


PROPOSED REVISIONS TO CITY OF ALAMEDA'S SUNSHINE ORDINANCE



JULY 21, 2015

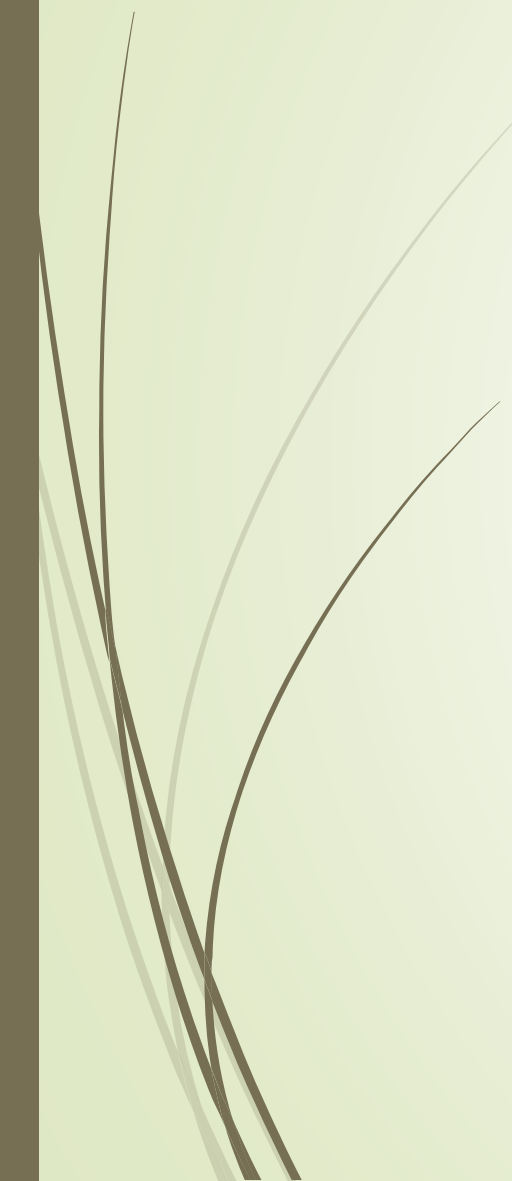


CITY OF ALAMEDA'S SUNSHINE ORDINANCE

- Adopted in 2012 after a year's study and the involvement of numerous residents
- Codified in Chapters 2-91 and 2-92 of the Alameda Municipal Code



PURPOSE

- Demonstrates Council's commitment to an open, democratic and transparent City government
 - Ensures residents have time to access information and opportunities to address elected and appointed officials
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OPEN GOVERNMENT COMMISSION

- Established to oversee and enforce Sunshine Ordinance
- Commission reviewed proposed changes to Ordinance over the course of several meetings



MAJOR PROPOSED REVISIONS

- Use of Electronic Communication Devices at Meetings
- Policy Body Members Submitting Comments When Not Present at Meeting
- Public Comments by Members of Policy Bodies
- Opinions of “Public Concern”
- Training Requirements



USE OF ELECTRONIC COMMUNICATION DEVICES AT MEETINGS

- Use of electronic communication devices, other than for the purpose of accessing agenda materials on a member's iPad or laptop, is prohibited
- Commission recommended allowing the use of such devices to access information on the internet



POLICY BODY MEMBERS SUBMITTING WRITTEN COMMENTS WHEN NOT PRESENT AT THE MEETING

- If member not present at meeting, member may not submit written comments
- Decisions should be made after hearing all the public testimony
- Written comments submitted before hearing all the testimony calls into question the fairness of the process



PUBLIC COMMENTS BY POLICY BODY MEMBERS

- Every member of a Policy Body retains full constitutional rights to comment on governmental actions
- Advisory bodies, as a whole, would be prohibited from taking formal action to contradict a Council adopted policy or position (staff recommendation)
- Commission recommended there should be no prohibition



OPINIONS OF “PUBLIC CONCERN”

- Generally, public employees cannot be disciplined from expressing personal opinions on matters of public concern
- Advisory board members should not be discouraged from expressing personal opinions on matters of public concern
- Must be clear that opinion does not represent that of the City or the employee's department or the member's board



OPINIONS OF “PUBLIC CONCERN” continued

- Employees may be disciplined when the statement is made under the employee's official duties
- Advisory board members may be removed by City Council (Charter section 10-9)
- Commission recommended this section be deleted from Ordinance



TRAINING REQUIREMENTS

- Ordinance requires Form 700 filers to declare under penalty of perjury that they have read the Ordinance and attend annual training on the Ordinance
- Training would be every three years
- New 700 Filers (whether elected or appointed) would view training video within six months of election/appointment



RECOMMENDATION

- Introduce the Ordinance with staff's recommended changes