



**SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
STAFF REPORT**

Item No.

8

Meeting Date: **SEPTEMBER 6, 2012**

Subject:

Adherence to the provisions of the Ralph M. Brown Act as incorporated by reference in Authority Policy 1.30(4), During the State of California's Three-Year Suspension of State Mandates as Contained in Assembly Bill 1464 and Senate Bill 1006 (The Budget Act of 2012)

Recommendation:

Adopt Resolution No. 2012-0090, approving adherence to the provisions of the Ralph M. Brown Act, as incorporated by reference in Authority Policy 1.30(4), including those suspended by the State in the Budget Act of 2012.

Background/Justification:

On June 27, 2012, AB 1464 was signed into law by Governor Brown and contains a schedule of state mandates that were suspended during the 2012-2013 budget year, including some provisions of the Ralph M. Brown Act. The same day, the Governor signed Senate Bill 1006, amending Section 17581 of the Government Code by adding the following language: "All state-mandated local programs suspended in the Budget Act for the 2012-13 fiscal year shall also be suspended in the 2013-14 and 2014-15 fiscal years". It is believed that the suspension of the State mandates for a three year period is a result of the State's dire fiscal condition.

The portions of the Ralph M. Brown Act that were suspended include:

- The preparation and posting of, at least 72 hours before a regular meeting, an agenda that contains a brief general description of each item of business to be transacted or discussed at the meeting.
- Inclusion on the agenda of a brief general description of all items to be discussed in closed session.
- Disclosure of each item to be discussed in closed session in an open meeting, prior to any closed session.
- Report in open session prior to adjournment on the actions and votes taken in closed session regarding certain subject matters.
- Provide copies to the public of certain closed session documents.

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Staff is requesting that the Board provide direction to staff regarding continued adherence to the provisions of the Ralph M. Brown Act, as codified in the Authority's Policy 1.30(4), in order to ensure that meetings are open and transparent to the public.

Fiscal Impact:

Not Applicable.

Authority Strategies:

This item supports one or more of the Authority Strategies, as follows:

Community Strategy Customer Strategy Employee Strategy Financial Strategy Operations Strategy

Environmental Review:

- A. This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. Section 15378. This Board action is not a "project" subject to CEQA. Pub. Res. Code Section 21065.
- B. California Coastal Act Review: This Board action is not a "development" as defined by the California Coastal Act Pub. Res. Code Section 30106.

Equal Opportunity Program:

Not Applicable.

Prepared by:

TONY R. RUSSELL, DIRECTOR
CORPORATE SERVICES/AUTHORITY CLERK

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RESOLUTION NO. 2012-0090

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY APPROVING ADHERENCE TO THE PROVISIONS OF THE RALPH M. BROWN ACT AS INCORPORATED BY REFERENCE IN AUTHORITY POLICY 1.30(4), INCLUDING THOSE SUSPENDED BY THE STATE IN THE BUDGET ACT OF 2012

WHEREAS, Assembly Bill 1464 (the "Budget Act of 2012") and accompanying Senate Bill 1006, signed by Governor Brown and filed with the Secretary of State on June 27, 2012, suspend specific unfunded mandates under the Brown Act during the three fiscal years 2012-2013 through 2014-2015; and

WHEREAS, San Diego County Regional Airport Authority adheres fully to all the provisions of the California Ralph M. Brown Act ("Brown Act;" Government Code § 54950 *et seq.*), commonly known as the state law governing open meetings for local legislative bodies; and

WHEREAS, the specific provisions of the Brown Act impacted by the Budget Act of 2012 include the following:

- Preparation and posting, at least 72 hours before a regular meeting, an agenda that contains a brief general description of each item of business to be transacted or discussed at the meeting. (See Gov. Code § 54954.2(a).)
- Inclusion on the agenda of a brief general description of all items to be discussed in closed session. (See Gov. Code § 54954.2(a).)
- Disclosure of each item to be discussed in closed session in an open meeting, prior to any closed session. (See Gov. Code § 54957.7 (a).)
- Report in open session prior to adjournment on the actions and votes taken in closed session regarding certain subject matters. (See Gov. Code §§ 54957.1(a)(l)-(4), (6); 54957.7 (b).)
- Provide copies to the public of certain closed session documents. (See Gov. Code § 54957.1 (b)-(c).)

WHEREAS, the Board of the San Diego County Regional Airport Authority desires that the Authority continue to adhere to and comply with all Ralph M. Brown Act provisions incorporated by reference in Authority Policy 1.30(4).

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NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves continued adherence to all provisions of the Ralph M. Brown Act during the State of California's three-year suspension of state mandates as contained in the Budget Act of 2012; and

BE IT FURTHER RESOLVED that the Board reaffirms its commitment to adhere to Authority Policy 1.30(4), which incorporates by reference, all provisions of the Ralph M. Brown Act; and

BE IT FURTHER RESOLVED that the Board finds that this Board action is not a "project" as defined by the California Environmental Quality Act (CEQA) Pub. Res. Code Section 21065; and is not a "development" as defined by the California Coastal Act Pub. Res. Code Section 30106.

PASSED, ADOPTED AND APPROVED by the Board of the San Diego County Regional Airport Authority at a special meeting this 6TH day of September, 2012, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL