

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.

Periodically, City Council adopts and amends its Meeting Management Rules (attached is the most current version) and 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 regular meeting 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 regular meeting 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 no later than six days before the date of the meeting. Complete agenda packets 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

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hours, except for the Manhattan 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.

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 (Resolution 18-0028).

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.

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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.

RESOLUTION NO. 18-0028

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL AMENDING AND RESTATING THE RULES OF ORDER FOR THE CONDUCT OF CITY COUNCIL MEETINGS

RECITALS

- A. California's open meeting law, the Brown Act (Government Code Section 54950 et seq. ("Brown Act")), mandates that city councils adopt rules for "the conduct of business" (Government Code Section 54954) and requires that agendas for regular meetings provide "an opportunity for members of the public to directly address the legislative body on any item of interest to the public" including agenda items before or during the legislative body's consideration of the item that is within the subject matter jurisdiction of the legislative body (Government Code Section 54954.3(a)). Periodically, the Manhattan Beach City Council reviews and amends its rules of order to facilitate the efficient and transparent conduct of the City's business at a reasonable hour.
- B. Government Code Section 54954.3(b)(1) provides that city councils "may adopt reasonable regulations to ensure the intent" of the Brown Act is carried out. The primary intent of the Brown Act is that the people's business be conducted openly and transparently, after providing an opportunity to the largest number of members of the public to directly address the council before the council takes action on any item. The rules of order, as amended by the City Council, provide an opportunity for members of the public to directly address the City Council on any item on the agenda before consideration of the item, in full compliance with the Brown Act, at a reasonable time.
- C. The City Council desires to amend the rules of order to facilitate effective and efficient meeting management, greater transparency and meaningful public participation.

NOW THEREFORE, THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1. Meeting Times

- A. Regular meetings of the Manhattan Beach City Council shall be held the first and third Tuesday of each month beginning at 6:00 p.m. and ending at 11:00 p.m. the same day. The City Council may, by a majority vote, extend the meeting. Whenever the day for holding a meeting falls on a holiday, the meeting shall be held the next business day unless otherwise ordered by the City Council at a prior meeting. Meetings shall be held in the Manhattan Beach City Hall City Council Chambers unless otherwise ordered by the City Council.

Section 2. Agenda

- A. A written agenda shall be prepared for each City Council meeting.
- B. The agenda must contain a brief general description of each item of business to be transacted or discussed at that meeting.
- C. Each agenda shall contain a clear statement of the time and location of the meeting.

- D. Each agenda shall state that reports and documents relating to each agenda item (the "Agenda Packet") are available for public inspection at the City's main library and the Police Department at least 72 hours in advance of any regular Council meeting. Agenda packets are also available on line on the City's website and the County Library located at 1320 Highland Avenue, Manhattan Beach.
- E. The agenda shall be posted in full compliance with the Brown Act on bulletin boards outside the two main entrances to City Hall, in locations that are freely accessible to the public. The agenda also shall be posted on the City's website. The agendas and agenda packets may be provided via other electronic means. The person posting the agenda shall complete and sign a certificate of posting.
- F. The call and notice of a special meeting shall be posted in accordance with the Brown Act.
- G. Emergency meetings pursuant to Government Code Section 54956.5 and other applicable law can be held without complying with the agenda requirements of this Section 2.
- H. The City Council shall not take any action on any item which does not appear on the posted agenda except as follows in accordance with Government Code Section 54954.2:
 - 1. Emergency Situation. An emergency situation, as defined in Government Code Section 54956.5, exists. Before proceeding to act upon an emergency item not appearing on the agenda, the City Council shall by a majority vote determine that an emergency situation exists and that prompt action is required by the City Council. The Council shall include in the minutes of its meeting the facts upon which it relied in finding the existence of an emergency situation.
 - 2. Need to Take Action on Non-agenda Items. The City Council may act upon an item not appearing on the agenda if it finds, by a two-thirds vote of the members present at the meeting or if less than two-thirds of the members are present, by a unanimous vote of the members present, that there is a need to take immediate action on the non-agenda item and such need to act came to the Council's attention after the posting of the agenda. If such a determination is to be made, a statement of facts upon which the determination is based shall be included in the minutes supporting the action taken.
 - 3. Held Over Items. Items not appearing on the posted agenda for a specific meeting may be acted upon at that meeting if:
 - a. The item appeared on a properly posted agenda for a previous meeting;
 - b. The previous meeting occurred not more than five calendar days prior to the date of the meeting at which the item is proposed to be considered; and
 - c. The item was continued from the previous meeting to the meeting at which action is proposed to be taken.

Section 3. Requests for Items to be Placed on Agenda

- A. Any person who wants the City Council to consider an item shall submit a request, in writing, to the City Manager, with as much detail as possible. The City Manager may either place the item on the agenda or respond to the request.

- B. The City Manager may place items on the agenda.
- C. A Council Member may request an item be placed on a future meeting agenda if supported by a second member.

Section 4. Order of Business. The business of the City Council shall be considered in substantially the following order, except as may otherwise be ordered by the Mayor or a majority of the Council:

- A. Pledge to the Flag
- B. Roll Call
- C. Ceremonial Calendar
- D. Approval of the Agenda and Waiver of Full Reading of Ordinances

By motion of the City Council, Council shall: (a) notify the public of any changes to the agenda; (b) remove items from the Consent Calendar for individual consideration; or (c) rearrange the order of the agenda.

- E. Community Announcements of Upcoming Events (up to a maximum of one minute each): Community organization representatives, City staff members, and City Council Members may provide brief announcements, not-to-exceed one minute in duration for any speaker, of upcoming community events.
- F. Public Comments: Speakers may comment for up to three minutes on any matter within the subject matter jurisdiction of the City Council, including items on the meeting agenda.

Speakers who wish to comment on Public Hearing agenda items are encouraged to comment when those items are heard so their comments may be included in the record.

Unless a majority of the Council objects, the Mayor may provide speakers with more or less time to speak.

- G. Consent Calendar

- 1. Items on the Consent Calendar are considered routine and customary. They are enacted by a single motion with the exception of items previously removed by a member of the City Council during "Approval of the Agenda." Any items removed shall be individually considered immediately after taking action on the Consent Calendar.

- H. Items Removed from the Consent Calendar: Each speaker may comment up to two minutes on any item pulled from the Consent Calendar.

- I. Public Hearings: Speakers may address the City Council on the subject matter of the Public Hearing, in accordance with the following process:

- 1. The City Clerk shall certify the Public Hearing has been duly noticed and inform whether further correspondence has been received.
 - 2. The Mayor shall open the Public Hearing.

3. Staff shall present its report on the matter.
 4. The Mayor shall invite the applicant (if applicable) and the appellant (if applicable) to present oral and written evidence.
 5. The Mayor shall invite members of the public to speak. The Mayor may inquire if there are many persons who wish to speak, and if so, to request they appoint a spokesperson. Each speaker will be requested to provide his or her name for the record. The Mayor shall provide three minutes to each speaker, unless the Mayor establishes a shorter or longer period based on the number of individuals who wish to speak.
 6. The Mayor may provide an opportunity of rebuttal.
 7. The Mayor shall close the public hearing.
 8. No additional evidence shall be presented after the close of the Public Hearing unless it is reopened by the Mayor.
- J. General Business: Each speaker may comment for up to two minutes on any individual item on the agenda at the time the matter is being considered. Unless a majority of the Council objects, the Mayor may provide speakers with more or less time to speak.
- K. City Council Reports including AB 1234 Reports
- Council members may provide brief reports, including reports on meetings and conferences attended at the expense of the City, and discuss agenda items placed on the agenda by an individual Council Member at a prior meeting. As to items placed on the agenda by a Council Member, no staff time shall be incurred in connection with such item, other than incidental time, such as reproducing correspondence or making minor revisions to conform a resolution provided by an outside entity to the City's resolution format.
- L. Future Agenda Items
- A Council Member may request an item be placed on a future meeting agenda if supported by a second member.
- M. City Manager Report
- N. City Attorney Report
- O. Informational Items (e.g., minutes of city commissions and quasi-judicial decisions of the Planning Commission)
- P. Closed Session
- Q. Adjournment

Section 5. Recording of City Council Votes

When deemed appropriate, and as required by State law, the votes taken by City Council shall be recorded by use of electronic means or an oral roll call vote by the City Clerk or designee.

Section 6. Council Authority

By motion of the Council adopted by a two-thirds vote, the Council has the authority to waive provisions of the procedures established by this Resolution unless the procedure is required by law. Failure of the Council to follow the procedures established by this Resolution shall not invalidate or otherwise affect any action of the Council.

Section 7. This Resolution shall take effect immediately.

Section 8. The City Clerk shall certify to the adoption of this Resolution.

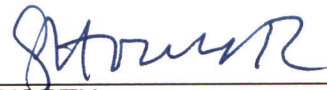
ADOPTED on March 6, 2018.

AYES: Lesser, Montgomery, Hersman, Napolitano and Mayor Howorth.

NOES: None.

ABSENT: None.

ABSTAIN: None.



AMY HOWORTH
Mayor

ATTEST:



LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) SS.
)
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing resolution, being Resolution No. 18-0028 duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 6th day of March, 2018 and that the same was so passed and adopted by the following vote, to wit:

Ayes: Lesser, Montgomery, Hersman, Napolitano and Mayor Howorth.
Noes: None.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 7th day of March, 2018.



City Clerk of the City of
Manhattan Beach, California

(SEAL)