

From: CReidOpenGov@protonmail.com
To: [Lara Weisiger](#)
Subject: [EXTERNAL] OGC Meeting 9/20/21, Item 3-B
Date: Tuesday, September 14, 2021 12:12:45 PM
Attachments: [We sent you safe versions of your files.msg](#)
[9 20 2021 Agenda Revisions.pdf](#)
[9 20 2021 Issues with PRA Requests.pdf](#)

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

For Agenda Item 3-B
Practical and Policy Problems Encountered on Administration of the Sunshine Ordinance

Correspondence:
Issues with PRA Requests and Agenda Revisions
See attachments.

Thank you,
Carmen

Sent from ProtonMail for iOS

Correspondence

Re: Posted Agendas Revisions

Commissioner Reid
Correspondence
9/20/2021

Agenda revisions should be accurately documented

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.

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: 669-900-9126
Zoom Meeting ID: 818 4232 4832

Agenda changed the following day
without proper indication of
revision.



Planning Board

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Meeting ID: 818 4232 4832

For Telephone Participants:
Zoom Phone Number: 669-900-9126
Zoom Meeting ID: 862 6195 1731

Passcode: 200007

Incorrect Zoom Meeting
ID during duration of
meeting

Revisions

Issue: not all revisions are footnoted with a date and time stamp.

Issues with Public Records Act Requests

Open Government Commission
Commissioner Reid correspondence
September 20, 2021

Purpose of the California Brown Act

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” Gov’t Code § 54950.

California Public Records Act

6250.

In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

(Amended by Stats. 1970, Ch. 575.)

PRA Issues: Attachments not included

From: [Marilyn Ezzy Ashcraft](#), on behalf of [Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>](#)
To: [Eric Levitt](#); [Yibin Shen](#); [Gerry Beaudin](#)
Subject: FW: Item 6-C, proposed PLA, suggested modifications
Date: Sunday, January 20, 2020, 7:29:58 PM
Attachments: [Mission Bay PLA \(highlighted\).pdf](#)
[ATT00001.htm](#)
[We sent you safe versions of your files.msg](#)

Attachment not included

Hello All,

I'm concerned that the proposed PLA language requires adoption by applicants, owners, and developers, but focuses only on the building trades' concerns. This may be because BTC submitted the language, but to be effective, and successful, a PLA should cover more than just an agreement not to strike. Properly negotiated, it should include rights beneficial to all parties. I won't be able to support a one-sided agreement.

I've attached the Project Agreement used by parties, including the San Francisco Building and Construction Trades Council, on the now completed Mission Bay South development in San Francisco which included an affordable housing component. Incidentally, Howard did no work on this project, but says it was considered a success by all involved. It contains language I would like to see in our proposed agreement, including a requirement for good-faith efforts to maximize MBE, WBE and LBE contracts with union firms. (pg. 2)

There's also a "Management's Rights" section on pp. 4 and 5 which includes "no restriction on materials, equipment, design or methods or techniques of construction." This supports project efficiency and cost effectiveness. For example, the use of prefabrication is important in modern construction.

There is also language on pp. 6 (no non-working stewards), 11 (no Black Fridays) and 14 (no provisions that are less favorable to contractor than those uniformly required of contractors) I think we should incorporate.

PRA Issues: Images not included

From: [Marilyn Ezzy Ashcraft](#) on behalf of [Marilyn Ezzy Ashcraft <MEzzyAshcraft@alameda.ca.gov>](#)
To: [Jason Rhine](#); [Samantha Cayoill](#)
Subject: FW: January (HCED) Policy Committee meeting
Date: Monday, December 28, 2020 6:43:48 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

No images included in response

fyi.

Sam, I welcome your suggestions about the East Bay Division suggestion. Thanks!

Marilyn

Marilyn Ezzy Ashcraft
Mayor, City of Alameda
510-747-4745

From: Marilyn Ezzy Ashcraft
Sent: Monday, December 28, 2020 6:42 PM
To: 'Julie Testa' <jtesta@cityofpleasantonca.gov>
Subject: RE: January (HCED) Policy Committee meeting

Hello Julie,

PRA Issues: Exemptions too broad

John Le <jle@alamedacityattorney.org>

Apr 20, 2021, 4:33 PM

to City, me, Lisa ▾

Ms. Reid:

Below is a link to all records responsive to your request, which may be subject to exemptions pursuant to applicable law, including Government Code section 6254(k), which exempts from disclosure "records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, the provisions of the Evidence Code relating to privilege," (e.g., attorney-client privilege, Evid. Code, § 952 ["Confidential communication between client and lawyer"] and Evid. Code, § 954 [attorney client privilege]) (2) Government Code, section 6255 (deliberative process privilege), as disclosure in those instances would inhibit free and candid communication between city officials and their agents on matters within their purview; (3) Evidence Code section 1040 (official information privilege), (i.e., information, the disclosure of which is against the public interest, due to necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice); (4) any information or record implicating privacy interests protected by the California constitution under Government Code section 6255(a).

<https://www.dropbox.com/sh/sbzxnnthvtdb5ha/AAB7d5r8ooST9IG3sW0py5vHa?dl=0>

Please download the documents promptly as the Dropbox link may eventually expire.

John D. Lê

Assistant City Attorney

City of Alameda

2263 Santa Clara Avenue, Room #280

Multiple exemptions used without clear reasons.

PRA Issues: No Link Expiration Date

John Le <jle@alamedacityattorney.org>

Apr 20, 2021, 4:33 PM

to City, me, Lisa ▾

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<https://www.dropbox.com/sh/sbzxnnthvtdb5ha/AAB7d5r8ooST9IG3sW0py5vHa?dl=0>

Please download the documents promptly as the Dropbox link may eventually expire.

John D. Lê

Assistant City Attorney

City of Alameda

2263 Santa Clara Avenue, Room #280

Alameda, CA 94501

Expiration date of link not clearly indicated.

PRA Issues: Masking without any explanation

Example: 5 pages of masking without any explanation

From: [Marilyn Ezzy Ashcraft](#) on behalf of [Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>](#)
To: [Michelle Kola](#)
Subject: FW: Updated PSA Policy - with Management's Rights section attached
Date: Monday, February 1, 2021 5:01:51 PM
Attachments: [Updated PSA Policy - Final Draft - 2.1.2021.docx](#)
[image001.png](#)

Please forward the finalized PSA policy to Andreas Cluver with a message saying the Mayor asked you to forward the final version of this document that was finalized in our Zoom meeting last Friday, January 29. Thanks!

Marilyn Ezzy Ashcraft
Mayor, City of Alameda
510-747-4745

PRA Issues: Calendar does not include dates, times of meetings

[Cancel](#)

Binder1.pdf

...

From: [Michelle Koka](#) on behalf of [Michelle Koka](#) <MKOKA@alamedaca.gov>
To: [Michelle Koka](#); [Michelle Koka](#)
Subject: Accepted: Cal Cities HCED Policy Committee (continuation) Meeting

Calendar does not include date, time of meetings.

Consider for Discussion and Recommendations

1. Exemptions to be used sparingly and with clear reference and explanation to that exemption. Consider asking the City Attorney's Office to create a list of all exemptions used for PRA requests on a monthly basis for review by the OGC.
2. Maskings to include clear description of reason why document or image was masked.
3. Images and documents attached to emails shall be included in PRA requests, unless indicated by the requestor to be omitted.
4. Calendars of officials to include date, time of meetings.

Further recommendation:

For 2021 adoption: Consider all City officials, Staff, Boards, Commissions to be assigned City issued email accounts for all governmental communication, and emails listed on respective webpages to facilitate transparency and compliance with PRA requests.