

Component	Draft Ordinance	Brown Act	Santa Rosa's Current Practices	Comparable Cities*: Berkeley	Other Cities w/ordinances
Posting - Regular Meeting	No later than twelve (12) business days before a regular meeting of the City Council, the City Clerk's Office shall post on the City's website and at the official posting locations at City Hall a preliminary agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting. An email shall be sent to the Goodfellow or similar database composed of group of individuals and/or organizations who have requested to be notified when the agenda is posted. Agendas shall specify for each item of business any potential financial impacts and the recommended action or a statement the item is for discussion only. Final agendas and staff reports will be posted, no later than five (5) business days, to the City's website and at the official posting locations at City Hall, and be made available at the front counter in the City Manager's Office.	3 days notice (72 hours) w/brief general description	Advanced (preliminary) agenda posted 12 days prior to meeting. Staff / consultant reports available on CM public counter 12 day's prior. Provide background information for report items, prior actions taken by Council, Name of parties, location of properties, budget impacts, sources of funding, contract amounts and recommendations. Agenda packet on website 24/7 at no charge and available for inspection at Central library and CMO. QR code prior to every meeting for electronic access to agenda packet. Meeting agenda on website, bulletin board (2) and meeting location	No more than 11 days prior to a regular a Meeting (final)	Oakland - post online and in accessible location 10 days before meeting date. Supplemental agenda - 72 hours. San Francisco - Post agenda on website with meaningful description of each item on agenda 72 hours before meeting. Contra Costa County - Agendas and staff material must be distributed to policy body and made accessible to the public 96 hours before the scheduled meeting. Alameda - 12 days. Agenda posted on website, cable channel and library. Agenda packet posted on website and reviewable at library and City Clerk's Office. Includes "Know Your Rights" under Sunshine Ordinance
Posting - Special Meeting	Same as outlined for regular meetings.	24 hour notice to members of legislative body and media outlets. Brief general description.	Special notice is typically greater than 72 hours	Same as regular meeting	Oakland - 48 hours notice to media, legislative body, agenda subscribers and publicly posted. San Francisco - 72 hours leg. body and media Contra Costa County - Not addressed Alameda - at least 7 days before, with the exception of urgent matters beyond control of the City.
Emergency Meeting	Notwithstanding subdivision F, the City Council may take action on items of business not appearing on the posted agenda under any of the following conditions: Upon a determination by a majority vote of the City Council that an emergency such as an accident, act of war, natural disaster or work force public disruption (e.g. work force strike, public protest, civil disobedience).	1 hour notice in case of work stoppage or crippling activity except in the case of a dire emergency.	Same as Brown Act	Nothing mentioned	Oakland - Not covered San Francisco - Not covered Contra Costa County - Not addressed Alameda - Not covered
Closed Session Agenda	Before any closed session, the City Council shall disclose on the agenda and verbally during open session the basis for the closed session.	Described in the notice or agenda for the meeting. Generally must report the action at the conclusion of the closed session.	Same as Brown Act	Before any Closed Session, a Legislative Body shall meet in open session for the purpose of taking public comment solely on the subject(s) of the Closed Session.	Oakland - Described in notice or agenda. Must announce in open session reason for closed session. Must report action taken at conclusion of closed session under specified circumstances. San Francisco - Described in notice or agenda. Prior to closed session, must state reason for closed session and specific statutory authority for it. Must report action taken at conclusion of closed session related to real property negotiations, litigation, settlements, employee actions, and collective bargaining. Contra Costa County - Requires disclosure of justification for closed session Prior to holding a closed session pursuant to this section, the policy body shall disclose the justification for its closure either by entries in the appropriate categories on the agenda or, in the case of an item added to the agenda based on the finding of necessity and urgency, by oral announcement specifying the same information. Alameda - Specify and disclose the nature of any closed session by providing specific information.
Agenda Exception	On a showing of good cause and with the majority of those present, an urgent item of business may be discussed and acted upon if the item appears on a revised regular meeting agenda released to the public at least five (5) days prior to the day of the regular meeting at which the item is scheduled. The Council shall determine that good cause exists prior to taking action upon the item. If good cause is not found to exist, the item may be heard at the Council's next regular meeting. For purposes of this section, a showing of "good cause" will require a finding by the Council that as a result of exceptional circumstances beyond the control of the Council, compliance with the 12-day notice requirement would impose a substantial burden on the City's ability to conduct its business or result in prejudice to a private person. Prior to making such a finding, staff shall provide a detailed explanation of the reason the agenda item could not be provided to Council and members of the public within the 12-day notice requirement.	Proceed without an agenda in the case of emergency circumstances or where a need for immediate action came to the attention of the governing body after posting of the agenda.	Item not on prelim agenda can be added to agenda if: it appears on final agenda at least 72 hours prior to meeting, council finds that due to exceptional circumstances outside control of council compliance would impose substantial burden on the city's ability to conduct business or result in prejudice to private party. Requires five council members unanimous vote if less than seven members are present	No item may be considered unless it is included in the Agenda Packet except that a correction or supplement to an item already included in the Agenda Packet may be considered, if either: 1. the City Council, by a two-thirds roll call vote, determines that the good of the City clearly outweighs the lack of time for citizen review or City Council member evaluation of an item; or 2. the correction or supplement to an item is posted on the City's website with the City Council agendas no later than either: a. 5:00 p.m. on the fifth calendar day prior to the City Council meeting at which it is to be considered; or b. 5:00 p.m. on the day prior to the City Council meeting at which it is to be considered, subject to the receipt of the correction or supplement by the City Clerk by noon on the day prior to the City Council meeting for distribution at the meeting	Oakland San Francisco Contra Costa County Alameda
Pending Litigation	Same as closed session (see above). When litigation involving the City is finally adjudicated or otherwise settled, the text and terms of any settlement shall be subject to disclosure. No attorney representing the City shall solicit or agree to any settlement provision that would restrict disclosure of terms or communications between each party after settlement and any such provision shall be void.	A body may meet in closed session to receive advice from its legal counsel concerning existing litigation, initiating litigation, or situations involving a significant exposure to litigation are expressly defined in section 54956.9(b)(3), (Cal. Gov. Code Sec. 54956.9.)	Same as Brown Act	When litigation involving the City is finally adjudicated or otherwise settled, the text and terms of any settlement shall be subject to disclosure. No attorney representing the City shall solicit or agree to any settlement provision that would restrict disclosure of terms or communications between each party after settlement and any such provision shall be void.	Oakland San Francisco Contra Costa County Alameda
Meeting Minutes	City Council and their standing subcommittees shall record the minutes for each regular and special meeting convened under the provisions of this ordinance. At minimum, the minutes shall state the time the meeting was called to order, the names of the members attending the meeting, a one-sentence summary of, and roll call vote on, each matter considered at the meeting, the time the local body began and ended any closed session, those members of the public who spoke on each matter if the speakers identify themselves, and the time the meeting was adjourned. The draft minutes of each meeting shall be available for inspection and copying upon request no later than 15 business days after the meeting. The officially approved minutes shall be available for inspection and copying upon request no later than five business days after the meeting at which the minutes were approved. Meeting minutes will be posted via the City's website once approved.			Nothing outlined	Oakland San Francisco Contra Costa County Alameda
Public Testimony	Every agenda for regular meetings shall provide, no earlier than 5:00pm before undertaking report items and again at the end of the meeting, an opportunity for members of the public to directly address the City Council on items of interest to the public that are within the City Council's subject matter jurisdiction, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section 1-10.030. (1) The first public comment period on non-agenda items shall begin no earlier than 5:00 p.m. and will be limited to ten speakers selected randomly by the City Clerk/Mayor. (2) Speakers who do not have an opportunity to speak during the first public comment period shall be allowed to make public comment under the second public comment period at the end of the meeting. (2)(3) Speakers who have an opportunity to speak during the first public comment period may not make additional comments during the second public comment period.	On agenda items before or during consideration. Time must be set aside for public to comment on any other matters under the body's jurisdiction.	Public Comment on non-agenda items: Prior to 1st public hearing at 5:00 pm if time allows otherwise after all other city business is completed on any issue. When item is taken up on the Agenda. Time limit set by mayor. Currently 3 minutes	Nothing outlined	Oakland San Francisco Contra Costa County Alameda
Public Rights Closed Meeting Actions	The City Attorney shall make a report in open session describing any final action taken as required by state law, as well as any other matter or statement the City Council decides to make.	At an open session following a closed session, the body must report on final action taken in closed session under specified circumstances. Where final action is taken with respect to contracts, settlement agreements and other specified records, the public may receive copies of such records upon request.	Same as Brown Act	Immediately following the end of the Closed Session, the Legislative Body shall make a report in open session describing any final action taken as required by state law, as well as any other matter or statement the City Council decides to make. If the Closed Session is not followed the same day by a regular meeting of the Legislative Body, the report shall also be made at the next regular meeting.	Oakland San Francisco Contra Costa County Alameda

<p>Taping or Broadcasting</p>	<p>All regular meetings of the City Council, Board of Public Utilities, and Planning Commission, which are held in the City Council Chamber, shall be recorded, televised, and video-streamed live via the City website, as well as archived for replay, and broadcast via radio. The live broadcasts and archived video shall be close captioned. Archived videos shall contain an index of agenda items that will enable members of the public to automatically advance to the start of a particular agenda item by clicking on that agenda item in the video index.</p> <p>The broadcast requirements shall not apply if necessary equipment malfunctions or if a public meeting is held in a location that does not have the technological capacity to accommodate the broadcasting needs. In such instances an audio recording shall be made of the proceedings and such audio recording shall be archived in the same manner as video recordings of meetings, with the same level of public access</p>	<p>Meetings may be broadcast, audio-recorded or video-recorded so long as the activity does not constitute a disruption of the proceeding.</p>	<p>Same as Brown Act</p>	<p>All regular and special meetings of the City Council, Redevelopment Agency, Rent Stabilization Board, and Zoning Adjustments Board, when held in the venue regularly used, shall be recorded, televised and video-streamed live as well as archived for replay. The live broadcasts shall be captioned.</p> <p>The broadcast requirements shall not apply if necessary equipment malfunctions or if a public meeting is changed to a location that does not have the technological capacity to accommodate the broadcasting needs. (Ord. 7166-NS § 1 (part), 2011)</p>	<p>Oakland San Francisco Contra Costa County Alameda</p>
<p>Language by Default</p>	<p>Copies of the agendas in a language other than English or Spanish will be made available automatically if the threshold of that particular non-English and non-Spanish speaking population reaches and/or exceeds 10,000 people or 5% of the total population (in alignment with the Department of Justice Voting Rights Act, Section 203).</p>	<p>Nothing specific to translation.</p>	<p>No requirement currently.</p>	<p>Nothing about language included in ordinance</p>	<p>Oakland San Francisco Contra Costa County Alameda</p>
<p>Public Records</p>	<p>Final agendas and staff reports will be posted, no later than five (5) business days, to the City's website and at the official posting locations at City Hall, and be made available at the front counter in the City Manager's Office.</p> <p>Copies of City Council Agendas in English shall be provided to any resident of Santa Rosa who so requests and made available in the City Clerk's Office free of charge no more than five (5) business days prior to the City Council meeting.</p> <p>Complete agenda packets for City Council regular meetings shall be posted on the City's website and shall be available for review at the Central Branch of the Sonoma County Public Library and at the City Clerk's Office during normal business hours.</p>	<p>Materials provided to a majority of a body which are not exempt from disclosure under the Public Records Act must be provided, upon request, to members of the public without delay.</p>	<p>All Agenda material for public inspection in public binder in CMO and available for download 24/7 at no charge from website.</p> <p>Materials provided to majority of body prior to meeting are provided simultaneously to public for inspection in public binder and website (Time permitting). Provided to the public immediately upon Request when possible; otherwise provided without delay and in compliance with PRA</p>	<p>Their public records section pertains to documents available through the City's website, contributions to the City, large document borrowing, technology standards and posting of documents. No other public records items mentioned.</p>	<p>Oakland San Francisco Contra Costa County Alameda</p>
<p>Open by Default</p>	<p>All public information must be considered open unless they contain information designated as sensitive, private, or confidential or information that is exempt as defined by the City Attorney's Office, or any other provision of a federal or state law, rule or regulation or local law.</p> <p>The department submitting the information is required to review its status and maintain currency with public disclosure requirements.</p>	<p>N/A</p>	<p>?</p>	<p>The following shall be available through the City's website and shall be available in written form in the City Clerk Department: City Charter; Berkeley Municipal Code; General Plan and Area Plans; Zoning Ordinance; Landmarks Preservation Ordinance; Citizen's Guide to Public Information; Records Retention Schedule; City Council Rules of Procedure; Commissioner's Manual; Conflict of Interest Code; Statements of Economic Interest for filers under GC 87200; Agendas and Minutes of the meetings of all Legislative Bodies; Index of Regional Bodies on which the City is represented and the City Representatives who serve on them.</p> <p>B. All communications from the City Manager and department heads to other agencies on behalf of the City shall be available through the City's website at the same time they are provided to members of the City Council. (Ord. 7166-NS § 1 (part), 2011)</p>	<p>Oakland San Francisco Contra Costa County Alameda</p>
<p>Enforcement Public Records</p>	<p>[1] If the Public Records Coordinator or Department Representative refuses, fails to comply, or incompletely complies with a request, the person or organization making the request may submit a complaint form to the City Council via the Office of Community Engagement for a determination whether the record requested is public or not...</p> <p>[2] If the Public Records Coordinator or Department Representative refuses, fails to comply, or incompletely complies with a request described in Section 1-10.070 above or if a filed complaint is denied or not acted upon by the Office of Community Engagement and City Attorney's Office, the person or organization making the request may petition the City Council for a determination whether the record requested is public...</p>	<p>Misdemeanor, Civil Action by District Attorney</p>	<p>Handled by City Clerk's Office?</p>	<p>Open Government Commission handles complaints</p>	<p>Oakland San Francisco Contra Costa County Alameda</p>
<p>Ordinance Enforcement</p>	<p>The primary regulatory and enforcement body of the Open Government Ordinance shall be the City Council via the City Manager's and City Attorney's Offices.</p>	<p>N/A</p>	<p>N/A</p>	<p>There is hereby created the Open Government Commission, which shall have authority for oversight of this Chapter as set forth in this Section. The Open Government Commission shall consist of the members of the Berkeley Fair Campaign Practices Commission established by Berkeley Municipal Code section 2.12.170 who shall be ex officio members of the Open Government Commission.</p>	<p>Oakland San Francisco Contra Costa County Alameda</p>
<p>Responsibility for Administration</p>	<p>The City Attorney's Office and Office of Community Engagement shall be responsible for the administration and coordination of the provisions of the Santa Rosa Open Government Ordinance, unless otherwise directed by the City Manager.</p> <p>To enhance public knowledge of the City's policies and better inform the public as to the public's important role in City government, the Office of Community Engagement and the City Clerk's Office shall provide written guidelines for members of the public explaining City policies regarding public participation and public comment.</p>	<p>N/A</p>	<p>N/A</p>	<p>City Manager may promulgate regulations to implement this ordinance.</p>	<p>Oakland San Francisco Contra Costa County Alameda</p>

*Antioch, Concord, Daly City, Fairfield, Fremont, Hayward, Richmond, San Mateo, and Vallejo do not have open government/sunshine ordinances. Some have open data portals and what appears to be OpenGov (Peak Democracy online engagement tool).