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June 24, 2013

The Honorable Mark Leno
California State Senate
State Capitol, Room 5100
Sacramento, CA 95814

**RE: SCA 3 (Leno) State Mandate Payments: Public Records Act/Brown Act
NOTICE OF CONCERNS**

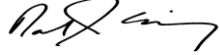
Dear Senator Leno:

The League of California Cities has reviewed the most recent version of your SCA 3, which was first available in print on Friday, June 21, and raises the following concerns:

- 1) Rushed Timing: A Constitutional Amendment is a serious proposal and very difficult to change once enacted. While we have heard that this bill may be considered in the Senate Governance and Finance Committee on Tuesday, June 25th, there was no file notice available on Monday. We have also heard that the bill will not be sent to the Senate Committee on Elections and Constitutional Amendments and also may be rushed to a vote on the Senate Floor on Tuesday. Such rushed timing of legislation – especially one that focuses on open government – raises process issues and concerns that the Legislature may be acting in haste with insufficient due diligence.
- 2) Future Expanded Costs to Local Agencies: The point of this measure supposedly is to ensure that the state incurs budget savings by avoiding state mandate costs on local governments associated with the existing Public Records Act and Brown Act. Yet the drafting of this measure provides an avenue for these laws and duties to be expanded, while relieving the state from any concerns about the additional costs imposed. The Legislature can expand these laws on local agencies at will, while still avoiding complying with the same policies in its own practices.
- 3) Time for Transparency Equity: This measure amends provisions added to the Constitution via Prop. 59 of 2004, a measure the League supported. This provision states “*the people have the right of access to information concerning the conduct of the people’s business...*” yet the Legislature exempted its own activities from these standards. If legislators are serious about expanding transparency and open government, then it is time the Legislature joined with local agencies in this commitment by: (1) repealing the exemption for the Legislature imbedded in this provision of the Constitution, (2) adding into this measure a minimum three-day print rule such as proposed by SCA 10 (Wolk), and (3) making sure that the Bagley-Keene Act also keeps policy pace with any expanded requirements imposed on local government. If local governments are being asked to absorb all existing costs and all future costs associated with these laws promoting public transparency, then the least the Legislature can do is take steps that ensure that similar standards apply to its own and state agency actions.

The above represents the League's concerns with the current version of SCA 3. We urge the Legislature to take the time to process this legislation in the appropriate manner, limit future cost exposure to local agencies, and include an equivalent legislative transparency commitment to the people of this state that is expected to be delivered by local governments. If you have any questions, or if I can be of assistance, please call me at (916) 658-8222.

Sincerely,



Daniel Carrigg

Legislative Director, League of California Cities

Cc: Chair and Members, Senate Governance and Finance Committee
Toby Ewing, Consultant, Senate Governance and Finance Committee
Ryan Eisberg, Consultant, Republican Caucus