

A resolution to recommend to the Alameda City Council concerning amendments to Alameda's Sunshine Ordinance, as follows:

2-93.2 – Complaint Procedures Regarding Alleged Violations of the Sunshine Ordinance:

- a. Complaints alleging a violation of Sec. 2-91 must be filed a no more than ten (10) calendar 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) calendar days after the alleged violation.
- 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. During this hearing the Commission will provide the parties with the opportunity to present evidence and make arguments.
- d. The hearing on a complaint filed pursuant to subsection (a) above must be scheduled no later than twenty (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.

2-93.8 – Penalties:

- a. If the Commission finds a violation of Section 2-91 (PUBLIC ACCESS TO MEETINGS), the Commission may recommend to the originating body steps necessary to cure or correct the violation, unless the body has already cured or corrected the violation, or the cure or correction would interfere with the conduct of an election.
- b. If the Commission finds a violation of Section 2-92 (PUBLIC INFORMATION), the Commission may recommend to the City steps necessary to cure or correct the violation.

c. Upon receipt of a cure and correct recommendation from the Commission, City Council shall accept the recommendation unless at least 4 Council Members approve rejection or modification of the Commission recommendation.

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.