

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING
VARIOUS PROVISIONS OF ARTICLE VIII (SUNSHINE ORDINANCE)
OF CHAPTER II (ADMINISTRATION) CONCERNING SPECIAL
MEETINGS, INCLUDING THE SETTING AND NOTICING OF SUCH
AND OTHER MEETINGS

WHEREAS, on June 16, 2020, the City Council approved a referral to the Open Government Commission to consider amendments to the Sunshine Ordinance concerning special meeting noticing requirements, the purpose of which was to consider amending noticing requirements for special meetings with the interests of “transparency and in increasing public engagement” in mind; and

WHEREAS, on June 24, 2020, in light of City Council direction, the Open Government Commission (“Commission”) considered potential amendments to the Sunshine Ordinance regarding special meetings and directed staff to return with a draft ordinance for its consideration, as a means of facilitating a recommendation to the City Council; and

WHEREAS, on August 3, 2020, City staff presented the Commission with a proposed ordinance in light of the Commission’s previous comments, and the Commission provided additional guidance; and

WHEREAS, extending the special meeting notification period from seven days to twelve days will enhance civic engagement and participation; and

WHEREAS, given the nature of closed session meetings, retaining the existing notification threshold beneficially provides the City with reasonable flexibility to timely act as necessary; and

WHEREAS, adoption of this ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) under CEQA Guidelines Sections 15378 (not a project) and 15061(b)(3) (no significant environmental impact); and

WHEREAS, by the staff report, testimony, and documentary evidence presented at the September 15, 2020 City Council meeting, the City Council has been provided with additional information upon which the findings and actions set forth in this ordinance are based.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA DOES ORDAIN AS FOLLOWS:

Section 1: Section 2-91.4 of the Alameda Municipal Code is amended as follows:

2-91.4 - Conduct of Business; Time and Place for Meetings; Use of Electronic Communication Devices.

- a. Each policy body shall, and passive meeting bodies may, establish by resolution or motion the time and place for holding regular meetings.
- b. Unless otherwise required by state or federal law or necessary to inspect real property or personal property which cannot be conveniently brought within the territory of the City of Alameda or to meet with residents residing on property owned by the City, or to meet with residents of another jurisdiction to discuss actions of the policy body that affect those residents, all meetings of its policy bodies shall be held within the City of Alameda.
- c. If a regular meeting would otherwise fall on a holiday, it shall instead be held on the next business day, unless otherwise rescheduled in advance.
- d. If, because of fire, flood, earthquake or other emergency, it would be unsafe to meet at the regular meeting place, meetings may be held for the duration of the emergency at some other place specified by the policy body. The change of meeting site shall be announced, by the most rapid means of communication available at the time, in a notice to the local media who have requested written notice of special meetings pursuant to Government Code Section 54956. Reasonable attempts shall be made to contact others regarding the change in meeting location.
- e. Meetings of passive meeting bodies as specified in Section 2-91.2a. of this article shall be preceded by notice delivered personally or by mail, e-mail, facsimile as reasonably requested by at least four (4) weekdays before the time of such meeting to each person who has requested, in writing, notice of such meeting. If the passive meeting body elects to hold regular meetings, it shall provide by bylaws, or whatever other rule is utilized by that passive meeting body for the conduct of its business, for the time and place for holding such regular meetings. In such case, no notice of regular meetings, other than posting of an agenda pursuant to Section 2-91.5 if this article in the place used by the policy body which it advises, is required.
- f. Special meetings of any policy body, including passive meeting bodies that choose to establish regular meeting times, may be called at any time by the presiding officer thereof or by a majority of the members thereof. Notice for all such meetings, except for closed session special meetings and city-sponsored functions to which policy body members have been invited or may attend, shall be provided at least twelve (12) days before the time of such meeting by the following means: ~~by~~ (1) delivering personally or by mail written notice to each member of such body and the local media who have requested written notice of special meetings in writing; (2) social media platforms maintained by the City through its Public Information Officer and any other electronic means approved by the City Clerk, with the objective of providing notice by as many means as practicable, if technologically and financially feasible; and (3) other means set forth in this Article, including subsections (d) of sections 2-91.5 (web posting of agendas and copies in City Clerk's Office and Public Library) and 2-91.6 (email notification list). Notice of closed session special meetings and city-sponsored functions to which policy board members have been

invited or may attend, shall be provided at least seven (7) days in advance. ~~Such~~
~~The notice requirements of a special meeting shall be delivered as described herein~~
~~at least seven (7) days before the time of such meeting as specified in the notice,~~
~~with the exception of shall not apply to meetings or actions taken pursuant to any~~
~~urgent or emergency situation matter beyond the control of the City as authorized~~
~~by state law statutory exemption applies, including but not limited to Government~~
~~Code Sections 54956.5, 54954.2(b) and their successor legislation.~~ The notice shall
specify the time and place of the special meeting and the business to be transacted.
No other business shall be considered at such meetings. Such written notice may
be dispensed with as to any member who at or prior to the time the meeting
convenes files with the presiding officer or secretary of the body a written waiver of
notice. Such written notice may also be dispensed with as to any member who is
actually present at the meeting at the time it convenes. Each special meeting shall
be held at the regular meeting place of the body except that the body may designate
an alternate meeting place provided that such alternate location is specified in the
notice of the special meeting.

- g. If a meeting must be canceled, continued or rescheduled for any reason, notice of such change shall be provided to the public as soon as is reasonably possible, including posting of a cancellation notice in the same manner as described in section 2-91.5c, and mailed notice if sufficient time permits.
- h. In order to insure that all communications to Policy Board members presented in a public meeting are shared with the public, Policy Board members are prohibited from communicating electronically with others during public meetings about matters that pertain to the business thereof.

Section 2: Section 2-91.6 of the Alameda Municipal Code is amended as follows:

2-91.6 - Public Notice Requirements.

- a. Any public notice that is mailed, posted or published by a City department, board, agency or commission to residents residing within a specific area to inform those residents of a matter that may impact their property or that neighborhood area, shall be brief, concise and written in plain, easily understood English.
- b. The notice should inform the residents of the proposal or planned activity, the length of time planned for the activity, the effect of the proposal or activity, and a telephone contact for residents who have questions.
- c. If the notice informs the public of a public meeting or hearing, then the notice shall state that persons who are unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing, that these comments will be made a part of the official public record, and that the comments will be brought to the attention of the person or persons conducting the public meeting or hearing. The notice should also state the name and address of the person or persons to whom those written

comments should be submitted.

- d. The City shall maintain an email notification list in order to allow any individual to sign up to automatically receive notice of meetings and agendas for the City Council, in addition to any Ceity board or commission, updates on projects, and notification of issues that impact entire neighborhoods.

Section 3: IMPLIED REPEAL

Any provision of the Alameda Municipal Code inconsistent with this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effectuate this Ordinance.

Section 4: CEQA DETERMINATION

The City Council finds and determines that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to the following, each a separate and independent basis: CEQA Guidelines, Section 15378 (not a project) and Section 15061(b)(3) (no significant environmental impact).

Section 5: SEVERABILITY

If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph and sentence notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 6: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the ____ day of _____, 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ____ day of _____, 2020.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda