

OBSERVER CORPS TRAINING

February 26, 2022

Observing Your Government in Action

Protecting Your Right to Know





OBSERVER CORPS PROGRAM TRAINING

AGENDA

SYC Student Warm-up and Introductions	SYC
Director	
1. WELCOME and Program Overview	Alice
2. DIRECT INSTRUCTION	
a. The laws that give us the “right to know” and 10 exemptions from disclosing matters in open meeting	Niles
b. League’s Observing Rules of Engagement	Helen
c. Selecting government office/agency/council to observe, and	
d. What observers monitor	Sandy
e. What to do with collected information	Helen
f. LWVSC OCP – Proposed Structure	Alice
g. Role Play—Attend and observe mock Suisun City Council Meeting	
h. Summary—Review—Observer Checklist	Alice
3. CLOSING REMARKS	Alice



Syllabus

League of Women Voters Solano County (LWVSC) Observer Corps Program (OCP) Training

What is an Observer Corps?

The League of Women Voters has been a champion of government transparency and accountability since its founding in 1920, thereby the creation of the League **Observer Corps Program (OCP)**. The OCP is a structured way for individuals to exercise their *right to know* as stipulated in the nation's access laws—the Freedom of Information Act (FOIA) and its follow-up laws, the Federal Advisory Committee Act of 1972; and the Sunshine Act of 1976; the California Brown Act of 1953; and the California Records Act of 1968.

“Sunshine” or openness in government, is a League priority. In its grassroots organizations across the country, members are working to protect the right of citizens to know—not only by viewing government documents, pursuant to federal government as defined in the FOIA, but also by attending local government meetings such as City/Town Council meetings, School Board meetings, City Planning/Zoning meetings, Parks and Recreation Department meetings, Health Department meetings, and more, afforded to states and local governments in the Sunshine Act.

The LWVSC Observer Corps Program will focus on the access to government meetings granted in the Ralph M. Brown Act that solely applies to California. The California Brown Act gives Californians the “sunshine” or access that enables firsthand knowledge about what local government is doing for community development and protection, and to monitor whether those meetings are conducted in an open and transparent way.

Objective: LWVSC to provide and protect Solano County residents’ public access to information—*their right to know*—to provide Solano citizens a way to engage actively in the government process to make their lives and their communities stronger, integral to the health of our democracy; and to increase participation in the League.



Goals:

- a) Create a civically engaged and empowered citizenry;
- b) Inform individuals about community issues and the government laws and policy solutions proposed to solve them;
- c) Promote open, transparent and accountable government; and
- d) Connect elected/appointed officials with constituents.

Focus:

- a) To provide Observer Corps members general information on how to promote transparency and accountability efforts to increase citizen engagement in the government process as well as participation in League activities.
- b) To provide Observer Corps members specific protocols and conduct codes to uphold when observing a government meeting that exemplifies the civility and integrity that is fundamental to the League's mission, success, and legacy.

Program Description:

This training program emphasizes the need, as well as ways and means for League members to effectively observe local government and administrative meetings including how to communicate/share findings facilitate and sustain a healthy democracy for all.

Members will gain insights into:

- 1) The Federal Sunshine Act of 1976 which gives all 50 states and the District of Columbia public access to government meetings; the CA State Brown Act of 1953, which requires California government agencies, boards and councils to conduct business in open and public meetings; and the California Records Act of 1968 that requires government agencies, boards and councils records are available for public inspection.
- 2) How to communicate and perform non-partisan role to members observing office/agency/council meetings so as **not** to be perceived in a negative light.
- 3) The offices/agencies/councils to monitor and those that are exempt.

4) What observers will be monitoring:

Process and protocol: Who is there? How is the meeting being conducted? Where and what time is the meeting being held?

Content: Agenda—what issue(s) are being discussed? Was an action proposed or approved? Does action relate to any of the League’s priorities or positions? What or whether follow-up action is required?

5) OCP infrastructure to include: Directing activities of observers; reviewing agendas prior to monitoring; provide observers with necessary tools, i.e. reporting forms, information on relevant review organization’s public policy positions; recommending agencies/offices to be monitored to leadership; reviewing observer reports to recommend (or not) possible follow-up; recruiting and training new observers.

6) Resources and Materials to be effective observers. [Sandy add URLs]

Reporting Form (*Eden Format*)

List of Government Office/Agency Websites to access: official names, positions, contact info, etc., agendas and minutes; meeting dates, time and place; information and data on office/agency positions and policies.

List of League Positions and Priorities

The Ralph M. Brown Act of 1953

7) What to do with information collected:

- a. Share Observer Reports with League leadership, and/or membership via OCP events;
- b. Determine When/How to interact and discuss reports with members of office/agency being observed;
- c. Write Op-Eds and Letters to the Editor when warranted;
- d. Give Media Interviews when feasible.

8) Role Play Practice Exercise—Act of attending and observing a **mock** office/agency/council official meeting.

9) Summary—Review—Observer Checklist

OBSERVER CORPS RESOURCES





SUNSHINE LAWS OVERVIEW

NATIONAL SUNSHINE LAWS

The Freedom of Information Act (FOIA) and Government in the Sunshine Act assert the public's right to know in relation to activities of the federal government

Freedom of Information Act (FOIA) 1967,

FOIA has provided the public the right to request access to records from any federal agency. It is often described as the law that keeps citizens in the know about their government. Federal agencies are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement.

Public Law 94-409 94th Congress An Act September 13, 1976

To provide that meetings of Government agencies shall be open to the public, and for other purpose. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Government in the Sunshine Act".

Sec 2 It is hereby declared to be the policy of the United States that the public is entitled to the fullest practicable information regarding the decision making processes of the Federal Government. It is the purpose of this Act to provide the public with such information while protecting the rights of individuals and the ability of the Government to carry out its responsibilities.

Sec 3 Open meetings

Members shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in sub-section (c), every portion of every meeting of an agency shall be open to public observation.



CALIFORNIA SUNSHINE LAWS

The Brown Act (The following is drawn largely from information provided by the Alameda County DA, 11-17-2016, it may vary in other counties/regions)

“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. “ (54950)

The Open Meeting Rule

Meetings are OPEN to the public; exceptions to the rule are limited: all meetings of the legislative body of a local agency shall be open and public, to all persons.

Who is Subject to the Brown Act?

- Any board, commission, committee or other body created by a charter, ordinance, resolution or other formal action of the Board of Supervisors (*or other governing body, e.g. State of California*)
- *Exception: ad hoc committees (other than standing committees) made up of less than a quorum of the body*

What is a “Meeting?”

A meeting occurs whenever a majority of the members of the Commission or of a committee come together at the same time or place (*and discuss/conduct Commission business*)

Meetings: Locations and Time

- Meetings must be within the region of the committee’s base
- Meetings must occur at a time and location set by ordinance, resolution or bylaws

Notice & Agenda Requirements

- Regular meeting agendas must be posted 72 hours in advance of the meeting
- Special meeting agendas require only 24 hours advance notice
- Agendas must describe each item to be considered in enough detail that a person of ordinary intelligence could determine whether the item is of interest
- A body subject to the Brown Act may not discuss or act on items not on an agenda or that are beyond the reasonable scope of the agenda description



ACCESS AND PARTICIPATION IN MEETINGS

• To have meetings open and public with limited exceptions • To have access to all agendas of public meetings and documents distributed to the Legislative Body members • To record the meetings and to inspect any recordings of the meetings made by the agency. • To attend without any condition precedent (i.e., need to register or provide any information).

• The public has the right to address the Commission at any regular or special meeting on any item on the agenda, before conclusion of the discussion or the Commission takes action

Limits on Public Comment • Typically “Up to” three minutes (or other limit set by body) on an item • Reasonable limit on total public comment time on an item • No right to a response from policy body or its members

Closed Sessions

The Brown Act specifically authorizes the Commission to meet in “closed session”. Closed sessions are limited to a few specified circumstances and fact specific:

• Only Commission members and necessary support staff can be present in closed session
Disclosure of closed session discussion or other violation of the Act can result in Criminal Penalties

Exemptions to the Brown Act

(In general, these exemptions apply as long as a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body.)

1. “Individual Contacts”

Individual contacts or conversations between a member of a legislative body and any other person are permitted, as long as the communications do not result in a serial meeting.

2. Conferences and Seminars

Attendance of a majority of the members of a legislative body at a conference or similar gathering is not a meeting subject to the Brown Act if the gathering

- Is open to the public
- Involves discussion of issues related to the legislative body
- A majority of the members do not discuss among themselves specific business within the jurisdiction of the agency



3. Open Community Meetings

The attendance of a majority of members at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency...

4. Meetings of Other Legislative Bodies

The attendance of a majority of the members at an open and noticed meeting of another legislative body, does not become a meeting of the first legislative body.

5. Social or Ceremonial Gatherings

The attendance of a majority of the members at a purely social or ceremonial occasion is not a meeting governed by the Brown Act.

6. Meetings of Standing Committees

The attendance of a majority of the members at an open and noticed meeting of a standing committee of that body is not a meeting of the legislative body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

The California Public Records Act

Requests for public records of public agencies must be made directly to the agency in question. For example, an individual requesting public records from the California Attorney General should submit that request to the attorney general's office. [1]

Purpose and use

California law does not require a statement of purpose when requesting records. However, the law does state that law enforcement may only disclose the "current address of every individual arrested by the agency and the current address of the victim of a crime, if the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator."

Every person has a right to make a public records request:

California law allows a fee to be charged to cover the cost of responding to a public records request, as well as any fees authorized by statute.

The California Public Records Act stipulates that an agency must "make the records promptly available."

Agencies have 10 days to determine if requested records are disclosable, except for unusual circumstances which may extend the response time up to 14 days.



SOLANO COUNTY CITY COUNCIL WEBSITES

Benicia <https://www.ci.benicia.ca.us/>

First and third Tuesdays, 6:00 pm

Dixon https://dixon-ca.granicus.com/ViewPublisher.php?view_id=6

First and third Tuesdays, 7:00 pm

Fairfield

<https://fairfield.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=174&MinutesMeetingID=-1&doctype=Agenda>

<https://www.fairfield.ca.gov/government/city-council/city-councilmembers>

First and third Tuesdays, 6:00 pm

Rio Vista <https://www.riovistacity.com/>

First and third Tuesdays, 6:00 pm

Suisun City <https://www.suisun.com/government/city-council/>

Twice a month, first and third Tuesdays, 6:30 pm

Vacaville <https://www.ci.vacaville.ca.us/city-government/agendas-and-minutes>

2nd and 4th Tuesdays, 6:00 pm

Vallejo <https://www.cityofvallejo.net/cms/One.aspx?portalId=13506&pageId=6501180>

2nd Tuesday, 7:00 pm



SOLANO COUNTY BOARD OF SUPERVISORS

Meets the first, second and fourth Tuesday at 9:00 am. Meetings are recorded.

The following links provide the agendas for the Board of Supervisors, the agendas for the Mental Health Advisory Board and district lookup.

<https://www.solanocounty.com/depts/bos/default.asp>

<https://www.solanocounty.com/depts/mhs/mhab.asp>

https://www.solanocounty.com/depts/rov/district_maps_and_lookup/districtlookup.asp

SCHOOL DISTRICTS

Vacaville Unified School District

<https://go.boarddocs.com/ca/vusdca/Board.nsf/goto?open&id=C4ETBM74DF5C>

Fairfield Unified School District

<https://www.fsusd.org/GoverningBoard>

Dixon Unified School District

<https://www.dixonusd.org/>

Benicia Unified School District

<https://beniciaunified.org/>

Vallejo City Unified School District

<https://www.vallejo.k12.ca.us/>

Rio Vista Unified School District

<https://rdusd-ca.schoolloop.com/>



OBSERVER CORPS REPORTING FORM

Agency _____ Date _____

Feature Evaluated _____ Yes No _____

- Did the meeting start on time?
- Were all members present?
- Were members attentive?
- Were members prepared?
- Were members courteous to each other and the Public?
 - Were Brown Act requirements followed?
 - Agenda sent/posted 72 hrs before the meeting?
 - Agenda items clearly described what was being discussed.
 - Adequate opportunity for public input?
 - Was background information available to the Public?
- Were any agenda issues relevant to any LWV state or local positions or programs
- Do you recommend LWVSC action on any issue on agenda?
- Other Concerns:

Observer: _____

Report should be submitted to OC Coordinator before next LWVSC Board Meeting. Attach agency agenda, if possible.



OBSERVER CHECKLIST

Before

Review agenda of government body or bodies you're interested in observing.

Confirm the meeting date, time and location.

View government body's website, social media and news to brush up on its issues and actions of interest.

During

(Optional) Introduce yourself to government officials and people attending if you are attending as LWVSC member. (Wear identifying badge)

Pay attention!

Take Notes. Look for answers to Observer Report questions.

(Optional) Live-post to social media. (LWV Solano Facebook, Instagram pages)

After

Submit your report to LWVSC Observer Corps Coordinator. (Make sure you get confirmation of receipt.)

(OC Coordinator) Share report with LWVSC Leadership then online with LWVSC membership for feedback and next steps.

(LWVSC) Determine if report should be shared with government officials who were observed and/or whether or not further action is required.