



Open Government Commission

## MINUTES

North Berkeley Senior Center  
1901 Hearst Street  
Classroom C (Upstairs)

Regular Meeting  
**January 19, 2017**

Members Present: Brad Smith (Chair), Dean Metzger (Vice Chair), Mark McLean, Patrick O'Donnell, Sherry Smith

Members Absent: None

Also Present: Savith Iyengar, Secretary/Deputy City Attorney  
Jessica Mar, Deputy City Attorney

1. **Call to Order**

Chair called the meeting to order at 8:00 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

Staff noted that pursuant to the Fair Campaign Practices Commission's action establishing meeting schedule for 2017, the Commission would convene at either 7:30 or 8:00 p.m., with the exact time to be noticed at the time the Open Government Commission agenda is posted.

5. **Approval of minutes for the November 17, 2016 Regular Meeting**

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

*Motion to approve minutes* (M/S/C: Metzger/O'Donnell; Ayes: B. Smith, Metzger, McLean, O'Donnell, S. Smith; Noes: None; Abstain: None; Absent: None).

6. **Review of Amended Complaint filed by Shirley Dean alleging violation of the Open Government Ordinance and Brown Act at the April 5 and July 19, 2016 City Council regular meetings; discussion and possible action**

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

*Motion to accept the staff report finding no violation of the Brown Act with respect to Complainant's first allegation regarding the Mayor's re-ordering of the agenda at the April 5, 2016 Council meeting, and to schedule a discussion of the dilemma raised by the Complaint regarding how under the OGO the Commission may propose better approaches to avoid the fiasco that occurred at the Council meeting (M/S/C: S. Smith/O'Donnell; Ayes: B. Smith, Metzger, McLean, O'Donnell, S. Smith; Noes: None; Abstain: None; Absent: None).*

*Motion to accept the staff report finding no violation of the OGO or Brown Act with respect to Complainant's second allegation regarding the School District Board Room "shut[ting] down" at 11:00 p.m. (M/S/C: S. Smith/O'Donnell; Ayes: B. Smith, McLean, O'Donnell, S. Smith; Noes: Metzger; Abstain: None; Absent: None).*

*Motion to ensure that, with regard to Complainant's second allegation, all City Council meetings should be accessible, safe, secure, and well-lit until their conclusion (M/S/C: O'Donnell/McLean; Ayes: B. Smith, Metzger, McLean, O'Donnell, S. Smith; Noes: None; Abstain: None; Absent: None).*

*Motion to accept the staff report finding no violation of the Brown Act with respect to Complainant's third allegation of a serial meeting regarding the re-ordering of the agenda at the April 5, 2016 meeting (M/S/C: O'Donnell/S. Smith; Ayes: B. Smith, McLean, O'Donnell, S. Smith; Noes: Metzger; Abstain: None; Absent: None).*

*Motion to accept the staff report finding no violation of the Brown Act with respect to Complainant's fourth allegation regarding the July 19, 2016 Council meeting and the alleged lack of effort to move Council meetings when there is an overflow in City Council chambers (M/S/C: O'Donnell/S. Smith; Ayes: B. Smith, McLean, O'Donnell, S. Smith; Noes: Metzger; Abstain: None; Absent: None).*

7. **Staff report regarding follow up analysis of 2015 Annual Report; discussion and possible action**

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

*No action taken.*

8. **Review of Referral Response: "Increasing Transparency in City Public Records Act Responses," discussion and possible action**

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

*No action taken.*

9. **Adjournment**

*Motion to adjourn (M/S/C: O'Donnell/S. Smith; Ayes: B. Smith, Metzger, McLean, O'Donnell, S. Smith; Noes: None; Abstain: None; Absent: None).*

The meeting adjourned at 10:01 p.m.