

1. Agenda Packet

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GILROY OPEN GOVERNMENT COMMISSION AGENDA

MEMBERS:

Chairperson Robert Esposito
Vice Chairperson Janet Espersen
Commissioner Alison Beach
Commissioner Jon Newland
Commissioner James Weaver

COUNCIL CHAMBERS, CITY HALL
7351 ROSANNA STREET
GILROY, CALIFORNIA 95020
THURSDAY, MAY 25, 2017
7:00 P.M. REGULAR MEETING

All Open Government Commission meeting materials are available online at www.cityofgilroy.org
COMMENTS BY THE PUBLIC WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE OPEN GOVERNMENT COMMISSION. Public testimony is subject to reasonable regulations, including but not limited to time restrictions for each individual speaker.

In compliance with the Americans with Disabilities Act, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (408) 846-0204. A sound enhancement system is also available for check out in the City Council Chambers.

Materials related to an item on this agenda submitted to the Open Government Commission after distribution of the agenda packet are available for public inspection with the agenda packet in the lobby of Administration at City Hall, 7351 Rosanna Street during normal business hours. These materials are also available with the agenda packet on the City website at www.cityofgilroy.org subject to Staff's ability to publish the documents before the meeting.

KNOW YOUR RIGHTS UNDER THE GILROY OPEN GOVERNMENT ORDINANCE.

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, task forces, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE, TO RECEIVE A FREE COPY OF THE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION STAFF AT (408) 846-0204 or by email at shawna.freels@cityofgilroy.org

I. OPENING

A. Call to Order and Roll Call

II. PRESENTATIONS TO THE OPEN GOVERNMENT COMMISSION

A. PUBLIC COMMENT BY MEMBERS OF THE PUBLIC ON ITEMS NOT ON THE AGENDA BUT WITHIN THE COMMISSION'S SUBJECT MATTER JURISDICTION

III. CONSENT CALENDAR (reports attached)

A. Approval of the Minutes of February 23, 2017

IV. NEW BUSINESS (reports attached)

A. Quarterly Review of Public Records Requests Per Gilroy Code Section 17A.35 (c)

1. Staff Report
2. Public Comment

Possible Action:

3. Motion to Receive the Report

B. Review of Material Provided at Brown Act, Open Government Ordinance, Public Records Act and FPPC Conflict of Interest Update Training

1. Staff Report
2. Public Comment

Possible Action:

3. Receive Report

V. CITY ADMINISTRATOR'S REPORT

VII. CITY CLERK'S REPORT

VIII. CITY ATTORNEY'S REPORT

A. Update on the Smith v. San Jose case regarding Councilmembers' emails on private computers – argued in the California Supreme Court on 12/7/16

VIII. REPORTS OF COMMISSION MEMBERS

IX. FUTURE COMMISSION INITIATED AGENDA ITEMS - SET NEXT MEETING DATE

X. ADJOURNMENT



GILROY OPEN GOVERNMENT COMMISSION MINUTES

I. OPENING

A. Call to Order and Roll Call

Commissioner Esposito called the meeting to order at 7:01 p.m.

ROLL CALL:

Present: Commissioner Alison Beach, Commissioner Robert Esposito, Commissioner Jon Newland, Commissioner James Weaver

Absent/Excused: Vice Chairperson Janet Espersen

B. Welcome Newly Appointed Commissioners Alison Beach and James Weaver

The newly appointed members introduced themselves to the Commission and were welcomed.

C. Selection of Chair and Vice Chair

There were no public comments.

Motion on Item I.C.

Motion was made by Commissioner Newland, seconded by Commissioner Beach and carried with a 4-0-1 vote to appoint Commissioner Robert Esposito as Chair. Vice Chair Espersen absent.

Second Motion on Item I C.

Motion was made by Commissioner Esposito, seconded by Commissioner Newkand and carried with a 4-0-1 vote to appoint Commissioner Janet Espersen as Vice Chairperson. Vice Chair Espersen absent.

II. PRESENTATIONS TO THE OPEN GOVERNMENT COMMISSION

A. PUBLIC COMMENT BY MEMBERS OF THE PUBLIC ON ITEMS NOT ON THE AGENDA BUT WITHIN THE COMMISSION'S SUBJECT MATTER JURISDICTION

There were no public comments.

III. CONSENT CALENDAR

A. Approval of the Minutes of November 17, 2016

Motion on Item III.A.

Motion was made by Commissioner Newland, seconded by Commissioner Weaver and carried with a 4-0-1 vote to accept the minutes. Vice Chair Espersen absent.

IV. NEW BUSINESS

A. Quarterly Review of Public Records Requests Per Gilroy Code Section 17A.35 (c)

The staff report was presented by City Clerk Freels.

There were no public comments.

Motion on Item IV.A.

Motion was made by Commissioner Newland, seconded by Commissioner Beach and carried with a 4-0-1 vote to receive the report. Vice Chair Espersen absent.

V. CITY ADMINISTRATOR'S REPORT

There was none.

VI. CITY CLERK'S REPORT

City Clerk Freels spoke on the Open Government Ordinance training video segments explaining that the audio overlay still needed to be completed.

VII. CITY ATTORNEY'S REPORT

A. Update on Amendment to Gilroy City Code Sections 17A.20 (d) 17A.20 (e) Establishing a Time Period for the Filing of Appeals of Denied Requests for Public Records

Acting City Attorney Faber spoke on the Council's adoption of the recommendations the Commission had proposed to the Open Government Ordinance related to appeal timing.

There were no public comments.

B. Update on the Smith v. San Jose case regarding Councilmembers' emails on private computers – argued in the California Supreme Court on 12/7/16

Acting City Attorney Faber spoke on the recent case sharing details of the outcome and

the impact of the ruling on cities.

The Commission discussed the impacts to cities and there was a continued discussion of the Leagues development procedural guidelines.

There were no public comments.

VIII. REPORTS OF COMMISSION MEMBERS

There were none.

IX. FUTURE COMMISSION INITIATED AGENDA ITEMS - SET NEXT MEETING DATE

The Commissioner selected Thursday, May 25th for their next quarterly meeting.

X. ADJOURNMENT

The Commission adjourned the meeting at 7:40 p.m.

s/s Shawna Freels, MMC
City Clerk

City of Gilroy – Public Records Request Quarterly Summary

Date Received	Request	Date Complete	Notes
1/3/17	Business License Records for Deportes Toluca and Deportes Y Envios Toluca	1/5/17	1/12/17 Initial Response in person 1/5/17 Mailed to requestor
1/17/17	All planning, building and engineering records related to the Signature Homes Development on Day Rd.	2/9/17	1/17/17 Initial Response via email 1/26/17 Request for 10-day extension via mail 2/6/17 email/mailed responsive records available for review 2/9/17 Additional responsive records sent via email 2/17 Came in for review
1/18/17	All recent planning and building related records on file for 9080 San Ysidro Avenue, which identify the name of the applicant	1/26/17	1/26/17 records emailed to requestor
1/18/17	Contract and any amendments for CH2MHill operations and maintenance at SCRWA	1/18/17	1/18/17 Records emailed to requestor
1/23/17	New Business List for December 2016 to include owner name and phone number	3/15/17	2/1/17 Emailed explaining information not available until late February 3/15/17 Final response sent via email
1/24/17	Records of dimensions to replace existing hospital sign	1/24/17	1/24/17 Walk-in, records provided same day
1/30/17	Semiannual form 460 campaign committee filing for GILPAC	1/31/17	1/31/17 Emailed to requestor
1/31/17	Historical records for 8435 San Ysidro Avenue, Gilroy, APN 835-04-066	1/31/17	1/31/17 Emailed to requestor. No records available as property in County
2/2/17	Soils reports, foundation plans, grading plans for 200 and 205 Mayock Ct.	2/7/17	2/7/17 Mailed to requestor
2/2/17	Exclusive contract/agreement for solid waste and a copy of the ordinance for solid waste in your city	2/3/17	2/3/17 Emailed to requestor
2/2/17	Policies, procedures and other documents re: City of Gilroy Central Records Indexing System, Records Retention Schedules and Miscellaneous Policies and Procedures	2/7/17	2/7/17 Emailed to requestor
2/6/17	Cost of city crews removing debris from 1/22/17 tree falling from 1500-1520 El Dorado Drive. How many times did city crews clean debris from fallen trees during period 1/21/17-1/23/17 on public property	2/16/17 & 3/1/17	2/6/17 initial response sent via email 2/16/17 Emailed to requestor 3/1/17 additional requested information sent via email

Dept. Name: City Clerk

City of Gilroy – Public Records Request Quarterly Summary

Date Received	Request	Date Complete	Notes
2/6/17	Copy of Construction and Demolition Ordinance	2/6/17	2/6/17 Emailed to requestor
2/7/17	Current Labor Unit Memorandum of Understanding (MOU) and Support Materials	2/7/17	2/7/17 Emailed to requestor
2/16/17	In person - all building documents respective to construction, modifications and/or alterations and all approved construction drawings of 7031 B Rosanna St.	2/23/17	2/23/17 Records via email
2/22/17	Occupancy Permit, Maximum Occupancy & Zoning variances for Pacific Point Christian School 1575 Mantelli	3/16/17	2/22/17 Initial response via email 2/23/17 Partial response sent via email 3/16/17 – Copies of responsive records made available
2/22/17	Permit records since Jan 1, 2017	2/24/17	2/22/17 Initial response via email 2/24/17 Completed via email
2/23/17	Gilroy's decision regarding Minimum Wage proposed by Sana Clara Cities Association	2/23/17	2/23/17 records sent via email
2/23/17	Depositor names, deposit amounts, and deposit dates, for every Un-refunded cash escrow, cash deposits, cash performance bonds which have been deposited with Gilroy and have not been returned or refunded to the developer and/or depositor.	2/24/17	2/23/17 Initial response sent via email 2/24/17 records sent via email
2/21/17	Occupancy permit and maximum occupancy for Pacific Point Christian School at 1575 Mantelli. Zoning variance for Pacific West and Pacific Point at 1575 Mantelli	3/13/17	2/22/17 Initial response via email 2/23/17 partial response via email 3/3/17 Request for extension 3/13/17 Records available 3/29/17 –records picked up
2/23/17	Faxed in request for records of un-refunded deposits, bonds and unclaimed/un-cashed checks	2/24/17	2/23/17 Initial response sent via email 2/24/17 Final response sent
2/22/17	Request for a report of all building permits processed from January until the first of February 2017	2/24/17	2/22/17 Initial response sent via email 2/24Final response sent on
2/27/17	Request for Gilroy Police Department budget for 2016, total amount spent on PD Overtime in 2016	3/3/17	2/27/17 Initial response via email 3/1/17 Additional records sent via email 3/1/17 Emailed - report not available– request for extension 3/3/17 Final response sent via email

Dept. Name: City Clerk

City of Gilroy – Public Records Request Quarterly Summary

Date Received	Request	Date Complete	Notes
2/28/17	Any and all documents containing raw data, (aka traffic counts, traffic study, traffic data, traffic survey) for Welburn Avenue between Santa Teresa Boulevard and Mantelli Drive in Gilroy, CA. performed sometime between November 2016 service agreements	3/15/17	2/28/17 Response sent via email 3/1/17 Partial response via email 3/2/17 Records sent via email 3/10/17 Extension of 10 days 3/15/17 Final records sent via email
3/1/17	Contract with Sensus for wireless network that remotely reads Atwater water meters.	3/2/17	3/2/17 Response sent via email
3/3/17	Request any public files for parcels: 808-01-021 (1410 1 st street, Gilroy) 808-01-022 (7890 Santa Teresa Blvd, Gilroy) 808-01-023 (1490 1 st Street, Gilroy) 1190 W. 1 st Street, Gilroy	3/7/17	3/3/17 Initial response sent via email with partial information 3/7/17 Remaining and final response sent via email
3/6/17	Walk-in request for information on the demographic makeup of Gilroy PD; Also requesting demographic makeup of people stopped for traffic violations.	3/15/17	3/7/17 Initial response sent via email; Final due by 3/16 3/15/17 Final response given
3/6/17	requesting a copy of Gilroy's Employee Compensation Report for the 2016	3/6/17	3/6/17 Initial and final response sent via email
3/8/17	Gilroy Gardens Financial Statements for the last 10 years.	3/9/17	3/8/17 Initial response sent via email; Final due by 3/28 3/9 response sent via email No Responsive Records
3/13/17	Building and fire records as part of an environmental site assessment	3/15/17	3/13 Initial response sent via email 3/15/17 Final response completed
3/20/17	Request for public records relating to Gilroy Gardens, Inc., Bonfante Gardens, Great Wolf Lodge and Cedar Fair management. All contracts, leases, receipts for payment and invoices or otherwise binding legal agreements related to the above	Ongoing	3/20/17 Initial response sent via 3/27/17 Request for extension; Now Due 4/10 3/27/17 Partial response made available Extension granted by requester to May 20
3/21/2017	Building life and environmental Safety File review request 8420-8440 Church Street	3/21/17	3/21/17 Initial Response made via email and records sent
3/27/2017	All information/documentation/files for Lilly Gardens: 8000 Lilly Avenue, Gilroy, CA 94020, APN: 790-27-039	3/28/17	3/27/17 Initial request and

Dept. Name: City Clerk

City of Gilroy – Public Records Request Quarterly Summary

Date Received	Request	Date Complete	Notes
			response sent via email 3/28 Final response via email
3/29/17	All files on hazardous materials, underground storage tanks (UST), and leaky underground storage tanks (LUST) for the property located at 6735 Camino Arroyo, Gilroy, CA 95020	4/3/17	4/3/17 Initial and final response filled via email –“No responsive records”
3/31/17	Fee study report and findings for increased development fees, all staff reports issued for Real Property at N. 1 st & Kern Ave. Gilroy	4/10/17	4/6/17 Initial response via email 4/10/17 Response via email

Dept. Name: City Clerk

City of Gilroy – Public Records Request Quarterly Summary

Date	Request	Date Completed	Notes
1/6/17	7911 Miller Ave.	1/6/17	Inc. # 1502481
1/12/17	8370 Swantson Lane	1/12/17	Inc. # 1605073
2/14/17	425 E Seventh St.	2/14/17	Inc. # 1603652
2/27/17	600 E Eighth St.	2/27/17	Inc. # 1700769
2/27/17	600 E. Eighth St.	2/27/17	Inc. # 170769 – 2 nd request from a different insurance co.
2/28/17	8203 Kelton Dr.	3/1/17	Inc. # 1700764
3/22/17	425 E 7 th St.	3/22/17	Inc. # 1603652

Department: _____ Fire _____

Public Records Requests Filled 2017
 Gilroy Police Department

Report Request	January	February	March
Agency Requests (Not CPRA)	84	56	73
Citizen Requests	48	73	115
Insurance Requests	85	88	28
Background Checks	36	55	85
Clearance Letters		1	1
Victim Witness Requests (Not CPRA)	18	30	21
Arrest Log	22	19	22
Press Log	4	4	4
Subpoena Duces Tecum			1
Other CPRA Requests			
Total Requests	297	326	350
Total CPRA Requests	195	240	256

Agency Requests - These are requests made by a criminal justice agency for a police report that is precluded from public release under one of many statutes, but authorized by statute to be released to assist the agency in the administration of justice.

Victim Witness Requests - These are requests made by a Victim Witness organization for a police report that is precluded from public release under one of many statutes, but allowed by statute to be released for the assistance to a victim for various services.