

Transparency, Public Access & Trust

*Keeping Local Government Open &
Accessible Through Social
Distancing*



Wednesday, April 1, 2020



Thank You for Joining!

Webinar Host & Moderator

Melissa Kuehne

Program Manager

Institute for Local Government



Webinar Overview

Many local governments across the state have issued shelter in place orders and closed their physical doors to the public.

As such, local leaders are grappling with the implications of closed offices on open meetings, public records requests and other operations.

Today's webinar will provide an overview of new legal guidelines and useful tips for how to navigate and comply with the current requirements in an ever-changing environment while maintaining public access and trust.

Today's Agenda

Welcome & Overview

About ILG

Presentations by:

- Michael Maurer, Partner, Best Best & Krieger
- Randi Johl, Legislative Director/City Clerk, City of Temecula

Q&A

Contact Information

How to Ask a Question During the Webinar

- All webinar participants will be on MUTE during the entire call.
- Please TYPE any questions into the question box at any time during the webinar.
- The moderator will read your questions during the question period at the end of the webinar.



Non-Profit, Non-Partisan & Here to Help

ILG is the non-profit training and education affiliate of...



**California Special
Districts Association**
Districts Stronger Together



We provide practical and easy-to-use resources so local agencies can effectively implement policies on the ground.

ILG's Programs & Services



Our mission is to help local government leaders navigate complexity, increase capacity & build trust in their communities

ILG's FREE Resources on These Topics

COVID-19

- www.ca-ilg.org/COVID-19
- Local Government Resources
- State and National Resources
- Executive Orders
- Tools and Training Opportunities
- Local Government Response

Ethics

- www.ca-ilg.org/ethics
- AB1234 Training Opportunities
- Publications on the Brown Act, Political Reform Act, Form 700 Filing and more

Leadership & Governance

- www.ca-ilg.org/leadership
- Information and resources on effective councils, decision-making, responsibilities and powers and more

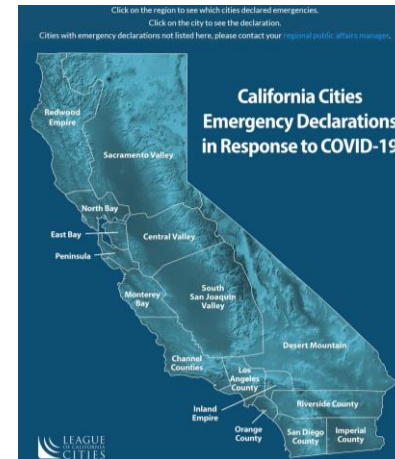
The COVID-19 Pandemic

As of March 30, 2020, there are a total of 6,932 positive cases and 150 deaths in California.

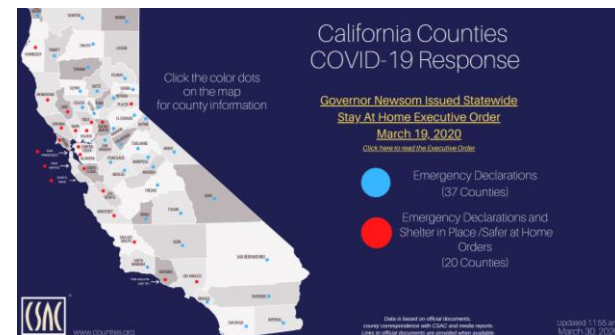
Ages of all confirmed positive cases:

- Age 0-17: 73 cases
- Age 18-49: 3,529 cases
- Age 50-64: 1,765 cases
- Age 65 and older: 1,531 cases
- Unknown/Missing: 34 cases

Stay Home Except for Essential Needs Order – March 20, 2020



www.cacities.org/Regions/California-Cities



www.counties.org/carousel/resources-regarding-coronavirus-covid-19

Today's Presenters



Randi Johl

Legislative Director/City Clerk
City of Temecula

*Also ILG Board Member & LCC
Board Member*



Michael Maurer

Partner
Best Best & Krieger



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Stay-at-Home and Social Distancing Orders

Local Government remains open as an essential service

Operations change, but the important values remain the same:

- Transparency
- Ethics
- Responsiveness
- Public Involvement

Stay-at-Home and Social Distancing Orders

Key areas to consider:

- Public Meetings (Brown Act)
- Public Records
- Conflict of Interest Laws
- Other In-Person Public Services

Public Meetings (Brown Act)

- **Executive Orders suspend teleconference rule**
- **Requirements for Teleconference Meetings:**
 1. Public can “observe and address”
 2. Notice is timely posted
 3. Notice says how public can comment
 4. Reasonable accommodations provide
- **POLL: How is your agency enabling public comments?**

Public Meetings (Brown Act)

Other Considerations:

- Must Take Roll Call Votes
- Meeting Decorum/Procedures
- Executive Order on COVID-19 update briefings

Public Records Act

- **To date, Governor has not suspended Public Records Act**
 - Responses still due within 10 days from when a request is received
 - Extensions?
 - Production?
- **Best Practices**

Conflicts of Interest

Ethics rules
still applicable.

- How do you declare a conflict in a telephonic or electronic meeting?

Form 700 filing
deadline →
June 1

Best Practices During COVID-19 Emergency

Remember - this is unprecedented; we can only do our best

Show good faith if operational changes are made

- Is the change serving the public interest?

Have a (electronic) paper trail

- Be transparent and open; and document your good faith

Consider what can be done electronically rather than in person and what requires face-to-face interactions

- Uniform Electronic Transactions Act (Civil Code sections 1633.1, et seq.)

The Brown Act

- **Agenda Language**
- **Noticing**
- **Conducting the Meeting**
 - **Social Distancing**
 - **Technology**
 - **Public Comments**
 - **Scripting**
 - **Outreach**



The Public Records Act

- **Physical / Electronic Receipt**
- **Inspection of Records**
- **Production**
 - Acknowledging Receipt
 - Email / Website Language
 - Technology
 - Outreach



The Political Reform Act

- **Statements of Economic Interest (Form 700)**
- **Campaign Disclosure Forms**
- **Miscellaneous**



Questions & Answers



Stay Connected



Thank You!

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