






Other Cities – Sunshine Ordinances

<https://firstamendmentcoalition.org/public-records-2/california-sunshine-ordinances/>

(Last Accessed, 2/10/2021)

	City	Notes
1.	San Francisco (1993; adopted by voters in 1999)	<ul style="list-style-type: none"> Null-and-void remedy does not exist. <p>SEC. 67.35. ENFORCEMENT PROVISIONS.</p> <p>(a) Any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of records under this Ordinance or to enforce his or her right to attend any meeting required under this Ordinance to be open, or to compel such meeting to be open.</p> <p>(b) A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought to enforce this Ordinance.</p> <p>(c) If a court finds that an action filed pursuant to this section is frivolous, the City and County may assert its rights to be paid its reasonable attorneys' fees and costs.</p> <p>(d) Any person may institute proceedings for enforcement and penalties under this act in any court of competent jurisdiction or before the Ethics Commission if enforcement action is not taken pursuant to this act.</p> <p>(Added by Proposition G, 11/2/99)</p> <p>Enforcement: private right of action, attorneys' fees, and hearing permitted via Ethics Commission (but after 40 days of inaction) for official misconduct.</p> <p>See generally Administrative Code at Chapter 67: https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_admin/0-0-0-19477 (Last Accessed, 2/4/2021)</p>
2.	Oakland (2003)	<ul style="list-style-type: none"> Null-and-void remedy does not exist. Instead, any violation must be agendized for the body to determine whether to cure and correct: <p>D. Cure and Correction.</p> <p>1. Nothing in this ordinance shall prevent a local body from curing or correcting an action challenged on grounds that a local body violated any material provision of this chapter. A local body shall cure and correct an action by placing the challenged action on a subsequent meeting agenda for separate determinations of whether to cure and correct the challenged action and, if so, whether to affirm or supersede the challenged action after first taking any new public testimony.</p> <p>2. In the event the Public Ethics Commission, upon the conclusion of a formal hearing conducted pursuant to its General Complaint Procedures, determines that a local body violated any material provision of this chapter, or took action upon an item for which the agenda related material was not timely filed pursuant to Section 2.20.080(H), the local body shall agendize for immediate determination whether to correct and cure the violation. Any violation shall have no effect on those actions described in Government Code Section 54960.1(d)(1)-(4), inclusive.</p> <p>Moreover, even if a violation is found, there are exceptions to the null-and-void remedy, which are in the Brown Act, that are preserved.</p> <p>See generally Municode at Chapter 2.20: https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=TIT2ADPE_CH2.20PUMEPURE (Last Accessed, 2/4/2021)</p>
3.	Berkeley (2011)	<ul style="list-style-type: none"> Null-and-void remedy does not exist. Instead, open government commission only has the ability to advise as to any complaint: <p>1. The Open Government Commission shall:</p> <p>a. hear complaints by any person concerning alleged non-compliance with this Ordinance, the Brown Act or the Public Records Act, by the City or any of its legislative bodies, officers or employees;</p> <p>b. consider ways to informally resolve those complaints and make recommendations to the Council regarding such complaints;</p> <p>c. seek advice from the City Attorney concerning those complaints; and</p> <p>d. advise the City Council of its opinion, conclusion or recommendation as to any complaint.</p> <p>See generally Municode at Chapter 2.06:</p>

		https://www.codepublishing.com/CA/Berkeley/?Berkeley02/Berkeley0206/Berkeley0206.html (Last Accessed, 2/4/2021)
4.	Vallejo (1999)	<ul style="list-style-type: none"> Null-and-void remedy does not exist. Instead, relies on private right of action or for “knowing, willful and deliberate failure[s],” deemed “official misconduct” punishable by applicable law (e.g., removal from office) or disciplinary action in the case of violations by employees. In either event, no process is prescribed in the ordinance as such a consequence is governed by “applicable law”. <p>2.08.150 - Enforcement provisions.     </p> <p>A. Any person may institute proceedings for injunctive relief, declaratory relief, or for a writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public records or class of public records under this chapter, or to enforce his or her right to attend any meeting required under this chapter to be open, or to compel such meeting to be open.</p> <p>B. A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought to enforce this chapter.</p> <p>C. If a court finds that an action filed pursuant to this section is frivolous, the defendant city or policy body covered by this chapter will assert its right to be paid reasonable court costs and attorneys' fees.</p> <p>(Ord 1426 N.C. (2d) § 1 (part), 1999.)</p> <p>See generally Municode at Chapter 2.08: https://library.municode.com/ca/vallejo/codes/code_of_ordinances?nodeId=TIT2ADPE_CH2.08SUOR (Last Accessed, 2/4/2021)</p>
5.	Benicia (2005)	<ul style="list-style-type: none"> Null-and-void remedy does not exist (must agendize for future discussion). <p>E. Cure and Correction.</p> <p>1. Nothing in this title shall prevent a body from curing or correcting an action challenged on grounds that a body violated any material provision of Chapter 4.08 BMC. A body shall cure and correct an action by placing the challenged action on a subsequent meeting agenda for separate determinations of whether to cure and correct the challenged action and, if so, whether to affirm or supersede the challenged action after first taking any new public testimony.</p> <p>2. In the event the commission, upon the conclusion of a formal hearing conducted pursuant to its administrative review process, determines that a body violated any material provision of this title, the body shall agendize for the challenged action to correct and cure the violation. Any violation shall have no effect on those actions described in Government Code Section 54960.1(d)(1) – (4), inclusive.</p> <p>See generally Municode at Chapters: 4.04 (In General): https://www.codepublishing.com/CA/Benicia/html/Benicia04/Benicia0404.html 4.08 (Public Access to Meetings): https://www.codepublishing.com/CA/Benicia/html/Benicia04/Benicia0408.html 4.12 (Public Information): https://www.codepublishing.com/CA/Benicia/html/Benicia04/Benicia0412.html 4.16 (Ethics): https://www.codepublishing.com/CA/Benicia/html/Benicia04/Benicia0416.html</p>

		<p>4.20 (Open Government Commission): https://www.codepublishing.com/CA/Benicia/html/Benicia04/Benicia0420.html (Last Accessed, 2/4/2021)</p>
6.	Contra Costa County (1995)	<ul style="list-style-type: none"> Null-and-void remedy does not exist. <p>The ordinance envisions a task force to study how to administer and enforce the ordinance; it's unclear, however, whether that actually happened; it appears the ordinance relies on the Brown Act's enforcement provisions (https://www.contracosta.ca.gov/DocumentCenter/View/43715/Appendix-9?bidId=) (Last accessed: 2/4/2021) :</p> <p>(d) The task force shall recommend to the board of supervisors an administrative process of review and enforcement for Division 25 which could be accomplished by the use of a volunteer ombudsman whose role would be to mediate and resolve disputes disagreements and conflicts that occur as a result of the enactment of this division. No such administrative review process shall preclude, delay or in any way limit a person's remedies under the Brown Act or the California Public Records Act.</p> <p>See <i>generally</i> Municode at Chapter 25-2 (Better Governance Ordinance): https://library.municode.com/ca/contra_costa_county/codes/ordinance_code?nodeId=TIT2AD_DIV25BEGOOR (Last Accessed, 2/4/2021)</p>
7.	Gilroy (2008)	<ul style="list-style-type: none"> Null-and-void remedy does not exist. It appears to rely entirely on private right of action as means of enforcement. <div style="background-color: #fff9e6; padding: 10px; margin: 10px 0;"> <p style="text-align: center;">17A.39 Enforcement provisions.</p> <p>(a) Any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce that person's right to inspect or to receive a copy of any public record or class of public records under this chapter or to enforce that person's right to attend any meeting required under this chapter to be open, or to compel such meeting to be open.</p> <p>(b) A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought to enforce this chapter.</p> <p>(c) If a court finds that an action filed pursuant to this section is frivolous, the city may assert its rights to be paid its reasonable attorneys' fees and costs.</p> <p>(d) Any person may institute proceedings for enforcement and penalties under this chapter in any court of competent jurisdiction if enforcement action is not taken by a city or state official fifty (50) days after a complaint is filed. (Ord. No. 2008-11, 11-17-08)</p> </div> <p>See <i>generally</i> Municode at Chapter 17A Public Meetings and Public Records): https://www.codepublishing.com/CA/Gilroy/#!/Gilroy17A.html (Last accessed: 2/4/2021)</p>
8.	Milpitas (2005)	<ul style="list-style-type: none"> Null-and-void remedy does not exist. There is reference to an administrative process, but it's not clear that that looks like. There is, however, an administrative process for public records. It's possible that it relies entirely on the Brown Act for enforcement. <p>See <i>generally</i> Municode at Chapter 310 (Open Government Ordinance):</p>

		https://library.municode.com/ca/milpitas/codes/code_of_ordinances?nodeId=TITIAD_CH310OPGOOR (Last Accessed, 2/4/2021)
9.	Riverside (Charter Amdt. in 2005; Ord. Amdt. in 2015)	<ul style="list-style-type: none"> Null-and-void remedy does not exist. No specific provisions exist for enforcement. Responsibility for implementation, however, is vested with the City Manager's Office. Presumably, that means general municipal enforcement is available, in addition to private right of action. <p>See generally Municode at Title 4 (Public Meetings and Public Records): https://library.municode.com/ca/riverside/codes/code_of_ordinances?nodeId=PTIICOOR_TIT4PUMEPURE (Last Accessed, 2/9/2021)</p> <p>Open Government Provisions as codified in the City of Riverside's Charter</p> <p>Sec. 201. Access to public meetings and public records. City agencies, boards, commissions, committees, officials, staff and officers, including the Mayor and members of the City Council, exist to conduct the people's business. It is fundamental that the people have full access to information, not to just what decisions have been made in their name but how those decisions were reached and how they were deliberated. The people insist on remaining informed so that they may retain control over the instruments they have created. The people do not give their agencies or public servants the right to decide what is good for the people to know and what is not good for them to know. Our values lie in a government that helps its citizens in a timely way to obtain information. Our values lie in a broadening base of public participation, involvement and interest, providing new ideas and energy. Our values lie not in hiding embarrassment and unpleasant occurrences. Our values lie not in preventing dissent. To carry out the purposes set forth in this section, the provisions of the Ralph M. Brown Act (California Government Code Section 54950 et seq.) and the Public Records Act (California Government Code Section 6250 et seq.) shall apply to the City Council, and any commission, committee, board or other body created by Charter, ordinance, resolution or formal action of the City Council, or the Mayor. Special circumstances dictate that there must be exceptions to access. But those exceptions should be narrowly drawn and narrowly exercised. Public employees must be protected from unwarranted invasions of privacy while the public's right to fundamental information must be protected. Citizen right to privacy must be protected with the knowledge that involvement in government matters necessarily reduces an expectation of privacy. In general, the value of access should be given a strong presumption of public benefit. (Effective 1/18/2005)</p> <p>Sec. 408. Meetings. The City Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day. Special meetings may be called in accordance with State law. Meetings of City Council-appointed and Mayoral-appointed standing and ad hoc Council committees, regardless of the number of City Council members who might be on such committees, shall be open to the public and the time and place of such meetings shall be publicly announced at the City Council meetings prior to such committee meetings. All meetings of the City Council conducted in closed session under the Ralph M. Brown Act (California Government Code Sections 54950 et seq.) shall be audio recorded. The recording shall be confidential and shall be available for inspection only as permitted by state law. The recording shall be retained for a period of at least two years. (Effective 1/18/2005)</p> <p>Sec. 411. Same-Citizen participation. Each citizen shall have the right, personally or through counsel, to present comments at any regular meeting of the Council, or a Council standing or ad hoc committee, or offer suggestions with respect to municipal affairs. (Effective 1/18/2005)</p>
10.	San Bernardino County (2010)	<ul style="list-style-type: none"> Null-and-void remedy does not exist. Nor does it contain any enforcement provisions. Presumably, that means general municipal enforcement is available, in addition to private right of action. <p>See generally Municode at Title 1, Division 9, Chapter 1 (Sunshine Ordinance): https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanbercncty_ca/0-0-0-8554 (Last Accessed, 2/9/2021)</p>
11.	Santa Ana (2012)	<ul style="list-style-type: none"> Null-and-void remedy does not exist. Nor does it contain any specific enforcement provisions. Presumably, that means general

		<p>municipal enforcement is available, in addition to private right of action.</p> <p>See <i>generally</i> Municode at 2-150 <i>et seq.</i> (Santa Ana Sunshine Ordinance): https://library.municode.com/ca/santa_ana/codes/code_of_ordinances?nodeId=PTIITHCO_CH2AD_ARTII.IPUACME (Last Accessed, 2/9/2021)</p>
12.	Brea (2012)	<ul style="list-style-type: none"> Brea does not currently have a sunshine ordinance. The Brea Open Governance Act was placed on the November 2012, but was defeated by a margin of 56.4% (nays) to 43.6% (ayes). <ul style="list-style-type: none"> Measure T (Nov. 2012) does not contain any real enforcement provisions, see full text of measure (as of the 6/12/2019, BMC, sec. 2.30.100 <i>et seq.</i> not yet codified : https://www.ocvote.com/fileadmin/user_upload/measures/gen2012/Brea/BAA/BREA_FT_T.pdf Even the competing Measure (Measure U), only allowed to fine or report to Council: https://firstamendmentcoalition.org/public-records-2/california-sunshine-ordinances/ca-sunshine-ordinances-brea-open-governance-act-measure-u-on-the-nov-6-2012-ballot/ <p>(Last Accessed, 2/9/2021)</p>
13.	Dixon (2014)	<ul style="list-style-type: none"> No null-and-void remedy; in fact, Dixon's "Open Government" ordinance contains no specific enforcement provisions. Presumably, that means general municipal enforcement is available, in addition to private right of action. <p>See <i>generally</i> Municode at Title 2, Chapter 2.06 (Open Government): https://www.codepublishing.com/CA/Dixon/html/Dixon02/Dixon0206.htm# (Last Accessed, 2/9/2021)</p>
14.	San Jose	<ul style="list-style-type: none"> No null-and-void remedy. For complaints for unauthorized meetings (12.21.420), it specifically states that invalidation will not be a remedy (see Ethics and Open Government Provisions – Ord. No. 29460, https://www.sanjoseca.gov/home/showdocument?id=33306, same is true for public records, see section 12.21.430) (Last accessed 2/9/2021): <p>E. The City's failure to follow these administrative procedures will not result in the invalidation of any action taken by the City.</p> <ul style="list-style-type: none"> Moreover, invalidation must be subject to the strictures of the Brown Act (presumably, including its exemptions to the invalidation remedy):

4. Actions Subject to Invalidation. Only items on the written agenda or added pursuant to this Section shall be discussed during closed session. Any action taken on an item that is not described in accordance with this

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Agenda: 8-26-14

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Section shall be subject to invalidation pursuant to the provisions of the Brown Act.

Finally, violations if sustained, "open government committee" may issue a "demand" to the "subject" body to cure and correct; inaction on the demand allows the committee to refer the matter to the city attorney or the city council for further action.

See *generally* Municode at Title 12, Chapters

12.02 (Ethics and Open Government Provisions):

https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT12ETOPGOPR

Chapter 12.21 (Open Government):

https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT12ETOPGOPR_CH12.21OPGO

(Last Accessed, 2/9/2021)