

Proposition 42
SCA 3. (Resolution Chapter 123, 2013), Leno. Public Information.

Yes/No Statement

A **YES** vote on this measure means: The state would not be required to pay local governments for costs to follow state laws that give the public access to local government information.

A **NO** vote on this measure means: The state would still be required to pay local governments for certain costs of providing public access to local government information.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact

- Reduced state payments to local governments in the tens of millions of dollars annually.
- Potential increased local government costs of tens of millions of dollars annually from possible additional state requirements on local governments to make information available to the public.

Ballot Label

Fiscal Impact: Reductions in state payments to local governments in the tens of millions of dollars annually. Potential future costs on local governments in the tens of millions of dollars annually.

BACKGROUND

California Has Thousands of Local Governments. Californians receive services from thousands of local governments—counties, cities, school and community college districts, and special districts (such as fire districts, flood control districts, and water districts). Each local government has a local governing body (such as a city council or county board of supervisors) that makes decisions about its programs, services, and operations.

Public Access to Local Government Information. The State Constitution requires that meetings of governing bodies and writings of public officials and agencies be open to public scrutiny. Two state laws establish rules local governments must follow to provide public access to local government information and meetings.

- *California Public Records Act.* This law allows every person to inspect and obtain copies of state and local government documents. It requires state agencies and local governments to establish written guidelines for public access to documents and to post these guidelines at their offices.
- *Ralph M. Brown Act.* This law governs meetings of the governing bodies of local governments. It requires local governing bodies to provide public notice of agenda items and to hold meetings in an open forum.

State Payments for Public Records and Brown Act Costs. Over the years, the Legislature has modified the Public Records Act and Brown Act from time to time. Some of these changes have increased local government responsibilities and costs. The state generally must pay local governments for their costs when it increases their responsibilities—a requirement that state officials consider when reviewing proposals that increase local government costs. Under current

law, the state must pay local governments for their costs to implement certain parts of the Public Records Act (such as the requirement to assist members of the public seeking records and to tell individuals seeking records whether the records can be provided). The amount of money the state owes local governments for their Public Records Act costs is not known yet, but is estimated to be in the tens of millions of dollars annually. In addition, the state previously has paid local governments for their costs resulting from certain parts of the Brown Act. However, California voters amended the State Constitution in 2012 to eliminate the state's responsibility to pay local governments for these Brown Act costs.

PROPOSAL

This measure:

- Adds to the State Constitution the requirement that local governments follow the Public Records Act and the Brown Act.
- Eliminates the state's responsibility to pay local governments for their costs related to these laws. (As noted above, state responsibility to pay for local Brown Act costs was eliminated in 2012.)

The measure applies to the current requirements of these laws, as well as any future changes to either law that are made to improve public access to government information or meetings.

FISCAL EFFECTS

Effect on State Costs and Local Revenues. By eliminating the state's responsibility for paying local government costs to follow the Public Records Act, the measure would result in savings to the state and comparable revenue reductions to local governments. The impact is likely in the tens of millions of dollars a year.

Potential Effect on Local Costs. The measure could also change the future behavior of state officials. This is because under Proposition 42, the state could make changes to the Public Records Act and it would not have to pay local governments for their costs. Thus, state officials might make *more* changes to this law than they would have otherwise. In this case, local governments could incur **additional costs—potentially in the tens of millions of dollars annually in the future.**