

REPORT TO CITY COUNCIL

DATE: AUGUST 22, 2012

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: KIMBERLY M. RODRIGUES, CITY CLERK

SUBJECT: ADOPT RESOLUTION NO. 12-1680; REAFFIRMING THE CITY'S COMMITMENT TO OPEN AND TRANSPARENT GOVERNMENT AND TO MAINTAINING COMPLIANCE WITH THE RALPH M. BROWN ACT IN ITS ENTIRETY

The Ralph M. Brown Act (California Government Code Section 54950, et. seq), also known as California's open meeting law, was adopted in 1953 and guarantees the public's right to attend and participate in all open meetings of legislative bodies of local agencies.

On June 27, 2012, the state legislature passed AB 1464, containing a schedule of mandates that were suspended during the 2012-2013 budget year, including certain portions of the Ralph M. Brown Act (the "Brown Act"). The same day, SB 1006 was passed extending the suspensions through FY 2014-15, for a total of three years.

As a result of the State's recent suspensions, local governments are no longer required to carry out previously mandated programs, including certain public noticing provisions of the Brown Act. The (2012-2015) suspended provisions of the Brown Act include:

- 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. (*See* Gov. Code § 54957.1 (b)-(c).)

The suspension of the above mentioned mandates, under the Brown Act, prevent the City from obtaining reimbursement for its costs of providing statutory notice and complying with certain requirements in relation to closed session provisions.

Recently, the League of California Cities Board of Directors adopted a resolution urging cities to comply with all of the requirements of the Brown Act (the “Act”) despite the State’s decision, for fiscal reasons, to suspend requirements for certain portions of the Act.

The City Council has long recognized the critical importance of providing open and transparent government by timely noticing public meetings and adhering to open government laws. The proposed resolution reaffirms the City’s commitment to maintain full compliance with the Brown Act, regardless of the suspension of related mandates by the State of California.

RECOMMENDATION

Staff respectfully recommends the City Council adopt Resolution No. 12-1680; reaffirming the City’s commitment to open and transparent government and to maintaining compliance with the Ralph M. Brown Act in its entirety.

Attachments: Resolution No. 12-1680

RESOLUTION NO. 12-1680

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, REAFFIRMING THE CITY'S COMMITMENT TO OPEN AND TRANSPARENT GOVERNMENT AND TO MAINTAINING COMPLIANCE WITH THE RALPH M. BROWN ACT IN ITS ENTIRETY

WHEREAS, the State of California faces historic budget deficits requiring deep cuts in public programs and services, including cuts in funding for state-mandated programs carried out by local governments; and

WHEREAS, as part of the 2012-2013 State Budget (AB 1464) approved by the Governor on June 27, 2012, the Legislature suspended certain portions of the Ralph M. Brown Act (the "Brown Act") for the 2012-2013 fiscal year in order to avoid having to reimburse local agencies; and

WHEREAS, on June 27, 2012, SB 1006 was also passed and extended the State's suspensions through FY 2014-2015, for a total of three years; and

WHEREAS, the suspension of the mandates under the Brown Act prevent the City from obtaining reimbursement for its costs of providing statutory notice and complying with certain requirements in relation to the Brown Act's closed session provisions; and

WHEREAS, a number of these suspensions relieve local governments of the strict legal requirement to carry out previously mandated programs, including certain public noticing provisions of the Brown Act, California's open meeting law; and

WHEREAS, the Brown Act (California Government Code Section 54950, et seq.), requires open and public meetings of government and advisory bodies in local government, and allows members of the public to be present and to address the body on issues relevant to the body's authority; and

WHEREAS, the City Council has long recognized the critical importance of providing open and transparent government by timely noticing public meetings and adhering to open government laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. That the City Council and any and all of its appointed Committees, City Boards, and Commissions that are currently required to comply with the Brown Act are directed to continue to do so, regardless of the suspension of related mandates by the State of California.

SECTION 2. That the City reaffirms its commitment to transparency when conducting its business and will continue to abide by the Brown Act in its entirety, regardless of not receiving reimbursement of funds from the State of California.

SECTION 3. That the City's voluntary compliance with suspended provisions of the Brown Act shall not be construed to grant any rights or remedies related to any claim of non-compliance with suspended provisions of the Brown Act.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 22nd day of August, 2012, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk