

**RESOLUTION NO. 24-9320**

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA,  
AMENDING COUNCIL POLICY 046 “MAYOR AND COUNCIL  
PUBLIC RECORDS POLICY”**

**WHEREAS**, Council Policy 046, “Mayor and Council Public Records Policy” was established to make clear what records created, received, or retained by the Mayor and City Councilmembers are considered public records available for disclosure;

**WHEREAS**, Council Policy 046 outlines that any communications including emails, texts, messages, to or from the Mayor or City Councilmember that pertain to the conduct of the public’s business may be disclosed unless otherwise exempt from disclosure; and,

**WHEREAS**, the amended Council Policy 046 revises the 90-day email deletion policy to two years for City Councilmembers emails to minimize the risk of records being inadvertently deleted and maximize compliance with the requirements under the City’s retention schedule.

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**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the amended Council Policy 046, entitled "Mayor and Council Public Records Policy," attached here as Attachment 1, is hereby approved and adopted.
2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 28<sup>TH</sup> DAY OF MAY, 2024, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:



NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments to be incorporated by reference:

1. Council Policy 046 entitled "Mayor and Council Public Records Policy"



## **MAYOR AND COUNCIL PUBLIC RECORDS POLICY**

### ***POLICY***

As technology has evolved, the creation and retention of public records has changed. In order to make clear what records created, received or retained by the Mayor and the Councilmembers are considered public records available for disclosure, the City Council hereby establishes the following policy.

Any communications, including emails, texts, messages or comments on social media, to or from the Mayor or City Councilmember that pertain to the conduct of public business, regardless of whether or not they were created or sent to a private or public account, are public records that may be disclosed unless otherwise exempt from disclosure.

### ***PROCEDURE***

1. The Mayor and the Councilmembers shall only use official City email and text accounts to conduct City business.
2. The City shall provide the Mayor and the Councilmembers with separate publicly owned devices such as cell phones and tablets for the conduct of City business.
3. The Mayor and the Councilmembers shall endeavor to keep communications regarding City business out of their personal accounts and shall forward any communications regarding City business that they receive in their personal accounts to their official City accounts.
4. Any communications, including emails and texts that relate to an Agenda item received before or during a Council meeting by a majority of the Council must be disclosed in accordance with Government Code Section 54957.5.
5. No campaign activity may be conducted on City accounts or City devices.
6. If a request for records is received, a search that is reasonably calculated to locate responsive records will be conducted. Privacy concerns can and should be addressed on a case-by-case basis. Communications that are primarily personal, containing no more than incidental mentions of City business are generally not considered public records.
7. City Email Storage and Retention: Emails contained within a Councilmembers' City Inbox and Sent Items folders (including any subfolders) shall be retained by the City for a period of two years from receipt or transmission. This hold follows a two-year retention policy for all Correspondence Record Description as defined in the Mayor and City Council Retention Schedule. Thereafter, unless



the City Councilmember places emails into User-created folders, any emails within a Council Members' City Inbox and Sent Items folders (including any subfolders) that are more than two (2) years old shall be considered transitory and/or nonpermanent are subject to destruction per City's Retention Schedule policies and will be automatically deleted.

*Reference:*

*Council Policy 046 Approved – May 2017*

*Council Policy 046 Amended – May 28, 2024*