

CLIENT NEWS BRIEF

Proposition 42: The State Can Refuse to Reimburse Local Agencies for Compliance with Mandatory Provisions of Open Meeting Laws

A recently passed voter initiative mandates compliance with the Brown Act and the Public Records Act even if compliance is not reimbursed by the state. A 2004 initiative, Proposition 59, made compliance with California's open meeting laws, including the Brown Act and the California Public Records Act (PRA), a matter of constitutional right, and mandated that those laws be broadly construed in furtherance of the public's "right of access to information concerning the conduct of the people's business." Now Proposition 42, approved by the voters on June 3, 2014, expands upon that constitutional mandate by making compliance with both the Brown Act and PRA mandatory even if the State Legislature suspends reimbursable mandates for compliance with those laws.

There have been a few occasions in the past where the Legislature suspended, or threatened to suspend, certain mandates under the Brown Act or PRA in order to save the costs of reimbursing local agencies for compliance with those mandates. Although reimbursement from the State has been effectively non-existent for some time now, with the approval of Proposition 42, it is now clear that local governments must comply with the Brown Act and PRA even when there is a funding dispute between the State and local governments.

Proposition 42 increases the importance of compliance with both the Brown Act and PRA, continuing the trend started in 2004 and once again emphasizing that the people of the State of California have a right to know what their local agencies are doing. However, it is important to note that Proposition 42 does not take away a public agency's ability to recover its direct costs of duplication from the party requesting records.

If you have any questions about compliance, including public meeting agenda preparation and responding to Public Records Act requests, please contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).

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David J. Wolfe
Partner and Local Government /
Municipal Law Practice Group Co-Chair
Fresno Office
dwolfe@lozanosmith.com



George J. Vasquez
Associate
Fresno Office
gvasquez@lozanosmith.com



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