



City of Arts & Innovation

# City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: MARCH 3, 2020  
FROM: CITY CLERK AND CITY ATTORNEY      WARDS: ALL  
SUBJECT: AMEND SUNSHINE ORDINANCE - REQUIRE THREE ELECTED OFFICIALS TO WAIVE TWELVE-DAY AGENDA PUBLICATION REQUIREMENTS AND INCLUSION OF EXPLANATION AND DOCUMENTATION OF URGENCY

## **ISSUE:**

Amend the Title 4 of the Riverside Municipal Code to adopt a higher threshold and stronger requirements for the Mayor and City Council to excuse the Sunshine Ordinance when placing an item on the agenda.

## **RECOMMENDATION:**

That the City Council introduce and subsequently adopt the attached ordinance amending Title 4 Public Meetings and Public Records of the Riverside Municipal Code to:

1. Increase the concurrence from one to two members of the City Council for the Mayor or Member of the City Council to add an item to a published agenda; and
2. Require that a report added after the twelve-day publication include an explanation and documentation of why immediate action is needed.

## **BACKGROUND:**

On February 11, 2020, the City Council unanimously requested the City Attorney to prepare an ordinance amending Title 4 Public Meetings and Public Records of the Riverside Municipal Code to (1) increase the threshold for placement of items on the agenda by the Mayor and/or Members of the City Council by increasing from one to two the number of Councilmembers required to concur; and (2) require that such a report include an explanation and documentation of why immediate action is needed.

Section 4.05.050 D.(2) – Notice and agenda requirements; Regular meetings. Excuse of Sunshine Notice Requirements reads,

*“(2) If the Mayor or a Council Member, with the concurrence of another Council Member, believe an item is urgent, and the failure to meet any additional notice requirements was due to:*

- (a) The need to take immediate action, which came to the attention of the local body after the agenda was posted; or*
- (b) A software or hardware impairment as defined by Section 4.05.010.H and such*

*additional notice requirements are satisfied no later than 72 hours before the date of the meeting; or...”*

The amended language reads,

*“(2) If the Mayor or a Council Member, with the concurrence of two other Council Members, believes an item is urgent, which urgency is detailed, in writing, in the Council Report, and the failure to meet any additional notice requirements was due to:*

*(a) The need to take immediate action, which came to the attention of the local body after the agenda was posted; or*

*(b) A software or hardware impairment as defined by Section 4.05.010.H and such additional notice requirements are satisfied no later than 72 hours before the date of the meeting; or...”*

The attached ordinance amends Sunshine Ordinance provisions to increase concurrence from one to two elected officials and adds inclusion of the explanation of urgency and supporting documents in the written report.

**FISCAL IMPACT:**

There is no fiscal impact associated with the proposed amendments to the Sunshine Ordinance.

Submitted by: Colleen J. Nicol, City Clerk  
Gary G. Geuss, City Attorney

Approved as to form: Gary G. Geuss, City Attorney

Attachment: Ordinance