



Legislation Text

File #: 19-0143, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Quinn M. Barrow, City Attorney

Alexandria Latragna, Management Analyst

SUBJECT:

Sunshine Policy Review (City Manager Moe and City Attorney Barrow).

DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:

Staff recommends that the City Council discuss and provide direction regarding amendments to the Sunshine Policy.

FISCAL IMPLICATIONS:

There is a potential for costs savings if the City amends certain provisions of the Sunshine Policy.

BACKGROUND:

City Council adopted the "Sunshine Policy" on November 17, 2015, to supplement state law on public access to written records, information, and public meetings. The policy addresses three aspects of open government: (1) the agenda process; (2) conduct of meetings; and (3) public records. As noted above, the original intent was to supplement the Ralph M. Brown Act (Brown Act) and California Public Records Act. While the Sunshine Policy complements these state regulations, it often goes above and beyond the legal standards found in the Brown Act. The Brown Act is California's "sunshine" law for local government. It requires local governments to conduct their business at open and public meetings, with the exception of certain limited situations.

The Sunshine Policy has been revised twice since 2015, and is periodically reviewed so that it can be adjusted, if necessary. The City Council requested to discuss requirements of the Sunshine Policy, where we go above and beyond the requirements of the Brown Act, with a focus on examining the costs associated with providing additional services.

DISCUSSION:

The Sunshine Policy has the following meeting initiatives that have a higher transparency standard than the Brown Act:

1. City Council Agenda and Agenda Packet:
 - a. Requires posting a copy of the regular meeting agenda no later than six days before

- the date of the meeting. It also requires that the agenda materials be made available via email notification at the same time the agenda materials are physically posted.
- b. Requires each staff report to include a public outreach/interest section to identify outreach efforts that have occurred with various stakeholders.
- 2. Planning Commission Agenda and Agenda Packet:
 - a. Requires that the agenda materials be made available via email notification at the same time the agenda materials are physically posted.
 - b. Early notification of recent Planning Commission decisions is required to be posted on the City's website and distributed through the City's e-notify system, and quasi-judicial decisions are identified on Council agendas at the next City Council meeting after a Planning Commission.
- 3. Closed Session Language, Settlement Transparency:
 - a. Expanded to include more information regarding litigation than required by the Brown Act.
 - b. Requires that proposed settlements of litigation be placed on the open session portion of the City Council meeting agendas when appropriate.
- 4. Minutes:
 - a. The Planning Commission and the City Council draft action minutes shall be available for inspection and copying upon request within the shortest possible time after the meeting.
 - b. Requires that the City provide closed captioning of all City Council meetings and Planning Commission meetings (excluding Closed Sessions) for the hearing impaired.
- 5. Technology and Transparency:
 - a. Requires that the City post public comment on its website regarding agendas, topics and issues within the City's jurisdiction and related to official City business.
 - b. Requires a video and audio recording of each City Council meeting be recorded and made available for inspection and copying upon request within the shortest possible time after the meeting.
 - c. Requires that additional meetings held by bodies covered under the Brown Act conducted outside of the City Council chambers be broadcast to the extent where technologically feasible.

The policy also incorporates measures regarding the City's budget process, including a requirement to provide quarterly budget updates regarding the City revenues and expenditures in conjunction with an online Budget Transparency Platform. The City Council currently receives monthly updates regarding the City revenues and expenditures from the Finance Department, and due to previous City Council action, the online Budget Transparency Platform has been eliminated. However, a high level of data is still provided through those same monthly reports.

In addition to a discussion regarding where the Sunshine Policy is more restrictive than the Brown Act, the City Council requested information regarding the per-hour costs associated with complying with such regulations. The analysis below calculates the costs for recording and captioning City Council and Planning Commission meetings. A cost to the City that is not quantifiable is the staff time it takes to prepare for and manage City Council meetings.

The City currently contracts with Pegasus Studios for professional broadcast services. Per the City's contract, a summary of the fees for professional broadcast services are as follows:

- A three-hour minimum requirement.
- Monthly administrative service fee of \$395.
- \$160 per hour for a two-person team for meetings held in Council Chambers.
- \$220 per hour for a three-person team for meetings held at the Police/Fire Conference Room or at the Joslyn Community Center.

The City contracts with Quick Caption Inc. for all captioning services for the City Council and Planning Commission meetings. The hourly transcription rate is \$220 per hour and provides captioning services that are timed with the video recordings of the Planning Commission and City Council meetings.

Using a typical City Council meeting which is 4 hours in length, staff estimates the cost of broadcasting and recording the meetings to be approximately \$1,575 each. This excludes City staff time to prepare for and manage City Council meetings.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary

LEGAL REVIEW:

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

ATTACHMENTS:

1. Sunshine Policy