



MEMORANDUM

CSFRA, Community Development Department

DATE: June 3, 2019

TO: Rental Housing Committee

FROM: Patricia Black, Administrative Analyst
Anky van Deursen, CSFRA Program Manager

SUBJECT: Public Records Act and the CSFRA

RECOMMENDATION

To receive an informational overview of the Public Records Act and Public Records Requests related to the CSFRA in response to a request from the Committee.

BACKGROUND

The California State Legislature enacted the Public Records Act (Gov. Code Section 6250) in 1964 to improve government transparency, declaring that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in the state.” The law states that the public should be able to monitor the functioning of government in effort to provide checks and balances on the power of public officials. Over time, the Public Records Act (PRA) has been expanded and strengthened.

The PRA legally obligates State and local agencies in California to provide records related to the conduct of City business. These records include:

- Documents prepared by City staff;
- Correspondence;
- Reports, forms, permits; and
- E-mails and texts (including those on personal devices if they relate to the agency’s business).

Public records can be requested by anyone and by a variety of methods: verbally, electronically through online forms, available on the City's website, in person, by e-mail, and by phone. Requests must describe an identifiable public record; when a request is unclear, the PRA requires the public agency to assist the requester in identifying the records being sought. For the City of Mountain View, the City Clerk's Office tracks, coordinates, and responds to requests in consultation with the City Attorney's Office.

Courts have found that the obligation to disclose information is broad and that exemptions from disclosure are narrow. Exemptions primarily relate to protecting privacy and/or the security of information.

The PRA requires public records be provided to the requesting party in a timely manner. The City must promptly provide a response for readily available records (for inspection or copies) or begin a search for responsive records. If a search is required, an initial response must be provided within 10 calendar days of the date the public records request is received. The City may extend the 10 calendar days response period for up to 14 additional calendar days to:

- Search for records from off-site facilities.
- Review voluminous amounts of records for responsiveness and/or redaction (records can be provided to the requester on a rolling basis).
- Electronic data retrieval.

The City can charge fees only for the direct costs of duplication of records, postage, or special programming. Fees can be requested in advance if the costs are substantial. The City cannot charge fees for scanned records or links sent by e-mail, or for staff time or costs incurred related to searching for, locating, or collecting records.

ANALYSIS

During the past two years, CSFRA staff has been trained on the Public Records Act and has developed experience in responding to requests related to the CSFRA and TRAO. CSFRA staff coordinates with the City Clerk and City Attorney's Office to respond to these requests. CSFRA staff estimates they performed at least 150 hours of review and redaction during this time period. Once CSFRA staff has completed the redactions, the City Attorney's Office and/or City Clerk's Office reviews the documents and provides the response to the request. In the last year, the City Attorney's Office performed approximately 62 hours of redaction and review related to the CSFRA records.

The majority of City documents, including those related to the CSFRA, like memos, agendas, minutes, hearing audio, forms, and communications related to formally filed petitions, the Tenant Relocation Assistance Ordinance (TRAO), and e-mail communication with and between Rental Housing Committee members and City staff are subject to the Public Records Act. Since July 1, 2017, the City has received a total of 45 CSFRA-related Public Records Requests. There has been a significant decrease in Public Records Requests as of January 2019, with the most recent request filed and completed in early May.

Table 1. Public Records Requests Related to the CSFRA

Fiscal Year (FY)	Petition-Related Requests	RHC-Related Requests	TRAO-Related Requests	Other Requests	Total Requests
FY 2017-18	12	1	2	1	16
FY 2018-19 (Year-to-Date)	23	1	4	1	29

The majority of these requests pertain to petitions and the petition process. These requests require staff to review, compile, redact personal information, and distribute voluminous records and are time-intensive. One of the particular challenges in responding to a public records request that involves a petition is the review of potentially voluminous documents to ensure the records and information that are not public records are identified. CSFRA staff has developed a process to redact this information as soon as petitions have been filed to ensure compliance with the Public Records Act in a timely manner.

PUBLIC NOTICING – Agenda posting.

PB-AvD/DJ/1/CDD/RHC

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Attachment: 1. Public Records Act