

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: CAROLINE L. FOWLER
CITY ATTORNEY

SUBJECT: OPEN GOVERNMENT ORDINANCE (SUNSHINE ORDINANCE)

AGENDA ACTION: STUDY SESSION

RECOMMENDATION: It is recommended that the City Council, provide comment and direction regarding the proposed draft Open Government Ordinance.

EXECUTIVE SUMMARY:

In December 2014, the Open Government Task force submitted a report to the City Council with a number of recommendations to improve openness and transparency in Santa Rosa.

Some of the recommendations have already been implemented including the hiring of a Community Engagement Director and providing quarterly reports of settlements over \$50,000 entered into by the City.

The recommendations also included a recommendation to adopt a "Sunshine Ordinance." A draft of this ordinance prepared by the former City Clerk and the City Attorney for the council to consider.

The Community Engagement Director is currently in the process of obtaining community input regarding the proposed draft ordinance as well as input from several interest groups including former Open Government Task Force members. This is an opportunity for the council to provide comments and any additional direction regarding community outreach.

BACKGROUND

In January 2014, former Mayor Scott Bartley convened the Open Government Task Force to provide recommendations about how to improve openness and transparency in Santa Rosa Municipal Government. Council Members Erin Carlstrom and former Vice Mayor Robin Swinth were the council representatives to the Committee. The City Attorney, former City Clerk Terri Griffin and former Assistant City Manager Jennifer

Phillips provided assistance to the Committee. The committee met for approximately 7 months.

In December 2014, the Committee submitted its report to the City Council. One of the recommendations of the Committee was to adopt a “Sunshine Ordinance that supports transparency and open government through policies that exceed minimum requirements and statutes” A copy of the Report is attached for the Council’s convenience as Attachment A.

A copy of the draft ordinance is attached as Attachment B. Key elements of the ordinance are as follows:

1. Formally adopts by ordinance the existing early agenda process to make Council Staff Reports available to the public twelve (12) days prior to a regular meeting of the council and provides that complete agenda packets will be posted on line unless just cause exists
2. Provision for broadcast of Council Meetings, Board of Public Utilities and Planning Commission meetings and for archiving said videos for replay. Includes provisions for close captioning of meetings. (This is currently being provided)
3. Documents provision for quarterly reports of litigation settlement and provides that no agreement can be made for non-disclosure of settlement. (Quarterly reports have already been implemented since February 2015)
4. Provides for a time certain for first public appearance at 5:00 p.m. limited to ten speakers and provision for second public appearance period. (The council has already initiated this process)
5. Provision for the City Clerk to draft guidelines to enhance and assist the public with obtaining information.
6. Streamlines Public Records Request process and outlines timeframes for responses.
7. Provides for information that shall be available on the City’s website. (The majority of information is already available—Open Data)
8. Provides for appeal to City Council if records withheld improperly in addition to other remedies provided under the Public Records Act.

PRIOR CITY COUNCIL REVIEW

The Council previously received a report on December 2, 2014 regarding the Open Government Task Force Report.

ANALYSIS:

Adoption of an Open Government Ordinance would promote the City's goals of transparency and openness and is consistent with the recommendation of the Open Government Task Force.

It is important for the community to have input prior to the formal adoption of the ordinance. This process is underway by the Community Engagement Director. Council may provide additional direction regarding community outreach.

FISCAL IMPACT

Not applicable.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

The draft ordinance is consistent with the recommendations of the Open Government Task Force.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – Open Government Task Force Report
- Attachment 2 – Draft Open Government Ordinance

CONTACT

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