OPEN GOVERNMENT ORDINANCE IMPLEMENTATION REVIEW

Council Study Session
March 23, 2021

Sue Gallagher, City Attorney
Stephanie Williams, City Clerk
Magali Telles, Community Engagement

Background

- Open Government Ordinance adopted on December 8, 2020

- Added new Chapter 1-10 to the City Code

- Effective date of July 1, 2021

- Interim implementation

Ordinance Key Elements

- Translation Standards

- Enhanced Agenda Standards -- Timing / Contents

- Management of Meetings for Public Convenience

- Ready Access to Public Records and Data

- Education

- Enforcement

Today's Outline

- Focus today on new translation and early agenda requirements

  - New ordinance requirements

  - Status of implementation

  - Operational impacts

- Status update on remaining provisions

Translation Standards – Agenda

- **Automatic:**

  - □ New: Agendas provided in English and Spanish

  - □ New: Agendas provided in other languages if resident speakers exceed 5% of City population

- **Upon request:**

  - □ New: Agendas provided in languages other than those noted above at no cost

  - □ Existing: Agendas provided in Braille or enlarged type at no cost

Implementation

Effective 2/9/2021 Council meeting agendas:

- ✓ Spanish translation of all Preliminary and Final Agendas

- ✓ Forward facing link for Spanish Agenda at santa-rosa.legistar.com

- ✓ GovDelivery Notice for Council agendas provided in English and Spanish

Implementation

MEETING DATE ▲		MEETING TIME	MEETING LOCATION	MEETING DETAILS	SPANISH AGENDA	AGENDA
2/2/2021	📅	3:00 PM	City Hall, Council Chamber 100 Santa Rosa Avenue Santa Rosa, CA 95404	Meeting details	Not available	📄 Agenda
2/9/2021	📅	1:30 PM	City Hall, Council Chamber 100 Santa Rosa Avenue Santa Rosa, CA 95404	Meeting details	📄 Orden Del Día	📄 Agenda
2/16/2021	📅	4:00 PM	City Hall, Council Chamber 100 Santa Rosa Avenue Santa Rosa, CA 95404 *Cancelled*	Meeting details	📄 Orden Del Día	📄 Agenda
2/17/2021	📅	5:00 PM	City Hall, Council Chamber 100 Santa Rosa Avenue Santa Rosa, CA 95404 *GOAL SETTING - PUBLIC COMMENT*	Meeting details	📄 Orden Del Día	📄 Agenda
2/18/2021	📅	8:00 AM	City Hall, Council Chamber 100 Santa Rosa Avenue Santa Rosa, CA 95404 *GOAL SETTING*	Meeting details	📄 Orden Del Día	📄 Agenda
2/19/2021	📅	8:00 AM	City Hall, Council Chamber 100 Santa Rosa Avenue Santa Rosa, CA 95404 *GOAL SETTING*	Meeting details	📄 Orden Del Día	📄 Agenda
2/23/2021	📅	3:30 PM	City Hall, Council Chamber 100 Santa Rosa Avenue Santa Rosa, CA 95404	Meeting details	📄 Orden Del Día	📄 Agenda

Translation Standards: Meetings

- **New**: Live Spanish translation shall be provided at all regularly scheduled Council meetings

- **New**: Final closed caption shall be available in English and Spanish

- Telecommunication devices for speech and hearing impaired upon request

Implementation

Effective 3/16/2021 Council Meeting:

✓ Live Spanish translation provided at all regularly scheduled Council meetings

✓ Updated the Virtual Participation document available online to explain how interpretation services work via Zoom

✓ IT researching costs and logistics for closed captioning in Spanish for archived videos

Implementation

Mire y Escuche en Vivo

ZOOM:

santa-rosa.legistar.com/Calendar

NOTA: Para reuniones que brindan servicio de interpretación en Español, haga clic en: 🌐 (icono de "Interpretación") y seleccione "Español" para acceder a ese servicio.

Envie un Comentario Público en Vivo

ZOOM

- Vea la agenda de la reunión para el enlace de Zoom: santa-rosa.legistar.com/Calendar
- El Alcalde / Presidente anunciará la oportunidad de hacer comentarios públicos. Si está mirando en un aparato, use la función "levantar la mano" en Zoom para hacer un comentario. Si esta escuchando desde un teléfono, marque *9 para levantar la mano y hacer un comentario. El anfitrión de la reunión llamar en voz alta a cada persona que tenga la mano levantada.
- Cuando se le indique, claramente diga todo lo siguiente en 3 minutos o menos: Su nombre, número de articulo de agenda y comentario publico
- Para los participantes del canal en Español: Para hacer un comentario público, únase al canal principal, levante la mano y un intérprete lo asistirá.

SUMMARY OF COSTS

City of Santa Rosa

Translation Service	February Actuals	Projected Monthly Average	One-time Costs (estim.)
Translation of written Agenda	$1,767	$2,400	None.
Interpretation Services ($114/hr.)	$2,907	$1,976	None.
Closed Captioning in Spanish	n/a	$3,400	None.
Total:		$7,776	

Agenda Timing Requirements

- New: Early Posting of Preliminary Agenda

- New: Early Posting of Supporting Documents

- New: Early Posting of Final Agenda

- Exceptions

Timing of Preliminary Agenda

- New: Post 12 business days before Council meeting

- New: Three additional business days for translation

- <u>Result</u>: Preliminary Agenda language must be finalized 15 business days (three weeks) prior to Council meeting

Timing of Supporting Documents

- New: Add supporting documents to Preliminary Agenda as the documents become available

- <u>Result:</u>

  - Post available supporting documents with Preliminary Agenda 12 business days (2 ½ weeks) before Council meeting

  - Republish Preliminary Agenda with remaining supporting documents 8 business days (1 ½ weeks) before Council meeting

Timing of Final Agenda

- New: Post 4 business days before Council meeting

- New: Three additional business days for translation

- <u>Result</u>: Final Agenda language must be finalized 7 business days (1½ weeks) prior to Council meeting

Implementation

Effective 2/9/2021 Council Meeting agendas:

✓ Preliminary Agenda is published with any available attachments no later than 12 business days prior to Council meeting

✓ Preliminary Agenda is republished no later than 8 business days prior to Council meeting with any additional attachments

Implementation

Effective 2/9/2021 Council Meeting agendas:

✓ Final Agenda is published no later than 4 business days prior to the Council meeting

✓ GovDelivery Notices are sent to notify the public each time the agenda is published or republished as new documents are made available

Impacts of Early Agenda Publication

- Preliminary agenda language must be completed three full weeks before Council meeting

- Frequent re-publishing of agenda(s) to release additional or revised documents

- Repeated GovDelivery notices sent to subscribers with each publication and republication

- Due to the shift from calendar to business days, final agenda publishes one day, preliminary agenda publishes on a different day.

Impacts of Early Agenda Publication

- Significant increase in City Clerk staff time:

Month (2021)	Publications / Republications	Approximate Staff Time	
January (Pre OGO)	7 times	13.5 hours	.
February (Initial OGO implementation)	10 times	18.5 hours	.
March **as of 3/11** (Initial OGO implementation)	13 times	20.5 hours	

Impacts of Early Agenda Publication

- General concerns:

  - Inability to respond nimbly to emergent issues

  - Federal funding/grant submittals – Materials must be prepared based on early estimates often resulting in changes to the published documents, requiring republication

  - Contracts – Negotiations often incomplete, risking the need for changes to the published documents, requiring republication

Impacts of Early Agenda Publication

Examples:

- <u>County Eviction Protection Ordinance</u>:

    - Council Preliminary Agenda published February 4

    - County Board of Supervisors adopted urgency ordinance February 9, operative within City absent alternative action by Council

    - Report to Council on February 23 – two weeks later – required special findings to allow Council consideration

Impacts of Early Agenda Publication

<u>Examples</u>**:**

- <u>Public Works</u>

  - Construction contracts must be awarded within 60 days of bid opening, allowing little room for delays

  - Little time to discuss funding in the event that bids come in over budget

  - Little leeway if a Council meeting is cancelled or continued, or if a vote is delayed or continued due to absences and/or abstentions

  - Risk that City does not meet the contract award timelines

22

Impacts of Early Agenda Publication

<u>Examples:</u>

- <u>Water</u>

  - Timing of items requiring prior BPU approval is challenging

  - Option to publish Preliminary Agenda with tentative language prior to BPU meeting

  - Option to delay Council consideration of item

Relief Valves

Exceptions – Preliminary Agenda

- Item not on Preliminary Agenda may be placed on Final Agenda and heard by Council if affirmative vote of six Council Members finds good cause

- New: Appeals from subordinate Board, Commission or Committee may be placed directly on Final Agenda if lower decision grants or denies a right

Exceptions -- Final Agenda

- Item not on Final Agenda may be considered <u>if</u>:

    - Majority vote of Council that an emergency poses a severe threat to public health and safety; OR

    - Two-thirds vote of the Council that "there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the final agenda"; OR

    - Continued from a prior meeting of the Council occurring within last five calendar days.

Implementation

- ✓ Since initiation of early agenda requirement in February, exceptions have been formally invoked only once

  - ✓ Exception granted for report on Sonoma County's Eviction Ordinance

    - ▪ County ordinance adopted after posting of Preliminary Agenda

    - ▪ Item posted on Final Agenda

    - ▪ Council found good cause to hear the item

- ✓ Alternative avenues utilized to ensure timely consideration

Turning to a brief summary of the status of additional Ordinance provisions . . .

Agenda Contents

- Existing: Brief meaningful description

  - ✓ Fully implemented under prior codes

- Existing: Recommended action

  - ✓ Fully implemented under prior codes

- New: Budget impacts (Final Agenda only)

  - ✓ In process

- New: Link to prior Council actions

  - ✓ In process

Meeting Management

- New: All meetings in Council Chambers will be broadcast

  - ✓ Currently, all meetings are virtual

- New: Strive for time-certain scheduling of hearings

  - ✓ In process

- New: Prioritize public hearings

  - ✓ Informal implementation by Mayor

Meeting Management

- New: Transparency as to agenda changes and continuances

  - ✓ Informal implementation by Mayor

- New: Disclosures prior to and after Closed Session

  - ✓ Informal implementation by City Attorney

- New: Public education -- Citizens Guidebook

  - ✓ Preparation of Citizens Guidebook is underway

Meeting Minutes

- Speaker cards: Opportunity for speakers to include one-sentence description of comments on speaker card

  ✓ Implemented

- Timing:

  ❑ New: If no video available, draft minutes available no later than 15 business days after the meeting

  ❑ New: Final approved minutes posted no later than 5 business days after approval

  ✓ In process

Public Records

- Designates City Clerk as Public Records Coordinator

  - ✓ Implemented under prior policies

- Each department to designate Department Representative

  - ✓ Implemented under prior policies

- Staff training and public education

  - ✓ On-going implementation

Public Records

- Timeframes and procedures for response to records requests

  ✓ Implemented under prior policies

- New: Annual reporting

  ✓ To begin calendar year 2021

- New: Complaint / appeal process

  ✓ To be in place by July 1, 2021

Access to City Data

- All data generated by the City available for public review unless exempt from disclosure under the Public Records Act

  - ✓ Implemented under prior Codes

- New: Consolidated into a single web portal for ease of access

  - ✓ In process

Education

- Preparation of Citizens Guidebook is in process, to include:

    - City government structure and organization

    - City government responsibilities and functions

    - Local government terms and definitions

    - Opportunities for public participation

- On-going training and education

Enforcement of Ordinance

- Enforcement forms and procedures will be in place by July 1, 2021, to include:

  - Complaint must be filed within 30 business days of alleged violation

  - Hearing before City Manager, within 90 days of receipt of complaint

  - Decision to be issued within 30 business days of the hearing

  - Annual report of complaints and dispositions

Questions?