

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: City Manager - Adopt RESOLUTION to continue to comply with all the requirements of the Brown Act

RECOMMENDATION

Recommendation of the City Manager that City Council adopt a **RESOLUTION** to continue to comply with all the requirements of the Brown Act during the State of California's three-year suspension of the State mandates as contained in Assembly Bill 1464 and Senate Bill 1106.

BACKGROUND/ANALYSIS

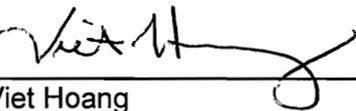
At the August 7, 2012 City Council meeting, Mayor Scotto directed staff to prepare a **RESOLUTION** to reaffirm that the City of Torrance City Council, Boards, Commissions and Committees will continue to comply with all the provisions of the Brown Act.

On June 27, 2012, AB 1464 was signed into law. AB 1464 allows for the suspension of certain provisions of the Brown Act for the next three years. The areas to be suspended are: preparation and posting at least 72 hours before a regular meeting of an agenda that contains a brief description of each item of business to be discussed and transacted at the meeting; inclusion on the agenda of a brief general description of all items to be discussed in closed session; disclosure of each item to be discussed in closed session in an open meeting; report in open session prior to adjournment on the actions and votes taken in a closed session regarding certain subject matters and provide copies to the public of certain closed session documents.

The City of Torrance will continue to comply with the Brown Act and not suspend any provisions. This will ensure adequate time for the community to review the items to engage in meaningful discussion. In addition, this allows for transparency and public support of city government.

Respectfully submitted,

LeROY J. JACKSON
CITY MANAGER

By 
Viet Hoang
Management Associate

CONCUR:


LeRoy J. Jackson
City Manager

Attachment A Resolution

RESOLUTION NO. _____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE 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 of California Cities 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 justify 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 1A, 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 Managers 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)(l)-(4), (6); 54957.7 (b).)

Provide copies to the public of certain closed session documents. (See Gov. Code § 54957.1 (b)-(c).)

WHEREAS, the Brown Act Committee advises there is precedent for this suspension as 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.

NOW, THEREFORE, The City Council of the City of Torrance does hereby resolve as follows:

SECTION 1

A policy is adopted that the City Council and all City commissions, committees and boards that are subject to the requirements of the Brown Act will to continue to comply with all of the requirements of the Brown Act during the State's three-year suspension of requirements.

SECTION 2

This Resolution takes effect immediately.

INTRODUCED, APPROVED AND ADOPTED this _____ day of August 2012.

Frank Scotto, Mayor

ATTEST:

Sue Herbers, City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By _____
Patrick Q. Sullivan
Assistant City Attorney