

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF JANUARY 22, 2020

REGULAR MEETING

TO: Shiva Frentzen, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

PREPARED BY: Riley Nork, Assistant Policy Analyst

**AGENDA ITEM #11: CONSIDER AMENDING THE POLICY REGARDING
MEETING MINUTES**

RECOMMENDATION

Staff recommends that the Commission receive the following information regarding Section 2.8.8.3 within the Commission's Policies and Guidelines, and direct staff to amend the policy as needed.

REASON FOR RECOMMENDED ACTION

Section 2.8.8.3 of the Commission's Policies and Guidelines relates to the retention of Meeting Minutes, including the audio tape recording of meetings. The Commission should consider whether they want to amend the policy to make these recordings publicly available, since the current language does not do so.

BACKGROUND

After a recent request from the public for the audio recording of a LAFCO meeting, staff looked to see if the current Policies allowed for the public distribution of audio tape recordings. While the current section 2.8.8.3 of the Policies speaks to the *retention* of audio recordings, it does not state whether or not these recordings should be publicly distributed or be made publicly available in any way (see policy below).

2.8.8.3 Meeting Minutes

- Hard copy – *Permanent (GC 34090)*

May be imaged for ***permanent records retention*** after two (2) years

- Audio tapes – *May be destroyed ninety (90) days after Commission adoption of Minutes unless requested by a member of the public or Commission to retain for a longer period of time*

Staff reached out to other LAFCO's regarding their practices with meeting recordings, and the answers varied widely. Some stated they post audio and video recordings on their website indefinitely, while others stated they do not make any recordings publicly available and delete all meeting records after a certain amount of time. Staff then reached out to our own website service provider, Streamline, to see what they recommended with regards to posting the recordings on the LAFCO website. In their reply, Streamline stated that while posting the recording is certainly feasible, one thing to be cautious of would be California Government Code Section 7405 (Attachment A), which states that California governmental entities need to comply with website accessibility requirements. This would mean that if an audio recording was uploaded to the website, a full transcription of the recording would need to be provided along with it in order to be accessible to any site visitors who may be deaf or hearing-impaired.

Streamline did recommend a service to staff that transcribes audio recordings; however, the cost of this service was \$2.95 per every minute of recording (for reference, the August LAFCO meeting was two hours and forty minutes long). Given that this transcription would mean either a significant use of staff time, or an unexpected expenditure, staff does not recommend uploading and transcribing every future recording to the website, but rather would recommend one of the following options:

Option One – Uploading Recordings to the Website on a Case-by-Case Basis

Under Option One, the meeting recording and transcription would be uploaded to the website on an as-needed, case-by-case basis. The current policy would be amended to state that the Commission can direct staff to upload the recording of any particular meeting to the website that they would like to be made publicly available, and staff would provide a transcription along with it, to be completed either in-house or through a paid service. The amendment to the policy would be as follows:

- Audio ~~tapes~~ **recordings** – *May be destroyed ninety (90) days after Commission adoption of Minutes unless requested by a member of the public or Commission to retain for a longer period of time. **The Commission may also direct that any audio recording be publicly available on the LAFCO website on a case-by-case basis.***

Option Two – Sending Recordings Electronically if Requested

Another option the Commission could take is providing an electronic copy of the recording to any member of the public who requests it. Staff would not upload any recordings to the website (and therefore would not have to provide a transcription), and would simply send an electronic file to any member of the public who asks LAFCO for a copy. The amended policy would be as follows:

- Audio ~~tapes~~ **recordings** – *May be destroyed ninety (90) days after Commission adoption of Minutes unless requested by a member of the public or Commission to retain for a longer period of time. **A copy of the recording may also be sent electronically to any member of the public who requests it provided said recording is still available.***

Option Three – No Change

Lastly, the Commission could choose not to amend the policy and keep it as is. Since the current policy does not state that the recordings should be made publicly available, staff would continue the current practice of not making them so. The recordings would continue to be used for the sole purpose of preparing the Meeting Minutes, and would be destroyed 90 days after adoption of the Minutes unless the Commission or a member of the public requested that they be kept for a longer period of time.

Attachments

Attachment A: California Government Code Section 7405