

Agenda Report

DATE: April 8, 2002

TO: CITY COUNCIL

THROUGH: LEGISLATIVE POLICY COMMITTEE (April 2, 2002)

FROM: CITY ATTORNEY

SUBJECT: SENATE CONSTITUTIONAL AMENDMENT 7 ("SCA7") -
PUBLIC ACCESS TO GOVERNMENT INFORMATION

RECOMMENDATION:

This report is for information only.

AMENDMENT SUMMARY AND OVERVIEW:

The proposed Amendment to the California Constitution, referred to as "SCA7," establishes access to governmental information as a fundamental and necessary right of the people. The full text of SCA7 and its status and history is attached to this report as Attachment "1." While SCA7 provides a correct and worthy statement of policy, it does not offer any practical guidance or balancing with respect to day to day implementation. Not all requests to access government are well intentioned or well meaning, and access without restraints can create its own problems and dangers.

LEAGUE OF CALIFORNIA CITIES POSITION:


Because of the fact that SCA7 provides only a broad statement of policy, analysts are struggling to understand its practical implications. Currently, the State's open government policies are codified in the form of the Ralph M. Brown Act and the California Public Records Act. It is unclear whether SCA7 is intended to overrule the balancing tests and presumptions set forth in those existing statutes or to change the way in which State law currently operates with respect to government access.

MEETING OF 4/8/2002

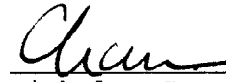
AGENDA ITEM NO. 5.C.2.

Attached hereto, as Attachment "2," is an analysis by the League of California Cities which takes an position of "oppose unless amended" with respect to SCA7. The League enumerates concerns about the manner in which the Constitutional policy set forth in SCA7 could conflict with the day to day functioning of government, to the ultimate detriment of the taxpayers.

Respectfully submitted,


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