

ORDINANCE NO. NS-2843

AN ORDINANCE OF THE CITY OF SANTA ANA
AMENDING SECTIONS 2-155 AND 2-157 OF THE SANTA
ANA MUNICIPAL CODE RELATING TO THE CITY OF
SANTA ANA SUNSHINE ORDINANCE

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS
FOLLOWS:

SECTION 1. The City Council of the City of Santa Ana hereby finds, determines, and declares as follows:

- A. That all public agencies' actions, to the greatest extent possible, should be taken openly and that their deliberations should be conducted openly.
- B. An informed public is essential to democracy. It is the goal and intent of the City of Santa Ana Sunshine Ordinance that citizens of Santa Ana have timely access to information, opportunities to address the various legislative bodies prior to decisions being made, and easy and timely access to public records.
- C. The City Council's duty is to serve the public, reaching its decisions in full view of the public.
- D. The City Council, appointed legislative bodies, and other city officials exist to conduct the People's business.
- E. The City Council reaffirms its commitment to the purpose of the Brown Act that "all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency."
- F. That while the Brown Act and Public Records Act exist to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation by public bodies, the Santa Ana Sunshine Laws are designed to reaffirm and strengthen the need for transparency as represented by these laws.
- G. The City Council enacts this Sunshine Ordinance to ensure that the people of Santa Ana remain in control of the government that they have created.

SECTION 2. The adoption of this ordinance is exempt from CEQA and a Notice of Exemption will be filed if this ordinance is adopted.

SECTION 3. Section 2-155 of the Santa Ana Municipal Code is hereby amended such that it reads as follows (new language ted language in ~~strikeout~~ for tracking purposes only):

Sec. 2-155 – Calendars of Certain City Officials

(a) Members of the City Council (including the Mayor), the City Manager, Clerk of the Council, City Attorney, Community Development Agency Director, Finance and Management Services Director, Parks, Recreation and Community Services Director, Planning and Building Director, Police Chief, Director of External Affairs, Public Works Director, Deputy City Manager, and any additional persons in management positions that are considered part of the City's Executive Management Team shall maintain a monthly City Calendar.

(b) The Calendar shall include all scheduled City-related appointments, meetings, including regular and special City Council meetings, meetings with developers, meetings with union representatives, meetings with consultants, meetings with lobbyists, regional meetings, and meetings of subcommittees or task forces.

(c) The Calendars of the Mayor, City Council, and City Manager, and other department heads listed in subsection (a) shall be a public record subject to inspection during normal business hours at the office of the Clerk of the Council and additionally available in electronic format on the City's official website. The calendar shall be made available on the tenth business day of each month and shall reflect the schedules of the previous month.

(d) Each City-related appointment must include the following information: name(s), title(s), and affiliated organization(s). The following information shall be exempted:

- (1) Personal appointments, including personal business appointments;
- (2) Information protected by the attorney-client privilege;
- (3) Information about attorney work product;
- (4) Information about City staff recruitment;
- (5) Information about a personnel issue;
- (6) Information about corporate recruiting and retention;
- (7) Information about criminal investigations and security;
- (8) Information about whistle blowers;
- (9) Information about those who reasonably fear that public disclosure of the fact of their appointment will result in retaliation that will result in significant economic, physical or other tangible harm; and
- (10) Information that is otherwise prohibited from disclosure.

(e) Any violation of this section relating to calendars shall not be a basis for any criminal prosecution.

SECTION 4. Section 2-157 of the Santa Ana Municipal Code is hereby added such that it reads as follows (new and deleted language in underline and strikeout for tracking purposes only):

Sec. 2-157 -- Public Meetings related to City five-year Strategic Plan and Annual Budget

(a) City Strategic Plan—Creation and Public Hearings


(1) Not later than the end of Fiscal Year 2013/14 and at least every five years thereafter, the City Manager shall prepare and submit to the City Council a strategic plan setting forth the City's mission, core values, five year goals, detailed measurable objectives and key performance measures. Prior to submitting the strategic plan to the City Council, the City Manager will conduct a public meeting to review a draft of the plan with the public and receive input from the public regarding the plan.

(2) , Each Fiscal Year the City Manager will conduct a public meeting to present the City's five (5) year Strategic Plan to the community. The purpose of the meeting will be to review the City's progress in achieving its plan and goals with the community and to gain public input on any issues related to the City's five (5) year Strategic Plan.

(b) Annual Budget Meetings-- Each February and September, staff shall strive to host a community meeting in preparation of the annual budget, but in no event shall these meetings be held any later than the last day of March or October, respectively. If at least 30 or more city residents submit a written request for additional meetings to discuss the budget, the Finance Director shall respond to the request and work with the a representative of the requesting group to establish a date, time and place for a meeting.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

ADOPTED this 17th day of June 2013.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Sonia R. Carvalho

AYES:	COUNCILMEMBERS	<u>Amezcuca, Benavides, Martinez Pulido, Reyna, Sarmiento (6)</u>
NOES:	COUNCILMEMBERS	<u>None (0)</u>
ABSTAIN:	COUNCILMEMBERS	<u>None (0)</u>
NOT PRESENT:	COUNCILMEMBERS	<u>Tinajero (1)</u>

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Maria D. Huizar, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2843 to be the original ordinance adopted by the City Council of the City of Santa Ana on June 17, 2013 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: June 26, 2013 Rose Ann Orujillo, Sr. Deputy Clerk
for Clerk of the Council,
City of Santa Ana

ORDINANCE NO. NS-2838

AN ORDINANCE OF THE CITY OF SANTA ANA ADDING
ARTICLE II.I through ARTICLE II.III to CHAPTER 2 OF THE
SANTA ANA MUNICIPAL CODE RELATING TO THE CITY
OF SANTA ANA SUNSHINE ORDINANCE

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS
FOLLOWS:

SECTION 1. The City Council of the City of Santa Ana hereby finds, determines,
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- C. The City Council's duty is to serve the public, reaching its decisions in full view of the public.
- D. The City Council, appointed legislative bodies, and other city officials exist to conduct the People's business.
- E. The City Council reaffirms its commitment to the purpose of the Brown Act that "all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency."
- F. That while the Brown Act and Public Records Act exist to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation by public bodies, the Santa Ana Sunshine Laws are designed to reaffirm and strengthen the need for transparency as represented by these laws.
- G. The City Council enacts this Sunshine Ordinance to ensure that the people of Santa Ana remain in control of the government that they have created.

SECTION 2. The adoption of this ordinance is exempt from CEQA and a Notice of Exemption will be filed if this ordinance is adopted.

SECTION 3. Chapter 2, ARTICLE II.I, Section 2-150 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

ARTICLE II.I
PUBLIC ACCESS TO MEETINGS

Sec. 2-150. – Meetings and Agenda Postings for City Council

Pursuant to Government Code Section 54953.7 of the Brown Act the City of Santa Ana is imposing the following additional requirements on itself to allow greater community access to its meetings:

- (1) City Council meeting agendas must be posted at least 96 hours before any regular meeting of the City Council.
- (2) The City will make notices of the City Council meetings accessible on the City’s web site in various languages including Spanish through the use of free web-based translation application.
- (3) Agendas will list future items on major projects. The list of “major projects” identified for the City Council agenda will be compiled at the discretion of the City Manager.

SECTION 4. Chapter 2, ARTICLE II.II, Section 2-151 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

ARTICLE II.II.
PUBLIC MEETINGS FOR CERTAIN DEVELOPMENT PROJECTS

Sec. 2-151. – Definitions

For purposes of this article, the following terms have the following respective meanings:

- a) *Public subsidy:* As used in this division, the term “public subsidy” means financial assistance provided by the City, including, but not limited to: grants; rent subsidies or reductions; loans; loan forgiveness; City-issued bond financing; a sale or lease of City-assembled land for less than its fair market value (i.e., a “land write-down”); a Development Agreement or Disposition and Development Agreement; contingent obligations taken on

by the City such as any guarantee or pledge of City funds; and any City fee or tax reduction or waiver.

- b) *City-sponsored development project*: any development project that has received or will receive public subsidy from the City of Santa Ana.
- c) *Community meeting*: any meeting required pursuant to Section Sec. 2-153(a) whose purpose is to provide input into the review of development projects.

SECTION 5. Chapter 2, ARTICLE II.II, Section 2-152 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

Sec. 2-152. – Plan Approval

Prior to the submittal of the application for discretionary approval which meets the criteria of Section 2-153(a), the applicant shall meet all community meeting requirements as set forth in Section 2-153.

SECTION 6. Chapter 2, ARTICLE II.II, Section 2-153 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

Sec. 2-153 – Public input through community meetings prior to discretionary approval

(a) *Applicability*: The requirements of ARTICLE II.II apply to development projects requiring discretionary approval and that meet one or more of the following criteria:

1. City-sponsored development projects;
2. New residential projects containing 25 or more units, except that the Director of Planning and Building may exempt a developer from the requirements of ARTICLE II.II if, in the case of affordable housing, the developer can show that it will be in jeopardy of losing Tax Credits.
3. New non-residential projects (including additions to existing buildings) of 10,000 square feet or more and which are, in the determination of the City, subject to a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report as defined under the California Environmental Quality Act;

4. Development projects requiring a zone change, Specific Plan amendment, or General Plan amendment.

(b) Number and timing of community meeting: For those development projects that meet the criteria listed in Sec. 2-153(a), the applicant shall hold one community meeting no later than 20 days after submittal of an application for administrative site plan review. Should the applicant fail to hold the community meeting within this time, the completion of administrative site plan review shall be delayed until such time as the community meeting is held.

(c) Noticing: Notice of any community meeting held under this section shall be provided to all property owners, and at least one occupant per dwelling unit having a valid United States Postal Service address within a 500 foot radius of the subject property. Said notice shall be mailed no less than 10 days prior to the community meeting. The notice shall also be posted on the development project site and published in a newspaper of general circulation no less than 10 days prior to the community meeting. The City shall then post the notice on the City's website. It shall be the sole responsibility of the applicant to prepare and distribute this notice.

(d) Notice content: The notice shall include the time, place and date of the community meeting; a map depicting the location of the subject property, including the properties contained within the notification boundary; a brief description of the project; and the applicant's contact information. The notice shall be written in English and Spanish and include instructions as to how to request language interpretation services for those wishing to have interpretation during the community meeting in languages other than English.

(e) Community meeting time and place: The community meeting shall be held either on a weeknight during the early evening hours or on a Saturday. The meeting shall be held in any facility that is accessible to the public and that is no more than 1 mile from the project site. Should there not be any such facilities available in the required area, the applicant may arrange, at their own expense and subject to availability, to use the next closest City facility.

(f) Community meeting language interpretation: Should the applicant receive a written request for language interpretation services no later than forty eight (48) hours prior to the meeting, it shall be the applicant's responsibility to arrange for such services to be available at the community meeting.

(g) Community meeting format and content: During the community meeting the applicant shall give a presentation detailing the components of the proposed development project and a description of any impacts or benefits to the community, and provide contact information so that members of the public can contact them for further information. The applicant shall allow enough time for the attendees to ask questions and provide input. The applicant shall prepare

detailed minutes of the meeting including a written record of the comments provided by the community members.

(h) Providing information to City after community meeting: Not less than four days following the community meeting the developer shall submit to the City an affidavit under penalty of perjury that the required community meeting was held in compliance with this section and will submit copies of all notices, notification lists, site postings, advertisements, or other communications used to publicize the meeting. The applicant shall also provide to the City a copy of the minutes and the written record of, and response to, the public comments made at the community meeting. The public input will be made part of the public record and included as attachments to Planning Commission staff reports.

(i) Notice of planning commission public hearings shall be in conformance with the requirements provided in section 2-153(c), except that it shall be the responsibility of the applicant to provide the director of planning and development services the mailing lists of the names and addresses of those entitled to receive notice under subsection 2-153(c). The noticing provisions contained 2-153(c) shall supersede those contained in section 41-672.

SECTION 7. Chapter 2, ARTICLE II.III, Section 2-154 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

ARTICLE II.III.
PUBLIC INFORMATION AND PUBLIC RECORDS

Sec. 2-154 – Access to Contracts, Bids and Proposals

(a) All initial City Requests for Proposals ("RFP's") shall be kept in a central repository and shall be made available for public inspection upon request. In addition, RFP's shall be placed in one location on the City's website for a period from the date the RFP was issued to the date that the RFP is due and for a period of 30 days after the RFP is awarded the City shall notice on the City website the name of the person or company awarded the contract, along with the second and third ranked persons or companies.

(b) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a RFP has been completed, a ranking of the

firms can be made available. Evaluation forms and score sheets used by persons in the RFP evaluation or contractor selection process shall be made available for public inspection after contract negotiations have been concluded.

SECTION 8. Chapter 2, ARTICLE II.III, Section 2-155 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

Sec. 2-155 – Calendars of Certain City Officials

(a) Members of the City Council (including the Mayor), the City Manager, Clerk of the Council, City Attorney, Community Development Agency Director, Finance and Management Services Director, Parks, Recreation and Community Services Director, Planning and Building Director, Police Chief, Director of External Affairs, Public Works Director, Deputy City Manager, and any additional persons in management positions that are considered part of the City's Executive Management Team shall maintain a monthly City Calendar.

(b) The Calendar shall include all scheduled City-related appointments, meetings, including regular and special City Council meetings, meetings with developers, meetings with union representatives, meetings with consultants, meetings with lobbyists, regional meetings, and meetings of subcommittees or task forces.

(c) The Calendars of the Mayor, City Council, and City Manager, and other department heads listed in subsection (a) shall be a public record subject to inspection during normal business hours at the office of the Clerk of the Council and additionally available in electronic format on the City's official website. The calendar shall be made available on the first of each month and shall reflect the schedules of the previous month.

(d) Each City-related appointment must include the following information: name(s), title(s), and affiliated organization(s). The following information shall be exempted:

- (1) Personal appointments, including personal business appointments;
- (2) Information protected by the attorney-client privilege;
- (3) Information about attorney work product;
- (4) Information about City staff recruitment;
- (5) Information about a personnel issue;
- (6) Information about corporate recruiting and retention;
- (7) Information about criminal investigations and security;
- (8) Information about whistle blowers;
- (9) Information about those who reasonably fear that public disclosure of the fact of their appointment will result in

- retaliation that will result in significant economic, physical or other tangible harm; and
(10) Information that is otherwise prohibited from disclosure.

(e) Any violation of this section relating to calendars shall not be a basis for any criminal prosecution.

SECTION 9. Chapter 2, ARTICLE II.III, Section 2-156 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

Sec. 2-156 – Access to Lobbyist Information

The City shall provide access, and a link on the City's Website, to the following Forms: Recipient Committee Campaign Statement (Form 460), Behested Payment Report (Form 803), and Statement of Economic Interests (Form 700). These Forms will be found on the City's website under the title of "Access to Lobbyist Information.

SECTION 10. Chapter 2, ARTICLE II.III, Section 2-157 of the Santa Ana Municipal Code is hereby added such that it reads as follows:

Sec. 2-157 -- Public Meetings related to City five-year Strategic Plan and Annual Budget

(a) City Strategic Plan—Creation and Public Hearings


- (1) Not later than approval of the annual budget beginning with the 2013/2014 fiscal year, and every five years thereafter, the City Manager shall prepare and submit to the City Council a strategic plan setting forth the City's mission, core values, five year goals, detailed measurable objectives and key performance measures. Prior to submitting the strategic plan to the City Council, the City Manager will conduct a public meeting to review a draft of the plan with the public and receive input from the public regarding the plan.
- (2) Each September, the City Manager will conduct a public meeting to present the City's five (5) year Strategic Plan to the community. The purpose of the meeting will be to review the City's progress in achieving its plan and goals with the community and to gain public input on any issues related to the City's five (5) year Strategic Plan.

(b) Annual Budget Meetings. In connection with the preparation of the annual budget, each February and September, or upon the written request of at least 30 city residents, City staff will conduct a community meeting with neighborhood

associations, community groups, and other members of the public to present the budget and discuss the budget process and any other issues related to the budget.

SECTION 11. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

ADOPTED this 15th day of October 2012.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Sonia R. Carvalho

YES: Councilmembers: Benavides, Martinez, Tinajero, Sarmiento (4)

NOES: Councilmembers: Alvarez, Bustamante, Pulido (3)

ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Maria D. Huizar, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2838 to be the original ordinance adopted by the City Council of the City of Santa Ana on October 15, 2012 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 10/22/2012

Maria D. Huizar
Clerk of the Council
City of Santa Ana