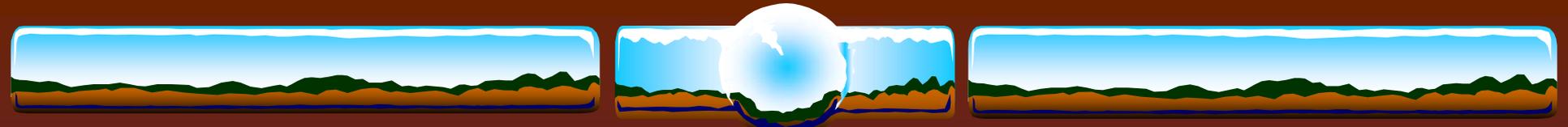


PUBLIC MEETINGS UNDER THE OAKLAND SUNSHINE ORDINANCE



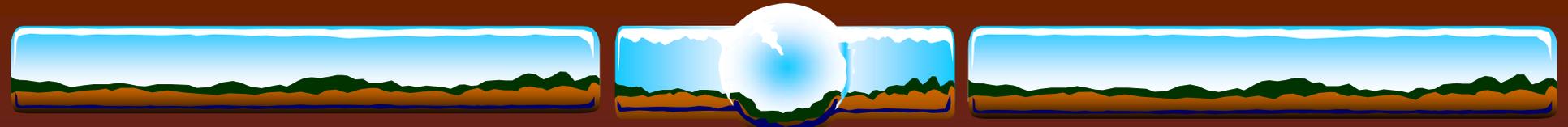
OAKLAND SUNSHINE ORDINANCE

PUBLIC MEETINGS

- ❖ EXTENSION OF THE BROWN ACT

PUBLIC RECORDS

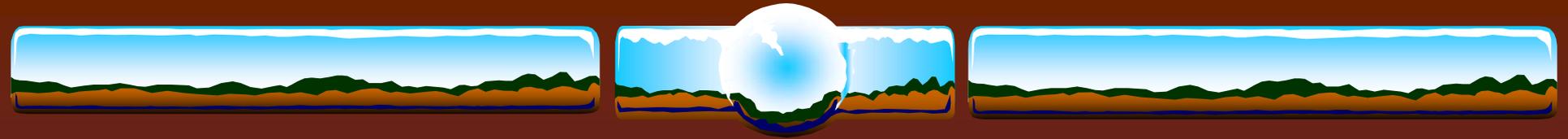
- ❖ EXTENSION OF THE PUBLIC RECORDS ACT



TO WHAT BODIES DOES SUNSHINE APPLY?

All of Oakland's "Local Bodies":

- ❖ City Council, Redev. Agency and Port Board
- ❖ Boards, commissions and committees established by charter, ordinance, or by action of the City Council, Redev. Agency and Port Board
- ❖ Advisory boards created and appointed by the Mayor that exist longer than 12 months
- ❖ Any standing committee of the above



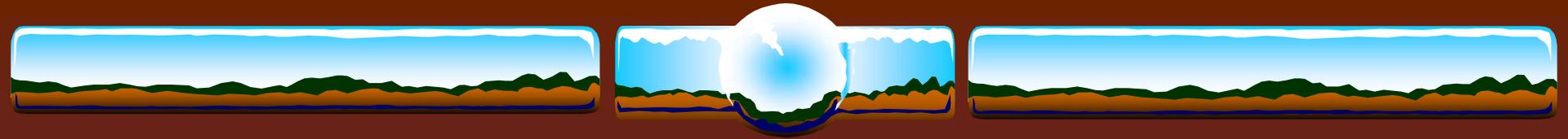
COMMITTEES

STANDING COMMITTEES

- ❖ Must have continuing jurisdiction over subject matter OR a meeting schedule fixed by law or by formal action

AD HOC COMMITTEES

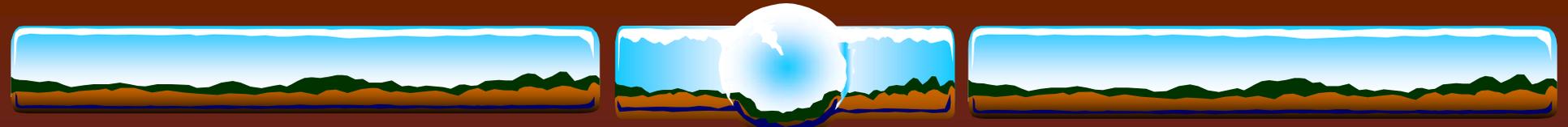
- ❖ Advisory only
- ❖ Must be comprised of less than a quorum of the body that created it



PRIVATE CORPORATIONS

Special Rules Apply To Entities That “Own, Operate Or Manage” Property In Which the City Or Port Has An Ownership Interest

- ❖ Agendas must be available on request
- ❖ Spectators allowed on those items concerning the property
- ❖ May entertain questions or comments

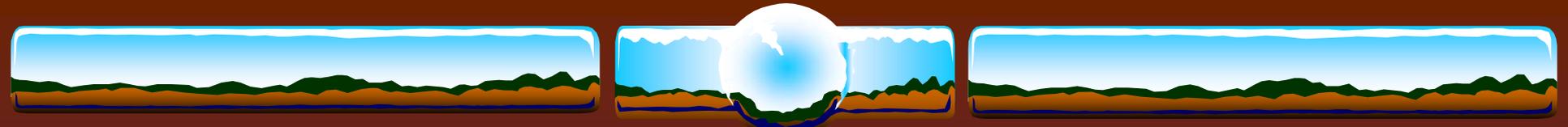


WHAT IS A MEETING?

A congregation of a quorum (majority) of a board in which any item within its jurisdiction is “heard, discussed or deliberated” (including meal gatherings before, during or after a meeting)

OR

Use of direct communication or intermediaries that would cause a quorum to become aware of an item of business and views of other members AND negotiate a collective concurrence (Serial Mtgs)



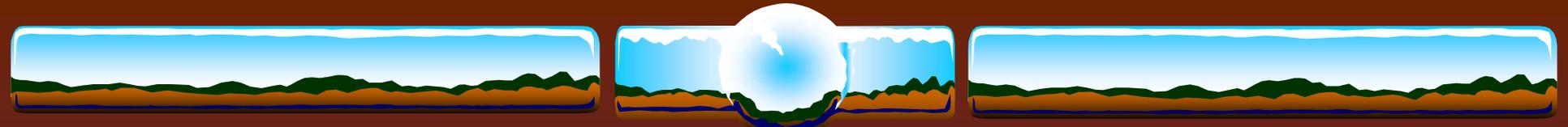
EXCEPTIONS TO MEETINGS

Conferences, Retreats, Public Meetings Organized
By Others, Social Occasions Are Generally Okay

- ❖ But no discussions about specific
business within body's jurisdiction

Individual Contacts Between A Member Of A Local
Body And Any Other Person

Attendance At Subcommittee Meetings So Long As
No Participation By Other Members

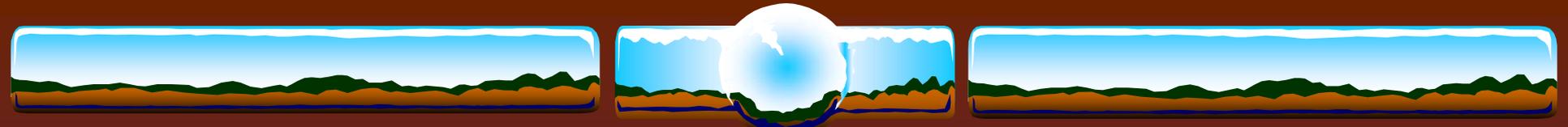


THREE KINDS OF PUBLIC MEETINGS

“Regular Meeting”: Time and place established by a regular schedule adopted by the local body

“Special Meeting”: Called by the chair or majority of members

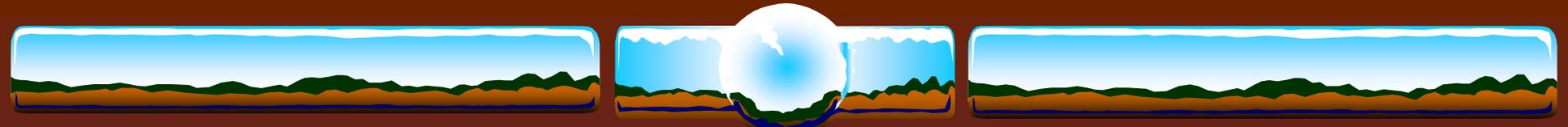
“Emergency Meetings”: Work stoppage/crippling disaster



AGENDA REQUIREMENTS: Regular Meetings

Items Can Only Be Discussed Or Acted Upon If
They Appear On A Posted Agenda

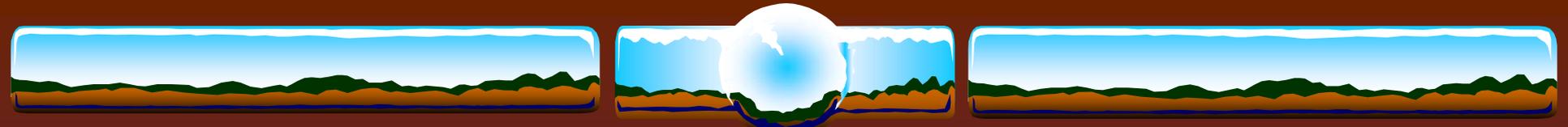
- ❖ An item is properly described if it is clear and specific enough to alert a person of average intelligence whose interests may be affected that he or she may want to attend or seek more information



AGENDA REQUIREMENTS: Regular Meetings

City Council, Port Board, Ethics Commission And
Their Committees Must File Agendas And Agenda
Material w/ Clerk's Office And Post Agenda
Publicly 10 days Before A Regular Meeting

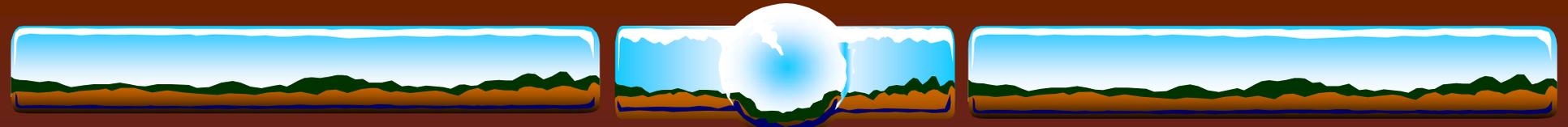
All Other Local Bodies Must File And Post 72 Hours
Before A Regular Meeting



WHAT IS AGENDA-RELATED MATERIAL?

The agenda, reports, and material prepared and forwarded by staff to any local body, and other documents forwarded to the local body, which provide background information or recommendations.

Does NOT include written texts/visual aides for an oral presentation or written amendments or recommendations from a member of the local body.

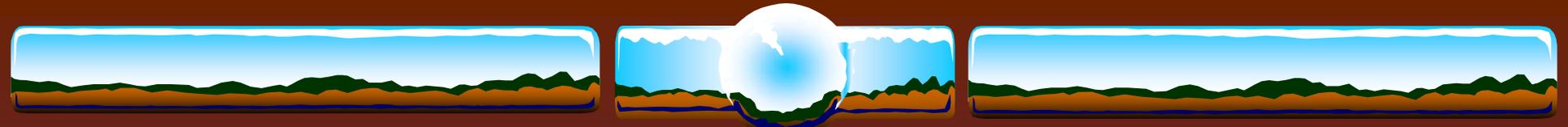


WHAT IS AGENDA RELATED MATERIAL?

Agenda-related material must be available to the public if it has been distributed to a majority of the body

Public may subscribe for copies; failure to receive copies will not invalidate action

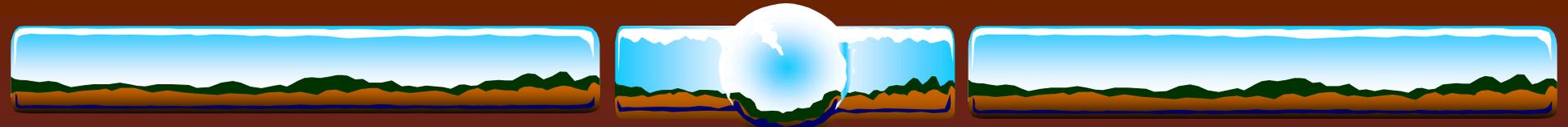
Agendas and related materials are public records (except for closed session materials)



SUPPLEMENTAL AGENDA

Ten Day Agenda And Materials May Be Amended
Or “Supplemented” If:

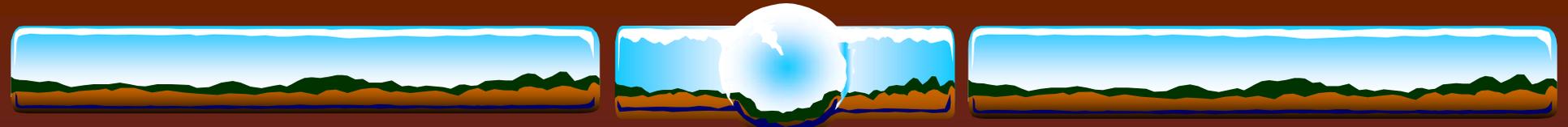
- ❖ emergency/urgency
- ❖ delete an item from the agenda
- ❖ provide additional info if not known to the Mayor or staff or considered to be relevant at time of posting (includes responses to questions and analysis/opinions from City Attorney and Auditor)



SUPPLEMENTAL AGENDA (CONT.)

Ten Day Agenda And Materials May Be Amended Or
“Supplemented” If:

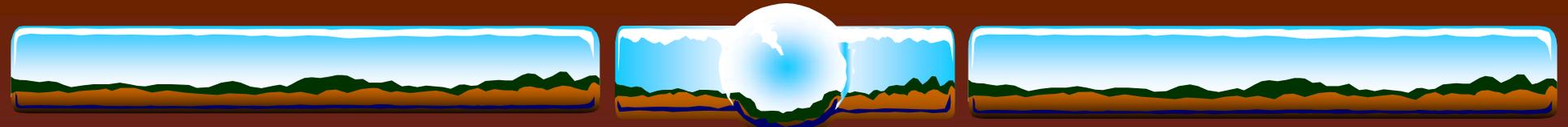
- ❖ Correct errors or omissions, change a stated financial amount, clarify or conform the agenda title to reflect the nature of the action to be taken
- ❖ Consider the recommendations, referrals, minutes, modifications, or actions taken by a standing committee unless a materials change after the committee considered the item



AGENDA REQUIREMENTS: Special Meetings

All local bodies must provide notice by:

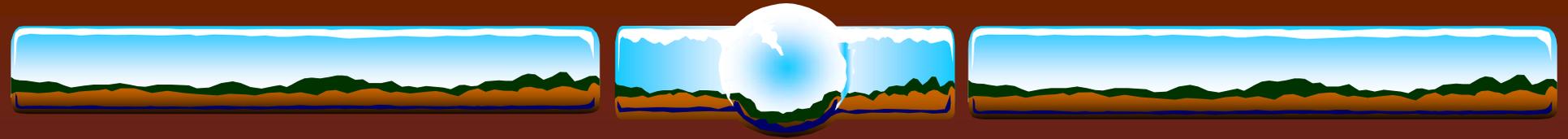
- ❖ Posting and filing agenda and materials 48 hours (except Sat., Sun., holidays) before the meeting unless a Monday meeting, then Friday notice okay
- ❖ Delivering agenda package to all members, local media and agenda subscribers
- ❖ City Council, Port Board and Ethics Commission must also post agenda on-line.
- ❖ Ten day notice if meeting held off-site



EXCUSE OF SUNSHINE REQUIREMENTS

Local body May Excuse Sunshine Noticing
Requirements Only If:

- ❖ Meet minimum requirements of Brown Act
- ❖ 2/3 vote determine not reasonably possible to meet Sunshine requirements AND
- ❖ Need to take immediate action OR
- ❖ Item is purely ceremonial or commendatory

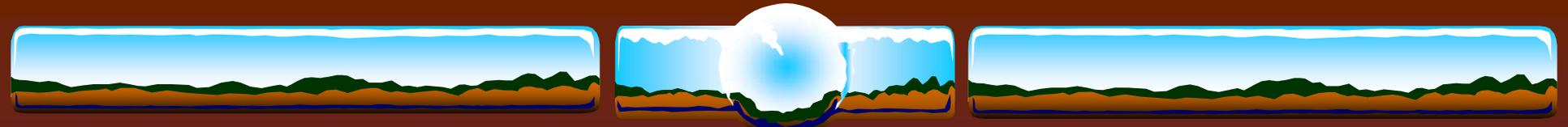


PUBLIC PARTICIPATION

Local Body Must Permit Speakers To Address An Item BEFORE Final Vote

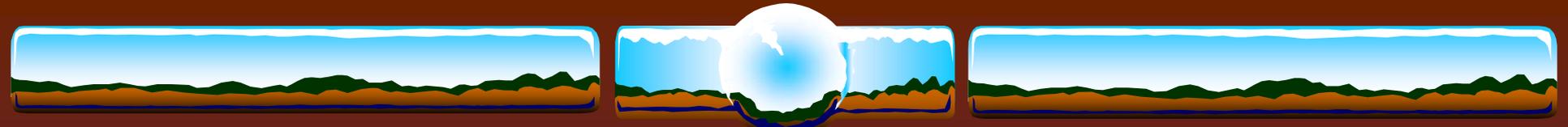
Local Body Must Permit "Open Forum" During Regular And Special Meetings

Local Body May Not Prevent Criticism Of Procedures, Programs, Acts Or Omissions



SPEAKER TIME

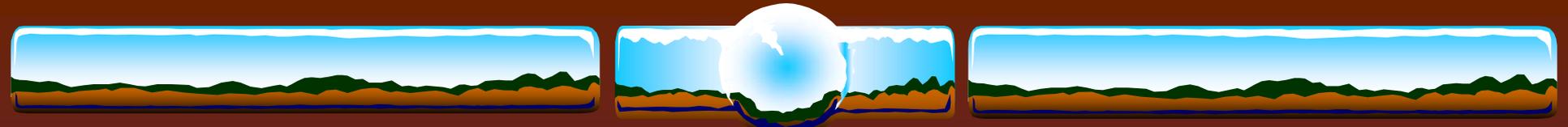
- ❖ Local bodies must adopt speaker rules which are "reasonable and uniformly applied"
- ❖ City policy provides a minimum of two minutes per item, subject to chair discretion
- ❖ Chair must announce reasons publicly



MINUTES AND RECORDINGS

Local Bodies Must Take And Keep Minutes

- ❖ Draft minutes available no later than 10 days after the meeting
- ❖ Official minutes available no later than five business days after adoption
- ❖ City Council, Port and PEC (plus committees) Must Retain Permanent Recordings; All Others Retain for 4 Years



How to reach us....

- ❖ Dan Purnell
- ❖ Public Ethics Commission
 - ❖ 510 238-3593

- ❖ Mark Morodomi
- ❖ City Attorney's Office
 - ❖ 510 238-6101

- ❖ Michelle Taylor Abney
- ❖ City Attorney's Office
 - ❖ 510 238-2965