

To: Mayor and City Council  
From: Alison Foulis, City Clerk  
Subject: **Adopt resolution supporting Proposition 54**

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**Recommended Motion/Item Description**

Adopt the resolution as part of the Consent Calendar.

**Background**

The League of California Cities has recommended cities adopt a resolution in support of California Proposition 54, the Public Display of Legislative Bills Prior to Vote proposition, which will be on the November 8, 2016, ballot in California as a combined initiated constitutional amendment and state statute. This measure would prohibit the Legislature from passing legislation until it has been in print and published online for at least 72 hours prior to the vote unless it is a case of public emergency. The Legislature would also be required to record all proceedings (except closed sessions) and make them available online. The full text of the proposition can be viewed online at: [https://www.oag.ca.gov/system/files/initiatives/pdfs/15-0083%20\(Legislature%20Transparency\)\\_0.pdf](https://www.oag.ca.gov/system/files/initiatives/pdfs/15-0083%20(Legislature%20Transparency)_0.pdf)

**Findings**

Proposition 54 will improve the transparency of California’s legislative process. Last-minute bills and amendments can often be harmful to local agencies and communities. Complex measures are often passed before members of the Legislature have any realistic opportunity to review or debate them, resulting in ill-considered legislation.

The opportunity for an orderly and detailed review of bills by the public, the press, and legislators will result in better laws, while thwarting political favoritism and power grabs. Additional access for the public to recordings of legislative proceedings will enhance transparency and accountability as well.

**Recommendation**

Adopt the resolution as part of the Consent Calendar.

**Attachments**

- Resolution
- Yes on Prop 54 Fact Sheet

**CITY OF BELVEDERE**

**RESOLUTION NO. 2016-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE  
SUPPORTING PROPOSITION 54, THE CALIFORNIA LEGISLATURE  
TRANSPARENCY ACT**

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**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 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. 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 (excluding closed session meetings), and allows all recordings of public proceedings to be used for any legitimate purpose.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Belvedere does hereby support Proposition 54, the California Legislature Transparency Act.

**BE IT FURTHER RESOLVED** that the City will join the Yes on 54 coalition.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Belvedere on \_\_\_\_\_, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:** \_\_\_\_\_  
James Campbell, Mayor

**ATTEST:** \_\_\_\_\_  
Alison Foulis, City Clerk



**Endorsements:**

- League of Women Voters of California
- California State Conference of the NAACP
- California Common Cause
- Californians Aware
- League of California Cities
- First Amendment Coalition
- California Forward
- California Chamber of Commerce
- California Black Chamber of Commerce
- California Business Roundtable
- NFIB California
- La Raza Roundtable de California
- Latin Business Association of California
- Hispanic 100
- Howard Jarvis Taxpayers Association
- California Taxpayers Association
- Small Business Action Committee
- Los Angeles Area Chamber of Commerce
- San Francisco Chamber of Commerce
- Fresno Chamber of Commerce
- San Jose/Silicon Valley NAACP
- Monterey County Business Council
- Valley Contractors Exchange
- The R Street Institute

*\*Partial List*

**GIVE POWER BACK TO VOTERS, NOT THE SPECIAL INTERESTS**

Proposition 54 would rein in the special interests, give voters more access to the legislative process, and make sure legislators are working for the voters, not the special interests.

***Special interests have too much influence in the Legislature***

Special interests at the State Capitol routinely make last-minute changes to legislation to push through political favors without public comment or discussion. Hundreds of pages of legislation are drafted behind closed doors, dropped onto lawmakers’ desks, and put to an immediate vote before anyone can read it. This creates reckless legislation benefiting a few special interests at the expense of voters.

Also, although the State Constitution says legislative meetings are supposed to be open to the public, few people are able to attend those meetings in person. Many proceedings go completely unobserved by the public and press, often leaving no record of what was said. These off-the-record meetings only benefit the lobbyists paid to strike backroom deals while the public interest is cut out of the process.

***Proposition 54 would give power back to the voters***

Proposition 54 would restore legislative transparency and level the playing field for the average voter to hold politicians accountable – by doing three things:

***1. Each bill must be in print and posted online for at least 72 hours before it may pass out of either house***

This 72-hour notice period would give legislators time to review the legislation, hear from their constituents, and be held accountable for the votes they ultimately cast.

The initiative would prohibit any bill from being passed by either house of the Legislature until it has been printed and posted online for at least 72 hours. The bill must be printed and posted in its final form before being voted on by either house, so that all amendments to the bill are made public for at least 72 hours before any floor vote.

This would end the practice of special interests sneaking new legislation through the process without public comment or review. And by bringing new legislation out into the light of day, this initiative would deter political favoritism and allow a responsible evaluation of new policies before they become law.

The initiative would even specify that, if either house breaks the 72-hour rule by passing a bill without 72 hours' notice, then the bill cannot become a statute.

The initiative allows exceptions to the notice period for cases of emergency when legislation is needed immediately.

**2. *Requires the Legislature to post online a video record of every legislative meeting that is supposed to be open to the public***

The initiative would require the Legislature to post a complete video record of each meeting within 24 hours of the meeting's adjournment, allowing citizens to watch legislative meetings and keep informed. The videos would be kept online, freely available for public viewing, for at least 20 years. This would become a valuable resource for the public, the press, and the academic community.

Hundreds of local governments already do this. So why can't the State Legislature?

Any costs of making or keeping these videos would be absorbed by the Legislature's existing budget so there would be no impact on taxpayers. And these costs would be minor, according to the nonpartisan Legislative Analyst, comprising less than one-percent of the Legislature's existing budget. Plus the Legislature's budget is projected to grow independently next year by enough to easily absorb the costs of this initiative without compromising the level of resources currently available to lawmakers.

**3. *Allows all individuals to create and share their own recordings of legislative proceedings***

In addition to creating an official video record, this initiative would guarantee the right of all individuals to freely make their own recordings of any legislative meeting that is supposed to be open to the public, and share the video with any members of the public who are interested. This has been allowed in meetings of city councils and other local boards for years – So why can't the State Legislature catch up?

This initiative would liberate the potential of basic modern technology to hold the Legislature accountable for its actions (and its required recording of those actions) and give all citizens the tools they need to be informed and participate in the political process.

By enacting these commonsense reforms, Proposition 54 would ensure legislative proceedings are conducted fairly and openly, and enable the public to observe and share what is happening in the Legislature so citizens may more fully participate in the political process.