



RESOLUTION NO. 2014-172

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, ESTABLISHING THE COUNCIL
PUBLIC RECORDS ACT POLICY

WHEREAS, Fresno City Charter § 500 provides the Council is the governing body of the City, and, subject to the express limitations of the Charter, is vested with all powers of legislation in municipal affairs of the City; and

WHEREAS, Charter § 400 provides the Mayor shall recommend to the Council such measures and ordinances as the Mayor may deem necessary or expedient and to make such other recommendations to the Council concerning the affairs of the City as the Mayor finds desirable; and

WHEREAS, the Mayor, through the City Manager, has adopted Administrative Order 8-4 setting forth a city-wide policy for responding to requests under the California Public Records Act; and

WHEREAS, the Council believes it is beneficial to make the policy applicable to all City departments and officials, with the exception of routine records requests made to the Police and Fire Departments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. Each City Official and City Department shall abide by the policy set forth in Administrative Order 8-4, attached hereto and incorporated by reference, as may be amended from time to time.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 23rd day of October, 2014.

AYES : Baines, Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: N/A, 2014
Mayor Approval/No Return: November 3, 2014
Mayor Veto: N/A, 2014
Council Override Vote: N/A, 2014

YVONNE SPENCE, CMC
City Clerk

BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Katherine B. Doerr
Supervising Deputy City Attorney
10/23/14
[Date]



Subject: Public Records Act Policy and Procedure	Number: 8-4
	Date Issued: September 15, 2003 Date Revised: September 16, 2014
Responsible Department: City Attorney	Approved: 

Purpose

The purpose of this policy is to establish procedures for City responses to California Public Records Act (PRA) requests.

Procedures

Each City Official and City Department (collectively, "Department") shall designate a person or persons to be responsible for responding to requests for records. These representatives will be known as PRA Coordinators. For Departments that have more than one division, the PRA Coordinator will be responsible for coordinating and responding to requests for records that overlap different divisions within the Department.

The City Attorney's Office will designate a staff member to coordinate the response to requests (the "Central Coordinator"). The Central Coordinator will keep a log of all PRA requests, coordinate responses, and maintain control copies of documents provided in response to the request.

The Departments where records are located are responsible for compiling records and forwarding them to the Central Coordinator. Requests frequently include records maintained in several Departments.

The City is not required to create a record that does not exist, compile data, nor respond to questions, other than to produce currently maintained records in the form they are kept.

This Administrative Order does not apply to routine requests for Police and Fire Department reports, which will continue to be handled internally by those Departments.

The following procedures will be followed:

1. When a Department receives a request, either written or oral, it will immediately notify the Central Coordinator of the request and forward it, if written.



2. The Central Coordinator will log the request and will notify potentially affected Departments of the request.
3. The PRA Coordinator will compile responsive records, and forward them to the Central Coordinator. The PRA Coordinator will first examine the potential universe of records and remove those that are clearly not responsive. Any document in the possession or control of the Department may be required to be produced.
4. If a requester seeks information from more than one Department or is unsure where or how to make the request, the Central Coordinator will assist the requester in framing the request and identifying the Department most likely to have responsive documents. The requester does not need to provide the City with a reason for requesting the records nor specify the Department that may maintain the records.
5. The Central Coordinator shall provide a written response to the requester within ten days of the City's receipt of the request as to whether the requested records will be made available, or whether additional time is necessary to respond. The response will include an estimated cost of providing the copies, and may require a deposit or prior payment. Fees for copies shall be as set forth in the Master Fee Schedule. Copies of the response shall be provided to the affected Departments.
6. If a requester seeks records in a specific format, for example, paper or electronic format, they must be produced in that format, so long as they were created in that format originally. It is not necessary, even when requested, to produce hard copy records in electronic format, if the conversion would jeopardize the security of the original record or any proprietary software in which it is maintained.
7. E-mails prepared or used by public officials or public employees to assist in carrying out his or her duties or pertaining to the public's business may be public records subject to production. The Central Coordinator shall initiate all ISD searches for e-mails responsive to a request, with approval of the City Manager. Department Coordinators shall cooperate with and assist the Central Coordinator to refine the names of employees who may have prepared or maintained requested e-mails, so that efficient but thorough searches may take place. Department Coordinators should not run email searches for responsive documents. All e-mail searches must be approved by the City Manager.
8. The City Attorney's Office will review responsive records to determine whether a privilege or exemption may exclude a document from disclosure or whether the document should be redacted, prior to the Central Coordinator finalizing and providing the responsive documents. Common privileges and exemptions include: attorney client privilege, legislative privilege, executive privilege, and specific exemptions provided in the Public Records Act. The Central Coordinator will work closely with affected Departments concerning the response.



9. The Central Coordinator will maintain a control copy, or list of documents provided, if the number is excessive, so that there is a clear record of what documents were produced.
10. The Central Coordinator will notify affected Departments of the final resolution of the response to a request.

October 23, 2014

RECEIVED

Council Adoption: 10/23/2014

Mayor Approval:

Mayor Veto:

Override Request:



TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC
City Clerk

2014 NOV 4 AM 8 01

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 10/23/14, Council adopted the attached Resolution No. 2014-172 entitled, **Establishing the Council Public Records Act Policy**, Item 3A, File ID#14-485 by the following vote:

Ayes	:	Baines, Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before November 3, 2014. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin, Mayor

Date: _____

COUNCIL OVERRIDE ACTION:

Ayes	:
Noes	:
Absent	:
Abstain	:

Date: _____



RECEIVED

DOUGLAS T. SLOAN
City Attorney

2014 NOV 6 AM 8 26

CITY CLERK, FRESNO CA

November 5, 2014

MEMORANDUM

TO: Yvonne Spence, City Clerk *ys*

RE: Correction to Resolution No. 2014-172

On October 23, 2014, Council approved the Resolution adding Administrative Order 2-1 relating to Public Records Act Policy and Procedure. It has since come to our attention that the section was listed incorrectly. The correct is Administrative Order 8-4. Accompanying this memorandum is a revised page reflecting this correction. Please contact our office if you have any questions.

Respectfully submitted,

A handwritten signature in purple ink, appearing to read "Katherine B. Doerr".

KATHERINE B. DOERR
Assistant City Attorney

KBD:elb [66159elb/kbd]



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WHEREAS, Charter § 400 provides the Mayor shall recommend to the Council such measures and ordinances as the Mayor may deem necessary or expedient and to make such other recommendations to the Council concerning the affairs of the City as the Mayor finds desirable; and

WHEREAS, the Mayor, through the City Manager, has adopted Administrative Order 2-1 setting forth a city-wide policy for responding to requests under the California Public Records Act; and

WHEREAS, the Council believes it is beneficial to make the policy applicable to all City departments and officials, with the exception of routine records requests made to the Police and Fire Departments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. Each City Official and City Department shall abide by the policy set forth in Administrative Order 2-1, attached hereto and incorporated by reference, as may be amended from time to time.

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