

LAFCO

Santa Barbara Local Agency Formation Commission

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June 5, 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 direct staff as suggested in this report.

DISCUSSION

This matter was considered by the Commission on March 6 and continued to this meeting for further consideration and possible action.

Senate Bill 343 (Negrete-McLeod) becomes effective on July 1, 2008 and amends the Ralph M. Brown Act, California's open government law which applies to LAFCO as well as local agencies.

This legislative change requires agendas, staff reports, and other materials be made available to the general public at the same time they are provided to the members of the Commission. It applies specifically to materials provided to the Commission after the initial agenda packet, such as late staff reports and correspondence from the public.

- The new law states 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 not later than when the material is distributed to the Commissioners. The law permits posting late-received documents on the agency's website.
- Moreover, non-confidential documents distributed during the 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.

We are recommending 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 where we presently post the public copy of the meeting packet, which is the County Executive Office public counter. We will do this as soon as the documents are provided to the members of the Commission.
- Last-minute materials will be posted whenever possible on the Commission website.
- Documents related to agenda items provided by staff at the meeting will be available to the public at the meeting. Documents provided by others, including members of the public, will be made available to the public following the meeting.
- In the future Commission agendas will include the following language:

“Materials related to an item on this agenda submitted after distribution of the agenda packet will be available for public inspection during normal business hours in the County Executive’s Office, Fourth Floor, 105 East Anapamu Street, Santa Barbara. Such documents will also be available on the Commission website, www.sblafco.org, subject to staff’s ability to post the documents prior to the meeting.”

Another issue concerns emails received or sent by members of the Commission related to items on the Commission agenda. We propose that:

- If a member of the Commission sends an email message to the other members of the Commission a copy also provided to the staff and we will make that available to the public for its review.
- If a Commissioner receives an email message pertaining to an item on the agenda, the Commissioner will determine whether to forward that message to other Commissioners and the staff. If such a message is distributed to other Commissioners the staff will make that message available for public review.
- If the staff receives an email message pertaining to an agenda item, the staff will determine whether to forward that message to other Commissioners and the staff. If such a message is distributed to Commissioners staff will make that message available for public review.

The foregoing are suggestions for complying with the new public information disclosure laws that will take effect on July 1. They are a good faith effort to adhere to the spirit as well as the

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letter of the law. It is recognized that adjustments in procedures may need to be made as time goes by and we have greater experience with these new procedures. Please contact the LAFCO office if you have any questions.

Very truly yours,

BOB BRAITMAN
Executive Officer