



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ
FIRST DISTRICT

ELLEN PIRIE
SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

JEFF ALMQUIST
FIFTH DISTRICT

AGENDA: 6/25/02

June 18, 2002

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: ELECTRONIC COMMENT CAPABILITY AND INTERNET ACCESS
TO DOCUMENTS RELATED TO AGENDA MATERIALS

Dear Members of the Board:

The County has made great strides over the past few years in providing significantly enhanced access to County information via the Internet. The placement of the Board's agenda packet on the County's website has resulted in greater access to agenda materials and an increased level of public comment on items being considered by the Board. As these improvements have been made, however, a couple of concerns have also been raised: 1) Brown Act requirements with regard to comments submitted via electronic mail and 2) Ability to access materials via the County's website which have been received after the packet has been scanned and distributed. This letter provides suggestions to address these concerns.

Electronic Mail Related to Agenda Items

The Brown Act requires that materials regarding agenda items must be made public whenever three or more members of the Board have received the same piece of correspondence. While every effort is made to ensure that agenda-related materials received by facsimile, U.S. mail and hand-delivery are added to the packet materials, electronic messages (e-mail) present a challenge. Pursuant to the Brown Act, however, e-mail messages regarding an agenda item which have been received by a majority of Board members must also be added to the public record.

BOARD OF SUPERVISORS
 June 18, 2002
 Page 2

This issue has been a topic of discussion at meetings of the Clerks of the Board Association attended by our Chief Deputy Clerk of the Board, Gail Borkowski. Some counties provide the mechanism to submit comments on an agenda item via an on-line format. As an example, while Orange County is still in the process of making their full packet materials available on-line, the agenda itself is available, along with an opportunity to provide brief e-mail comments on specific agenda items.

I believe that Santa Cruz County should consider a process similar to that utilized in Orange County in order to provide an effective means to ensure that the public has every opportunity to comment on items being considered by the Board. Should our Board agree to a similar arrangement, specific parameters would be necessary to guide the process. It should be noted, however, that the process suggested below would in no way replace the opportunity for a member of the public to correspond solely, and directly, with his/her Supervisor. Rather, this process would ensure that members of the public wishing to have their comments considered on the record by the Board as a whole may do so via an on-line capability.

At a minimum, I would suggest that the following issues should be considered:

1. The County's website would need to be modified to provide an opportunity for the submission of comments intended for consideration by the full Board which are specifically related to an agenda item which will be considered by the Board on the following Tuesday. These comments would be routed to a central mailbox monitored by the Clerk of the Board. As with materials which are hand delivered or sent via facsimile and U.S. mail, these electronic messages will be copied and distributed prior to Board consideration of the item, although in a more limited manner, as follows: one copy for each member of the Board, the County Administrative Officer, County Counsel, and the public review copy of the agenda packet located in the office of the Clerk of the Board, and three copies for use by members of the press to be placed in the press room in the Board Chambers. The Clerk would retain a hard copy of the electronic message to become part of the official record of the Board meeting. The electronic copy would then be deleted.
2. Responders would be required to provide their name and would be asked to include their street address, mailing address, and e-mail address.

BOARD OF SUPERVISORS
June 18, 2002
Page 3

3. A disclaimer regarding the fallibility of electronic communication must be included so that those submitting comments understand that receipt of their comments via electronic format cannot be guaranteed.

While this letter may not be inclusive of all issues which require consideration in the development of such a process, I believe it provides the basis for discussion among appropriate County departments.

Increased Document Scanning

Concerns have also been expressed about the ability to access materials submitted by County departments and members of the public after the agenda packet has been scanned and distributed. In order to provide as much access to agenda materials as possible, both prior to Board consideration and as archived documents, I believe that the Board should consider establishing policy directives to guide this process.

Specifically, I would suggest that all materials received by the Clerk of the Board after the packet has been initially scanned should also be scanned to the County's website on a schedule of once each business day, beginning at 3:30 p.m., on the Thursday prior to the Tuesday Board meeting and continuing through Monday prior to the Tuesday Board meeting. Due to staff constraints, materials submitted after 3:30 p.m. on Monday, as well as those presented at the Tuesday Board meeting, would be scanned to the website on the Thursday after the Tuesday Board meeting. This process would not, in any way, alter the procedures for making hard copies of these materials available to members of the Board, County staff, the public, and the press prior to Board consideration of agenda items.

Board Meeting Schedule

In addition to these suggestions for enhanced access to agenda materials, I believe it would also be useful to post the Board's annual meeting schedule on the County's website.

Accordingly, I recommend that the Board take the following actions:

1. Direct the County Administrative Officer to consult with County Counsel, the Clerk of the Board, and Information Services and return to the Board, on or before August 20, 2002, with a draft program to provide for the submission of e-mail comments on specific agenda items intended for the Board as a whole.

BOARD OF SUPERVISORS
June 18, 2002
Page 4

2. Beginning with the Board's August 6, 2002, meeting, direct the Clerk of the Board to scan documents related to agenda materials pursuant to the schedule outlined above.
3. Direct the County Administrative Officer to work with the Information Services Department to place the Board's annual meeting schedule on the County's website on or before August 1, 2002.

Sincerely,


JANET K. BEAUTZ, Chairperson
Board of Supervisors

JKB:ted

cc: County Administrative Officer
County Counsel
Clerk of the Board
Information Services Department

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