



# **OPEN GOVERNMENT ORDINANCE: IMPLEMENTATION UPDATE AND PROPOSED AMENDMENTS**

**Presented By:  
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# BACKGROUND: MARCH STUDY SESSION

- ✓ Provided update to Council on implementation of the ordinance since December 2020:
  - ✓ Agenda posting requirements (preliminary and final)
  - ✓ Translation of agendas
  - ✓ Meeting requirements: Spanish-language interpretation
  - ✓ Meeting requirements: Order of business
  - ✓ Broadcast requirements
  - ✓ Public access and comments
  - ✓ Public records and data
  - ✓ Education
  - ✓ Enforcement

# BACKGROUND: MARCH STUDY SESSION

- ✓ Provided implementation costs estimates, including:
  - ✓ Translation of agenda
  - ✓ Interpretation at meetings
  - ✓ Closed captioning
  
- ✓ Ordinance Effective Date: July 1, 2021

# BACKGROUND: ONGOING CONCERNS

- ✓ Staff continues to face challenges in implementation of the new Ordinance requirements
- ✓ Additional experience has provided additional data and better clarity
- ✓ Additional time and resources needed to complete implementation.

# AGENDA DEADLINES

- ✓ Prior deadlines:
  - ✓ Preliminary Agenda: 9 calendar days before Council meeting
  - ✓ Supporting documents: Post with final agenda
  - ✓ Final Agenda: 72 hours before Council meeting
  
- ✓ New deadlines:
  - ✓ Preliminary Agenda: 12 business days before Council meeting
  - ✓ Supporting documents: Add supporting documents to Preliminary Agenda as they become available
  - ✓ Final Agenda: 4 business days before Council meeting

# AGENDA DEADLINES – Impact of Translation

- ✓ Translation requires three business days
- ✓ Preliminary Agenda language is thus required 15 business days prior to Council meeting (three full weeks, assuming no holidays)
- ✓ Final Agenda language is thus required 7 business days prior to Council meeting (one and a half weeks, assuming no holidays)

# POSTING REQUIREMENT CHALLENGES

- ✓ Key areas of impact:
  - ✓ Emerging issues and current events -- inability to respond nimbly
  - ✓ Grant opportunities – short application windows and agenda materials based on initial estimates subject to revision for accuracy
  - ✓ Contracts – on-going negotiations and revisions to reflect evolving terms
  - ✓ Collaboration and partnerships – inability to respond quickly to partner initiatives
  - ✓ Appeals – general exception provided by ordinance

# POSTING REQUIREMENT CHALLENGES

- ✓ Repeated re-publication of preliminary and final agendas to respond to changing circumstances, new information and revised documents
  - ✓ Burden on City Clerk
  - ✓ Burden on Council and public
- ✓ Increasing number of items requiring findings of good cause to waive failure to appear on Preliminary Agenda
  - ✓ Undermining purpose of early publication requirements



# POSTING REQUIREMENT OPTIONS

- ✓ Keep current deadlines
- ✓ Shorten time-frame for publication of preliminary and/or final agenda
- ✓ Shift to calendar days (e.g. shift publication of preliminary from 12 business days to 12 calendar days)
- ✓ Align final agenda with County (8 calendar days)
- ✓ Align publication dates (Preliminary / Final Agendas)

# EXTENSION OF ORDINANCE EFFECTIVE DATE

- ✓ Many elements still to be set in place, including:
  - ✓ Shortened timeline for completion of meeting minutes
  - ✓ Public records -- annual reporting
  - ✓ Public records -- complaint and appeal process
  - ✓ Consolidated web portal for ease of data access
  - ✓ Education and training on-going programs
  - ✓ Finalize Citizen's Guidebook
  - ✓ Ordinance enforcement forms and procedures
  
- ✓ Time and resources needed for efficient and effective transition

# EXTENSION OF ORDINANCE EFFECTIVE DATE

- ✓ Staff recommendation: Six month extension with on-going implementation efforts
- ✓ Alternatives:
  - ✓ Six month extension with three month check-in
  - ✓ Three month extension
  - ✓ Partial extension – extension only of specified elements
  - ✓ No extension



**QUESTIONS?**