

Component	Draft Ordinance	Brown Act or Public Records Act	Santa Rosa's Current Practices	Subcommittee Recommendations
<p>PAGE 4 Article II: Public Access to Meetings; Section 1-10.030. Agenda Requirements; Regular Meetings. Paragraphs B and D.</p>	<p>No later than twelve (12) <i>business</i> 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 meaningful description of each item of business to be transacted or discussed at the meeting. An email shall be sent to the Govdelivery or similar database composed of group of individuals and/or organizations who have requested to be notified of when the agenda is posted. Agendas shall specify for each item of business any potential financial impacts and the recommended action or a statement the item is for discussion only.</p> <p>Final agendas and staff reports will be posted, no later than five (5) business days, to the City's website and at the official posting locations at City Hall, and be made available at the front counter in the City Manager's Office.</p>	<p>3 days notice (72 hours) w/brief general discription</p>	<p>Advanced (preliminary) agenda posted 12 <i>calendar</i> days prior to meeting. Staff / consultant reports available on CM public counter 12 day's prior. Provide background information for report items, prior actions taken by Council, Name of parties, location of properties, budget impacts, sources of funding, contract amounts and recommendations. Agenda packet on website 24/7 at no charge and available for inspection at Central library and CMO. QR code prior to every meeting for electronic access to agenda packet. Meeting agenda on website, bulletin board (2) and meeting location</p>	
<p>PAGE 6 Article II: Public Access to Meetings; Section 1-10.030. Agenda Requirements; Regular Meetings. Paragraphs K, L and N.</p>	<p>(K) Copies of City Council Agendas in English shall be provided to any resident of Santa Rosa who so requests and made available in the City Clerk's Office free of charge no more than five (5) business days prior to the City Council Meeting.</p> <p>(L) Copies of City Council Agendas in Spanish shall be provided to any resident of Santa Rosa who so requests and made available in the City Clerk's Office free of charge no more than two (2) business days prior to the City Council Meeting.</p> <p>(N) 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 10,000 people or 5% of the total population (in alignment with the Department of Justice Voting Rights Act, Section 203).</p>	<p>No requirements for translation.</p>	<p>Translated upon request.</p>	
<p>PAGE 6-7 Article II: Public Access to Meetings; Section 1-10.040. Broadcast of Meetings. Paragraph A.</p>	<p>(A) All regular meetings of the City Council, Board of Public Utilities, and Planning Commission, which are held in the City Council Chamber, shall be recorded, televised, and video-streamed live via the City website, as well as archived for replay, and broadcast via radio. The live broadcasts and archived video shall be close captioned. Archived videos shall contain an index of agenda items that will enable members of the public to automatically advance to the start of a particular agenda item by clicking on that agenda item in the video index.</p>	<p>Meetings may be broadcast, audio-recorded or video-recorded so long as the activity does not constitute a disruption of the proceeding.</p>	<p>Same as Brown Act</p>	
<p>PAGE 8 and 9 Article II: Public Access to Meetings; Section 1-10.060. Public Access and Comment. Paragraphs B, 1-3, and G.</p>	<p>(B) Every agenda for regular meetings shall provide, no earlier than 5:00pm before undertaking report items and again at the end of the meeting, an opportunity for members of the public to directly address the City Council on items of interest to the public that are within the City Council's subject matter jurisdiction, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section 1-10.030.</p> <p>(1) The first public comment period on non-agenda items shall begin no earlier than 5:00 p.m. and will be limited to ten speakers selected randomly by the City Clerk Mayor.</p> <p>(2) Speakers who do not have an opportunity to speak during the first public comment period shall be allowed to make public comment under the second public comment period at the end of the meeting.</p> <p>(3) Speakers who have an opportunity to speak during the first public comment period may not make additional comments during the second public comment period.</p> <p>(G) To enhance public knowledge of the City's policies and better inform the public as to the public's important role in City government, the Office of Community Engagement and City Clerk's Office shall provide written guidelines for members of the public explaining City policies regarding public participation and public comment.</p>	<p>(B) On agenda items before or during consideration. Time must be set aside for public to comment on any other matters under the body's jurisdiction.</p> <p>(G) No requirement</p>	<p>(B) Public Comment on non-agenda items: Prior to 1st public hearing at 5:00 pm if time allows otherwise after all other city business is completed on any issue. When item is taken up on the Agenda. Time limit set by mayor. Currently 3 minutes.</p> <p>(G)</p>	

<p>PAGE 9 Article II: Public Access to Meetings; Section 1-10.070. Meeting Minutes.</p>	<p>City Council and their standing subcommittees shall record the minutes for each regular and special meeting convened under the provisions of this ordinance. At minimum, the minutes shall state the time the meeting was called to order, the names of the members attending the meeting, a one-sentence summary of, and roll call vote on, each matter considered at the meeting, the time the local body began and ended any closed session, those members of the public who spoke on each matter if the speakers identify themselves, and the time the meeting was adjourned. The draft minutes of each meeting shall be available for inspection and copying upon request no later than 15 business days after the meeting. The officially approved minutes shall be available for inspection and copying upon request no later than five business days after the meeting at which the minutes were approved. Meeting minutes will be posted via the City's website once approved.</p>	<p>Not required in Brown Act. However, legislative body minutes shall be prepared in a manner consistent with the intent of the Government Code. Relevant Government Codes are as follows*:</p> <p>Gov't Code 40801. The city clerk shall keep an accurate record of the proceedings of the legislative body...</p> <p>Gov't Code 36814. The council shall cause the city clerk to keep a correct record of its proceedings.</p> <p>Gov't Code 54953(c)(2). The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.</p> <p>*From the City Clerks Association of California</p>	<p>The Council has adopted the use of action minutes. The City Clerk shall have exclusive responsibility for preparation of the minutes. Any direction for alterations in the minutes shall be made only by action of the City Council. Corrections or typographical or clerical errors are not considered alterations.</p>	
<p>PAGE 10 Article III: Public Records. Section 1-10.080. Release of Public Records. Paragraphs D and F.</p>	<p>(D) At least once a year, and as otherwise requested by the City Council, the Public Records Coordinator shall prepare a tally and report of all record requests brought before it. The report shall at least identify the total number of requests, nature of the requests, number of requests fulfilled, number of requests denied, and reason for denial.</p> <p>(F) The Community Engagement Director shall make every effort to inform and educate the public about provisions of this Chapter through the creation of educational materials, such as a Citizen's Guidebook, the Citizen's Academy, and through use of social media, television, radio, written efforts, presentations, etc.</p>	<p>Staff could not find any requirements in the Public Records Act for preparing reports of public records requests and for educating the public about making a records request.</p>	<p>Currently has an Open Data Portal. Next Request - finalizing contract and getting trained.</p>	
<p>PAGE 12 Article III: Public Records. Section 1-10.110. Website Information. Paragraphs A, B, and C, e.</p>	<p>(A)Open by Default a. All public information must be considered open unless they contain information designated as sensitive, private, or confidential or information that is exempt as defined by the City Attorney's Office, or any other provision of a federal or state law, rule or regulation or local law.</p> <p>The department submitting the information is required to review its status and maintain currency with public disclosure requirements.</p> <p>(B) The City Clerk's Office shall post on the City's website and make available in each department a Citizen's Guide to Public Information that explains how to make a public records request and a Record Index that identifies the types of records that are maintained by all City departments and divisions.</p> <p>(C) Open Data Portal e. Each department will designate a Data Coordinator who will oversee implementation and compliance of the data.</p>	<p>Not required in Public Records Act.</p>	<p>(B) Already doing this, but not posted in every department and do not have a Records Index. Would require a records management system. Does have records retention schedule available online.</p>	
<p>PAGE 12-13 Article III: Public Records. Section 1-10.120. Complaints regarding requests for public records. Paragraphs A, 1 - 5.</p>	<p>(A) Complaints alleging that records or some part of records are being withheld improperly under the Public Records Act or this chapter may be appealed as follows: - see #'s 1 - 5: Primary concern is that the Office of Community Engagement is listed as an enforcing body.</p>	<p>Misdemeanor, Civil Action by District Attorney</p>	<p>Handled by City Clerk's Office</p>	
<p>PAGE 15 Section 2. Enforcement Provisions. Section 2-10.010. Complaint Procedures Regarding Alleged Violations of the Open Government Ordinance. Paragraph D.</p>	<p>(D) No complaint will be accepted by the City Council against a member of the City Council or an officially declared candidate within forty-five (45) days of a City Election. In this instance, the City Attorney's Office and the City Manager's Office shall accept and hear the case between the complainant and City Council Member or an officially declared Council candidate.</p>	<p>N/A</p>	<p>N/A</p>	

<p>PAGE 15</p> <p>Section 2. Enforcement Provisions.</p> <p>Section 2-10.030. Cure and Correction.</p>	<p>Nothing in this article shall prevent a body from curing or correcting an action. A body shall cure and correct an action by placing the challenged action on a subsequent meeting agenda for separate determinations of whether to cure and correct the challenged action, and if so, whether to affirm or supersede the challenged action after first taking any new public testimony. The time limits of the Brown Act shall not be tolled pending any action to cure an alleged violation of the Open Government Ordinance.</p>	<p>N/A</p>	<p>N/A</p>	
<p>PAGE 15</p> <p>Section 2. Enforcement Provisions.</p> <p>Section 2-10.040. Responsibility for Administration</p>	<p>The City Attorney's Office and Office of Community Engagement shall be responsible for the administration and coordination of the provisions of the Santa Rosa Open Government Ordinance, unless otherwise directed by the City Manager.</p>	<p>N/A</p>	<p>N/A</p>	