

AMENDMENTS FOR 2008

FINALIZED 6/10/2008 by the Task Force

ARTICLE II  
PUBLIC ACCESS TO MEETINGS

---

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- Sec. 67.3. Definitions.
- Sec. 67.4. ~~Passive Meeting Bodies; Conduct of Business.~~
- Sec. 67.5. Meetings To Be Open and Public; Application of Brown Act.
- Sec. 67.6. ~~Policy Bodies; Conduct of Business; Time and Place For Meetings.~~
- Sec. 67.7. ~~Agenda Requirements for Meetings of Policy Bodies; Regular Meetings.~~
- Sec. 67.7-1. Public Notice Requirements.
- Sec. 67.8. Agenda Disclosures: Closed Sessions.
- ~~Sec. 67.8-1. Additional Requirements for Closed Sessions~~
- Sec. 67.9. Agendas and Related Materials: Public Records.
- Sec. 67.10. Closed Sessions: Permitted Topics.
- Sec. 67.11. Statement of Reasons For Closed Sessions.
- Sec. 67.12. Disclosure of Closed Session Discussions and Actions.
- Sec. 67.13. Barriers to Attendance Prohibited.
- ~~Sec. 67.14. Tape Recording, Filming and Still Photography.~~
- Sec. 67.15. Public Testimony.
- Sec. 67.16. Minutes.
- Sec. 67.17. Public Comment By Members of Policy Bodies.
- Sec. 67.18. Supervisor of Public Forums

Formatted: Strikethrough

Formatted: Strikethrough

AMENDMENTS FOR 2008

FINALIZED 6/10/2008 by the TASK FORCE

ARTICLE III  
PUBLIC INFORMATION AND PUBLIC RECORDS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- Sec. ~~67.20~~19. Definitions.
- Sec. ~~67.24~~20. Process for Gaining Access to Public Records Information;  
Administrative Appeals.
- Sec. ~~67.21~~1. Policy Regarding Use and Purchase of Computer Systems.
- Sec. 67.21 Immediacy of Response; Immediate Disclosure
- Sec. 67.22 Production on Incremental or "Rolling Basis"
- Sec. ~~67.22~~23. Release of Oral Public Information.
- Sec. ~~67.23~~24. Public Review File - Policy Body Communications.
- Sec. ~~67.24~~25. Public Information that Must Be Disclosed.
- Sec. ~~67.25~~. Immediacy of Response.
- Sec. 67.26. Withholding Kept to a Minimum.
- Sec. 67.27 Prohibited Basis for Withholding
- Sec. ~~67.27~~28. Justification of Withholding.
- Sec. ~~67.28~~29. Fees for Duplication.
- Sec. 67.30 Minimum Standards; Electronic Records; Computer Systems; Web  
Posting
- Sec. ~~67.31~~ Policy Regarding Use and Purchase of Computers
- Sec. ~~67.32~~ Internet Access/World Wide Web Minimum Standards.
- Sec. ~~67.29~~33. Index to Records.
- Sec. 67.33
- Sec. ~~67.29~~ ~~4.33-1~~ Records and Correspondence Shall be Maintained and Shall Survive
- Section 67.31 Tenure and Transition of Officials.

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Underline, Not Strikethrough

Formatted: Underline

Formatted: Underline, Not Strikethrough

Formatted: Not Strikethrough

AMENDMENTS FOR 2008

FINALIZED 6/10/2008 by the TASK FORCE

- 1 ~~Sec. 67.29-2.33-2~~ Internet Access/World Wide Web Minimum Standards.
- 2 ~~Sec. 67.29-3.~~
- 3 ~~Sec. 67.29-4.33-2~~ Lobbyist On Behalf of the City.
- 4 ~~Sec. 67.34~~
- 5 ~~Sec. 67.29-5.33-3~~ Calendars of Certain Officials.
- 6 ~~Sec. 67.32~~
- 7 ~~Sec. 67.29-6.33-4~~ Sources of Outside Funding.
- 8 ~~Sec. 67.35~~
- 9 ~~Sec. 67.29-7.~~ Correspondence and Records Shall Be Maintained.

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Not Strikethrough

- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

## 2010 Proposed Amendments

### Erica L. Craven-Green 's Suggested Edits and Substantive Changes to Art III

ARTICLE II – edit titles. See ELCG TOC suggestions.

#### ARTICLE III

1. Edit Titles And Order – see ELCG TOC suggestions
2. New 67.20(a) – add s to 4<sup>th</sup> line “requests”
3. New 67.20(c)(4) – add comma, delete “or” and add “or custodian of records” after policy body. Should read “by the Department, Policy Body, or custodian of records. . . .”
4. New 67.20(e) – In second sentence, remove City Attorney in insert department, policy body or custodian of records. Should read “However, where a requested record contains information, the majority of which is exempt from disclosure under the California Public Records Act or this Ordinance, the department, policy body or custodian of records may inform”
5. New 67.20(f) – Capitalize Supervisor of Public Records in all places in paragraph. Second sentence should read: “The Supervisor of Public Records shall inform the petitioner, as soon as possible but no later than 10 calendar days after a petition is filed” Final sentence should read, “The Supervisor of Public Records shall copy the Sunshine Commission on all determinations of actions on petitions under this subsection.”
6. New 67.22 – delete “Each custodian of a public record shall keep notes of the time and personnel used to comply with records request under this section.” I think we should remove this section (which was suggested initially by Doug Comstock) because it adds administrative burdens on employees AND doesn't make sense, not sure why it applies only to that subsection. I don't think this is a necessary addition to the Ordinance.
7. New 67.23(b) – last sentence replace “his of her” with “employee's”; replace “accurate” with “request for.”
8. New 67.24(b) – First sentence insert “and contact information” after “identity” – an important issue. We have held members of the public have the right to contact information, at least email.
9. New 67.25(c)(2) replace “City commissioners” with “other policy body”.
10. New 67.25(c)(8); first sentence, delete “and there is reasonable cause to believe that complaint is well founded” – as not necessary. Second sentence, replace “and” with “or report”; insert “or at the direction of” before “an attorney”.

11. New 67.25(e)(1); add "" around RFB; insert "and similar requests" after ("RFQ"); insert comma after "date of issuance."
12. New 67.25(e)(8); insert period after first sentence/heading. Replace "alone" with "along,"; delete "that" after unless the policy body finds
13. New 67.25(i) – last sentence "All withholdings" should be moved to first sentence in new 67.26.
14. New 67.28; add new (d) "If any information is withheld under sections (a) – (c) above, the written justification shall identify: a general description of the withheld information; the number of documents, pages, or lines of information withheld; and provide general description of withheld information, and clarify that the specific justification applicable to each piece of withheld information must be provided.
15. New 67.29(b) – should read "For documents routinely produced in multiple copies for distribution, e.g., meeting agendas, agenda packets, and other public records prepared for consideration at a public meeting, unless a special. . ." At end of existing sentence, add the following from (f) – "Neither this section nor the California Public Records Act shall be construed to limit or delay the public's right to inspect any record required to be disclosed by that Act, whether or not distributed to a policy body."
16. New 67.29(e) – delete "\$10.00 or less per meeting." Unnecessary.
17. New 67.29(f) can be deleted, incorporated above into (b).
18. New 67.30(a) – insert new (6) [from old 67.29-2(e)], "Nothing in this section shall be construed to permit an agency to make information only available in an electronic format."
19. New 67.30 (b) – delete "to" before transfer documents. Insert period after "electronic format." Final sentence should read: "The electronic format shall, as reasonably practicable, be searchable and electronically archivable, deliverable via electronic mail or other electronic means, and posted on the department or policy body's website as appropriate."
20. New 67.30(d)(4) – replace "post" with "past," insert "are posted" at end of sentence.
21. New 67.30(d)(5) – delete, not necessary given prior section. Renumber (6) as (5).
22. Delete OLD 67.21-1 [new 67.31]. Should have been deleted long ago, is now in prior section.
23. Delete OLD 67.29-2 [new 67.32]. Ditto above.

24. New 67.31 [mistakenly listed as 67.33-1 "Records and Correspondence Shall be Maintained . . ." Last sentence shall read: "The Mayor, elected officials and department heads shall maintain and preserve in a professional and businesslike manner all documents and correspondence, including but not limited to letters, e-mails, drafts, memoranda, invoices, reports and proposals, and shall be disclosed in accordance with this Ordinance."
25. New 67.32(d) [Mistakenly listed as 67.33-3 Calendars of Elected Officials]. To clarify, sentence should read: "Such calendars are public records and shall be available to any requester three business days subsequent to the calendar entry date."
26. New 67.32(e). To deal with electronic posting: "To the fullest extent practicable, the calendars and information required by this section shall be also posted on the department or elected official's website at the start of each business day, but each public official subject to this section is encouraged to post his or her calendar as far in advance as possible." Put back in 3 day requirement for disclosure and encourage to post.
27. New 67.32(f): "Nothing in this section shall exempt from disclosure any calendar or calendar information used for official city business that is kept by any employee or official." [Clarifying the Task Force's consistent position that prop g set a floor, not a ceiling on collection and release of calendar information].

## 2010 Proposed Amendments

### Erica L. Craven-Green's Suggested Edits and Substantive Changes

#### ARTICLE IV

1. Replace COMMISSION with Commission throughout.
2. Renumber all sections – because of renumbering from Article III, all sections in Art IV will have to be renumbered.
3. New 67.34(c) – “M”ayor. Second to last sentence should read: “The Commission may make referrals to a municipal office or any other appropriate body or official, including the Ethics Commission, the District Attorney and the State Attorney General with enforcement power under this Ordinance or under the California Public Records Act and the Brown Act, whenever it concludes that any person has violated any provision of this Ordinance or the Acts.” [adds ethics commission and corrects typos].
4. New 67.36(b) – reinsert private for non-profit (because we probably want to include private non-profits); reinsert “agrees in writing to provide” and add “and” – so that parties must agree to provide and actually provide.
5. New 67.39(a) – insert “Sunshine” before “Commission’s website.” For clarity.
6. New 67.40(d)(2) – second sentence should read: “The Commission shall include in its bylaws criteria for selection and oversight of appointed counsel and expenditures.”
7. New 67.41 – last sentence, delete “by.”
8. New 67.42(a)(v) – delete “upon referral.”
9. New 67.42(a)(vii) – Commission’s litigation fund.
10. New 67.43(a) – insert “ordinance” and delete “request and/or . . . )
11. New 67.43(d) – replace (b) with (c). This section refers to actions under (c) only!
12. Changes to Titles in Art IV as follows:

#### ARTICLE IV POLICY IMPLEMENTATION

---

Sec. ~~67.30.34~~ The ~~Sunshine Ordinance Task Force~~ Sunshine Commission

- Sec. ~~67.31-35~~ Responsibility for Administration.
- Sec. ~~67.32-36~~ Provision of Services to Other Agencies; Sunshine Required.
- Sec. ~~67.33-37~~ Department Head Open Government Declaration.
- Sec. 67.38 Role of City Attorney's Office; Advice Shall Be Public Information
- Sec. 67.39 Hearing and Orders of Determination
- Sec. 67.40 Administrative Enforcement Provisions
- Sec. ~~67.34-41~~ Willful Failure Shall be Official Misconduct.
- Sec. 67.42 Referrals and Enforcement by the Ethics Commission
- Sec. ~~67.35-43~~ Public Enforcement Provisions.
- Sec. ~~67.36-44~~ Sunshine Ordinance Supersedes Other Local Laws.
- Sec. ~~67.37-45~~ Severability.
- Sec. 67A.1. Prohibiting the use of Cell Phone, Pagers and Similar Sound-Producing Electrical Devices at and During Public Meetings

Formatted: Font color: Red