

CITY OF MANHATTAN BEACH
ACTION MINUTES OF THE
AD HOC OPEN GOVERNMENT SUBCOMMITTEE MEETING
AUGUST 30, 2012
6:30 p.m.

The Ad Hoc Open Government Subcommittee Meeting of the City Council of the City of Manhattan Beach, California, was held the 30th day of August, 2012, at the hour of 6:39 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City. A full video of this Ad Hoc Open Government Subcommittee Meeting can be accessed online at www.citymb.info.

A. Call Meeting to Order

B. Roll Call

Present: Councilmembers Lesser and Howorth.
Absent: None.
Staff: David N. Carmany, City Manager
Roxanne Diaz, City Attorney
Clay Curtin, Management Analyst
Terri Aliabadi, Senior Deputy City Clerk

C. Audience Participation

Michelle Murphy spoke regarding desired open government initiatives, specifically requesting that meeting minutes be more easily available. She also expressed her unhappiness with action item minutes.

Madonna Newburg mentioned that the city's website is not up to date, and voiced her concern that website information be dated and the author identified.

Esther Besbris mentioned her desire that public hearings, e.g. the upcoming "Hotdoggers" matter, be noticed to a larger radius of adjacent property owners. She requested that people who specifically ask to be informed about a topic get meeting notices.

Ed Caprielian suggested that adoption of a "Sunshine Ordinance" would be desirable and revolutionary. He requested that the Ad Hoc Open Government Subcommittee should articulate its principles. He requested a new legal advisor for the Subcommittee, Terry Frank of Californians Aware. He requested better processes of public engagement, specifically mentioning a Public Engagement Task Force to deal with needed major initiatives. He asked that the discussion of the Sunshine Ordinance topic be considered earlier in the evening.

Bill Victor requested that the city's old 2-part "public records request form" be used, and that the agenda packets be distributed sooner. He believes that the minutes are not adequate.

Gary Osterhout wants to make sure that government is participatory, and requested that that the public be more engaged. He read aloud portions of recent Daily Breeze newspaper editorials that were critical of the way Los Angeles County handles Public Records Act requests. He expressed his displeasure that the public notices for the recent Police Department Strategic Plan meetings suggested that Officer Stephanie Martin be contacted for RSVP's for meeting attendance. He wants the public to be involved in the re-design of the city's website. He wanted the city's corporate culture to change so that a "Sunshine Ordinance" would not be needed.

Gerry O'Conner noted a general lack of progress on the City's Open Government initiatives. He requested that the City Attorney attend all future meetings of the Ad Hoc Open Government Subcommittee.

D. General Business

08/30/12-1. *Approval of Action Minutes of the July 19, 2012, Ad Hoc Open Government Subcommittee Meeting.*

Councilmembers Lesser and Howorth concurred to defer action on the minutes of the July 19, 2012 Ad Hoc Open Government meeting.

08/30/12-2. *Discussion and Direction Regarding Public Records Act Protocol.*

Special Counsel Roxanne Diaz reviewed her staff report dated August 30th. The Public Records Act procedures seek to identify public records, assist the requestor, make records available for inspection, and handle requests as soon as practicable, consistent with State law.

Gerry O'Conner requested a concurrent discussion of the "Sunshine Ordinance", rather than a single-topic discussion about the Public Records Act protocol. He proposed that the City of Manhattan Beach follow an approach similar to that of the City of Encinitas. He desires a short response for production of actual records.

Ed Caprielian asked that steps be taken to facilitate access to records. He asked that the city's protocol articulate the cost per page charged for documents.

City Councilmember Amy Howorth indicated her desire that the Public Records Act protocol be a floor not the goal. She believes that technology will enable better access to documents.

Bill Victor wants Manhattan Beach to set an example for open government.

Gerry O’Conner mentioned that he did not receive a “save the date” for tonight’s Open Government meeting. He asked that the Public Records Act protocol be adopted as required by the McKee settlement, but that the city set a higher standard.

Mayor Pro Tem Lesser asked that this agenda item, Public Records Act Protocol, return to the Subcommittee on a future agenda, and also asked for a future agenda discussion of 1) the “Sunshine” initiatives, 2) the city website redesign, and 3) the Public Records Act request log.

08/30/12-3. *Discussion and Direction Regarding the Suspension of the Brown Act and Reaffirming the City's Commitment to Open Government and the Brown Act.*

Mayor Pro Tem Lesser and Council member Howorth asked that a resolution be placed on an upcoming City Council agenda re-affirming the City’s commitment to the Ralph M. Brown Act.

08/30/12-4. *Discussion and Direction on Current and Other Potential Open Government Initiatives.*

Mayor Pro Tem Lesser requested more community input prior to the next City Council discussion of the Strategic Plan.

Ed Caprielian stated that he had given additional items at the last *Open Government Meeting* and he also has much information to share on Sunshine Ordinances.

Bill Victor wants to see the robust ideas highlighted and reasons why they are great ideas.

Gerry O’Connor voiced that the original twenty-eight items should be ranked as short, medium, and long term and that they need to come to fruition before he personally spends time working on proposing more items.

This item was then continued.

08/30/12-5. *Overview and Discussion of Sunshine Ordinances.*

This item was continued.

E. Adjournment

The meeting was adjourned to 6:30 p.m. Monday, September 24th.