



# City of Alameda

## Staff Report

**File Number: 2015-1254**

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Open Government Commission

**Agenda Date:** 2/2/2015

**File Type:** Regular Agenda Item

**Agenda Number:** 3-C

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Potential Revisions to the City's Sunshine Ordinance

To: Chair and Members of the Open Government Commission

From: Janet Kern, City Attorney

Michael Roush, Interim Assistant City Attorney

Re: Potential revisions to the City's Sunshine Ordinance

### BACKGROUND

At the Commission's October 6, 2014 meeting, staff presented a number of proposed changes to the City's Sunshine Ordinance. A copy of that staff report is attached. Based on discussion at that meeting, the Commission directed staff to return a redlined version of the Ordinance to the Commission. The Commission would then review the Ordinance and make a recommendation to the City Council as to whether all or some of the revisions should be adopted.

In light that there are new commissioners on the Commission and therefore more time may be needed to consider this item, staff is recommending that the Commission review this staff report, review the attachments and, unless the Commission concludes it has had ample time to review the Ordinance and make a recommendation at this meeting, schedule a special meeting in March or April at which time this matter may be considered further.

### DISCUSSION

The salient revisions are set forth below.

1. Subsection (f) of Section 2.90-2 (Findings), concerning the use of electronic communications at meetings, has been deleted from the "Findings" section (because it would be easy to overlook) and placed in Section 2-91.4 (h).
2. Responsibilities of the City Manager and the Mayor have been moved from other parts of the Ordinance to sections 2-90.3 and 2-90.4, respectively.
3. The definitions of a "passive meeting body" and a "passive meeting" have been clarified in sections 2-91.1 and 2-91.2.

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4. Subsection (e) has been added to Section 2-91.6 to provide if a member of a policy body is unable to attend a public meeting or hearing, generally that member may not submit written comments to the policy body concerning the subject of that meeting/hearing.
5. Language has been added to section 2-91.17 to make it clear that appointed policy bodies may not take formal action that contradicts a policy or position that the City Council has adopted or expressed.
6. Under the Ordinance, as well as under the California Public Records Act, responses to requests for public records are to be provided within 10 days. Sometimes, however, due to the volume of the material requested or because the material is not readily accessible by staff, additional time is needed to provide a response. The Public Records Act provides for such extensions but the Ordinance does not. Subsection (c) of Section 2-92.2 has been revised to provide for these situations.
7. Section 2-92.4 has been revised to indicate that certain documents may be removed from the City's website after four years.
8. The language of Section 2-92.6 has been revised to make the intent more clear.
9. Subsection (e) of Section 2-92.13 was moved to Section 2-92.4.
10. Section 2-92.15 was moved to Section 2-92.2 (g).
11. Section 2-93.5 has been revised so that training on the Ordinance for officials and employees needs to occur every three years; new employees and recently elected or appointed officials must have the training within six months of their appointment or election.

If the Commission has any questions concerning these items, please let staff know.

Respectfully submitted,  
Janet Kern, City Attorney  
Michael Roush, Interim Assistant City Attorney

Attachments: October 6, 2014 Staff Report  
Current Sunshine Ordinance  
Redlined Version of the Sunshine Ordinance