

# City of Santa Rosa Draft Open Government (Sunshine) Ordinance

OGTF Implementation Subcommittee Meeting 11/1/2018



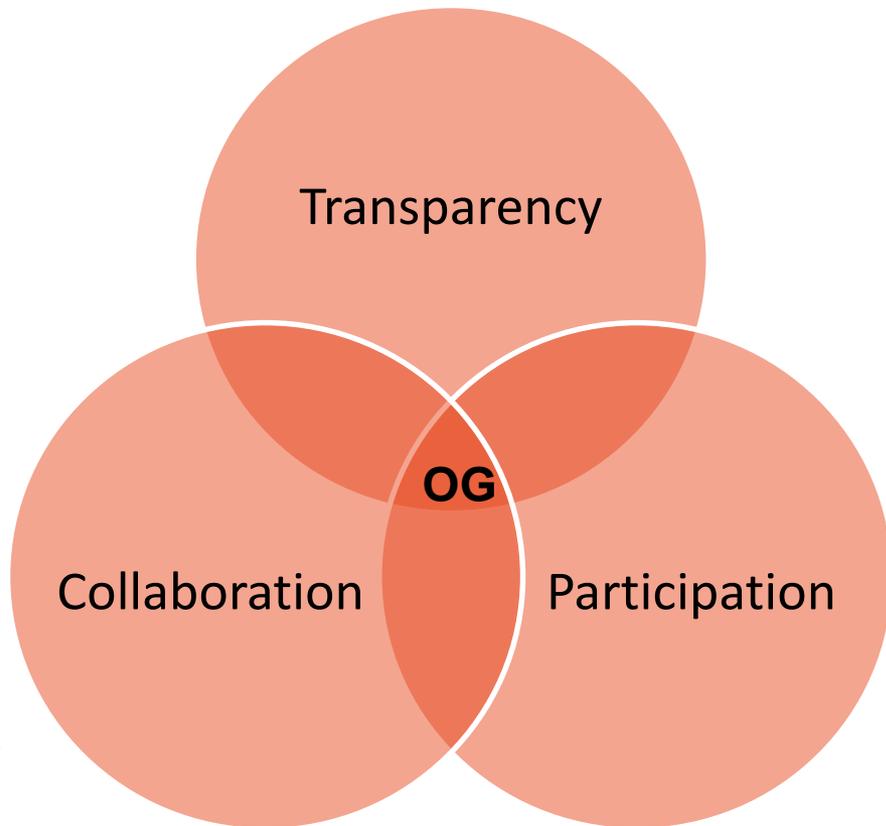
*Originally Presented:  
Study Session  
March 29, 2016*

# Defining Open Government

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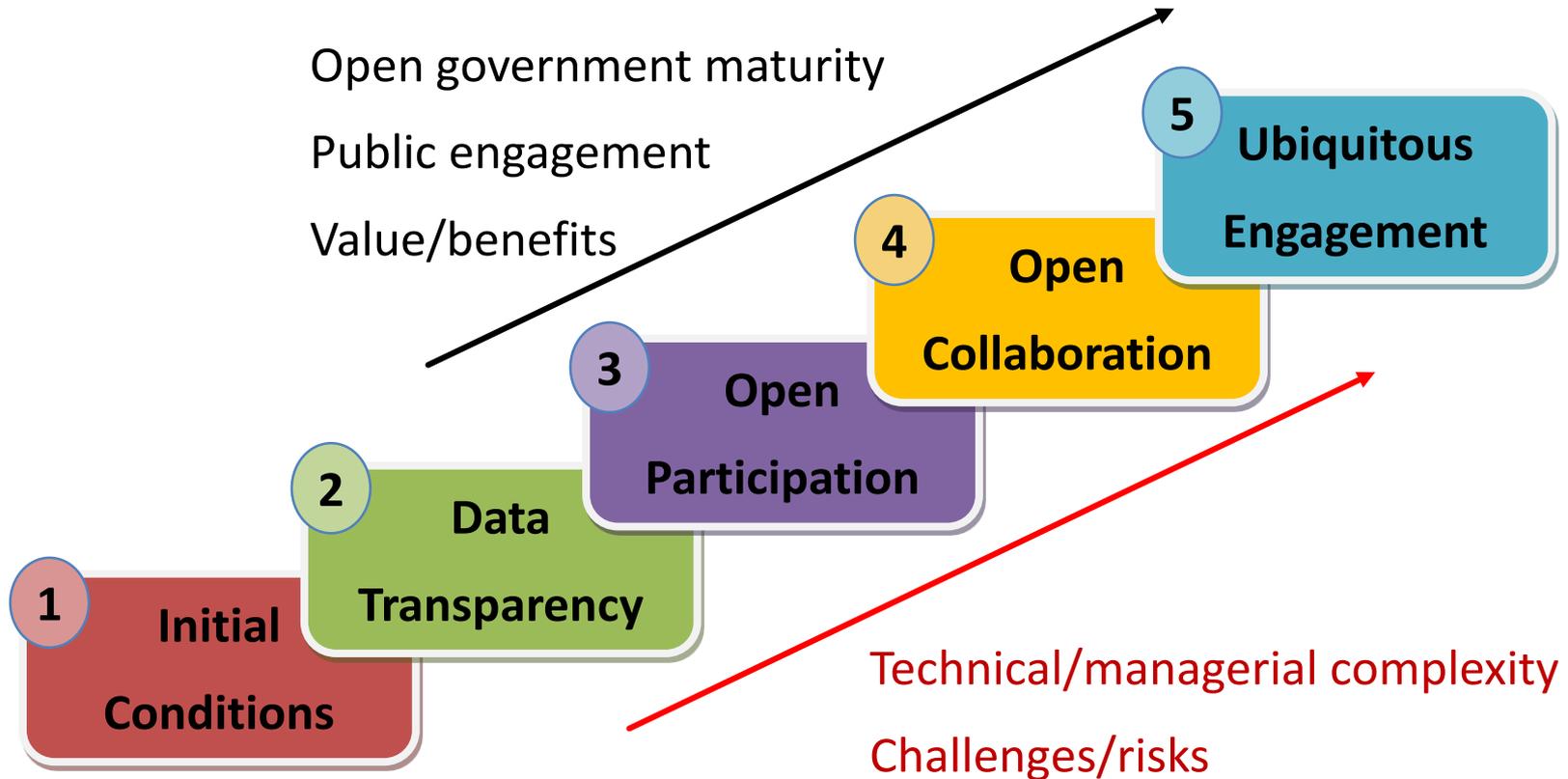
“Transparency, participation, and collaboration form the cornerstone of an open government.”\*

- Active **participation** of citizens in public affairs
- Close **collaboration** between public services, and between governments and citizens
- **Transparency** of the City activities



*\*Open Government Directive, White House, December 9, 2010*

# Open Government Maturity Model



Source: Gwanhoo Lee & Younghoon Kwak, 2010

# IAP2'S PUBLIC PARTICIPATION SPECTRUM

The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

INCREASING IMPACT ON THE DECISION 

	<b>INFORM</b>	<b>CONSULT</b>	<b>INVOLVE</b>	<b>COLLABORATE</b>	<b>EMPOWER</b>
<b>PUBLIC PARTICIPATION GOAL</b>	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
<b>PROMISE TO THE PUBLIC</b>	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

# Open Government Ordinances Adopted in CA

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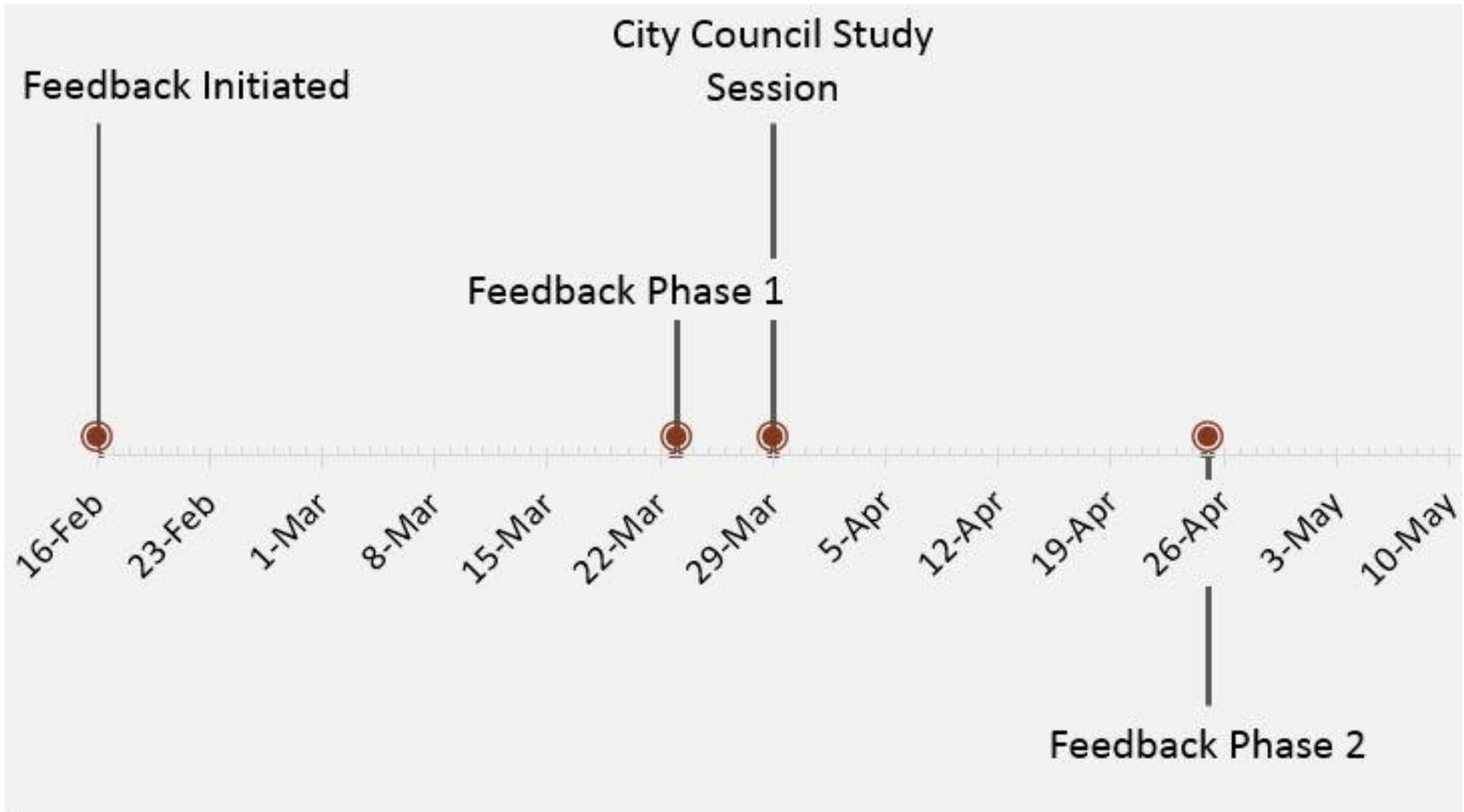
<u>Contra Costa County</u>
<u>Benecia</u>
<u>Berkeley</u>
<u>Milpitas</u>
<u>Oakland</u>
<u>Alameda</u>
<u>San Francisco</u>
<u>Riverside</u>
<u>Vallejo</u>
<u>Gilroy</u>

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

# 2016 Draft Open Government (Sunshine) Ordinance

March 29, 2016

# Open Government Ordinance Implementation Timeline (2016)



# Draft Ordinance Outline

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- Article I – Introduction
  - Findings and Purpose
  - Definitions
- Article II – Access to Meetings
  - Agenda Requirements, Regular Meetings
  - Broadcast of Meetings
  - Closed Sessions and Litigation Reports
  - Public Comment
- Article III – Public Records
  - Release of Public Records
  - Responsibilities of Staff
  - Disclosure of Records
  - Website Information
  - Complaints Regarding Request of Public Records
- Article IV\* - Administration and Enforcement of Ordinance

\*Not part of draft ordinance but recommended by staff

# Purpose of an Open Government Ordinance

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- Adopts new practices based on the recommendations of the Mayor's Open Government Task Force.
- Clarifies and supplements the Brown Act and California Public Records Act (CPRA).
- Codifies City's existing policies and adopts new practices.
- Fosters openness and transparency in City government, and provides opportunities to have more inclusive civic participation.

# Open Government Ordinance

## Article I - Introduction

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- *Section 1-10.010:* Findings and Purpose
- *Section 1-10.02:* Definitions

# Article II Public Access to Meetings

## *Section 1-10.030: Agenda Requirements; Regular Meetings*

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- Publish full preliminary agenda packet 12 days before the regular meeting date. (Codifies OGTF's recommendations to supplement Council Policy 000-35).
- Agenda items need to be clear and concise and written in plain, easily understood language.
- No action or discussion undertaken on any item not appearing on the posted agenda, except under certain exceptions allowed by law. (Codifies OGTF's recommendation titled "Agenda Exceptions (Non-agenda items)").
- Copies of City Council Agendas free of charge.

# Article II Public Access to Meetings, cont.

## *Section 1-10.40: Broadcast Meetings*

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This section codifies the OGTF recommendation titled “Access to Online Meeting Recordings” and the City’s current practices.

- Meetings to be recorded, televised and video-streamed live as well as archived for replay including close captioning.

# Article II Public Access to Meetings, cont.

## *Section 1-10.050: Closed Sessions and Litigation Reports*

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Codifies OGTF's recommendations titled "Closed Session Agenda" and "Closed Meeting Actions."

- Before any closed session, the City Council shall disclose on the agenda and verbally during open session the basis for the closed session.
- When litigation involving the City is finally adjudicated or otherwise settled, the text and terms of any settlement shall be subject to disclosure.
- City Attorney will provide quarterly litigation settlement reports.

# Article II Public Access to Meetings, cont.

## *Section 1-10.60: Public Comment*

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Codifies OGTF's recommendation titled "Public Testimony" and the City Council's current policy.

- First public comment period on non-agenda items to begin no earlier than 5:00 p.m. Limited to ten speakers selected randomly by the Mayor.
- No public hearing may commence earlier than 5:00 p.m. or later than 10:00 p.m. except under certain circumstances.
- City Clerk's Office provides written guidelines for members of the public explaining City policies regarding public participation and public comment. (Codifies OGTF's recommendation titled "Public Education").

# Article III Public Records

## *Section 1-10.070: Release of Public Records*

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- Release of public records by a body or by any department, whether for inspection of the original or by providing a copy shall be governed by the California Public Records Act.

# Article III Public Records, cont.

## *Section 1-10.080: Responsibilities of Staff*

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Codifies OGTf's recommendations titled "Public Access to Information," current City practices, and the City's Public Records Act Policy and Procedures.

- The City Clerk shall be the City Public Records Coordinator. Each department head shall designate a Department Representative
- Public Records Coordinator trains staff regarding their obligations under this article.
- Community Engagement Director informs the public about the provisions of this chapter.

# Article III Public Records, cont.

## *Section 1-10.090: Disclosure of Records*

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Codifies OGTF's recommendation titled "Response to Public Records Act Requests."

- The Public Records Coordinator and Department Representatives shall comply with a routine request for disclosable records that are easily identifiable and accessible within three business days if possible.
- A request to inspect or obtain copies of public records submitted to any department or legislative body shall be responded to within ten business days.
- The person seeking the information does not need to state a reason for making the request.

# Article III Public Records, cont.

## *Section 1-10.100: Website Information*

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This section codifies OGTf's recommendation to make available on City's website its policies and procedures.

- Departments shall make an effort to ensure their information is kept current. Departments shall post public documents that are of interest to the public.
- City Clerk's Office shall make available on City's website a Citizen's Guide to Public Information on how to make a public records request and publish a Records Index that identifies the types of records that are maintained by the City.

# Article III Public Records, cont.

## *Section 1-10-110: Complaints Regarding Requests of Public Records*

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This section codifies the OGTf recommendation titled “Appeals Process to Gain Access to Public Records.”

- Complaints alleging that records or some part of records are being withheld may be appealed to the City Council by submitting a complaint on a form provided by the City Manager’s Office to the City Clerk’s Office within 15 calendar days from and after the date of the decision to deny the request.

Questions?  
Next Steps?

# Ordinance Community Outreach

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Open Government Task Force
City's Executive Team and other internal staff
CAB Members
Santa Rosa Together
Santa Rosa Chamber of Commerce
Black Chamber of Commerce
Sonoma County Hispanic Chamber of Commerce
NAACP
Los Cien
League of Women's Voters
NorthBay Organizers
Press Democrat Editorial Board
Peace and Justice Center
Santa Rosa Bar Association
Community Input (April, 2016)

# Ordinance Community Meetings

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Venue	Date and Time (5:30pm to 6:30pm)
<b>Roseland Elementary School Library,</b> 950 Sebastopol Road	April 18, 2016
<b>Oakmont East Community Center,</b> 7902 Oakmont Drive	April 20, 2016
<b>Steele Lane Community Center,</b> Room 4 415 Steele Lane	April 21, 2016
<b>Bennett Valley Senior Center,</b> Room 16 704 Bennett Valley Road	April 22, 2016