



City of Arts & Innovation

Inclusiveness, Community Engagement, and Governmental Processes Committee

TO: INCLUSIVENESS, COMMUNITY ENGAGEMENT, AND GOVERNMENTAL PROCESSES COMMITTEE **DATE: JULY 1, 2020**

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

SUBJECT: EXCUSE OF SUNSHINE ORDINANCE REQUIREMENTS URGENCY AND DOCUMENTATION - SPECIAL MEETING REQUIREMENTS - CONTINUED AGENDA ITEMS

ISSUES:

Amend Sunshine Ordinance provisions for (1) placement of urgent items on agenda by three elected officials subsequent to twelve-day publication; (2) special meeting notice requirements; (3) correction of a typographical error; and (4) extension of the ability to continue agenda items to a future meeting to all local bodies.

RECOMMENDATIONS:

That the Inclusiveness, Community Engagement, and Governmental Processes Committee recommend the City Council:

1. Amend Riverside Municipal Code Section 4.05.050(D)(2) to provide that prior to consideration of matters added to the agenda by three elected officials subsequent to the twelve-day publication, five affirmative votes of the City Council with a full quorum present and four affirmative votes if less than a full quorum are required finding that the documentation provided meets the test of "urgency";
2. Amend Riverside Municipal Code Section 4.05.060(F) to provide that the Mayor or a majority of members of the City Council may call a special meeting with less than five days' notice in conformance with the Brown Act;
3. Amend Riverside Municipal Code Section 4.05.050(B)(4) to correct a typographical error by removing the final word "time";
4. Amend Riverside Municipal Code Section 4.05.050(D)(4) to extend the ability to excuse Sunshine Notice requirements to all local bodies for items continued from a prior regularly noticed meeting; and
5. Direct the City Attorney to prepare the appropriate ordinance for City Council consideration.

DISCUSSION:

Urgent Matters and Supporting Documentation

On March 17, 2020, the City Council adopted Ordinance No. 7509 increasing the threshold and strengthening requirements for the Mayor and City Council to excuse the Sunshine Ordinance when placing an item on the agenda. Signatures of elected officials authoring the report increased from two to three and documentation of why immediate action is needed must be included in the written report.

During discussion of the ordinance on first reading at the meeting of February 11, 2020, the City Council directed preparation of an ordinance to further define “urgency” and “documentation required” and referred the matter to the City Council Governmental Affairs Committee now to be heard by the Inclusiveness, Community Engagement, and Governmental Processes Committee. Political judgement by the City Council rather than a technical definition of “urgency” best determines if documentation supports adding the matter to the agenda. To address this concern, staff recommends amending the Sunshine Ordinance to provide that prior to consideration of the added agenda item, five affirmative votes for a full quorum and four affirmative votes for less than a full quorum would be required agreeing the matter meets the “urgency” test.

Calling of Special Meetings

Recent convening of special meetings brought RMC Section 4.05.060(F) to the attention of staff in that the section as written is less stringent than State law and must be corrected. Staff recommends amending the section to (1) eliminate the ability of two Councilmembers to call a special meeting; and (2) provide that either the Mayor or a majority of the members of the City Council may call a special meeting with less than five days’ notice for urgent items requiring immediate action.

Typographical Error Correction

RMC Section 4.05.050(B)(4) sets forth one of the conditions where agenda-related materials may be distributed after publication of the agenda but at least 72 hours prior to the meeting. Staff recommends correction of a typographical error as shown below:

“To correct errors or omissions, or to change a stated financial amount, or to clarify or conform the agenda title to accurately reflect the nature of the action to be taken on the agenda ~~time~~.”

Excuse of Sunshine Notice Requirements - Boards and Commissions

RMC Section 4.05.050(D)(4) allows the City Council to continue a regularly noticed agenda item to a subsequent meeting to be held within fourteen days. The below recommended language expands the exemption to all “local bodies” as shown below:

“(4) The item was continued by ~~City Council~~ a local body at a regularly noticed meeting to a subsequent City Council meeting.”

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Colleen J. Nicol, City Clerk
Kristi J. Smith, Chief Assistant City Attorney
Approved as to form: Gary G. Geuss, City Attorney

Attachment: RMC Sections 4.05.050 and 4.05.060