

CITY ATTORNEY ANALYSIS

This ordinance would add new agenda, meeting and records requirements on the City Council, Rent Stabilization Board, Board of Library Trustees and all 35 other boards and commissions ("Legislative Bodies"), and create a new commission.

It could be amended only by the voters, except time limits for public comment could be modified by consent of the City Council and the new commission.

New Commission

It would create a new commission that would have authority to sue the City to enforce the ordinance and would require the City to provide staff and legal counsel to the commission at City expense, apparently outside the normal budget process.

Agenda Process

It would:

- change the agenda process for all Legislative Bodies to conform to the longer Council agenda process;
- require additional notice for special meetings;
- allow the public by petition to add items to agendas (100 signatures for Council and Rent Stabilization Board; 50 for commissions).

Meetings

It would:

- expand public comment to allow speakers three minutes on each item;
- require the parliamentarian to make a recommendation as to any matter during a meeting that is challenged by the public as being out of order;
- require additional public notification of meetings where certain types of actions are proposed;
- increase testimony at hearings in land use, zoning, building and landmarks appeals;
- require Legislative Bodies to change venues or cancel and reschedule meetings if the number of attendees exceeds the room's capacity.

The ordinance would require all Legislative Bodies that conduct closed sessions to immediately report in open session all positions reached either by consensus or vote, the results of any vote, and then revote, even when disclosure is not otherwise required because no final action was taken.

Records

It would:

- define as "Lobbyists" all persons paid to influence City policy;
- require elected and appointed officials, Library Trustees, the City Manager and all department heads to post weekly calendars of all City-related meetings they attend, including by telephone;

- require disclosure of a greater range of documents, including some attorney-client communications; personnel records except as protected by state or federal law; staff drafts and memoranda; and contractor/vendor financial information;
- require conversion of City website and electronic information to formats accessible with open standards based software; and
- require the City to help persons requesting confidential information about third parties to request consent to disclosure of that information.

Material Effects

The ordinance would require the Council to meet more often, and may prevent or delay Council action on certain items due to the room capacity requirement noted above.

It would require disclosure of information that would adversely affect the City's negotiating position in litigation settlements and possibly other matters.

Provisions granting the new commission authority to sue the City are inconsistent with Charter provisions granting sole authority over litigation to the Council.

City staff estimate the initial costs of compliance to be approximately \$35,000, with annual costs between \$1,000,000 and \$2,000,000.