



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Pledging Continued Adherence to the Brown Act Despite the State's Decision to Suspend its Requirements for Fiscal Reasons

MEETING DATE: August 15, 2012

PREPARED BY: City Clerk

RECOMMENDED ACTION: Adopt resolution pledging continued adherence to the Brown Act despite the State's decision to suspend its requirements for fiscal reasons.

BACKGROUND INFORMATION: At the August 1, 2012 City Council meeting, Mayor Mounce reported that the Board of Directors of the League of California Cities ("League") unanimously adopted a resolution commending cities for ongoing compliance with the Brown Act despite a State suspension of its requirements. Mayor Mounce further requested that the City also adopt a similar resolution memorializing its dedication to open and transparent government.

Assembly Bill 1464 and Senate Bill 1006, both enacted on June 27, 2012, contain a schedule of suspended mandates for the 2012-13, 2013-14 and 2014-15 fiscal years. 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. (Gov. Code § 54954.2(a).)
- Inclusion on the agenda of a brief general description of all items to be discussed in closed session. (Gov. Code § 54954.2(a).)
- Disclosure of each item to be discussed in closed session in an open meeting, prior to any closed session. (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. (Gov. Code §§ 54957.1(a)(1)-(4), (6); 54957.7 (b).)
- Provide copies to the public of certain closed session documents. (Gov. Code § 54957.1 (b)-(c).)

The Legislature's action is not unprecedented. The above-referenced Brown Act requirements were also suspended in 1990, at which time most cities reported they would continue to comply with all requirements of the Brown Act regardless of the suspension as well.

FISCAL IMPACT: None, the last related reimbursement received was Fiscal Year 2002-03.

FUNDING AVAILABLE: Not applicable.



Randi Johl, City Clerk

APPROVED: 

Konradt Bartlam, Interim City Manager

RESOLUTION NO. 2012-140

A RESOLUTION OF THE LODI CITY COUNCIL
PLEDGING ITS CONTINUED ADHERENCE TO THE
RALPH M. BROWN ACT DESPITE THE STATE'S
DECISION TO SUSPEND ITS REQUIREMENTS FOR
FISCAL REASONS

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WHEREAS, the State's local government open meetings act ("Brown Act") was passed in 1953 through a collaborative effort of the League of California Cities ("League"), the California Newspaper Publishers Association, and Assembly Member Ralph M. Brown; and

WHEREAS, the City of Lodi ("City"), in conjunction with other cities in California, has been a pioneer in achieving greater transparency in government, adopting local open government policies, and involving numerous citizens in the affairs of the City; and

WHEREAS, independent of the requirements of the law, the City is committed to transparency and openness in City operations and government; and

WHEREAS, the State Legislature signed into law on June 27, 2012, Assembly Bill 1464 ("AB 1464"), which contains a schedule of suspended state mandates, including the Brown Act; and

WHEREAS, the State's suspension of the Brown Act mandate shall be in effect for the 2012/13, 2013/14, and 2014/15 fiscal years due to its dire fiscal condition; and

WHEREAS, the Brown Act Committee of the League's City Attorneys 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. (See Gov. Code § 54957.1 (b)-(c).)

WHEREAS, city governments in California enjoy 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 noncompliance with the suspended provisions of the Act would unquestionably degrade transparency and erode said public support in city government; and

WHEREAS, the City of Lodi will voluntarily continue its faithful compliance with the requirements of the Brown Act during the three-year suspension; and

WHEREAS, the City urges the California State Legislature to comply with similar transparency requirements, including publishing all agendas and legislation no less than 72 hours before proposed action is taken.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that it does hereby pledge its continued adherence to the Brown Act despite the State's decision to suspend its requirements for fiscal reasons.

Date: August 15, 2012

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I hereby certify that Resolution No. 2012-140 was passed and adopted by the Lodi City Council in a regular meeting held August 15, 2012, by the following vote:

- AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Nakanishi, and Mayor Mounce
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL
City Clerk