

APPROVED
MINUTES OF THE OPEN GOVERNMENT COMMISSION MEETING
MONDAY - - - FEBRUARY 4, 2013 - - - 7:00 P.M.

The meeting was convened at 7:00 p.m.

ROLL CALL - Present: Commissioners Aguiar, Cambra, Spanier, Tilos, Wong – 5.

Absent: None.

1-A. Select Chair and Vice Chair.

Commissioner Spanier moved approval of nominating Commissioner Cambra as Chair.

Commissioner Wong seconded the motion, which carried by the following voice vote:
Ayes: Commissioners Aguiar, Spanier, Tilos, and Wong – 4. Abstention: Commissioner Cambra – 1.

Commissioner Spanier moved approval of nominating Commissioner Aguiar as Vice Chair.

Commissioner Tilos seconded the motion, which carried by unanimous voice vote – 5.

ORAL COMMUNICATIONS, NON-AGENDA

None.

AGENDA ITEMS

3-A. Approve the October 1, 2012 Meeting Minutes.

Commissioner Wong moved approval of the Minutes.

Commissioner Tilos seconded the motion, which carried by unanimous voice vote – 5.

3-B. Review the City of Alameda Public Records Index.

The City Clerk gave a brief presentation.

Commissioner Tilos inquired about the City of Berkeley's numbering system.

The City Clerk responded Alameda would not use Berkeley's numbering system; the Index would be customized for Alameda.

Vice Chair Aguliar inquired whether the list presented tonight would be on the City's website.

The City Clerk responded the list would be posted on the website following City Council review.

Chair Cambra stated having an Index which the average citizen can understand is important; questioned whether the Index should be available in other languages; stated there should be a brief explanation in layman's terms for why a document would be "Exempt;" some records, such as autopsies and real estate transactions, might require a split status that changes from "Exempt" to "Open;" some documents are prevented [from disclosure] by operation of law, such as personnel records; however, the "Exempt" status of some records might be discretionary, which should be reviewed.

Vice Chair Aguliar stated citations to Code Sections should be included.

The City Clerk stated said citations are required by the Sunshine Ordinance.

Commissioner Tilos suggested a hyperlink be created when the list is posted to the website.

Chair Cambra inquired whether a hyperlink would incur increased costs, to which the City Clerk responded additional staff time would be needed.

Chair Cambra stated everyone needs to be mindful of the possible burden of increased staff time and costs.

The City Clerk stated there are going to be costs to develop a new Citywide digital records program; staff is identifying funding; records management is a Council priority.

Commissioner Tilos noted translating the Index into other languages would be an extra cost.

Chair Cambra stated Google has a language conversion tool; however, the City would have an obligation to ensure translation is accurate.

Vice Chair Aguliar inquired whether Chair Cambra is suggesting that only the explanation of the Index be translated into different languages.

Chair Cambra responded that he would want to know what the expense would be to translate the entire Index.

Vice Chair Aguliar suggested only translating the explanation and not translating the entire Index.

Chair Cambra stated that he would like staff to explore translation benefits and burdens.

Commissioner Tilos stated that he is leaning toward only having the Index in English.

Commissioner Spainer stated that she is not opposed to the idea [of multiple languages], but she concurs with Commissioner Tilos.

In response to Commissioner Tilos's inquiry regarding documents with a split status, the City Clerk stated one option would be to list a document as "Partially Open" since a document could change from "Exempt" to "Open."

Chair Cambra questioned whether having two separate categories, such as: Real Estate Transactions - Under Negotiation and Real Estate Transactions - Completed might be clearer; further stated records prevented by operation of law could be discussed at a later meeting.

Vice Chair Aguliar inquired whether Chair Cambra is suggesting that a record be exempt as a matter of law versus discretionary.

Chair Cambra responded State law allows cities to exempt certain documents; however, the City could chose to disclose some of said documents.

The Assistant City Attorney stated some cities keep arrest logs, some do not; normally, some arrest related information is contemporaneous and would be subject to the Public Records Act; only a certain amount of information would be released; however, health related information cannot be disclosed.

Chair Cambra stated once the final Index is created, documents could be reviewed to determine if the City wants to accept the "Exempt" status.

COMMISSIONER COMMUNICATIONS

4-A. Chair Cambra stated former Commissioner Petersen addressed having email sent to someone other than City staff and staff was going to research the matter.

The City Clerk stated the Commission's email address is opengovcomm@alamedaca.gov; emails would automatically forward to the Chair and Vice Chair so the Chair and Vice Chair would receive any complaints; noted the complaint form is on the website and a meeting has to be called within thirty days of receiving a complaint.

Chair Cambra stated the concern was a complaint filed against the City Clerk's Office should not go to the City Clerk only.

The City Clerk noted the Commission meets semi-annually; the next meeting will be in October unless a complaint is filed or if staff presents the Index to the Commission.

ADJOURNMENT

There being no further business, Commissioner Wong moved adjournment at 7:30 p.m.

Commissioner Tilos seconded the motion, which carried by unanimous voice vote – 5.

Respectfully submitted,

Lara Weisiger
City Clerk

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