

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF JUNE 27, 2018

REGULAR MEETING

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

FROM: José C. Henríquez, Executive Officer

AGENDA ITEM #10: DISCUSSION ON PUBLIC OUTREACH EFFORTS

RECOMMENDATION

None as this is a discussion item.

REASON FOR RECOMMENDED ACTION AND BACKGROUND

The Commission requested this discussion item at the May meeting upon the recommendation by Commissioner Anderly. The Commission has had many meetings in which the topic of public outreach has been touched upon, but not had a dedicated item on the agenda so that it can discuss the issue in more depth and independent of a project or report.

Public outreach can be divided into two dimensions: indirect and active. Each will be explored in this memo to start the discussion. This memo will also explore a couple of other things for the Commission to consider about how to enhance its public outreach.

The Minimum Required

The minimum amount of public outreach is delineated by the Brown Act. It requires at least 72-hour public notice for all non-emergency related actions by governmental bodies. LAFCO Law takes the minimum and specifies the minimum notice required for specified LAFCO actions to be 21-days' notice. Items that require this longer noticing period include consideration and approval of LAFCO actions, the adoption of the LAFCO budget and the adoption of an agency's sphere of influence (refer to Attachment A). All notices, staff memos, reports and most attachments are published on the LAFCO website.

For all changes in organization or reorganization, LAFCO Law requires that all affected districts (meaning the districts subject to the LAFCO action – impacted district(s) – as well as districts that provide service to the proposal areas) be notified in writing when

the proposal is submitted to LAFCO. LAFCO can also hold an agendized “informational hearing” on the project; however, this hearing can be waived if there is 100% landowner request and the impacted district does not request that such a hearing be held. Finally, LAFCO Law also requires that staff do one of the following:

- Send notification of the project via mail to all landowners and/or registered voters within 300 feet of the proposal area; or if the total number of mailings exceed 1,000, then the notice may be provided via a published display ad of at least 1/8 of a newspaper page

Nothing in the law compels LAFCO to notify the residents or a community of an MSR (either its preparation or its completion) or to conduct outreach beyond the requirements specified here.

Indirect Outreach

LAFCO staff complies with all of the legally-required noticing minimums. In addition, staff engages in “indirect outreach,” defined as leaning on applicants to keep the impacted agencies informed as their projects are moving through the LAFCO process and for agencies to keep their constituents apprised whenever their agency is the subject of an MSR. In the cases of LAFCO projects, the impacted agencies have a vested interest in the outcome, so they tend to keep a close watch on LAFCO and check with the applicant whenever issues arise.

For MSRs, the amount and frequency of information provided to the public by the agencies varies. To get an idea of why that is, it is important to understand what happens during the report preparation process. LAFCO staff is in contact with someone at the agency during the creation of the MSR; be it staff if the agency has one or the chair of the governing body if there is no staff. For purposes of discussion and simplicity, the term “agency representative” will be used to refer to agency staff or the board/council chair. During this time, the contact with the agency representative is solely for the information gathering and fact checking. An administrative draft is provided to the agency representative to review and submit comments/corrections/suggestions. The administrative draft is not a public document at this point; however, some agencies choose to make it public by agendizing it so that the entire governing board can review and comment on the draft MSR. It is after this review, whether internal or public, that the report is ready for Commission review and open for a formal comment period. The MSR is then returned to the agency for another round of review and comment before the closing of the public comment period and adoption. As a result, the amount of public dissemination of any given MSR depends on the extent in which an agency brings the report as an item on its agenda and the manner in which it notifies its constituents that the MSR is subject to discussion. Some agencies just post the agenda at certain spots and their website (if they have one) while others send a copy of the agenda to each resident.

Finally, any member of the public who requests to be notified of a LAFCO item is added to a mailing list. People on the list receive an email notification whenever the item is scheduled for a hearing. They receive a copy of the agenda with instructions on how to retrieve the staff report. LAFCO also has a handful of individuals who request to be copied on the agenda distribution email.

Active Outreach

Active outreach, which LAFCO staff does not currently do, would entail proactively reaching out to the public and other interested parties as much as feasible, financial- and technological-wise. This would entail utilizing mail and media to maximize the audience. Examples include but not limited to:

- Placing ads into the Mountain Democrat
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- Actively seeking interviews on the Mountain Democrat, Georgetown Gazette, Village Life, Tahoe Daily Tribune or the Folsom Telegraph or the local community television channel
- Writing opinion pieces on the same publications
- Streaming the Commission meetings
- Utilizing social media to increase LAFCO's profile (Twitter, YouTube and Facebook)
- Interviewing residents about their perception of the level of services by an agency when the latter's MSR is being prepared
- Notifying every resident of a district whenever an MSR is ready for public comment
- Becoming members of community service organizations, such as the Rotary, Lions or Kiwanis (Please note LAFCO has been a member of the EDC Chamber of Commerce and an associate member of the EDC Fire Chiefs' Association. In addition, your EO is a member of the Child Advocates of El Dorado County Board of Directors.)

Other Considerations

Any type of outreach that is done by LAFCO costs time and money. In cases where there is a LAFCO project, LAFCO is able to recover some costs from the applicant: Any mailing costs for notices to agencies, for the 300-foot notice and/or newspaper ads are billed to the applicant; however, LAFCO absorbs the costs of the 21-day public notice ad. Any costs associated with an MSR are also absorbed by LAFCO unless a project prompts a change in an agency's SOI or an agency applies to LAFCO to complete the report ahead of LAFCO's MSR/SOI project plan.

LAFCO staff has so far avoided active outreach because it diverts the agency's resources from other core functions. It takes time to set up a robust social media profile and it costs money to send out individual mailings. Just to have a more active mailing presence has budgetary implications. For example, it costs \$0.35 to mail a simple postcard for instructions on how to retrieve a report from the LAFCO website. Using a hypothetical small district of 120 residents, the direct mailing costs add up to \$42. To provide context, the entire budget for public notices is \$212 this fiscal year and the budget for postage is \$1,000. The indirect costs include the paper for the postcards, staff time to set up a mailing database and any costs charged to LAFCO by the Elections' and Assessor' offices for retrieving voter and landowner data.

Any outreach that is more robust than mailings will consume staff time and requires additional expertise. Streaming Commission meetings will require the presence of a

videographer to conduct the filming portion and contracting with Granicus or a similar provider for the live streaming and archiving aspect. To provide context, the costs for the County are approximately \$15,000 per year for the Granicus streaming component and the cost for the videographer is about \$48 per hour and \$22,000 per year, but all that is for an average of 35, 7-hour meetings annually. While LAFCO has a maximum of 11 meetings a year and are rarely over 3 hours per meeting, the Commission meetings occur during the off-hours.

While the existing LAFCO staff can set up certain functions (such as creating a LAFCO Twitter account or a YouTube channel), no one possesses a degree in marketing or is media-savvy enough to utilize these platforms to their full potential. This is why larger organizations have dedicated public information officers or entire public relations (PR) departments.

As for print media, the cost of running your public notices are \$10 per inch in the Mountain Democrat with a range of \$35-50 per ad. A similar public noticed published in the Tahoe Daily Tribune costs almost twice as much, pricing out between \$70-90. When LAFCO ran a 1/8th page ad for the Tahoe Paradise conversion, the cost was \$229. In the Democrat, a similarly-sized ad runs at \$133.

There are also other factors that are beyond staff's ability to control. Any additional public exposure to the agency, via interviews for example, are subject to be deemed "of interest" by a newspaper, TV or radio executive. Your staff could spend hours pursuing a story with a media outlet and, if it happens at all, see it never make the light of day. Examples of these include the Mountain Democrat completely bypassing LAFCO when it resolved the Shingle Springs annexation to EID in 2010 and the Latrobe FPD dissolution in 2014. In the former instance, the Democrat chose to publish a PR piece drafted by the Tribe and in the latter case the Democrat/Village Life solely interviewed staff at the El Dorado Hills Fire Department.

Conclusion

While staff is open to suggestions from the Commission on being better at public outreach, it needs to keep in mind that almost all efforts beyond what it is currently doing will have budgetary implications. In some cases, the current allocations for ads and postage would have to be increased substantially in order to pursue some outreach avenues.

Attachments

Attachment A: Noticing Requirements