

A.: The Ralph M. Brown Act (California Government Code sections 54950, et seq.) requires meeting of "legislative bodies" of local public agencies to be open and public. The term "local agency" is defined in section 54951 as "a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency."

The Brown Act is directed toward the conduct of public officials and seeks to insure that "their actions be taken openly and that their deliberations be conducted openly. [paragraph] . . . The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." (Preceding section 54950.)

In November of 2004, the voters approved a constitutional amendment proposed by the Legislature (Proposition 59), which amended California Constitution, article I, section 3 to provide, among other things, that "the people have the right to 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." The new provision also declares statutes, court rules, and other authorities (including those currently in effect) shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. It further provides the government will have the burden of proof to show a record should not be disclosed, and states that its provisions do not affect the right of privacy nor do they modify any of the statutory or case law in existence when that article became effective.

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