

Date: March 8, 2016
To: Los Altos City Council
From: Mark Rogge
Subject: Operation of Committees

Submitted @ Los Altos City Council Meeting
March 8, 2016
DATE

In response to a request for records from City Attorney Jolie Houston, I replied by e-mail

I am concerned about your requests and have several questions. Please let me know if you and Marcia Somers are available to meet. I think many others on the Committee would also wish to be present for this meeting as well.

I also called the City Attorney at her office and left a voice mail with some of my questions/concerns. She responded that she could not discuss it with me.

I replied:

It seems by your reply (below) that you are unable to address my concerns or answer my questions. Although I'm happy to cooperate, I am uncomfortable to do anything when my concerns and questions are neglected.

The City already has every draft report and subsequent draft revision. Draft reports were sent to the City by subcommittees. The City distributed these draft reports to all Committee members prior to regularly scheduled, open, posted, public Committee meetings. This is the way that information was shared with the entire Committee, (contrary to allegations). Comments from the public meetings are what then prompted the next round of revisions. This is why the process has taken so long.

I am therefore stumped as to why we were not simply told what specific allegations are being investigated, and why we were not simply asked to respond to them. I am not aware of any Brown Act violations made by the Parking Committee or subcommittees.

However, allegations rely upon several mis-statements or untrue statements, that are readily evident. It would be a shame to think that if good people wish to serve the City they must satisfy the local bully or be subjected to intimidation.

This seems like a poor way to treat volunteers who have spent their time and resources to assist the City. The long duration and great amount of time and energy expended by this ad-hoc Parking Committee was due to our respect for open government and abiding by the Brown Act to the best of our knowledge.

Sincerely,

In my public service to local governments in the last 30 years I have been on, chaired, led or acted as City Council liaison, or City Staff support for many Commissions and

Committees. We certainly had our share of difficult personalities, issues and allegations. I have never seen an allegation of a Brown Act violation handled in such a callous manner toward City volunteers.

The City may have an obligation to investigate, but the manner and approach seems to be adversarial toward Committee-members, rather than respectful. If the City were posed with such a broad and vague request for records, it would certainly have declined by stating that the request is too broad, too vague.

As a private citizen I have concerns about privacy, and Identity theft, and believe my records are confidential. The City has not said whether or not records provided would be held in confidence or become public records. I do not think it is wise to provide FOLA with more records to mischaracterize, and with which to draw senseless conclusions to make or support wrong allegations. Nor do I wish to approach the possibility of opening the door to losing the privacy or integrity of my personal records. It is not that I have anything to hide about the Parking Committee. However, my own work in politics, and other personal business simply cannot be compromised for the City Attorney's expediency.

I do not believe that any investigation done by the City or its independent counsel will satisfy FOLA, regardless of the outcome. One goal may be to delay what they fear the current City Council may approve, or to delay the reports coming to the Council until after the next municipal, election, if at all. Furthermore, they may wish to discredit current Councilmembers or potential future Councilmembers that they don't like. Therefore, I do not believe these allegations will be put to rest until the District Attorney does so. But the delay may well serve FOLAs purposes.

I am not aware of any violation of the Brown Act by the Parking Committee, or subcommittees. I certainly do not believe that any member would have violated the Brown Act intentionally. In fact there were several instances where other members showed up for a subcommittee meeting and were sent away, in respect for the Brown Act. There were times that the subject of another subcommittee was raised, and immediately stopped by loud objections that we can't talk about that here. Sometimes we would say, well this subcommittee will have to wait and see what the other subcommittee has to say at the next Committee meeting of the whole. The extent that we went out of our way to preserve the intent of the Brown Act was great.

I also think the nature of the Draft reports has led some to conclude there were infractions. Drafts are of course full of mistakes, and sometimes unclear information. These get corrected over time after several iterations of bringing them back and forth to the public Committee of the whole meeting. Drafts frequently include every Committee member's name, because the anticipated final draft will express the concurrence of the entire committee. These draft records that show several or all names are not evidence of a Brown Act Violation, but merely evidence of the long process of multiple drafts to get to a consensus when you are diligently following the Brown Act.

In closing I have suggestions for the future. I sympathize that City staff already has too much on their plates, and supporting one more Committee presents an additional burden. However, every committee I have led received Brown Act training, specifically geared towards the work of that committee, prior to any participation in the committee. The Parking Committee received none.

The host City has always provided a good meeting place along with amenities for every other committee I've been on. We also provided space and support for subcommittees, either at the library or City Hall, so committee-members did not have to search for meeting venues. The Parking Committee was shuffled between two locations, and not even offered a bottle of water. No provisions were offered by the City for subcommittee venues.

Most Bay Area Cities respect and even cherish their volunteers, especially committee-members who provide time, resources, and expertise for free. Los Altos could learn a lot about how to support and appreciate those willing to participate in committees and the public process.

Thank-you
Mark Rogge

To the Los Altos City Council,

We have resided in Los Altos since 1979, choosing it as a town in which we wanted to raise our family. Our support of the city, its programs, and schools has always been a top priority. Now, we are seniors, and wish to remain in our community. After having shown many years of support to our city, we had hoped to receive the same support system to those of us now in our retired years. It is disappointing to realize that now, some of our city council representatives feel that The Los Altos Senior Commission is not important. We were here in our younger years to support our community. It is the moral and civic responsibility of our community, led by the Los Altos City Council, to continue to support ALL who live here with programs and services to meet the needs of all ages. We urge you to reconsider and keep the Senior Commission a viable part of our city government.

Respectfully,

Dennis and Marie Garcia
649 Giralda Drive
Los Altos, CA 94024

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