



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: FEBRUARY 7, 2017**

FROM: CITY MANAGER **WARDS: ALL**
CITY ATTORNEY
CITY CLERK

SUBJECT: PROPOSED ORDINANCE AMENDING CHAPTERS 4.05.050, 4.05.060 AND 4.05.080 OF THE RIVERSIDE MUNICIPAL CODE – PUBLIC MEETINGS AND PUBLIC RECORDS - SUNSHINE ORDINANCE

ISSUE:

Amend Chapters 4.05.050, 4.05.060 and 4.05.080 of the Riverside Municipal Code, known as the Sunshine Ordinance, to expand the twelve-day agenda publication requirement to all boards and commissions, apply supplemental agenda material requirements to all boards and commissions, codify current practice relative to documents provided by outside parties, repeal conflicting section regarding special meetings, and provide that Budget Engagement Commission meetings be video-taped.

RECOMMENDATION:

That the City Council introduce and subsequently adopt the attached ordinance amending Chapters 4.05.050, 4.05.060 and 4.05.080 of the Riverside Municipal Code.

LEGISLATIVE HISTORY:

On October 6, 2015, the City Council adopted Ordinance 7301 expanding the notice requirements of Government Code section 54950, et seq. providing for a twelve-day notice requirement for regular meetings of the City Council, City Council Standing Committees, Planning Commission, Board of Public Utilities, and Community Police Review Commission. Special meeting notice extended from 24 hours to five days.

DISCUSSION:

Successful implementation of the Sunshine Ordinance, plus the creation of the Budget Engagement Commission and Board of Ethics, is prompting an expansion of public meeting notice requirements as identified in the proposed ordinance. Updated requirements include:

1. All boards and commissions shall be subject to the twelve-day agenda publication,
2. All boards and commissions shall be subject to the supplemental agenda materials rule,

3. Codification of current practice that materials submitted by outside parties are not subject to the twelve-day rule and adds provisions for distribution to the public,
4. Delete Section 4.05.060(c) providing that Monday special meetings need only be published the Friday before. Special meetings on all days of the week will require a five-day notice, and
5. Provide that Budget Engagement Commission meetings (not their committees) be video-taped.

The Charter Officers recommend these changes as continuing steps toward a more transparent and accountable municipal government.

FISCAL IMPACT:

Costs for security and audio visual staffing of not-to-exceed \$1,000 annually have been requested from the Measure Z funding.

Prepared by: John A. Russo, City Manager
 Gary G. Geuss, City Attorney
 Colleen J. Nicol, City Clerk

Certified as to
availability of funds: Scott G. Miller, Chief Financial Officer/Treasurer
Approved as to form: Gary G. Geuss, City Attorney

Attachment: Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, ~~ADDING-AMENDING CHAPTERS 4.05.050, 4.05.060 AND 4.05.080 TITLE 4 TO OF~~ THE RIVERSIDE MUNICIPAL CODE - PUBLIC MEETINGS AND PUBLIC RECORDS. ~~— TO BE KNOWN AS THE RIVERSIDE SUNSHINE ORDINANCE.~~

The City Council of the City of Riverside does ordain as follows:

Section 1: Sections 4.05.050(A), (B) and (G) of the Riverside Municipal Code are hereby amended to read as follows:

“4.05.050 Notice and Agenda Requirements: Regular Meetings.

(A) Twelve Day Advance Notice Requirement For Regular Meetings Of The City Council, City Council Standing Committees, ~~Planning Commission, Board of Public Utilities, and Community Police Review Commission~~ and all City Boards and Commissions. The City Council, City Council Standing Committees, ~~Planning Commission, Board of Public Utilities, and Community Police Review Commission~~ and all City Boards and Commissions shall provide notice before any regular meeting by:

(1) posting a copy or image of the agenda in a location freely accessible to the public 24 hours a day no later than twelve (12) days before the date of the meeting; and

(2) posting a copy or image of the agenda on-line at the local body's website no later than twelve (12) days before the date of the meeting. Notwithstanding Section 4.05.050(D), the failure to timely post a copy or image of the agenda online because of software or hardware failure, as defined in Section 4.05.010(H), shall not constitute a defect in the notice for a regular meeting, if the local body complies with all other posting and noticing requirements.

(B) Supplemental Agenda And Related Materials Requirements For Regular Meetings Of The City Council, City Council Standing Committees, ~~Planning Commission, Board of Public Utilities, and Community Police Review Commission~~ and all City Boards and

1 Commissions. Notwithstanding the notice provisions of Section 4.05.050(A), the City
2 Council, City Council Standing Committees, ~~Planning Commission, Board of Public Utilities,~~
3 ~~and Community Police Review Commission~~ and all City Boards and Commissions, may
4 amend or supplement a posted agenda or agenda-related materials no later than 72 hours before
5 a regular meeting and only for the following reasons or under the following conditions:

6 (1) to add an item due to an emergency or urgency, provided the local
7 body makes the same findings as required by Section 4.05.050(D) before taking action;

8 (2) to delete or withdraw any item from a posted agenda however, nothing
9 herein shall limit the ability of a local body to delete or withdraw an item during the meeting;

10 (3) to provide additional information to supplement the agenda-related
11 material previously published with the agenda provided that the additional information was
12 not known to staff or considered to be relevant at the time the agenda-related materials were
13 filed. Examples of supplemental material permitted by this Section are reports responding to
14 questions or requests raised by members of a local body after posting and filing of the
15 twelve-day agenda and materials, and analyses or opinions of the item by the Office of the
16 City Attorney, any member of the City Council, or the Mayor;

17 (4) to correct errors or omissions, or to change a stated financial amount,
18 or to clarify or conform the agenda title to accurately reflect the nature of the action to be taken
19 on the agenda time;

20 (5) to continue an agenda item to a future regular meeting of the local
21 body provided that members of the public are given an opportunity to address the local body
22 on the limited question whether to continue the item to a future meeting.

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24 (G) Submittal of Additional Documents. The City Manager, City Attorney, City
25 Clerk and their designees, in their capacities with the City, must submit public agenda related
26 materials to the City Clerk or other responsible department in sufficient time to meet the
27 deadlines of this Section and Section 4.05.060. However, the referenced officers may submit
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1 additional documents to the local body and the local body may accept the documents if the
2 local body makes a finding by two-thirds vote of the members present that the additional
3 information in the documents was not known to the officers or considered to be relevant by the
4 officers at the time of the filing deadlines. Copies of such documents shall be made available
5 to the public at the related meeting. Documents submitted by outside parties may be
6 distributed to and accepted by the local body at any time prior to or during the related meeting.
7 Documents submitted by outside parties prior to the meeting shall be made available to the
8 public at the related meeting. Documents submitted by outside parties at the meeting shall be
9 made available to the public the following business day. Nothing in this Section or in any
10 other provision of this Ordinance shall be interpreted to require that the City Manager, City
11 Attorney or City Clerk submit to the City Clerk any documents that are not public records.”

12 Section 2: Section 4.05.060 of the Riverside Municipal Code is hereby
13 amended to read as follows:

14 **Section 4.05.060 Notice and Agenda Requirements: Special Meetings.**

15 (A) Special meetings of any local body may be called at any time by the
16 presiding officer thereof or by a majority of the members thereof. All local bodies calling
17 a special meeting shall provide notice by:

18 (1) posting a copy or image of the agenda in a location freely accessible
19 to the public at least five (5) calendar days before the time of the meeting set forth in the
20 agenda; and,

21 (2) delivering a copy or image of the agenda to each member of the
22 local body, to each local newspaper of general circulation, and to each media organization
23 which has previously requested notice in writing, so that a copy or image of the agenda is
24 received at least 48 hours (excluding Saturdays, Sundays and holidays) before the time of the
25 meeting set forth in the agenda. Receipt of the agenda shall be presumed upon reasonable
26 proof that delivery was made.

27 (B) Local bodies specified in Section 4.05.010(D) shall, in addition to the
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1 noticing requirements of this Section, post a copy or image of the agenda for any special
2 meeting on-line at the local body's website at least five (5) calendar days before the time of
3 the meeting set forth in the agenda. Failure to timely post a copy or image of the agenda
4 online because of software or hardware impairment, as defined in Section 4.05.010(H), shall
5 not constitute a defect in the notice for a special meeting if the local body complies with all
6 other posting and noticing requirements.

7 ~~(C) — Notwithstanding the requirements of Section 4.05.060(A) and (B), if a special~~
8 ~~meeting is called for a Monday, notice shall be deemed timely made if the filing, posting and~~
9 ~~distribution requirements of subsections (A) and (B) are made no later than 12:00 p.m. (noon)~~
10 ~~on the preceding Friday.~~

11 ~~(D)~~(C) No business other than that set forth in the agenda shall be considered at a
12 special meeting. Each special meeting shall be held at the regular meeting place of the local
13 body except that the City Manager may designate an alternative meeting location provided that
14 such alternative location is specified in the agenda and that notice pursuant to this Section is
15 given at least twelve (12) days prior to the special meeting. This twelve (12) day notice
16 requirement shall not apply if the alternative location is at the same address at which regular
17 meetings of the local body occur.

18 ~~(E)~~(D) To the extent practicable, the presiding officer or the majority of members
19 of any local body may cancel a special meeting by delivering notice of cancellation in the
20 same manner and to the same persons as required for the notice of such meeting.

21 ~~(F)~~(E) Special meetings may not be noticed on the same day as a previously
22 scheduled regular meeting that was not noticed in compliance with this ordinance if the
23 special meeting is called to consider any of the items that were included in the notice for
24 such regular meeting.

25 Section 3: Section 4.05.080(A) of the Riverside Municipal Code is
26 hereby amended to read as follows:

27 **Section 4.05.080 Minutes and Recordings.**

28 (A) The City Council, City Council Standing Committees, Planning Commission,

1 Board of Public Utilities (not their committees), [Budget Engagement Commission \(not their](#)
2 [committees\)](#) and Community Police Review Commission (not their committees) shall make a
3 visual and audio recording of every open meeting. Any recording of any open meeting shall
4 be a public record subject to inspection and copying and shall not be erased, deleted or
5 destroyed for at least five (5) years, provided that if during that five-year period a written
6 request for inspection or copying of any recording is made, the recording shall not be erased,
7 deleted or destroyed until the requested inspection or copying has been accomplished.
8 Inspection of any such recording shall be provided without charge on a player or computer
9 made available by the local body.”

10 [.....](#)

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12 Section 4: The City Council has reviewed the matter and, based upon the facts and
13 information contained in the staff reports, administrative record, and written and oral testimony,
14 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),
15 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations,
16 Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical
17 change in the environment nor have a significant impact on the environment.

18 Section 5: The City Clerk shall certify to the adoption of this ordinance and cause
19 publication once in a newspaper of general circulation in accordance with Section 414 of the
20 Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the
21 date of its adoption.

22 ADOPTED by the City Council and signed by the Mayor this ____ day of
23 _____, 2017.

24 _____
25 WILLIAM R. BAILEY, III
Mayor of the City of Riverside

26 Attest:

27 _____
28 COLLEEN J. NICOL
City Clerk of the City of Riverside

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
3 _____ day of _____, 2017, and that thereafter said ordinance was duly and regularly
4 adopted at a meeting of the City Council on the _____ day of _____, 2017, by the
5 following vote, to wit:

6 Ayes:

7
8 Noes:

9 Absent:

10 Abstain:

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of
12 the City of Riverside, California, this _____ day of _____, 2017.

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14 _____
15 COLLEEN J. NICOL
16 City Clerk of the City of Riverside
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28 CA: 16-1889

BOARD AND COMMISSION	MEETINGS HELD WHEN	MEETINGS HELD WHERE	AUDIO OR VIDEO
Airport Commission	2nd Wednesday of month at 3 p.m.	Airport Terminal Conf. room	Audio
Budget Engagement Commission	1st and 2nd Thursday of month	Mayor's Ceremonial Room	Audio
Community Police Review Comm.	4th Wednesday of month; Case Review begins at 4:30 p.m. and regular meeting at 5 p.m.	Art Pick Council Chamber	Audio and video
Cultural Heritage Board	3rd Wednesday of month at 3:30 p.m.	Art Pick Council Chamber	Audio and video
Commission on Disabilities	Bi-monthly, 3rd Monday of month at 5:30 p.m.	5th floor large conference room	Audio
Board of Ethics	1st Thursday of month at 5 p.m.	Art Pick Council Chamber	Audio
Human Relations Commission	3rd Thursday of month at 6 p.m.	Mayor's Ceremonial Room	None
Human Resources Board	1st Monday of month at 5 p.m.	Art Pick Council Chamber	None
Board of Library Trustees	4th Monday of month at 5 p.m.	Various locations determined by Board	Audio
Mayor's Commission on Aging	2nd Tuesday of month at 4 p.m.	Various locations	None
Metropolitan Museum Board	2nd Tuesday of month at 4 p.m.	Museum Conf. room	Audio
Park and Recreation Commission	First Monday after first Tuesday of month at 6:30 p.m.	Dales Senior Center	Audio
Planning Commission	1st and 3rd Thursdays after 1st Tuesday of month at 9 a.m.	Art Pick Council Chamber	Audio and video
Board of Public Utilities	2nd and 4th Monday of month at 6:30 p.m.	Art Pick Council Chamber	Video
Transportation Board	1st Wednesday of month at 5:30 p.m.	Art Pick Council Chamber	Audio