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Open Government

A body of law that promotes transparency, accountability, and public engagement in government.

“Implicit in the democratic process is the notion that government should be accountable for its actions. In order to verify accountability, individuals must have access to government files. Such access permits checks against the arbitrary exercise of official power and secrecy in the political process.”

--California Supreme Court, *Sierra Club v. Orange County* (2013)

Sacramento needs a Sunshine Law that includes the highest standards of transparency.

What is Open Government?

In a democracy, citizens have a right to know what their government does, how decisions are made, and how to make their voices heard. Open government is the governing doctrine which holds that citizens have the right to access government documents to allow for effective public oversight. Open Government means proactive disclosure of timely, useful public information that empowers the citizens to take action and helps individuals and organizations to effect positive change in their communities. In an Open Government elected officials, boards, commissions, councils and other agencies of the city exist to conduct the people's business. Open government laws assure that the deliberations of these bodies and the city's operations are in full view of the public. This is fundamental to democracy. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret. The three core principles of open government are transparency, public engagement, and accountability.

Open Government Principles

I. Transparency. Transparency in government promotes accountability and provides information for citizens about what their government is doing. Appropriate action, consistent with law and policy, must be taken to disclose information rapidly in forms that the public can readily find and use. City officials, city boards, commissions, departments and agencies should harness new technologies to put information about their operations and decisions online and readily available to the public.

All information, all public bodies. Government is the custodian of an enormously valuable resource: the data collected, the records produced, and the communications that take place in day-to-day operations. This knowledge belongs to the people. The City must publish this information electronically as Open Data that can be used, modified, and shared by anyone for any purpose, without restriction on reuse.

Right to Know and Access Public Records. The public has a fundamental right to access information and records, with limited exceptions, which the city shall make available on its website and in response to public requests.

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Email Retention. Emails involving city business shall be retained for a minimum of 10 years. All communications involving city business shall be conducted on city provided devices and accounts. Any communications concerning city business conducted with private accounts and devices shall be deemed public records, subject to state and local public record laws.

Follow the money. Every citizen has a right to know how their tax dollars are spent. Effective budget processes are inclusive, transparent, and efficient. All financial information shall be accessible online including data detailing financial reports, public financing and debt, proposed and adopted budgets, contracts and agreements with third parties, pension fund management, employee compensation, and the city's checkbook. Negotiations for city contracts—including, but not limited to those related to services, capital, labor, supplies, loans and bonds—shall be subject to the greatest degree of transparency permitted by law and include meaningful and timely disclosures to the public regarding the costs to taxpayers of such proposals.

II. Public Engagement. Public engagement enhances the Government's effectiveness and improves the quality of its decisions. City government and agencies should offer the public increased opportunities to participate in policymaking and to provide their government with the benefits of their collective expertise and information. The Ralph M. Brown Act sets forth minimum standards for public participation at government meetings. Under the Act, local governments can adopt rules that provide access to public meetings that exceeds the prescribed minimum. Increasing citizen participation promotes engagement and lends legitimacy to the decision-making process. **Sacramento needs an Open Government Law that increases public access to government.**

Openness. Impediments to participation must be removed. Openness helps to ensure that the decision-making process is not captured by special interests. The City should widely promote opportunities to participate in policy-making, especially to those who will be most impacted by the proposed legislation.

Ad hoc Committees. Any ad hoc committee created by the mayor, city council, city board or commission, city department directors and division managers for the purposes of discussing public policy, shall be subject to all state and local open meeting laws.

Clear and reasonable timelines and notice. The deliberation of public policy must ensure notice—greater than 72 hours—to allow interested parties to learn about the meeting, review materials, prepare input, and submit commentary.

Clear and comprehensive information. The City shall take affirmative steps to ensure that all documents available and used by officials in scheduled public meetings shall, concurrently, be disseminated and made available to the public.

Public Comment. The rules and regulations on engaging in public meetings should be made clear and public, along with timeframes and how comments may be submitted. Speaker time limits at public meetings should be increased to three minutes. Speakers should be allowed to allocate any part of their allotted time to another speaker. To encourage participation, a thirty minute period should be set aside for the public to speak at the beginning of the meeting.

III. Accountability. The public needs to know not only whether government funds are handled properly and in compliance with laws and regulations, but also whether public programs are achieving the purposes for which they were authorized and funded. An independent City Auditor can provide objective information on the operations of government programs and help ensure full accountability to the public. Accountability also requires a legal framework that allows the city to investigate and reveal charges of discrimination, corruption, mismanagement, and harassment. These internal reporting procedures would encourage employees to raise the alert of any wrongdoing without fear of reprisals. Accountability procedures include genuine and transparent investigations and permit the disclosure of information which is in the public interest but which has not been made public. **Sacramento needs a truly independent City Auditor.**

Independent City Auditor. Currently, the City Council appoints the City Auditor and may remove him or her, at any time, with or without cause. To be effective the City Auditor must have a mandate to provide

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independent assessments and performance audits of city funded services and operations to ensure that they are being managed properly, achieving their objectives and doing so efficiently and effectively. To be truly independent, the City Auditor must be appointed for a term of four years and cannot be removed from office except for cause and by a vote of six members of the City Council.

For More Information, visit: www.EyeonSacramento.org.

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