

ORDINANCE NO. _____

AN ORDINANCE AMENDING DIXON MUNICIPAL CODE CHAPTER
00.00 REGULATING PUBLIC MEETINGS AND PUBLIC RECORDS
KNOWN AS THE CITY OF DIXON SUNSHINE ORDINANCE.

THE CITY COUNCIL OF THE CITY OF DIXON DOES HEREBY ORDAIN AS FOLLOWS:

Section 00.00.1 Findings and purpose.

- A. The Ralph M. Brown Act states: "The people of this State do not yield their sovereignty to the agencies which serve them.
- B. It is the city's duty to serve the public and to accommodate those who wish to obtain information or participate in the process of making decisions.
- C. Elected city officials, commissions, boards, advisory bodies, JPAs and other agencies of the city exist to conduct the people's business. This Chapter is intended to assure that the deliberations of these bodies and the city's operations are open to the public.
- D. The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- E. In today's atmosphere of rapidly changing technology we are in urgent need of a careful guide into a future that ensures governmental transparency and provides more and quicker access to information at significantly less expense. We have the opportunity to lessen environmental impacts by reducing the mounting use of paper while also reducing operating expenses through greater reliance on electronic systems.
- F. This Chapter is intended in part to clarify and supplement the Ralph M. Brown Act and the California Public Records Act. The Dixon City Council enacts these amendments to assure that the people of the City remain in control of the government they have created.
- G. This title is intended to list and implement fundamental rights of each member of the public.

Section 00.00.2 Citation.

- A. This Chapter of the Dixon Municipal Code shall be known as the Dixon Sunshine Ordinance.

Section 00.00.3 Applicability.

- A. The provisions of this Ordinance supersede other Dixon ordinances that address the same issues to the extent they are inconsistent with this Ordinance.

Section 00.00.4 Definitions

The words and phrases defined in this Section shall, for the purpose of this Ordinance, have the meanings specified below.

A. "Local Agency" means the City, Redevelopment Agency, Dixon Solano Water Authority; Any board, commission, task force or committee, which is established by city ordinance or by motion or resolution of the city council or created as a result of federal, state or local grants; Any advisory board, commission or task force created and appointed by the mayor and approved by the city council; or Any standing committee of any body specified in sections 00.00.X of this ordinance.

B. "Legislative Body" means any of the following: All governing bodies of the City, including but not limited to, the City Council, Redevelopment Agency, Dixon Solano Water Authority and all City commissions, committees, and boards including private corporations or entities as defined in California Government Code Section 54950 - 54960 and its successor Sections.

C. "Legislative Committee or Subcommittees" means a temporary, informal committee or subcommittee of less than a Quorum of members of the Legislative Body, which meet at least two times with members of other Legislative Bodies and/or Staff about a particular issue for the express purpose of formulating recommendations regarding that issue to the Legislative Body.

D. "Agenda" means a document that informs the public about a Meeting, published in advance of the Meeting which at a minimum (1) identifies the Legislative Body conducting the Meeting, (2) specifies the time and location of the Meeting, (3) lists each item of business to be discussed or transacted and describes the proposed action for each such item, and (4) lists all relevant Supporting Documents for each such item.

E. "Agenda Packet" means the Agenda of a particular Meeting with all its relevant Supporting Documents.

F. "City" means the City of Dixon, California.

G. "City Council" means all members of the principal Legislative Body of the City.

H. "Closed Session" means a Meeting that begins with a public comment period, followed by a session that excludes the public under the requirements of State and Federal law, and ends with an open session at which a public report is made regarding that part of the Meeting that excluded the public.

I. "Sunshine Commission" means the Sunshine Commission established by this Ordinance in Section 00.00.X

J. "The Custodian of Records" means the City Manager.

K. "A Custodian of Records" means a person or persons appointed or approved by the City Manager to be in charge of the records of any department or other entity subject to this Ordinance.

L. "Meeting" shall mean any of the following:

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- (1) A congregation of a majority of the members of a Legislative Body at the same time and place;
- (2) A series of gatherings, each of which involves less than a majority of a legislative body, to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the City, if the cumulative result is that a majority of members has become involved in such gatherings; or
- (3) Any use of direct communication, personal intermediaries or communications media to cause a majority of the members of a legislative body to become aware of an item of business and of the views or positions of other members with respect thereto, and to negotiate consensus thereon;

M. "Meeting" shall not include any of the following:

- (1) Individual contacts or conversations between a member of a legislative body and any other citizen;
- (2) The attendance of a majority of members of a legislative body at a conference, or at any open that is formally noticed and publicized meeting or gathering organized by a person or organization other than the legislative body, to address a topic of local community concern and, provided that a majority of the members of a legislative body refrains from discussing among themselves, other than as a part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of that local body.
- (3) The attendance of a majority of the members of any legislative body at a purely social, recreational, educational or ceremonial occasion provided that a majority of the members of any local body refrains from discussing any business within the subject matter jurisdiction of the local body; and
- (4) The attendance of a majority of the members of a legislative body at a standing committee, provided that the members of the legislative body who are not members of the standing committee do not participate personally or through representatives.

N. "Notice" shall mean the posting of an agenda in a location that is freely accessible to the public 24 hours a day and "On-Line" accessible by computer without charge to the user.

O. "Public Records" means any writing containing information relating to the conduct of the public's business regardless of its physical form or characteristics, which is prepared, owned, used, or retained by any State or local agency.

P. "Quorum" means a majority of the total authorized membership of a Legislative Body, but may be more than a majority if expressly required by this or another ordinance.

Q. "Staff" means the City Manager, department heads, employees of all entities in the City

R. "Supporting Documents" means all Public Records, regardless of form or medium or author, which are provided to members of a Legislative Body for their use in considering Agenda items for a particular Meeting, along with all communications that have been timely received for that Meeting.

Section 00.00.5 Meetings To Be Open And Public

A. All meetings of any Legislative Body shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.) and of this article. In case of

inconsistent requirements under the Brown Act and this article, the requirement which would result in greater or more expedited public access shall apply.

Section 00.00.6 Conduct of Meetings for Additional Bodies Covered by the Ordinance.

A. To the extent not inconsistent with state or federal law, a governing body shall require, as a condition of any express delegation of power to any public agency, including joint powers authorities, or other person(s), whether such delegation of power is achieved by legislative act, contract, lease or other agreement, that any meeting by such a public agency or other person(s) at which an item concerning or subject to the delegated power is discussed or considered, shall be conducted pursuant to the Ralph M. Brown Act (Government Code Section 54950 et seq.) and this ordinance.

Section 00.00.7 Spectators' Right to Anonymity

A. The public has the right to address their government and they have the right to anonymity. They do not need, under the Brown Act or any other law, to disclose who they are. The purpose is to make government agencies open to public scrutiny and accountable. Requiring speakers to give their names contravenes both the Brown Act and the First Amendment, under which anonymous speech about public issues is a fundamental right recognized by the U.S. Supreme Court.

B. During any meeting members of the public may comment on any item not appearing on the agenda. For items appearing on the agenda, the public will be invited to make comments at the time each item comes up for Council consideration. The public shall have to right to pull any item from the consent calendar for discussion.

Section 00.00.8 Conduct of Business; Time and Place For Regular Meetings

A. Each Legislative Body shall establish a time for regular Meetings when a significant portion of the public is able to attend. Meetings shall be held in a place that is of sufficient size for those attending, is accessible for the physically disabled, provides for adequate amplification, and where possible, has video transmission capability, audio, and video-streaming.

B. Whenever reasonably possible local bodies specified in Section 00.00.4 A, B, and C shall conduct their regular meetings on weekday evenings.

Section 00.00.9 Submitting Items for the Regular Meeting Agendas.

A. Each Legislative Body shall establish a process for placing items, including presentations, on its own regular Meeting Agendas and designate a contact person responsible for receiving proposed Agenda items and Supporting Documents. Applicable procedures shall appear on the City's website and on each Agenda.

B. Any procedure for setting the Agenda by a Legislative Body shall provide for public participation with timely notice in compliance with this Ordinance.

C. With the exception of appeals from a quasi-judicial decision, any member of the public may place an item under the purview of a Legislative Body on the Agenda of that body by presenting the item to the designated Agenda contact person, Items submitted by the public shall be placed on the Action Calendar and cannot be moved to the Consent Calendar. Once such an item has been acted upon by

the Legislative Body, subsequent items that are substantially the same may not be submitted by the public for a period of six months, except on a showing of significantly changed circumstances.

Section 00.00.10 Agenda Content

A. Every Agenda shall contain statements regarding disability-related accommodations and a statement regarding the right of ALL persons to address the Legislative Body or Committee/Subcommittee in accordance with the requirements of this Ordinance.

B. All Agendas and Agenda related materials shall be made available for immediate public inspection and copying.

C. Agenda items shall be written in easily understood language without undefined abbreviations or acronyms and should at a minimum provide the following information: an accurate description of the subject matter, recommended action, fiscal impact, the website, and other locations at which Supporting Documents and related documents can be found, and contact information.

D Excuse of Sunshine Notice Requirements. If an item appears on an agenda but the Legislative Body fails to meet any of the additional notice requirements under this section, the Legislative Body may take action only if: governing body fails to meet any of the additional notice requirements under this section, the local body may take action only if:

(1) The minimum notice requirements of the Brown Act have been met; and,

(2) The Legislative Body, by a two-thirds vote of those members present, adopts a motion determining that, upon consideration of the facts and circumstances, it was not reasonably possible to meet the additional notice requirements under this section and any one of the following exists:

(a) the need to take immediate action on the item is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;

(b) there is a need to take immediate action which relates to federal or state legislation or the local body's eligibility for any grant or gift; or,

(c) the item relates to a purely ceremonial or commendatory action.

E. Notwithstanding the provisions of this subsection, the City Council, Redevelopment Agency, or the Sunshine Commission may excuse, by a two-thirds vote of those members present, any of the additional notice requirements imposed by Section 00.00.X so long as the failure to meet any additional notice requirement was due to a software or hardware.

F. Action on Items Not Appearing On The Agenda. Notwithstanding subsection (D) of this section, a Legislative Body may take action on items not appearing on a posted agenda only if:

(1) The Matter Is An Emergency. Upon a determination by a majority vote of the Legislative Body that a work stoppage, crippling disaster or other activity exists which severely impairs public health, safety or both; or,

(2) The Matter Is Urgent. Upon a determination by a two-thirds vote by the members of the Legislative Body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those present, that there is a need to take immediate action which came to the attention of the local body after the agenda was posted, and that the need to take immediate action:

(a) is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent special or regular meeting;

(b) relates to federal or state legislation; or,

(c) relates to a purely ceremonial or commendatory action.

G. Nothing in this section shall prohibit a Legislative Body from taking action to schedule items for a future meeting to which regular or special meeting notice requirements will apply, or to distribute agenda-related materials relating to items added pursuant to 00.00.0 before or during a meeting.

H. When items are withdrawn from the Agenda of a Legislative Body after publication of the Agenda, the Agenda shall state the reason for withdrawal. Notice of such withdrawals shall also be posted on the City's website as soon as possible.

I. Nothing in this section shall prohibit the Office of the City Attorney from conforming a document to comply with technical requirements as to form and legality.

Section 00.00.11 Public Notice Requirements.

A. Any public notice that is mailed, posted or published by a City department, board, agency or commission to residents residing within a specific area to inform those residents of a matter that may impact their property or that neighborhood area, shall be brief, concise and written in plain, easily understood English.

B. The notice should inform the residents of the proposal or planned activity, the length of time planned for the activity, the effect of the proposal or activity, and a telephone contact for residents who have questions.

C. If the notice informs the public of a public meeting or hearing, then the notice shall state that persons who are unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing, that these comments will be made a part of the official public record, and that the comments will be brought to the attention of the person or persons conducting the public meeting or hearing. The notice should also state the name and address of the person or persons to whom those written comments should be submitted.

D. If mailed notices are returned "undelivered" the person designated to receive written comments shall investigate the reason the notice was not delivered and make additional attempts via telephone to contact said resident.

Section 00.00.12 Public Speech Rights During Meetings.

A. At the beginning of each Meeting of a Legislative Body, the presiding officer shall inform the public that their rights under this Section are posted on the Agenda and at the entrance of the Meeting room.

B. Any person attending a Meeting of a Legislative Body shall be provided an opportunity to speak on each Agenda item prior to any action by the body and in the case of a regular Meeting on a Non-Agenda item.

C. Legislative Bodies shall not prohibit orderly public criticism of the body either by verbal comment or by holding signs.

D. Speakers have the right to use presentation tools, which shall be provided by the City, if available, and when requested five (5) business days in advance of a Meeting date.

E. The public has the right to alert a Legislative Body or a Legislative Committee/Subcommittee about a violation of this Ordinance or other procedural regulations by the following means:

(1) At any time up to and including during the Meeting of a Legislative Body, if a matter is considered to be a violation of this Ordinance or the Legislative Body's procedural requirements, a member of the public may submit a complaint to the city clerk on a Sunshine Alert form developed by the Sunshine Commission.

(2) The Alert shall be reported to the Sunshine Commission.

(3) The Sunshine Commission shall investigate and prepare a follow-up report on each Alert received and place it on the Agenda for discussion and recommendation.

Section 00.00.13 Public comment by members of bodies.

A. Every member of a Legislative Body retains the rights of any citizen to comment publicly on the wisdom or propriety of government actions, including those of the legislative body of which he or she is a member. Bodies shall not sanction, reprove or deprive members of their rights as elected or appointed officials to express their judgments or opinions, including those judgments or opinions pertaining to the disclosure or nondisclosure of discussions or actions taken in closed session. However, the release of specific factual information made confidential by state or federal law including, but not limited to, privileged attorney-client communications, other than by the procedures set forth under state law or this title, may constitute grounds for censure or for an action for injunctive or declaratory relief by the body. Nothing in this section shall confer any privilege or protection for expression beyond that which is otherwise provided by law.

Section 00.00.14 Special Meetings

A. Special Meetings of any Legislative Body may be called at any time by the presiding officer or by a majority of the members. All Legislative Bodies calling a Special Meeting shall provide notice by:

(1) Posting a copy of the agenda in a location freely accessible to the public at least 48 hours (excluding Saturdays, Sundays and holidays) before the time of the meeting set forth in the agenda;

(2) Delivering a copy of the agenda to each member of the Legislative Body, to each local newspaper of general circulation, to each agenda subscriber, and to each media organization which has previously requested notice in writing, so that a copy of the agenda is received at least 48 hours (excluding Saturdays, Sundays and holidays) before the time of the meeting set forth in the Agenda. In addition the Agenda Packet shall be placed in the Dixon Public Library. Receipt of the agenda shall be presumed upon reasonable proof that delivery was made.

(3) Legislative Bodies specified in Section 00.00.0 shall, in addition to the noticing requirements of this section, post a copy of the agenda packet for any special meeting on-line at the city's website at least 48 hours (excluding Saturdays, Sundays and holidays) before the time of the meeting set forth in the agenda. Failure to timely post a copy of the agenda online because of software or hardware impairment shall not constitute a defect in the notice for a Special Meeting if the legislative body complies with ALL other posting and noticing requirements.

B. If, because of fire, flood, earthquake or other emergency, it would be unsafe to meet at the regular meeting place, meetings may be held for the duration of the emergency at some other place specified by the Legislative Body. The change of meeting site shall be announced, by the most rapid means of communication available at the time, in a notice to the local media who have requested written notice of special meetings pursuant to Government Code Section 54956. Reasonable attempts shall be made to contact others regarding the change in meeting location.

C. If a meeting must be canceled, continued or rescheduled for any reason, notice of such change shall be provided to the public as soon as is reasonably possible, including posting of a cancellation notice on the city's website, in the same manner as described in section 00.00.0 and mailed notice if sufficient time permits.

D. No business other than that set forth in the agenda shall be considered at a Special Meeting. Each Special Meeting shall be held at the regular meeting place of the Local Agency except that the Legislative Body may designate an alternative meeting location provided that such alternative location is specified in the agenda and that the notice pursuant to this Section is given at least ten (10) days prior to the special meeting.

E. To the extent practicable, the presiding officer or the majority of members of any Legislative Body may cancel a special meeting by delivering notice of cancellation in the same manner and to the same persons as required for the notice of such meeting.

F. Emergency meetings shall be held in accordance with Government Code Section 54956.5 which states:

(a) For purposes of this Section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this Section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b)(1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this Section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this Section, the Legislative Body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the Legislative Body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this Section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this Section, a list of persons who the presiding officer of the Legislative Body, or designee of the Legislative Body, notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

Section 00.00.15 Closed Sessions.

A. A Legislative Body shall only meet in Closed Session when doing so is specified by State or Federal law. In addition to the brief general description of agenda items to be discussed or acted upon in open session, the permissive provisions of Government Code Section 54954.5 are mandatory under this ordinance with respect to any closed session item.

B. Any action taken without proper agenda disclosure pursuant to this section is subject to invalidation pursuant to the provisions of Government Code Section 54960.1.

C. The procedures for Closed Session shall be as follows:

(1) Prior to any closed session, a Legislative Body shall announce in open session the general reason or reasons for the closed session, and must cite and explain the statutory or case authority under which the session is being closed.

(2) The public shall have the right to comment on any item of closed session before the closed session convenes.

(3) Nothing in this section shall require or authorize a disclosure of information that is confidential under law.

Section 00.00.16 Conduct of Closed Session

A. The Legislative Body shall consider in closed session only those matters specified in the statement required in Section 00.00.0

B. For closed sessions on real property negotiations, the agenda shall identify the property by address, parcel number, and proposed purpose. Disclosure of the source(s) of payment for the property must be specified when negotiations are complete. After any initial closed session to consider the sale, lease, gift, purchase, or exchange of any property to which the City, Redevelopment Agency, has or will have an ownership or possessory interest, such local bodies shall notice for open session a discussion of the advisability of taking such an action before a final action is taken in the matter. This requirement shall not apply if the local body adopts a finding that holding an open session discussion would prejudice the local body in the proposed proceeding or transaction.

C. With respect to any closed session discussion pertaining to employee salaries and benefits, a Legislative Body shall not discuss compensation or other contractual matters with one or more employees having a direct interest in the outcome of the negotiations.

D. The following provisions of the Brown Act apply to the conduct of closed session by legislative bodies and are hereby incorporated by reference as though fully set forth herein: Government Code Sections 54956.8; 54956.9; 54957; and 54957.6.

E. Where the whole justification for holding a closed session on "Anticipated Litigation" is that the "existing facts and circumstances" suggest there is some "significant exposure to litigation" and the nature of the threat should usually be apparent or discoverable.

(1) If the facts and circumstances that represent the threat are, in the agency's opinion, not yet known, the agency need not disclose them.

(2) In all other scenarios, the threatening facts and circumstances must either be discoverable on the public record or specifically alluded to, to wit:

F. Recordings of Closed Sessions of a legislative body convened due to anticipated legislation shall be released to the public under any of the following circumstances:

(1) One year after the Meeting if no litigation is filed.

(2) Upon expiration of the statute of limitations for the anticipated litigation if no litigation is filed.

(3) As soon as the controversy leading to anticipated litigation is settled or concluded.

G. No closed sessions shall be held for discussions of any proposed City Manager goals and performance objectives. Nor shall any related documents be withheld from the public.

H. No closed sessions shall be held for discussions of any proposed City Manager salary increase. Nor shall any related documents be withheld from the public.

I. No closed sessions shall be held for discussions of any proposed City Manager incentive, bonus or monetary award. Nor shall any related documents be withheld from the public.

J. After closed session labor negotiations resulting in a proposed settlement supported by a majority of council members, the agreement will be made public at the same time it is presented to the members of the union. The matter will be open for public discussion and comment prior to the final council vote. Labor negotiations shall be performed by a person which is not an employee of the city.

K. All agreements for the purchase or sale of real estate, contracts with employees, and agreements with other Legislative Bodies and regional agencies discussed in Closed Session shall not be deemed approved until the vote is taken in an open Meeting. Agreements between the City and other entities regarding land use and transportation issues that have been discussed in Closed Session shall not be deemed approved or rejected until a public hearing has been held and a vote is taken following the hearing. Such items shall be placed on the Agenda of a subsequent regular Meeting in the same manner that any new item is placed on the Agenda of the Legislative Body.

L. All Closed Sessions of any legislative body shall be audio recorded in their entirety and made a part of a record of the meeting. Closed Session tapes shall be archived in the custody of the City Attorney. These recordings and any other records of the Closed Session shall be made available whenever all rationales for keeping the records confidential are no longer applicable.

M. Immediately following the end of the Closed Session, the Legislative Body shall make a report in open session describing all matters reached either by consensus or voted upon and the results of such votes, whether approved or not. This shall be followed by a re-vote in full view of the public.

Section 00.00.17 Disclosure of Closed Session Discussions and Actions.

A. After every closed session, in addition to the required disclosures pursuant to Government Code Section 54957.1, a Legislative Body shall reconvene into open session prior to adjournment and shall disclose publicly all portions of its discussion which are not confidential. The Legislative Body may, by motion and vote in open session, elect to disclose any other information which a majority deems to be in the public interest. Any disclosure pursuant to this section shall be made through the presiding officer or such other person, present in the closed session, designated to convey the information.

B. Immediately following the closed session a local body shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

(1) Real Property Negotiations: Approval of an agreement concerning real estate negotiations pursuant to Government Code Section 54956.8 shall be reported as soon as the agreement is final. If its own approval renders the agreement final, the local body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval requires action from another party to the negotiations, the local body shall disclose the fact of its approval, the substance of the agreement and the body's vote or votes thereon upon inquiry by any person, and, in any event, at the next meeting of said local body after the other party or its agent has informed the local body of its action. If notwithstanding the final approval there are conditions precedent to the final consummation of the transaction, or if there are multiple contiguous or closely located properties that are being considered for transfer, the report specified in this section need not be made until the condition has been satisfied or an agreement has been reached with respect to all the properties, or both.

(2) Litigation: Direction or approval given to the local body's legal counsel to prosecute, defend, seek or refrain from seeking appellate review or relief, or to otherwise enter as a party, intervenor or amicus curiae in any form of litigation as the result of a consultation under Government Code Section 54956.9 shall be reported in open session as soon as given, or at the first meeting after an adverse party has been served in the matter if immediate disclosure of the local body's intentions would not be contrary to the public interest. The report shall identify the names and capacities of all parties to the litigation, the court of jurisdiction and case number, the type of case, any existing claim or order to be defended against, or any factual circumstances or contractual dispute giving rise to the litigation.

(3) Settlement: If a legislative body accepts a settlement offer signed by an opposing party, the local body shall report its vote of approval and identify the substance of the agreement. If final approval rests with another part or with the court, the local body shall disclose its vote of approval and the substance of the agreement to any person upon inquiry as soon as the settlement becomes final, but in no case later than the next meeting following final approval of settlement. A legislative body shall neither solicit nor agree to any term in a settlement agreement which would preclude the release, upon request, of the text of the settlement agreement itself and any related documentation communicated to or received from the adverse party or parties. Where the disclosure of documents in settled litigation could affect litigation on a closely related case, the report, settlement agreement and any documents described in this section need not be disclosed until the closely related case is settled or otherwise finally concluded.

C. Reports required to be made pursuant to this section may be made orally or in writing. Copies of any contracts, settlement agreements, or other documents related to the items or transactions that were finally approved or adopted in closed session and which contain the information required to be disclosed under this section shall be made available for inspection and copying, upon request, at the time the report is made or after any substantive amendments have been retyped into the document.

D. The location of reports to the public after a Closed Session has ended shall be in a venue that is open to the public, and where one that supports video transmission, audio, and video-streaming. The report on Closed Session actions shall be posted no later than the end of the following business day to the City's website and to all other places where the Agenda of the Legislative Body in question is posted.

E. Action taken in closed session which is not immediately disclosable under this section shall be disclosed and noticed under the procedures set forth in Section 00.00.0 at such time as disclosure is required.

Section 00.00.18 Fair and equal treatment.

A. Except in the case of moving an agenda item up on a particular agenda, preferential consideration of the request or petition of an individual person, group, business or entity shall not be given. No person, group, business or entity shall receive special advantages beyond that which are available to any other person, group, business or entity.

Section 00.00.19 Use of public property.

A. No public official or employee shall request or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such property is available to the public generally or when such use is incidental as provided by city policy including city manager administrative instructions. No public official or employee shall use the time of any city employee, while said employee is on duty, for personal convenience or profit.

Section 00.00.20 Obligations to citizens.

A. No public official or employee shall use their official position to grant, or assist in granting, any special (whether negative or positive) consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen in the same circumstances.

Section 00.00.21 Conflict of interest.

A. Incorporation of the California Political Reform Act. No public official or employee shall make, participate in making, or in any way use or attempt to use his or her official position to influence a governmental decision in which the public official or employee knows or has reason to know he or she has a disqualifying conflict of interest within the meaning of California Government Code Section 87100 et seq., and any subsequent amendments to those sections. Members of advisory bodies not subject to the Political Reform Act may make, participate in making, or in any way use or attempt to use their official positions to influence decisions on matters within the purview of their body. In the interest of open government, members of all bodies are encouraged to disclose economic interests that are not conflicts under the Political Reform Act.

B. Incorporation of Government Code Section 1090 Et Seq. No public official or employee shall make a contract in which he or she has a financial interest within the meaning of California Government Code Section 1090 et seq. and any subsequent amendments to those sections.

C. Future Employment. No public official or employee shall make, participate in making, or in any way use or attempt to use his or her official position to influence a decision of the city, affecting a person or entity with whom the public official or employee is discussing or negotiating an agreement concerning said public official or employee's future employment. This prohibition shall be for a period of one year from the beginning of the discussion or negotiation or completion of the negotiation on future employment.

D. Incompatible Activity or Employment. Public officials and employees shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with their assigned duties as a public official or employee.

Section 00.00.22 Disclosure of conflict of interest.

A. Public officials and employees shall disclose on the public record any personal, professional or business relationships with any individual who is the subject of or has an ownership or financial interest in the subject of a governmental decision being made by the official or employee where, as a result of the relationship, the ability of the official or employee to act for the benefit of the public could reasonably be questioned. For the purposes of this section, the minutes of a public meeting at which the governmental decision is being made, or if the governmental decision is not being made in a public meeting, a memorandum kept on file at the offices of the city official or the employee's department, shall constitute the public record.

B. Penalties. A court may void any governmental decision made by a public official or employee who fails to disclose a relationship as required by subsection (A) of this section if the court determines that the failure to disclose was willful.

C. Regulations. The Sunshine Commission may recommend regulations for adoption by the city council setting forth the types of personal, professional and business relationships that must be disclosed pursuant to this section.

D. Members of a legislative body participating as members on any county, state, federal, board, commission, task force or committee, which is established by city ordinance or by motion or resolution of the city council or appointed by the mayor and approved by the city council and receives compensation from such, board, commission, task force or committee shall publicly disclose such compensation pursuant to this section.

Section 00.00.23 Gifts.

In conformance with the gift limits imposed by California Government Code Section 89503 and any subsequent amendments to that section, no official or employee of the city shall accept any gift, reward, service or gratuity of any kind in excess of the amount set forth pursuant to the Political Reform Act per single source as defined by the Political Reform Act regulations in a calendar year by reason of their employment or office. The provisions of Government Code Section 89503 and the related regulations shall be used to interpret the provisions of this section.

Section 00.00.24 Access to Public Information

A. For the purposes of this Ordinance, California Government Code Sections 5260 – 5270 (California Public Records Act) as of the effective date of this Ordinance, and their successor Sections, shall apply in addition to those provisions in this Ordinance.

Section 00.00.25 Types of Information Accessible by the Public.

A. It is the intent of this Ordinance to provide for the disclosure, upon request, of all Public Records in printed or electronic form to the maximum extent permitted by State and Federal law and, wherever permitted, to waive the City's right under State law to withhold disclosure in certain circumstances. Accordingly, disclosure shall be made in all cases where not specifically forbidden by State and Federal law, including but not limited to, the following:

(1) Drafts and memoranda or written communications or drafts thereof between Staff, members of Legislative Bodies, and/or third parties shall be subject to disclosure at the time a final recommendation is delivered. Draft versions of an agreement being negotiated between the City and third parties must be preserved and made available for public review beginning fifteen (15) days prior to the presentation of the agreement for approval by a Legislative Body.

(2) Litigation records and attorney-client communications shall not be subject to disclosure to the extent that they are protected from disclosure by State and Federal law. Other communications relating to the subject matter of such protected communications are Public Records, including without limitation pre-litigation claims against the City, records received or created by a department in the ordinary course of business that were not subject to the attorney-client privilege at the time of their creation, and amounts paid by or to others in connection with claims by or against the City. When litigation involving the City is finally adjudicated or otherwise settled, the text and terms of any settlement shall be subject to disclosure.

(3) 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.

(4) No communication with a legal advisor to the City shall be exempt from disclosure as confidential attorney-client communication to the extent that it concerns an actual or potential conflict of interest, analyzes a proposed legislative position or administrative action of the City, or reports on the status of negotiations relating to a claim by or against the City.

C. Personnel Records, including but not limited to, those listed below shall be disclosed, except for those portions which are exempt from disclosure under State or Federal law.

DRAFT

- (1) Job descriptions.
- (2) Salary, benefits, overtime pay and all other remunerations whatsoever provided to each current employee by name and position.
- (3) Pension and benefits provided to each retired employee by name and position.
- (4) Communications with a recognized employee organization.
- (5) Job pool information, to the extent such information is compiled for reporting purposes and does not permit the identification of any particular individual. Such job pool information may include the following:
 - (a) Sex, age and ethnic group;
 - (b) Years of graduate and undergraduate study, degree(s) and major or discipline;
 - (c) Years of employment in the private and/or public sector;
 - (d) Whether currently employed in the same position for another public agency;
 - (e) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

D. Law enforcement reports prepared by the Dixon Police Department are Public Records and must be disclosed, except as barred under State and Federal law.

E. The Dixon Police Department shall cooperate with all members of the public making requests for law enforcement records and documents under the California Public Records Act or other applicable law. Records and documents exempt from disclosure under the California Records Act pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public to the full extent permitted by law after the District Attorney or court determines that a prosecution will not be sought against the subject involved or the statute of limitations for filing charges has expired, whichever occurs first. Information may be redacted from such records and documents and withheld if, based upon the particular facts, the public interest in nondisclosure clearly outweighs the public interest in disclosure. Such redacted information may include:

- (1) The names of juvenile witnesses or suspects;
- (2) Personal or otherwise private information related or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;
- (4) Secret investigative techniques or procedures;
- (5) Information whose disclosure would endanger law enforcement personnel, a witness, or party to the investigation; or
- (6) Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is likely.

F. The Dixon Police Department shall maintain a record, which shall be a public record and which shall be separate from the personnel records of the agency, which reports the number of citizen complaints against law enforcement agencies or officers, the number and types of cases in which discipline is imposed and the nature of the discipline imposed. This record shall be maintained in a format which assures that the names and other identifying information of individual officers involved is not disclosed directly or indirectly.

G. Contracts, Bids and Proposals. Contracts, contract bids, responses to requests for proposals and all other records of communications between the City, Redevelopment Agency and individuals or business entities seeking contracts shall be open to inspection and copying following the contract award or acceptance of a contract offer. Nothing in this provision requires the disclosure of a person's net worth or other proprietary financial information submitted for qualification for a contract until and unless that person is awarded the contract. All bidders and contractors shall be advised that information covered by this subdivision will be made available to the public upon request.

H. Budgets and Other Financial Information. The following shall not be exempt from disclosure:

(1) Any proposed or adopted budget for the City, Redevelopment, including any of their respective agencies, departments, programs, projects or other categories, which have been submitted to a majority of the members of the City Council, Redevelopment Agency or their standing committees.

(2) All bills, claims, invoices, vouchers or other records of payment obligations, as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law.

I. All records concerning potential environmental impacts generated or received by the City, including but not limited to documents resulting from compliance with the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA), for projects wholly or partially within the City of Dixon shall be made available to the public in any requested available format in accordance with Section 00.00.X

Section 00.00.26 No Public Interest Balancing Test or Deliberative Process Privilege.

A. Neither the City nor any officer, employee, agent, or elected or non-elected official may assert California Public Records Act Section 6255 as of the effective date of this Ordinance, and/or its successor Section or any other provision of law that prohibits disclosure as the authority for withholding any information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure or on a claim of "deliberative process" privilege. Any denial of access to information must be based on an express provision of this Ordinance or on a specific exemption provided by State or Federal law.

Section 00.00.27 Notices and Posting of Information.

A. At a minimum, the following shall be posted on the City's website and provided in written form in the City Clerk's Office and at the reference desk of the Dixon Public Library:

Dixon Municipal Code

Building Code

General Plan and Area Plans

Zoning Ordinance

Landmarks Preservation Ordinance

Sunshine Ordinance

Citizen's Guide to Public Information

Records Index

Records Retention Schedule

Council Rules of Procedure (when revised to comply with this Ordinance)

Commissioner's Manual (when revised to comply with this Ordinance)
Conflict of Interest Code
Statements of Economic Interest
Appointment Calendars
Agendas and Minutes of the Meetings of all Legislative Bodies

B. Each Legislative Body shall designate one or more physical locations to post notices. Designated posting locations shall be freely accessible to members of the public twenty-four (24) hours per day, visually prominent, and readable from the public right of way. Notices and Agendas shall be posted indicating links as to where Supporting Documents and other Agenda related documents may be found on the City's website. In addition, such documents shall be placed the Public Library.

C. At a minimum, within six (6) months after enactment of this Ordinance, each Legislative Body shall have posted on the City's website all current Meeting Agendas, minutes, and other documents required to be made public and thereafter, make reasonable efforts to post past materials. Each Legislative Body shall make reasonable efforts to ensure that its portion of the City's website is updated on at least a weekly basis.

D. Large documents, such as drafts and final copies of City budgets and records concerning environmental impacts, including but not limited to, those resulting from compliance with the California Environmental Quality Act (CEQA) shall be posted on the City's website and made available at designated City offices with copies available for borrowing by the public at the Dixon Public Library.

E. Notices shall be written in easily understood language without undefined abbreviations or acronyms and give a full description of the subject, applicable regulations, significant consequences of taking action or non-action, when and where the subject will be considered, opportunities for public comment, and where to obtain further information.

F. The Commission shall review public notices to ensure that they conform to the requirements of this Ordinance and work to improve publicly accessible information databases to ensure consistency, equity, timing, and extent of noticing for meetings and other matters of public interest.

G. Meetings on matters related to or actions taken in anticipation of a potential development project or other land use matter, such as but not limited to grant applications, project funding, and ordinance changes, including but not limited to, General Plan and area plan amendments or rights transfers, shall be noticed at least as extensively as is required for Meetings on said projects.

Section 00.00.28 Public Records Index.

A. The City shall maintain a Public Records Index that identifies types of records maintained by departments and offices, including those of elected officials and Legislative Bodies. The Index shall be available to the public and organized under a uniform reference system that permits a general understanding of the types of records maintained, in which offices and departments, and for what periods of retention. The Index shall be sufficient to aid the public in making a focused inquiry regarding Public Records. The Index shall be posted on the City's website and available in written form in the City Clerk's office and in the Dixon Public Library.

B. The Index shall classify each type of record as either: (1) "Open," meaning accessible to the public without exception and subject to immediate disclosure; or (2) "Partially Open," meaning possibly containing some exempt content, such that review is required; or (3) "Closed," meaning that

disclosure of the document is prohibited by State or Federal law. Each classification of a record as "Partially Open" or "Closed" shall identify the specific legal authority relied upon in assigning that classification.

C. The Custodian of Records shall be responsible for preparing and maintaining the Index. He/she shall report on the progress of developing the Index to the Sunshine Commission on at least a quarterly basis until it is completed, which shall be no later than twelve (12) months from the enactment of this Ordinance. In identifying the types of records to be maintained, each department, office, Legislative Body, and public official is encouraged to solicit public participation in developing a meaningful Records Index. The completed Index shall be reviewed by the Commission and submitted for approval by the City Council.

D. The Index shall be periodically reviewed by Staff and Commission for accuracy and completeness.

E. A list of any change in the Index shall be noted on the City's website and posted in the Dixon public library for a period of at least three (3) months.

Section 00.00.29 Public Review File.

A. Any document relating to City business sent or received by a member of a Legislative Body shall be part of the Legislative Body's Public Review File, which shall be organized in a manner that facilitates public access to the material. The Public Review File shall be maintained by a designated person for each Legislative Body and be accessible to any person during normal office hours. The City Clerk shall maintain a central registry of locations where Public Review Files can be accessed.

Section 00.00.30 Immediate Disclosure of Public Records Request

A. In addition to providing access to all records which are public records pursuant to the California Public Records Act (Government Code 6250 et seq.) and this ordinance,

B. The City of Dixon shall accept, as a minimum, public records requests submitted by the following methods: phone, U.S. mail (or its equivalent), over the counter and by email via electronic internet forms. Additional methods of submission shall be allowed as may be approved by the Dixon City Council.

C. The person seeking the information need not state a reason for making the request or the use to which the information will be put.

D. City shall keep a log of each submitted request and the results thereby showing, as a minimum, date of request, a brief summary of the request, the date the response was completed or and the records were available, an indicator to denote no records were available (when applicable), the name of the requestor (when furnished), their email address (when furnished) and the staff member(s) responsible for processing the request . Submissions which provide no method of response must still be logged-in but otherwise may be ignored.

E. All requests received via any format where an email address was provided shall be sent a return email acknowledgement of the receipt within one (1) business day after the request is received. Reasonable effort shall be exerted to promptly complete requests or make documents available within two (2) business days.

F. Documents which constitute active city agreements/contracts entered into prior to the effective date of the act which exceed \$5,000 shall be digitized in response to a public records request or as time is available and published via the internet as the electronic documents become available. Details such as vendor, amount, date, etc. of all checks issued and available in the city's financial accounting system shall be published via the web. All documents which constitute new agreements/contracts with totals exceeding \$5,000 shall be digitized, processed with optical character recognition and published via the internet to facilitate document retrieval.

G. The City Clerk shall publish in the annual budget document the number of public records requests received during that fiscal year, the number of requests where documents were available, the number of requests where no documents were available in response to the request, the number of requests completed (or records available) within: 24 hours, 5 days, 10 days and over 10 days.

H. The City Clerk shall promptly report to council any improper hindrance in the offering of public records. Such hindrances include managerial direction to falsely indicate that electronic records are unavailable or instructions to falsely respond to a request indicating no documents are responsive when the Clerk has knowledge of responsive documents. Anyone who improperly hinders the offering of public records shall be guilty of a misdemeanor.

Section 00.00.31 Minimum Withholding.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure by law. Any redacted, deleted or segregated information shall be keyed by footnote or other clear reference to the appropriate justification for withholding. Such redaction, deletion or segregation shall be done personally by the attorney or other staff member conducting the exemption review.

Section 00.00.32 Justification For Withholding.

A. Any withholding of information shall be justified, in writing, within two business days of the day of the request as follows:

(1) A withholding under a permissive exemption in the California Public Records Act or this ordinance shall cite the legal authority and, where the exemption is based on the public interest in favor of not disclosing, explain in practical terms how the public interest would be harmed by disclosure.

(2) A withholding on the basis that disclosure is prohibited by law shall cite the applicable legal authority.

(3) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any statutory or case law supporting that position.

Section 00.00.33 Fees for Records.

A. No fee shall be charged for making Public Records available for review.

B. No fee shall be charged for documents routinely produced in multiple copies for distribution to the public, e.g. Meeting Agendas.

C. Reproduction charges for documents copied on the order of the requester shall not exceed five (5) cents per page copy charges. If the direct cost of duplication, as defined by the Attorney General, is

more than 5 cents per page the Local Agency shall provide documentation supporting the additional cost.

D. Documents available in electronic format shall be made available via email to the requestor at no charge or reproduced in paper form upon payment of reproduction charges plus postage when applicable. Upon each single request, documents of fewer than 20 pages located by the city clerk's designee shall be scanned and emailed at no charge to the requestor. A request for more than one document at the same time shall be considered a single request.

E. Large documents that many members of the public are likely to want to study, such as City budgets and environmental review documents, including but not limited to those related to the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA), shall be posted on the City's website and made available for inspection at designated City offices and the Public Library, where copies shall be made available for borrowing by the public.

Section 00.00.34 Responsibilities of the Mayor.

If the Mayor delivers a State of the City address, it shall be given in a disabled accessible venue with, audio and video-streaming and transmission capabilities. The event shall be noticed, recorded, free to the public and open to all. The address shall include a report on the previous year's Sunshine complaints, how they were resolved, and a summary of any actions taken or pending related to provisions of this Ordinance.

Section 00.00.35 Enforcement - Cure and Correction.

A. Nothing in this ordinance shall prevent a Legislative Body from curing or correcting an action challenged on grounds that a governing body violated the Ralph M. Brown Act, Public Records Act or any material provision of this Ordinance.

B. Legislative Body shall cure and correct an action by placing the challenged action on a subsequent meeting agenda for separate determinations of whether to cure and correct the challenged action and, if so, whether to affirm or supersede the challenged action after first taking any new public testimony.

C. If the Legislative Body does not address the challenged action at the subsequent meeting any person may institute proceedings for enforcement under this ordinance before the Sunshine Commission.

D. In the event the Sunshine Commission, upon the conclusion of a formal hearing conducted in a public noticed meeting, determines that a legislative body violated the Ralph M. Brown Act, Public Records Act or any material provision of this ordinance, the Commission shall agendaize the challenged action for immediate to cure and correct the violation. Any violation shall have no effect on those actions described in Government Code Section 54960.1(d)(1) - (4), inclusive.

E. If enforcement action is not taken by a Legislative Body 45 days after a complaint is filed any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this Ordinance or to enforce his or her right to attend any meeting required under this Ordinance to be open, or to compel such meeting to be open.

F. If a court decides that the Ralph M. Brown Act, Public Records Act or the Sunshine Ordinance was violated, the plaintiff's attorney fees are imposed on the city attorney (or whatever counsel was consulted) if his or her advice led to the violation. If the city officials who caused the violation did so without reliance on the appropriate attorney's advice—they never asked, they withheld or misstated key material facts in asking, or they simply disregarded the advice—then they are personally responsible for the plaintiff's attorney fees.

Section 00.00.36 Responsibility for Administration.

A. The City Manager shall administer and coordinate the implementation of the provisions of this Chapter for all local bodies, agencies and departments under his or her authority, responsibility or control.

B. The Office of the City Clerk shall be responsible for timely posting all agendas and shall make available for immediate public inspection and copying all agendas and agenda-related material filed with it. The Office of the City Clerk shall retain copies of agenda related materials filed with it by local bodies specified in Section 00.00 for a period of at least sixty (60) days following the meeting for which said agenda related materials were submitted.

Section 00.00.37 Sunshine Commission.

A. Sunshine Commission ("the Commission") shall be established by this Ordinance.

B. A permanent 3 member volunteer citizen oversight commission shall be created from applicants who are not employees of the city and do not have immediate family members employed by the city. All commission members shall have a demonstrated interest in open and ethical government through such activities as, but not limited to, attendance at meetings of government bodies, requests for documents from government agencies, disseminating information about government to others, and familiarity with the Brown Act and/or Public Records Act. All members shall be without known conflicts of interest and shall be residents of the city to the extent possible.

C. The commission will meet as needed, but at least quarterly, unless otherwise directed by the city council.

D. The commission shall provide an annual report on implementation and compliance with this title.

E. Former commission members shall be barred from city employment for at least one year after they leave the commission. Applications for each open four year term must be filed with the city clerk on or before the council meetings immediately following passage of this act and for each subsequent regularly scheduled election where city council members are elected and subsequent commission vacancies. At such time three (3) applicants will be randomly selected by the City Council to serve a four year term to establish overlapping terms. The commission's contact information shall be published on public records request forms and on the city's website. They shall serve as an ombudsman review board of citizen complaints for items in or relating to enforcement of the provisions of this ordinance.

F. Where a vacancy has been created by voluntary resignation of a Commissioner the application process shall commence. Within forty five (45) days, from the pool of applicants, a member will be randomly selected by the City Council to finish the unexpired term of the Commissioner.

G. The responsibilities of the Commission include:

- (1) Ensuring that the City's business is conducted in full view of the public to the maximum extent allowed by State and Federal law and this Ordinance;
- (2) Educating members of Legislative Bodies, Staff, and the public on the role of Sunshine in the City of Dixon; and
- (3) Advising the Council and Staff on open government issues

Section 00.00.38 Commission Legal Counsel.

The City Attorney shall, upon request, provide legal counsel for the Commission. If a majority of the Commission or the City Attorney determines that there is a conflict of interest, which the Commission declines to waive, the City shall, at the Commission's request, provide the reasonable fees and expenses of outside counsel chosen by the Commission, from the City Attorney's budget to retain outside counsel.

Section 00.00.39 Responsibility for Administration.

A The City Manager shall administer and coordinate the implementation of the provisions of this Chapter for all local bodies, agencies and departments under his or her authority, responsibility or control.

B. The City Manager shall provide the Commission with staff to permit the Commission to fulfill the functions and duties set forth herein. The City Attorney shall provide the Commission with legal assistance, to the extent such assistance does not constitute a conflict.

C. The Office of the City Clerk shall be responsible for timely posting all agendas and shall make available for immediate public inspection and copying all agendas and agenda-related material filed with it. The Office of the City Clerk shall retain copies of agenda related materials filed with it by local for a period of at least sixty (60) days following the meeting for which said agenda related materials were submitted.

Section 00.00.40 Severability.

A. The provisions of this Chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Chapter, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this Chapter, or the validity of its application to other persons or circumstances.