



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: AUGUST 4, 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; (4) extension of the ability to continue agenda items to a future meeting to all local bodies; and (5) adding items and additional materials to special meetings agendas.

## **RECOMMENDATIONS:**

That the City Council introduce and subsequently adopt the attached Ordinance amending Title 4 of the Riverside Municipal Code (Sunshine Ordinance) as follows:

- a. 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”;
- b. 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;
- c. Section 4.05.050(B)(4) to correct a typographical error by removing the final word “time”;
- d. 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
- e. Section 4.05.060(G) to incorporate provisions for adding items and materials to special meeting agendas.

## **COMMITTEE RECOMMENDATION:**

The Inclusiveness, Community Engagement, and Governmental Process met on July 1, 2020, with Chair Melendrez, Vice Chair Fierro and Member Conder present, to consider the clean-up amendments to the Sunshine Ordinance. After discussion the Committee unanimously voted to recommend that the City Council approve the proposed amendments to the Sunshine

Ordinance.

## **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 of 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.”*

### **Adding Items and Materials to Special Meeting Agendas**

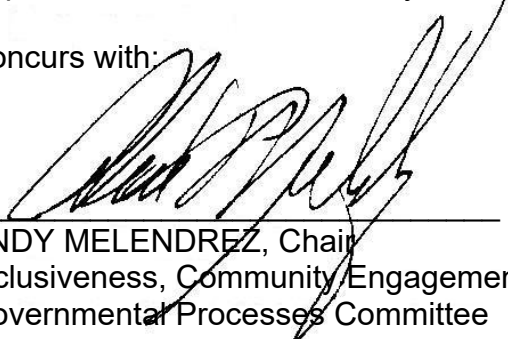
The Code is silent with respect to adding additional items and materials to Special Meeting agendas. In practice, the provisions for regular meetings in this regard were applied to special meetings. The proposed amendment expressly adds these provisions to the Special Meeting section.

## **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

Concurs with:



---

ANDY MELENDREZ, Chair  
Inclusiveness, Community Engagement, and  
Governmental Processes Committee

Attachment: Ordinance