

June 23, 2015
[DRAFT OPEN GOVERNMENT ADMINISTRATIVE POLICY, RESOLUTION or
ORDINANCE]

PUBLIC ACCESS TO MONTEREY COUNTY GOVERNMENT

The Board of Supervisors finds that transparency in the conduct of county business leads to enhanced participation by the electorate and good governance. It establishes this policy [resolution/ordinance] to facilitate public participation, consistent with legally established limitations on public access. This administrative policy [resolution/ordinance] provides for:

- posting select public records, public data sets, and public access laws at a central location—a public access page—on the County website.
- a County website search engine, enabling the public to retrieve information across County Department websites
- posting information on common public inquiries about county services on the County website (FAQs).
- posting regular, public Board of Supervisors’ meeting agendas and materials in advance, on the county website.
- designating a public access assistant to assist the public with questions about access.

This policy [resolution/ordinance] is intended to affirm and enhance existing County practices that provide public access to County government. Its provisions may be amended in the future, as technology and resources permit or to reflect changes in applicable laws. It is to be interpreted and applied consistently with existing public access laws. It does not create new causes of action or legal claims against the County.

Sections:

- I. Existing public access laws; implementation
- II. Website access
- III. Records access
- IV. Meetings access
- V. Public access assistant
- VI. Policy [resolution/ordinance] limitations
- VII. Effective date; implementation

I. Existing public access laws.

The provisions of the California Public Records Act (Government Code section 6250 et seq.), requiring public access to records relating to the conduct of government business, and the provisions of the Ralph M. Brown Act (Government Code section 54950 et seq.), requiring public access to meetings at which local agency business is conducted, apply to the government

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of the County of Monterey. The provisions of this policy [resolution/ordinance] shall be interpreted in a manner consistent with the California Public Records Act and the Ralph M. Brown Act and, in the event of conflict between this policy [resolution/ordinance] and these laws, the latter shall prevail.

II. Website access.

The County of Monterey website shall include a public access page comprised of:

- A. A copy of the California Public Records Act.
- B. A copy of the Ralph M. Brown Act.
- C. A copy of this policy [resolution/ordinance].
- D. A copy of ordinances and resolutions adopted by the Board of Supervisors of the County of Monterey, posted within ten (10) calendar days after formal adoption.
- E. A copy of meeting agendas and associated materials for regular, public meetings of the Board of Supervisors, as specified in section IV, subsection B.
- F. Links to public documents and public data sets currently available on individual department websites.
- G. FAQs: A series of hypothetical questions and answers designed to address inquiries frequently posed by the public about County services.

The County of Monterey website shall also contain a search engine that assists the public with retrieving, by on-line inquiry, information and records posted by County Departments on County Department websites. The search engine shall operate on County Department websites that are hosted on County servers.¹

III. Records access.

Specified public records shall be made available to the public through the County of Monterey website, as provided in section II, subsections A through F.

IV. Meetings access.

A. Agenda statements. Agendas of regular, public meetings of the Board of Supervisors shall cite to the California Public Records Act, the Ralph M. Brown Act, and this policy [resolution/ordinance] to advise the public regarding access to County government. These agendas shall provide contact information for the public access assistant, described in section V.

B. Website posting. Ninety-six (96) hours before regular, public meetings of the Board of Supervisors, agendas and associated meeting materials shall be posted on the public

¹ This policy [resolution/ordinance] acknowledges that the search engine specified may not function on linked, third-party websites or on Monterey County Department websites hosted by independent vendors. This policy [resolution/ordinance] also acknowledges that contractual, internet security, or other legal barriers may pose a bar to implementation of a search engine on these non-County websites.

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access page of the County of Monterey website. The ninety-six (96) hour period includes weekends. Notwithstanding this requirement, agendas and meeting materials may, in the discretion of the County, be supplemented, withdrawn, or otherwise amended after initial website posting, consistent with existing public access laws.

V. Public access assistant.

With the approval of the Board of Supervisors, the County Administrative Officer shall designate a member of the county workforce to serve as a public access assistant. This individual shall assist the public with questions regarding the California Public Records Act, the Ralph M. Brown Act, and this policy [resolution/ordinance]. The public access assistant shall work cooperatively with inquiring members of the public and the appropriate County Department or County legislative body to facilitate access.

VI. Policy [resolution/ordinance] limitations.

This policy [resolution/ordinance] does not create a cause of action or legal claim, including a claim for attorneys' fees, that is separate from or additional to a cause of action or legal claim under the California Public Records Act or the Ralph M. Brown Act.

Website postings of meeting agendas and materials, pursuant to section IV, subsection B, are made available for the public's convenience only. They are subject to time, administrative, and technical constraints; are considered informal and advisory in nature; and thus may vary from formal meeting agendas and materials.

Nothing about the public access assistant's efforts on behalf of the public, pursuant to section V, may be relied upon by any party in litigation or other legal proceedings.

VII. Effective date; implementation.

This policy [resolution/ordinance] shall become effective on _____.
County Departments are expected to comply with its terms no later than _____,
unless the Board determines that good cause exists for later implementation.

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