



**COUNTY OF
SAN BERNARDINO**
**COUNTY ADMINISTRATIVE
OFFICE**

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GREGORY C. DEVEREAUX
Chief Executive Officer

March 24, 2011

The Honorable Luis Alejo
California State Assembly
State Capitol
Sacramento, CA 95814

RE: **AB 392 (Alejo)** – As introduced on February 14, 2011 – **OPPOSE**

Dear Assemblymember Alejo:

The County of San Bernardino has reviewed AB 392 and regrets it must oppose this bill. This legislation would require that a local entity that develops any written material within 72 hours of its noticed public meeting to post that information onto its website. Furthermore, the bill would prohibit the local legislative body from acting on any written material that was released within the last 72 hours prior to the posted meeting.

As you are aware, under existing law, the Ralph M. Brown Act requires meetings of the legislative body of a local agency to be conducted openly and publicly, including the requirement to post an agenda containing a general description of each item of business to be transacted or discussed at the meeting, as well as items to be discussed in closed session at least 72 hours prior to a regular meeting. Under AB 392, the County would be placed with the additional burden of ensuring all materials relating to an agenda are posted within the 72-hour timeframe and if information should be submitted after the 72-hour timeframe, such related items may not be discussed. These requirements not only place unnecessary burden on local staff and resources, but also may be used as a vehicle to impede the open meeting process, delaying important items of discussion.

AB 392 would also create additional state mandated costs, which the state cannot afford. Local governments have not received state reimbursement related to the open meeting requirements for nine of the last eight years. For these reasons, the County of San Bernardino opposes AB 392. If you have any questions, please contact Josh Candelaria, Deputy Director of Legislative Affairs, at (909) 387-4280.

Sincerely,

JOSIE GONZALES
Chair, Board of Supervisors