



AGENCY: City Council  
MEETING DATE: June 14, 2021  
DEPARTMENT: Administration  
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## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report and Provide Direction to Staff Regarding a Policy for the Handling of Voluminous Written Public Comments**

**ISSUE:**

Recent submissions of written public comments have exceeded 1,000 pages. Staff seeks direction from Council for the handling of voluminous comments for City meetings.

**ANALYSIS:**

Large submissions of public comments in a variety of formats create problems for the City's agenda publishing software, causing the system to crash or to delete portions of the agenda packet. The City's agenda software platform, Legistar (a Granicus product), collates and converts Word and PDF files into an agenda packet in one PDF document. However, Legistar encounters generation issues when uploaded files are too large or contain embedded macros and attachments.

Government Code Section 54957.5 (Attachment 1) governs how the City must handle written public comments. Subsection (a) provides that any writing submitted to a majority of the Council is disclosable to the public upon request without delay. This is a basic Public Records Act requirement and the City has always complied. Subsection (b) provides that if the writing relates to an agenda item and is submitted less than 72 hours prior to the meeting, it must be made available for public inspection at the time it is distributed to the Council. The City must allow the public inspection at a location designated on the agenda. The City may also post the writing on its website. Subsection (c) states that if the City provides writings to the Council during the meeting, they must be available for public inspection at the meeting, but if they are provided by someone else (the public) they must be made available after the meeting.

Taken together, this is what the law requires that the City do:

1. Accept written public comments after posting of the agenda and make these available for public inspection starting at the time they are distributed to the Council at a location designated in the agenda.
2. Accept written public comments submitted during the meeting and make these available for public inspection after the meeting.

Although the Government Code requires that agendas for regularly scheduled meetings be published 72 hours prior to the meeting, for years the City of Fort Bragg has exceeded that requirement by publishing four, five or even six days prior to the meeting to allow elected and appointed officials extra time to review the agenda items. Thereafter, public comments

are emailed to the officials as they are received and the agenda packet is republished with the additional comments before the meeting, if time allows. All public comments are added to the agenda packet and republished the day after the meeting or as soon thereafter as possible to become a permanent part of the official record.

The City is not required to upload public comments to the agenda packet or to make them available on the City's website. This is an option, not a requirement. After consultation with the City Attorney, staff recommends the following steps to address the problem:

1. Add language to the agenda that states, "Written public comments received after agenda publication will be forwarded to the Councilmembers as soon as possible after receipt and will be available for public inspection at City Hall, 416 N. Franklin St., Fort Bragg, CA 95437." This complies with the City's obligations under Government Code Section 54957.5, subsection (b).
2. Make available for public inspection after the meeting any written comments received during the meeting. This complies with the City's obligations under subsection (c).

Council can create a policy that if written comments are too large to upload to Legistar, then we simply don't upload them. The law doesn't require uploading public comments to the City's website. Language can be added to the agenda alerting the public to this fact, such as: "All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except those written comments that are too large or are an unrecognized file type to be uploaded to the City's agenda software application."

The City believes in the importance of transparency, and staff will continue to make one hard copy of the agenda packet available to the public after agenda publication at City Hall, and also at Town Hall at the time of the meetings. If comments are too large to be emailed to Councilmembers or Planning Commissioners, staff can ask them to review the paper copy of the comments at City Hall prior to the meeting.

**RECOMMENDED ACTION:**

Provide direction to staff on how to process voluminous public comments.

**ALTERNATIVE ACTION(S):**

Seek further input from staff or the City Attorney.

**FISCAL IMPACT:**

Staff time will be saved by not republishing agendas multiple times after initial publication to update public comments.

**GREENHOUSE GAS EMISSIONS IMPACT:**

N/A.

**CONSISTENCY:**

Any policies regarding written public comments must be consistent with Government Code Section 54957.5.

**IMPLEMENTATION/TIMEFRAMES:**

Direction from Council will be implemented immediately.

**ATTACHMENTS:**

1. Government Code Section 54957.5

**NOTIFICATION:**

N/A.