

SUNSHINE ORDINANCE REVIEW

City Attorney & City Clerk

City Council
April 22, 2025

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THE BROWN ACT

- The Brown Act governs open meeting laws for most local governmental bodies in California (Government Code section 54950 et seq.)
- Key concepts: open and public meetings of legislative bodies; and the public's right to attend and participate
- Discussion and action by a legislative body is limited to items listed on an agenda published at least 72 hours in advance of the meeting
- The Brown Act is a set of minimum requirements



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SUNSHINE ORDINANCE

- Adopted in 2015, added Title 4 to the Riverside Municipal Code
- Sunshine Ordinance expanded the provisions of the Brown Act
- Originally applied to:
 - City Council and Council Committees
 - Planning Commission
 - Board of Public Utilities
 - Community Police Review Commission
- Amended in 2017 to apply to all boards and commissions



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DEFINITIONS

- Incorporates all definitions from the Brown Act
 - “Local Body” includes
 - City Council;
 - Any board, commission, task force or committee established by City Charter, ordinance or by motion or resolution of the City Council;
 - Any advisory board, commission or task force created and appointed by the Mayor which exists for longer than 12 months; and
 - Any standing committee of any body specified above
 - “Notice” refers to posting an agenda in a location accessible for 24 hours a day



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DEFINITIONS

- “Meeting” is any congregation of a majority of local body members to discuss items within local body subject matter
 - Includes series of communication among members
 - Includes a meal or social gathering before, during, or after a meeting
- Meeting is NOT
 - Separate communications with City staff
 - Conferences, community meetings, another local body's meeting, ceremonial events
 - So long as members do not discuss local body business



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NOTICE OF REGULAR MEETINGS

- 12-day notice and agenda posting required for *all* local bodies
- Agendas must be accessible 24 hours a day and available online



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EXCUSING SUNSHINE ORDINANCE

- Enables local body to take action on items without 12 days notice
 - 72 hour minimum notice required
- Two thirds vote of members present:
 - Immediate action need to avoid substantial impact;
 - Immediate action relates to federal, state, county or other legislation or the local body's eligibility for grant funds; or
 - Item is purely ceremonial or commendatory.



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EXCUSING SUNSHINE ORDINANCE

- Mayor or a Councilmember, with concurrence of two other Councilmembers believes the item to be urgent
 - Urgency must be confirmed by four votes of Council prior to item's consideration
 - 12 days notice was not possible because:
 - Need to take immediate action came to attention of the local body after the agenda was posted; or
 - A software or hardware impairment occurred and notice still provided 72 hours in advance of meeting



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EXCUSING SUNSHINE ORDINANCE

- Closed session items relating to ongoing, proposed, or threatened litigation
- Items continued from a previous meeting
- Emergency items
 - Determined by vote of the local body
 - Work stoppage, crippling disaster or other severe impairment of public health and/or safety.



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POLICY CONSIDERATION

Types of
Meeting
Bodies

Agenda
publication

Sunshine
Excuses and
Exceptions



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LOCAL BODY DEFINITION

CURRENT LANGUAGE

Local Body shall mean:

1. The Riverside City Council;
2. Any board, commission, task force or committee which is established by City Charter, ordinance, or by motion or resolution of the City Council;
3. Any advisory board, commission or task force created and appointed by the Mayor, and which exists for longer than a 12-month period; and,
4. Any standing committee of any body specified in D.1.,2., or 3

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



PROPOSED LANGUAGE

Policy Body shall mean:

1. The Riverside City Council;
2. Board of Ethics, Board of Public Utilities, Charter Review Commission, Citizens Police Review Commission, and Planning Commission;
3. Any standing committee of any Policy Body.

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;
2. Any advisory board, commission or task force created and appointed by the Mayor, and which exists for longer than a 12-month period;
3. Any standing committee of any Advisory Body.

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AGENDA PUBLICATION

➤ Proposed Notice Requirements

- ☐ Policy Bodies: 12-day notice requirement
- ☐ Advisory Bodies: Align with notice requirements of the Brown Act (72-Hours)

April 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
					REPORTS DUE FOR 5/6	
6	7	8	9	10	11	12
				BEC MEETING		
13	14	15	16	17	18	19
20	21	22	23	24	25	26
					AGENDA PUBLISHES	
27	28	29	30	31		

May 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
				BEC MEETING	REPORTS DUE FOR 6/12	
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
					AGENDA PUBLISHES	



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AGENDA PUBLICATION

➤ Proposed Notice Requirements

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April 2025

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					REPORTS DUE FOR 5/8	
6	7	8	9	10	11	12
			BEC MEETING			
13	14	15	16	17	18	19
20	21	22	23	24	25	26
				AGENDA PUBLISHES		
27						

May 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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PROPOSED AMENDMENT TO SECTION 4.05.050(D)

CURRENT ISSUE

SECTION 4.05.050(D):

1. Treats **Excusals** and **Exceptions** as interchangeable concepts.
2. Creates **ambiguity** in the application of the Ordinance.


RECOMMENDATION

REVISE LANGUAGE to:

1. Clearly define and **differentiate** between:
 - **Excusals: Status Quo**
 - **Exceptions:** Changes required
2. Amend Section **4.05.050(D)(1)(c)** to **except ceremonial items** from requiring two-thirds votes to be added after the 12-day notice period.
3. Amend Section **4.05.050(D)(2)(b)** to include **software/hardware impairments** as **exceptions** with a 72-hour notice requirement.
4. Expand Section **4.05.050(D)(3)** to **include all closed session items** authorized by the Brown Act.

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AGENCY COMPARISON			
CITY	DEFINITIONS	AGENDA NOTICE REQUIREMENTS	OTHER PROVISIONS
Anaheim	Meeting: Same as Brown Act Legislative Body: Same as Brown Act	Draft Agenda to City Council: 5 days prior Publish: 72 Hours	None specified
Irvine	Meeting: Incorporates Brown Act definition Local Body: City Council, Commissions, Committees	Publish: 7 Days for all local bodies	Items can be added 72 hours before: - If they would benefit from prompt action - Requested by Mayor or City Council - For continuing/removing items
Alameda	Meeting: Prohibit meals with a majority prior to meetings Policy Body: City Council, charter or ordinance created Boards and Commissions, and Committees Passive Body: Groups meeting with a single member of a Policy Body, the Mayor, or Department Head	Publish: 12 days for City Council 7 days for all other policy bodies	None specified
San Francisco	Meeting: Prohibit meals with a majority prior to meetings Policy Body: Board of Supervisors, Charter Commissions, Standing Committees Passive Body: Groups that meet or discuss with Mayor or Department Head	Publish: 72 Hours	None specified
Oakland 	Meeting: Same as Riverside Local Body: Same as Riverside	Publish: 10 days for City Council, Redevelopment Agency, Board of Port Commissioners, and Standing Committees	None specified
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ENVISION 2025 STRATEGIC PLAN

STRATEGIC PRIORITIES:

- COMMUNITY WELL-BEING 2.4
- HIGH PERFORMING GOVERNMENT 5.2 AND 5.3

CROSS-CUTTING THREADS

 Community Trust
  Fiscal Responsibility
  Sustainability & Resiliency

 Equity
  Innovation



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RECOMMENDATIONS

That the City Council:

1. Review Title 4, (Sunshine Ordinance), and consider the Governmental Processes Committee recommendation on the proposed amendments; and
2. Introduce and Subsequently Adopt the Ordinance amending Chapter 4.05 of the Riverside Municipal Code.



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