

LAFCO

Santa Barbara Local Agency Formation Commission

105 East Anapamu Street ♦ Santa Barbara CA 93101

805/568-3391 ♦ FAX 805/647-7647

www.sblafco.org ♦ lafco@sblafco.org

March 6, 2008 (Agenda)

Local Agency Formation Commission
105 East Anapamu Street, Room 403
Santa Barbara CA 93101

Availability of Agenda Materials for Public Review

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission receive this report, consider the staff's proposed procedures and provide direction as appropriate.

DISCUSSION

The Ralph M. Brown Act, California's open government law, applies to LAFCOs as well as local agencies. Among other things, it requires that agendas, staff reports, and other materials be made available to the general public at the same time those materials are provided to the members of the Commission.

Senate Bill 343 (Negrete-McLeod), that becomes effective on July 1, 2008, amends the law to specifically apply to materials that are provided to the Commission after the initial agenda packet, such as late staff reports and correspondence from the public. According to the bill's author, some materials relating to agenda items were not distributed to the public if received less than 72 hours prior to the meeting at which they were to be discussed, leaving little time for public review. The new statute was enacted to address such situations.

The new law will require that if a non-confidential item related to an agenda item is distributed to the Commission less than 72 hours prior to the meeting at which it is to be discussed, the document must be made available for inspection at a public location the agency designates for this purpose "without delay" and no later than when the material is distributed to the Commissioners.

The law will permit posting late-received documents on the agency's website.

Moreover, non-confidential documents distributed during a public meeting must be available for public inspection at the meeting if prepared by the local agency or a member of the agency, or after the meeting if prepared by another agency or person. This is a helpful change, as the Brown Act previously made no distinction between agency documents and materials submitted by members of the public at a meeting. It is rarely practical to copy letters, petitions, photographs and other such materials during a meeting.

We are proposing the following specific procedures to comply with the new law:

- Documents submitted to the Commission less than 72 hours prior to a LAFCO meeting will be made available for public inspection at the County Executive Office public counter, which is where we presently post the public copy of the meeting packet. We will do this as soon as the documents are provided to the members of the Commission.
- When possible we will post last-minute materials to the Commission website. With this in mind we recently purchased an improved multi-page scanner.
- We will amend Commission agendas to include language such as the following:

“Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours in the County Executive’s Office, Fourth Floor, 105 East Anapamu Street, Santa Barbara. Such documents are also available on the Commission website, www.sblafco.org, subject to staff’s ability to post the documents prior to the meeting.”
- Documents related to agenda items provided at the meeting by staff must be available to the public at the meeting. Documents provided by others, including members of the public, can be provided to the public following the meeting.

Although the statute does not take effect until July, we plan to comply as soon as possible so any procedural difficulties can be worked out before there are any legal consequences if there errors.

Please contact the LAFCO office if you have any questions.

Very truly yours,

BOB BRAITMAN
Executive Officer