

**CITY OF ALAMEDA**  
**Memorandum**

**From:** John D. Lê, Assistant City Attorney

**To:** Honorable Members of the Open Government Commission

**Date:** November 4, 2021

**Re:** Respondent City of Alameda's Position Statement Regarding  
Rasheed Shabazz Sunshine Ordinance Complaint, dated October 25,  
2021

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**I. INTRODUCTION:**

Complainant waited over five months to file his complaint about the timeliness of the City's response to his records request. In his complaint, he is ordering the City to make a request to a social media platform for personal social media content of a sitting councilmember.

The records at issue clearly implicate fundamental rights (free speech and association between and among neighbors). Because the law is unclear and unsettled, when evaluating this case, the Commission should balance the public's right to know against these fundamental rights which councilmembers do not jettison when they choose to serve Alamedans on the Council. Indeed, while there is no controlling authority directly on point, the very lack of such binding precedent combined with persuasive authorities suggest private social media content are unlikely to be public records under the Public Records Act.

Most significantly, the City discharged, and perhaps exceeded, its obligations established by law in attempting to request the councilmember's personal social media content. Additionally, the City has already produced what social media content it possessed, owned, or controlled. Accordingly, we ask that the Commission reject this Complaint.

**II. BACKGROUND:**

The Sunshine Ordinance complaint currently before the Open Government Commission ("OGC") was made by a former member of the OGC. He sought and still seeks "NextDoor constituent communications"<sup>1</sup> from the personal NextDoor account of a sitting councilmember.

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<sup>1</sup> It's unclear what is meant by "NextDoor constituent communications". The dictionary definition of "constituent" arguably means all Alameda voters. It is unclear how anyone is able to verify that to fulfill this request. Accordingly, the request is reasonably construed to mean communications between Councilmember Herrera Spender and any Alamedan.

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Complainant made his records request on April 21, 2021. In his complaint, he stated that he expected a response within 10 days (Saturday, May 1, 2021). From that point, Complainant simply sat on his rights; not endeavoring to follow up for over five months. Meanwhile, there was some internal ambiguity about which department was charged with fulfilling and responding to his request. This, along with the lack of records to produce, resulted in delay in the City's response. Staff expects this operational issue to resolve itself with the implementation of NextRequest, a software platform procured by the City to track and respond to CPRA requests.

Over five months later, on October 16, 2021 (a Saturday), Complainant finally emailed the City to check in on his request. Three days later, staff emailed to explain the internal confusion and that the City does not monitor or maintain any such records, which "would be in the care, custody and control of NextDoor". One week later, Complainant filed his complaint: (1) the City failed to timely respond to his request; and (2) the records constituted a "writing" and therefore was subject to the California Public Records Act ("CPRA").<sup>2</sup>

As is custom and practice, staff reached out to Complainant in an effort to informally resolve his complaint, without success.

During the course of its investigation, the City Attorney's Office discovered<sup>3</sup> that the City does maintain an "agency account" on NextDoor. The City owns and controls this account, by and through its Public Information Officer ("PIO"), who is the "Admin User". It is intended for one-way communications ("Broadcast Posts" or "Emergency Alerts"). As the Admin User, the City's PIO approves all users of this account. The City's PIO has confirmed that she has only approved departmental users (e.g., Alameda Police Department, among others). No councilmembers or members of the public have the ability to initiate a post on the City's agency account, although comments to posts have not been disabled and do happen occasionally. Importantly, the City's agency account does not permit the Admin User to access any personal NextDoor accounts member content, such as the content sought by Complainant. Doing so, would require access to a "business or residential Member Account."

On October 28, 2021, the City obtained and produced social media posts on the City's agency account to Complainant.

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<sup>2</sup> Complainant also seems to augment his complaint to request that the City "identify[] a process for timely responses to complaints involving the City Attorney's Office and an accountability mechanism" or "the CAO could develop a policy on how writings or public records of elected officials would be archived". Attachment 2, at page 2. However, the City Attorney's Office would advise against fashioning remedies outside of what is permitted under the Sunshine Ordinance.

<sup>3</sup> Staff in both departments confirmed that they were unaware of the existence of the City's NextDoor agency account prior to the City Attorney's Office's investigation.

III. ARGUMENT:

1. ***Complainant's Sunshine Ordinance complaint is time barred.***

Complainant cites sections 2-92.1 and 2-92.2(c) as having been violated. Essentially, Complainant takes issue with the timeliness of the City's response to his records request. However, the Commission should not look the other way when considering the untimeliness of his complaint.

Although the CPRA does not provide for a statute of limitations, the City's Sunshine Ordinance does so provide. Under the CPRA, the City has 10 days from the date of receiving a complaint to respond. See Alameda Municipal Code (AMC), § 2-92.2 ("Every 'Custodian of Records' shall following receipt of a request for a Public Record, respond to such request within the time frames and in the manner set forth in the Public Records Act, except as otherwise provided for by this article."); Calif. Government Code, § 6253(c) ("Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor."). Complainant cannot plead ignorance as he noted this very point in his original records request.<sup>4</sup> Attachment 2, at page 5.

Under the Sunshine Ordinance (Section 2-93.2), a complainant has 15 days from the alleged violation to file a complaint. The following key facts are not in dispute (see generally Attachment 2):

- Complainant makes a records request on April 21, 2021.
- The City's ten-day response window expired on Saturday, May 1.
- Complainant made no follow-up to his April 21 records request until October 16 (a Saturday).
- Complainant did not file his complaint until October 26, five months and 22 days after the alleged violation.<sup>5</sup>

Accordingly, Complainant's Sunshine Ordinance complaint is time barred.

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<sup>4</sup> On April 21, 2021, at 1:58 PM Rasheed El Shabazz wrote, in part: "As provided in the open records law, Sec. 6253(c), I will expect your response within ten (10) days." Attachment 2, at page 5.

<sup>5</sup> Under California Civil Code section 12, the response deadline rolls to the next business day, which was Monday, May 3. The alleged violation therefore occurred and the limitations period accrued beginning Tuesday, May 4, 2021.

**2. *No controlling legal authority has held that private social media posts to be “public records” as that term is defined in the CPRA.***

At the outset, the City notes that the legal issue of whether social media content of a sitting councilmember is a public record is likely an issue of first impression; one with reasonable arguments on both sides. However, in the absence of controlling appellate decisional authority to the contrary, the Commission should refrain from construing social media content categorically as “public records”. While the Commission has been charged by the Council, through the Sunshine Ordinance, to recommend whether City actions violate relevant applicable laws, this charge does not include creating new and novel theories of violations not clearly established either by legislation (e.g., the Sunshine Ordinance) or controlling decisional authority. (See, e.g. *California Service Station and Auto. Repair Ass’n v. American Home Assur. Co.* [1998] 62 Cal.App.4th 1166, 1175 [We conclude that the courts and the Legislature may create a negligence duty of care, but an administrative agency cannot independently impose a duty of care if that authority has not been properly delegated to the agency by the Legislature.]). In the case of local law, the City Council “is responsible for the formulation of fundamental policy,” and “[a]n unconstitutional delegation of legislative power occurs when the [Council] confers upon an administrative agency unrestricted authority to make fundamental policy decisions.” See *id.* Indeed, “[a]dministrative regulations that alter or amend the statute or enlarge or impair its scope are void and courts not only may, but it is their obligation to strike down such regulations.” (*Morris v. Williams* [1967] 67 Cal.2d 733, 748.)

Here, neither the CPRA nor the Sunshine ordinance specifically mention social media in this context. Similarly, the City’s legal research revealed no binding legal authority addressing private social media content in the CPRA context. The closest case involved Ted Smith who had sought emails and text messages of San Jose city councilmembers. (See generally *City of San Jose v. Superior Ct.* [2017] 2 Cal. 5th 608 [“Ted Smith case”].) There, the Supreme Court held that an official’s emails and text messages stored on private devices are “public records”. Otherwise, public officials could simply hide their most damning public records in this way. However, this eventuality is inapplicable here given the fact that the records at issue—social media content—are public in nature and readily available online in a manner distinct from text messages and emails.

Significantly, the Ted Smith case did not address social media. Emails and text messages, even if personal, differ vastly from social media content, and as such, perhaps should be treated differently, especially since they are:

- Often transitory;
- Not in the exclusive control of the government official;
- Not traditionally used to conduct agency business (in fact, barred by NextDoor’s policies and procedures); and

- Traditionally used for personal association and expression more generally, and specifically, as to NextDoor, between and among neighbors, a quintessential First Amendment activity.

From a policy standpoint, at least two additional reasons militate against finding social media content is categorically a public record. First, the Supreme Court specifically noted that any process for reviewing personal content stored on personal devices must balance the “constitutional rights of its employees” with its “responsibility to search for and disclose public records”. (*City of San Jose*, 2 Cal. 5th at 628.). Second, construing social media content in this way could lead to unintended consequences and thereby significantly burden free expression. Take, for example, retention obligations. Social media is not currently covered by the City’s record retention schedule. For illustrative purposes only, one could consider emails (covered as “correspondence”) to be an analogue. There, the level of burden on the public official is considerable, as the public official would have to preserve their social media posts for at least three years, which could be problematic vis-à-vis certain social media platforms (e.g., SnapChat). This burden could have a chilling effect on a public official’s First Amendment right and practical ability to post or comment on social media, which has become increasingly the chosen mode of communication and expression during the pandemic.

Moreover, although no binding legal authority was identified, the City did encounter nonbinding legal authorities on the topic of social media, further suggesting that private social media posts are not public records within the meaning of the CPRA. (See e.g., *Pacheco v. Hudson* [2018] 415 P.3d 505, 512 [finding contents of judge’s election campaign social media website were not public records of a public body within scope of Inspection of Public Records Act [IPRA], and thus the public had no right to inspect the contents]; *West v. Puyallup* [2018] 2 Wash. App. 2d 586, 599 [City council member’s posts to her personal social media page were not prepared within scope of her official capacity as city council member, and therefore posts were not “public records” within meaning of Public Records Act [PRA]; although almost all of the posts at least referred to government activities, position as city council member did not require that she post on social media, city did not direct that council member prepare the posts, and posts did not contain specific details of council member’s work as a city council member or regarding city council discussions, decisions, or other actions, rather posts merely provided general information about City activities and occasionally about council member’s activities.]; *Nissen v. Pierce City* [2015] 183 Wash. 2d 863, 879 “[E]mployees do not generally act within the scope of employment when they text their spouse about working late or discuss their job on social media. Nor do they typically act within the scope of employment by creating or keeping records purely for private use, like a diary. None of these examples would result in a public record ....”]; Ariz. Op. Att’y Gen. No. I17-004 [July 7, 2017] [“Electronic messages sent or received by a government-issued electronic device or through a social media account provided by a government agency for conducting government business are public records. Messages sent or received by a

private electronic device or through a private social media account implicate the public official's duty to provide a reasonable account of official conduct, but do not themselves harbor public records. Interpreting the statute in this manner is consistent with the statutory text and is mindful of the separation of powers. It is the province of the Legislature, not of this office or the courts, to weigh considerations such as balancing public employee privacy rights with the need for government transparency and accountability.”)]. While not controlling, these authorities further support the position that a public official’s private social media activities are not public records.

**3. *In general practice, social media content on NextDoor is unlikely to be a public record.***

Under the CPRA the term “public record”<sup>6</sup> means “any writing containing information ***relating to the conduct of the public’s business prepared, owned, used, or retained*** by any state or local agency regardless of physical form or characteristics.” (*City of San Jose v. Superior Ct.* [2017] 2 Cal. 5th 608, 617] [Emphasis added].)

- i. The social media content at issue does not categorically relate to the conduct of the people’s business.

Social media content on personal accounts can often be unrelated to the conduct of the people's business. As the California Supreme Court has noted, the following factors determine whether or not information relates to the conduct of the people’s business: “the content itself; the context in, or purpose for which, it was written; the audience to whom it was directed; and whether the writing was prepared by an employee acting or purporting to act within the scope of his or her employment.” *City of San Jose*, 2 Cal. 5th at 618.

While the specific social media content here is not before the Commission, often NextDoor is used to communicate issues of interest or concern between and among neighbors or residents. NextDoor’s purpose, for example, is to be a “hub for trusted connections and the exchange of helpful information, goods, and services.”<sup>7</sup> There is no evidence in the record that Councilmember Herrera Spencer was authorized to act on NextDoor within the scope of her employment. Such behavior could violate NextDoor’s policies for elected officials.<sup>8</sup> See Attachment 3. There is similarly no evidence she was authorized by the Council to so act on NextDoor. It is more likely she was interacting with neighbors/residents in her personal capacity, even if some were constituents or if

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<sup>6</sup> The City’s Sunshine Ordinance does not define the term “public records”.

<sup>7</sup> See [https://help.nextdoor.com/s/article/what-is-nextdoor?language=en\\_US](https://help.nextdoor.com/s/article/what-is-nextdoor?language=en_US) (Last accessed: November 4, 2021).

<sup>8</sup> See [https://help.nextdoor.com/s/article/Nextdoor-for-Public-Agencies-Elected-Officials-Policy?language=en\\_US](https://help.nextdoor.com/s/article/Nextdoor-for-Public-Agencies-Elected-Officials-Policy?language=en_US) (Last accessed: November 4, 2021).

the context incidentally involved some content that would fall within the Council's purview.

- ii. The social media content at issue was not prepared, owned, used, or retained by the City of Alameda.

It is undisputed the City did not prepare, own, use or retain any of the records Complainant is seeking. Indeed, Complainant seems to concede this very fact when he writes that the City should be made to request it from NextDoor:

“For the second violation, the City Attorney’s Office could produce the records. Considering there was another complaint earlier this year which involved a Gmail related to the Police Reform and Racial Equity group: if the City can request records from the Alphabet Group (Gmail), certainly the City could contact Nextdoor or the elected official using Nextdoor to communicate with constituents to produce these public records. Additionally, I'm sure this is a new area of law or public policy, perhaps the CAO could develop a policy on how writings or public records of elected officials would be archived.” See Attachment 2, at page 2.

First, the instance noted above was distinguishable in that the Gmail account at issue was specifically created to facilitate coordination of a City working group charged with considering the topic of police reform and racial equity. This is vastly different from a personal social media account of a sitting councilmember. Second, it is indisputable that the social media account at issue here is distinct from the City’s own “agency account” on NextDoor, from which the City has already produced records. A cursory review of those records indicate that Councilmember Herrera Spencer’s social media comments did not relate to the conduct of the people’s business. Rather, such comments relate only tangentially to the conduct of the people’s business and more than anything else it shows she merely furnished information to neighbors and/or residents.

- iii. The City does not possess, own, or control the records at issue here.

“Appellate courts have generally concluded records related to public business are subject to disclosure if they are in an agency’s actual *or constructive* possession.” (*City of San Jose*, 2 Cal. 5th at 623. [Emphasis in original.]) “[A]n agency has constructive possession of records if it has the right to control the records, either directly or through another person.” *Id.*; see also *Consol. Irrigation Dist. v. Superior Ct.* (2012) 205 Cal. App. 4th 697, 703, 710-11 [finding that a city lacked constructive possession of records prepared and retained by EIR subconsultant because the City had no *contractual right* to subconsultant’s files].

There is no evidence in the record that the City has actual possession of the requested records. Nor does the City have constructive possession. The terms of

Councilmember Herrera Spencer's Member Agreement with NextDoor establishes that she, alone, retains sole ownership over the content, with a perpetual royalty-free license to NextDoor.<sup>9</sup> The Member Agreement makes no mention of the City, which makes sense given that it's a personal account over which the City lacks any possession, custody, or control.

**4. *The City's alleged failure to timely respond to Complainant's records request was the product of excusable neglect.***

Staff members are alleged to have willfully failed to respond to Complainant's records request. However, the delay was simply the product of an honest misunderstanding among staff charged with fulfilling the request. Specifically, staff were unclear about who among them was tasked with responding to Complainant's records request.

Additionally, given Complainant's delay in following up, staff was unclear as to whether a response was even necessary. When staff learned that a response was still required, they moved with all deliberate speed to fulfill the request.

**5. *In the end, the City went beyond its legal obligations under established law of how to fulfill a records request for personal social media content and produced what records it did have under its possession, custody or control.***

To fulfill Complainant's request, staff followed the guidance set forth in the Ted Smith case, as articulated by the California Supreme Court. First, Councilmember Herrera Spencer was made aware, twice, of Complainant's request, yet no responsive records were identified or brought to staff's attention. As noted, this is in keeping with the California Supreme Court's articulation of how to discharge the public duty of obtaining such content. (*City of San Jose*, 2 Cal. 5th at 628-29.) ("Once an agency receives a CPRA request, it must communicate the scope of the information requested to the custodians of its records, although it need not use the precise language of the request."). The City remains unaware of the exact nature and contents of Councilmember Herrera Spencer's personal NextDoor social media content.

It is even possible that no responsive records exist because, as noted above, NextDoor prohibits use of personal accounts for official business.<sup>10</sup> Moreover, in the absence of evidence to the contrary, public officials are presumed to have properly conducted their official duties. Calif. Evid. Code § 664.

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<sup>9</sup> See <https://legal.nextdoor.com/us-member-agreement-2021/>, at par. 4.a. (Last accessed: November 4, 2021).

<sup>10</sup> See NextDoor for Public Agencies Elected Officials Policy ([https://help.nextdoor.com/s/article/Nextdoor-for-Public-Agencies-Elected-Officials-Policy?language=en\\_US](https://help.nextdoor.com/s/article/Nextdoor-for-Public-Agencies-Elected-Officials-Policy?language=en_US)) (Last accessed: November 4, 2021).



Finally, the City has produced what records it could obtain to Complainant. Staff were unaware that the City had an official NextDoor account, referred to above as an “agency account”. Nor did staff know that members of the public could post comments to the City’s agency account, especially since such an account is often used as a one-way communication tool.<sup>11</sup> Nonetheless, once staff was made aware of the existence of the City’s agency account, staff produced all responsive records as quickly as practicable. See Attachment 3.

#### IV. CONCLUSION:

For the foregoing reasons, Staff recommends that the OGC to deny the complaint in its entirety. If the Commission wishes to make recommendations to the Council with respect to future amendments to the Sunshine Ordinance’s applicability to private social media posting, we urge the Commission to do so outside of the adjudicatory context.

#### Attachment(s):

1. Sunshine Ordinance Complaint, dated October 25, 2021.
2. Email communications regarding “Sunshine Ordinance Complaint – PRA for NextDoor Communications”.
3. Email to Complainant, dated October 28, 2021, attaching records from the City’s NextDoor agency account.

cc: Rasheed Shabazz, Complainant (email only)  
Lara Weisiger, City Clerk (email only)

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<sup>11</sup> For example, the City’s NextDoor agency account is often used to communicate with residents about local emergencies or items of public interest, including flooding, road closures, vehicle accidents, etc.

**Attachment 1**

# City of Alameda



OPEN GOVERNMENT COMMISSION  
2263 Santa Clara Avenue, Suite 380  
Alameda, CA 94501  
(510) 747-4800

## SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission: City Attorneys Office

Name of individual contacted at Department or Commission: n/a

- ☒ Alleged violation of public records access.  
☐ Alleged violation of public meeting. Date of meeting: n/a

Sunshine Ordinance Section: 2-92.1, 2-92.2(c)  
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach all relevant documentation supporting your complaint. Documentation is required.

4/21/21 - Made PRA to City Clerk for CM Spencer's Nextdoor Constituent Communications  
10/16/21 - Made follow up inquiry  
10/19/21 - First response from City Attorney; claimed Nextdoor is custodian

**A complaint must be filed no more than fifteen (15) days after an alleged violation of the Sunshine Ordinance.**

Name: Rasheed Shabazz Address: \_\_\_\_\_ \*

Telephone No: \_\_\_\_\_ \* E-mail Address: \_\_\_\_\_

Date: 10/25/2021

Signature \_\_\_\_\_

**Attachment 2**

## John Le

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**From:** Elizabeth Mackenzie  
**Sent:** Wednesday, October 27, 2021 11:55 AM  
**To:** John Le  
**Cc:** Yibin Shen  
**Subject:** FW: [EXTERNAL] Re: Sunshine Ordinance Complaint - PRA for Nextdoor Communications

Please go ahead and prepare a position statement for the City.

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**From:** Lara Weisiger  
**Sent:** Wednesday, October 27, 2021 11:49 AM  
**To:** Elizabeth Mackenzie <[emackenzie@alamedacityattorney.org](mailto:emackenzie@alamedacityattorney.org)>  
**Subject:** FW: [EXTERNAL] Re: Sunshine Ordinance Complaint - PRA for Nextdoor Communications

FYI

**From:** Rasheed @ Berkeley [<mailto:rasheed@berkeley.edu>]  
**Sent:** Wednesday, October 27, 2021 11:37 AM  
**To:** Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>  
**Subject:** Re: [EXTERNAL] Re: Sunshine Ordinance Complaint - PRA for Nextdoor Communications

Thanks for clarifying, Lara. I figured something was up when i noticed no response from you, since you are always responsive.

Grateful for Nextrequest, so far.

I will bring the full complaint forward to OGC.

See you then.

Rasheed

On Tue, Oct 26, 2021 at 5:35 PM Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)> wrote:

Hi Rasheed,

For the first violation, the City's implementation of NextRequest was done exactly to prevent this type of miscommunication. Both Lisa and I would have received a reminder and seen the case was not closed, so you would have received a response. I completely believe this "people" error is being fixed by the computer program.

For the second violation, I believe this matter will need to be heard by the Commission.

Please let me know whether or not you are interested in narrowing your complaint to only the second violation or if you would like both matters addressed at the hearing.

Respectfully,

Lara

**From:** Rasheed @ Berkeley [mailto:[rasheed@berkeley.edu](mailto:rasheed@berkeley.edu)]

**Sent:** Tuesday, October 26, 2021 5:06 PM

**To:** Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>

**Subject:** [EXTERNAL] Re: Sunshine Ordinance Complaint - PRA for Nextdoor Communications

Peace Lara,

Thank you for acknowledging the complaint.

For the first violation, identifying a process for timely responses to complaints involving the City Attorney's Office and an accountability mechanism.

For the second violation, the City Attorney's Office could produce the records. Considering there was another complaint earlier this year which involved a Gmail related to the Police Reform and Racial Equity group: if the City can request records from the Alphabet Group (Gmail), certainly the City could contact Nextdoor or the elected official using Nextdoor to communicate with constituents to produce these public records.

Additionally, I'm sure this is a new area of law or public policy, perhaps the CAO could develop a policy on how writings or public records of elected officials would be archived.

Otherwise, I look forward to the December 6 complaint hearing.

Another exciting Monday night!

Rasheed

On Tue, Oct 26, 2021 at 4:36 PM Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)> wrote:

Hi Rasheed,

Your complaint was received. Can you please let me know if there is any action the City can take to resolve your complaint? And if not, can you please let me know if you are available to attend the December 6, 2021 Open Government Commission meeting for the Complaint Hearing?

Thanks,

Lara

**From:** Rasheed @ Berkeley [mailto:[rasheed@berkeley.edu](mailto:rasheed@berkeley.edu)]  
**Sent:** Tuesday, October 26, 2021 4:09 PM  
**To:** City Clerk <[CLERK@alamedaca.gov](mailto:CLERK@alamedaca.gov)>  
**Subject:** Sunshine Ordinance Complaint - PRA for Nextdoor Communications

Your attachments have been security checked by Mimecast Attachment Protection. Files where no threat or malware was detected are attached.

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Dear City Clerk,

Attached is my Sunshine Ordinance Complaint for the City Attorney's Office's violation of public records access. Below is a recount of correspondence:

- On April 21, I requested public records from the City Clerk's Office. I did not receive a response.
- On October 16, I sent a follow-up email on the status of that request to the City Clerk's Office.
- On October 19, I received an email from the City Attorney's Office that there was a "miscommunication" which I presume contributed to a lack of response. I was informed at that time the City does not maintain the requested records.

There are two violations this complaint seeks to address.

1. First, I did not receive a timely response within the required time frame, per the California Public Records Act which the Alameda Sunshine Ordinance seeks to enhance (see 2-92.1 and 2-92.2(c) supporting Government Code Section 6253.9).
2. Second, the City contends that the records are maintained by Nextdoor. This neither addresses nor negates the fact that an elected official is "writing" to constituents using this platform and those Communications are subject to the CPRA.

Consider this text and the email below additional/relevant documentation to my attached complaint.

I have redacted my address and telephone number due to privacy and safety concerns.

Thank you for your consideration.

Rasheed Shabazz

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

From: **Lisa Cooper** <[lcooper@alamedacityattorney.org](mailto:lcooper@alamedacityattorney.org)>

Date: Tue, Oct 19, 2021 at 9:04 AM

Subject: FW: [EXTERNAL] Re: PRA: Request for Trish Spencer Nextdoor Constituent Communications

To: [rasheed@berkeley.edu](mailto:rasheed@berkeley.edu) <[rasheed@berkeley.edu](mailto:rasheed@berkeley.edu)>

Cc: Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>

Mr. Shabazz,

My apologies. There was a miscommunication between the Clerk's office and myself as to who was going to respond to your PRA.

The City of Alameda does not monitor or maintain any records of Councilmembers use of NextDoor. Any such records would be in the care, custody and control of NextDoor.

Regards, Lisa

Lisa K. Cooper

Paralegal

City of Alameda

[2263 Santa Clara Avenue, Room #280](#)

[Alameda, CA 94501](#)

(510) 747-4764

[lcooper@alamedacityattorney.org](mailto:lcooper@alamedacityattorney.org)

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Confidentiality Notice: This e-mail message, including any attachments, is sent by the Office of the City Attorney for the City of Alameda. It is being sent for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail, delete the message and any attachments and destroy hard copies, if any, of the original message and attachments. Thank you.

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**From:** Rasheed @ Berkeley [<mailto:rasheed@berkeley.edu>]  
**Sent:** Saturday, October 16, 2021 7:59 AM  
**To:** City Clerk <[CLERK@alamedaca.gov](mailto:CLERK@alamedaca.gov)>; Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>  
**Subject:** [EXTERNAL] Re: PRA: Request for Trish Spencer Nextdoor Constituent Communications

Peace Lara,

I'm writing to follow-up on my April 21 request for Councilmember Spencer's Nextdoor communications with the public.

Rasheed

On Wed, Apr 21, 2021 at 1:58 PM Rasheed El Shabazz <[rasheed@berkeley.edu](mailto:rasheed@berkeley.edu)> wrote:

Pursuant to the state open records law Cal. Gov't Code Secs. 6250 through 6276.48, I write to request access to and a copy of all constituent correspondence to and from and comments by Council Member Trish Herrera Spencer using the Nextdoor social media platform. If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$0. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

As provided in the open records law, Sec. 6253(c), I will expect your response within ten (10) days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

I would note that willful violation of the open records law can result in the award of court costs and reasonable attorney fees. See Sec. 6259(d).

Thank you for your assistance. :)

Sincerely,

Rasheed Shabazz

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**Rasheed El Shabazz**

Masters of City Planning | Class of 2021

UC BERKELEY | COLLEGE OF ENVIRONMENTAL DESIGN

[rasheed@berkeley.edu](mailto:rasheed@berkeley.edu) | (510) 520-6519

**Attachment 3**

**John Le**

---

**From:** John Le  
**Sent:** Thursday, October 28, 2021 1:50 PM  
**To:** 'rasheed@berkeley.edu'  
**Subject:** RE: [EXTERNAL] Re: Sunshine Ordinance Complaint - PRA for Nextdoor Communications  
**Attachments:** City nextdoor posts with TS comments.pdf

Hi, Rasheed,

I've been asked to prepare a position statement. As part of my research, I discovered that the City has a NextDoor "agency" account. I do not believe staff was aware of its existence and/or aware that comments are permitted on this account. I certainly was not aware until recently.

Nevertheless, I am attaching a record that may be responsive to your request.

John D. Lê  
Assistant City Attorney  
City of Alameda  
2263 Santa Clara Avenue, Room #280  
Alameda, CA 94501  
(510) 747-4750  
[jle@alamedacityattorney.org](mailto:jle@alamedacityattorney.org)

\*\*\*\*\*  
\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*

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**From:** Elizabeth Mackenzie  
**Sent:** Wednesday, October 27, 2021 11:55 AM  
**To:** John Le <jle@alamedacityattorney.org>  
**Cc:** Yibin Shen <yshen@alamedacityattorney.org>  
**Subject:** FW: [EXTERNAL] Re: Sunshine Ordinance Complaint - PRA for Nextdoor Communications

Please go ahead and prepare a position statement for the City.

---

**From:** Lara Weisiger  
**Sent:** Wednesday, October 27, 2021 11:49 AM  
**To:** Elizabeth Mackenzie <[emackenzie@alamedacityattorney.org](mailto:emackenzie@alamedacityattorney.org)>  
**Subject:** FW: [EXTERNAL] Re: Sunshine Ordinance Complaint - PRA for Nextdoor Communications

FYI

**From:** Rasheed @ Berkeley [<mailto:rasheed@berkeley.edu>]

**Sent:** Wednesday, October 27, 2021 11:37 AM

**To:** Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>

**Subject:** Re: [EXTERNAL] Re: Sunshine Ordinance Complaint - PRA for Nextdoor Communications

Thanks for clarifying, Lara. I figured something was up when i noticed no response from you, since you are always responsive.

Grateful for Nextrequest, so far.

I will bring the full complaint forward to OGC.

See you then.

Rasheed

On Tue, Oct 26, 2021 at 5:35 PM Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)> wrote:

Hi Rasheed,

For the first violation, the City's implementation of NextRequest was done exactly to prevent this type of miscommunication. Both Lisa and I would have received a reminder and seen the case was not closed, so you would have received a response. I completely believe this "people" error is being fixed by the computer program.

For the second violation, I believe this matter will need to be heard by the Commission.

Please let me know whether or not you are interested in narrowing your complaint to only the second violation or if you would like both matters addressed at the hearing.

Respectfully,

Lara

**From:** Rasheed @ Berkeley [<mailto:rasheed@berkeley.edu>]

**Sent:** Tuesday, October 26, 2021 5:06 PM

**To:** Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>

**Subject:** [EXTERNAL] Re: Sunshine Ordinance Complaint - PRA for Nextdoor Communications

Peace Lara,

Thank you for acknowledging the complaint.

For the first violation, identifying a process for timely responses to complaints involving the City Attorney's Office and an accountability mechanism.

For the second violation, the City Attorney's Office could produce the records. Considering there was another complaint earlier this year which involved a Gmail related to the Police Reform and Racial Equity group: if the City can request records from the Alphabet Group (Gmail), certainly the City could contact Nextdoor or the elected official using Nextdoor to communicate with constituents to produce these public records. Additionally, I'm sure this is a new area of law or public policy, perhaps the CAO could develop a policy on how writings or public records of elected officials would be archived.

Otherwise, I look forward to the December 6 complaint hearing.

Another exciting Monday night!

Rasheed

On Tue, Oct 26, 2021 at 4:36 PM Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)> wrote:

Hi Rasheed,

Your complaint was received. Can you please let me know if there is any action the City can take to resolve your complaint? And if not, can you please let me know if you are available to attend the December 6, 2021 Open Government Commission meeting for the Complaint Hearing?

Thanks,

Lara

**From:** Rasheed @ Berkeley [mailto:[rasheed@berkeley.edu](mailto:rasheed@berkeley.edu)]

**Sent:** Tuesday, October 26, 2021 4:09 PM

**To:** City Clerk <[CLERK@alamedaca.gov](mailto:CLERK@alamedaca.gov)>

**Subject:** Sunshine Ordinance Complaint - PRA for Nextdoor Communications

Your attachments have been security checked by Mimecast Attachment Protection. Files where no threat or malware was detected are attached.

Dear City Clerk,

Attached is my Sunshine Ordinance Complaint for the City Attorney's Office's violation of public records access. Below is a recount of correspondence:

- On April 21, I requested public records from the City Clerk's Office. I did not receive a response.
- On October 16, I sent a follow-up email on the status of that request to the City Clerk's Office.
- On October 19, I received an email from the City Attorney's Office that there was a "miscommunication" which I presume contributed to a lack of response. I was informed at that time the City does not maintain the requested records.

There are two violations this complaint seeks to address.

1. First, I did not receive a timely response within the required time frame, per the California Public Records Act which the Alameda Sunshine Ordinance seeks to enhance (see 2-92.1 and 2-92.2(c) supporting Government Code Section 6253.9).
2. Second, the City contends that the records are maintained by Nextdoor. This neither addresses nor negates the fact that an elected official is "writing" to constituents using this platform and those Communications are subject to the CPRA.

Consider this text and the email below additional/relevant documentation to my attached complaint.

I have redacted my address and telephone number due to privacy and safety concerns.

Thank you for your consideration.

Rasheed Shabazz

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

From: **Lisa Cooper** <[lcooper@alamedacityattorney.org](mailto:lcooper@alamedacityattorney.org)>

Date: Tue, Oct 19, 2021 at 9:04 AM

Subject: FW: [EXTERNAL] Re: PRA: Request for Trish Spencer Nextdoor Constituent Communications

To: [rasheed@berkeley.edu](mailto:rasheed@berkeley.edu) <[rasheed@berkeley.edu](mailto:rasheed@berkeley.edu)>

Cc: Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>

Mr. Shabazz,

My apologies. There was a miscommunication between the Clerk's office and myself as to who was going to respond to your PRA.

The City of Alameda does not monitor or maintain any records of Councilmembers use of NextDoor. Any such records would be in the care, custody and control of NextDoor.

Regards, Lisa

Lisa K. Cooper

Paralegal

City of Alameda

[2263 Santa Clara Avenue, Room #280](#)

[Alameda, CA 94501](#)

(510) 747-4764

[lcooper@alamedacityattorney.org](mailto:lcooper@alamedacityattorney.org)

\*\*\*\*\*

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\*\*\*\*\*

**From:** Rasheed @ Berkeley [<mailto:rasheed@berkeley.edu>]

**Sent:** Saturday, October 16, 2021 7:59 AM

**To:** City Clerk <[CLERK@alamedaca.gov](mailto:CLERK@alamedaca.gov)>; Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>

**Subject:** [EXTERNAL] Re: PRA: Request for Trish Spencer Nextdoor Constituent Communications



Peace Lara,

I'm writing to follow-up on my April 21 request for Councilmember Spencer's Nextdoor communications with the public.

Rasheed

On Wed, Apr 21, 2021 at 1:58 PM Rasheed El Shabazz <[rasheed@berkeley.edu](mailto:rasheed@berkeley.edu)> wrote:

Pursuant to the state open records law Cal. Gov't Code Secs. 6250 through 6276.48, I write to request access to and a copy of all constituent correspondence to and from and comments by Council Member Trish Herrera Spencer using the Nextdoor social media platform. If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$0. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

As provided in the open records law, Sec. 6253(c), I will expect your response within ten (10) days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

I would note that willful violation of the open records law can result in the award of court costs and reasonable attorney fees. See Sec. 6259(d).

Thank you for your assistance. :)

Sincerely,

Rasheed Shabazz

--

**Rasheed El Shabazz**

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[rasheed@berkeley.edu](mailto:rasheed@berkeley.edu) | (510) 520-6519

**The following is a summary of City of Alameda Nextdoor posts from July 2020 to October 2021 with comments on City posts by Trish Spencer and screenshots of replies to Alameda resident comments on City posts by Trish Spencer.**

Nextdoor community guidelines for public agencies:

<https://help.nextdoor.com/s/article/Community-Guidelines-for-Public-Agencies-and-Service-Providers>

Nextdoor elected officials policy:

<https://help.nextdoor.com/s/article/Nextdoor-for-Public-Agencies-Elected-Officials-Policy>

*October 21, 2021*

Original City post about APD helping kids walk and roll

TS comment: Great idea! Thank you!

*August 25, 2021*

Original City post regarding slow streets

TS comment: Thank you for posting here 😊

*June 9, 2021*

Original City post with a case update about a robbery arrest

TS comment: Thank you and thanks for sharing on here!

*May 12, 2021*

Original City post about how to prevent car break-ins

TS comment: Thank you, Michaelia. Appreciate this update and reminder.

*January 6, 2021*

Original City post about securing your property to prevent home burglaries and trespassing

TS comment: I filed a referral (request) for City Council to vote to allow Interim Police Chief Fenn provide an update. Takes 3 votes from Council to approve. Is on the Jan. 19th agenda, item 9-B. Please consider emailing Council in advance and calling/zooming in during meeting to support. Thank you.

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4746548&GUID=A8AB5334-055D-4DB1-956A-C0A5DC47D363>

*December 18, 2020*

Original City post about COVID cases surging

Diane A commented: How many cases are in jail/prison? How many cases are in nursing homes?

TS replied: I thought the Alameda City jail was closed years ago. Here's an article announcing closing in 2012.

<https://patch.com/california/alameda/the-last-days-of-the-alameda-city-jail>

TS replied: Here's the link to Alameda County skilled nursing facilities (SNF) covid data. You can scroll through for facilities located in the City of Alameda.

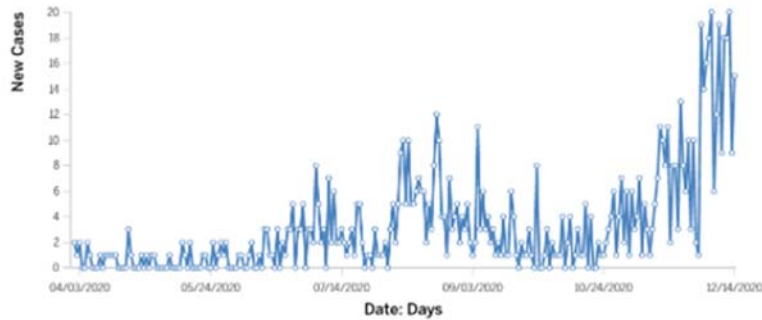
<https://app.powerbigov.us/view?r=eyJrIjoiaZWl4N2NmNDktNzc2OS00ZDY2LWI2NTItZTQwNGEzMjc3OTdiliwidCI6IjMyZmRmZjJjLWY4NmUtNGJhMy1hNDdkLTZhNDRhN2Y0NWE2NCJ9>

TS replied: Also, if you click on the City's data link in their post, they share the County's data on skilled nursing facilities. <https://www.alamedaca.gov/ALERTS-COVID-19/Coronavirus-COVID-19-Cases>



City of Alameda

Public Information Officer Sarah Henry • 18 Dec



December 18 COVID-19 Update. COVID-19 cases are surging. The City of Alameda has had 22% of all our cases to date in the last 14 days. This is the worst we have seen in the 10 months of the pandemic. We must stay home, don't gather with people you don't live with, wear a mask whenever you leave home, and use at least See more...



December 18 COVID-19 Update

[alamedaca.gov](https://www.alamedaca.gov)



Posted to **Subscribers of City of Alameda**

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13 Comments

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12

• 11,381 Impressions

**D** Diane A. • Ballena Bay ...  
 How many cases are in jail/prison? How many cases are in nursing homes?  
 20 Dec Like Reply Share 😊👍 2

**Noelle R.** • Fernside ...  
 I am not sure the City of Alameda has jailed inmates? I would be curious if we have Covid patients in nursing/senior homes within the City of Alameda? These... See more  
 20 Dec Like Reply Share ❤️ 1

**D** Diane A. • Ballena Bay ...  
 Noelle Robbins Alameda does have a jail on Oak Street. And my quick research shows somewhere between 6 & 13 nursing homes.  
 20 Dec Like Reply Share 😊 1

**Noelle R.** • Fernside ...  
 Diane Abel Are there actually any inmates housed at the jail on Oak St? My understanding is that Covid outbreaks in inmate populations have happened in heavily... See more  
 20 Dec Like Reply Share

**D** Diane A. • Ballena Bay ...  
 Noelle Robbins I haven't researched stats about Alameda prison population & won't but know prisoners are shifted from one facility to another & have greater... See more  
 20 Dec Like Reply Share 😊 1

**Trish H.** • East End Zone ...  
 I thought the Alameda City jail was closed years ago. Here's an article announcing closing in... See more  
 22 Dec Like Reply Share 😊 1

**Trish H.** • East End Zone ...  
 Here's the link to Alameda County skilled nursing facilities (SNF) covid data. You can scroll through for facilities located in the City of Alameda.... See more  
 22 Dec Like Reply Share 😊 1

**Trish H.** • East End Zone ...  
 Also, if you click on the City's data link in their post, they share the County's data on skilled nursing facilities.... See more  
 22 Dec Like Reply Share 😊 1

**Public Information Officer Sarah Henry** • City of Alameda ...  
 As Trish H. said, the City does not have anyone in our jail, but the County reports the number of people at Santa Rita jail with COVID here (211 of the 43,736... See more  
 22 Dec Like Reply Share 😊 2

December 9, 2020


Original City post about playgrounds reopening


TS commented: Thank you for quickly updating. Playgrounds reopen, State backtracks.

<https://www.google.com/amp/s/www.kron4.com/news/california/outdoor-playgrounds-can-open-ca-now-says/amp/>

TS replied (to a comment or user that has since been deleted): Reuben Stob, Here's another issue. I expect to be hearing more about risk-benefit analysis. "In a ruling issued Tuesday, Dec. 8, a judge said Los Angeles






County acted “arbitrarily” and without a proper “risk-benefit” analysis when it closed all outdoor dining at restaurants to slow the spread of the coronavirus...Superior Court Judge James Chalfant said in a 53-page decision. “By failing to weigh the benefits of an outdoor dining restriction against its costs, the county [Los Angeles] acted arbitrarily and its decision lacks a rational relationship to a legitimate end,” Chalfant wrote in a tentative ruling, which was later upheld in a hearing Tuesday... [H]e said the county’s assertion that the virus can be spread in restaurants by patrons spending extended periods of time without masks “only weakly supports the closure of outdoor restaurant dining, because it ignores the outdoor nature of the activity, which the CDC (U.S. Centers for Disease Control and Prevention) says carries only a moderate risk, and less with mitigations.” <https://www.dailybreeze.com/2020/12/08/judge-says-la-county-acted-arbitrarily-closing-outdoor-dining-in-tentative-ruling/>


**City of Alameda** ✓  
Public Information Officer Sarah Henry • 9 Dec







Playgrounds allowed to open per State health order. Per the Statewide Stay At Home Order, playgrounds may open to facilitate physically distanced personal health and wellness through outdoor exercise. Masks and distance are required, and you cannot gather with anyone who does not live in your household.


Posted to **Subscribers of City of Alameda**

 Like  4 Comments  Share  17  3,078 Impressions

**Trish H.** • East End Zone

Thank you for quickly updating. Playgrounds reopen, State backtracks.  
<https://www.google.com/amp/s/www.kron4.com/news/california/outdoor-playgrounds-can-open-ca-now-says/amp/> (edited)

46w  Like  Reply  Share  4

**Trish H.** • East End Zone

Reuben Stob, Here's another issue. I expect to be hearing more about risk-benefit analysis.

"In a ruling issued Tuesday, Dec. 8, a judge said Los Angeles County acted "arbitrarily" and without a proper "risk-benefit" analysis when it closed all outdoor dining at restaurants to slow the spread of the coronavirus...Superior Court Judge James Chalfant said in a 53-page decision. "By failing to weigh the benefits of an outdoor dining restriction against its costs, the county [Los Angeles] acted arbitrarily and its decision lacks a rational relationship to a legitimate end," Chalfant wrote in a tentative ruling, which was later upheld in a hearing Tuesday... [H]e said the county's assertion that the virus can be spread in restaurants by patrons spending extended periods of time without masks "only weakly supports the closure of outdoor restaurant dining, because it ignores the outdoor nature of the activity, which the CDC (U.S. Centers for Disease Control and Prevention) says carries only a moderate risk, and less with mitigations."

<https://www.dailybreeze.com/2020/12/08/judge-says-la-county-acted-arbitrarily-closing-outdoor-dining-in-tentative-ruling/>

November 13, 2020

Original City post about the Otis Drive project and construction starting

TS commented: Could any of this money be spent to fix potholes across this town? So many roads have so many potholes. I think Otis is one of the roads with the fewest potholes in this town.

James H replied: Can anything be done to stop lane reduction on the last remaining 4 lane streets in town?

TS replied: James Hudkins like most decisions, you have to have a City Council vote not to do it or to change it.

Elizabeth C replied: Trish Herrera Spencer Potholes are a different category than changing a street configuration

TS replied: Elizabeth Cragen Thanks. Where did you find that? Any City monies? Can they be used for anything else? Thanks.

Janet D commented about people using public transit and not their cars

TS replied: Btw, since Covid-19, AC Transit and BART ridership are significantly down. I wonder if the City has done analysis since Covid-19. Commuter car traffic is almost back to pre-covid levels.

<https://www.masstransitmag.com/management/news/21160814/ca-bay-bridge-traffic-creeping-back-to-near-normal-but-public-transit-patronage-stays-low>

Helen S commented that most of the sidewalks on Otis are bumpy

TS replied: The City could maintain more sidewalks if it chose to; it's not precluded from doing so. It's just not the majority of Council's or more likely staff's priority. Since Covid-19 ridership of buses and BART is significantly down. Traffic on Otis between Bay Farm and South Shore is as bad as ever, which is bad. Traffic to and through the Tube is also bad. Traffic on and off the island is bad. Alameda (really all cities) needs to evaluate ongoing expenditures based on current and anticipated uses, which is more car traffic, not less, as people are cautious about AC Transit and BART, which I get.

<https://www.google.com/amp/s/www.eastbayexpress.com/oakland/transpandemic-can-bart-ac-transit-survive-economic-toll-of-coronavirus/Content%3foid=30818203&media=AMP%2bHTML>





Trish H. • East End Zone

...

Could any of this money be spent to fix potholes across this town? So many roads have so many potholes. I think Otis is one of the roads with the fewest potholes in this town.

14 Nov Like Reply Share

👍❤️👎 16



James H. • East Shore

...

Can anything be done to stop lane reduction on the last remaining 4 lane streets in town?

14 Nov Like Reply Share

❤️👍 6



Trish H. • East End Zone

...

James Hudkins like most decisions, you have to have a City Council vote not to do it or to change it.

14 Nov Like Reply Share

👍❤️👎 5



James H. • East Shore

...

Trish Herrera Spencer Please make serious changes at City Hall as soon as you can. There needs to be drastic changes.

14 Nov Like Reply Share

❤️👍 5



Elizabeth C. • Bronze Coast

...

Trish Herrera Spencer Potholes are a different category than changing a street configuration

14 Nov Like Reply Share



Trish H. • East End Zone

...

Elizabeth Cragen Thanks. Where did you find that? Any City monies? Can they be used for anything else? Thanks.

14 Nov Like Reply Share



Janet D. • Gold Coast

...

Whether or not "road diets" and "traffic calming" measures work is still up for debate. The goal is to get people out of their cars and to use public transit. However, if those two... See more

49w Like Reply Share

👍❤️👎 6



Trish H. • East End Zone

...

Btw, since Covid-19, AC Transit and BART ridership are significantly down. I wonder if the City has done analysis since Covid-19. Commuter car traffic is almost back to pre-covid levels.

<https://www.masstransitmag.com/management/news/21160814/ca-bay-bridge-traffic-creeping-back-to-near-normal-but-public-transit-patronage-stays-low> (edited)

49w Like Reply Share

😊❤️ 3



**H** Helen S. • Harbor Bay Isle ...  
 Yes. It doesn't make sense that the city is not putting a bike line on all of Otis Drive. Riding a bike on sidewalks is not ideal. Most of the sidewalks on Otis are bumpy and... See more  
 15 Nov Like Reply Share 😊 1

**R** Ro L. • Bronze Coast ...  
 As a regular pedestrian in this area, I have also observed several individuals on ADA scooters and wheel chairs using the sidewalks in this area. If bike... See more  
 15 Nov Like Reply Share 🌱 2

**H** Helen S. • Harbor Bay Isle ...  
 Ro Leaphart That is a very good point. My comment was more that the sidewalks on Otis are not wide enough for walkers, scooters and bikes. It appears the... See more  
 15 Nov Like Reply Share 😊🌱 3

**E** Elizabeth C. • Bronze Coast ...  
 Helen Simpson I get your frustration:) My understanding of the goal of the project is that it is to slow down car traffic. Bike lanes are a secondary issue  
 15 Nov Like Reply Share

**J** James H. • East Shore ...  
 Ro Leaphart It takes courtesy and sharing.  
 15 Nov Like Reply Share

**R** Ro L. • Bronze Coast ...  
 James Hudkins agree.  
 15 Nov Like Reply Share 🌱 1

**T** Trish H. • East End Zone ...  
 The City could maintain more sidewalks if it chose to; it's not precluded from doing so. It's just not the majority of Council's or more likely staff's priority. Since Covid-19 ridership of buses and BART is significantly down. Traffic on Otis between Bay Farm and South Shore is as bad as ever, which is bad. Traffic to and through the Tube is also bad. Traffic on and off the island is bad. Alameda (really all cities) needs to evaluate ongoing expenditures based on current and anticipated uses, which is more car traffic, not less, as people are cautious about AC Transit and BART, which I get.  
<https://www.google.com/amp/s/www.eastbayexpress.com/oakland/transpandemic-can-bart-ac-transit-survive-economic-toll-of-coronavirus/Content%3foid=30818203&media=AMP%2bHTML>  
 16 Nov Like Reply Share ❤️ 2

November 12, 2020

Original City post about the new Krusi Park rec center

TS commented: I listened to the whole video. No discussion of covid. Does anyone know about the ventilation system in this building? What design efforts, if any, to address covid? <https://www.jhsph.edu/covid-19/articles/how-indoor-ventilation-systems-can-help-prevent-or-permit-the-spread-of-covid-19.html>

September 11, 2020

Original City post about the bad air quality and that we will have masks available for people to pick up at the library

TS commented: Why's it safe to go to Target but not the library?