

# **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.

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## **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. 18-0028), 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. **Future Discussion Items** - Provides the public early notification of potential future City Council Agenda items.

(Resolution 18-0028; 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 and in full compliance with the Brown Act noticing requirements, and shall specify the time and location of the regular meeting. City Staff will use its best efforts to post agendas in advance of the minimum requirements required by the Brown Act. (Appendix A, No. 1).
- b. All agendas shall be posted on the bulletin board located outside of City Hall and the bulletin boards at the Joslyn Community Center, the Manhattan Heights Community and on the City's website. 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, and shall be available for immediate public inspection at the locations listed above during normal business hours, except for the Manhattan

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Beach Police Department which will be available 24 hours a day, seven days a week (Resolution 18-0028) 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.

d. 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;

e. 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 (Resolution 18-0028).

f. 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.

g. 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.

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- 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.

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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.

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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.