

MINUTES OF THE OPEN GOVERNMENT COMMISSION MEETING
MONDAY - - - OCTOBER 2, 2017 - - - 7:00 P.M.

Vice Chair Dieter convened the meeting at 7:05 p.m.

ROLL CALL - Present: Commissioners Henneberry, Little, Schwartz, and Vice Chair Dieter – 4.

Absent: Chair Foreman – 1.

ORAL COMMUNICATIONS, NON-AGENDA

None.

AGENDA ITEMS

3-A. Minutes of the February 6, 2017 Meeting

Vice Chair Dieter stated the minutes should reflect a minor change to correct her suggested title to “Accept the Annual Public Report on Alleged Violations of the Sunshine Ordinance and the Number of Public Records Requests.”

The Assistant City Clerk took note of Vice Chair Dieter’s comments.

Commissioner Schwartz moved approval of the February 6, 2017 Minutes.

Commissioner Little seconded the motion, which carried by unanimous voice vote – 4.
[Absent: Chair Foreman – 1.]

3-B. Select Chair and Vice Chair

Commissioner Little inquired what the discussion was at the February 6 meeting regarding the election of officers.

The Assistant City Clerk responded that in response to an inquiry by Chair Foreman about when the election of officers took place, it was determined that the election takes place in February, according to the by-laws; however, the last election was in October, 2016; the Commission could do the election tonight or wait until February 2018.

Vice Chair Dieter stated that she recommends doing the election tonight since there are no other agenda items.

Commissioner Henneberry stated that on most of the Boards and Commissions he has served, the Vice Chair steps up to the Chair, and then another member, usually the most senior person on the Board, fills the Vice Chair seat; stated he is prepared to make a motion.

Commissioner Henneberry nominated Vice Chair Dieter as Chair and Commissioner Little as Vice Chair.

Commissioner Schwartz seconded the motion, which carried by unanimous voice vote – 4. [Absent: Chair Foreman – 1.]

COMMISSIONER COMMUNICATIONS

Commissioner Schwartz stated there was a recent California Supreme Court case that directly addresses the California Public Records Request Act; inquired whether the Assistant City Attorney could share more information on the case.

The Assistant City Attorney stated the California Supreme Court ruled on whether or not an email on a personal electronic device is considered public record; the California Supreme Court stated public records requests need to involve factual findings and materials from a personal device may be reviewed so long as it is relevant to the inquiry; further stated that Alameda has not had such a request since the Supreme Court ruling.

Commissioner Schwartz stated a balancing test would eventually be developed so requests are not overly invasive, especially for public officials and volunteer commissioners/board members.

Chair Dieter inquired the time frame of the annual report, to which the Assistant City Attorney responded the report will be provided at the next meeting.

Chair Dieter stated the City Council discussed bringing its Rules of Order to the Open Government Commission for feedback; inquired the status.

The Assistant City Attorney responded a Council subcommittee will review the Rules of Order and plans to do so in conjunction with the Open Government Commission; stated it has not happened due to the current Council workload; the City Manager placed the item on the referral status spreadsheet; he will provide a status update to the Commission.

In response to Commissioner Schwartz inquiry on the time frame, the Assistant City Attorney stated he will have a better idea of the time frame once the Council is able to begin addressing the items on the spreadsheet; hopefully, it will be reviewed and placed on the next Open Government Commission meeting agenda in February.

ADJOURNMENT

There being no further business, Chair Dieter adjourned the meeting at 7:20 p.m. in honor of the Las Vegas shooting victims.

Respectfully submitted,

Irma Glidden
Assistant City Clerk

The agenda for this meeting was posted in accordance with the Sunshine Ordinance.