



Open Government Commission

AGENDA FOR OPEN GOVERNMENT COMMISSION

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

Civic Center
2180 Milvia St.
Cypress Room (1st Floor)

Regular Meeting
April 18, 2019
8:00 p.m.

Secretary: Emmanuelle Soichet, Deputy City Attorney

The Commission may act on any item on this agenda

1. Call to Order 8:00 p.m.
2. Roll Call.
3. Public Comment. *Comments on subjects not on the agenda that are within the Commission's purview are heard at the beginning of meeting. Speakers may comment on agenda items when the Commission hears those items.*
4. Reports.
 - a. Report from Chair.
 - b. Report from Democracy Project Subcommittee.
 - c. Report from Ombudsman Subcommittee.
 - d. Report from Staff.
5. Approval of minutes for the March 21, 2019 regular meeting.
6. Commission 2019 work plan; discussion and possible action.
7. Compliance by city boards and commissions with draft minutes requirements; discussion and possible action.
8. Process for communicating with City Manager regarding OGC submissions to City Council; discussion and possible action.
9. Adjournment.

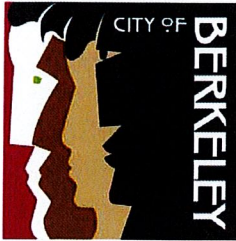
Communications

- Email from Kelly Hammargren regarding draft minutes (Agenda Item 7)

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please

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do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information. **SB 343 Disclaimer:** Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City Attorney's Office at 2180 Milvia St., 4th Fl., Berkeley, CA.



Open Government Commission

DRAFT MINUTES

Civic Center
2180 Milvia Street
Cypress Room (1st Floor)

Regular Meeting
March 21, 2019

Members Present: Dean Metzger (Chair), Jessica Blome, Greg Harper, Mark McLean, Matthew Napoli, Patrick O'Donnell, Daniel Saver, Brad Smith, Brian Tsui

Members Absent: None

Also Present: Emmanuelle Soichet, Staff Secretary/Deputy City Attorney

1. **Call to Order**

Chair called the meeting to order at 8:04 p.m.

2. **Roll Call**

Roll call taken.

3. **Public Comment (items not on agenda)**

No public comment on matters not on agenda. Four members of the public in attendance.

4. **Reports**

- a. Report from Chair.
- b. Report from Staff.

5. **Approval of Minutes for the October 18, 2018 Regular Meeting**

- a. Public comment: None.
- b. Commission discussion and action.

Motion to approve minutes (M/S/C: Tsui/McLean; Ayes: Harper, Napoli, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: Blome; Absent: None).

6. **Draft Council item regarding submission of revised or supplemental agenda material submitted by D. Metzger; discussion and possible action**

- a. Public comment: One speaker.
- b. Commission discussion and action.

Motion to send report to City Council, including corrections to be made before sent (M/S/C: Metzger/Blome; Ayes: Blome, Harper, Napoli, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Abstain: None).

7. **Proposed changes to the 2018 Annual Report under Berkeley Municipal Code 2.06.190.C submitted by B. Smith; discussion and possible action**

- a. Public comment: None.
- b. Commission discussion and action.

Motion for staff to take into consideration the attached draft of Section 1 (including Table 1) when preparing the 2019 Annual Report under BMC 2.06.190.C (M/S/C: Smith/O'Donnell; Ayes: Blome, Harper, Napoli, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: None).

8. **Proposals submitted by The ProDemocracy Project; discussion and possible action**

- a. Public comment: Four speakers.
- b. Commission discussion and action.

Motion to create two subcommittees, one to look into the issues raised by the ProDemocracy Project and the other to look into an ombudsman position (M/S/C: Metzger/Blome; Ayes: Blome, Harper, Napoli, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: None).

9. **Information report regarding City Council budget referral regarding good government ombudsman**

No action taken.

10. **Annual election of Chair and Vice Chair; discussion and possible action**

- a. Public comment: None.
- b. Commission discussion and action.

Motion to elect Dean Metzger as chair (M/S/C: Harper/Saver; Ayes: Blome, Harper, Napoli, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: None).

Motion to elect Jessica Blome as vice chair (M/S/C: Harper/Saver; Ayes: Blome, Harper, Napoli, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: None).

12. **Adjournment**

(M/S/C: Saver/Smith; Ayes: Blome, Harper, Napoli, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: None).

The meeting adjourned at 9:17 p.m.

Work Plan Proposals for OGC

for 2019

- Review the Democracy Project proposals
- Review the City Council budget referral regarding good government Ombusman
- Review OGC legislation to create a more effective way to improve city government
- Study creation of an Ethics Commission (Combine FCPC and OGC commissions into one)
- Review the procedures for commission communications with the City Manager



Commissioners' Manual, 2018 Edition

3) Relationship with the City Manager, Page 38

The City Manager has a direct interest in the work of all commissions as they often advise the City Council on issues that will affect the use of staff time and City resources. Commission secretaries are responsible to the City Manager as well as the commission, and they keep the City Manager informed of significant issues that come before their commissions.

For the commissions that are advisory to the City Council, the City Manager is not able to alter commission reports and recommendations, however, the City Manager may propose an alternative to the commission report if he or she believes that the Council needs additional information or to pursue a different course. Please see Chapter VI, Section C, page 61 for more information. As a partner in the public process, the City Manager seeks to work cooperatively with commissions to achieve the best outcome for the community.

Chapter 3, Coordinate with Council, Staff and Others, page 33

3) Communicating to the City Council

A commission transmits its findings, responses to referrals, and other recommendations to the Council through the Council agenda. Upon the final vote of a commission to send an item to Council, the secretary submits a completed commission report for the Council agenda to the agenda process no later than three weeks after receiving the final text from the commission. The commission is responsible for providing the content of the report to the secretary. The report will be placed on an upcoming Council agenda based on City Manager timelines and the Council Rules of Procedure for scheduling matters on the agenda. All reports are due to the City Clerk Department 33 days prior to the meeting date. Departments may have internal deadlines that require reports to be processed earlier.

Commissions may also transmit their findings or recommendations to the Council in the form of a letter. This type of communication is more timely; however, the Council cannot take any official action based solely on a written communication from a commission. Sending a letter to the City Council requires the authorization of the commission. Once approved by the commission, the secretary submits the letter to the City Clerk.

The chair, or an authorized representative of the commission, may officially speak on behalf of the commission at public comment on an issue before the City Council. Other commissioners may speak on the item as private citizens. As is the case with a written communication, the Council cannot take an official action based solely on verbal comments from the commission.



COMMUNICATIONS



From: kelly hammargren <kellyhammargren@gmail.com>
Sent: Friday, April 05, 2019 11:19 PM
To: All Council; Williams-Ridley, Dee; FCPC (Fair Campaign Practices Commission)
Subject: Boards and Commissions Delinquent in Publishing Meeting Minutes

Every Friday when I review each Board and Commission for upcoming meetings, as of March 22, 2019, I am also checking for compliance with publishing meeting minutes within the two week time frame.

The following Boards and Commissions are delinquent in publishing minutes in the required 2 week time frame. **(page 35 Commissioner's Manual – Secretary Responsibility)**

Board of Library Trustees, meeting March 6, no minutes posted on March 22
<https://www.berkeleypubliclibrary.org/about/board-library-trustees>

Children, Youth and Recreation Commission - no minutes posted for 2019 in table, minutes for prior meeting only available with agendas upcoming meeting.

https://www.cityofberkeley.info/Children_Youth_and_Recreation_Commission/

Commission on Disability, March 6 minutes not available to the public on March 29, note with agenda March minutes will not be available until May meeting packet

https://www.cityofberkeley.info/Clerk/Commissions/Commissions__Commission_on_Disability_Homepage.aspx

Community Health Commission, meeting February 28, no minutes posted March 22, this commission is doing better with March 28 meeting minutes available when checked April 5.

https://www.cityofberkeley.info/Clerk/Commissions/Commissions__Community_Health_Commission_Homepage.aspx

Community Environmental Advisory Commission - meeting March 14 - no minutes March 29

http://www.cityofberkeley.info/Community_Environmental_Advisory_Commission/

Parks and Waterfront Commission, meeting March 13, no minutes on March 29

https://www.cityofberkeley.info/Clerk/Commissions/Commissions__Parks_and_Waterfront_Commission.aspx

Peace and Justice Commission, meeting March 4, no minutes on March 29

https://www.cityofberkeley.info/Clerk/Commissions/Commissions__Peace_and_Justice_Commission_Homepage.aspx

Commission on Labor, meeting March 20, no minutes on April 5

https://www.cityofberkeley.info/Clerk/Commissions/Commissions__Commission_on_Labor_Homepage.aspx

Commission on the Status of Women, meeting March 20, no minutes on April 5

[https://www.cityofberkeley.info/Clerk/Commissions/Commissions Commission on the Status of Women Homepage.aspx](https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Commission_on_the_Status_of_Women_Homepage.aspx)

Loan Administration Board, meeting March 18, no minutes on April 5

[https://www.cityofberkeley.info/Clerk/Commissions/Commissions Loan Admin Board.aspx](https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Loan_Admin_Board.aspx)

Transportation Commission, meeting March 21, no minutes posted April 5

[https://www.cityofberkeley.info/Clerk/Commissions/Commissions Transportation Commission Home page.aspx](https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Transportation_Commission_Homepage.aspx)

Youth Commission, meeting listed as occurring March 11, however, no accessible agenda, no minutes, no cancellation notice

[https://www.cityofberkeley.info/Clerk/Commissions/Commissions Youth Commission Homepage.aspx](https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Youth_Commission_Homepage.aspx)

kelly hammargren