



AGENDA ITEM 8C

MEETING: November 20, 2019
TO: Humboldt LAFCo Commissioners
FROM: Colette Metz Santsche, Executive Officer
SUBJECT: **SB 929 Website Requirements**
The Commission will receive a report summarizing SB 929 legislation and how it will affect Special Districts January 1, 2020.

BACKGROUND

In 2017, the Little Hoover Commission released a report titled *Special Districts: Improving Oversight and Transparency*. One of the report's recommendations was to require all special districts to establish and maintain websites with key information. Before Senate Bill 929 was implemented, special districts were encouraged, but not required, to maintain a website. For example, the Brown Act requires special districts to publish meeting agendas online if the district has a website. SB 929 makes this legislative preference a mandate—requiring special districts to create websites, populate them with specific information, and continually update them beginning in 2020.

DISCUSSION

Information Requirements

SB 929 was written with the intention of improving transparency and public access to basic information about special districts' activities. Under SB 929, all independent special districts must create a website with the district's contact information. In addition, all districts must conform to any other legal requirements applicable to their districts' website. These requirements vary based on the type of district, but broadly include:

- A catalog of enterprise systems, defined as "a software application or computer system that collects, stores, exchanges, and analyzes information that the agency uses," and the data collected;
- Financial transaction reports filed with the State Controller;
- Annual compensation of elected officials, officers and employees (or a link to the Controller's Government Compensation site);
- Meeting agendas at least 72 hours in advance of the meeting, in accordance with requirements of the Brown Act; and
- Local Health Care Districts' websites must also include the information described in Assembly Bill 2019.

Hardship Exemption

Special districts may exempt themselves from the website requirements if the district's board of directors adopts a resolution with detailed findings on why a hardship prevents it from establishing or maintaining a website. Examples of a valid hardship include:

limited access to broadband or other type of Internet; significantly limited financial resources; and/or insufficient staff resources. The resolution is valid for one year and must be readopted annually if a hardship still exists.

Special District Compliance

LAFCo staff has prepared a Frequently Asked Questions handout with reference to CSDA's Website Compliance Checklist. These handouts will be uploaded to the LAFCo website and mailed to each special district as a reminder of this legislation taking effect in 2020. LAFCo staff has a hardship resolution template and can make that available to special districts as needed.

RECOMMENDATION

Staff recommends the Commission receive and file this report. The Commission is invited to discuss the item and provide direction to staff as needed.

ATTACHMENTS

Attachment A – FAQ and Website Compliance Checklist



FAQs: Website requirements for special districts, SB 929

What does SB 929 require?

SB 929 was written with the intention of improving transparency and public access to basic information about special districts' activities. SB 929 requires all independent special districts to maintain a website, unless the district passes a resolution claiming a hardship for specific reasons, including evidence of that hardship, in a public meeting each year.

When does SB 929 go into effect?

January 1, 2020.

What exactly must be posted to the website?

There are five posting requirements: contact information for the district; the most recent agenda (posted 72 hours in advance of each upcoming meeting); the State Controller's reports for the district's Financial Transaction Report and Board and Staff Compensation Report (or a link to each of the State Controller's websites); and the district's Enterprise System Catalog (as required by SB 272).

What sort of contact information is required?

The bill doesn't state, it just says that contact information is required. Our assumption is that this means physical and mailing address, phone number, and main district email address.

What are the specific agenda posting requirements?

Districts have always been required to post agendas at least 72 hours in advance, per the Brown Act, and if the district has a website, they must be posted there as well. AB 2257 went into effect January 2019, and that added a few requirements: first, there must be a link on the home page that goes directly to the current agenda; and second, the agenda itself must be searchable, indexable, and platform-independent (this means that you should be saving or exporting your agenda to PDF from Word, then posting that as your official agenda).

What constitutes a valid hardship?

Special districts may exempt themselves from the website requirements if the district's board of directors adopts a resolution with detailed findings on why a hardship prevents it from establishing or maintaining a website. Examples of a valid hardship include: limited access to broadband or other type of Internet; significantly limited financial resources; and/or insufficient staff resources. The resolution is valid for one year and must be adopted annually if a hardship still exists.

Where can I learn more?

The California Special Districts Association (CSDA.net) sponsors webinars on this topic often. They have created a Website Compliance Checklist for easy use (see attached). You can also contact LAFCo staff if you need assistance with preparing a hardship exemption resolution. Please contact colette@humboldtlafo.org or (707) 445-7508 for more information.

California Website Compliance Checklist

Use this checklist to keep your district's website compliant with State and Federal requirements.

Public Records Act

SB 929:

Our district has created and maintains a website

Passed in 2018, all independent special districts must have a website that includes contact information (and all other requirements) by Jan. 2020

SB 272:

Our Enterprise System Catalog is posted on our website

All local agencies must publish a catalog listing all software that meets specific requirements—free tool at getstreamline.com/sb272

AB 2853 (optional):

We post public records to our website

This bill allows you to refer PRA requests to your site, if the content is displayed there, potentially saving time, money, and trees

The Brown Act

AB 392:

Agendas are posted to our website at least 72 hours in advance of regular meetings, 24 hours in advance of special meetings

This 2011 update to the Act, originally created in 1953, added the online posting requirement

AB 2257:

A link to the most recent agenda is on our home page, and agendas are searchable, machine-readable and platform independent

Required by Jan. 2019—text-based PDFs meet this requirement, Microsoft Word docs do not

State Controller Reports

Financial Transaction Report:

A link to the Controller's "By the Numbers" website is posted on our website

Report must be submitted within seven months after the close of the fiscal year—you can add the report to your site annually, but posting a link is easier

Compensation Report:

A link to the Controller's PublicPay website is posted in a conspicuous location on our website

Report must be submitted by April 30 of each year—you can also add the report to your site annually, but posting a link is easier

Healthcare District Websites

AB 2019:

If we're a healthcare district, we maintain a website that includes all items above, plus additional requirements

Including budget, board members, Municipal Service Review, grant policy and recipients, and audits

Open Data

AB 169:

Anything posted on our website that we call "open data" meets the requirements of AB 169

Defined as "retrievable, downloadable, indexable, and electronically searchable; platform independent and machine readable"... among other things

Section 508 ADA Compliance

CA gov code 7405:

State governmental entities shall comply with the accessibility requirements of Section 508

Requirements were updated in 2018—if you aren't sure, you can perform a basic test for accessibility at achecker.ca



California Special Districts Association
CSDA
Districts Stronger Together



STREAMLINE
Website compliance made easy