



# TOWN OF FAIRFAX

## STAFF REPORT

### October 5, 2016

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager 

**SUBJECT:** Adopt a Resolution in support of Proposition 54 Legislature Transparency Act of 2016

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#### **RECOMMENDATIONS**

Adopt the resolution

#### **DISCUSSION**

The League of California Cities recommends that Cities and Towns take a policy position in support of Proposition 54. We relied on the County of Marin staff report for the following analysis.

Proposition 54, regarding state legislative procedures, would prohibit the Legislature from passing any bill unless it had been printed and published on the Internet for at least 72 hours before the vote, except in cases of public emergency. It would require the Legislature to make audiovisual recordings of its proceedings, except closed session proceedings, and post them on the Internet.

Fiscal Impacts per the LAO and State Department of Finance include increased costs to state government of potentially \$1 million to \$2 million initially and about \$1 million annually for making additional legislative proceedings available in audiovisual format on the Internet.

Supporters argue this would increase the transparency in California's state government and stop the practice of "gutting and amending" legislation.

Opponents charge this would introduce unnecessary restrictions on the law crafting process in the legislature and hinder legislators' ability to develop bipartisan solutions for issues.

Staff recommends supporting Proposition 54 to make the State subject to the same rules as local communities.

#### **FISCAL IMPACT**

n/a

#### **ATTACHMENT**

Resolution

RESOLUTION 16-\_\_

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX  
IN SUPPORT OF PROPOSITION 54

**WHEREAS**, it is essential to the maintenance of a democratic society that public business by the California Legislature be performed in an open and public manner and residents be given the opportunity to fully review every bill and express their views regarding the bill's merits to their elected representatives, before it is passed; and

**WHEREAS**, last-minute amendments to bills in the Legislature are frequently pushed through without sufficient opportunities for public comment, or advance notice, providing members of the Legislature with no realistic opportunity to review or debate them, resulting in ill-considered legislation; and

**WHEREAS**, few citizens have the ability to attend legislative proceedings in person, and many legislative proceedings go completely unobserved by the public and press, often leaving no record of what was said; and

**WHEREAS**, with the availability of modern recording technology and the Internet, there is no reason why public legislative proceedings should remain relatively inaccessible to the citizens that they serve; and

**WHEREAS**, California should also follow the lead of other states that require a 72-hour advance notice period between the time a bill is printed and made available to the public and the time it is put to a vote, allowing an exception only in the case of a true emergency, such as a natural disaster; and

**WHEREAS**, Proposition 54, the California Legislature Transparency Act, prohibits the Legislature from voting on a bill until it has been published online in its final form for at least 72 hours, and, in addition, Proposition 54:

- a. Allows this 72-hour notice period to be waived to address a state emergency declared by the Governor, followed by a two thirds vote of the legislative body, prior to action being taken on the measure for which the rules are being waved; and
- b. Requires the Legislature, by January 1, 2019, to ensure audiovisual recordings of all public proceedings are publicly accessible on the Internet within 24 hours and archived for at least 20 years thereafter (excludes closed session meetings), and allows all recordings of public proceedings to be used for any legitimate purpose,

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Town Council of the Town of Fairfax supports Proposition 54, the California Legislature Transparency Act and directs staff to email a copy of this adopted resolution to the Yes on 54 campaign.

The foregoing Resolution was duly passed and adopted at a Regular Meeting of the Town Council of the Town of Fairfax held in said Town on the 5th day of October 2016, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:

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Renée Goddard, Mayor

Attest:

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Michele Gardner, Town Clerk