

## **Article 2: Administrative Code**

### **Division 45: Sunshine Act** *(“Sunshine Act” added 11-16-2012 by O-20217 N.S.)*

#### **§22.4501 Purpose and Intent**

- (a) The purpose of this Sunshine Act is to help ensure that the public has access to government information and policymaking information, and to provide openness, transparency, and accountability.
- (b) This Division describes certain City records and information which will be posted online for access by the public. To the extent feasible, the records and information will be posted in a searchable and well-organized format on the City’s website. Nothing in this Division should be construed to permit the disclosure of confidential or other information that is protected from disclosure under the California Constitution, any statute, court rule, or other authority.
- (c) This Division is not intended to be exclusive or preclude the posting of other City records and information online. The Mayor and City departments may post other City records on the City’s website to assist the public in accessing government information.
- (d) Compliance with this Division is contingent upon the annual appropriation of sufficient funds to accomplish the purposes of this Division, and any practical or technical limitations related to electronic records.

*(“Purpose and Intent” added 11-16-2012 by O-20217 N.S.; effective 12-16-2012.)*

#### **§22.4502 Posting City Contracts for Goods and Services Online**

- (a) Effective July 1, 2013, the Mayor shall post on the City’s website in a searchable format the text of all contracts for consultants, goods, and services entered into by the City valued at more than \$25,000 in a given fiscal year. The Mayor, in consultation with the City Attorney, shall redact any proprietary, trade secret, or otherwise legally privileged or confidential information from contracts prior to posting and may require contractors to specifically identify such proprietary, trade secret, or otherwise legally privileged or confidential information.

- (b) For each invitation to bid or request for proposal, the Mayor shall note the number of responsive bids or proposals received by the City. For any sole source contract for consultants, goods or services valued at more than \$25,000 in a given fiscal year, the Mayor shall post a written justification for the sole source determination. The Mayor also shall post a list of all vendors of goods or services that received payments totaling \$25,000 or more cumulative from the City by fiscal year.
- (c) Information posted under this section shall be updated at least on a quarterly basis and made available online for 18 months from the original posting date.

*(“Posting City Contracts for Goods and Services Online” added 11-16-2012 by O-20217 N.S.; effective 12-16-2012.)*

#### **§22.4503 Posting City Construction Contracts Online**

City construction contracts shall be posted online in accordance with section 22.4403.

*(“Posting City Construction Contracts Online” added 11-16-2012 by O-20217 N.S.; effective 12-16-2012.)*

#### **§22.4504 Posting Agreements with Recognized Employee Organizations Online**

The Mayor shall post all Memoranda of Understanding with each of the City’s recognized employee organizations for the preceding five years in a centralized location on the City’s website.

*(“Posting Agreements with Recognized Employee Organizations Online” added 11-16-2012 by O-20217 N.S.; effective 12-16-2012.)*

#### **§22.4505 Posting City Employee Compensation Online**

By April 15 of each year, the Mayor shall post on the City’s website the prior calendar year’s employee compensation information as mandated and defined by the State Controller’s Office. The information posted online should be organized in a manner that does not disclose any employee’s personal identity or name. Information posted under this Section will be made available online for the preceding five years.

*(“Posting City Employee Compensation Online” added 11-16-2012 by O-20217 N.S.; effective 12-16-2012.)*

**§22.4506      Inadvertent Disclosure of Confidential Information**

The City will use its best efforts to ensure that confidential and other non-disclosable information is redacted from records that are posted to the City's website. In the event that confidential information is inadvertently posted online, the City will remove such information promptly upon discovery of the inadvertent disclosure. Any inadvertent disclosure by the City shall not be deemed to be a waiver of any legal privilege or other right. Use of such confidential information by any person not entitled to such information, or republication without consent of the holder of any privilege or other right, may result in civil or criminal liability.

*(“Inadvertent Disclosure of Confidential Information” added 11-16-2012 by O-20217 N.S.; effective 12-16-2012.)*