

MINUTES OF THE OPEN GOVERNMENT COMMISSION MEETING  
MONDAY - - - OCTOBER 7, 2013 - - - 7:00 P.M.

[Note: Revisions made by Commissioner Dieter and approved by the Commission at the February 2, 2015 meeting are reflected in bold and by strikethrough.]

Chair Cambra convened the meeting at 7:00 p.m.

ROLL CALL - Present: Commissioners Aguilar, Spanier, Tilos, and Chair Cambra – 4.

Absent: Commissioner Wong - 1.

ORAL COMMUNICATIONS, NON-AGENDA

None.

AGENDA ITEMS

3-A. Approve the February 4, 2013 Meeting Minutes.

Vice Chair Aguilar noted a correction on page 2, paragraph 3: “Vice Mayor Aguilar” should be “Vice Chair Aguilar”. Assistant City Clerk **Glidden** noted the change.

Vice Chair Aguilar moved approval of the Minutes with the change.

Commissioner Tilos seconded the motion, which carried by unanimous voice vote – 4.

3-B. Status Update on the Public Records Index.

The Assistant City Clerk gave a brief presentation **that stated that Alameda follows Berkeley’s Index; it has two parts; that everything will be kept for five years at a minimum; disclosures would be added at a later date and will go to Council for approval.**

Assistant City Attorney **Cohen** stated there may be minor changes to the retention schedule; the City Attorney’s office will cross check the schedule to the Secretary of State and City of Berkeley general guidelines.

Chair Cambra inquired if a column which indicates the status of items would be added to the schedule, to which the Assistant City Clerk responded in the affirmative.

In response to Chair Cambra’s inquiry, the Assistant City Attorney stated that adding the statutory references is a work in progress and may not be complete before the matter is brought to Council.

Chair Cambra inquired whether the Council would know what the document will look like before it is posted on the City's website.

Assistant City Manager **Nguyen** responded in the affirmative; stated the key goal is to have the policy and schedule completed with an ongoing update of the reference categories.

The Assistant City Attorney added that the Open Government Commission will see the document before it goes to Council.

Chair Cambra inquired if the schedule will include an index page, to which the Assistant City Manager responded in the affirmative; stated the schedule will have a table of contents.

The Assistant City Manager noted that Alameda's schedule is in line with other cities; ~~the key distinction is that Alameda has decided to increase the minimum retention to five years instead of the two years required by law.~~

### 3-C. Discuss and Comment on City Council Agenda Titles.

Chair Cambra clarified that he requested this item be placed on the agenda as information to educate the public; stated it was not brought to the Commission as a complaint.

The Assistant City Clerk gave a brief presentation; stated that a meaningful description of the item should be included in plain English.

The Assistant City Attorney summarized the section in the Sunshine Ordinance regarding agenda title description.

Chair Cambra inquired where the summary caption would originate.

The Assistant City Attorney responded the summary would originate from the City Attorney's office.

The Assistant City Clerk clarified the summary caption would be included in layman's terms preceding the agenda title.

The Assistant City Attorney stated the goal is for agenda titles to be concise and understandable to the general public, but also include enough information so the public knows the precise actions Council will be taking.

Commissioner Spanier stated a good editor could find middle ground.

Commissioner Tilos stated with the popularity of Twitter, the City could develop a similar system using abbreviations.

The Assistant City Clerk clarified titles are typically submitted in regular and understandable language; stated the issue being addressed is lengthy legislation language.

The Assistant City Attorney stated the requirement is that titles be consistent with federal securities disclosure laws.

Chair Cambra inquired if the new procedure would comport with State and federal laws, to which the Assistant City Clerk responded in the affirmative.

Chair Cambra requested a recap of the Council's decision regarding agenda titles.

The Assistant City Clerk stated the Council decided to implement a new practice that if a title is lengthy or contains a lot of legal terms, staff will include a summary sentence above the title to describe the action in plain English.

~~Stated that she does not agree with using lawyer catch phrases that she felt the~~  
**lawyer catch phrases, such as relating thereto and with respect thereto, are not needed; they should not be used;** and she supports making all agenda titles clear:  
Jane Sullwold, Alameda.

Chair Cambra inquired if Council is limiting the summary sentences to legislative items only.

The Assistant City Clerk responded the matter was discussed at the last Council meeting, but there was no official vote or action taken.

Chair Cambra inquired how the Commission could make a recommendation to the Council to expand the practice to all titles.

The Assistant City Clerk responded the Commission could submit a referral to have the item placed on the City Council agenda.

Commissioner Spanier stated she supports the practice of writing titles less onerous for the public.

The Assistant City Attorney stated staff will continue to strive to make the agenda titles more transparent.

Chair Cambra inquired if it makes sense to apply the practice of summary sentences to all titles, not just legislation.

Commissioner Aguilar pointed out that non-legislative agenda items are already required to be short and clear, having a caption on non-legislative items would be redundant; ~~it is the legislative titles that have less flexibility.~~

**The Assistant City Attorney stated it is the legislative titles that have less flexibility.**

Chair Cambra concurred with Commissioner Aguilar; stated the Commission will meet again next year, and any additional public concerns regarding agenda titles can be brought to the Commission at that time.

#### COMMISSIONER COMMUNICATIONS

None.

#### ADJOURNMENT

There being no further business, Chair Cambra adjourned the meeting at 7:26 p.m.

Respectfully submitted,

Irma Glidden  
Assistant City Clerk

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