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RESOLUTION NO. 2012-51

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**A RESOLUTION OF THE ALBANY CITY COUNCIL REAFFIRMING THE
CITY'S COMMITMENT TO OPEN GOVERNMENT AND COMPLIANCE
WITH THE RALPH M. BROWN ACT**

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WHEREAS, in 1953 the League of California Cities collaborated with the California Newspaper Publishers Association and Assembly Member Ralph M. Brown to draft and secure the passage of the state's local government open meetings act, now known as the Brown Act; and

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WHEREAS, the State of California faces historic budget deficits requiring deep cuts in public programs, services, and state-mandated programs carried out by local governments; and

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WHEREAS, the State Legislature recently passed AB 1464, a budget trailer bill signed into law on June 27, 2012, which contains a schedule of state mandates that are being suspended during the 2012-2013 budget year, including the Brown Act; and

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WHEREAS, Senate Bill 1006, which was enacted the same day as AB 1464, amended Section 17581 of the Government Code, extending the period of suspension for said state mandates through fiscal year 2014-2015; and

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WHEREAS, a number of these suspensions relieve local governments of the strict legal requirement to carry out previously mandated programs, including certain public noticing provisions of the Brown Act; and

WHEREAS, the Brown Act, found at California Government Code section 54950, et seq., requires open and publicized meetings of government and advisory bodies

1 in local government, and allows members of the public to be present and to address the
2 body on issues relevant to the body's authority; and

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4 **WHEREAS**, the City of Albany has long recognized the critical importance of
5 providing open and transparent government by conducting timely noticing of public
6 meetings and adhering to open government laws;

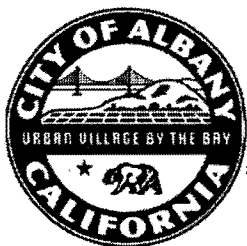
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8 **NOW, THEREFORE, BE IT RESOLVED** by the Albany City Council hereby
9 reaffirms that the Council, its appointed Committees, City Boards and Commissions, and
10 other City government entities that are currently required to comply with the Brown Act
11 are directed to continue to do so, regardless of the suspension of related mandates by the
12 State of California.

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14 **BE IT FURTHER RESOLVED**, that the Albany City Council reaffirms its
15 commitment to maintain compliance with the Brown Act to ensure the actions of City
16 government are open and transparent.

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18 **BE IT FURTHER RESOLVED**, that the City's voluntary compliance with the
19 suspended provisions of the Brown Act shall not be construed to grant any rights or
20 remedies related to any claim of non-compliance with suspended provisions of the Brown
21 Act.

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27 Mayor Farid Javandel
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City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2012-51

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 4th day of September, 2012, by the following votes:

AYES: Council Members Lieber Wile, Thomsen, Vice Mayor Atkinson and Mayor Javandel

NOES:

ABSENT:

ABSTAINED:

RECUSED:

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 5th

Day of September, 2012.

Eileen Harrington

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.