

April 05, 2006

Hon. Bill Lockyer  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

Attention: Ms. Patricia Galvan  
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the statutory initiative (File No. SA2006RF0025), relating to local agency land use approval and public notification procedures.

### **Major Provisions**

Current law generally requires city and county governing boards and planning commissions to post their agendas at least three days before a meeting and publish notices of upcoming legislative actions ten days before the hearing. Current law allows the public to address local agencies on any subject within the agencies' jurisdiction, although agencies may adopt regulations to make sure that the public comment process occurs in an orderly and efficient manner. For example, local agencies or their chair persons may place time limits on public comments (typically one to five minutes), prohibit repetitious or irrelevant comments, suggest that a spokesperson be chosen for a group, and/or limit the number of people addressing the public body when a group of people wish to talk on the same subject. Finally, current law requires local agencies to mail copies of agendas and supporting materials at least ten days before a hearing to any member of the public who makes a written request to receive such materials. (State law authorizes local agencies to charge a fee to recover the cost of providing this service.)

This measure increases local agency notification requirements regarding land use matters. Specifically, if a property owner notifies a local agency that he or she would like to testify regarding a land use matter, the local agency must send the property owner notice of the time and date of the public hearing at which he or she may testify. The notification must be sent by certified mail at least 20 days in advance of the hearing, but no more than 180 days after the property owner requests the right to testify. Pending this hearing, the local agency may not dispose of the land use matter.

**Fiscal Effect**

Local agencies would incur increased costs to hold longer, or more frequent, public hearings and send out the required notices. Local agencies also could incur some increased costs to postpone public action on land use matters until the 20 days property owner notification period is complete. These increased local costs are not possible to determine, but are not likely to be significant.

*Fiscal Summary.* This measure would have the following fiscal impact:

- Unknown, but probably not significant, increased costs to cities and counties.

Sincerely,

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Elizabeth G. Hill  
Legislative Analyst

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Michael C. Genest  
Director of Finance