



DISCUSSION ITEMS

Agenda Item # 14

AGENDA REPORT SUMMARY

Meeting Date: May 23, 2017

Subject: Open Government Policy

Prepared by: Jon Maginot, City Clerk/Assistant to the City Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Resolution No. 2015-12

Initiated by:

City Council

Previous Council Consideration:

August 26, 2014; September 9, 2014; December 9, 2014; January 13, 2015; March 24, 2015; and May 26, 2015

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council concur with the recommendations of the Open Government Standing Committee?

Summary:

- The Open Government Policy was adopted in 2015 and provides for additional governmental transparency measures
- The Open Government Standing Committee recommends additional measures to be included in the Open Government Policy and codified by Ordinance

Staff Recommendation:

Move to receive the report from the Open Government Standing Committee and provide direction to staff on the recommendations made therein



Subject: Open Government Policy

Purpose

To conduct the annual review of the Open Government Policy and to consider the recommendations of the Open Government Standing Committee

Background

On May 26, 2015, the City Council adopted Resolution No. 2015-12 establishing an Open Government Policy. This Policy calls for posting of regular Council meeting agendas and accompanying materials at least eight calendar days before the meeting, increased requirements for noticing of design review projects, including the construction of story poles for multiple-family, commercial and mixed-use projects, recording of Council and Commission meetings, publishing an index of records on the City's website, publishing a list of requests for records on the City's website, and establishment of an Open Government Standing Committee.

The Policy also states that the Council will review the Policy each year and will discuss the cost and impact on City staff of implementing the Policy, consideration of additional sections to the Policy, and a determination as to when it might be appropriate to adopt the Policy as an Ordinance.

Discussion/Analysis

The Open Government Standing Committee met on May 10, 2017 to review the Policy. The measures and requirements listed in the Policy have been fully implemented.

Cost and impact to staff

The major cost to the City with regards to implementation of the Open Government Policy is the publishing of Council agendas in the *Town Crier*. The City is required to pay for ad space for each agenda. The cost for Fiscal Year 2015/16 was approximately \$13,000.

Recommendation from Open Government Standing Committee

The Open Government Standing Committee recommends Council consider and add the following items to the Open Government Policy:

- The City will place all records related to multiple-family, commercial, and mixed-use land use applications on the City's website. To be implemented within one year
- Expand the noticing requirements for single-family, multiple-family, commercial, and mixed-use projects to 1,000 feet

The Committee also recommends codifying the noticing requirements already included in Section 3 of the existing Policy (posting of 11" x 17" notices on single-family projects, posting of 4' x 6' notices and construction of story poles for multiple-family, commercial and mixed-use projects) within the respective Municipal Code Sections (14.76 and 14.78). The changes will be Zoning Code amendments and will go to the Planning and Transportation Commission for recommendation.



Subject: Open Government Policy

In addition, the Committee also recommends Council adopt the Open Government Policy as an ordinance to codify those elements within the Policy.

Options

- 1) Concur with the recommendations of the Open Government Standing Committee. Changes will be brought back as Ordinances as appropriate

Advantages: Adds additional elements to the Open Government Policy and codifies them in the City's Municipal Code

Disadvantages: May result in unintended consequences due to additional burdens placed on applicants and staff

- 2) Do not implement the recommendations of the Open Government Standing Committee

Advantages: None identified

Disadvantages: Will not add additional elements to the Open Government Policy nor codify them in the City's Municipal Code

Recommendation

The Open Government Standing Committee recommends Option 1.

RESOLUTION NO. 2015-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING THE OPEN GOVERNMENT POLICY**

WHEREAS, transparency in decision making is a cornerstone of democracy; and

WHEREAS, elected officials, commissions, and other policy bodies of the City undertake the people's business and in so doing commit themselves to the highest principles of transparency so that every citizen can know and participate in democracy at the local level; and

WHEREAS, California has a long tradition of laws designed to protect the public's access to the workings of government, and each generation of elected officials and municipal employees should commit themselves to the principles of transparency and seek to implement new approaches that keep the public informed about policy decisions. Experience teaches that as government evolves, so must the laws designed to ensure that the workings of local government remain visible to all; and

WHEREAS, transparency in governmental policy decisions is paramount and only in rare and unusual circumstances should decisions made on behalf of the people take place out of public view. Those circumstances should be carefully and narrowly defined; and

WHEREAS, openness in government is the basis for accountability, improved decision-making, public trust and informed participation; and

WHEREAS, the City Council enacts this Policy to affirm and expand on a culture of open, transparent and collaborative government in the City of Los Altos; and

WHEREAS, private entities, individuals, employees and officials of the City have rights to privacy that must be respected. However, when a person or entity is before a policy body, that person, and the public, has the right to an open and public process; and

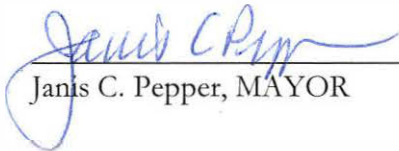
WHEREAS, on January 13, 2015, the City Council adopted Resolution No. 2015-02 establishing the Open Government Policy and directed the Design Review Commission and Planning and Transportation Commission provide recommendations regarding certain aspects of the Open Government Policy.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby authorizes the following:

1. That the "Policy of the City of Los Altos Regarding Openness in City Government" attached hereto as Exhibit A and incorporated by this reference be adopted, as amended.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 26th day of May, 2015 by the following vote:

AYES: BRUINS, MORDO, PEPPER, PROCHNOW, SATTERLEE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Janis C. Pepper, MAYOR

Attest:



Jon Maginot, CMC, CITY CLERK

A POLICY OF THE CITY OF LOS ALTOS REGARDING OPENNESS IN CITY GOVERNMENT

Section 1 The Brown Act

All meetings of city policy bodies (City Council, Commissions, and Committees) shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.). The Brown Act serves as a floor, not a ceiling, for transparency and openness. Policies are provided here that go beyond the minimum requirements of law to instill public confidence and increase transparency.

The City will maintain an "Open Government" page on the City website. This policy will be available on that site as well as a brief summary of the Brown Act.

Section 2 Posting of Agendas

At least eight (8) calendar days before a regular City Council meeting, a final agenda and accompanying materials shall be posted on the City's website. The agenda will be provided to the media. This final agenda shall contain a meaningful description of each item of business to be transacted or discussed at the meeting and all related items, including staff reports, proposals and contracts that will be considered for action. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. The agenda shall also be made available for public inspection and copying at both public libraries and City Hall during normal business hours.

Agendas for Special Meetings, including Study Sessions and Closed Sessions, shall be posted in accordance with the Brown Act.

Section 3 Public Noticing

Notices for single-family residential design reviews shall be provided in accordance with Los Altos Municipal Code Section 14.76. In addition, notices posted on the project site shall be no smaller than 11" x 17" and shall include a graphic representing the proposed project.

Notices for multiple-family, commercial and mixed-use design reviews shall be provided in accordance with Los Altos Municipal Code Section 14.78 and shall be sent to all properties within 500 feet of the proposed development 14 days in advance of the meeting. In addition, notices posted on the project site shall be no smaller than 4' x 6' and shall include a graphic representing the proposed project. Multiple-family, commercial and mixed-use projects shall erect story poles on the site.

Section 4

Recording of Meetings and Retention of Recordings

All Regular and Special Meetings of the City Council and Planning and Transportation Commission that are held in the Community Chambers shall be video recorded. All regular meetings of Commissions and Committees shall be audio recorded. All other public meetings of the City Council and other Commissions and Committees meetings shall be audio recorded as practical. Each such video and audio recording shall be a public record subject to inspection pursuant to the California Public Records Act. The video recording of meetings of the City Council and Planning and Transportation Commission shall be made available within one week of the meeting by webcast on the City's website and shall remain on the City's website permanently. The audio and video record of all meetings under this section shall be kept permanently.

Section 5

Index of City Records

The City shall maintain a public records index that identifies the types of information and documents maintained by the City and its departments, agencies, task forces, commissions and elected officers. The index shall be for the use of City officials, staff and the general public, and shall be organized to permit a general understanding of the types of information maintained, by which officials and departments, for which purposes and for what periods of retention. The City Clerk shall be responsible for the preparation and maintenance of this records index. The index shall be continuously maintained on the City's website and the two Los Altos libraries.

Section 6

Public Records Requests

Requests for public records, including a brief description of the request, identification of the requester, the date requested, whether the request was granted, partially granted or denied, and the date the request was fulfilled, shall be posted on the City's website. This list shall be updated at least quarterly.

Section 7
Open Government Standing Committee

The Mayor shall appoint two City Council members to serve on an ad hoc Open Government Committee during the piloting of this Open Government policy. Upon adoption of a final policy or an ordinance, the Mayor shall appoint two City Council members to serve on a standing Open Government Committee. The term of each appointed member shall be two years. The Committee shall advise the City Council and provide information to the City Manager on potential ways in which to implement the Open Government Policy. The Committee shall develop appropriate goals to ensure practical and timely implementation of this Policy. The Committee shall propose to the City Council amendments to this Policy. The Committee shall report to the City Council at least once annually on any practical or policy problems encountered in the administration of this Policy.

Section 8
Open Government Policy Annual Review

This Open Government Policy will be reviewed by the City Council at the first meeting in May each year. The review may also be called earlier at the request of the Open Government Committee. The review will include discussion about the cost and impact on City staff of implementing this policy, consideration of additional open government and transparency sections to the policy, and a determination as to when it might be appropriate to adopt the policy as a City ordinance.