

City of Manhattan Beach Sunshine Policy

1. PURPOSE

The City of Manhattan Beach (“City”) is committed to transparency, open government and providing the public with timely and wide-ranging access to its meetings, written records and information.

This Sunshine Policy is the culmination of the work initiated by the City’s Ad Hoc Open Government Subcommittee which was established in order to improve transparency, openness and accessibility. From 2011 to 2013, the Ad Hoc Open Government Subcommittee held multiple public input meetings to discuss many open government best practices. Through the research conducted, the Ad Hoc Open Government Subcommittee created and revised numerous Open Government Initiatives, and developed an Open Government Initiatives Matrix. In some instances, the City Council directed staff to go above and beyond the minimum requirements of the Ralph M. Brown Act (Brown Act). In other instances (e.g. Appendix A, No. 2), City Council directed staff to fully comply with the Brown Act.

The purpose of this policy is to compile the work of the Ad Hoc Open Government Subcommittee into one cohesive policy with the goal of ensuring the public has easier access to City government, so that they may be more informed about what their City is doing, and so that they may be involved in a more meaningful and knowledgeable way.

2. FINDINGS

The Manhattan Beach City Council finds as follows:

A. The Ralph M. Brown Act states: "The people of this State do not yield their sovereignty to the agencies which serve them."

B. It is the City’s duty to serve the public and to accommodate those who wish to obtain information about or participate in the process of making decisions by providing comment and input, prior to any official decision.

C. Elected City officials, commissions, boards, advisory bodies and other agencies of the City exist to conduct the people’s business. This policy is intended to assure that the deliberations of these bodies and the City’s operations are open to the public.

D. Each member of the public is afforded the following: the ability to attend City Council meetings and provided an opportunity to directly address the council “before or during” consideration of an agenda item. In those rare and unusual circumstances where the business of government may be conducted behind closed doors, those circumstances must be carefully and narrowly defined to prevent any abuse.

E. This policy is intended in part to clarify and supplement the Ralph M. Brown Act and the California Public Records Act to assure that the people of the City of Manhattan Beach can be fully informed and thereby retain control over the instruments of local government in their City.

City of Manhattan Beach Sunshine Policy

3. DEFINITIONS

Unless defined herein, the definitions in the Ralph M. Brown Act and the California Public Records Act and related laws shall govern.

4. SUNSHINE INITIATIVES

The City of Manhattan Beach goes above and beyond the minimum requirements of the Brown Act. The following initiatives reflect the work of the Ad Hoc Open Government Subcommittee as well as additional implemented Sunshine initiatives:

A. Public Forums, Hearings and Meetings.

The City Council has adopted the attached Meeting Management Resolution (Resolution No. 17-0077), or its successor, amends and restates the rules of order for the conduct of City Council meetings and includes a number of Sunshine Initiatives, including:

- a. **Public Comment** - Provides the public an early opportunity to comment on any agenda item, or non-agenda item within the subject matter jurisdiction of City Council.
- b. **Planning Commission Quasi-Judicial Decisions** - Provides the public early notification of Planning Commission Quasi-Judicial Decisions.
- c. **and Future Discussion Items** - Provides the public early notification of potential future City Council Agenda items.

(Resolution 17-0077; Appendix A, No. 9, No. 10, No. 23 and No. 31).

1. City Council Agenda and Agenda Packet Noticing and Distribution Timeframes:

- a. Posting a copy of the agenda in a location freely accessible to the public 24 hours a day, no later than six days before the date of the meeting, and shall specify the time and location of the regular meeting (Appendix A, No. 1) and;
- b. All agendas shall be posted on the bulletin boards located outside of City Hall and the bulletin boards at the Joslyn Community Center, the Manhattan Heights Community and on the City's website no later than six days before the date of the meeting. Complete agenda packets for each body shall be made available at the office of the City Clerk, the Manhattan Beach Police Department, the Joslyn Community Center and the Manhattan Beach Public Library as well as posted on the City's website, to the extent fiscally and technologically feasible, no later than six days before the date of the meeting, and shall be available for immediate public inspection at the locations listed above during normal business hours,

City of Manhattan Beach Sunshine Policy

except for the Manhattan Beach Police Department which will be available 24 hours a day, seven days a week (Resolution17-0077) and;

c. All agendas and agenda packets of every regular City Council meeting shall be available to the public by an email subscription through the City's email notification (E-Notify) system (Appendix A, No. 1, No. 19 and No. 26). Such service shall be provided free of charge and shall be provided to the subscriber until the request for the service is cancelled by the subscriber or the email address is no longer valid. The email shall be sent at the time of the posting of the agenda for the meeting.

e. When applicable, a comprehensive public outreach section is now incorporated into the new staff report format. This new format includes a Public Outreach/Interest section which will be utilized to discuss planned outreach efforts that have occurred with various stakeholders (Appendix A, No. 14) and;

f. Documents provided to the City Clerk after the posting of an agenda will be distributed to the City Council and hard copies will be made available for the public at the City Council meeting (Resolution17-0077).

g. All agendas of every quasi-judicial body shall be available to the public by an email subscription through the City's email notification (E-Notify) system (Appendix A, No. 1). Such service shall be provided free of charge and shall be provided to the subscriber until the request for the service is cancelled by the subscriber or the email address is no longer valid. The email shall be sent at the time of the posting of the agenda for the meeting.

h. Early notification of recent Planning Commission decisions will be posted on the City's website and distributed through the City's E-Notify system (Appendix A, No. 31).

Notwithstanding any other provision of this policy, the inability of an agenda subscriber to timely receive the agenda or agenda-related material via the City's E-Notify system pursuant to this section, shall not constitute grounds for invalidation of the actions of the body taken at the meeting for which the agenda or the agenda-related material was not timely received.

2. Closed Session Language, Settlement Transparency.

This policy will provide more information to the public regarding the language on Closed Session agendas pertaining to litigation matters and settlement agreements. The language is listed below:

- a. **Existing Litigation** - The City will provide additional information to describe closed sessions concerning existing litigation to adequately inform the public of the nature of the litigation in full compliance with the Brown Act.

City of Manhattan Beach Sunshine Policy

- b. **Anticipated Litigation** - The City will provide additional information as to the existing facts and circumstances to describe closed sessions concerning anticipated litigation in full compliance with the Brown Act.
- c. **Settlement Agreements** - Proposed settlements of litigation will be placed on the open session portion of City Council meeting agendas when appropriate.

3. Minutes.

- a. Each body covered by the Brown Act shall record the minutes for each meeting convened under the provisions of the Brown Act. The format of the minutes for City Council meetings will be action minutes (Appendix A, No. 8). The draft action minutes of each City Council and Planning Commission meetings shall be available for inspection and copying upon request within the shortest possible time after the meeting (Appendix A, No. 7). In addition, the City shall also provide closed captioning of all City Council meetings and Planning Commission meetings (excluding Closed Sessions) for the hearing impaired (Appendix A, No. 22).

B. Technology and Transparency.

- a. The City shall also receive public comment on its website on agendas, topics and issues within the City's jurisdiction and related to official City business. The purpose of receiving public comment through the City's website is to expand the City's civic engagement efforts in order to reach out and obtain comments and feedback from a broader segment of the City's population. The City will also use its website and internet based platforms to disseminate important information to the public. The City will employ multiple internet based platforms to receive public comment, feedback, ideas and suggestions (Appendix A, No. 15, No. 20, No. 21, No. 30, and No. 33). These internet based platforms will be made available on the City's website and may include but are not limited to:

- 1. Facebook.
- 2. Twitter.
- 3. Nixle.
- 4. Open City Hall.
- 5. Information Memos.
- 6. Budget Transparency Platform.

City of Manhattan Beach Sunshine Policy

7. GovQA (Internet based, public records request portal used for submitting and reviewing Public Records Requests and any corresponding documents).

The City will make all reasonable efforts to ensure these services will be available 24 hours a day, seven days a week, excluding any software or hardware failure which the City has taken customary precautions.

b. A video and audio recording of each City Council meeting shall also be recorded and made available for inspection and copying upon request within the shortest possible time after the meeting. Any additional meetings held by bodies covered under the Brown Act conducted outside of the City Council chambers, at nearby City facilities, will be broadcast to the extent where technologically feasible (Appendix A, No. 5 and No. 6).

c. The City will put forth its best effort to utilize the latest advancements in technology, where financially and technologically feasible, to improve transparency and increase open government,

5. BUDGET PROCESS

This policy incorporates new open government measures regarding the City's budget process, going above and beyond what is legally required. Community budget meetings will be held prior to the creation of the City's budget to assess spending priorities for the coming fiscal year. The City will also provide quarterly budget updates regarding the City revenues and expenditures in conjunction with the online Budget Transparency Platform to increase financial transparency and public oversight. The budget process will also include a review of performance measures, and implement revised performance measures when necessary to meet the long-term strategic goals established by the City (Appendix A, No. 21 and No. 29).

6. TRAINING

Annual training will be provided to Councilmembers, Commissioners and City staff on the Brown Act, California Public Records Act and conflicts of interest. The City Attorney's Office will provide training. (Appendix A, No. 3, No. 34 and No. 35).

7. CONFERENCE AND TRAVEL REPORTS

Per Assembly Bill 1234 (AB 1234), City Councilmembers are required to provide a report regarding any City related travel or conferences they attended in their capacity as an elected official. City Councilmembers must provide this report at the first regular City Council meeting after returning from their travels.

City of Manhattan Beach Sunshine Policy

This policy also requires the City Manager and all other senior City staff members to provide a report on any City related travel or conferences they attended, going above and beyond the requirements of AB 1234. These reports will be incorporated into an Information Memo distributed through the City Manager's Weekly Update that will be posted to the City's website and sent out through the City's E-Notify system (Appendix A, No. 24, No. 25 and No. 32).

8. PUBLIC RECORDS ACT

Release of public records by a body or by any department, whether for inspection of the original or by providing a copy, shall be governed by the Public Records Act in any particulars not addressed by this policy (Appendix A, No. 27). In addition, the City has supplemented the Public Records Act with its own Public Records Act Protocol.

**APPENDIX A - POLICY CROSS REFERENCE MATRIX
IMPLEMENTED OPEN GOVERNMENT INITIATIVES**

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		Follow Brown Act		RESOLVED
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
4	Public Forums, Hearings, and Meetings	Short	1/3/2012	**Include a schedule of upcoming meetings on each agenda. *Resolution 15-0048 supercedes this section.	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
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	4/15/2014	Policy on the format of minutes (action vs. summary)	City Council Policy	City Clerk				RESOLVED
9	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). *As revised by Resolution 17-0077.	City Council Policy	City Clerk	None			IMPLEMENTED City Council Revised Agenda Procedures
10	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. *Resolution 15-0048 supercedes this section.	City Council Policy	City Clerk	None			IMPLEMENTED City Council Revised Agenda Procedures
11	Public Forums, Hearings, and Meetings	Short	1/3/2012	**Consent Calendar content (include routine items only). *Resolution 15-0048 supercedes this section.	Mayor and City Manager currently work together to set the agenda	City Manager	None			IMPLEMENTED; 7/21/2015
12	Public Forums, Hearings, and Meetings	Short	1/3/2012	**Pulling of Consent items: City Council should pull 1st with staff introduction of the item included; clarifying questions and statements that could be addressed quickly vs. pulling an item. *Resolution 15-0048 supercedes this section.	City Council Policy	City Clerk	None			IMPLEMENTED
13	Public Forums, Hearings, and Meetings	Short	7/21/2015	**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
14	Public Forums, Hearings, and Meetings	Short		** Staff Reports: how to or not to include the public/stakeholders	A public outreach section was added to Staff Report template to describe any outreach efforts conducted by staff to stakeholders as necessary.	City Manager				IMPLEMENTED 1/12/2015
15	Public Forums, Hearings, and Meetings	Medium	1/3/2012	Electronic Community Discussion Board **The City has chosen to implement a new solution for an Electronic Community Discussion Board. See Matrix Item No. 20.	Staff will bring options to the subcommittee and City Council for consideration	City Manager		City Attorney has reviewed None	Cost of I.S. staff	IMPLEMENTED; 3/12/2013 & 5/7/2015

****Indicate Open Government Initiatives items implmented since July 2014.**

**APPENDIX A - POLICY CROSS REFERENCE MATRIX
IMPLEMENTED OPEN GOVERNMENT INITIATIVES**

16	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
17	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
18	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
19	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
20	Public Forums, Hearings, and Meetings	Short		**Open City Hall	The previous Electronic Community Discussion Board (MB Forum) was removed at the request of City Council. City Manager has decided to implement a new electronic community discussion board (Open Town Hall) which is a much more robust platform in order to increase community discussion and participation regarding policy making decisions.	City Manager/Department Heads	None	None		IMPLEMENTED; 5/07/2015
21	Public Forums, Hearings, and Meetings	Short		**Budget Transparency Platform	This new online application was introduced at the November 5, 2014, City Council meeting as a component to the new quarterly financial information presentations implemented by the City Manager and Finance Director. This online application allows the public to query results and view historical financial data in order to improve fiscal transparency.	Finance Director	None	None		IMPLEMENTED; 11/1/2014
22	Public Forums, Hearings, and Meetings	Short		**Closed Captioning of City Council Meetings	The City recently implemented closed captioning of City Council meetings to better improve transparency efforts.	City Clerk	None	None		IMPLEMENTED; 3/4/2015
23	Public Forums, Hearings, and Meetings	Longterm	10/16/2012	**Sticking to the Agenda. *Resolution 15-0048 supercedes this section.	Facilitated teambuilding after new agenda process is tested.	City Manager				IMPLEMENTED/ONGOING City Council Teambuilding Meeting on March 21, 2013; Meeting Management Reso. 15-0048
Ref. #	Effectiveness Area	Implementation Timeline	City Council Approval Date	DESCRIPTION	How will this be accomplished	Project Lead	Admin. Challenges	Legal Challenges	\$\$\$ Impact	Current Status
24	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. *Resolution 15-0048 supercedes this section.	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
25	Knowledge Acquisition and Information Accessibility	Short	8/13/2013	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 In Conjunction with Matrix Item No. 32.This will be provided in City Manager Weekly Report.
26	Knowledge Acquisition and Information Accessibility	Medium	10/16/2012	**Agenda Structure and Process. **As revised by Resolution 17-0077.	Survey other cities.	City Manager / City Clerk				IMPLEMENTED City Council Revised Agenda Procedures
27	Knowledge Acquisition and Information Accessibility	Medium		Public Records Requests	Staff developed an administrative policy setting Public Records Act procedures ensuring compliance with the law and timely response to all requests. City Manager approved a Public Records Act protocol.	City Clerk / City Attorney				IMPLEMENTED

****Indicate Open Government Initiatives items implmented since July 2014.**

APPENDIX A - POLICY CROSS REFERENCE MATRIX
IMPLEMENTED OPEN GOVERNMENT INITIATIVES

28	Knowledge Acquisition and Information Accessibility	Short	8/13/2013	**Tentative Agenda Forecast. *As revised by Resolution 17-0077.	This forecast will be distributed along with City Council meeting agendas and agenda packets, via hard copies, E-Notify and City website. Provides members of the public a tentative preview of future items to be discussed at future Council meetings.	City Manager/City Clerk	None	None		IMPLEMENTED; 7/21/2015
29	Knowledge Acquisition and Information Accessibility	Short		**Quarterly Budget Updates	Presented at the November , 2014, City Council meeting, City Manager announced the implementation of quarterly budget update reports to provide more interactive discussion and increase transparency.	City Manager/Finance Director	None	None		IMPLEMENTED; 11/5/2014
30	Knowledge Acquisition and Information Accessibility	Short		**Regular Information Memos	A new method of communicating with the Council and Community more often when items are important to share, and either do not need to be placed on a Council Agenda, or do not want to wait until the item is agendaized to inform the public. These are being distributed via our e-notify process as well as the City's social media sites (Facebook and Twitter).	City Manager/City Clerk	None	None		IMPLEMENTED; 11/17/2014
31	Knowledge Acquisition and Information Accessibility	Short	7/21/2015	**Early Notification of Planning Commission Decisions. *Resolution 15-0048 supercedes this section.	Staff will distribute early notifications of recent Planning Commission decisions through the City's eNotification and on the City's website.	Community Development Director	None	None		IMPLEMENTED
32	Knowledge Acquisition and Information Accessibility	Short		Public Distribution of City Manager Weekly Report	City Manager will send out a weekly update on Fridays that will provide information on any events which occurred during the week.	City Manager	None	None		IMPLEMENTED In Conjunction with Matrix Item No. 25
33	Knowledge Acquisition and Information Accessibility	Short		**Increased Use of other Online Tools	The City primarily uses its social media sites (Facebook and Twitter) for information distribution purposes only (one way communication). Recently, the Parks and Recreation Department has expanded its use of social media to reach out to residents. The City overall is looking to expand its social media presence and increase two way communication with its residents by using new avenues such as eComment on Agenda, Open City Hall, and new public records software GovQA.	City Manager/City Clerk	The City has already created a comprehensive social media policy; however, the policy needs to be fully implemented in order to provide a framework for users to adhere to, and to expand upon the current uses of the City's social media platforms.			IMPLEMENTED/ONGOING
34	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 has been provided to staff. In addition, City Attorney has provided training on the Public Records Act.	City Attorney	None	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
35	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/ONGOING Ongoing training will be provided to Staff. Annual training provided to Commissions on Brown Act, Public Records Act and Conflicts

ADDITIONAL OPEN GOVERNMENT INITIATIVES MATRIX ITEMS

	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
	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.	City Manager	None	None		IMPLEMENTED

**Indicate Open Government Initiatives items implmented since July 2014.

**APPENDIX A - POLICY CROSS REFERNCE MATRIX
IMPLEMENTED OPEN GOVERNMENT INITIATIVES**

Although not specifically outlined within the Sunshine Policy, these remaining items may have already been implemented or are ongoing

**Indicate Open Government Initiatives items implmented since July 2014.