

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF MAY 28, 2014

REGULAR MEETING

TO: Don Mette, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

**AGENDA ITEM #4D: APPROVAL OF THE RESTRUCTURE OF SECTION 1 OF
THE POLICIES AND GUIDELINES AND ADOPTION OF
POLICY ON THE HANDLING OF PUBLIC RECORDS ACT
REQUESTS**

RECOMMENDATION

Staff recommends that the Commission approve the restructuring of Section 1 of the Policies and Guidelines and adopt a new policy on handling Public Records Act requests and a new Appendix H to the Policies and Guidelines.

REASON FOR RECOMMENDED ACTION

This item was originally intended to cover the new Public Records Act policy. In looking at the current structure of Section 1, however, it appeared that some sections needed to be moved.

BACKGROUND

Current Structure of Section 1

Section 1 of the Policies and Guidelines cover general matters relating to this agency, including stating the Commission's mission, composition, meeting procedures and other related matters. In reviewing the sections to locate the placement of a new policy section, it became evident to staff that some of the sections do not make sense in their current placement. For example, Section 1.4, "Other," should be located to the end since it is the "miscellaneous section," the place where other policies that do not fit into any other category are located. Further, the two subsections of 1.4 fit better as continuations of Section 1.3.

Other proposed changes include the renaming and renumbering of Sections 1.5 and 1.7 into new Sections 1.4 and 1.6, respectively. Subsection 1.6.8 is moved to Section 1.3

and renumbered as 1.3.8. Section 1.8 is appended to the end of new Section 1.6. Finally, Section 1.9 is moved and renumbered as Section 1.7. Attachment A better summarizes these changes. It must be noted that the language on any of these restructured sections has not changed.

Draft Policy on Public Records Act Requests

The original intention was to bring the new draft policy as a standalone item. However, when staff attempted to find a place for the new Public Records Act (PRA) policy, it became evident that some restructuring of Section 1 was needed before this matter could be considered. Further, to treat the Section 1 restructure and adoption of the PRA policy as separate items would be confusing if the recommendation was to add this draft policy to “Section 1.8 - Other” when the current structure has “Other” in Section 1.4 and the current Section 1.8 discusses agendas.

LAFCO has received more than a few Public Records Act requests. While staff has used the PRA legislation and other statutes as guidance in preparing its responses to these requests, it may be time for the Commission to have its own policy to govern the responses from now on. Specifically, the draft policy covers the following:

- It states the Commission’s intention to be as transparent with its documents as possible (Subsections 1.8.1.1 and 1.8.1.2) and recommends the methods by which any interested party can review the LAFCO documents (Subsection 1.8.1.3). Appendix H to the Policies and Guidelines facilitates PRA requests by providing a form that requestors may use in conjunction with their query.
- It provides direction to staff on how to process these requests (Subsections 1.8.1.4 and 1.8.1.5). The second half of 1.8.1.4 is critical because it reassures the public that staff will work with the requestor to identify the documents responsive to the request.
- It takes into account that certain documents are statutorily exempt from disclosure and ensures accountability by requiring members of staff to identify themselves and state the reason for the denial of requested records (Subsection 1.8.16).

In addition, the draft policy also states the matter by which costs will be recovered for PRA requests. This provides the necessary basis to use the LAFCO fee schedule for costs not covered by statute.

Attachments

Attachment A: Summary of Policies and Guidelines Restructuring

Attachment B: Draft Policy Section 1.8 – Public Records Act Requests

Attachment C: Appendix H to the Commission’s Policies and Guidelines