



AGENDA REPORT SUMMARY

Meeting Date: June 27, 2023

Subject Resolution No. 2023-xx: Repeal Resolution No. 2019-30 regarding the Open Government Policy

Prepared by: Jon Maginot, Assistant City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Resolution No. 2023-xx

Initiated by:

City Council

Previous Council Consideration:

February 28, 2023

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council wish to repeal Resolution No. 2019-30 regarding the Open Government Policy?

Summary:

- At the February 28, 2023 City Council meeting, Council considered a Resolution to repeal the Open Government Policy as many of the items in the Policy had been eliminated via other Council actions (Ordinances, Resolutions, Policies, etc.)
- Council directed that the Resolution should simply dissolve the Open Government Subcommittee and that remaining items be addressed prior to elimination of the Open Government Policy
- On June 13, 2023, the City Council adopted revisions to the Council Norms which addressed most remaining items in the Open Government Policy

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



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Staff Recommendation:

Adopt Resolution No. 2023-xx repealing Resolution No. 2019-30 regarding the Open Government Policy



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Purpose

To adopt a Resolution repealing the Open Government Policy

Background

On January 13, 2015, the City Council adopted Resolution No. 2015-02 establishing the Open Government Policy. The Policy was further amended in 2017, 2018 and 2019.

The Open Government Policy consisted of eight sections each of which established requirements governing how the City would go beyond State law in areas of posting of agendas and materials under the Brown Act and noticing of public meetings. The original stated intent of the Policy was to “go beyond the minimum requirements of the law to instill public confidence and increase transparency. Many of the sections of the Open Government Policy have been modified or eliminated due to State law or Council action. As a result the remaining sections are largely duplicative of other City Policies.

Discussion/Analysis

At the February 21, 2023 Council Retreat, Council discussed repealing the Open Government Policy as most of the requirements previously found in the Policy had been eliminated or are addressed in other City policies.

Section 1

Section 1 refers to the State Brown Act and that the City will have a page on the City website with the Open Government Policy and a brief summary of the Brown Act.

Section 2

Section 2 establishes that the City will pose the agenda and accompanying materials on the City’s website at least eight calendar days before a regular City Council meeting. At the June 13 Council meeting, Council amended the Council Norms to state that agendas for regular meetings are posted by 5:00 p.m. on the Thursday prior to the meeting.

Section 3

Section 3 referred to public noticing for development projects within the City. Requirements for noticing included sending notices to 1,000 feet of a proposed development and erecting story poles in advance of public meetings.

As part of the implementation of the Housing Element Update and in response to State law, City Council adopted Resolution No. 2023-11 on February 14, 2023 to eliminate the requirement to set



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up story poles. Also, on March 28, 2023 Council adopted Ordinance No. 2023-490 which changed the noticing distance from 1,000 feet to 300 feet.

Section 4

Section 4 requires that City Council and Commission meetings be recorded and retained permanently. As part of the revision to the Council Norms, Council amended Section 8.2 of the Norms to include the requirement that meetings be recorded and retained permanently.

Sections 5 and 6

Sections 5 and 6 relate to an index of City records and a list of Public Records Requests being available on the City's website. City staff is currently researching software to assist in the response to requests for public records. This software will integrate with the City's website and will contain all requests for public records.

Section 7

Section 7 established the Open Government Standing Committee. On February 28, 2023, the Council adopted a Resolution dissolving the Committee.

Section 8

Section 8 establishes that the Open Government Policy be reviewed annually.

As Sections 2, 3, 4 and 7 have either been rescinded or are superseded by other Council policies or State law, it recommended that the Open Government Policy be rescinded in its entirety as to avoid any potential confusion as to the requirements addressed therein.

Recommendation

The staff recommends Council adopt Resolution No. 2023-xx repealing the Open Government Policy