

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_  
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OFFICE OF THE CITY CLERK  
OAKLAND

  
CITY ATTORNEY

02 NOV 13 PM 2: 28

ORDINANCE NO. 12463 M.S.

**REVISED**  
11-12-03

**AMENDMENT TO THE SUNSHINE ORDINANCE**

**AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 2.20, REGULATING PUBLIC MEETINGS AND PUBLIC RECORDS KNOWN AS THE CITY OF OAKLAND SUNSHINE ORDINANCE, ORIGINALLY ADOPTED JANUARY 14, 1997, TO EXCUSE NONCOMPLIANCE WITH THE ORDINANCE'S ONLINE NOTICING/POSTING REQUIREMENTS IF (1) NONCOMPLIANCE IS DUE TO HARDWARE OR SOFTWARE FAILURE; AND (2) THE BODY COMPLIES WITH ALL OTHER NOTICE AND POSTING REQUIREMENTS**

**WHEREAS**, the Sunshine Ordinance requires, among other things, online posting of the regular meeting agendas of the City Council, Redevelopment Agency, Board of Port Commissioners, and the Planning Commission; and

**WHEREAS**, the Sunshine Ordinance requires online posting of special meetings of all bodies covered by the ordinance; and

**WHEREAS**, the City Council desires that noncompliance with the online posting requirements shall not constitute a defect in noticing/posting if such noncompliance is due to hardware or software failure and the body complies with all other noticing/posting requirements; now therefore

The City Council of the City of Oakland does ordain as follows:

**SECTION 1.** The following definition is added to Section 2.20.030, entitled "Definitions":

"Hardware or Software Failure" means solely technological failures of hardware or software that are unforeseeable.

**SECTION 2.** Section 2.20.060, entitled "Conduct of Meetings – Time and Place for Meetings" is amended as follows:

Add to section 2.20.060(E), after the sentence that ends with "in the notice and posted online.": Failure to timely post a copy of the agenda online because of hardware or software failure, as defined in section 2.20.030, shall not constitute a defect in the notice for a special meeting, if the body complies with all other posting/noticing requirements.

**SECTION 3.** Section 2.20.070, entitled "Agenda requirements – Regular meetings" is amended as follows:

Add at the end of 2.20.070 (B): Failure to timely post a copy of the agenda online because of hardware or software failure, as defined in Section 2.20.030, shall not constitute a defect in the notice of a regular meeting, if the body complies with all other posting/noticing requirements.

**Introduction Date:** JAN 07 2003

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 21 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES: BROOKS, BRUNNER, CHANG, DE LA FUENTE, NADEL, ~~NOEL~~  
QUAN, AND WAN - 7

NOES:

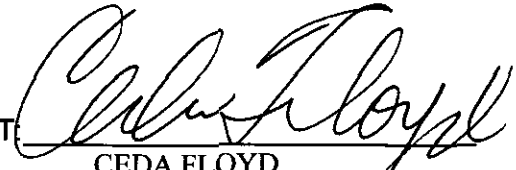
Excused

ABSENT:

ABSTENTION:

Reid - 1  
0

ATTEST:



CEDA FLOYD

City Clerk and Clerk of the Council  
of the City of Oakland, Califo