



**COUNCILMEMBER DAVID ALVAREZ
COUNCILMEMBER CHRISTOPHER WARD**

City of San Diego

MEMORANDUM

DATE: March 9, 2017

TO: City Attorney Mara Elliott

FROM: Councilmember David Alvarez, Eighth District
Councilmember Chris Ward, Third District

SUBJECT: State Supreme Court Ruling on Public Records Act

On March 3rd, the California Supreme Court issued a ruling on a California Public Records Act (CPRA) case, stating that writings about public business are not excluded from the CPRA simply because they have been sent, received, or stored in a personal account.

In order to ensure that the City fully complies with this ruling, we would request that your office develop a city policy that implements this court ruling which can be brought forward for adoption by the City Council as either a provision of the Municipal Code or as a Council Policy. The policy should clearly delineate the process by which public officials and all City employees will respond to CPRA requests and provide guidance on how to search for responsive documents on personal devices to ensure that members of the public have access to all public documents, while protecting the privacy of the employee as appropriate.

Additionally, on July 11, 2016, the City Council took action regarding Item 156 "Consideration of Recommendations from the Rules Committee regarding disclosure of public business conducted on private/personal devices of all employees." The City Council passed a motion that directed the City's labor negotiating team to meet-and-confer with the employee labor organizations on a draft ordinance as it would apply to represented employees. As this court ruling concerns the same issue as the ordinance discussed under the motion referenced above, any policy created on this topic should be included in the ongoing meet and confer process with the City's employee labor organizations for their review and comment.

Thank you for your prompt response.