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An Open-Minded Government

It is hard for the public to believe that the minds of their elected officials are open when their bodies are not even present.

By Donna Frye

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Tuesday, July 25, 2006 | I remember back in the mid-1990s when I began attending the San Diego City Council meetings as a member of the public. At first it was a nerve racking experience because it usually began with the long wait for my docket item to be called, followed by what felt like a long walk to the podium to give my three minutes of testimony, and finally the long wait to see how the vote came out.

As I became more accustomed to what I soon dubbed "going through the drill," I realized that many of the city councilmembers were not paying much, if any, attention to my testimony. Some of them left their seats for long periods, which led me to suspect that my testimony wasn't really being heard, and that possibly the minds of the decision makers had been made up long before I showed up to speak.

This seemed rude to me, and I thought that the councilmembers should, at the very least, stay in their seats, if for no other reason than common courtesy. I believed then and still do now, that it was their job to listen to the public and make a decision after the public had spoken, not before. (The Ralph M. Brown Act forbids elected officials from reaching a collective decision on a matter before holding a public hearing.)

After being elected in 2001, I made it a point to remember my experiences as a member of the public and I set about to change the system. To some extent, and with the help of my colleagues, the city of San Diego has reformed many of its open government laws.

In 2004, Councilmember Toni Atkins and I boycotted closed session meetings because we felt that they were not in conformance with state open government laws. We pushed numerous reforms including the requirement that detailed descriptions of all closed session items be provided to the public, and that the public be provided the opportunity to speak on all closed session items. The ultimate goal was to ensure that closed sessions were the exception to the open meeting requirements, not the rule. Although not required by law, we also added a provision that requires all closed session meetings to be transcribed.

Additionally, we established a "Right to Know" committee. Our work resulted in a November 2004 open government ballot measure, which voters approved by over 80 percent. This measure changed the City Charter by making it easier for the public to obtain government documents. The burden is now properly shifted from the public to the government to show there is a real and legitimate need for secrecy before any requested public information is withheld.

Although the city has been moving in the right direction in making government more open and accessible to its citizens, there is always room for improvement. The intent of our state open government law, the Brown Act, is to ensure the accountability of government officials and to enable citizens' oversight of government by keeping decision-making processes as open as possible to public knowledge and participation. The city often fails to meet the spirit of this requirement.

For example, it is common for the City Council to receive important documents very late on Friday afternoon on items we are expected to vote on the following Monday. This makes it almost impossible for the public to participate in a meaningful way. Additionally, it affects the City Council's ability to make an informed decision. If information is not provided in a timely manner, the item should not be docketed. At a minimum, this late information should be available to the public online.

Open government requires common courtesy and an open mind. Therefore, it is reasonable for the public to expect that elected officials will observe the most basic elements of good government by not only attending the meetings, but also staying in their seats until the end of the meeting. Otherwise, it is hard for the public to believe that the minds of their elected officials are open when their bodies are not even present.

Donna Frye is the councilwoman for the 6th Council District of the city of San Diego, which includes the communities of Clairemont, Kearny Mesa, Linda Vista, Mission Bay, Mission Valley and Serra Mesa. She has served on the City Council since June 2001 and was recently re-elected to a second term. E-mail her at DonnaFrye@sandiego.gov. Or, [send a letter to the editor](#).



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