

## **2-93.2 - Complaint Procedures Regarding Alleged Violations of the Sunshine Ordinance.**

a. ~~—A complainant~~Complaints alleging a violation of Sec. 2-91 must file~~be filed~~ a ~~complaint~~ no more than ten (10) days after the initial appearance of the item on a meeting agenda.

~~b. Complaints alleging a violation of Sec 2-92 must be filed with~~ fifteen (15) days after ~~an~~the alleged violation ~~of the Sunshine Ordinance.~~

~~b.~~

c. Upon filing of an official complaint form (including submittal of all evidence) with the City Clerk's Office, the complainant and the City (as respondent) shall appear at a hearing scheduled, in consultation with all relevant parties, including the Commission members, no later than thirty (30) business days from the date the complaint is filed unless all relevant parties agree to a later date. A complainant's failure to respond to communications from the City Clerk's Office, after reasonable attempts have been made using all reasonably available means of making contact with complainant, related to setting the hearing may lead to a forfeiture of the complaint. During this hearing the Commission will provide the parties with the chance to present evidence and make arguments. ~~The Commission may render an oral tentative decision, or a formal written decision, on the matter at the conclusion of the hearing. If the Commission renders an oral tentative decision on the matter at the conclusion of the hearing, it will render a formal written decision on the matter at a continued meeting within thirty (30) business days of the conclusion of the hearing, or at its next regular meeting, whichever is sooner.~~

~~c.~~

d. The hearing on a complaint filed pursuant to subsection (a) above must be scheduled no later than 20 business days thereafter. The Commission will render a formal written decision on the matter within five (5) business days of the conclusion of the hearing.

e. The hearing on a complaint filed pursuant to subsection (b) above must be scheduled no later than 30 business days thereafter. The Commission will render a formal written decision on the matter within fourteen (14) business days of the conclusion of the hearing.

f. No complaint will be accepted by the Commission against a member of the City Council or an officially declared candidate within forty-five (45) days of a City election.

g. In the case of a complaint filed pursuant to subsection (a) above, any further action on the agenda item shall be delayed until the complaint is resolved unless the City Attorney certifies in writing to City Council that delay will result in significant prejudice to the City and at least 4 Council Members approve proceeding forward with the item while the complaint is proceeding.

h. Upon receipt of any complaint under this subsection, the City shall, on the request of the Chairman of the Commission, retain independent legal counsel to advise the Commission regarding all aspects of the proceeding.

## **2-93.8 - Penalties**

a. —If the Commission finds a violation of Section 2-91 (~~Public Access to Meetings~~PUBLIC ACCESS TO MEETINGS), the Commission may recommend to the originating body steps necessary to cure or correct the violation. ~~The Commission may impose a two hundred fifty (\$250.00) dollar fine on the City for a subsequent similar violation, and a five hundred (\$500.00) dollar fine for a third similar violation, that occurs within the same 12 month period as the first violation.~~

b. —If the Commission finds a violation of Section 2-92 (~~Public Information~~PUBLIC INFORMATION), the Commission may recommend to the City steps necessary to cure or correct the violation. ~~The~~

~~c. Upon receipt of a cure and correct recommendation from the Commission may impose a two hundred fifty (\$250.00) dollar fine on the City for a subsequent similar violation, and a five hundred (\$500.00) dollar fine for a third similar violation, that occurs within the same twelve (12) month period as the first violation. Council shall accept the recommendation unless at least 4 Council Members approve rejection or modification of the OGC recommendation.~~

~~c. — Fines shall be used for records retention technology, and/or Sunshine Ordinance training and education.~~

d. —A person who makes more than two (2) complaints in one (1) 12-month period that are determined by the Commission to be unfounded shall be prohibited from making a complaint for the next five (5) years.