

CALIFORNIA BROWN ACT

L. PARLIN 8/30/16
OPEN FORUM

PREAMBLE :

"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 do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

CHAPTER V.

RIGHTS OF THE PUBLIC

§54954.3 Public's right to testify at meetings. (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body.

As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body. Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (Leventhal v. Vista Unified School Dist. (1997) 973 F. Supp. 951; Baca v. Moreno Valley Unified School Dist. (1996) 936 F. Supp. 719.) These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.

Where a member of the public raises an issue which has not yet come before the legislative body, the item may be briefly discussed but no action may be taken at that meeting. The purpose of the discussion is to permit a member of the public to raise an issue or problem with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or schedule the matter for a future meeting. (§ 54954.2(a).)

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August 30, 2016

To: El Dorado County Board of Supervisors
EDC Clerk to the Board

CAO Don Ashton
County Counsel Paula Franz

CA PUBLIC RECORDS ACT REQUEST

The preamble to the CA Brown Act states,

"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 do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain the following:

1. Copies of all EDC policies, procedures, resolutions, laws, ordinances, regulations and statutes relevant to the methods used for scheduling a meeting with an elected representative and/or department head for the purpose of obtaining accurate information or resolving citizen concerns.
2. Included in this request please identify specific EDC policies, procedures, resolutions, laws, ordinances, regulations and statutes that would delineate the circumstances or right of civic servants to refuse to respond publicly to citizen inquiries and/or requests for information during BOS or any other public meeting regulated by the CA Brown Act.

If no such document exists, or if you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the specific legal authorities on whom you rely.

To avoid unnecessary costs of duplication, electronic copies are acceptable and may be emailed to loriparlin@sbcglobal.net. It is requested that your determination be made within **10 days** as stipulated within the California Public Records Act, **Government Code 6253(c)**.

Thank you for your compliance and timely response.

Sincerely,

Lori Parlin