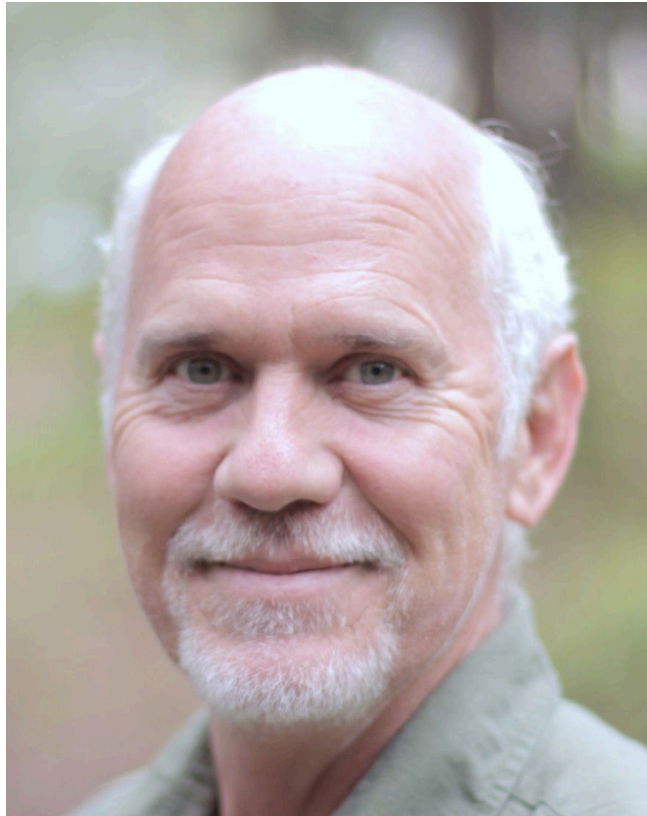

In My View: Good government requires transparency

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There is a stark difference between local government agencies in the way they manage and record public meetings. City Council and Board of Supervisor meetings are run with professionalism. Agendas are posted in a timely manner and minutes are published promptly.

Smaller agencies may find it harder to meet all the requirements in scheduling legitimate public meetings, but the same rules apply regarding the rights of the public to be informed and involved with government decision making.

Good government requires open debate and transparent processes. Facilitating public involvement before decisions are made will often result in a better outcome. Elected officials and staff do not know everything and outside perspectives can be helpful. Through debate and discussion, the best ideas often will emerge.

It's The Law

Not only are open meetings good policy, but it is also the law.

The Ralph M. Brown Act is the California law that requires open meetings for local legislative bodies. The ultimate purpose of the Act is to provide the public with an opportunity to monitor and participate in the decision-making process of local boards and commissions.

State law requires notification to inform the public in advance of any decision through a published meeting agenda. The proposed action needs to be described in enough detail that the average person can understand what decision might be made.

Know Your Rights

Every person has a right to speak on any subject on the agenda. Each agency can set its own rules but it is standard practice to allow 3 minutes per agenda item. These rules should be applied equally to everyone.

For regular meetings, the agenda must be posted 72 hours in advance of the meeting, listing the time and location.

This is to allow the elected officials and the public sufficient time to review and research a topic that is scheduled to be discussed and voted on.

Under special circumstances the presiding officer or a majority of the Board may call a “special” meeting with 24-hour notice. However, if these short notice meetings are employed too often, this can deprive the public of the opportunity to prepare and participate in the debate.

Real Life Issues

This is more than an academic discussion of the rights and responsibilities of public participation. At a recent Harbor Commission meeting (9/19) I wanted to comment on a pending decision to have a “burnout” competition. I first heard about this at their September 5th meeting.

The proposal was to host an event where cars spin their tires on a fixed metal plate. I am not entirely sure how someone wins such a burnout competition, but I am guessing that whoever burns the most rubber, wins.

I was not sure how they voted at the September 5th meeting, so I looked for the minutes, but they were not published on the next agenda as is the norm. Without minutes of the prior meeting, I wasn’t sure if they voted to approve this event.

What Did They Do?

This burnout competition was not on the agenda for the September 19th meeting so no further votes could be taken that day. I shared my concerns anyway. I alerted them to recent scientific studies that show that toxic chemicals, deposited by tires on our roads, run off into our watersheds and kill fish.

I reasoned that it makes no sense for the Harbor District to sponsor an event that might deposit tire waste into our harbor. The Harbor should be taking steps to protect fish, not harm them.

In response to my comment, one commissioner said that he was aware of these studies but that he “approved” this event because the organizers promised to contain the tire debris. Staff explained that this event was approved in concept but did not have final approval from the Commission. There is no record of this action.

Missing Minutes

Minutes should be kept recording the actions and votes at every government meeting. It is the best practice to publish these minutes at the next meeting so they can be approved or amended by the board. When minutes are published everyone can review actions that were taken. Without approved minutes there is no public record.

While I was objecting to the plan to burn rubber in the harbor, I also pointed out that the Harbor District was missing minutes from eight different meetings dating back to July. These minutes were never posted on a public agenda and have not been reviewed or approved by the Harbor Commission.

When the Harbor President asked why these minutes had not been completed, staff explained that they were busy doing other things. This is unacceptable. Whether due to understaffing, incompetence or willful obfuscation, there is no excuse for not keeping the public record up to date.

Tune In Next week

I am not alleging that the Harbor District has violated any laws. What I am suggesting is that they should do better in keeping the public informed and involved. I recommend that the Harbor District commit to more open and accessible deliberations. Good government requires transparency.

In my next column I will have more to say about the happenings at the Harbor. I will describe other consequential actions that were taken at “special” meetings with only 24-hour notice.

I will tell you the story about the Harbor lease approval that was rushed through at five separate meetings in sixteen days, including three “special” meetings with 24-hour notice. What was the hurry? Find out next week.

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