



## Legislation Text

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**File #:** 18-0401, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Liza Tamura, City Clerk  
George Gabriel, Management Analyst

**SUBJECT:**

Discussion of Potential Revisions to the Sunshine Policy; and Consideration of Ordinance No. 18-0021 Related to Amending the Posting of Public Notices (City Clerk Tamura).

- a) DISCUSS AND CONSIDER REVISIONS**
- b) INTRODUCE ORDINANCE NO. 18-0021**

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**RECOMMENDATION:**

1. At the request of Mayor Napolitano, consider potential revisions to the Sunshine Policy.
2. Introduce Ordinance No. 18-0021 to incorporate by reference state law governing the posting of public notices.

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with the recommended action.

**BACKGROUND:**

At the November 17, 2015, meeting, City Council adopted a "Sunshine Policy." The Sunshine Policy was developed with the goal of ensuring that the public has easier access, is more informed, and is involved in a more meaningful and knowledgeable way. The Sunshine Policy is also intended to supplement both the Brown Act and California Public Records Act. In some instances, the Sunshine Policy goes above and beyond the requirements set forth in the Brown Act.

The Sunshine Policy is a living document, and is periodically reviewed so that it can be adjusted, if necessary, based upon practical experience or changes in state law. It has been revised twice since 2015.

**DISCUSSION:**

At the June 5, 2018, City Council meeting, then-Mayor Pro Tem Napolitano requested to agendize discussion of potentially returning to the Brown Act standard of 72-hour minimum posting requirement of agenda, and elimination of the six-day agenda posting requirement set forth in the Sunshine Policy. Mayor Napolitano indicated that the six-day posting requirement had become a challenge to conducting important business and felt that the City Council should discuss returning to the 72-hour posting requirement (in full compliance with the Brown Act).

Staff has prepared a revised Sunshine Policy for City Council review and consideration, with Mayor Napolitano's suggested revisions in mind. The revised Policy amends Section A.1.a to read as follows:

“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, no later than six days before the date of the meeting,~~ 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).”

There are corresponding changes to subsection A.1.b.

In addition, both the Policy and Municipal Code (MBMC) specify particular locations where agendas must be posted. Currently, the MBMC requires Staff to post public notices in bulletin board locations in the City that no longer exist. Therefore, the best practice is to comply with the Brown Act (as it currently exists or may be amended in the future) and not specify specific locations. In addition to other locations in the City, staff will continue to post at City Hall. Therefore, Staff is requesting the City Council introduce Ordinance No. 18-0021 which amends the MBMC to state, “All notices required by law to be posted in a public place or places shall be posted in accordance with applicable law and where applicable, City Council Resolutions.”

## LEGAL REVIEW

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

## Attachments:

1. Ordinance No. 18-0021
2. Proposed Sunshine Policy (Revised September 19, 2018)