

DATE: May 14, 1987

TO: Councilmember Judy McCarty
FROM: City Attorney
SUBJECT: Disclosure of Contacts Made Before Open
Meetings

Please excuse the inordinate delay in responding to your memorandum of March 5, 1987 to City Attorney John Witt on the above-captioned matter.

Your memorandum indicates that it is your understanding that SANDAG and the El Cajon City Councilmembers announce any contact they have had with advocates of items which appear before their Council; and these announcements are made during the hearing to presumably avoid violation of the Brown Act or of rules governing Ex Parte communications.

You ask if the City Council were to adopt a similar policy, would it then allow you to meet legally with developers or community groups before land use issues are heard. You also asked to be advised about the El Cajon, California policy.

We fail to see how the practice of disclosure to which you allude would validate the taking of evidence outside a Council hearing. As to the policy in the City of El Cajon, please see a copy of Resolution 114-79 by the El Cajon City Council dated March 13, 1979. It is self-explanatory, but does not appear to conform to the understanding about which you have written to us. As you can see, it purports to preclude any contacts or evidence taking except at a hearing, much in the same fashion as we have suggested to you. I trust this memo is responsive to your questions.

JOHN W. WITT, City Attorney
By
C. M. Fitzpatrick
Assistant City Attorney

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Attachment
ML-87-51