

**IMPORTANT PHONE NUMBERS:**

Benicia City Clerk: 707-746-4201

Benicia City Manager: 707-746-4210

Benicia City Attorney: 707-746-4216

Solano County District Attorney:

Fairfield: 707-784-6800

Vallejo: 707-553-5321

California Attorney General:

800-952-5225 or 916-322-3360

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# Open Government Commission



## City Attorney's Office



THE CITY OF  
**BENICIA**  
CALIFORNIA

*How to appeal the  
denial of a request  
for records or a  
meeting held  
without proper  
notice*

# THE CITY OF BENICIA IS COMMITTED TO OPEN GOVERNMENT

The City of Benicia understands that a well-informed public is essential to good government. To help residents become and stay informed, the City has adopted an Open Government Ordinance to supplement the California Public Records Act and the Brown Act. The Open Government Ordinance requires the City to provide you with most records faster. The Ordinance also requires more advanced notice of public meetings. For example, regular meetings of the City Council, other boards and commissions require 6 days advanced notice. Special meetings require 72 hours. For more details, see the Open Government Ordinance at Title 4 of the Benicia Municipal Code. You may view the code online at [www.ci.benicia.ca.us/](http://www.ci.benicia.ca.us/).

This brochure is designed to give you a brief overview of what to do if you believe you have been improperly denied records or that a meeting was held without enough notice.

FIRST, you should ask to speak with the staff member's supervisor. This is usually the quickest way to resolve disputes.

SECOND, if you cannot or do not want to speak with the supervisor, you may file a complaint with the City Manager. The City Manager will review any material you submit to support your complaint, but will also review material from the appropriate department before making a decision.

THIRD, if you disagree with the City Manager's decision, you may appeal it to either a three-member panel of City Attorneys or to the Open Government Commission. Because the Panel and the Commission may only consider allegations of insufficient meeting notice and improper denials of access to records, either group must first determine whether it may properly hear your complaint before making a decision on the complaint itself.

FOURTH, if your complaint is the proper subject for an appeal, the three-member City Attorney Panel or Open Government Commission will hold a hearing and consider the evidence. After hearing all the evidence, they will decide whether the city's actions were correct or not.

FIFTH, if you disagree with the three-member City Attorney Panel's or the Open Government Commission's decision, you may consider taking the matter to the City Council.

PLEASE NOTE: this brochure only provides a brief overview of the process. It does not contain all the details or time frames for filing an appeal. Please consult the Open Government Ordinance and the related Resolution of the Open Government Commission for details.

PLEASE ALSO NOTE: The Open Government Ordinance does not preclude any remedies you may have under the Brown Act or Public Records Act. In addition, note that the time you have to contest a violation of the Brown Act or the Public Records Act may be shorter than under the Open Government Ordinance.