

Mayor Lesser called for a recess at 3:45 p.m. The assembly reconvened at 3:54 p.m. with all Members, present.

2. Final Report from the Ad Hoc Open Government Subcommittee
RECEIVE PUBLIC INPUT, DISCUSS, AND TAKE ACTION ON OPEN GOVERNMENT INITIATIVES

Mayor Pro Tem Howorth commented positively on the work done so far and noted that the meeting has been noticed and items acted upon.

Councilmember Burton felt that the issues should be discussed but should be vetted at a regular meeting for public engagement.

Councilmember Powell concurred.

City Attorney Barrow reported that the meeting where discussions previously occurred was held on July 2, 2013.

Councilmember Powell felt that special meetings about which City Council is informed in advance should be properly noticed. He added that the provisions of the Brown Act need to be followed.

Regarding the format of City Council minutes, discussion followed regarding the adequacy of action minutes versus formal minutes.

City Clerk Tamura distinguished between the two types of minutes noting that Granicus minutes are action minutes and only address final actions by City Council. The other minutes provided are summary minutes and prepared by an outside contractor. She explained the costs related to production of the summary minutes.

Discussion followed regarding the trend of other cities related to minutes and City Clerk Tamura noted that the majority are producing action minutes since they rely on the video as the archival document. Action minutes would indicate who spoke and would be time-stamped for proper identification within Granicus.

Councilmember Powell indicated he favors action minutes with incorporation of the video, by reference.

City Clerk Tamura indicated that she does not require that the contractor time-stamp the speakers on summary minutes.

Mayor Lesser commented about speaker comments relative to the value of having a formal written record of proceedings. But addressed the time and effort involved in amending minutes.

City Attorney Barrow reported that minutes transcribed by a third party become the City's legal record when they are adopted by City Council. He added that the minutes require review by the City Clerk.

City Clerk Tamura reported that when minutes are submitted by the contractor, her office reviews them in conjunction with notes and the video. She added that moving forward, brief summaries will be provided regarding the matters for which public speakers comment in addition to providing City Council comments on public hearing items to determine how City Council reached a decision. She reported that contractors are hard to find for the quality of work needed for City Council minutes.

Mayor Pro Howorth commented that public input before publication of the agenda is not appropriate.

Councilmember Powell stated that it would not be practical or appropriate.

Regarding Public Records Act Protocol, Mayor Lesser deferred to City Attorney Barrow.

City Attorney Barrow referenced a settlement agreement which required that the City develop a Public Records Act Protocol. He stated that it was developed and has been discussed by the Ad Hoc Committee but has not been officially adopted, which is a requirement of the settlement agreement.

Councilmember Burton commented that development of the protocol is an obligation of the City Manager.

City Attorney Barrow reported that it consistent with the settlement agreement but that during discussions of the Ad Hoc Committee they felt that it would be appropriate for the matter to be discussed by the full City Council.

It was noted that the City Manager can adopt the protocol but Councilmember Burton expressed some concerns with the document.

Discussion followed regarding direction on open government initiatives and recommendations listed in the staff report to address the matters as full City Council.

Councilmember Burton favored the full City Council working through the issues as opposed to a Subcommittee. He referenced Sunshine Laws and felt the City should discuss them; noting that they may solve any and all problems.

Mayor Lesser expressed the biggest challenge is staffing and the mechanics of the issue. He felt that those directed to implement must be given the tools to do so.

Councilmember Burton acknowledged the challenges faced by the City Clerk. He felt that City Council should look into changing the reporting structure as to who the City Clerk reports to and addressing the challenges faced by the office. He suggested appointing the City Clerk to allow City Council to drive and manage issues and considering the matter at some point in the future.

Councilmember Powell provided a brief background on the matter and believed that City Council should explore additional transparency. He noted that the City is in full compliance with the Brown Act.

Mayor Pro Tem Howorth felt that the problems need to be defined.

Discussion followed regarding the ability of the City Manager to adopt the protocol.

Councilmember Powell felt that staff should be directed to adopt the protocol and move on, but also look at improving it. He addressed implementation of the log which will provide information in identifying the problem and areas where public act requests are being made.

Councilmember Powell commented on items still open on the matrix that have not been implemented including broadcasting capabilities at alternative sites.

Mayor Lesser expressed frustration with implementing broadcasting capabilities at alternative sites.

City Clerk Tamura reported that the item is targeted for implementation towards the end of the calendar year.

Discussion followed regarding adoption of the protocol by the City Manager with the intent of City Council ratifying them.

Mayor Lesser suggested that City Council indicate, after public participation, that there is no objection to the City Manager adopting the protocol while exploring how to proceed further.

Councilmember Burton suggested simplifying the lead-in to the resolution and including a preamble to the Brown Act.

Councilmember Powell addressed the voting touch device and the possibility of using iPads. He would like to explore the matter to minimize technical problems.

Mayor Lesser welcomed Finance Director Bruce Moe into the meeting. Finance Director Moe reported that the target day for implementing broadcast capabilities in the Police/Fire Conference room is March, 2014, and is in the IS Master Plan. He addressed integration of broadcasting capabilities with Granicus and reported that the website and the e-comment module are scheduled to go live in September.

Councilmember Powell noted the need to revise the target day for broadcast capabilities.

Mayor Pro Tem Howorth felt that use of the iPad for voting capabilities should be explored.

The Mayor opened the floor for public comments.

Viet Ngo reminded City Council that the City is a general law City and must comply with the government code relative to correct description of minutes. He felt that if a third party is not authorized by the law to transcribe meeting minutes and warned against producing minutes with a deceitful purpose. He commented on the settlement agreement, conflicts of interest, adoption of the Public Records Protocol and the need to comply with the Brown Act.

Ed Caprielian commented on the matrix and expressed concerns with the matter of public engagement which was omitted from the matrix and for which City Council has failed to take action to promote it. He distinguished between public engagement and public participation. He encouraged City Council to move forward in the area. He commented on how to further promote government initiatives and hoped that City Council will vote on the matter today. He addressed the protocol and observed deficiencies and areas that could be strengthened and improved and directed towards open government and transparency.

Mayor Lesser closed the public comment period.

Mayor Lesser reported that person who was engaged to help the City in developing a protocol for public engagement was seriously injured in an auto accident and that the City Manager took it upon himself to increase public participation noting that it lacked the public engagement component.

City Manager returned to the meeting at this juncture (4:35 p.m.).

Mayor Pro Tem Howorth commented on public engagement and believed that the work done today had to happen first. She felt that City Council will be able to address public engagement in the future. She commented on various public workshops and suggested continuing them. She commented positively on the efforts by the City of Hermosa Beach.

Mayor Lesser addressed efforts so far but acknowledged there is room for improvement.

Councilmember Burton commented positively on controlling meeting management issues and felt that it will go a long way in promoting public engagement. He felt that City Council needs to address governance issues and strategic planning.

Councilmember D'Errico felt that City Council could start to do "seed work" in terms of public engagement and stated the need to address policy governance first. He proposed developing options for City Council to consider.

Councilmember Powell commended the Ad Hoc Subcommittee for its work and Dr. Caprielian for his comments.

Councilmember Burton expressed his appreciation and understood that no action would be taken on this matter today but rather will be considered at an upcoming City Council meeting.

Discussion followed regarding the need to provide direction to staff.

City Attorney Barrow felt that there seems to be a consensus to return to City Council with future initiatives and felt that will not be possible within two weeks. He noted that City Council can take action regarding number 5 and provide direction relative to further discussion of the Sunshine Ordinances and other ways to engage the public. Regarding number 4, he recommended to provide direction to the City Manager by way of a motion. Regarding numbers 1 through 3, he noted that City Council could take action but that if City Council feels further discussion is needed, it could return to City Council sooner than later.

Councilmember Burton felt that all of the items should return at an open meeting with further discussion and public input, then vote.

Regarding Item No. 4, Mayor Pro Tem Howorth requested clarification that it is in place if the matter should return to City Council at another meeting.

Councilmember Powell understood the need for the public to weigh in and suggested at the least, have a list of recommendations and what was discussed.

Councilmember D'Errico felt that action were to be taken today, it may be perceived as "not so open".

Mayor Pro Tem Howorth stated that it would be best to return at an open City Council meeting.

Councilmember Burton indicated wanting the entire item to return at a regular City Council meeting for further public input.

Councilmember Powell voiced agreement and commented on the additional items over and above the requirement for open government going well beyond the spirit of the Brown Act.