

City of Santa Clara  
Policy and Procedure Manual



## 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 Council Members 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 Council Member 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 Council Members shall only use official City email and text accounts to conduct City business.
2. The City shall provide the Mayor and the Council Members with separate publicly owned devices such as cell phones and tablets for the conduct of City business.
3. The Mayor and the Council Members 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.

***Reference:*** ***City Council-approved policy***

**RESOLUTION NO. 17-8433**

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA ADOPTING A MAYOR AND CITY COUNCIL  
PUBLIC RECORDS POLICY**

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

**WHEREAS**, a recent California Supreme Court decision has clarified the nature of communications that may constitute a public record subject to disclosure;

**WHEREAS**, the City Council referred this matter to its Governance Committee; and,

**WHEREAS**, the Governance Committee has recommended that the attached Mayor and City Council Public Records Policy be approved and adopted by the City Council.

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

1. Adoption of Policy. The attached Mayor and City Council Public Records Policy 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 16<sup>th</sup> DAY OF MAY 2017, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Davis, Kolstad, Mahan, O'Neill and Watanabe and Mayor Gillmor
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NOES:	COUNCILORS:	None
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ABSENT:	COUNCILORS:	Caserta
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ABSTAINED:	COUNCILORS:	None
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ATTEST: \_\_\_\_\_

  
ROD DIRIDON, JR.  
CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference:  
1. Mayor and City Council Public Records Policy  
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