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
June 20, 2019
8:00 p.m.

Secretary: Emmanuelle Sochet, 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.
   d. Report from Staff.
5. Approval of minutes for the May 16, 2019 regular meeting.
6. Update on City budget process and Council budget referral regarding Good Government Ombudsman; discussion and possible action.
7. Proposal for Commission to address issues regarding Discretionary Council Office Budgets; discussion and possible action.
8. Adjournment.

Communications

- None.

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 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.

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.6998 TDD: 510.981.6903 Fax: 510.981.6960
E-mail: FCPC@cityofberkeley.info
Open Government Commission Subcommittee Report
June 6, 2019

Minutes

1. Call to Order 7:30 p.m.
   Roll Call:

2. Roll Call taken - Metzger & Saver

3. Public Comment
   None

4. Review of May 9, 2019 subcommittee meeting
   Reviewed

5. Discussion and possible action on Council Consent Calendar issues
   See following report.

6. Discussion and possible action on the inflexibility of the Council Agenda Order.
   See following report

7. Discussion and possible action on Public Comment procedures
   See following report

8. Next meeting date
9. No date set

10. Adjournment
    Motion to adjourn: Saver
    Ayes: Metzger & Saver
AGENDA ITEM 4(b)

Subcommittee Report

The Pro-Democracy issues before the subcommittee:

1- City government procedures that essentially silence the people.
    1- The Loss of Access to Determine the Consent Calendar

Proposal:
Council Rules of Procedure and Order – Adopted January 29, 2019

IV. CONDUCT OF MEETING

B. Consent Calendar There shall be a Consent Calendar on all regular meeting agendas on which shall be included those matters which the Mayor, councilmembers, boards, commissions, City Auditor and City Manager deem to be of such nature that no debate or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of consent calendar items can be minimized.

Consent Calendar items may be moved to the Action Calendar by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.

**Insert paragraph that reads as follows:**

An item on the consent calendar shall be moved to the action calendar if five (5) of more speakers request that the item move to the action calendar. The Mayor may implement this has she or he sees fit. One implementation path is as follows: if a speaker requests that an item on the consent calendar move to action, then the Mayor will poll the audience to determine whether five (5) members of the public would like to pull the item, and, if so, the item shall be moved to action.
Motion to send added language to the OGC: Metzger
Ayes: Metzger and Saver

2- Speaking Time:

From the Council's Rules of Procedures and Order
Page 17 – Item A

A. Comments from the Public
   Public comment will be taken in the following order:

   An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.

   Public comment on the Consent and Information Calendars.

   Public comment on action items, appeals and or public hearings as they are taken up under procedures set forth in the sections governing each below.

   Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

   Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall stand, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.
A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry.

Add the following to this section:

A member of the public will be given a minimum of 2 minutes to speak and up to a maximum of four (4) minutes, if given time from another speaker. If the number of speakers appears to be so large as to prevent essential city business from completion, then the item can be moved to a special meeting.

Motion to send added language to the OGC: Metzger

Ayes: Metzger and Saver

3- The Inflexibility of the Agenda Order

From the Councils Rules of Procedures and Order pages 15 & 16 – Item E

E. Agenda Sequence and Order of Business The Council agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Comments from the City Manager, Public Comment)
2. Consent Calendar
3. Action Calendar
   a) Appeals
   b) Public Hearings
   c) Continued Business
   d) Old Business
e) New Business
f) Referred Items
4. Information Reports
5. Communications
6. Adjournment Action items may be reordered at the discretion of the Chair with the consent of Council.

The Agenda Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

Add the following to this section:

The City Clerk shall poll the public audience during the ceremonial and consent agenda to determine the number of persons at the meeting for action items. If the number exceeds twelve (12) for any one item, that item is moved to the first action item. If more than two items exceed 12, then the order for those items will be determined with the highest number going first.

Motion to send added language to the OGC: Metzger

Ayes: Metzger and Saver

4- The "Public Comment" procedure reduces people "faces in the crowd."

From the Councils Rules of Procedures and Order page 17 – Item A

A. Comments from the Public

Public comment will be taken in the following order:

An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
Public comment on the Consent and Information Calendars.

Public comment on action items, appeals and or public hearings as they are taken up under procedures set forth in the sections governing each below.

Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall stand, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry.

**Add the following to this section:**

The council shall discuss the item after it is introduced, with each Council member stating their current understanding and general thoughts on the item. After council discussion, public comment will be taken. The council will then debate the item, ask any questions of the speakers and make its decision on the matter.

Motion to send added language to the OGC: Metzger

Ayes: Metzger and Saver
DRAFT MINUTES

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

Members Present: Dean Metzger (Chair), Jessica Blome, Janis Ching, Mark McLean, Patrick O'Donnell, Daniel Saver, Brad Smith, Brian Tsui

Members Absent: Greg Harper (excused)

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

1. **Call to Order**
Chair called the meeting to order at 8:10 p.m.

2. **Roll Call**
Roll call taken.

3. **Public Comment (items not on agenda)**
One speaker on matters not on agenda.

4. **Reports**
   a. Report from Chair.
   b. Report from Democracy Project Subcommittee.
   d. Report from Staff.

Two speakers.

5. **Approval of Minutes for the April 18, 2019 Regular Meeting**
   a. Public comment: One speaker.
   b. Commission discussion and action.

*Motion to approve minutes with change, as discussed (M/S/C: Saver/Blome; Ayes: Blome, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: Ching, McLean; Absent: Harper (excused)).*

6. **Approval of letter to Council regarding proposed Good Government Ombudsman; discussion and possible action.**
OGC – DRAFT Minutes
May 16, 2019

AGENDA ITEM 5

a. Public comment: Two speakers.
b. Commission discussion and action.

Motion to adopt and send letter to Council budget committee with all changes discussed here (M/S/C: Metzger/McLean; Ayes: Blome, Ching, McLean, Metzger, O'Donnell, Saver, Tsui; Noes: Smith; Abstain: None; Absent: Harper (excused)).

7. 2018 Annual Report to Open Government Commission pursuant to Berkeley Municipal Code Section 2.06.190.C; discussion and possible action.

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

Motion to approve document and send it to Council (M/S/C: Smith/Tsui; Ayes: Blome, Ching, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: Harper (excused)).

8. Approval of letter to City Manager regarding City commissions' compliance with commission draft minutes requirements; discussion and possible action.

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

Motion to approve letter and send it to City Manager with corrections discussed (M/S/C: Metzger/O'Donnell; Ayes: Blome, Ching, McLean, Metzger, O'Donnell, Saver, Tsui; Noes: None; Abstain: Smith; Absent: Harper (excused)).

9. Adjournment

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

The meeting adjourned at 9:18 p.m.