

Kriss Worthington

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CONSENT CALENDAR

June 22, 2010

To: Honorable Mayor and Members of the City Council
 From: Councilmembers Kriss Worthington and Wozniak

Subject: Request to Schedule a Workshop to Discuss a Proposed Sunshine Ordinance

RECOMMENDATION

Schedule a workshop to discuss previously proposed sunshine ordinances and submit a new Sunshine Ordinance proposal to Council

BACKGROUND

Many other local governments including but not limited to Contra Costa County; City and County of San Francisco; and the cities of San Jose, Oakland, and Benicia have adopted sunshine ordinances. It is time for Berkeley to adopt one too.

Sunshine ordinances are local laws which expand access to public meetings and public documents.

There have been previous sunshine ordinance proposals—one of the earliest stems back from 2001. There was also a City Attorney's draft and multiple publicly submitted initiatives, since then. Lastly, the City Manager submitted an analysis of a citizen group's Sunshine Ordinance initiative in March 2010. These four documents can be good references for the proposed workshop.

As there has been a great public desire for a city Sunshine Ordinance and since the item has been on the agenda for nearly a decade, holding a council workshop to discuss the various multiple drafts would be beneficial to the City. This would allow us to clarify what parts of various prepared ordinances could be adopted immediately.

FINANCIAL IMPLICATIONS

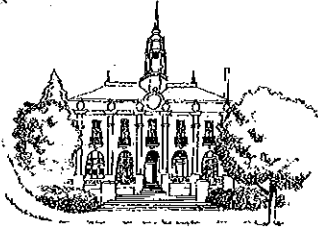
Minimal

CONTACT PERSON

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Attachment:

1. Sunshine Ordinance Proposal from 2001



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CONSENT CALENDAR

March 27, 2001

To: Honorable Mayor and
Members of the City Council

From: Councilmember Kriss Worthington

Subject: REFER TO CITY CLERK AND CITY MANAGER STUDYING THE
FEASIBILITY OF A BERKELEY SUNSHINE ORDINANCE AND A
PROCESS OF IMPLEMENTATION

RECOMMENDATION:

That the Berkeley City Council refers to the City Clerk and the City Manager studying the feasibility of a Berkeley Sunshine Ordinance and a process of implementation.

BACKGROUND:

At the symbolic core of all local governments exist the right for a democratic process of public participation, equal representation, and the access to information. Adoption of a Sunshine Ordinance in Berkeley would create a friendlier environment for the public during meetings, and make it easier for all citizens to access a wider array of public information to become better informed about their government. The following are some of the ideas which we would like to highlight and study:

1. Evaluate how to best alert people when a public hearing will begin and end. Establish and/or change guidelines for procedure during meetings to maximize public participation and end meetings in a timely fashion. Sometimes at City Council meetings, Zoning Adjustment Board meetings, and Landmarks Preservation Commission meetings, the public will come and will sit and wait for hours and hours waiting to speak. Public participation should not require you to be masochistic. No one should have to sit and endure 5 hours to find out what time the item will be discussed. When a public hearing or item comes up around midnight, most members of the interested public have left. No major or important policies should be discussed after midnight.

2. Establish rules regarding better public notice, location and inclusion in meetings.
3. Establish guidelines in creating agenda titles for Council, Commissions and City that accurately describe what the content of the item and what will be discussed.
4. Announce in open session final decisions made in closed session after all parties agree to the settlement or that no final decision has been reached. Establish guidelines in making final closed session decisions available and accessible by the public.
5. Establish guidelines for all memos to the City Council or City Departments that are considered public information to become available for public view.
6. Encourage law enforcement agencies to cooperate with the public and press in making police records, logs, and relevant information available. Make investigative information available after the statute of limitations expire or a court or District Attorney decides not to prosecute.
7. Require disclosure of settlement agreements 10 days before the meeting of the policy body at which the settlement is to be approved, unless disclosure would harm the city's interest in pending litigation arising from the same facts but involving a party unrelated to the settlement.
8. Create a timeline to establish an Index of Records, like in San Francisco, available through the city's web site and public libraries, to inform the public of where various types of city records can be found.
9. Create a timeline to implement a system accessible by the public through online resources or remotely at public libraries and/or the City Clerk's office for the viewing of all public records, documents, and digital emails and files.

FINANCIAL IMPLICATIONS:

NONE

CONTACT PERSON:

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