

ORDINANCE NO. ORD-2021-007

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING SECTION 1 10.030 OF THE SANTA ROSA CITY CODE AND POSTPONING THE EFFECTIVE DATE OF CHAPTER 1-10 OF THE SANTA ROSA CITY CODE “OPEN GOVERNMENT” TO JANUARY 1, 2022

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Section 1-10.030 of the Santa Rosa City Code is hereby amended to read as follows:

“1-10.030 City Council agenda requirements; regular meetings.

- (A) No later than twelve (12) calendar days before a regular meeting of the City Council, the City Clerk’s Office shall post on the City’s website and at the official posting locations at City Hall a preliminary agenda containing a brief meaningful description of each item of business to be transacted or discussed at the meeting. The preliminary agenda shall be provided in both English and Spanish. An email shall be sent to the GovDelivery or similar database composed of groups of individuals and/or organizations who have requested to be notified of when the agenda is posted.
- (B) A description of the agenda item is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education of the general substance and significance of the item. The description should be concise and written in plain, easily understood language. In addition, the description shall include, for each item of business, a brief statement of any potential budget impacts and the recommended action or a statement that the item is for discussion only. When possible, the agenda shall include a link to prior Council actions on the item.
- (C) No later than six (6) calendar days before a regular Meeting of the City Council, final agendas shall be posted to the City’s website and at the official posting locations at City Hall, and hard copies shall be made available at the front counter in the City Manager’s Office and at the Central Branch of the Sonoma County Public Library. The final agenda shall be provided in both English and Spanish.
- (D) Supporting Documents shall be added to the preliminary agenda posted on the City’s website as those Supporting Documents become available for publication. Supporting Documents shall also be included in the final agenda posted on the City’s website and in hard copies provided pursuant to subsection (C). Supporting Documents are not required to be translated into Spanish.

- (E) Complete final Agenda Packets for City Council regular meetings shall remain posted on the City's website and available for review at the City Manager's Office and the Central Branch of the Sonoma County Public Library during normal business hours, from the initial time of posting in accordance with subdivision (C) until the scheduled meeting is complete.
- (F) A correction or supplement to an item already included in an Agenda Packet may be considered by the City Council if the correction or supplement to the item: (i) is within the scope of the description provided on the final agenda, and (ii) all materials provided to the City Council in connection with such correction or supplement are made available to the public at the same time such materials are provided to the City Council.
- (G) An urgent item of business that does not appear on the preliminary agenda posted pursuant to subdivision (A) may nevertheless be placed on the final agenda posted pursuant to subdivision (C), but shall not be discussed or acted upon except upon a showing of good cause and with the concurrence of six council members, or by unanimous vote if fewer than six members are present. The Council shall determine that good cause exists prior to taking action upon the item. If good cause is not found to exist, the item may be heard at the Council's next regular meeting. For purposes of this section, a showing of "good cause" will require a finding by the Council that as a result of exceptional circumstances beyond the control of the Council, compliance with the 12 calendar day notice requirement would impose a substantial burden on the City's ability to conduct its business or result in prejudice to a private person. Prior to making such a finding, staff shall provide a detailed explanation of the reason the agenda item could not be provided to Council and members of the public within the 12 calendar day notice requirement of subdivision (A).
- (H) No action or discussion shall be undertaken on any item not appearing on the posted final agenda, except that, following public comment on items not on the agenda, members of a legislative body may:
- (1) Briefly respond to statements made or questions posed by members of the public during the comment period;
 - (2) Ask a question for clarification;
 - (3) Provide a reference to staff or other resources for factual information;
 - (4) Request staff to report back to the body at a subsequent meeting concerning the matter raised by the public; or
 - (5) Request that the matter be placed on the agenda for a subsequent meeting.

- (I) Notwithstanding subdivision H, the City Council may take action on items of business not appearing on the posted agenda under any of the following conditions:
 - (1) Upon a determination by a majority vote of the City Council that an emergency, such as act of war, natural disaster or public disruption (e.g. work stoppage, crippling activity or other activity) poses a severe threat to public health and safety.
 - (2) Upon a determination by a two-thirds vote of the members of the City Council present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the final agenda being posted in accordance with subsection (C).
 - (3) The item was on an agenda posted pursuant to subdivision (C) for a prior meeting of the City Council occurring not more than five (5) calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.
- (J) Nothing in this section shall limit the rights of the City Council to give notice of, and to hold, closed sessions and/or to call and hold special or emergency meetings in accordance with the provisions of the Brown Act.
- (K) The City Clerk's Office shall ensure that agendas for regular and special meetings are made available upon request to speech and hearing impaired persons through telecommunications devices for the deaf, telecommunications relay services or equivalent systems, and, upon request, to sight impaired persons through Braille or enlarged type. Such translation or interpreter services shall be available free of charge upon request. If the request is received by the City Clerk at least 7 business days prior to the City Council meeting, the translation or interpreter services will be provided no later than two (2) business days prior to the City Council meeting.
- (L) Copies of agendas in a language other than English or Spanish will be made available free of charge upon request. If the request is received at least 7 days prior to the City Council meeting, the copy shall be provided no later than two (2) business days prior to the City Council meeting.
- (M) Copies of the agendas in a language other than English or Spanish will be made available automatically if the threshold of that particular non-English and non-Spanish speaking population reaches and/or exceeds 5% of the total city population as determined by the latest United States Census.

