

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING
CHAPTER 4.05 OF THE RIVERSIDE MUNICIPAL CODE, THE SUNSHINE
ORDINANCE.

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

Section 1: Section 4.05.010 of the Riverside Municipal Code is amended as follows:

Words or phrases in this ordinance shall be defined pursuant to the Ralph M. Brown Act,
Government Code § 54950 et. seq. and the Public Records Act, Government Code § 6250 et. seq.,
unless otherwise specified as follows:

(A) *Advisory Body* shall mean:

- (1) Any advisory board, commission, or task force established by City Charter,
ordinance, or by motion or resolution of the City Council, except for a Policy Body;
- (2) Any advisory board, commission, or task force created an appointed by the
Mayor, which exists for longer than a 12-month period; and
- (3) Any standing committee of any Advisory Body.

(B) *Agenda* shall mean the agenda of a local body which has scheduled the meeting. The
agenda shall meet the requirements of Government Code § 54954.2, except that the timing
requirements of this ordinance shall control. For closed sessions, the agenda shall meet the
requirements set forth in Government Code § 54954.5. The agenda shall contain a brief, general
description of each item of business to be transacted or discussed during the meeting and shall avoid
the use of abbreviations or acronyms not in common usage and terms whose meaning is not known
to the general public. The agenda may refer to explanatory documents, including but not limited to,
correspondence or reports, in the agenda related material. A description of an item on the agenda is
adequate if it is sufficiently clear and specific to alert a person of average intelligence and education
whose interests are affected by the item that he or she may have reason to attend the meeting or seek
more information on the item.

(C) *Agenda related materials* shall mean the agenda, all reports, correspondence and any
other document prepared and forwarded by staff to any local body, and other documents forwarded

1 to the local body, which provide background information or recommendations concerning the
2 subject matter of any agenda item. Notwithstanding the foregoing, agenda related materials shall not
3 include: 1) the written text or visual aids for any oral presentation so long as such text or aids are not
4 substituted for, or submitted in lieu of, a written report that would otherwise be required to meet the
5 filing deadlines of this ordinance, and 2) written amendments or recommendations from the Mayor
6 or a member of a local body pertaining to an item contained in agenda related materials previously
7 filed pursuant to Section 4.05.050 or Section 4.05.060.

8 (D) *Business Day* shall mean any weekday, except for Saturdays, Sundays, or City-
9 observed holidays

10 (E) *City* shall mean the City of Riverside.

11 (F) *Local Body* shall mean any Policy Body or Advisory Body, unless the context in
12 which it is used clearly indicates otherwise.

13 "Local body" shall not mean any congregation or gathering which consists solely of
14 employees of the City of Riverside.

15 (G) *Meeting* shall mean any congregation of a majority of the members of a local body at
16 the same time and location, including teleconference location as permitted by Government Code §
17 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter
18 jurisdiction of the local body and shall also mean a meal or social gathering of a majority of the
19 members of a local body immediately before, during or after a meeting of a local body;

20 (1) A majority of the members of a local body shall not, outside a meeting
21 defined in this subsection G., use a series of communications of any kind, directly or through
22 intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject
23 matter jurisdiction of the local body.

24 (2) Subparagraph G.1. shall not be construed as preventing an employee or
25 official of a local agency, from engaging in separate conversations or communications outside of a
26 meeting defined in this subsection G. with members of a local body in order to answer questions or
27 provide information regarding a matter that is within the subject matter jurisdiction of the local
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1 agency, if that person does not communicate to members of the local body the comments or position
2 of any other member or members of the local body.

3 (3) Nothing in this subsection G. shall impose the requirements of this chapter
4 upon any of the following:

5 (a) Individual contacts or conversations between a member of a local body
6 and any other person that do not violate subparagraphs G.1. and 2.;

7 (b) The attendance of a majority of the members of a local body at a
8 conference or similar gathering open to the public that involves a discussion of issues
9 of general interest of the public or to public agencies of the type represented by the
10 local body, provided that a majority of the members do not discuss among
11 themselves, other than as part of the scheduled program, business of a specified
12 nature that is within the subject matter jurisdiction of the local agency. Nothing in this
13 paragraph is intended to allow members of the public free admission to a conference
14 or similar gathering at which the organizers have required other participants or
15 registrants to pay fees or charges as a condition of attendance;

16 (c) The attendance of a majority of the members of a local body at an
17 open and publicized meeting organized to address a topic of local community concern
18 by a person or organization other than the local agency, provided that a majority of
19 the members do not discuss among themselves, other than as part of the scheduled
20 program, business of a specific nature that is within the subject matter jurisdiction of
21 the local body of the local agency;

22 (d) The attendance of a majority of the members of a local body at an
23 open and noticed meeting of another local body of the local agency, or at an open and
24 noticed meeting of a local body of another local agency, provided that a majority of
25 the members do not discuss among themselves, other than as part of the scheduled
26 meeting, business of a specific nature that is within the subject matter jurisdiction of
27 the local body of the local agency; or
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1 (e) The attendance of a majority of the members of a local body at a
2 purely social and ceremonial occasion, provided that a majority of the members do
3 not discuss among themselves business of a specific nature that is within the subject
4 matter jurisdiction of the local body of the local agency.

5 (H) *Notice* shall mean the posting of an agenda in a location that is freely accessible to the
6 public 24 hours a day and as additionally specified in Section 4.05.050 and Section 4.05.060.

7 (I) *On-Line* shall mean accessible by computer without charge to the user.

8 (J) Policy Body shall mean:

9 (1) The Riverside City Council;

10 (2) Board of Ethics, Board of Public Utilities; Charter Review Committee,
11 Community Police Review Commission, and Planning Commission;

12 (3) Any standing committee of any Policy Body.

13 (K) *Software or hardware impairment* means the City is unable to utilize computer
14 software, hardware and/or network services to produce agendas, agenda related material or to post
15 agendas on-line due to inoperability of software or hardware caused by the introduction of a
16 malicious program (including but not limited to a computer virus), electrical outage affecting the
17 City's computer network, or unanticipated system or equipment failure. "Software or Hardware
18 Impairment" may also include situations when the City is unable to access the internet due to
19 required or necessary maintenance or the installation of system upgrades that necessitates de-
20 activating the system network; however, the City shall make reasonable efforts to avoid a delay in
21 the preparation, distribution, or posting of agendas and agenda related material as a result of required
22 or necessary maintenance or installation of system upgrades.

23 (L) *Standing Committee* shall mean any number of members of a local body which totals
24 less than a quorum and which has a continuing subject matter jurisdiction or a meeting schedule
25 fixed by charter, ordinance, resolution or formal action of the local body.

26 Section 2: Section 4.05.030 of the Riverside Municipal Code is amended as follows:

27 **4.05.030 Meetings to be open and public: Application of Brown Act.**

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1 All meetings of local bodies specified in Section 4.05.010 and Section 4.05.020 shall be open
2 and public, to the same extent as if that body were governed by the provisions of the Ralph M.
3 Brown Act (Government Code § 54950) unless greater public access is required by this ordinance, in
4 which case this ordinance shall be applicable.

5 Section 3: Section 4.05.040 of the Riverside Municipal Code is amended as follows:

6 **4.05.040 Conduct of business: Time and place for meetings.**

7 (A) Every local body specified in Section 4.05.010.F shall establish by formal action the
8 time and place for holding regular meetings and shall conduct such regular meetings in accordance
9 with such resolution or formal action.

10 (B) Regular and special meetings of local bodies specified in Section 4.05.010.F. shall be
11 held within the City of Riverside except to do any of the following:

12 . . .

13 (C) If a regular meeting for any local body falls on a holiday, the meeting shall be held on
14 the next scheduled regular meeting day unless otherwise noticed as a special meeting for which
15 notice is given as required by this Chapter.

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17 Section 3: Section 4.05.050 of the Riverside Municipal Code is amended as follows:

18 **4.05.050 - Notice and agenda requirements: Regular meetings.**

19 (A) *Twelve day advance notice requirement for regular meetings of the Policy Bodies.* All
20 Policy Bodies shall provide notice before any regular meeting by:

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

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

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1 (B) *Supplemental agenda and related materials requirements for regular meetings of the*
2 *Policy Bodies and Advisory Bodies.* Notwithstanding the notice provisions of Section 4.05.050.A
3 and 4.05.050(I), Policy Bodies and Advisory Bodies may amend or supplement a posted agenda or
4 agenda-related materials no later than 72 hours before a regular meeting and only for the following
5 reasons or under the following conditions:

6 (1) To add an item due to an emergency or urgency, provided the local body
7 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 herein
9 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 material
11 previously published with the agenda provided that the additional information was not known to
12 staff or considered to be relevant at the time the agenda-related materials were filed. Examples of
13 supplemental material permitted by this section are reports responding to questions or requests raised
14 by members of a local body after posting and filing of the 12-day agenda and materials, and analyses
15 or opinions of the item by the Office of the City Attorney, any member of the City Council, or the
16 Mayor;

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

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

23 (C) *Submittal of additional documents.* The Mayor, Council Members, City Manager,
24 City Attorney, and/or City Clerk, may submit materials that are necessary to the deliberation of an
25 agendized matter that were not available prior to the publishing of the agenda material, to the City
26 Clerk at any time prior to an agendized matter being heard. Copies of such documents shall be made
27 available to the public at the related meeting. Documents submitted by outside parties may be
28 distributed to and accepted by the local body at any time prior to or during the related meeting.

1 Documents submitted by outside parties prior to the meeting shall be made available to the public at
2 the related meeting. Documents submitted by outside parties at the meeting shall be made available
3 to the public the following business day.

4 (D) *Excuse of Sunshine Notice Requirements.* If an item appears on an agenda but the
5 local body fails to meet any of the additional notice requirements under this section, the local body
6 may take action only if the minimum notice requirements of the Riverside City Charter and the
7 Brown Act have been met and one of the following applies:

8 (1) The local body, by a two-thirds vote of those members present, adopts a
9 motion determining that, upon consideration of the facts and circumstances, it was not reasonably
10 possible to meet the additional notice requirements under this section and any one of the following
11 exists:

12 (a) The need to take immediate action on the item is required to avoid a
13 substantial impact that would occur if the action were deferred to a subsequent special
14 or regular meeting; or,

15 (b) There is a need to take immediate action which relates to federal, state,
16 county or other governmental agency legislation or action or the local body's
17 eligibility for any grant or gift; or,

18 (2) If the Mayor or a Council Member, with the concurrence of two other Council
19 Members, believes an item is urgent, which urgency is detailed, in writing, in the Council Report,
20 and affirmed prior to its consideration by four affirmative votes of the City Council, and the failure
21 to meet any additional notice requirements was due to the need to take immediate action, which
22 came to the attention of the local body after the agenda was posted.

23 (E) *Exceptions to the Sunshine Notice Requirements.* The additional notice requirements
24 under this section shall not apply to the following types of items, so long as the minimum notice
25 requirements of the Riverside City Charter and the Brown Act have been met:

26 (1) The item relates to a purely ceremonial or commendatory action.
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1 (2) A software or hardware impairment as defined by Section 4.05.010.K
2 occurred which prevented compliance with the additional notice requirements and the additional
3 notice requirements were satisfied no later than 72 hours before the date of the meeting.

4 (3) The item is a closed session item authorized by the Brown Act and all
5 necessary agenda disclosure requirements of the Brown Act have been met.

6 (4) The item was continued by the local body at a regularly noticed meeting to a
7 subsequent meeting.

8 (F) *Action on items not appearing on the agenda.* Notwithstanding subsection (D) of this
9 section, a local body may take action on items not appearing on a posted agenda only if the matter is
10 determined to be an emergency by a majority vote of the local body. An emergency shall be defined
11 as a work stoppage, crippling disaster or other activity exists which severely impairs public health,
12 safety or both.

13 (G) *Future meeting.* Nothing in this section shall prohibit a local body from taking action
14 to schedule items for a future meeting to which regular or special meeting notice requirements will
15 apply, or to distribute agenda-related materials relating to items added pursuant to Section
16 4.05.050.D or 4.05.050.E before or during a meeting.

17 (H) *Conforming a document.* Nothing in this section shall prohibit the office of the City
18 Attorney from conforming a document to comply with technical requirements as to form and
19 legality.

20 (I) *Three Business Day Notice and Agenda requirements for Advisory Bodies.* All
21 Advisory Bodies shall provide notice before any regular meeting by:

22 (1) Posting a copy or image of the agenda in a location freely accessible to the
23 public 24 hours a day no later than 3 business days before the date of the meeting; and

24 (2) Posting a copy or image of the agenda on-line at the local body's website no
25 later than 3 business days before the date of the meeting. Notwithstanding Section 4.05.050.E, the
26 failure to timely post a copy or image of the agenda online because of software or hardware failure,
27 as defined in Section 4.05.010.K, shall not constitute a defect in the notice for a regular meeting, if
28 the local body complies with all other posting and noticing requirements.

1 Section 4: Section 4.05.060 of the Riverside Municipal Code is amended as follows:

2 **4.05.060 - Notice and agenda requirements: Special meetings.**

3 (A) Special meetings of any Policy Body may be called at any time by the presiding
4 officer thereof or by a majority of the members thereof. All Policy Bodies calling a special meeting
5 shall provide notice by:

6 (1) Posting a copy or image of the agenda in a location freely accessible to the
7 public at least five calendar days before the time of the meeting set forth in the agenda; and,

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

13 (B) Policy Bodies shall, in addition to the noticing requirements of this section, post a
14 copy or image of the agenda for any special meeting on-line at the Policy Body's website at least
15 five calendar days before the time of the meeting set forth in the agenda. Failure to timely post a
16 copy or image of the agenda online because of software or hardware impairment, as defined in
17 Section 4.05.010.K, shall not constitute a defect in the notice for a special meeting if the Policy
18 Body complies with all other posting and noticing requirements.

19 (C) No business other than that set forth in the agenda shall be considered at a special
20 meeting. Each special meeting shall be held at the regular meeting place of the local body except that
21 the City Manager may designate an alternative meeting location provided that such alternative
22 location is specified in the agenda and that notice pursuant to this section is given at least 12 days
23 prior to the special meeting. This 12-day notice requirement shall not apply if the alternative location
24 is at the same address at which regular meetings of the Policy Body occur.

25 (D) To the extent practicable, the presiding officer or the majority of members of any
26 Policy Body may cancel a special meeting by delivering notice of cancellation in the same manner
27 and to the same persons as required for the notice of such meeting.
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1 (E) Special meetings may not be noticed on the same day as a previously scheduled
2 regular meeting that was not noticed in compliance with this ordinance if the special meeting is
3 called to consider any of the items that were included in the notice for such regular meeting.

4 (F) Notwithstanding the provisions of subsection (A) through (C) above, a Special
5 Meeting of a Policy Body may occur on less than five days' notice if the Mayor or a majority of the
6 Council, believe an item is urgent and there is a need to take immediate action. Any such Special
7 Meeting must comply with the Special Meeting notice requirements of the Brown Act.

8 (G) To add additional materials or an item to a special meeting agenda after publication,
9 subsections (C) and (D), respectively, of 4.05.050 above are to be followed and must comply with
10 the requirements of the Brown Act.

11 (H) Advisory Bodies shall follow the requirements of the Brown Act for special meetings.

12 Section 5: Section 4.05.080 of the Riverside Municipal Code is amended as follows:

13 **4.05.080 - Minutes and recordings.**

14 (A) All Policy Bodies, except for the standing committees of the Board of Ethics, Board
15 of Public Utilities, Charter Review Committee, Community Police Review Commission, and
16 Planning Commission, shall make a visual and audio recording of every open meeting. Any
17 recording of any open meeting shall be a public record subject to inspection and copying and shall
18 not be erased, deleted or destroyed for at least five years, provided that if during that five-year period
19 a written request for inspection or copying of any recording is made, the recording shall not be
20 erased, deleted or destroyed until the requested inspection or copying has been accomplished.
21 Inspection of any such recording shall be provided without charge on a player or computer made
22 available by the local body.

23 . . .

24 Section 6: The City Council has reviewed the matter and, based upon the facts and
25 information contained in the staff reports, administrative record, and written and oral testimony,
26 hereby finds that this ordinance is not subject to CEQA pursuant to Section 15061(b)(3) (General
27 Rule), as it can be seen with certainty that approval of the project will not have an effect on the
28 environment.

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Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
City of Riverside, California, this ____ day of _____, 2025.

DONESIA GAUSE
City Clerk of the City of Riverside

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