athomas@alamedaca.gov>; Lara Weisiger <lweisiger@alamedaca.gov>
Subject: Call for Review - Planning Board meeting of July 26, 2021

Per attachment, Councilmember Daysog and I are calling for review all of the votes by the Planning Board at the July 26, 2021 meeting.

Thank you.

Trish Herrera Spencer
Councilmember, City of Alameda

The agenda for the Planning Board meeting of July 26, 2021 listed an incorrect Meeting ID for telephone participants. See, below in italics and a copy of the first page of the agenda is attached hereto.

Due to Governor Executive Order N-29-20, Planning Board members can attend the meeting via teleconference.

For information on public participation see the following:

<https://www.alamedaca.gov/GOVERNMENT/Public-Comment-Guide>

The City will allow public participation via Zoom. Register in advance for this webinar:

https://alamedaca-gov.zoom.us/webinar/register/WN_HmNPnLDhRKS4ygkybMkWjA Meeting ID: 818 4232 4832

For Telephone Participants:

Zoom Phone Number: 669-900-9128

Zoom Meeting ID: 862 6195 1731

Passcode: 260387

The link to "Public Comment Guide for Zoom Meetings," provides at Option 3 that public comments via phone call only (no video connection) could be accessed by calling the phone number 669-900-9128 and entering the Meeting ID printed on the agenda (i.e, 862 6195 1731). Unfortunately, that number was invalid and did not work. Therefore, members of the public who wished to participate by telephone only, not webinar, were excluded from their right to public participation (Government Code sections 54950-54963).

A member of the public brought this to the attention of the Planning Board during the meeting. The City Attorney's Office opined, during the meeting, that since there were two Meeting IDs listed, even though the one under telephone participants was wrong, the correct one was still listed elsewhere in the document, and that was sufficient. With all due respect, it is critical that the agenda list the correct Meeting ID under the phone number for telephone participants. Members of the public should not have to randomly enter numbers in hopes that one of the numbers on the agenda would be successful. Alameda has encouraged access either by webinar or telephone during the last year for public participation. A change cannot happen during a meeting. The public has the right to assume that they will be able to access the meeting via telephone using the Meeting ID listed on the agenda for telephone callers.

The next day, after the Planning Board meeting, Staff revised the agenda to reflect the correct Meeting ID for telephone callers, which is the currently posted version of the agenda. However, it fails to note that this correction was made after the meeting, of course, of no benefit to members of the public as the meeting had already been held. Additionally, the City should consider a policy of not revising agendas after the meeting was held to accurately protect the City's records. Sadly, now Staff's mistake has been concealed to the public.

We hereby Call for Review all votes that occurred at the Planning Board meeting of July 26, 2021, and that correct Meeting IDs for both webinar and telephone participants be listed on the agenda. This will accommodate all members of the public who had wished to participate, including via telephone, one of the options and practices Alameda has provided to the public during Covid-19 under Governor Executive Order N-29-20.



City of Alameda

Meeting Agenda

Planning Board

Monday, July 26, 2021

7:00 PM

Via Zoom

The agenda was revised on July 19, 2021 at 12:00 p.m. to add Items 9-C and 10-A.

Due to Governor Executive Order N-29-20 and Urgency Ordinance No. 3271, Planning Board members can attend the meeting via teleconference. The City will allow public participation via Zoom, for information please see the agenda at <https://alameda.legistar.com/Calendar.aspx> under Planning Board.

Members of the public can watch the meeting via Livestream (http://alameda.granicus.com/MediaPlayer.php?camera_id=3) Comments submitted during the meeting will be read into the record. Comments submitted prior to the meeting will be included in the meeting record.

City Hall will be NOT be open to the public during the meeting.

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Meeting ID: 818 4232 4832

For Telephone Participants:

Zoom Phone Number: 669-900-9128

Zoom Meeting ID: 862 6195 1731

Passcode: 260387

1 CONVENE

2 FLAG SALUTE

3 ROLL CALL

President Teague, Board Members Cisneros, Curtis, Hom, Rothenberg, Ruiz, and Saheba