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Construction Authority**

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DATE: JULY 6, 2006

TO: BOARD OF DIRECTORS

FROM: RICHARD D. THORPE
          CHIEF EXECUTIVE OFFICER

ACTION: RECEIVE AND FILE PUBLIC COMMENT POLICY

RECOMMENDATION

Receive and File report on the Authority's Public Comment Policy.

SUMMARY

At the June Board meeting, the Chair requested that Counsel address the Authority's policy on public comment. The Authority's Administrative Code provides for public comment at the beginning of the meeting on all agenda items. While various agencies handle public comment in different ways, Counsel has advised that the statutory language in the Brown Act does allow public comment on agenda items to be held at the beginning of the meeting.

DISCUSSION

At the Chair's request, Counsel did research the Brown Act public comment requirements and concluded that there has been very little case law interpreting this section. Counsel concluded that the words of the statute could be interpreted to require a time to be set aside for general public comment and allow individuals to address specific agenda items either before the item is called or after it is called, but prior to consideration. However, the language could also be interpreted to permit the approach currently in place at the Authority, requiring all public comment to occur at the beginning of the meeting, including comments on specific items.

Current Authority policy allows the public to address all agenda and non-agenda items at the commencement of the meeting for up to three (3) minutes per

person for a total comment period of up to 20 minutes, or lesser or greater time as the Chair may deem appropriate. If the Board wanted to amend the current policy to allow for more time to address specific items, the Board could allow each speaker 1 minute per item at the beginning of the meeting. This would require a change to the Authority Administrative Code.

FINANCIAL IMPACT

None

NEXT STEPS

None

ATTACHMENT(S)

None