



CITY OF GILROY
OPEN GOVERNMENT
COMMISSION



REGULAR MEETING AGENDA

THURSDAY, AUGUST 14, 2025 | 6:00 PM

CITY CHAMBERS, CITY HALL
7351 ROSANNA STREET, GILROY, CA 95020

Chair: Shayne Somavia

Vice Chair: Ann Marie McCauley

Commissioners: Diana Bentz, Janet Krulee & Sharpy Sandhu

Staff Liaison: Brad Kilger, Interim City Administrator

All Open Government Commission meeting materials are available online at <http://gilroy.city/meetings>.

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's Office at least 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.

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.

If you need assistance with translation and would like to speak during public comment, please contact the City Clerk a minimum of 72 hours prior to the meeting at 408-846-0204 or e-mail the City Clerk's Office at cityclerk@cityofgilroy.org.

Si necesita un intérprete durante la junta y gustaría dar un comentario público, comuníquese con el Secretario de la Ciudad un mínimo de 72 horas antes de la junta al 408-846-0204 o envíe un correo electrónico a la Oficina del Secretario de la Ciudad a cityclerk@cityofgilroy.org.

The agenda for this regular meeting is as follows:

1. CALL TO ORDER

2. ROLL CALL

3. PRESENTATIONS TO THE OPEN GOVERNMENT COMMISSION

3.1. Public Comments by Members of the Public on Items not on the Agenda but within the Commission's Subject Matter Jurisdiction

4. CONSENT CALENDAR

Items under the Consent Calendar are deemed routine and approved with one motion. If a commissioner wishes for a separate discussion on an item, it must be requested for removal before the approval vote. If removed, the item will be discussed in its original order.

4.1. Approval of the Minutes of the May 8, 2025 Open Government Commission Regular Meeting

5. UNFINISHED BUSINESS

5.1. Reports of the Subcommittees

1. Staff Report:
2. Public Comment
3. Possible Action:
Receive the reports.

6. NEW BUSINESS

6.1. Review of Public Records Requests Per Gilroy Code Section 17A.35(c) (Second Quarter 2025)

7. CITY ADMINISTRATOR'S UPDATE

8. ADJOURNMENT

FUTURE MEETING DATES

November 13, 2025 – 6:00 PM

DRAFT

**City of Gilroy
Open Government Commission
Minutes
Thursday, May 8, 2025 | 6:00 PM**

1. CALL TO ORDER

The meeting was called to order by at 6:00 PM.

2. ROLL CALL

Attendance	Attendee Name
Present	Commissioner Diana Bentz Commissioner Shayne Somavia Commissioner Janet Krulee Commissioner Ann Marie McCauley Commissioner Sharpy Sandhu
Absent	

3. PRESENTATIONS TO THE OPEN GOVERNMENT COMMISSION

1. Public Comments by Members of the Public on Items not on the Agenda but within the Commission’s Subject Matter Jurisdiction

None.

4. CONSENT CALENDAR

Motion

Approve

RESULT: Passed

MOVER: Commissioner Shayne Somavia

SECONDER: Commissioner Sharpy Sandhu

AYES: Commissioner Diana Bentz, Commissioner Shayne Somavia,
Commissioner Janet Krulee, Commissioner Ann Marie McCauley,
Commissioner Sharpy Sandhu

1. Approval of the March 6, 2025 Special Meeting Minutes

5. UNFINISHED BUSINESS

1. Reports of the Subcommittees

The Commission's committees provided updates on progress to the full Commission.

6. NEW BUSINESS

1. Appointment of Chair and Vice Chair

Motion

Appoint Commissioner Somavia as Chair

RESULT: Passed

DRAFT

MOVER: Commissioner Diana Bentz
SECONDER: Commissioner Janet Krulee
AYES: Commissioner Diana Bentz, Commissioner Shayne Somavia,
Commissioner Janet Krulee, Commissioner Ann Marie McCauley,
Commissioner Sharpy Sandhu

Motion

Appoint Commissioner McCauley as Vice-Chair

RESULT: **Passed**

MOVER: Commissioner Diana Bentz

SECONDER: Commissioner Shayne Somavia

AYES: Commissioner Diana Bentz, Commissioner Shayne Somavia,
Commissioner Janet Krulee, Commissioner Ann Marie McCauley,
Commissioner Sharpy Sandhu

2. Review of Public Records Requests Per Gilroy Code Section 17A.35(c) (All of 2024 and First Quarter 2025)

The Commission reviewed the public records requests, and provided comments regarding improvements to the future reports.

7. CITY ADMINISTRATOR'S UPDATE

The City Administrator provided a brief update about the City Clerk recruitment.

8. ADJOURNMENT

With no additional business before the Commission, the meeting was adjourned at 6:49 PM.

GILROY OPEN GOVERNMENT COMMISSION

7 Aug 2025 Revision

2026-2027 WORK PLAN: Open Government Week Proclamation & Activities

SPONSOR: Commissioner Shayne Somavia, shayne.somavia@cityofgilroy.org

STATUS: Open – In Progress

PURPOSE: To provide a roadmap with potential public activities and events to promote Gilroy’s first Open Government Week, showcasing the City’s (Council, boards, committees and commissions) steadfast commitment to the highest principles of openness and transparency.

TIMELINE:

- ✓ 8 May 2025 *Open Government Commission Meeting*
Provided Commission drafts of the Open Government Week proclamation, council correspondence, and proposed activities for review and mark up.
- 14 Aug 2025 *Open Government Commission Meeting*
Review previous changes and vote on final draft, which will be submitted as a council correspondence package for their review and approval.
- 3 Nov 2025 *City Council Meeting*
Provide Council Correspondence memorandum for Council’s approval to comply with the policy requirement of no later than 10 business days prior to need.

17 – 21 Nov 2025	<i>Open Government Week</i>
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- 17 Nov, *City Council Meeting*
 - Receive Proclamation
 - Open Government Commission Annual Report
 - Translation Services at City Council Meetings

PROPOSED ACTIVITIES

1. High School Civic Engagement – Provide a 15-minute presentation with a Questions and Answers (Q&A) session to Gilroy/Christopher High Schools highlighting the features and importance of the Open Government Ordinance.

2. Public Engagement Assistance – Setup and staff a table in front of the council chambers on Mon, 17 Nov 2025 for City Council Meeting. Help members of the public attending the council meeting with public speaker cards, agenda packets, and respond to any questions they may have.
3. Ask a Commissioner – Setup and staff table at the Gilroy Library to engage with the public, demonstrate how to access public records, Council meeting recordings, identify ways they can submit their input to the council (in person, via email).
4. Mercury News Article | Letter to the Editor – Contact Mercury News to offer a news story. Provide letter to the Editor.
5. Debut new OGO Training – With the revamping of OGO Training (2026-2027 Workplan Item 2), significant progress is being made to provide a bilingual (English and Spanish) presentation that empowers users to read, listen, navigate through the training material at their pace and that supports their method for learning. The training completion timeline is being synchronized so that the training “go live” coincides with Open Government Week.

ATTACHMENTS (2)

1. DRAFT: City Council Correspondence
2. DRAFT: Open Government Week Proclamation¹

¹ City of Gilroy, City Council Proclamation Policy, 1 May 2023



Open Government Commission Council Correspondence

7351 Rosanna Street, Gilroy, California 95020-6197
Telephone: (408) 846-0202 | <http://www.cityofgilroy.org>

Commission Chair
Shayne Somavia

Commissioners
Diana Sanchez-Bentz
Ann Marie McCauley
Janet Krulee
Sharpy Sandhu

August 14, 2025

To: Gilroy City Council
Brad Kilger, City Administrator

From: Gilroy Open Government Commission

Re: Gilroy Open Government Week Proclamation

The Commission seeks to raise the awareness of the significance and importance for residents and public servants to participate and contribute to democracy by highlighting the framework of which is Gilroy's Open Government Ordinance. This year is the 17th anniversary of Gilroy's Sunshine Law, and the Commission has laid out a plan of action to highlight the ordinance's importance, while also promoting its benefits to residents through public outreach events. The proclamation and public presentation on November 17, 2025 will serve as a kickoff for the week's events.

RECOMMENDATION: The City Council approve the proclamation request declaring November 17 – 21, 2025 as Open Government Week.

This draft proclamation was approved by the Commission with the following vote:

Ayes: #
Noes: #
Absent: #

SHAYNE SOMAVIA, Chair
Open Government Commission

BRAD KILGER
City Administrator and Executive Sponsor

City of Gilroy
Proclamation

Whereas On November 17, 2008, the Gilroy City Council passed Ordinance 2008-11, putting in place by practice and endeavor the Open Government Ordinance. This legislative action established the framework whereby citizens are entitled to participate in their government by accessing public meetings, requesting public records, and petitioning the Open Government Commission.

Whereas, Open Government Week reinforces the City's role and commitment to the principles of openness and transparency as well as to foster processes that empower the public through participation and access to public information.

Whereas, An open and accessible government is the cornerstone of democracy and is critical in establishing and maintaining the people's trust and confidence in their government and in the government's ability to effectively serve its citizens.

Whereas, Declaring an Open Government Week allows us to recognize the importance of transparency, participation in public meetings, accessing public records and communicating with Gilroy's Council, Boards, Commissions and Committees.

NOW, THEREFORE, I, Greg Bozzo, Mayor of the City of Gilroy, together with the Gilroy City Council, on this __ day of November 2025, do hereby proclaim November 17 through November 21, 2025, as

Gilroy Open Government Week

and encourage all residents to contribute to an Open Government through council correspondence, comment at public hearings, and access public records to remain engaged and informed.

GILROY OPEN GOVERNMENT COMMISSION

7 Aug 2025 Revision

2026-2027 WORK PLAN: Reinvigorate Gilroy Open Government Ordinance Training

SPONSORS: Commissioner Janey Krulee, janet.krulee@cityofgilroy.org
Commissioner Shayne Somavia, shayne.somavia@cityofgilroy.org

STATUS: Open – In Progress

PURPOSE: To provide just-in-time training to on-board new staff, council, commission and board members as well as provide refresher training to stakeholders when significant changes occur to the City’s Open Government Ordinance.

STAKEHOLDERS

- Members of Gilroy City Council
- City Staff
- Members of Boards, Commissions and Committees
- Members of the Public

TIMELINE:

- ✓ 8 May 2025 *Open Government Commission Meeting*
Present to the Commission the draft PowerPoint presentation, highlighting its functionality, features, and form. Demonstrate the first two sections (Intro and Changes & Public Access to Meetings) to garner Commissioner input as well as serve as a vector check for completing the remaining two sections (Public Access to Information & Records & Open Government Commission) of the training.
- 14 Aug 2025 *Open Government Commission Meeting*
Present draft version, which includes all four sections, to the Commission for review, take input and garner approval. Once approved, route to the City Attorney for feedback, input to the content and coordination. Incorporate changes from City Attorney and then create a Spanish language version. Discuss and determine approving authority.
- 17 – 21 Nov 2025 *Open Government Week*
Announce new training as part of Open Government Week activities. Provide stakeholders with a link to the training as well as publish on the City’s website.

TRAINING OBJECTIVES

- Familiarize stakeholders with the purpose and intent of the Open Government Ordinance
- Provide principles, policies, and procedural requirements regarding the community’s role and access to public meetings and public information
- Outline the role and responsibilities of the Open Government Commission
- Identify significant changes to the Open Government Ordinance to promote transparency in decision making
- Catalogue Frequently Asked Questions (FAQs) and document for reference so stakeholders are familiar and aware of the public’s issues and concerns

1. Introduction to Open Government Ordinance

1.1. Purpose and intent of Chapter 17A

[Ref. 17A.1]

1.2. Highlights of recent, relevant changes

NOTE: As part of the Open Government Training overhaul, a Frequently Asked Questions (FAQs) document is being assembled to record pertinent information and to capture questions from individuals and provide answers with supporting details. This would include a change log highlighting updates to the OGO since its inception.

Ordinance (Ord)	Date
Ord No. 2023-10	20 Nov 2023
Ord No. 2019-05	25 Feb 2019
Ord No. 2019-04	11 Feb 2019
Ord No. 2018-03	22 Jan 2018
Ord No. 2017-03	6 Mar 2017
Ord No. 2014-09	4 Aug 2014
Ord No. 2014-03	7 Apr 2014
Ord No. 2012-12	1 Oct 2012
Ord No. 2008-11	17 Nov 2008

2. Public Access to Meetings

[Ref. 17A.3]

2.1. Terms, Definitions and References

2.1.1. What are Meetings | What are not Meetings

2.1.2. “Open – Public” and “Closed-Private” Sessions

2.2. Meetings (Regular & Special)

2.2.1. Preliminary Agenda (7-day)

2.2.2. 72-hour Agenda

2.2.3. “Know your Rights” Notice

[Ref. 17A.5 (g)]

2.2.4. How to contact the Open Government Commission & receive a free copy of the Open Government Ordinance	[Ref. 17A.5 (h)]
2.2.5. Action on items not on the agenda	[Ref. 17A.5 ©, (f)]
2.2.6. Statement or comments made by the public	[Ref. 17A.6, 17A.7]
2.3. Closed Session – Agenda Disclosure Types	[Ref. 17A.8]
2.3.1. Agenda item involving litigation	[Ref. 17A.9]
2.3.2. Subject matter jurisdiction of policy body	[Ref. 17A.11]
2.3.3. Reasons for Closed Session	[Ref. 17A.12]
2.3.4. Closed Session Disclosures	[Ref. 17A.13]
2.4. Barriers to Attendance	[Ref. 17A.14]
2.5. Recording, Filming and Photographing	[Ref. 17A.15]
2.6. Public Comments & Council Announcements	[Ref. 17A.16]
2.7. Meeting Minutes	[Ref. 17A.17]
2.8. Public Comment by members of policy bodies	[Ref. 17A.18]
3. Public Access to Information and Records	
3.1. Terms, Definitions and References	[Ref. 17A.19]
3.1.1. What is public information	
3.1.2. What is not public information	
3.2. Administrative appeals to access public records	[Ref. 17A.20]
3.3. Technology use and digitization of public records	[Ref. 17A.21]
3.4. Release of oral public information	[Ref. 17A.22]
3.5. Public Review File	[Ref. 17A.23]
3.6. Public Information that must be disclosed	[Ref. 17A.24]
3.7. Response timeline	[Ref. 17A.25]
3.8. Withholding & justification of withholding	[Ref. 17A.26-27]
3.9. Enhanced rights of public access	[Ref. 17A.28]
3.10. Fees for duplication	[Ref. 17A.29]
3.11. Public records index	[Ref. 17A.30]
3.12. Records retention	[Ref. 17A.31-33]
3.13. Statement of Economic Interest (FPPC filings)	[Ref. 17A.34]
4. Open Government Commission	
4.1. Composition	[Ref. 17A.35 (b)]
4.2. Roles & Responsibilities	[Ref. 17A.35 ©; 17A.36]
4.2.1. Commission	
4.2.2. City Administrator	
4.2.3. Department Heads	
4.3. Compliance & Enforcement	[Ref. 17A.38-39]
4.4. Severability	[Ref. 17A.40-41]

SUPPLEMENTAL MATERIAL (Pending Development)

1. Frequently Asked Questions (FAQs)
2. Open Government Trifold – The OGO in Brief

OPEN GOVERNMENT ORDINANCE TRAINING

- Training Type: Initial & Refresher
- Source: Gilroy City Code
Chapter 17A, *Public
Meetings & Public
Records*
- Published Date: DD Mmm YYYY

Training Module Navigation



HOME: Takes users to the Training Outline where they can select the section they wish to explore



FORWARD: Navigates to the next slide



BACK: Navigates to the previous slide



PROGRESS BAR: Shows the progress of training until completion

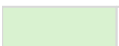
[Hyperlinks](#)

LINKS: Allows users to jump to specific content by clicking the linked text



Training Objectives

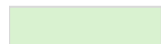
- Familiarize stakeholders with the purpose and intent of the Open Government Ordinance
- Provide principles, policies, and procedural requirements regarding the community's role and access to public information and meetings
- Outline the role and responsibilities of the Open Government Commission
- Identify significant changes to the Open Government Ordinance





Training Outline

- I. [Introduction and Changes](#)
- II. [Public Access to Meetings](#)
- III. [Public Access to Information and Records](#)
- IV. [Open Government Commission](#)





Training by Role and Frequency

ROLES

FREQUENCY



City Council Member

1. Initial: *Within sixty (60) days of election / appointment*

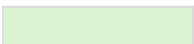


Department Heads | Staff Designees

2. Refresher: *Every two (2) years thereafter*



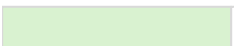
Board, Committee and Commission Member





I. Introduction

- The Open Government Ordinance (OGO) was enacted by the Gilroy City Council in 2008.
 - It is incorporated into Gilroy Municipal Code, Chapter 17A, *Public Meetings and Public Records*.
- This ordinance enhances public access to meetings and information.
- It broadens access to the public beyond the provisions outlined in the Ralph M. Brown Act (Brown Act) and the California Public Records Act (CPRA).

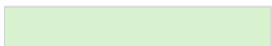




I. Introduction

The OGO is comprised of three (3) parts:

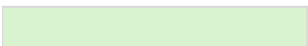
1. Public Access to Meetings
2. Public Access to Information and Records
3. Open Government Commission





I. Introduction & Changes

- Since its inception in 2008, the OGO has been amended eight (8) times.
- Most recent change occurred with adoption of Ordinance 2023-10, which passed on 20 Nov 2023.
 - Incorporated administrative changes to the California Public Records Act (CPRA) Recodification Act, which renumbered and reorganized the Government Code.
 - Updated Government Code references in the OGO.





I. Introduction & Changes

Gilroy City Code
17A.19 Definitions.

Old OGO

17A.19 Definitions.

Whenever in this chapter the following words or phrases are used, they shall mean:

“Public information” shall mean the content of public records as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication.

“Public information” shall not include computer software developed by the City of Gilroy as defined in the California Public Records Act (Government Code Section 6254.9). (Ord. No. 2008-11, 11-17-08; Ord. No. 2023-10, §§ 2 (Exh. A), 4, 11-20-23)

Replaced the old section references with the new ones

EXAMPLE

Updated OGO

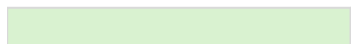
Gilroy City Code
17A.19 Definitions.

17A.19 Definitions.

Whenever in this chapter the following words or phrases are used, they shall mean:

“Public information” shall mean the content of public records as defined in the California Public Records Act (Government Code Section 7920.000, or its successor), whether provided in documentary form or in an oral communication.

“Public information” shall not include computer software developed by the City of Gilroy as defined in the California Public Records Act (Government Code Section 7922.585, or its successor). (Ord. No. 2008-11, 11-17-08; Ord. No. 2023-10, §§ 2 (Exh. A), 4, 11-20-23)

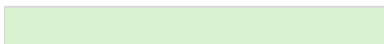




II. Public Access to Meetings

All meetings of any “policy body” shall be:

- Open and public.
- Governed by the Brown Act and the OGO.
 - Guiding Principle: *Whichever requirement provides expedited public access shall apply.*





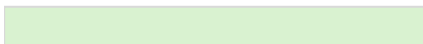
II. Public Access to Meetings

What are Policy Bodies?

- City Council, appointed subcommittees of the City Council, commissions, boards, and City created task forces.

What are **NOT** Policy Bodies?

- *Ad hoc* subcommittees appointed for a single purpose on a temporary basis.
- Committee consisting solely of City employees (staff).

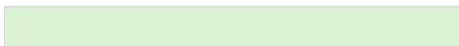




II. Public Access to Meetings

What are Meetings as defined by the OGO?

- Congregation of a majority of members of a policy body at the same time and place to discuss or deliberate City business
- Series of gatherings, each of which involves less than a majority of a policy body
- Any other use of personal intermediaries or communications media that could permit a majority of members of a policy body





II. Public Access to Meetings

What are **NOT** deemed as Meetings by the OGO?

- Individual contacts or conversations between a member of a policy body and another person that do not convey to the member the views or positions of other members.
- The attendance of a majority of the members of a policy body at:
 - Regional, statewide or national conference.
 - A purely social, recreational or ceremonial occasion.
 - An open and noticed meeting of a standing committee of that body.



II. Public Access to Meetings

What are **NOT** deemed Meetings by the OGO (continued)?

- “Electronic email exchange between members of a policy body and or city staff, exclusively through the use of those members’ city email address, so long as electronic mail is subject to inspection under [the OGO.] Notwithstanding the foregoing sentence, such email exchanges shall not violate the Brown Act.”



II. Public Access to Meetings

Agenda Requirements

- Post an agenda at least 72 hours before a regular meeting for all policy bodies
- Post a preliminary agenda at least 7 calendar days before a regular City Council meeting
- Agendas are required to be posted to the City's website
(Refer to Agenda Portal at <https://ca-gilroy.civicplus.com/965/Agendas-Minutes>)



II. Public Access to Meetings

When can policy bodies take action on items **NOT** on the agenda?

- Emergency action due to an accident, natural disaster, or workforce disruption; however, a majority vote is required.
- By a two-thirds (2/3) vote of the body that immediate action is needed.
- Continued item from a prior meeting.
- Majority Vote Waiver – Upon determination of a majority vote that staff has demonstrated good cause to present documentation in a meeting that was not made available 72 hours in advance on the City's website.



II. Public Access to Meetings

Requirements: Agendas – Closed Sessions

- Policy body may but is not required to hold closed sessions, unless otherwise required by law.
- Types of Closed Session Agenda Items
 - License/Permit Determination
 - Conference with Real Property Negotiator
 - Conference with Legal Counsel
 - Threat to Public Services or Facilities



II. Public Access to Meetings

Requirements: Agendas – Closed Sessions

- Types of Closed Session Agenda Items (Continued)
 - Public employee appointment/hiring, evaluation, dismissal/discipline/release
 - Conference with negotiators – collective bargaining
 - Other types specified within the Brown Act [Ref. Cal Gov Code § 54954.5]



II. Public Access to Meetings

Procedures: Closed Sessions

- Prior to any closed session a policy body shall state the general reason(s) for the closed session and cite the statutory authority.
- Immediately upon entering closed session, City Council shall discuss only whether the matter should proceed in open session instead of a closed session.
 - A Roll Call vote on this question shall be held.



II. Public Access to Meetings

Procedures: Closed Sessions (Continued)

- If a majority of the Council vote to hear and decide the matter:
 - In Open Session, the Council shall return to open session immediately without further discussion and report the vote in open session
 - In Closed Session, the Council shall do so and later report the vote on this question at the first opportunity after returning to open session.
- Disclosure of discussions and actions: After every closed session, a policy body may, in its discretion and in the public interest, disclose to the public any portion of its discussion that is not confidential or protected by law.



II. Public Access to Meetings

Procedures: Closed Sessions (Continued)

- Policy body shall publicly report any action taken in closed session, and vote and abstention of every member present, under the following categories:
 - Real Property Negotiations
 - Employee Actions
 - Litigation
 - Collective Bargaining
 - Settlement
- A written summary of the public information is required to be immediately reported and posted by the close of business on the next business day following the meeting



II. Public Access to Meetings

Prohibitions on Barriers to Public Attendance

- No meeting, conference or other function in any facility that excludes persons with actual or presumed class identity or characteristics.

Rights

- Tape Recording, Filming and Photography

Recording Requirements of Policy Body Meetings

- Video Recordings of City Council (Open Session) and Planning Commission
- Audio recording of all other policy bodies



II. Public Access to Meetings

Council Updates

- The presiding officer of a governing body has the authority to modify the agenda order to encourage public participation; this change will be communicated at the start of the meeting or shortly after the presiding officer is informed.

Public Input and Testimony

- Members of the public will be given the chance to speak on agenda items that involve proposed actions prior to the action being made.



II. Public Access to Meetings

Public Comment and Testimony (Continued)

- Agenda changes can be made to facilitate public input, but it needs to be announced at the beginning of the meeting or as soon as it becomes known.

EXAMPLE: To facilitate the 2025 Districting Public Hearing, the mayor as the presiding officer of the policy body [City Council] announced at the beginning of the City Council Meetings that the order of agenda items would change so that the districting portion of the agenda could start promptly at 7 p.m. to facilitate the public's participation and input on this matter.



II. Public Access to Meetings

Public Comment and Testimony (Continued)

- Every member of policy body may speak as a member of the public, to include the policy body for which they are a member.
- Elected or appointed officials shall not be sanctioned or deprived of their rights to express their judgement or opinion as a citizen to comment publicly.



II. Public Access to Meetings

Minutes of a Policy Body

- Clerk or secretary will write meeting minutes for all regular meetings
- Draft version posted to the city's website within ten (10) working days after the meeting.
- Adopted meeting minutes shall be available for inspection or copying within ten (10) working days after the meeting at which the minutes were adopted.
 - All votes, including voice votes, shall be properly recorded.



III. Public Information & Public Records

What is Public Information?

- Content of public records as defined in the California Public Records Act (CPRA), whether provided in documentary form or in an oral communication.

What are Public Records?

- “Any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency, regardless of the physical form or characteristics.” (Gov’t Code § 7920.545)

What is **NOT** Public Information?

- It does not include computer software developed by the City.



III. Public Information & Public Records

Process for Gaining Access to Public Information

- Every department head who has custody of any public record or public information shall as soon as possible and within 10 calendar days comply with such request.
- If department head believes the record or information requested is **NOT** public information or is exempt, the department head shall justify withholding any information or record in writing within 10 calendar days.
- 10-Calendar day extension (20 calendar days total) given in writing to requester due to: 1) Voluminous nature of information, 2) location at remote storage facility, or 3) requires consultation with legal council.



III. Public Information & Public Records

Process for Gaining Access to Public Information (Continued)

- Department Heads shall
 - Assist requesters in identifying existence, form, and nature of records and information maintained by, available to, or in the custody of the department head.
 - Assist regardless of whether contents of records are exempt from disclosure.
 - When requested to do so, provide in writing within ten (10) calendar days following receipt of request a statement as to the existence, quantity, form, and nature of records relating to a particular subject or question with enough specificity to enable a requester to identify records.
 - Assist requester with directing a records request to the proper staff/office when department is not in possession of subject records.



III. Public Information & Public Records

Process for Gaining Access to Public Information (Continued)

- If Department Head refuses or fails to comply, or incompletely complies with request
 - Requester may petition City Administrator in writing, within forty-five (45) calendar days of Department Head's response or the expiration of the Department Head's period to respond if no response is provided.
 - City Administrator shall inform petitioner, as soon as possible and within thirty (30) calendar days of petition whether requested record, or any part of the requested record is public.



III. Public Information & Public Records

Process for Gaining Access to Public Information (Continued)

- If petition to City Administrator is denied or not acted upon by the city administrator
 - Person making the request (petitioner) within forty-five (45) calendar days of City Administrator's denial or expiration of the City Administrator's thirty (30) calendar day period to act upon the petition, petition the Open Government Commission for determination whether the requested record is public.
- The administrative remedy provided by the OGO in no way limits the availability of judicial remedies otherwise available to any person requesting a public record.



III. Public Information & Public Records

Policy regarding use of computer systems

- The City of Gilroy uses computer technology to reduce costs associated with public records management to include cataloguing and recording requests.
- Computer systems used to collect and store public records will be designed to ensure convenient, efficient, and economical public access to records.

Release of oral public information

- Every Department Head shall designate individuals knowledgeable about the affairs of the department
- List of Department Head/alternate will be maintained on the city's website



III. Public Information & Public Records

Public review file – Policy body communications

- City Clerk or designated secretary of a policy body shall maintain a file, accessible to any person during normal office hours
- Contain letters, memorandum, and other communication which the clerk or secretary has distributed to or received from a quorum of policy body concerning matters calendared by the body within previous thirty (30) days or likely to be calendared within the next thirty (30) days
- Does not apply to items exempt from disclosure under CPRA (i.e., commercial solicitations, periodical publications, etc.)



III. Public Information & Public Records

Public information that must be disclosed

- No exemptions for preliminary drafts or memorandum if kept in the normal course of business – inherent nature of the city’s business in question, and in the method systematically employed for the conduct of the task in question.
- **NOT** Disclosed until Final Action is Taken: Preliminary drafts or memoranda concerning contracts, memoranda of understanding, or other matters subject to negotiation or pending council approval.



III. Public Information & Public Records

Public information that must be disclosed (Continued)

- Pre-litigation material (unless otherwise exempted by law)
 - Pre-litigation claim against the city (excluding investigative reports)
 - Record previously received or created by a department in ordinary course of business that was not attorney-client or work product
- Contracts, bids and proposals
 - All Requests for proposals (RFPs) shall be made available for public inspection.
 - Contracts, contractors' bids, responses to request for proposals, shall be open to inspection after the contract is awarded.



III. Public Information & Public Records

Public information that must be disclosed (Continued)

- Contracts, Bids and Proposals (Continued)
 - Immediately after review, evaluation or rating responses to RFP have been completed, the evaluation forms and score sheets and any other documents used by persons in RFP evaluation or contractor selection process shall be available for public inspection.
- Budgets, whether tentative, proposed or adopted, bills, claims, invoices, vouchers, or other records of payment obligations
- Appraisals, offers, and counter-offers relating to the City's purchase of real property are exempt until an agreement is executed.



III. Public Information & Public Records

Public information that must be disclosed (Continued)

- No Exceptions
 - Neither the City nor any officer, employee, or agent may assert deliberative process exemption
 - The public interest in withholding the information outweighs the public interest in disclosure.

Immediacy of Response

- Notwithstanding the ten (10) calendar day response, routine requests for non-exempt public information shall be satisfied no later than the close of business the day following the request.



III. Public Information & Public Records

Immediacy of Response (continued)

- Unless the Department Head advises the requester in writing and identifies specific future date.
- Or, the nature of the request warrants a 10-day extension, the requestor shall be notified within three (3) business days.
 - Size of the information requested
 - Information is located in remote storage facility
 - Consultation with legal council is warranted



III. Public Information & Public Records

Withholding Kept to a Minimum

- Exempt information shall be masked, deleted, or redacted
 - Such redaction shall be keyed by footnote or other clear reference.

Justification of Withholding

- Justified in writing.
- Shall cite the specific statutory authority or case law.
- Department Head shall inform requester and suggest alternative sources, if available.



III. Public Information & Public Records

Public Information that Must be Disclosed

- Gross earnings by name and job title
- Base salaries and other compensation
- Allowances and overtime
- Deferred compensation
- Leave cash out payments
- Percentage of base salaries that the City pays as the employer's CAL-PERS contribution



III. Public Information & Public Records

Fees for Duplication

- No fees for reviewing records (Not generating hard copies)
- No fees for electronic versions (downloaded or emailed video, audio, or electronic files)
- Fees set by City Council physical information (paper, video or audio tapes)

Index Records

- City prepares and maintains a Public Information Index



III. Public Information & Public Records

Records Survive Transition of Officials

- All documents prepared, received, or maintained by a Department Head are the property of the City.
- The City Administrator shall monitor the transition of the Department Heads

Internet Access/World Wide Web minimum Standards

- City shall maintain a website: www.cityofgilroy.org
- Publish as much information and as many documents as possible
- Meetings: Notices, agendas, minutes of previous meetings
- Webcasts: City Council and Planning Commission meetings



III. Public Information & Public Records

Correspondence and Records shall be Maintained

- City Administrator shall for a reasonable period maintain, preserve, and archive documents and correspondence:

Letters	Invoices
Emails	Reports
Drafts	Proposals
Memoranda	

Within subject matter jurisdiction of City Administrator's official duties

- Disclosure in accordance with OGO's public records release requirements



III. Public Information & Public Records

Correspondence and Records shall be Maintained (Continued)

- Any email created or received in connection with transaction of business and which:
 - Department or office retains as evidence of its activities
 Or

 - Relates to legal or financial rights of the city or of persons directly affected by activities of the city
- *Standard for determining if an email is a public record that must be retained is identical to the standard that applies to any document.*



IV. Open Government Commission

- Membership - Five (5) members of the public appointed by City Council
 - Serve four (4) year term unless appointed to complete the remainder of the unexpired term of a member who resigned or was removed
 - No member shall serve more than 2 (two) consecutive full terms
- Chair – Elected from among the appointed members to sever as chair of the commission
 - Term of office is one (1) year



IV. Open Government Commission

Roles & Responsibilities

- Advises city council and provide information to other city departments on appropriate ways in which to implement the OGO
- Develops appropriate goals to ensure practical and timely implementation of the OGO
- Proposes to city council amendments to the OGO
- Reports to city council at least annually on any practical or policy problems encountered in administration of the OGO



IV. Open Government Commission

Roles & Responsibilities (continued)

- Receives & reviews regular quarterly reports on requests for public information
- Recommends to city council an administrative process for review and enforcement of the OGO
- Possesses such powers as city council may confer upon it by ordinance or as the people of Gilroy shall confer upon it by initiative



IV. Open Government Commission

Responsibility for Administration

- City Administrator – Administers and coordinates implementation of the OGO
- City Clerk – Provides and performs administrative duties for the commission and assists any person in gaining access to public meetings/information

Declaration of Training

- Covers who requires the training
- The frequency of training
- Completion of training and record keeping



IV. Open Government Commission

Who requires training?

- Department Heads
- Management employees
- All policy body members
- Employees and officials who file Statement of Economic Interest and the city's conflict of interest code

Frequency of training?

- First sixty (60) days of appointment of election
- Every two (2) years thereafter

Recordkeeping (Declaration):

- Affidavit or declarations maintained by the city clerk
- Available as public records



IV. Open Government Commission

Willful Refusal to Follow Open Government Ordinance

- Willful refusal of any elected official, department head, or other managerial city employee to discharge any of the duties imposed by the following governance shall be deemed official misconduct
 - Open Government Ordinance
 - Brown Act
 - California Public Records Act



IV. Open Government Commission

Enforcement Provisions

- Any person may institute legal enforcement under that person's right to attend an open meeting, inspect or receive copies of information and records under the OGO
- Any person may institute proceedings for enforcement and penalties under the OGO if enforcement action is not taken by a city or state official 50 days after a complaint is filed



IV. Open Government Commission

OGO Precedence

- The provision of the OGO supersedes other local laws
- Whenever conflict in a local law is identified, the requirement which would result in greater or more expedited access to public information shall apply
- Applies to all applicable and relevant provision of the Gilroy City Code



Conclusion

OGO Training & Declaration

- You have finished the Open Government training requirement prescribed by Gilroy City Code, Chapter 17A, *Public Meetings and Public Information*.
- Complete the training and acknowledgement declaration as follows:
 - Access the Declaration of Training memo at <https://cityofgilroy.org/DocumentCenter/View/13238/Open-Government-Ordinance-Training---Declaration-of-Training>
 - Email the completed memo to the City Clerk at cityclerk@cityofgilroy.org



References

- Gilroy City Code, Chapter 17A, *Public Meetings and Public Records*
 - Open Gilroy: <https://ca-gilroy.civicplus.com/898/Open-Gilroy>
 - Public Records Request Center: <https://gilroy.streamlinegov.us/>
- California Government Code 54950 – 54963, *The Brown Act*
- California Government Code 7920, *California Public Records Act*



Open Government Commission Council Correspondence

7351 Rosanna Street, Gilroy, California 95020-6197
Telephone: (408) 846-0202 | <http://www.cityofgilroy.org>

Commission Chair
Shayne Somavia

Commissioners
Diana Sanchez-Bentz
Ann Marie McCauley
Janet Krulee
Sharpy Sandhu

August 14, 2025

To: Gilroy City Council
Brad Kilger, City Administrator

From: Gilroy Open Government Commission

Re: City Council Translation Services

1. In accordance with the Open Government Commission's (the "OGC") 2026-2027 workplan, translation services at city council meetings became a focus area for study, analysis, and recommended improvement. After observing City Council meetings, members of the OGC embarked on a study to determine the adequacy of the current offerings of translation services. Specifically, the Spanish translation services at City Council meetings.

2. In conjunction with Council's Legislative Agenda, (Item One: Communication and Support for District Based Elections) outlined in fiscal years 2026 and 2027, the OGC would like Council to consider revising translation services in consideration of the information and research the OGC has compiled. The OGC believes the research will show how it aligns with Council's legislative goals. It should be noted that the decision to use the current translation system seems to be administratively based, not Council based. In the OGC's view, it is important the translation services be a Council decision and not administrative.

3.. The OGC respectfully requests a presentation to council at the November 17, 2025, City Council meeting to coincide with the 17th anniversary of the Open Government Ordinance's passage and the Open Government Commission's annual report to council. The presentation to Council should take twenty minutes.

RECOMMENDATION: The City Council approve agendizing the OGC's presentation: "City Council Translation Services" for the November 17, 2025, City Council meeting.

Council correspondence was approved by the OGC with the following vote tally:

Ayes: #
Noes: #
Absent: #

SHAYNE SOMAVIA, Chair
Open Government Commission

BRAD KILGER
City Administrator and Executive Sponsor

We are in the process of running the PRA reports and will supplement once complete.