

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 533-5800

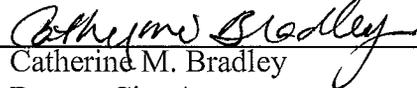
DATE: June 9, 2014
TO: Committee on Economic Development and Intergovernmental Relations
FROM: City Attorney
SUBJECT: Effect of Proposition 42 on Proposed Amendments to Charter
Section 216.1 Relating to Access to Government

In November 2013, Councilmember Alvarez and CalAware proposed amendments to the San Diego Charter relating to access to government meetings and records. On February 25, 2014, the Council referred the proposed amendments to this Committee and requested that this Office analyze the potential effect of state Proposition 42 (Prop 42) on the proposed amendments.

Prop 42, which was adopted by voters this month, amends the California Constitution to eliminate the requirement that the state reimburse local agencies for compliance with the Public Records Act and the Brown Act. According to the California Legislative Analyst, Prop 42 “[a]dds to the State Constitution the requirement that local governments follow the Public Records Act and the Brown Act” and “[e]liminates the state’s responsibility to pay local government for their costs related to these laws.” *See, Official Voter Information Guide, California Statewide Direct Primary Election, Tuesday, June 3, 2014, p. 15.*

Prop 42’s passage will not affect proposed amendments to Charter section 216.1, including the revised March 18, 2014 proposal by Councilmembers Alvarez and Emerald. The proposed Charter amendments duplicate and expand requirements of the Public Records Act and the Brown Act. This raised the issue of whether these Charter requirements would preclude the City from reimbursement for similar state mandates. The issue is now moot because Prop 42 eliminated the requirement that the state reimburse local agencies for costs related to those laws.

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