

ORDINANCE NUMBER O- 20217 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 16 2012

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 45, SECTIONS 22.4501, 22.4502, 22.4503, 22.4504, 22.4505, AND 22.4506, ALL RELATING TO THE ESTABLISHMENT OF A SUNSHINE ACT.

WHEREAS, the City of San Diego seeks to ensure that the public has access to government information and policymaking in order to provide openness, transparency, and accountability; and

WHEREAS, the public's interest in online access to government records has increased; and

WHEREAS, the City desires to place more information and records online to increase transparency and help reduce staff time spent responding to requests for records under the Public Records Act; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 2, of the San Diego Municipal Code is amended by adding Division 45, sections 22.4501, 22.4502, 22.4503, 22.4504, 22.4505, and 22.4506 to read as follows:

Division 45: Sunshine Act

§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.

§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.

§22.4503 Posting City Construction Contracts Online

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

§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.

§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.

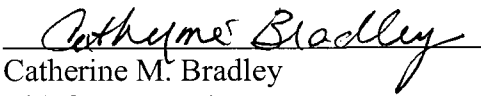
§22.4506 Inadvertent Disclosure of Confidential Information

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.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Catherine M. Bradley
Chief Deputy City Attorney

CMB:sc
9/26/12
Or.Dept: Rules
Doc.No.: 434850

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 11/13/2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/16/12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor