

RESOLUTION NO. 3721

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA ADOPTING A POLICY TO CONTINUE TO COMPLY WITH ALL THE REQUIREMENTS OF THE BROWN ACT DURING THE STATE OF CALIFORNIA'S THREE-YEAR SUSPENSION OF STATE MANDATES AS CONTAINED IN AB 1464 AND SB 1006

WHEREAS, in 1953 the League collaborated with the California Newspaper Publishers' Association and Assembly Member Ralph M. Brown to draft and secure the passage of the state's local government open meetings act, now known as the Brown Act; and

WHEREAS, at the time of the enactment of the Brown Act, many city charters already required open city meetings accessible to the public, and the Brown Act simply extended that requirement to thousands of local agencies, including many special districts, school districts, etc. that had not adopted similar policies; and

WHEREAS, the cities of California have been pioneers in achieving greater transparency in government, adopting local open government policies and involving tens of thousands of citizens in the affairs of their cities; and

WHEREAS, independent of the requirements of state law, city governments across California have an unquestioned commitment to transparency and openness in city operations and government; and

WHEREAS, in 2004 the League proudly supported Proposition 59, a constitutional amendment that passed with 83% of the vote that guarantees the right of public access to meetings of government bodies and writings of government officials; requires that statutes and rules furthering public access shall be broadly construed, or narrowly construed if limiting access; and further requires future statutes and rules limiting access to contain findings justifying the necessity of those limitations; and

WHEREAS, the state legislature recently passed AB 1464, a budget trailer bill signed into law on June 27, 2012, which contains a schedule of state mandates that are suspended during the 2012-2013 budget year, including the Brown Act; and

WHEREAS, it is apparent that the purpose of the mandate suspensions is to comply with the requirements of 2004 Proposition IA, strongly supported by the League, that the Legislature must suspend mandates for which it refuses to reimburse local governments; and

WHEREAS, Senate Bill 1006, which was enacted the same day as AB 1464, amended Section 17581 of the Government Code by adding the following language: "All state-mandated local programs suspended in the Budget Act for the 2012-13 fiscal year shall also be suspended in the 2013-14 and 2014-15." The suspension will therefore last 3 years; and

WHEREAS, the state's dire fiscal condition has led to the suspension of the Brown Act mandate; and

WHEREAS, the Brown Act Committee of the League's City Attorney's Department has concluded that the suspension extends to the following provisions of the Brown Act:

Preparation and posting at least 72 hours before a regular meeting of an agenda that contains a brief general description of each item of business to be transacted or discussed at the meeting. (See Gov. Code § 54954.2(a).)

Inclusion on the agenda of a brief general description of all items to be discussed in closed session. (See Gov. Code § 54954.2(a).)

Disclosure of each item to be discussed in closed session in an open meeting, prior to any closed session. (See Gov. Code § 54957.7 (a).)

Report in open session prior to adjournment on the actions and votes taken in closed session regarding certain subject matters. (See Gov. Code §§ 54957.1 (a)(1)-(4), (6); 54957.7(b).)

Provide copies to the public of certain closed session documents, such as contracts or settlement agreements finally approved in closed session. (See Gov. Code § 54957.1 (b)-(c).)

WHEREAS, the Brown Act Committee advises there is precedent for this suspension when the state took similar action in 1990 during a similar financial crisis and that during that time most cities continued to comply with the requirements of the Brown Act; and

WHEREAS, city governments in California enjoy such a comparatively high level of public support and confidence because of their record of commitment to transparency and openness; and

WHEREAS, the Brown Act Committee has concluded that the suspended provisions are central to the Act and that noncompliance with those provisions would unquestionably degrade transparency and erode public support in city government; and

WHEREAS, the League's Board of Directors has encouraged all cities to continue to follow all provisions of the Brown Act notwithstanding its selective suspension; and

WHEREAS, the Town Attorney and Town Manager concur with the Brown Act Committee and the League's Board of Directors and recommend that the Town continue complying with all provisions of the Brown Act:

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Corte Madera that a policy be adopted to continue to faithfully comply with all of the requirements of the Brown Act during this three year suspension.

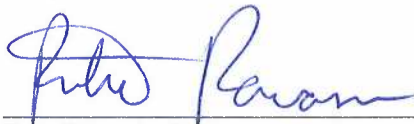
I, the undersigned, hereby certify that the foregoing is a full, true and complete copy of a resolution duly passed and adopted by the Town Council of the Town of Corte Madera at a regular meeting thereof held on the 21st day of August, 2012, by the following vote:

Ayes, and in favor thereof, Council Members: Cock, Condon, Furst, Lappert, Ravasio

Noes, Council Members: - None -

Abstain, Council Members: - None -

Absent, Council Members: - None -


Bob Ravasio, Mayor

ATTEST:


Christine Green, Town Clerk