

Ad Hoc Open Government Subcommittee

Meeting

Tuesday, March 12, 2013

6:30 PM

City Council Chambers



Mayor David J. Lesser
Mayor Pro Tem Amy Howorth

Executive Team

David N. Carmany, City Manager

Jim Arndt, Public Works Director
Robert Espinosa, Fire Chief
Cathy Hanson, Human Resources Director
Bruce Moe, Finance Director
Richard Thompson, Community Development Director

Quinn Barrow, City Attorney
Richard Gill, Parks & Recreation Director
Eve R. Irvine, Police Chief
Liza Tamura, City Clerk

MISSION STATEMENT:

The City of Manhattan Beach is dedicated to providing exemplary municipal services, preserving our small beach town character and enhancing the quality of life for our residents, businesses and visitors.

THE AD HOC OPEN GOVERNMENT SUBCOMMITTEE WELCOMES YOU!

WELCOME . . . By your presence, you are participating in the process of representative government. To encourage that participation, the Ad Hoc Open Government Subcommittee has specified a time for citizen comments on its agenda, at which time citizens may address the subcommittee concerning matters relating to the open government process. The Ad Hoc Open Government Subcommittee consists of two members of the City Council (Mayor Pro Tem Lesser and Councilmember Howorth) who have been asked by the City Council to develop recommendations with respect to open government. The subcommittee's recommendations will be considered by the City Council at a future City Council meeting.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.citymb.info, at the County Library located at 1320 Highland Avenue, the Police Department located at 420 15th Street, and are also on file in the City Clerk's Office for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the City Clerk's Office at (310) 802-5056 (voice) or (310) 546-3501 (TDD). Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

A. CALL TO ORDER**B. PLEDGE TO THE FLAG****C. ROLL CALL****D. AUDIENCE PARTICIPATION****E. GENERAL BUSINESS**

1. Report by Special Counsel on Sunshine Ordinances and Recommendation that the Subcommittee Seek Further City Council Direction [13-0134](#)

SEEK CITY COUNCIL DIRECTION

Attachments: [Attachment 1 - Sunshine Ordinance Staff Report from August 30, 2012](#)

2. Public Records Protocol and Review of Public Records Act Request Log [13-0135](#)
APPROVE

Attachments: [Attachment 1 - Public Records Protocol Staff Report from August 30, 2012](#)

[Attachment 2 - Public Records Protocol](#)

[Attachment 3 - Public Records Act Request Log](#)

3. Status Update on Various Open Government Initiatives: Use of Special Meetings, Policy on Minutes, Consent Calendar Content, Follow-Up on Agenda Items, Staff Reports and Including Public/Stakeholders, Agenda Structure and Process

[13-0136](#)

DISCUSS AND PROVIDE DIRECTION

Attachments: [Attachment 1 - Open Government Initiatives Matrix](#)
[Attachment 2 - Agenda for the March 21, 2013, Teambuilding Meeting](#)

F. ADJOURNMENT

G. FUTURE MEETINGS

CITY COUNCIL MEETINGS

Mar. 19, 2013 – Tuesday – 6:00 PM – City Council Meeting
Mar. 21, 2013 – Thursday – 8:30 AM – City Council Teambuilding Meeting
Apr. 2, 2013 – Tuesday – 6:00 PM – City Council Meeting
Apr. 16, 2013 – Tuesday – 6:00 PM – City Council Meeting
Apr. 23, 2013 - Tuesday - X:00 - Board & Commission Interviews
Apr. 30, 2013 - Tuesday - X:00 - City Council Study Session
May. 7, 2013 – Tuesday – 6:00 PM – City Council Meeting
May. 9, 2013 – Thursday – 6:00 PM – City Council Budget Study Session #1 (Tentative)
May. 14, 2013 – Tuesday – 6:00 PM – City Council Budget Study Session #2 (Tentative)
May. 16, 2013 – Thursday – 6:00 PM – City Council Budget Study Session #3 (Tentative)
May. 21, 2013 – Tuesday – 6:00 PM – City Council Meeting
Jun. 4, 2013 – Tuesday – 6:00 PM – City Council Meeting
Jun. 18, 2013 – Tuesday – 6:00 PM – City Council Meeting
Jul. 2, 2013 – Tuesday – 6:00 PM – City Council Meeting
Jul. 10, 2013 – Wednesday – 8:30 AM – City Council Strategic Plan Meeting
Jul. 16, 2013 – Tuesday – 6:00 PM – City Council Meeting
Aug. 6, 2013 – Tuesday – 6:00 PM – City Council Meeting
Aug. 20, 2013 – Tuesday – 6:00 PM – City Council Meeting

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS

Mar. 13, 2013 – Wednesday – 6:30 PM – Planning Commission
Mar. 25, 2013 – Monday – 6:30 PM – Parks & Recreation Commission
Mar. 27, 2013 – Wednesday – 6:30 PM – Planning Commission
Mar. 28, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission
Apr. 3, 2013 – Wednesday – 6:00 PM – North Manhattan Beach Business Improvement District
Apr. 8, 2013 – Monday – 6:30 PM – Library Commission
Apr. 9, 2013 – Tuesday – 6:00 PM – Cultural Arts Commission
Apr. 10, 2013 – Wednesday – 6:30 PM – Planning Commission
Apr. 22, 2013 – Monday – 6:30 PM – Parks & Recreation Commission
Apr. 24, 2013 – Wednesday – 6:30 PM – Planning Commission
Apr. 25, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission
May. 1, 2013 – Wednesday – 6:00 PM – North Manhattan Beach Business Improvement District
May. 8, 2013 – Wednesday – 6:30 PM – Planning Commission
May. 13, 2013 – Monday – 6:30 PM – Library Commission
May. 14, 2013 – Tuesday – 6:00 PM – Cultural Arts Commission
May. 22, 2013 – Wednesday – 6:30 PM – Planning Commission
May. 23, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission
Jun. 5, 2013 – Wednesday – 6:00 PM – North Manhattan Beach Business Improvement District
Jun. 10, 2013 – Monday – 6:30 PM – Library Commission
Jun. 11, 2013 – Tuesday – 6:00 PM – Cultural Arts Commission
Jun. 12, 2013 – Wednesday – 6:30 PM – Planning Commission
Jun. 24, 2013 – Monday – 6:30 PM – Parks & Recreation Commission
Jun. 26, 2013 – Wednesday – 6:30 PM – Planning Commission
Jun. 27, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission

H. CITY HOLIDAYS**CITY OFFICES CLOSED ON THE FOLLOWING DAYS:**

May. 27, 2013 – Monday – Memorial Day
Jul. 4, 2013 – Thursday – Independence Day
Sep. 2, 2013 – Monday – Labor Day
Oct. 14, 2013 – Monday – Columbus Day
Nov. 11, 2013 – Monday – Veterans Day
Nov. 28-29, 2013 – Thursday & Friday – Thanksgiving Holiday
Dec. 25, 2013 – Wednesday – Christmas Day
Jan. 1, 2014 – Wednesday – New Years Day
Jan. 20, 2014 – Monday – Martin Luther King Day
Feb. 17, 2014 – Monday – President's Day
May. 26, 2014 – Monday – Memorial Day

Agenda Date: 3/12/2013

TO:

Ad Hoc Open Government Subcommittee

THROUGH:

David N. Carmany, City Manager

FROM:

Roxanne Diaz, Special Counsel

SUBJECT:

Report by Special Counsel on Sunshine Ordinances and Recommendation that the Subcommittee Seek Further City Council Direction

SEEK CITY COUNCIL DIRECTION

RECOMMENDATION:

Staff recommends the Open Government Ad Hoc Subcommittee refer to the City Council the question of whether the City should engage in a process of reviewing “sunshine ordinances.”

FISCAL IMPLICATIONS:

No fiscal implication is associated with this recommendation.

BACKGROUND:

At the August 30, 2012, Ad Hoc Subcommittee meeting, there was a lengthy discussion regarding the interplay of the Public Records Act Protocol and “sunshine ordinances.” The direction of the Ad Hoc Subcommittee was to bring back to a subsequent meeting a more robust review of sunshine ordinances and how they might operate in the City of Manhattan Beach.

DISCUSSION:

Notwithstanding the direction at its last meeting, the question of whether the City should engage in a process of reviewing “sunshine ordinances” is an item that should be reviewed by the entire City Council rather than the Ad Hoc Subcommittee at this time. The Ad Hoc Subcommittee is an advisory committee with a limited purpose. It has a specific task-to go through a Matrix of Open Government Initiatives (the “Matrix”) and make recommendations to the City Council. Once that task is complete, the Ad Hoc Subcommittee dissolves. When the City Council received an update on the Matrix on January 3, 2012, a discussion regarding sunshine ordinances was not on the list of Matrix initiatives nor was it discussed by the City Council or the Ad Hoc Subcommittee.

In addition, two new City Council members are scheduled to be sworn-in on March 19, 2013. It is appropriate for the new Council to provide direction before the Ad Hoc Subcommittee embarks on a review of new initiatives. An August 30, 2012, Staff Report providing an overview on sunshine ordinances is attached for reference (Attachment 1).

CONCLUSION:

Staff recommends the Open Government Ad Hoc Subcommittee refer to the City Council the question of whether the City should engage in a process of reviewing “sunshine ordinances.”

Attachment:

1. Sunshine Ordinances Staff Report from the August 30, 2012, Ad Hoc Subcommittee Meeting



Staff Report

City of Manhattan Beach

TO: Mayor Pro Tem Lesser and Council Member Howorth
Open Government Ad Hoc Committee

THROUGH: Quinn Barrow, City Attorney

FROM: Roxanne Diaz, Esq.

DATE: August 30, 2012

SUBJECT: Overview and Discussion of Sunshine Ordinances

RECOMMENDATION:

It is recommended that Legal Counsel provide an overview of what is a “Sunshine Ordinance” and the Ad Hoc Open Government discuss and provide comments.

BACKGROUND:

To protect transparency in government, every state in the United States has some type of law mandating that government business be conducted in open to which the public has access. These types of laws are sometimes referred to as “sunshine laws.”

In California, the Brown Act is California’s sunshine law. Passed in 1952, the Brown Act’s key provision remains unchanged 60 years after its adoption—it is a requirement that “all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.” The remaining provisions of the Brown Act flow from this single sentence such as requirements for agenda posting, adequate agenda descriptions, distribution of written material, etc. The provisions work together to ensure transparency in government.

Merriam-Webster’s dictionary defines “transparency” as “fine or sheer enough to be seen through.” In the context of open government, transparency means that citizens must be able to “see through” the workings of local government. The Brown Act, the Public Records Act and to some extent the Political Reform Act ensure that the workings of local government are transparent and provide for a means for the public to participate in government.

A “sunshine ordinance” is not the same as a “sunshine law” although both have the same purpose. A sunshine ordinance takes a sunshine law and expands upon it or enhances it to create new local laws regarding meetings and sometime public records. This report provides a general overview of “sunshine ordinances” that have been adopted by various cities in California.

DISCUSSION:

As stated above, the Brown Act was created to ensure that local government business, such as meetings, are conducted in a public forum. The Public Records Act ensures that members of the public have timely access to public records. Both of these laws set the standards that cities and counties are required to follow. Sunshine ordinances are intended to supplement or enhance the provisions of the Brown Act and the Public Records Act. Of the 530 cities and counties in California, there are only a handful of public entities that have adopted their own sunshine ordinance and they are as follows: Alameda, Benicia, Berkeley, Contra Costa County, Gilroy, Milpitas, Oakland, Richmond, Riverside, San Bernardino County, San Francisco, San Jose and Vallejo.

A sunshine ordinance is not the type of ordinance that is “one size fits all.” While there may be a common theme among the ordinances, the ordinances are all different in scope and application. An ordinance for one city may not be the right type of ordinance for another city. For example, the sunshine provisions for the City of Riverside are located in the City’s Charter and are about one page long whereas the sunshine ordinance for the City of Alameda is 28 pages long and City of San Francisco is 39 pages long. The process for adoption is also not simple and it takes time to review and analyze the various provisions and its impact to the organization. While such ordinances are advanced to provide the public with greater opportunities to access public meetings and information, these ordinances also create special and additional obligations on city employees to ensure that these opportunities are satisfied.

Topics Addressed by Sunshine Ordinances

Based upon a general review of several sunshine ordinances, there are three aspects of open government that these ordinances generally address. They include the following: (1) the agenda process; (2) conduct of meetings; and (3) public records. Numerous sections of the various sunshine ordinances reviewed are simply a restatement of or repeat the provisions of the Brown Act. That is, the language recited in the sunshine ordinance does not enact any new or unique provision. Below is a general overview of the more prevalent provisions that are included in sunshine ordinances.

Posting:

- Berkeley has an agenda committee that meets 15 days prior to each council meeting which sets the agenda. Once the agenda is set, no item can be added without going through an additional process. The agenda packet is then required to be distributed 11 days prior to a regular meeting and no additional item may be placed on that agenda without going through an additional process.
- Vallejo does not have any special requirements and posts 3 days in advance.
- Alameda requires regular meeting agendas to be posted 12 days in advance of the council meeting and 7 days in advance of special meetings (with an exception for urgent matters).
- Benicia requires regular meeting agenda to be posted 6 days in advance of the council meeting and reports can be supplemented within 72 hours of the meeting.

Minutes:

- Benicia requires that minutes contain certain specified information and that draft minutes be available no later than 5 business days prior to meeting at which they are to be adopted.

- Alameda requires that minutes contain certain specified information and that draft minutes be available no later than 10 working days after the meeting.

Closed Session:

- Benicia requires that an announcement be made regarding the reasons for going into closed session and requires that the body explain and cite the statutory or case authority under which the closed session is held.
- Alameda requires that the agenda contain additional information regarding the closed session and that minutes be taken at the closed session by the City Clerk.
- Vallejo requires that an announcement be made regarding the reasons for going into closed session and requires that the body explain and cite the legal authority under which the closed session is held.
- Milpitas requires that for existing litigation items that the agenda identify the date the case was filed on the written agenda in addition to the court and case number.

Public Records:

In general, most of the ordinances reviewed eliminate a number of the statutory exemptions regarding public records. The more common theme relates to how quickly the public entity must respond to public records requests.

- Benicia requires requests be satisfied within 5 business days of receiving the request.
- Alameda provides that certain records are to be made available within 3 business days.
- Vallejo requires that if a request is received before noon, that the request be satisfied no later than the close of business that same day if the request is marked “immediate disclosure request.”

As stated previously, in general, sunshine ordinances create additional requirements that are undertaken by city employees to ensure that the ordinance provision is satisfied. It should be pointed out that in addition to a number of other policy considerations, compliance with sunshine ordinances is not without some additional cost to the local entity. For example, recent newspaper and other internet articles chronicle that San Francisco has expended \$3 million dollars towards satisfying the provisions of the Brown Act, with almost \$1million towards it own local sunshine ordinance. The City of Berkeley has stated that compliance with a proposed ordinance will cost \$1.5 to \$2 million dollars annually.

The above is a cursory summary of provisions common among the sunshine ordinances. I have included samples of several ordinances to provide the Ad Hoc Committee with a sense of the variety of ordinances that have been adopted throughout California. I also include a summary chart prepared by the City of Encinitas in 2009. This chart lists the applicable law, the practice of the City of Encinitas as it relates to the law, and a reference to ordinances that exceed state law. Encinitas reviewed 6 city ordinances and noted that many of the sunshine provisions adopted by those cities were restatements of existing law and thus the chart only included references to where a particular city actually adopted a provision that was unique.

CONCLUSION:

In conclusion, sunshine ordinances are adopted to enhance existing state law requirements. Legal counsel will be available to answer any questions.

Attachments:

- A. Sunshine Ordinance Adopted by City of Berkeley in February 2011
- B. Sunshine Ordinance Adopted by the City of Alameda
- C. Sunshine Ordinance Adopted by the City of Vallejo
- D. Sunshine Ordinance Proposed by Residents in the City of Berkeley
- E. Sunshine Ordinance Comparison Table Drafted by the City of Encinitas in June 2009

Agenda Date: 3/12/2013

TO:

Ad Hoc Open Government Subcommittee

THROUGH:

David N. Carmany, City Manager

FROM:

Roxanne Diaz, Special Counsel

SUBJECT:

Public Records Protocol and Review of Public Records Act Request Log

APPROVE

RECOMMENDATION:

Staff recommends that the Open Government Ad Hoc Subcommittee forward the Public Records Act Protocol to the City Council for review and approval and provide feedback on the Public Records Act Request Log.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with this action.

BACKGROUND:

In March 2011, the City Council entered into a settlement agreement with the late Richard McKee with regard to the lawsuit he filed seeking relief “for alleged violations of the Brown Act and the California Public Records Act.”¹ As part of the settlement agreement, the City agreed to “develop and adopt a protocol for responding to requests for public records which complies with the Public Records Act.”² In 2011, the Ad Hoc Subcommittee was directed to review initiatives on open government, conduct research, and report back to Council. While the settlement agreement with Mr. McKee delegated to the City Manager the authority to develop and adopt a Public Records Act protocol, development of a policy regarding Public Records Act procedures and the implementation of the settlement agreement were listed as items on an Open Government Initiatives Matrix (“Matrix”).³ Accordingly, the proposed Public Records Act Protocol (“Protocol”) was presented to the Ad Hoc Subcommittee for review at its public meetings on July 19, 2012, and August 30, 2012.

At the August 30, 2012, Ad Hoc Subcommittee meeting there was a lengthy discussion regarding the interplay of the Protocol and “sunshine ordinances.” The direction of the Ad Hoc Subcommittee was to bring back the Protocol to a subsequent meeting and include a

more robust discussion of sunshine ordinances. As indicated in the Staff Report for the agenda item on the sunshine ordinance, Staff is recommending that the question of whether to consider a sunshine ordinance for the City of Manhattan Beach be referred to the City Council.

Accordingly the Protocol should be viewed as a stand-alone item unless otherwise directed by the City Council. The remainder of this report provides additional information regarding the Protocol. For background regarding the substance of the Protocol, the Staff Report on the Protocol from the August 30, 2012, Ad Hoc Subcommittee meeting is attached (Attachment 1). The Protocol is also attached to this report (Attachment 2).

DISCUSSION:

Reason for the Protocol

The Protocol should be viewed as a stand-alone item based on the McKee litigation. The settlement agreement requires the adoption of a "protocol for responding to requests for public records which complies with the Public Records Act." While this office did not handle the matter, from our review of the litigation file from activities that took place three years ago as well as information provided by third parties, the issue that was brought to the forefront by the McKee litigation was that the City was not complying with the Public Records Act. That is, there were examples presented where the City had not responded to requests, the City was not complying with the statutory deadlines in the Act, the City took months to provide responsive records or in the case of the McKee litigation, the City withheld records that were public. Accordingly, the settlement agreement required the City to comply with state law at a minimum.

The Protocol presented to the Ad Hoc Subcommittee does exactly what the settlement agreement intended. It is a document that sets forth in writing the procedures City Staff must follow in responding to Public Records Act requests. This certainly was important for the parties in the McKee matter because from their point of view the City was not always in compliance with the Act. In addition, the Protocol informs the public of the procedures by which it may request a public record and will be followed in responding to their requests.

Adoption of a policy or protocol is not unique among cities

The adoption of a Public Records Act policy or protocol is common and such policies come in many forms. There are cities that have adopted formal written policies regarding the public's right to access records and those policies include procedures describing how records will be made available. Cities that have adopted such policies include San Jose, Oakland, Azusa and Vernon.⁴

Other cities have included information regarding the Public Records Act procedures simply as part of information provided on the city website such the Cities of Mission Viejo and Berkeley.⁵ Other cities such as Seaside and Lomita have more detailed information on a "form" they ask members of the public to utilize when making requests.

Provisions of the Protocol that go beyond the text of the statute

While the Protocol is not a "sunshine regulation," the City does strive to exceed the mandates required by State law as summarized below.

1. Requests for Inspection/Copies of Identified and Readily Available Records

Under the Public Records Act, the City has 10 days to respond to any request for public records. Oftentimes, however, members of the public seek records that are easily identifiable and readily available. In those instances, the City has committed to provide these records "expeditiously" and ideally on the day they are requested. This has been incorporated into the Protocol so that City Staff knows that while ten days is the law, the expectation is that straightforward records requests should be responded to quickly-the 10 day rule should not be the floor

2. Maintenance of a Public Records Act Request Log

The Protocol requires the City Clerk's office to enter all records request into a "Public Records Act Request Log" ("Log"). The maintenance of this Log is not required by state law yet it provides important information for both the public and Council in terms of the City's adherence to the Protocol and State law. Even though the Protocol has not been adopted by the City, the City Clerk and the City Attorney began implementation of the practices discussed in the Protocol including the maintenance of the Log, which is attached as Attachment 3.

There are several observations from the Log. First, since July 27, 2012, through February 25, 2013, the City Clerk has logged 95 Public Records Act requests. Second, a review of the Log indicates that when the request is for a document that is easily identifiable, Staff has responded quickly. For example, requests no. 6, 9 and 14 sought records such as a provision of the municipal code, the compensation range for a community services officer and commercial refuse rates. These requests were completed on the day the request was received and in one instance within two days of receipt. Last, a review the Log indicates that certain requests by their very nature require staff to conduct more research to understand what is being requested or to look for the responsive records and thus additional time was needed. The action of City staff is noted in the last column.

The Log, while not required by state law, is an important piece of the City's commitment to transparency so the public as well as the City Council can have a tool to measure the City's commitment in providing the public access to records. We request that the Ad Hoc Subcommittee provide its feedback on the Log so that it can be a useful tool for both the City and the public.

CONCLUSION:

Staff recommends that the Open Government Ad Hoc Subcommittee forward the Public Records Act Protocol to the City Council for review and approval and provide feedback on the Public Records Act Request Log

Attachments:

1. Staff Report on the Protocol from the August 30, 2012, Ad Hoc Subcommittee meeting.
2. Public Records Protocol
3. Public Records Act Request Log

End notes:

1. Recital C of the Settlement Agreement and Release dated March 15, 2011.
2. Section 1(a) (iv) of the Settlement Agreement and Release dated March 15, 2011.

3. The Matrix was developed by the Ad Hoc Subcommittee to list open government initiatives and was subsequently reviewed by the City Council on January 3, 2012.
4. It should be noted that both San Jose and Oakland have “sunshine ordinances” yet both cities adopted a separate “policy” to inform the public about the procedures for making public records act requests and how city staff responds to those requests.
5. It should be noted that Berkeley has adopted a “sunshine ordinance” and the information regarding their policies on obtaining public records is separate and apart from their sunshine ordinance.



Staff Report

City of Manhattan Beach

TO: Mayor Pro Tem Lesser and Council Member Howorth
Open Government Ad Hoc Committee

THROUGH: Quinn Barrow, City Attorney

FROM: Roxanne Diaz, Esq.

DATE: August 30, 2012

SUBJECT: Discussion and Direction Regarding Public Records Protocol

RECOMMENDATION:

It is recommended that the Open Government Ad Hoc Committee discuss the Public Records Act Protocol and provide comments and/or direction to Staff.

BACKGROUND:

In March 2011, the City Council entered into a settlement agreement with Richard McKee with regard to the lawsuit he filed seeking relief "for alleged violations of the Brown Act and the California Public Records Act."¹ As part of the settlement agreement, the City agreed to "develop and adopt a protocol for responding to requests for public records which complies with the Public Records Act."² While the settlement agreement delegated to the City Manager the authority to develop and adopt a Public Records Act protocol, Staff believes it would be appropriate for the Open Government Ad Hoc Committee to provide its input on the protocol prior to implementation.

DISCUSSION:

The California Public Records Act codified at Government Code Section 6250 et. seq., is a California statute that affords the public the right to obtain a copy of and the right to inspect most government records retained by State and local agencies. The fundamental principal is that records of a state or local agency (as defined by the Public Records Act) shall be disclosed to the public upon request, unless there is a legal basis not to do so.

The Public Records Act permits local agencies to adopt regulations stating the procedures to be followed when making their records available to the public. Accordingly, the proposed Public Records Act Protocol ("Protocol") is a formal written policy affirming the public's right to access records as well as set forth the procedures by which such records will be made available to the public. The Protocol also describes the process for City Staff to follow when responding to requests for public records. The Protocol is summarized below.

¹ Recital C of the Settlement Agreement and Release dated March 15, 2011

² Section 1(a)(iv) of the Settlement Agreement and Release dated March 15, 2011.

Procedures for Making Public Records Act Requests.

The Protocol provides that requests for public records should be made on a "Request for Public Records Form" ("PRA Form") and be submitted to the City Clerk's Office. If a request for public records, however, is not placed on the PRA Form, the City cannot deny the request. The Protocol recognizes that public records requests come in variety of ways such as email, phone requests, fax, letter and in person. In cases where the requestor does not complete the PRA Form, the PRA Form shall be filled out by City Staff. The central reason for the PRA Form is to reduce any misunderstandings between the requestor and City Staff as to what records are sought. The PRA Form also serves as the basis for tracking requests to ensure that Staff responds to records requests in a timely manner and with greater efficiency.

Under the Public Records Act and as reflected in the Protocol, persons making requests should specify the records to be copied or inspected with sufficient detail to allow the city to identify the responsive public records. If City Staff determines that the request is unfocused or not clear, it is the role of the Staff to make a reasonable effort to obtain information from the requestor to clarify the request or otherwise assist the requestor in identifying records that may be responsive to a request. This is more fully discussed in Section IV.C. of the Protocol.

Last, the Protocol recognizes that the public has the right to not only request a copy of a public record, but that the public may also request to "inspect" a public record. Accordingly, the Protocol provides that public records are open to inspection during regular City business hours. The City, however, does not maintain a centralized system for all City records. Therefore the Protocol provides that requests for inspection of specifically identified and readily available public records should be handled as soon as possible, ideally on the day they are requested. However, some requests may require the City to locate, review and assemble records before fulfilling the request. Therefore in such cases it is likely that inspection will not be contemporaneous with the request.

Procedures for Processing Public Records Act Requests.

The Protocol centralizes the processing and handling of public records requests in the Office of the City Clerk. Under the Protocol, the City Clerk's office is responsible for accepting public records requests as well as transmitting responses and responsive public records to persons making a request. The Public Records Act provides that a local agency has 10 calendar days from receipt of the public records request to notify the requestor "whether the request, in whole or in part, seeks copies of discloseable public records in the possession of the [city]. . . ." Accordingly, the Protocol provides that the process for handling records requests shall be implemented within the ten days after receipt of a request. The process is summarized below:

1. Upon receipt of a public records request, the City Clerk's Office enters the request into the "Public Records Act Request Log."
2. The City Clerk's Office forwards the request to the appropriate City department for processing.
3. The designated department employee(s) reviews the request and its files to determine whether the department has the requested public records in its possession.

4. If the department determines it has responsive public records, the department is required to contact the City Clerk to provide an estimated amount of time needed to prepare the records and an estimate of the copying charges if possible.
5. If the department determines that it does not maintain any responsive records, the department must immediately notify the city clerk.
6. After receipt of the information from the department, the City Clerk responds to the requestor by advising the requestor in writing whether the request, in whole or in part, seeks copies of discloseable public records in the possession of the City. The City Clerk shall also provide an estimated date as to when the records will be made available and the estimated copying charges, if available.

Although the Act prescribes the time for responding to a records request, the law does not provide a specific time-frame in which a local agency is required to disclose the records. The Act provides that copies of records must be provided "promptly." That said, the Protocol requires the department to provide the City Clerk with the estimated amount of time needed by the department to prepare the records (i.e. search for, gather, review and copy the records). The expectation is that the department will forward the responsive records to the City Clerk within this time-frame so that the City Clerk can make those records available to the requestor upon the payment of the fees to cover the costs of duplication.

If a request for public records is denied in whole or in part, the requestor must be notified in writing.

CONCLUSION:

In conclusion, it is recommended that the Open Government Ad Hoc Committee discuss the Public Records Act Protocol and provide comments and/or direction to Staff

Attachments: A. Public Records Act Protocol
B. Public Records Request Log

CITY OF MANHATTAN BEACH
PUBLIC RECORDS ACT PROTOCOL

I. INTRODUCTION/PURPOSE

The California Public Records Act ("Act") is the State law that establishes and guides the public's right to access records concerning the conduct of the people's business. The purpose of this protocol (known as the "Public Records Act Protocol") is to affirm in writing the public's right to access City Public Records and to set forth the procedures by which such Public Records will be made available to the public in accordance with the Act. City Staff receives requests for Public Records frequently. Responding promptly and appropriately to public records requests is an important aspect of the City's open government process.

II. GENERAL RESPONSIBILITIES

The City Clerk's Office shall be responsible for accepting Public Records requests from members of the public and transmitting responsive records to the person making a Public Records request. Each department shall be responsible for providing the City Clerk with Public Records under the Department's control.

III. DEFINITIONS

- A. City Clerk shall mean the City Clerk of the City of Manhattan Beach or her designee.
- B. Public Records includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the City of Manhattan Beach regardless of physical form and characteristics.
- C. Writing means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

IV. PROCEDURES FOR MAKING PUBLIC RECORDS ACT REQUESTS

- A. Public Records Act requests can come in different forms: (i) letter requests; (ii) email requests; (iii) fax requests; (iv) phone requests; and (v) requests made in person.

- B. Requests to be Submitted to the City Clerk's Office. Requests for Public Records should be made on the Request for Public Records Form ("Form") and should be submitted to the City Clerk's Office. Written requests reduce any misunderstandings between the requestor and City Staff, which allows City Staff to respond to records requests in a timely manner and with greater efficiency. However, the City will not deny a request for Public Records solely because it is not submitted in writing.
1. If the Form is not completed by the person making the request, the Form should be prepared by City Staff and if applicable, City Staff should attach the letter, email, or other writing prepared by the requestor. If a request is received by phone or made in person and the person making the request is unable or unwilling to complete the Form, the Form should be prepared by City Staff. A notation should be made on the Form stating the manner by which the request was received.
 2. Requests for inspection and/or copies of specifically identified and readily available Public Records such as limited sections of City regulatory documents, specific sections of the Zoning Code, and specifically identified resolutions, do not require completion of the Form, and such requests should be handled as soon as possible and copies provided expeditiously, ideally on the day they are requested.
 3. If City Staff must search and examine files or collect records from a variety of departments, or the request requires research as to the existence of the requested Public Records and/or their location, a Form should be completed.
- C. Requests Should Identify the Public Records. The person making the request should, in writing, specify the Public Records to be inspected/copied with sufficient detail to enable the City to identify the particular Public Records. If the request seems ambiguous or unfocused, City staff should make a reasonable effort to obtain additional clarifying information from the requestor that will help identify the Public Record(s). Pursuant to Government Code Section 6253.1, City staff shall do all of the following, to the extent reasonable under the circumstances:
1. Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
 2. Describe the information technology and physical location in which the records exist.

3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

- D. **Right to Inspect Public Records.** Public Records are open to inspection at all times during regular City business hours. The Public Records Act provides that every person has a right to inspect any public record, except as otherwise provided in the Act. Upon receipt of a written or oral request for inspection of Public Records, the City shall make the records promptly available to the requestor. However, the City does not maintain a centralized system for all City records. Therefore, some requests to inspect records may require that the City locate, review and assemble records before fulfilling the request.
- E. Any department that receives a request for a copy of Public Records shall time stamp the request and promptly forward the request to the City Clerk's Office.

V. **PROCEDURES FOR HANDLING PUBLIC RECORDS ACT REQUESTS.**

The City Clerk, upon a request to inspect or obtain a copy of Public Records, shall, within ten (10) days, determine whether the request, in whole or in part, seeks disclosable Public Records in the possession of the City. The ten (10) day time period shall be calculated from the date the request is received during regular City Hall business hours. The following procedures shall be followed within the ten days after receipt of a request.

- A. Upon receipt of a request, the Clerk's Office shall immediately enter the request into the "Public Records Act Request Log" maintained by the City Clerk's Office. The City Clerk shall then forward the request to the appropriate Department Head or department designee.
- B. Upon receipt of the Public Records request by the Department Head or designee, the department shall promptly begin reviewing the request and department files to determine if the department has the requested Public Records in its possession. The Department Head or designee may note his or her calendar with the last date to respond to the request as required under Government 6253(c). The department shall contact the City Clerk to provide an estimated amount of time needed to prepare the records (i.e. search for, gather, review and copy the records), and an estimate as to the duplication charges (if possible). If the request seeks a voluminous amount of Public Records, the department shall contact the City Clerk's office prior to preparing the records. If the department has determined that it does not maintain any Public Records responsive to the request, the department shall immediately notify the City Clerk.
- C. Upon receipt of the information from the department, the City Clerk shall respond to the person requesting Public Records by advising the

requestor in writing as to whether the request, in whole or in part, seeks copies of disclosable Public Records in the possession of the City, and if so, the estimated date and time when the records will be made available and the estimated duplication charge (if available). This determination shall be communicated to the requestor within the 10 day time period. The City is required to make the Public Records promptly available to any person upon payment of fees covering the direct costs of duplication, or a statutory fee if applicable.

- D. Requests that are related to pending or potential litigation shall be coordinated with the City Attorney's office. Questions regarding the Public Records Act or regarding whether or not any Public Record is subject to disclosure shall promptly be forwarded to the City Attorney's Office for review.
- E. In unusual circumstances, the 10 day period for determining whether the request, in whole or in part, seeks copies of disclosable Public Records in the possession of the City, may be extended by written notice from the City Clerk or City Attorney to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be made in the manner set forth in Government Code Section 6253. No notice shall specify a date that would result in an extension for more than 14 days. The written determination shall include the estimated date and time when the Public Records shall be made available.
- F. If a request for Public Records seeks the production of records or documents that are not in existence at the time the request is made, the City is not obligated to create a document in order to respond to the request.
- G. A determination that a Public Record is exempt from disclosure under the Public Records Act shall be made in consultation with the City Attorney's office.

VI. TRANSMITTAL OF RECORDS

- A. Unless otherwise directed by the City Clerk, the department shall forward the Public Records and the final cost of duplication to the City Clerk within the time period estimated by the department.
- B. The City Clerk's office shall then make the Public Records available to the requestor upon payment of fees covering the direct costs of duplication or a statutory fee, if applicable.

VII. GENERAL

- A. Each Department shall designate a person or persons, who will be responsible for responding to Public Records Act requests and coordinating the response with other City Departments, when appropriate.
- B. If a request for Public Records is denied in whole or in part, the denial shall be in writing and shall contain the names and titles or positions of each person responsible for the denial as required by Government Code Section 6253(d) and 6255(b).
- C. Nothing in this Public Records Act Protocol shall be construed to permit the City to delay or obstruct the inspection or copying of Public Records, nor shall the Public Records Act Protocol be construed as limiting the City's rights under the Public Records Act and applicable case law.

VIII. ATTACHMENT: Public Records Request Transmittal Form
 Sample of Public Records Act Request Log

APPROVED:

City Manager

PUBLIC RECORDS ACT REQUESTS - TRACKING LOG					
BEGINNING JULY 27, 2012					
	DATE OF REQUEST	DATE RECEIVED	REQUESTOR	SUBJECT	ACTION TAKEN
1	7/27/2012	7/27/2012	TransFirst	last three months of merchant processing statements	following 2 requests for extensions, records were e-mailed to Mr. Marquis on 9/21/12
2	8/17/2012	8/21/2012	Carmen Smarandoiu	Dept Homeland Security Immigration Detainer	letter sent out 8/31/12
3	8/22/2012	8/22/2012	George Mishalany	stop sign Highview & MBB	e-mail sent on 8/31/12 Need more time (Completed 9/6/12 e-mail)
4	08/23/12	8/23/2012	Viet Ngo	copies of all checks paid to outside law firms	Letter and copies made available 8/31/12
5	8/29/2012	8/29/2012	Bill Victor	what % of Uyeda's pension is paid by the public	Letter mailed on 9/5/12
6	9/5/2012	9/5/2012	Debbie Shelvin	having trouble looking up Ordinance on-line	e-mailed Ord 9/7/5
7	9/5/2012	9/5/2012	Sara Le	Type 1 crimes of Manhattan Beach	9/14/12 letter sent requesting additional time. 9/18/12 PD clarified request via e-mail. 9/24 PD requested check for \$15 for info.
8	9/6/2012	9/11/2012	George Mishalany	Additional e-mail question on Highview & MBB	e-mailed responses on 9/11/12
9	9/10/2012	9/10/2012	Liz Spear	Community Services Officer compensation range	response e-mailed on 9/10/12
10	9/13/2012	9/12/2012	Robert Johnson	fiscal records concerning unclaimed, undeliverable, overdue and/or outstanding funds, obligations, payments or checks/warrants owed by your government entity	9/13/12 sent e-mail that we have no records that meet his criteria
11	9/17/2012	9/24/2012	Public Works Contract Compliance	prevailing wages for sheet metal workers	Gave contact info and referred to LA Cnty - not City project.
12	9/25/2012	9/25/2012	Viet Ngo	Policy for giving keys to City, any written documentation for giving to Maria Sharapova, approved by council or just mayor, cost of key, if known	Letter prepared on 10/12/12 - no documents within the scope of his request
13	9/26/2012	9/26/2012	Dante	Phone request for 8/28/2012 Water Main Replacement Project (970)712-5370 request@bidocean.biz	9/26/2012 e-mailed bid
14	9/27/2012	9/27/2012	National Waste Associates	Commercial Refuse Rates	rates were e-mailed to requester same day
15	9/27/2012	9/27/2012	Garcia Juarez Construction	Inspectors dailies and notes for sewer main rehab project	10/30/12 info provided via e-mail.
16	9/27/2012	10/2/2012	Ramon Lopez, Case Investigator	Manhattan Heights Joslyn Center & Begg Pool	e-mailed payroll and fringe benefit info on 11/09/2012
17	??	??	Mark Athan	arrest report for Matthew Barnes	City Attorney determined that the requested record is exempt from disclosure
18	10/2/2012	10/2/2012	Viet Ngo	questions Re Mayor Powell's I HEART MB program	Letter of response prepared 10/12/12

PUBLIC RECORDS ACT REQUESTS - TRACKING LOG						
BEGINNING JULY 27, 2012						
	DATE OF REQUEST	DATE RECEIVED	REQUESTOR	SUBJECT	ACTION TAKEN	
19	10/2/2012	10/2/2012	Viet Ngo	documents Re Geoff Dolan	Letter with partial info sent on 10/12/12 - requested additional time RE remainder	
20	10/3/2012	10/3/2012	Viet Ngo	Manhattan Village Shopping Center land for sale	Letter prepared 10/15/12. Item No. 1 only document available. Others no records.	
					Centennial Foundation Bylaws, Centennial Foundation officers & attachment #9 to this week's Vitality City/Blue Zones Initiative was e-mailed 10/12/12	
21	10/3/2012	10/3/2012	Bill Victor	all city costs related to the Vitality Cities program		
22	10/4/2012	10/5/2012	Ryan Wolfe	how it is determined what streets are designated as alleys	Nhung Madrid e-mailed him a GIS map	
23	10/4/2012	10/5/2012	Vida M. Holguin, Employment Lawyer	current construction at Mira Costa on Peck Avenue	Letter sent on 10/15/12 requesting additional 14 days	
24	10/4/2012	10/25/2012	Mike Zisilis	complaints about Shade Hotel	PD will let him know if specific info requested is available.	
25	10/8/2012	10/9/2012	Kristin Agostoni	construction work at Joslyn	Information was provided on 10/31/12.	
					info was gathered, but was not picked up until 10/25/12.	
26	10/6/2012	10/9/2012	Ryan Wolfe	Where is the definition of an alley that your provided	Nhung responded that it is from our Planning Code	
27	10/9/2012	10/9/2012	Pam Fees	Political signs	e-mailed her our Sign and Advertisement Regulations	
28	10/12/2012	10/12/2012	Bill Victor	amount of staff time for support and accounting of the Centennial Committee	e-mail from Finance Director explaining that time not tracked therefore, no such records	
29	10/17/2012	10/17/2012	Wow1110	additional questions on speed survey	10/19/12 Nhung e-mailed 2009 Citywide Engineering and Traffic Survey	
30	10/23/2012	10/23/2012	Carl Lopez	Bid Results	e-mailed to him on 10/23/12	
31	10/30/2012	10/31/2012	Richard Hoop	request for Claim for Damage form	claim form mailed on 10/31/12.	

PUBLIC RECORDS ACT REQUESTS - TRACKING LOG						
BEGINNING JULY 27, 2012						
	DATE OF REQUEST	DATE RECEIVED	REQUESTOR	SUBJECT	ACTION TAKEN	
32	11/1/2012	11/1/2012	Joe Mendoza	wants copy of current US Flag policy	e-mailed policy on 11/8/12	
33	11/1/2012	11/1/2012	Jerry Hodge	list of all residential structures presently deemed to be in "substandard condition and other building related questions	E-mail and letter sent on 11/7/12 explaining that does not have any "public records" responsive to your request.	
34	11/5/2012	11/5/2012	LA Party Works	Information Regarding entity known as Manhattan Beach Home town Fair	letter stating we have no responsive records mailed on 11/14/12	
35		11/20/2012	Daniela Bursey	Tree maintenance contract	Letter stating we need additional time was sent on 11/29/12. on 12/18/12 Maint Superintendent Juan Price "I have it 99% complete. Bonnie was out yesterday and I need some detailed info to finish." 12/31/12 I have been in touch with Ms. Bursey, and she will receive this letter when I get some tree count info from Bonnie who is on vacation. I believe she will be back Wednesday. I need two numbers and it will be good to go. This is a draft minus two tree count numbers. Final letter mailed out by Juan Price on 1/2/13.	
36		12/5/2012	Jose Perez	winning Fixed Route Transit RFP	After receiving payment, e-mailed and mailed hard copy 12/5/12	
37	12/10/2012	12/10/2012	Lillian Bow	Lexipole Agreement	PD Mngmt Analyst Dahlgren and Fire Chief Chiella spoke with her about the agreement.	
38	12/11/2012	12/11/2012	Dawn Omori	Number of Social host citations & fines paid since adoption of Ordinance	PD responded to the requester on 12/21/12	
39	12/12/2012	12/13/2012	Doug Couper	traffic volume/counts for Artesia Boulevard at the intersection of PCH	Mngmt Analyst Madrid e-mailed spreadsheet with data	
40	12/13/2012	12/13/2012	Viet Ngo	Docs authorizing the use of City property, officials, etc. to Leadership Manhattan Beach & copy of DVD	Letter written by City Attorney's Office sent to Mr. Ngo on 12/27/12 in response. DVD provided to Mr. Ngo on XXXX.	
41	12/17/2012	12/17/2012	Viet Ngo	Business License of PC Help Professionals	Mr. Ngo picked up copies of Mitch Ward's business license on 1/31/12.	

PUBLIC RECORDS ACT REQUESTS - TRACKING LOG						
BEGINNING JULY 27, 2012						
	DATE OF REQUEST	DATE RECEIVED	REQUESTOR	SUBJECT	ACTION TAKEN	
42	12/17/2012	12/17/2012	Viet Ngo	copy of recording, agendas, staff reports, etc. for Leadership MB meeting on 12/13/12	Letter written by City Attorney's Office sent to Mr. Ngo on 12/27/12 in response.	
43	12/17/2012	12/17/2012	Viet Ngo	Docs authorizing the use of Wayne Powell's IHEART MB on City's web site; docs permitting Mitch Ward to run for Council again; Letter from City Clerk authorizing Ward's Ballot Designation; Election Law requirement to file complaint to City Clerk against Powell, Ward & Burton for violation of Election Code.	Letter written by City Attorney's Office sent to Mr. Ngo on 12/27/12 in response.	
44	12/18/2012	12/18/2012	Viet Ngo	Copy of PRR from Bill Victor to Clay Curtin and each and all docs provided or will provide to Bill Victor	Mr. Ngo reviewed the information that was provided to him on 1/2/13	
45	12/19/2012	12/20/2012	Center for Contract Compliance	General Contractor, Sub-Contractors List, Multiple Prime Contractor's if any, Estimated Start & Completion Date, Bid Advertisement Date and Award Date for Greenbelt Low Flow Infiltration Project	Ken Kim provided info on 12/20/12.	
46	12/20/2012	12/20/2012	Ed Caprielian	All docs Re sexual misconduct of Geoff Dolan and settlement with Geoff Dolan	12/28/12 A letter was e-mailed to Mr. Caprielian (because the mail had already gone out that day) followed up by a mailed hard copy, Re court documents and the settlement agreement.	
47	12/21/2012	12/21/2012	Viet Ngo	All docs submitted by Wayne Powell for 3/5/13 election & request that City Clerk Tamura reject Wayne's Ballot Designation.	Mr. Ngo viewed eth documents on 1/xx/13.	
48	12/21/2012	12/21/2012	Viet Ngo	Term limits Ord & Measure 2005-A	Mr. Ngo was given the Resolution declaring the official results and a Sample Ballot from the 1996 election	
49	12/26/2012	12/26/2012	Mark Abramson	Ords 1832, 1838 & 1891 along with staff reports	Materials provided. Comm Dev Director Thompson responding to questions Re view ordinance	
50	12/31/2012	12/31/2012	Viet Ngo	business license of Mark Lipps	Letter stating that no such records exist was given to Mr. Ngo on 1/2/13.	

PUBLIC RECORDS ACT REQUESTS - TRACKING LOG						
BEGINNING JULY 27, 2012						
	DATE OF REQUEST	DATE RECEIVED	REQUESTOR	SUBJECT	ACTION TAKEN	
51	12/31/2012	12/31/2012	Viet Ngo	business license of Wayne Powell	Letter stating that no such records exist was given to Mr. Ngo on 1/2/13.	
52	12/31/2012	12/31/2012	Viet Ngo	copy of all documents authorizing MB Resident's Association to use Council Chambers, city staff, employees or city funds for the 2/7/13 Candidate forum.	Response letter provided on 1/8/13	
53	1/4/2013	1/4/2013	Viet Ngo	I HEART MB Art Contest	Response letter provided on 12/11/12	
54	1/7/2013	1/7/2013	Viet Ngo	Leadership MB simulation & DVD	Response letter provided on 12/27/12	
55	1/7/2013	1/7/2013	Kirk Strassman	parking citation processing & collection services	Left phone message that docs are ready and can be picked up or to call and set up electronic credit card authorization	
56	1/7/2013	1/7/2013	Viet Ngo	Copy of checks paid to Leadership & DVD	Response letter provided on 12/27/12	
57	1/7/2013	1/7/2013	Viet Ngo	Leadership business license info	Response letter provided on 12/27/12	
58	1/8/2013	1/8/2013	Viet Ngo	Lipps Business License, tax info & redaction	Response letter provided on 1/8/13	
59	1/8/2013	1/8/2013	Rosellen Trunnell	listing of candidates for the March Elections	01/08/2013 e-mailed back how to obtain this info on our website	
60	1/10/2013	1/10/2013	Ed Caprielian	Electronic copies of Planning file 1148 Manhattan Ave (Talia's)	1/11/13 was notified that we could not give him the file electronically (it is too large) He said he does not want hard copies of the planning file - it would be too burdensome on us. Therefore, request is closed.	
61	1/10/2013	1/10/2013	Ed Caprielian	Crime reports	Mr. Caprielian has been added to the weekly crime report e-mail list and documents will be made available to him by 2/14/13.	
62	1/10/2013	1/10/2013	Viet Ngo	Employees involved with 3/5/13 Election	Letter sent 1/23/13 stating no such records exist.	
63	1/10/2013	1/10/2013	Viet Ngo	Business License of MB Business & Professional Assoc	Mr. Ngo picked up copies on 1/25/13.	

PUBLIC RECORDS ACT REQUESTS - TRACKING LOG						
BEGINNING JULY 27, 2012						
	DATE OF REQUEST	DATE RECEIVED	REQUESTOR	SUBJECT	ACTION TAKEN	
64	1/15/2013	1/15/2013	Center for Contract Compliance	Contractor/Subcontractor, estimated start & completion times, advertisement date & award date for Water Main 2012-13	Completed contractor questionnaire returned to requestor on 1/12/13.	
65	1/17/2013	1/17/2013	Beverly Palmer (Strumwasser & Woocher, LLP)	Compliance of Condition 25 of Reso 11-02 (The Strand House)	Letter indicating records would be available by 2/1/13 was e-mailed and mailed on 1/28/13. 2nd letter sent 1/31/13. Copies picked up on 2/1/13.	
66	1/18/2013	1/18/2013	Diane Carrothers	arrest record	Verdesiah explained that we have no records for Ms. Carrothers (AKA: Diane Lipton) in our files for 1969 – 1973	
67	1/28/2013	1/28/2013	Chester Powelson	Any documents related to building a hospital in the South Bay	Response letter stating no records found sent 2/5/13	
68	1/29/2013	1/29/2013	Josh	written guidelines that say that MB PD can operate outside of the city	Response letter stating no public records responsive to his request sent 2/5/13	
69	1/29/2013	1/29/2013	Viet Ngo	I HEART MB Art Contest	Mr. Ngo was called & response letter composed 2/8/13. As of 2/13/13 he has not responded.	
70	1/29/2013	1/29/2013	Viet Ngo	Appointment of City Clerk and her salary	Mr. Ngo was called & response letter composed 2/8/13. As of 2/13/13 he has not responded.	
71	1/31/2013	1/31/2013	Rick Bender	Election registration information	info sent via e-mail 1/31/13	
72	2/1/2013	2/1/2013	Bill Victor	12/1/12 warrant register questions		
73	2/1/2013	2/1/2013	Bill Victor	charges for Pumpkin Race	Letter and docs provided & Mr. Victor reviewed 2/7/13	
74	2/1/2013	2/1/2013	Bill Victor	questions Re Mike Messina & Assoc	Response letter stating no public records responsive to his request sent 2/13/13	
75	2/1/2013	2/1/2013	Bill Victor	purchase of movie tickets	Letter and docs provided & Mr. Victor reviewed 2/12/13	
76	2/5/2013	2/5/2013	Bill Victor	25 checks and backup	Letter & information provided 2/15/13	
77	2/5/2013	2/5/2013	Bill Victor	checks Re LEAPS, CAHN & BAIT	Letter & information provided 2/15/13	
78	2/5/2013	2/8/2013	Mary Grace	copies of the two final proposals of #886-13 Emergency medical billing	A determination letter was e-mailed to her on 2/19/13 denying her request to receive copies at this time until the negotiations have been completed	
79	2/11/2013	2/11/2013	Mr. Berkowitz	2009 & 2011 election results	e-mailed results 2/11/13	

PUBLIC RECORDS ACT REQUESTS - TRACKING LOG						
BEGINNING JULY 27, 2012						
	DATE OF REQUEST	DATE RECEIVED	REQUESTOR	SUBJECT	ACTION TAKEN	
80	2/11/2013	2/11/2013	Erika Patterson	solid waste records & franchise agreement	E-mailed response letter indicating that additional time will be needed to gather some of the information. Contract & letter e-mailed 2/20/13.	
81	2/12/2013	2/12/2013	Ed Capriellan	Crime reports	Per Chief Irvine, this report will not be available until March 15th	
82	2/12/2013	2/12/2013	Kelly Hamm	Sand Dune Park attendance for 2012	e-mailed response received from Parks & Rec 2/13/13	
83	2/13/2013	2/13/2013	Brad Austin	Bonds and unclaimed recoveries	Letter & documents e-mailed 2/22/13	
84	2/15/2013	2/15/2013	Mark Rocchio	contract between CMB & DMBBPA RE Farmer's Market	Spoke to Mr. Rocchio on 2/25/13 telling him that there is no separate contract with the DMBBPA for the Farmer's Market.	
85	2/15/2013	2/15/2013	Jeff Buckley	list of polling locations	e-mailed Sample Ballot 2/15/13	
86	2/16/2013	2/16/2013	Edward Teyssier	Resolution or Ordinance that repealed the City's Business License administrative processing fee		
87	2/19/2013	2/19/2013	Disability Rights Legal Center	Various issues Re public parks		
88	2/19/123	2/19/2013	Ed Capriellan	DUI arrests 2012 - 2013	e-mailed response letter and info on 2/20/13.	
89	2/19/2013	2/19/2013	Doc Morino	RFP #886-13 Emergency medical billing (signed contract, awarded vendors proposal, how vendors were scored & companies who submitted).		
90	2/20/2013	2/20/2013	Property Solutions	Various questions Re 1112 Ocean Blvd.	Records were e-mailed by Roz in Comm Dev on 2/26/13.	
91	2/22/2013	2/22/2013	Bill Victor	questions on various warrants		
92	2/25/2013	2/25/2013	Steiner & Libo	itemized billing Re Fire Dept transport		
93	2/25/2013	2/25/2013	Asset Management Consultants	spreadsheet, ledger or other record of active cash and cash-convertible sureties and escrow accounts		
94	2/25/2013	2/25/2013	Viet Ngo	copy of election officers and polling places and notices of vote-by-mail processing		
95	2/25/2013	2/25/2013	Viet Ngo	copy of memo/document authorizing the Chamber of Commerce and Mark Lipps to use the Council Chamber for a Candidate forum		

Agenda Date: 3/12/2013

TO:

Ad Hoc Open Government Subcommittee

THROUGH:

David N. Carmany, City Manager

FROM:

Roxanne Diaz, Special Counsel

SUBJECT:

Status Update on Various Open Government Initiatives: Use of Special Meetings, Policy on Minutes, Consent Calendar Content, Follow-Up on Agenda Items, Staff Reports and Including Public/Stakeholders, Agenda Structure and Process

DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:

Staff recommends that the Open Government Ad Hoc Subcommittee receives a status update and discuss and provide direction on the Open Government Initiatives Matrix as outlined in this report and forward its recommendation to the City Council.

FISCAL IMPLICATIONS:

There are no fiscal implications with the recommended action at this time.

BACKGROUND:

The Ad Hoc Subcommittee has been reviewing and providing direction to staff on the items listed on the Open Government Initiatives Matrix (Attachment 1) and to date a majority of the items listed on the Matrix have been implemented. On January 3, 2012, the City Council was provided an update on the Matrix and the Council provided the Ad Hoc Committee with further direction on the Matrix initiatives with respect to certain items that require policy direction from the entire City Council. The purpose of this report is to provide further information on those items to the Ad Hoc Subcommittee so that the Subcommittee can discuss and provide its recommendation to the City Council for a future City Council meeting.

DISCUSSION:

Question: Should there be any restrictions on the calling of special meetings?

Item 2 on the Matrix is to explore the concept and limits of the use of special meetings. By way of background, in the context of the Brown Act, there are three types of meetings that a

legislative body can hold: regular, special or emergency meetings. Pursuant to the Brown Act, every legislative body must establish a time and place for holding regular meetings. In addition, the Brown Act requires that a legislative body publicly post an agenda prior to holding a meeting.

Almost all meetings of a legislative body, such as meetings of the city council, are “regular” meetings. A “regular” meeting is a meeting that occurs on the legislative body’s established meeting day. Agendas for a regular meeting must be publicly posted 72 hours in advance of the meeting in a place that is freely accessible to the public, and must contain a brief general description of each item of business to be transacted or discussed at the meeting.

Legislative bodies can also hold a “special” meeting. A “special” meeting is a meeting that is held at a time or place other than the time and place established for regular meetings. For special meetings, the “call and notice” of the meeting and the agenda must be posted at least 24 hours prior to the meeting. Under the Brown Act the Mayor or a majority of the legislative body, may call a special meeting at any time.

Last, legislative bodies can hold “emergency” meetings. An “emergency” meeting may be called to address certain emergencies, such as a terrorist act or crippling disaster, without complying with any notice requirements. Notwithstanding, certain requirements apply for notifying the press and for conducting closed sessions as part of those meetings, and except as specified, all other rules governing special meetings apply.

As it pertains to special meetings, it is rare for cities to adopt limits on the use of such meetings. For almost all cities, the calling of a special meeting is not the norm. Most cities do not conduct regular and general city business at special meetings. Special meetings are typically utilized in the case of scheduling conflicts with the regular meeting dates, when there is an urgent need or some other legal reason to take action before the next regular council meeting or if there is a need to devote an entire meeting to a specific topic or agenda item. The cities that do have limits on the use of special meetings are those cities with sunshine ordinances that have included limitations or other requirements that must be met before a special meeting can be called.

For example, in the City of San Jose a special meeting agenda must be posted 4 days in advance of the meeting. In the City of Oakland, a special meeting agenda must be posted 48 hours in advance of the meeting excluding weekends and holidays. Notwithstanding, their ordinance allows the posting requirement to be satisfied for a Monday special meeting if the agenda is posted by Friday at noon.

In addition to augmenting the notice requirements for special meetings, other sunshine ordinance provisions limit the “reasons” for calling special meetings. A proposed ordinance in Dixon provides that special meetings may be called to take action on “an urgency matter that must be addressed sooner than the next regular meeting” The ordinance then provides numerous examples such as compliance with a court or other legal deadlines, taking a ceremonial action that is non-controversial because of a scheduling conflict of the person being recognized, or the need to address a complex matter that needs more time than that at a regular meeting.

As demonstrated by these examples, the adoption of such policies or ordinances greatly limits the flexibility provided in the Brown Act for calling special meetings. Also, the City Attorney's office does not recommend any policy that could hamper its ability to meet litigation deadlines or limit its negotiation position. We believe that it is important for the City Council and future City Councils to maintain the flexibility provided for in the Brown Act to hold special meetings. For example, if the City Council desired to start a regular meeting earlier and did not adjourn to that earlier meeting time, the new start time for its regular meeting would have to be noticed as a "special meeting." The various provisions discussed above would limit the council's ability to do this under the facts presented. Accordingly, Staff seeks the direction of the Ad Hoc Subcommittee on this matter.

Question: Should the policy on the content of minutes be altered?

Item 8 on the Matrix is the discussion of a policy on the format of minutes (action vs. summary). By way of background, minutes of city council meetings are required by Government Code Section 36814 and 40801. Government Code Section 36814 provides that "the council shall cause the clerk to keep a correct record of its proceedings. At the request of a member, the city clerk shall enter the ayes and noes in the journal." Further, Government Code Section 40801 provides: "the city clerk shall keep an accurate record of the proceeding of the legislative body . . . in books bearing appropriate titles and devoted exclusively to such purposes, respectively." In addition, the City's municipal code provides that the City Clerk "shall be charged with keeping an accurate record of the proceedings of the City Council" [MBMC Section 2.08.150]. Accordingly, minutes serve as the official legislative record of City Council meetings and are intended to be a written account of the actions taken on the items presented at a meeting. State law, however, does not address the format of minutes.

There are several styles of minutes. Industry standards describe the formats as action minutes, summary minutes or verbatim/semi-verbatim minutes. Regardless of the format, minutes must be accurate, clear and state the action taken. Action minutes can be described as minutes with very little narrative, if any, included with motions and votes listed in the record. Summary minutes provided some City Council and staff comments as well as notations on members of the public who speak on agenda items. Verbatim/semi-verbatim minutes include detail of each agenda item listed but also discussion on each agenda item.

Cities throughout the state use various styles of minutes. In speaking to the City Clerk's Association of California, I was informed that best practices dictate the use of "action" minutes for several reasons. First, the duty of the minutes-taker is to record the action taken by the legislative body. Minutes are not meant to be a transcript of the meeting. Action meetings record what occurs. Second, the general rule of transcription is for every hour of meeting time, there should be at least three hours allocated for transaction. Action minutes reduce the amount of staff time spent in transcribing the minutes especially if the minutes are heavily detailed and/or verbatim. Third, narrative on the dialogue that occurs during a meeting can lead to issues related to the interpretation of comments. Action minutes eliminate a discussion about "who said what" or the comment, "I meant to say" Again, minutes are not a transcript of the meeting and with the advent of technology, the video is available if there is a desire to view and hear a full recounting of an item or the meeting.

That said the format of minutes is a matter of preference or policy by the City Council. The

City Clerk utilizes action minutes for City Council meetings and this is consistent with industry standard. If an alternative format of minutes is desired, the Ad Hoc Subcommittee must consider the staffing resources of the City Clerk's office, which is currently understaffed and well as the budget implications. Expectations of the role of the City Clerk have changed over time and city clerks have a more participatory role in local government than just being the minute-taker. In fact, the City Clerks Association of California has provided city clerk's throughout the state with a business card to hand out when someone asks the question, "What is a City Clerk."

The business card provides that the City Clerk is:

Elections Official

Local Legislation Auditor

Municipal Officer

Political Reform Filing Officer

Records & Archives

Public Inquiries & Relationships

City Council Support Services

Moreover, with new technology and methods of archiving, the City Clerk position has taken on more of a role in records management and the new trend in City Clerk offices is to have such a position on staff.

Question: Should a process be adopted to allow members of the public to provide input into staff reports drafted by professional city staff?

Item 18 pertains to City Staff Reports on how to or not to include the public and stakeholders. Specifically this item explores the concept of whether members of the public should provide written input to City Staff for incorporation into the final staff report. We have not found any city that allows for input in this fashion and do not recommend such a policy.

That said, public participation on agenda items happens in a variety of ways. First and foremost, members of the public can submit their comments to council members via email, letter or telephone prior to the council meeting. Second, comments can be submitted in person orally or written during the discussion of the item at the city council meeting. Also, to encourage more public participation City Staff intends to launch the eComment feature of the Granicus program that it recently implemented by July 2013. eComment is a web-based form that is integrated into the published agenda. Members of the Public can review staff reports and indicate their position on an item and leave feedback. The City Clerk can then collate this information and provide it to the City Council at the meeting. Finally, staff incorporates public input on agenda reports as appropriate. For example, when the City Council was considering the issue at the Sand Dunes, public feedback was an important piece of the decision making process. Accordingly, the City Council was informed of the outreach conducted by Staff on the matter in the Staff Report.

Staff recommends that we continue on the track to implement eComment and include public input as appropriate.

Question: Are any further changes warranted to the agenda structure and processes?

Items 9, 13 and 15 pertain to agenda structure and process. Specifically the items are as follows:

1. Agenda Structure and Process
2. Sticking to the Agenda
3. Consent Calendar Content (include routine items only)
4. Follow-up of Items that need to be agendized for a future meeting ensuring that items are brought back

The following is a status on the completion of these items.

As to agenda structure and process, City Staff surveyed a number of cities and gleaned the following information. First, most cities do not allow the public to pull consent items from the agenda. This process is unique to Manhattan Beach. Second, audience participation time limits were in line with Manhattan Beach's limits. Third, order of audience participation was generally in the beginning similar to Manhattan Beach, however most communities did not have a separate community announcement prior like Manhattan Beach. Again, this is another area where Manhattan Beach is unique in this regard.

At the October 16, 2012 City Council meeting, the City Council reviewed the City's agenda format and the City's processes. As the Ad Hoc Subcommittee may know, the City Council has adopted a series of resolutions over the years outlining its agenda and meeting procedures. At the October 16th meeting the City Council took action to amend its procedures to facilitate effective meeting management as follows:

1. Amend the City Council meeting start time to 6:00 p.m.
2. Added approval of the agenda to the beginning of the agenda.
3. Adjourn each regular meeting by 11:00 p.m. except that the Council may by a 4/5th vote, waive or extend the deadline.
4. Clarifying the items that may be considered during "Other Council Business, Committee and Travel Reports"
5. Permitting members of the public to comment for a total of 3 minutes prior to the Council's consideration of items removed from the consent calendar.

With regard to the "sticking to the agenda" initiative, the City Council agreed to facilitate a teambuilding exercise after this new agenda process was tested. That meeting will occur on March 21, 2013 at 8:30 a.m. in the City Council chambers. A copy of the agenda is attached (Attachment 2).

At that same meeting, the City Council also discussed the content of the consent calendar and the City Council directed staff to arrange an opportunity for the Mayor and Mayor Pro Tem to meet with the City Manager to review the draft agenda prior to setting the agenda. This is routine in cities and does help in determining the items that should be placed on consent taking into considerations matters of efficiency and public interest.

As for the last item of following up on items that need to be placed on future agendas, the City Manager has assigned Staff to make a list of items that come up during a meeting that need follow-up and/or need to be placed on a future agenda. Those lists will be reviewed at

the department head meetings immediately following the City Council meetings to ensure that it is placed on the future agenda list, tracked and a staff person assigned to the item for appropriate follow-up.

Last, at the October 16th meeting, staff was directed to bring back the topic of agenda structure and processes to the newly constituted City Council sometime in the spring. Accordingly, this item will be brought to the full City Council for review at a future meeting.

CONCLUSION:

Staff recommends that the Open Government Ad Hoc Subcommittee receives a status update and discuss and provide direction on the Open Government Initiatives Matrix as outlined in this report and forward its recommendation to the City Council.

Attachments:

1. Open Government Initiatives Matrix.
2. Agenda for March 21, 2013, Teambuilding Meeting.

Ref. #	Effectiveness Area	Implementation Timeline	City Council Approval Date	DESCRIPTION	How will this be accomplished	Project Lead	Admin. Challenges	Legal Challenges	\$\$\$ Impact	Current Status
1	Public Forums, Hearings, and Meetings	Short	1/3/2012	Send out reserved meeting notices as soon as a meeting is set, with the agenda to follow (e.g. color coded posting boards)	E-Notify, City Website	City Clerk	Scheduling of limited staff, unbudgeted expenses	None; exceeds legal minimum requirements		IMPLEMENTED
2	Public Forums, Hearings, and Meetings	Medium		Explore concept and limits of the use of special meetings (policy)	City Council Policy	City Attorney		Limits Flexibility Provided by the Brown Act		AWAITING AD HOC SUBCOMMITTEE DIRECTION FOR CITY COUNCIL REVIEW
3	Public Forums, Hearings, and Meetings	Short	1/3/2012	Train City Council and Staff on types of meetings (regular, special, emergency, etc)	1-page handout	City Attorney	None	None		IMPLEMENTED Proposed training is to be scheduled
4	Public Forums, Hearings, and Meetings	Short	1/3/2012	Include a schedule of upcoming meetings on each agenda	Modify the current Agenda Template	City Clerk	None	None		IMPLEMENTED
5	Public Forums, Hearings, and Meetings	Medium	6/5/2012	Provide for meeting broadcasting capabilities at the Police/Fire Conference Room, Joslyn Center, Library	Purchase of necessary equipment, additional I.S. Division staff required	I.S. Manager	Scheduling of limited staff, unbudgeted expenses	None	Cost of I.S. staff	IMPLEMENTED Scheduled to be complete by June 30, 2013
6	Public Forums, Hearings, and Meetings	Medium		Provide for interim recording of meetings held outside City Council Chambers	Small investment for equipment, and ongoing staffing	I.S. Manager	Scheduling of limited staff, unbudgeted expense	None	Cost of I.S. staff	IMPLEMENTED
7	Public Forums, Hearings, and Meetings	Short	1/3/2012	Timely completion and posting of City Council, Subcommittee, and Commission meeting minutes	Staff will develop an administrative policy setting the desired turnaround time for meeting minutes and distribute to all departments responsible for commissions or development of minutes	City Clerk	Staffing, day to day operations interrupt this activity	None		IMPLEMENTED
8	Public Forums, Hearings, and Meetings	Short		Policy on the format of minutes (action vs. summary)	City Council Policy	City Clerk	Staffing, day to day operations interrupt this activity			AWAITING AD HOC SUBCOMMITTEE DIRECTION FOR CITY COUNCIL REVIEW
9	Knowledge Acquisition and Information Accessibility	Medium	10/16/2012	Agenda Structure and Process	Survey other cities,	City Manager / City Clerk				IMPLEMENTED City Council Revised Agenda Procedures
10	Public Forums, Hearings, and Meetings	Longterm	10/16/2012	Sticking to the Agenda	Facilitated teambuilding after new agenda process is tested.	City Manager				IMPLEMENTED City Council Teambuilding Meeting on March 21, 2013

Ref. #	Effectiveness Area	Implementation Timeline	City Council Approval Date	DESCRIPTION	How will this be accomplished	Project Lead	Admin. Challenges	Legal Challenges	\$\$\$ Impact	Current Status
11	Public Forums, Hearings, and Meetings	Short	6/5/2012	Evaluate the policy on time limits for audience participation (currently policy of 3-min individual and 15-min cumulative is set by City Council resolution)	City Council Policy	City Clerk	None			IMPLEMENTED City Council Revised Agenda Procedures
12	Public Forums, Hearings, and Meetings	Short	6/5/2012	Evaluate the order/placement of audience participation on the agenda; review other cities' audience participation models	City Council Policy	City Clerk	None			IMPLEMENTED City Council Revised Agenda Procedures
13	Public Forums, Hearings, and Meetings	Short		Consent Calendar content (include routine items only)	Mayor and City Manager currently work together to set the agenda	City Manager	None			IMPLEMENTED
14	Public Forums, Hearings, and Meetings	Short	1/3/2012	Pulling of Consent items: City Council should pull 1 st with staff introduction of the item included; clarifying questions and statements that could be addressed quickly vs. pulling an item.	City Council Policy	City Clerk	None			IMPLEMENTED
15	Public Forums, Hearings, and Meetings	Short		Follow-up of items that need to be agendized for a future meeting; ensuring that items are brought back	Staff will make a list of items requested to be agendized during each City Council meeting and the list is discussed at the first Dept Head meeting immediately following City Council meeting.	City Manager / City Clerk	None	None		IMPLEMENTED
16	Knowledge Acquisition and Information Accessibility	Short	1/3/2012	Councilmembers provide oral report of conferences/travel (first meeting after the event – per AB1234) and written reports with attachments (cover page or outline plus supplemental materials) available for public review	Staff will develop a 1-page cover sheet for use by Councilmembers. They will have the ability to attach supplemental materials. This will be kept on file in the City Clerk's office for public review.	City Attorney	None	City Councilmembers will still be required to provide an oral report of their conferences / travel at the first meeting following a trip (per AB1234)		IMPLEMENTED
17	Knowledge Acquisition and Information Accessibility	Short		City Manager to report on conferences/travel of senior staff	Staff will develop a 1-page cover sheet for use by senior staff. They will have the ability to attach supplemental materials. This will be provided to the City Manager within 1-week of the event. City Manager will provide a brief oral summary of senior staff travel at the next City Council meeting under the City Manager's report.	City Manager		None		IMPLEMENTED
18	Public Forums, Hearings, and Meetings	Short		Staff Reports: how to or not to include the public/stakeholders	City staff to include stakeholder input as appropriate.	City Manger				AWAITING AD HOC SUBCOMMITTEE DIRECTION FOR CITY COUNCIL REVIEW

Ref. #	Effectiveness Area	Implementation Timeline	City Council Approval Date	DESCRIPTION	How will this be accomplished	Project Lead	Admin. Challenges	Legal Challenges	\$\$\$ Impact	Current Status
19	Knowledge Acquisition and Information Accessibility	Medium		Public Records Requests	Staff will develop an administrative policy setting Public Records Act procedures ensuring compliance with the law and timely response to all requests	City Clerk / City Attorney				AWAITING AD HOC SUBCOMMITTEE DIRECTION FOR CITY COUNCIL REVIEW
20	Knowledge Acquisition and Information Accessibility	Medium		Provide written guidelines to staff and the public regarding the California Public Records Act and the Brown Act in accordance with the McKee settlement	Written guidelines in the form of a handout will be provided to staff and available for review by the public in the City Clerk's office	City Attorney	None	None		AWAITING AD HOC SUBCOMMITTEE DIRECTION FOR CITY COUNCIL REVIEW
21	Public Forums, Hearings, and Meetings	Medium		Electronic Community Discussion Board	Staff will bring options to the subcommittee and City Council for consideration	City Manager		City Attorney will review	Cost of I.S. staff	
22	Public Forums, Hearings, and Meetings	Short	1/3/2012	Evaluation of Meeting Management Software/Technology Tools to aid in meeting operation and audience participation	Staff will bring to City Council options for enhancing current meeting management software.	City Clerk / I.S. Manager	unbudgeted expense, training of staff for new software; additional /dedicated I.S. staff support during City meetings	None	Cost of I.S. staff	IMPLEMENTED
23	Public Forums, Hearings, and Meetings	Medium	1/3/2012	Voting Touch Device	(included as part of meeting management software/technology)	City Clerk / I.S. Manager	unbudgeted expense, training of staff for new software modules; additional / dedicated I.S. & Clerk staff support during City meetings	None	Cost of I.S. staff	IMPLEMENTED
24	Public Forums, Hearings, and Meetings	Medium	1/3/2012	Public Timer	Implement solution related to Granicus	City Clerk / I.S. Manager	Granicus software configuration and training of staff	None		IMPLEMENTED
25	Public Forums, Hearings, and Meetings	Longterm	1/3/2012	Electronic Agenda Packets	Staff will bring to City Council options for implementation of an electronic agenda packet.	City Clerk / I.S. Manager	unbudgeted expense, training of staff for new software and/or procedures; additional I.S. staff support	None		IMPLEMENTED

Ref. #	Effectiveness Area	Implementation Timeline	City Council Approval Date	DESCRIPTION	How will this be accomplished	Project Lead	Admin. Challenges	Legal Challenges	\$\$\$ Impact	Current Status
26	Public Forums, Hearings, and Meetings	Longterm		Quarterly Work Plan updates at City Council meetings and ongoing updates posted to the City website** **The City adopted a "Strategic Plan" and no longer utilizes the quarterly work plan concept.	Modify the current Work Plan website page to a chart form that will be updated on an ongoing basis. An agenda item for “Work Plan Status Update” will be added to the City Council Agenda for the second regular meeting of each month: July, October, January, April. ** **The City adopted a "Strategic Plan" and no longer utilizes the quarterly work plan	City Manager	None	None		IMPLEMENTED
27	Public Forums, Hearings, and Meetings	Short	1/3/2012	Scheduling of Annual Work Plan Meetings** **The City adopted a "Strategic Plan" and no longer utilizes the quarterly work plan concept.	A Work Plan meeting to set the coming year’s goals typically occurs in January of each year so that items requiring budgetary consideration will be vetted and presented during the budget process. ** The City adopted a Strateic Plan and has a Strategic Plan Session every 6 months, which	City Manager	None	None		IMPLEMENTED
28	Open Government Consensus and Commitment Building	Medium		City Council and Staff Training	Review current training offerings, budgets, and opportunities provided to City Council and staff	City Manager / Human Resources Director		None		IMPLEMENTED On-going training will be provided to Staff. Annual training provided to commissions on Brown Act, Public Records Act and Conflicts

City Council

Team Building Meeting

Thursday, March 21, 2013

8:30 AM

City Council Chambers



Mayor David J. Lesser
Mayor Pro Tem Amy Howorth
Councilmember Richard P. Montgomery
Councilmember Nicholas W. Tell, Jr.
Councilmember Wayne Powell

Executive Team

David N. Carmany, City Manager

Jim Arndt, Public Works Director
Robert Espinosa, Fire Chief
Cathy Hanson, Human Resources Director
Bruce Moe, Finance Director
Richard Thompson, Community Development Director

Quinn Barrow, City Attorney
Richard Gill, Parks & Recreation Director
Eve R. Irvine, Police Chief
Liza Tamura, City Clerk

MISSION STATEMENT:

The City of Manhattan Beach is dedicated to providing exemplary municipal services, preserving our small beach town character and enhancing the quality of life for our residents, businesses and visitors.

MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

Your presence and participation contribute to good city government.

By your presence, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments at two places on the agenda - once following the "Approval of the Agenda" at which time citizens may address the City Council concerning any brief item of community interest not on the agenda and not-to-exceed three minutes in duration for any speaker; and again following "Review and Revise the Three-Year Goals" at which time citizens may address the City Council on any matter of City business on the agenda with each speaker limited to three minutes.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.citymb.info, at the County Library located at 1320 Highland Avenue, the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

A. PLEDGE TO THE FLAG**B. ROLL CALL****C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, state under penalty of perjury that this notice/agenda was posted on Friday, March 15, 2013, on the City's Website and on the bulletin boards of the City Hall and the Library.

Date: 03/15/2013 Signature: /s/ Liza Tamura

D. WELCOME, INTRODUCTION OF THE FACILITATOR AND RECORDER, PURPOSE OF THE RETREAT

- Mayor David Lesser

E. AUDIENCE PARTICIPATION

This portion of the meeting is to provide an opportunity for citizens to address the City Council regarding community announcements. While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda. Thank you!

F. ROLE OF THE FACILITATOR, RECORDER, GROUP, AND PUBLIC

- Marilyn Snider, Facilitator, Snyder and Associates

G. APPROVAL OF AGENDA

By motion of the City Council this is the time to notify the public of any changes to the agenda and/or rearrange the order of the agenda.

H. INTRODUCTIONS OF THE CITY COUNCIL AND THE MANAGEMENT TEAM**I. WHAT ARE THE STRENGTHS AND ACCOMPLISHMENTS OF THE CITY OF MANHATTAN BEACH IN THE PAST YEAR?****J. IDENTIFY AND DISCUSS THE BEHAVIORAL WORK STYLES OF THE PARTICIPANTS****K. CLARIFICATION OF EXPECTATIONS/NEEDS TO BE ABLE TO WORK TOGETHER EFFECTIVELY:**

- What Do the City Council Members Expect/Need from a City Manager and Executive Management Team?
- What Does the City Manager and the Executive Management Team Expect/Need from a City Council / City Council Members?
- What Do the City Council Members Expect/Need from Each Other?
- What Does the City Council Expect/Need from a Mayor?
- What Does the Mayor Expect/Need from a City Council?

L. IDENTIFY NEXT STEPS / FOLLOW-UP PROCESS**M. SUMMARY OF THE RETREAT****N. CLOSING REMARKS****O. ADJOURNMENT****P. FUTURE MEETINGS****CITY COUNCIL MEETINGS**

Apr. 2, 2013 – Tuesday – 6:00 PM – City Council Meeting
Apr. 16, 2013 – Tuesday – 6:00 PM – City Council Meeting
Apr. 23, 2013 - Tuesday - 6:00 PM - Board & Commission Interviews
Apr. 30, 2013 - Tuesday - 6:00 PM - City Council Study Session
May. 7, 2013 – Tuesday – 6:00 PM – City Council Meeting
May. 9, 2013 – Thursday – 6:00 PM – City Council Budget Study Session #1 (Tentative)
May. 14, 2013 – Tuesday – 6:00 PM – City Council Budget Study Session #2 (Tentative)
May. 16, 2013 – Thursday – 6:00 PM – City Council Budget Study Session #3 (Tentative)
May. 21, 2013 – Tuesday – 6:00 PM – City Council Meeting
Jun. 4, 2013 – Tuesday – 6:00 PM – City Council Meeting
Jun. 18, 2013 – Tuesday – 6:00 PM – City Council Meeting
Jul. 2, 2013 – Tuesday – 6:00 PM – City Council Meeting
Jul. 10, 2013 – Wednesday – 8:30 AM – City Council Strategic Plan Meeting

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS

Mar. 25, 2013 – Monday – 6:30 PM – Parks & Recreation Commission
Mar. 27, 2013 – Wednesday – 6:30 PM – Planning Commission
Mar. 28, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission
Apr. 3, 2013 – Wednesday – 6:00 PM – North Manhattan Beach Business Improvement District
Apr. 8, 2013 – Monday – 6:30 PM – Library Commission
Apr. 9, 2013 – Tuesday – 6:00 PM – Cultural Arts Commission
Apr. 10, 2013 – Wednesday – 6:30 PM – Planning Commission
Apr. 22, 2013 – Monday – 6:30 PM – Parks & Recreation Commission
Apr. 24, 2013 – Wednesday – 6:30 PM – Planning Commission
Apr. 25, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission
May. 1, 2013 – Wednesday – 6:00 PM – North Manhattan Beach Business Improvement District
May. 8, 2013 – Wednesday – 6:30 PM – Planning Commission
May. 13, 2013 – Monday – 6:30 PM – Library Commission
May. 14, 2013 – Tuesday – 6:00 PM – Cultural Arts Commission
May. 22, 2013 – Wednesday – 6:30 PM – Planning Commission
May. 23, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission
Jun. 5, 2013 – Wednesday – 6:00 PM – North Manhattan Beach Business Improvement District
Jun. 10, 2013 – Monday – 6:30 PM – Library Commission
Jun. 11, 2013 – Tuesday – 6:00 PM – Cultural Arts Commission
Jun. 12, 2013 – Wednesday – 6:30 PM – Planning Commission
Jun. 24, 2013 – Monday – 6:30 PM – Parks & Recreation Commission
Jun. 26, 2013 – Wednesday – 6:30 PM – Planning Commission
Jun. 27, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission

Q. CITY HOLIDAYS**CITY OFFICES CLOSED ON THE FOLLOWING DAYS:**

May. 27, 2013 – Monday – Memorial Day
Jul. 4, 2013 – Thursday – Independence Day
Sep. 2, 2013 – Monday – Labor Day
Oct. 14, 2013 – Monday – Columbus Day
Nov. 11, 2013 – Monday – Veterans Day
Nov. 28-29, 2013 – Thursday & Friday – Thanksgiving Holiday
Dec. 25, 2013 – Wednesday – Christmas Day
Jan. 1, 2014 – Wednesday – New Years Day
Jan. 20, 2014 – Monday – Martin Luther King Day
Feb. 17, 2014 – Monday – President's Day
May. 26, 2014 – Monday – Memorial Day