

RESOLUTION NUMBER R- 307612

DATE OF FINAL PASSAGE JUL 31 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO REAFFIRMING THE CITY'S COMMITMENT TO
OPEN GOVERNMENT AND TO COMPLIANCE WITH THE
RALPH M. BROWN ACT.

WHEREAS, the State of California faces historic budget deficits requiring deep cuts in public programs and services; and

WHEREAS, State budget cuts also include cuts in funding for state-mandated programs carried out by local governments; and

WHEREAS, the State has suspended certain mandated programs in an effort to cut millions of dollars more from California's Fiscal 2012-2013 Budget; 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 Ralph M. Brown Act (the Brown Act), California's open meeting law; and

WHEREAS, the Brown Act, found at California Government Code section 54950, et seq., requires open and publicized 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, San Diego City Charter section 216.1(b)(1) also confirms that City government shall be conducted openly, stating that, "The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny"; and

WHEREAS, the provisions of the Brown Act are also incorporated into San Diego Municipal Code Section 22.0101, Permanent Rules of the Council, which governs the actions of the City Council; and

WHEREAS, Council Policy 000-16 affirms that the provisions of the Brown Act also apply to standing committees of the City Council, and various City boards, commissions, and committees, and states that it is Council Policy that all business conducted by City-appointed boards, commissions and corporations, or by committees thereof, be in full view of the public, with limited exceptions; and

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

BE IT RESOLVED, by the Council of the City of San Diego, that the Council, its appointed Committees, City Boards and Commissions, and other City government entities that currently are 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.

BE IT FURTHER RESOLVED, that the Council reaffirms its commitment to maintain compliance with the Brown Act, as well as the City's other governing laws that are designed to ensure the actions of City government are open and transparent.

BE IT FURTHER RESOLVED, that it is the City Council's intent to bring forth an ordinance that would grant all rights and remedies related to any claim of non-compliance with suspended provisions of the Brown Act.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Sharon B. Spivak
Sharon B. Spivak
Deputy City Attorney

SBS:CMB:jdf
07/17/2012
07/24/2012 REV.
Or.Dept:Council-Emerald
Doc.No.: 403703

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 24 2012.

ELIZABETH S. MALAND
City Clerk

By Elizabeth S. Maland
Deputy City Clerk

Approved: 7.31.12
(date)

Jerry Sanders
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor