Legislation Details (With Text)

File #:	22-896	**Name:**	
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File created:	10/19/2022	**In control:**	City Council
On agenda:	10/26/2022	**Final action:**	
Title:	Report regarding a resolution approving the City Clerk's response to the San Mateo County Civil Grand Jury Report, dated August 9, 2022, entitled "A Delicate Balance between Knowledge and Power: Government Transparency and the Public's Right to Know" and authorizing the City Clerk to send the response letter on behalf of the City Council. (Rosa Govea Acosta, City Clerk)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Exhibit A - Grand Jury Draft Response Letter.pdf, 2. Exhibit B - A Delicate Balance between Knowledge and Power 7.28.22.pdf		

Date	Ver.	Action By	Action	Result

Report regarding a resolution approving the City Clerk's response to the San Mateo County Civil Grand Jury Report, dated August 9, 2022, entitled "A Delicate Balance between Knowledge and Power: Government Transparency and the Public's Right to Know" and authorizing the City Clerk to send the response letter on behalf of the City Council. *(Rosa Govea Acosta, City Clerk)*

RECOMMENDATION
It is recommended that the City Council approve the responses and authorize the City Clerk to send the response letter to the Presiding Judge of the Superior Court of San Mateo County on behalf of the City.

BACKGROUND/DISCUSSION
The 2021-2022 San Mateo County Civil Grand Jury ("Grand Jury") issued a report titled, "A Delicate Balance between Knowledge and Power: Government Transparency and the Public's Right to Know." The Grand Jury report deals with the issue of how cities in San Mateo County meet the requirements of inspection or disclosure of governmental records as required by the California Public Records Act.

The California Public Records Act (PRA) is an essential tool for the public to find out what their government agencies are doing. It's one of the freedom of information laws enacted in every state in the Union to ensure that the public can witness the actions of their governments. The PRA's purpose is to promote government transparency in California.

Fifteen years ago, the 2006-2007 San Mateo County Civil Grand Jury's report, "Electronic Communication Among City Officials: A Valuable Tool in Need of Careful Guidance," addressed the rise in local governments' use of electronic forms of communication between elected and appointed officials.1 As it observed, these valuable and efficient tools can quickly disseminate information, and they can constitute public documents

subject to public disclosure. Reviewing that Grand Jury's report alerted the 2021-2022 San Mateo County Civil Grand Jury to the potential that cities may be facing increased complexity and potential burdens in the processing of requests for public records.

While the PRA does not require cities to adopt a formal policy, the Grand Jury sought to identify the cities that have written policy or procedure documents and the methods cities use to process the public's requests. It also wanted to learn how key staff keep up to date with changes in PRA law. Failing to comply with these laws can subject a city to litigation and, more importantly, lead to erosion of the public's trust.

The Grand Jury's findings to which the City must respond are as follows:

F1. The city has no written documentation of its PRA policy and internal procedures, making it more likely that requests could be handled inconsistently.

F2. The city uses a commercially available software application that includes a web portal enabling the public to easily request records and track their disposition.

F3. Information about how to access public records requires multiple clicks to find on the city's website, which hinders the public's access to public records.

F4. The City of San Mateo implements a Records Cleanup Day with the purpose of increasing employee understanding of the need to effectively maintain public records, thereby improving PRA request responsiveness.

F5. The city has no PRA request form online, making public access to public records less efficient.

The Grand Jury's Recommendations to which the City must respond include:

R1. The city council should direct city staff to consider and report back by June 30, 2023, on the creation of a written PRA policy or procedures document for circulation to all relevant staff.

R2. The city council should direct city staff to consider performing a cost/benefit analysis and report back by September 1, 2023, on the purchase of commercially available public records request software.

R3. By June 30, 2023, the city council should consider directing city staff to place information about how to access public records on the home page of the city's official website.

R4. By June 30, 2023, the city council should direct city staff to review and consider adopting a records management practice analogous to the City of San Mateo's "Records Cleanup Day."

R5. By June 30, 2023, the city council should direct city staff to create, on the city clerk's page of its website, a submittable PRA request form.

The City Clerk has reviewed the findings and recommendations and has prepared a draft response letter (Exhibit A) for City Council approval. In summary, the City Clerk agrees with findings two of the Grand Jury report (Exhibit B). Furthermore, the City Clerk determined that the recommendations will be implemented within the timeframes recommended in the report.

FISCAL IMPACT
There is no fiscal impact associated with this action.

RELATIONSHIP TO STRATEGIC PLAN
Acceptance of this resolution meets Strategic Goal #2 by improving community accessibility to government records.

CONCLUSION
It is recommended that the City Council adopt the attached resolution, approving the responses contained in the attached letter and authorize the City Clerk to send the letter to the Presiding Judge of the Superior Court of San Mateo County on behalf of the City Council.