

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 Ruizillo, Sr. Deputy Clerk  
for Clerk of the Council,  
City of Santa Ana