

ADMINISTRATIVE ORDER NUMBER 8-4

SUBJECT: Public Records Act Requests

Responsible Employee/Official: City Attorney's Office

Date Issued: 09-15-2003

Date Revised: 06/28/2024

Approved: *(Signature on File)*

Purpose: The purpose of this policy is to establish procedures for City responses to California Public Records Act (PRA) requests under Government Code section 7920.000 et seq.

Procedures: Each City department or office (collectively, "department") shall designate a person or persons to be responsible for responding to requests for records. The designated department representative will be known as the primary "PRA Coordinator". 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. A backup PRA Coordinator shall also be designated when the primary PRA Coordinator is unavailable.

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 with the City's public records request management portal GovQA (GovQA), coordinate responses, and maintain control copies of documents provided in response to each request.

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

The City is not required to create a record that does not exist, nor respond to questions that do not seek records. The City is to produce currently maintained records or data in the form the records or data is kept.

This Administrative Order (AO) does not apply to (1) routine requests that do not require legal review for Police Employee/Official and Fire Employee/Official reports, which will continue to be handled internally by those Departments, and (2) official records in the City Clerk's possession that can be provided directly to the requestor, such as resolutions, ordinances, agendas, minutes, and contracts officially approved by City Council. Form 700s must be made available to the public as soon as practicable, and in no event later than the second business day following receipt of the request. If there is any question as to whether a document, or a portion or attachment thereof should be produced pursuant to this paragraph, the department should consult with the City Attorney's Office.

Departments shall proceed as follows:

1. When an Employee/Official receives a PRA request, either written or oral, from a requesting party, they shall forward it to their designated PRA Coordinator, who shall **immediately** notify and send the request to the Central Coordinator. If any Employee/Official directly receives a request through GovQA and the request is not a routine request requiring legal approval (i.e., certain Police or Fire Employee/Official records), the Employee/Official shall reassign the request to the Central Coordinator through GovQA.
2. The Central Coordinator will log the request in GovQA and notify potentially affected departments of the request.
3. The responding department PRA Coordinator(s) will review the request and determine whether the department has any responsive documents to produce **within 5 calendar days** from the date of receipt of the GovQA notification from the Central Coordinator (in paragraph 2 above). The Central Coordinator shall provide a written response to the requester within ten calendar days of the City's receipt of the request as to whether there are responsive records and provide an estimated date as to when the records will be made available. The response may 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.
4. The responding department PRA Coordinator will compile responsive records, and forward them to the Central Coordinator through GovQA **within 9 calendar days** from the date of receipt of the GovQA notification from the Central Coordinator (in paragraph 2 above). If additional time is necessary to provide the responsive records, the PRA Coordinator must inform the Central Coordinator **immediately**. Upon receipt of the responsive documents, the PRA Coordinator will examine all the records and remove non-responsive records, if any. Any document or data in the possession or control of the Employee/Official may be required to be produced.
5. 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 a reason for requesting the records, nor specify the department that may maintain the records.
6. If a requester seeks records in a specific format, they must be produced in that format to the requestor, only if the records were created in the requested format. It is not necessary, even when requested, to produce hard copy records in electronic format or to create a new format than its original.
7. E-mails prepared or used by City officials and/or employees for City business may be public records subject to production. The Central Coordinator shall initiate all Information Services Department (ISD) searches for e-mails responsive to a request, with approval of the City Manager or the Litigation Unit Chief Assistant City Attorney. ISD shall designate an employee to handle the PRA e-mail searches who shall have the same deadlines as the PRA Coordinator in paragraph 4 above. A backup ISD e-

mail employee shall also be designated when the primary ISD e-mail employee is unavailable. PRA 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. PRA Coordinators shall provide e-mail records if maintained or saved in a file related to the requested information; however, the PRA Coordinators shall not request e-mail searches from ISD for responsive documents.

8. The City Attorney's Office will review potentially responsive records to determine whether a privilege or exemption may exclude a document from disclosure or whether the document should be redacted as permitted in the Public Records Act, prior to the Central Coordinator finalizing and providing the responsive documents. The Central Coordinator will work closely with the affected department concerning the response and may provide a draft PRA response for its review before it is finalized.
9. The Central Coordinator shall maintain a copy of the documents produced in GovQA, 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 and/or update GovQA accordingly. Copies of the response may be provided to the affected departments and/or maintained in GovQA for the departments to review.
11. If any PRA writ of mandate action is filed to enforce the production of responsive documents in the possession of responding departments and it results in an award of attorneys' fees and/or costs because of a responding department's failure to follow the procedures set forth in this AO (such as not providing timely and responsive documents in its possession), that responsible responding department shall pay the attorneys' fees and costs incurred by the City.