



LandWatch
monterey county

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April 22, 2005

Monterey County Board of Supervisors [Sent By Email and Hand Delivered]
240 Church Street
Salinas, CA 93901

RE: Board Deliberation on General Plan Issues

Dear Chairperson Lindley and Board Members:

I have just received the "Supplemental Agenda" for the Board meeting scheduled for Tuesday April 26, 2005. It reads as follows:

S-2 a.

Board Action: Staff recommends the Board take tentative action on General Plan related matters on the Conservation, Open Space, and Infrastructure Elements issue by issue throughout the day. Any Board motions should be motions to tentatively approve an issue. *At the end of the day, after public input, the Board will be asked to take final action on the tentative motions or modify them based on public comment* (emphasis added).

This letter is to reiterate my previously stated objection to the procedures you have chosen to utilize for your GPU "workshop" sessions. The procedures outlined above shortchange the public, and appear to violate state law.

Government Code Section 54954.3. (a) provides as follows:

Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2...

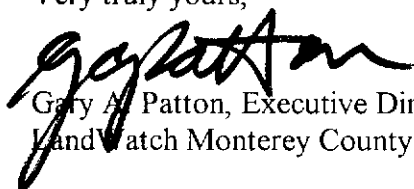
As a practical matter, the "items of interest to the public" are the separate issues raised by the staff reports you are considering in your workshop sessions, and that you discuss after a staff presentation, made on an item by item basis. It is your past practice and future intention, as evidenced by the above cited agenda language, to take action on these items prior to any opportunity for public comment on them. True, you are calling this action a "tentative motion." In fact, however, if interested members of the public have comments or information relevant to

the item of interest, the time for that public comment or information to be helpful is “before or during” your consideration of the specific item being discussed, and before your “tentative motions,” which in fact is how you are taking action. Allowing for a short “omnibus” period of comment, some hours later, not what the state law requires.

Allowing interested members of the public three minutes each to comment on a long series of “tentative motions,” made, in some cases, hours earlier is to deprive the Brown Act requirements of any substance.

Thank you for seriously considering my comments on this matter. As you will recall, attorneys and other persons whose policy views differ from those of LandWatch Monterey County agreed with my earlier comments on this aspect of your workshop procedures, as those comments were made in both writing and orally at the first GPU workshop session in which this procedural technique was utilized.

Very truly yours,



Gary A. Patton, Executive Director
LandWatch Monterey County

cc: County Counsel
County Administrative Officer
Planning Director
Interested Persons