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Attachments:	1. Attachment 1 - Mercury News Article Published on October 3, 2018, 2. Attachment 2 - Santa Clara County Civil Grand Jury Citizen Complaint Form, 3. Attachment 3 - CGJ City of Santa Clara Final Report - 06.18.19, 4. Attachment 4 -THE-PEOPLE'S-BUSINESS-A-Guide-to-the-California-Pu, 5. Attachment 5(a) - December 3, 2018 Grand Jury Request, 6. Attachment 5(b) - February 6, 2019 Grand Jury Request, 7. Attachment 5(c) - April 3, 2019 Grand Jury Request, 8. Attachment 6 - Example of City Response Invoking a 14-day Extension, 9. Attachment 7 - Mayor and Council Policy #046, 10. Attachment 8 - CMD 13, 11. Attachment 9 - City Stacked Workload Diagram, 12. Attachment 10 - PowerPoint for ELT Re Laserfiche Implementation, 13. Attachment 11 - Email Exchanges between City Manager Santana and Grand Jury Member, 14. POST MEETING MATERIAL				

Date	Ver.	Action By	Action	Result
9/4/2019	1	Council and Authorities Concurrent Meeting	Approved	Pass

REPORT TO COUNCIL

SUBJECT

Action on the City's Response to the 2018-2019 Santa Clara County Civil Grand Jury Report: "City of Santa Clara Public Records Access: The Paper Chase"

BACKGROUND

Based on a resident complaint, the Santa Clara County Civil Grand Jury ("Grand Jury") initiated an investigation of the City's and Santa Clara Stadium Authority's contracting procedures (Attachment1). It is important to note that the Complainant Form asks the complainant to *"Please describe any previous attempts to resolve this complaint, including the agencies you contacted, and the action taken by the agencies. You may attach additional pages as necessary"* (Attachment 2). Unfortunately, the Complainant made no attempt to resolve the serious allegations against the City of Santa Clara, nor did he seek any information about public sector procurement requirements from professional staff, which are complex in nature. City staff learned about the complaint from the media articles.

Although the Grand Jury did not find any wrong doing with the contracts that were the subject of the complaint, the investigating Grand Jurors began a review of the City's procurement processes in general. The Grand Jury stated that in the course of its investigation, they changed the focus of the investigation to the City's handling of requests for records under the California Public Records Act (CPRA). Given the Complainant's inflammatory communications with media about the City's handling of public records, this report will contain a full discussion of the City's practices and how they comply

with the law.

On June 18, 2019, the Grand Jury published a report entitled “City of Santa Clara Public Records Access: The Paper Chase” (Attachment 3). The report contained four Findings and six Recommendations that require City response by September 16, 2019. Specifically, California Penal Code § 933(c) requires that a governing body of the public agency, or department which has been the subject of a Grand Jury final report, respond within 90 days to the presiding judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. California Penal Code § 933.05 contains guidelines for responses to Grand Jury findings and recommendations. As stated in Penal Code § 933.05(a), public agencies are required to “Agree” or “Disagree,” in whole or in part, with each applicable Finding. To be clear, the options for response to Findings are: 1. Agree in Whole; 2. Partially Agree; 3. Disagree in Whole; and, 4. Partially Disagree. Further, as stated in Penal Code § 933.05(b), the City of Santa Clara is required to respond to each applicable Recommendation with one of four possible actions:

1. **Recommendation has been implemented**, with a summary regarding the implemented action;
2. **Recommendation has not yet been implemented**, but will be implemented in the future, with a timeframe for implementation;
3. **Recommendation requires further analysis**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report; or,
4. **Recommendation will not be implemented** because it is not warranted or is not reasonable, with an explanation therefor.

Approval of this report satisfies the requirements of Penal Code 933(c), which requires the City Council to respond to the Civil Grand Jury report no later than 90 days after the Grand Jury submits its final report to the presiding judge of the Superior Court.

DISCUSSION

This section of the report provides discussion of two key categories: (1) response to the Grand Jury’s Findings and Recommendations as required by Penal Code § 933(c) and (2) pertinent facts omitted from the Grand Jury report that would have resulted in a more balanced and factual report and clarification or commentary about the Grand Jury’s approach to investigate the City’s records management.

Section 1: Response to Findings and Recommendations [Penal Code § 933(c)]

Finding 1

The City does not properly respond to CPRA requests because it: (a) does not indicate if it will respond; (b) does not respond within 10 days; (c) overutilizes the 14-day extension; (d) invokes the need for a 14-day extension for reasons beyond those permitted in the statute; and (e) fails to

provide all documentation responsive to the request.

Response to Finding 1:

The City of Santa Clara “**Disagrees in Whole**” with Finding #1. Below are responses to the Findings sub-parts:

Response to Finding 1(a):

Guideline/Law -- The CPRA does not require that a public agency “indicate if it will respond,” Government Code 6253 (c) requires that the public agency **determine whether there is responsive records to the request and to notify if there will be records to produce**. Specifically, the CPRA only requires written response to extend beyond the ten-day period, it must do so in writing stating the reason or reasons for the extension and the anticipated date of the response within the 14-day extension period.

Pursuant to the California Government Code 6253 (c) “... *In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched.*” The agency does not need the consent of the requester to extend time for response.

City Practice - Consistent with the law, and as an enhanced practice, the City recently began to use a standard response when acknowledging a public records request, which is a best practice and serves as an indication that the City will respond to the requestor within the 10-day period. This standard response to the requestor is not a requirement of the CPRA; however, the City provides it as a courtesy to a requestor to immediately let them know that we are in receipt of their request for records. Specifically, the standard response states:

“Thank you for your public records request received on [insert receipt date]. The City of Santa Clara acknowledges receipt and pursuant to the California Public Records Act provides this response to your request.

The City will provide a further response to your request on or before [insert 10 day date].

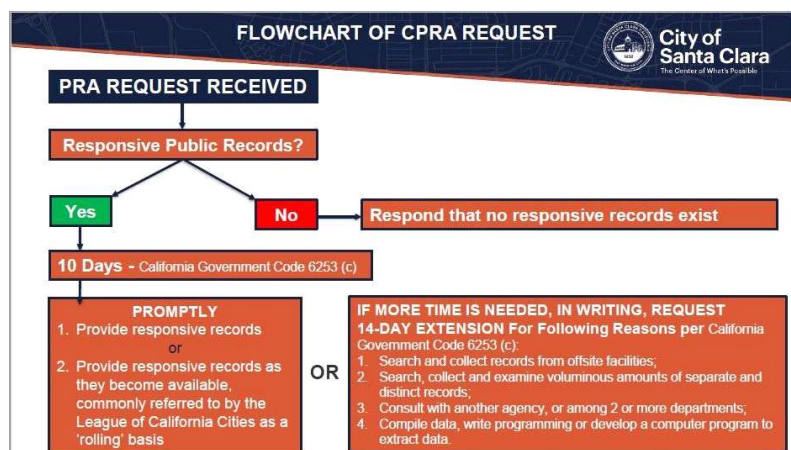
Should you have any questions or concerns, during this process, please do not hesitate to contact me at Publicrecords@santaclaraca.gov”

Response to Finding 1(b):

Guideline/Law -- The City responds to public record requests within the 10-day period in compliance with Government Code 6253 (c): “Each Agency, upon a request for a copy of records shall, with 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor.”

City Practice -- In cases where responsive records are readily available within the 10-day period, the City provides those responsive records. In voluminous and/or more complex requests, the City provides responses on a “rolling basis.” *The League of California’s Cities: California Public Records Act publication entitled The People’s Business, A Guide to the California Public Records Act [Revised April 2017] states (Attachment 4):*

When faced with a voluminous public records request, a local agency has numerous options - for example, asking the requestor to narrow the request, asking the requestor to consent to a later deadline for responding to the request, and providing responsive records (whether redacted or not) on a “rolling” basis, rather than in one complete package. [Page 22]



As stated above, if records are available within 10 days they are released; however, if there is the need to determine if more records exist, in those specific responses the City provides an estimated date of when additional records may be available. California Government Code 6253 (b), (c) states “...each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available...”; “...within 10-days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency...”

The League of California’s Cities: California Public Records Act publication entitled The People’s Business, A Guide to the California Public Records Act [Revised April 2017] also states:

The right to access public records is not without limits. A local agency is not required to perform a “needle in the haystack” search to locate the record or records to the request... Nevertheless, if the request imposes a substantial enough burden, an agency may decide to withhold the requested records on the basis that the public interest in nondisclosure clearly outweighs the public interest in disclosure. [Page 23]

PRA Request -- Ms. Georgine Scott-Codiga submitted a CPRA on December 3, 2018. At the time of submission of the request, it was easily determined that the records request was broad and voluminous (Attachment 5) and the Assistant City Clerk sought the interest of Ms. Georgine Scott-Codiga to narrow down the request during several telephone conversations between December 6 - 14, 2018. The Assistant City Clerk reported to the City Manager’s Office that Ms. Scott-Codiga declined to narrow down the below request. Thus, on December 14, 2018, when it was clear that the requestor would not be narrowing the result, staff invoked the 14-day extension to compile the high volume of records. Within days the records were available for inspection, on December 19, 2019. The requestor made an appointment at her convenience to inspect the records on December 24, 2018. Responsive to the request and in compliance with the law, albeit it appears to have been “a needle in the haystack” request, the City appropriately presented the responsive records to inspect

by presenting all boxes of responsive documents.

1. All "General Services" Bids, RFPs, RFQs, for the City of Santa Clara and Santa Clara Stadium Authority within the last five years in the amount of \$40,000.00 or more.
2. All "General Services" contracts (excluding utility contracts) for the city of Santa Clara and Santa Clara Stadium Authority awarded within the last five years.
3. All invoices for "General Services" contracts (excluding utility contract invoices) awarded in 2017 and 2018 for the City of Santa Clara and Santa Clara Stadium Authority.

It is worth noting that *The People's Business, A Guide to the California Public Records Act* states, "Although the law precisely defines the time for responding to a public records request for copies of records, it is less precise in the defining the deadline for disclosing the records. Because the CPRA does not state how soon a requestor seeking to inspect records must be provided access to them, it is generally assumed that the standard of promptness set forth for copies of records." Govt Code Section 6253(b) states, "each state or local agency, upon request for a copy of records that reasonably describes an identifiable record or records, shall makes them promptly available." In this case, given the voluminous amount of records requested, making them available within six business days is prompt and reasonable. While the Requestor states that she reviewed the boxes for over two hours and finally gave up, it is important to keep in mind that the City's response was completely compliant with the law and that we did seek to narrow down the request. The customer experience is not an element of complying with the law, the standard is producing the requested records as required.

Lastly, during the course of this Grand Jury review, there were three distinct public records requests. Table 2 below, shows the dates that the records requests were submitted to the City and the timely dates of our response:

Table 2: Summary of Grand Jury PRA Requests and City's Date of Response

Public Records Request	City Date of Response	Notes
CPRA #1 by the Civil Grand Jury December 3, 2018 (Attachment 5a) Note: A standard 10 response that the City uses was not issued because the Requestor was in constant communication, within two days of submitting the request, and therefore there was no need to acknowledge it since that was already happening.	December 19, 2018	Staff was in communication within 10 days with the Grand Jury between December 6 - 14, 2018 to clarify and narrow request, with no success. As a result, the City appropriately invoked a 14-day extension to compile and gather all responsive records and had them available by December 19, 2018. An appointment was scheduled for the Grand Jury to review the documents on December 24, 2018, at a time appropriate for the Requestor. This request was very voluminous and could have fallen under "the needle in the haystack" reference.
CPRA #2 by the Civil Grand Jury February 6, 2019 (Attachment 5b)	February 19, 2019 (This was a 10-day Courtesy response-the 10 th day fell on a weekend and the next working day following a recognized holiday was Tuesday, February 19)	The Grand Jury visited City Hall a few days after submitting their 2 nd CPRA to check on the status. On February 19, staff provided a response that records would be released on February 20, 2019. On February 21, 2019 staff responded by "producing 10 out of 15 unique requests to the Grand Jury and continued to produce records thereafter. Staff informed the Grand Jury that additional records were identified and would anticipate releasing the last five requests on March 1, 2019.

CPRA #3 by the Civil Grand Jury April 3, 2019 (Attachment 5c)	April 10, 2019 and April 22, 2019	The Grand Jury submitted a third CPRA. Staff acknowledged receipt on April 10, 2019 and communicated that responsive records would be available on April 22, 2019. Staff appropriately provided the CPRA citation for a 14-day extension with the reason that the timeframe needed to be extended.
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Response to Finding 1(c-d):

Guideline/Law -- The Government Code 6253 (c), which states:

In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.*
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.*
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.*
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.*

City Practice -- The City utilizes the 14-day extension only as allowed by the California Public Records Act (CPRA) and responses explicitly state the reason for the extension for each request. The City's process in invoking the 14-day extension is in compliance with the Government Code 6253 (c).

PRA Request -- The Grand Jury's use of the word "overutilizes" the 14-day extension is subjective. As noted in Table 2, the City used the 14-day extension, with the proper citation, for CPRA #1 and #3 was used. The Grand Jury Report contains no analysis of the City's overall responses to records requests and draws conclusions based on their limited three requests, ignoring the hundreds of other requests that are administered. The 14-day extension is relative to the statutory requirement to respond to the request. The legal standard for actually providing records is "promptness". How promptly the City provides records depends on many factors including: the broadness and complexity of the request itself, how the City keeps and indexes the records being sought, the physical nature of the records and their location, and the human resources that the City has available when the request is received relative to the other public records requests that are being made at the same time. The

City can only do what it can do with the resources that it has available to perform the request/tasks. In instances where there are a large number of requests seeking a large number of records under circumstances where the records are not easily located or retrievable, the City will respond with “rolling” batches of records (which is compliant with the law and referred to as an acceptable practice by the League of California Cities: The People’s Business, A Guide to the California Public Records Act). In other words, the City provides responsive records when they become available. Other jurisdictions also take this approach when faced with similar situations and believe it to be in compliance with the CPRA. As a reference, staff is providing another example of when the 14-day extension was invoked and how the City documents the CPRA exemption (Attachment 6).

Response to Finding 1(e): The City complies with its legal duty to provide all records responsive to the requests that are made, as noted in the City’s responses to Findings 1(a-d). Although the current process is manually driven and is staff resource intensive, the City does in fact go through an extensive, coordinated and often cross-departmental search process for responsive records and releases records as they become available and deemed responsive. It is not unusual for the City to release records in multiple batches and the City advises a requestor if more records may be available and whether more time is needed. This is an action permissible within the CPRA and legally compliant. The CPRA does not require a public agency to produce all records at once or within 10 days. In those cases where the City does not possess responsive records, it is communicated with the requestor promptly that the City has no responsive records, per Government Code Section 6253 (c).

Note: Over the past weeks, the City has been inundated with hundreds of new unique records requests. During this time, both the Public Records Manager and the primary legal staff person have departed City employment and two voluminous records requests were addressed outside of the 10-day requirement, albeit we responded to both.

Recommendation 1

The City should train staff responsible for responding to CPRA requests to timely indicate if the City will respond to the request and, further, only invoke the 14-day extension where permissible.

Response to Recommendation 1: The **Recommendation has been implemented**. Well before the Grand Jury report was issued, the City had established a set of actions to achieve a modern and less decentralized service model, detailed later in this report. For example, on March 8, 2019, a joint workshop was held for Agenda Coordinators and Public Records Liaisons from each department to review the agenda management process and public records process. In addition, there were trainings offered on August 5 and 7, 2019 to review the public records process prior to the August 13, 2019 user training for the new NextRequest software, which is anticipated to launch in mid to late October 2019. At these trainings, the California Public Records Act was reviewed in detail, including the 10-day requirements, as well as the 14-day permissible extension parameters.

Finding 2

The City lacks a written policy to guide staff in responding to CPRA requests in a manner that complies with the law.

In Response to Finding 2: The City of Santa Clara **“Disagrees in Whole.”** The City has had a written policy for staff to respond to CPRA requests, compliant with the law, since June 1999. The City of Santa Clara’s practices are supported by key actions taken at the policy, administrative/operational, and legal level:

- (1) **City Council Policy Manual** - This document has been updated significantly over the past 18 months, and frequently reviewed by the Governance Committee for full City Council action. In fact, in 2017 the City Council approved a *City Council Policy #046 titled "MAYOR AND COUNCIL PUBLIC RECORDS POLICY"* (Attachment 7) to manage its compliance with recent court actions and best practices with public records management.
- (2) **City Manager Directives** - The administrative policies for the City of Santa Clara are managed through the City Manager Directive-Procedures (CMD) process which provide instructions to the organization to direct procedures, practices and policies. The Grand Jury report fails to acknowledge *CMD #13, dated July 23, 2003, and titled "PUBLIC RECORDS REQUESTS,"* (Attachment 8) which specifically provides instructions to the organization on how to respond to public records act requests.
- (3) **City Attorney Advice** - Following court rulings relative to public records, the City Attorney regularly provides advice with respect to developments and changes in responding to public records requests.

As mentioned above, former Administrations failed to keep current the CMD administrative policies. CMD #13 will be updated to reflect new practices and procedures once NextRequest is implemented and observed for six months and further updates will be done or as needed based on other changes. *Note: For FY 2019/20, as part of its reforms, the Council approved funds for the City Manager to hire a consultant to review the CMD policies and advise on which CMDs required updating. With focus on updating the Council Policy Manual, staff decided to outsource this work to accelerate modernizing CMDs that require amendment.*

Recommendation 2

The City should create and implement a written policy, by October 31, 2019, to guide City staff in complying with the CPRA.

In Response to Recommendation 2: The **Recommendation has been implemented** and the City has been compliance since June 1999. As noted above, the City of Santa Clara has two policies related to public records:

1. CMD-Procedure #13 entitled "Public Records Requests", which has been in place since June 1999. This policy is being updated to reflect new practices and procedures; and
2. City Council Policy #046 entitled "Mayor and Council Public Records Policy", effective since 2017.

Finding 3

The City's disorganized recordkeeping and lack of a functional records management system hinders its ability to timely and accurately comply with CPRA requests. Although the City purchased records and CPRA management systems 18 months ago, it has yet to implement those systems.

Response to Finding 3: The City of Santa Clara "**Disagrees in Whole.**" Again, the Grand Jury uses a subjective term to characterize the City's records management.

In fact, this characterization was the source of a lengthy discussion during the "Exit Interview" when staff expressed several times that the records management is more accurately characterized as

manual (with some records digitized), decentralized, and, as a result, inefficient. The Grand Jury emphasized, during that conversation, that unilaterally focusing on Santa Clara's practices would serve as an example to encourage other cities to change because they would not want a similar Grand Jury report issued about them.

A simple benchmarking exercise would have yielded important contextual information about how other cities manage their records. The City requested that the Grand Jury benchmark to better inform how the City of Santa Clara compares to other regional cities. They declined to add that information to their investigation. City staff completed said benchmarking and, in Section 2, Figure 1: Volume Benchmarking of Public Records Requests, illustrates that the City of Santa Clara is like other regional local governments with both a combination of manual and digitized records maintenance, such as: Cupertino, Fremont, Milpitas, Mountain View, and Sunnyvale. Unfortunately, the Grand Jury did not think that it was important to benchmark our records management practices to understand whether they are common or not, which would have informed a more accurate Finding because each is similar to Santa Clara (except for volume of requests).

It is important to note that the manual method of records management does not mean that the City cannot locate records or is disorganized; however, it does mean that it takes longer and requires much more staff resources. However, new technologies offer and allow for more efficient uses to better the public, which the City is fully engaged in implementing but, as it is well known, new software systems cannot be implemented without first preparing an organization for the change.

City staff's work has been very focused on modernizing systems that better serve the public, promote transparency, and advance modern administrative practices. Within the context of much change in these areas, the City has been able to timely and accurately respond to CPRA requests and has been working on various process improvements over the course of the last 18 months that directly prepare for the NextRequest implementation. It is a well-known practice in information technology software implementation, that organizational readiness and business processes need to be stabilized to accept new technology. Below is a summary of some of the major efforts taken over the past 18-months to advance the organization in a more efficient public records management process and prepare it for greater use of digitized records systems (Attachment 9):

- 1) **Resolved Financial Deficit** -- Achieving financial stability for the City enabled the addition of a Procurement Manager, Contracts Manager, and Public Records Manager which are all core to improved records management. In January 2018, when the City Manager first surfaced this matter before the Council, **had the budget deficit not been resolved, there would have been no opportunity to add resources needed to resolve service areas**. In fact, faced with a \$46 million deficit, the City would have been facing the preservation of other core services, beyond records process improvements. (Timeframe = October 2017 - June 2018 for FY 2018/19 and July 2018 - July 2019 for FY 2019/21)
- 2) **Implemented a Council Agenda Management System (Granicus)** -- Within the City Manager's first 90 days, action was taken to prepare the organization for the implementation of Granicus because it was deemed the software system that would achieve the most significant impact of advancing the City's records management (i.e., establish a workplan, communicate workplan, establish and schedule user training for many departmental report writers, establishing new report writing formats and requirements, Council approval of a new agenda format, Council approval of action minutes, implementation of software, testing of software while concurrently maintaining both agenda production systems, and resolving glitches that naturally

- surface during this process). Granicus is a system that supports City Council (and Boards and Commissions) agenda management, from agenda development phase to minute production. With the implementation of this software system, the City made a significant leap with archiving reports, resolutions, ordinances, minutes, agendas, and attachments to reports for transparency and quick public access to these records. (Timeframe = October 2017 - March/April 2018)
- 3) **Implemented a Log to Track CPRA Requests-** Given the high volume of records requests, to support the Council and organization with informed decision making and workload management, the City began collecting data of CPRA requests and has observed the upward trend of more frequent and complex records requests. This data helps with understanding the CPRA request activity. Data analytics in this area of public service was not previously performed in prior years/decades, January 2019 was the first time that CPRA data was reported. (Timeline = ongoing)
- 4) **Council Policy Manual** - At the Governance Committee meeting of April 10, 2017, the Committee unanimously recommended the approval of a Mayor and City Council Public Records Policy, particularly with the recent court case *Smith v. San Jose* relating to public records on both private and public accounts pertaining to the conduct of public business. The Council adopted a resolution to approve the Mayor and City Council Public Records Policy #046 on May 16, 2017. (Timeframe = April - May 2017)
- 5) **Relocate Significant Amount of Public Records for Proper Storage** - The Council acknowledges that we are short on workspace for employees. With the addition of the above referenced staff, space was needed for them to work. Additionally, the former City Clerk stored the City's archives in a room in City Hall that did not support the proper storage requirements for City archives, and they were at risk of water, or other forms of, damage. This put the City's records at risk of rotting and destruction. Recognizing that this was not a best practice, the Administration acted to properly store the records at a facility that provides the proper storage conditions for our valuable City archives. This action opened space for the new employees and this action alone was a tremendous effort and advancement for records management. (Timeframe = September - October 2018)
- 6) **Establish Funding, Job Description, Recruit, and Hire a Public Records Manager** - Public sector employment requires that a new job description/classification be coordinated with the relevant bargaining unit and approved by the City Council. The City Council approved the Public Records Manager job description on June 26, 2018. Through resolving the financial deficit, the City was able to fund this position in July 2018. Upon approval of the classification, the City posted the position on September 6, 2018, after completing "meet and confer" labor requirements for the proposed job descriptions, and a job offer was made upon finalizing the interviews in early November 2018. The Public Records Manager began work on January 14, 2019. It should be noted that it can take six to nine months to recruit and place employees. (Timeframe = February 2018 - January 2019)
- 7) **State Law Change re Police Records (AB1421 and AB748)** - Assembly Bill 1421 went into effect in January 2019, which requires Police Departments to release certain records and videos. Assembly Bill 748 went into effect on July 1, 2019, which will now require the Police Department to release body camera video of shootings within 45 days. Police Departments from throughout California received CPRA requests shortly after the law went into effect. The process to respond to these requests is very staff intensive and requires a coordinated effort between with the City Attorney's Office and the Police Department. The Police Department reclassified one Staff Aide position to a Records Specialist for Fiscal Year 2019/20. The process to review one shooting case may take approximately 30 days. Given the research needed and specialty in this area, two audio/video companies have been contacted and identified to conduct the redaction function. (Timeframe: September 2018 - present)

- 8) **Assess Department CPRA Response Processes & Establish New Practices** - In order for the City to understand the needed improvements and City practices, the Public Records Manager met with Department Directors to learn about processes and areas of opportunity for improvement beginning in February. She developed a process that began establishing a less decentralized model and log system to track the City's many requests, on March 12, 2019 she joined the Assistant City Clerk in a workshop providing educational training on the agenda management process and public records process to agenda coordinators and public records liaisons for each department. (Timeframe February - April 2019)
- 9) **CPRA Training Development and User Training** - In March 2019, upon completion of #7, City staff provided an educational training workshop and provided basic training related to the CPRA that was tailored based on learning the needs of the organization.
- 10) **Basic Public Records Management Training & Pre-NextRequest Training** -- In preparation for the NextRequest launch, staff also provided basic public records management training as well as NextRequest user trainings for all public records liaisons from all departments on August 5, 7 and 13, 2019.
(Timeframe January- August 2019)
- 11) **LaserFiche Department Director Workplan Prep** - On April 8, 2019, the City Manager's Office and IT Director presented a PowerPoint presentation that contained key information about the planned implementation of Laserfiche software with key milestones outlined. The purpose of this meeting was to review the organizational needs to prepare for the implementation of this software and to hold a discussion about preparedness and workload, to anticipate how to advance this effort. This PowerPoint presentation was provided to the Grand Jury on April 5, 2019, in advance of presenting it to the Department Directors (Attachment 10), which the Grand Jury failed to mention. Absent acknowledgement of our workplan for LaserFiche implementation, with target dates, misleads the public about our efforts.
- 12) **Laserfiche Soft Launch--** At the above referenced meeting, it was suggested that the timeline be adjusted and that Laserfiche be prioritized. A soft launch of Laserfiche has been implemented with the City Attorney's Office to assist with work process and anticipate any implementation changes in the workplan created. It is anticipated for a broader implementation in fall 2019, which will largely begin with scanning documents, establishing user rules, and other organizational preparations that will go past December 31, 2019 (an arbitrary deadline set by the Grand Jury). Once completed, Laserfiche will allow City Departments to scan vital records to a "central repository" for enterprise records management of vital records.
(Timeframe = April 2019 - Present).
- 13) **Records Query Improvement** - Given the volume of public record requests, staff has worked to provide focused and relevant search terms to the Department of Information Technology (IT) to yield more focused responsive records and to create a more efficient search of records. IT staff collaborated with the Microsoft exchange engineers to review opportunities to streamline the search results. As a result of this, the search now eliminates duplicate emails and can be provided to staff in a pdf format upon request. Prior to this effort, it was not uncommon for any email sweep to produce a large volume of duplicative records for review by staff.

The former City Clerk procured both Granicus and Laserfiche through a combined RFP process in FY 2016/17 and an informal process for the NextRequest software. While the Grand Jury's recommendation is solely focused on just implementing the software systems, the Grand Jury failed to recognize the resignations of key staff that occurred during that same time and its impact to implementation, coupled with the organizational needs required to be "digitized" ready (as outlined above). It is worth noting that during the past 18 months:

- Former Assistant City Clerk resigned in December 2017 (interim staff backfilled this position)
- Elected-City Clerk resigned in February 2018 (interim staff backfilled this position)
- Current Assistant City Clerk started in September 2018
- Deputy City Clerk was appointed in December 2018
- Public Records Manager began in January 2019 and departed the City in August 2019
- As-needed employee began in June 2019 to support response to public records requests
- Funding for a Police Records staff position to comply with new laws

Based on the significant staff transitions, the Administration needed to assess and ensure that the software systems were best matched for the goals of the organization while stabilizing staff resources and responding to the growing number of requests. The Administration quickly identified the need to implement the Agenda Management System (Granicus), which enhanced transparency and made it easier for the public to access public records. It also allowed for video streaming of Council meetings and provided the closed caption feature along with the visual display of the live vote during a meeting. Following implementation of Granicus, NextRequest was temporarily put on hold to focus on the smooth transition to Granicus, which enables greater levels of transparency with City records and data and strengthen staff resources. NextRequest preparation and implementation was re-instituted in Spring 2019 and is scheduled to launch in Fall 2019. Now, the City is working towards milestones for achieving the implementation of Laserfiche which will eventually modernize document repository and production processes along with records management, work flow processes, and transparency. As with Granicus, the Administration must prepare for the system implementation with training and all the change management to completely implement citywide.

The above detailed outline shows that the City has not wasted the past 18 months, rather completed significant baseline processes that needed to complete to prepare the organization for increased “digitized” system implementation. It appears that the Grand Jury members based their Findings and Recommendations on a series of actions related to their three CPRAs (ignoring the 100+ records requests that we compliantly address at once), including appropriately providing a volume of contracts in storage boxes in response to the first public records request. As a reminder, for example, the Grand Jury’s first CPRA requests were voluminous and likely a “needle in the haystack” request, and were as follows:

- 1) All “General Services” Bids, RFP’s, RFQ’s for the City of Santa Clara and Santa Clara Stadium Authority within the last five years in the amount of 40,000.00 or more;
- 2) All “General Services” contracts (excluding utility contracts) for the City of Santa Clara and Santa Clara Stadium Authority awarded within the last five years;
- 3) All invoices for “General Services” contract (excluding utility contract invoices) awarded in 2017 and 2018 for the City of Santa Clara and Santa Clara Stadium Authority.

While a computerized system would provide a quicker and faster response and would have the ability to drill down to search for a specific type of contract, the production of said storage boxes was entirely responsive and compliant with the law. As mentioned, the City coordinated this response based on the City Attorney’s recommendation to provide expedited documents to the Grand Jury for their inspection.

Like other municipalities that do not have a computerized system or digitized records, the process is more staff resource intensive and manual. At the time, staff attempted to work with the Grand Jury to narrow the request in order to provide the exact documents sought. Because the City does not index

or file contracts based upon contract amount it did not have records responsive to the Grand Jury's request, so it produced all contracts from the relevant time period for the Grand Jurors to examine. This is completely responsive and compliant with the law; however, recognizing the magnitude of produced documents, staff continued to offer assistance to the Grand Jury and seek clarification about their request.

Last, the Grand Jury's Finding does not recognize that the organization cannot just implement two software systems on top of an inefficient business process and without first improving them. For software systems to be successfully implemented in a large organization, with staff distributed in various locations throughout the City, it is important to establish workplans and sequencing of milestones to advance the overall goal. Had the Grand Jury inquired about how the past 18 months were utilized, they would have been able to acknowledge the above required milestones that were needed to launch the NextRequest system this Fall 2019, and the steps being implemented for Laserfiche.

The City disagrees in whole because as explained in the "Exit Interview," the context of their investigation matters and, by the above information, it is easily to observe that the City compares equally to other cities and that the required work to implement these new systems has been well underway.

Recommendation 3a

The City of Santa Clara should implement its records management and CPRA management systems by December 31, 2019.

Response to Recommendation 3a: The **recommendation has not been implemented**; but is anticipated to be implemented by mid to late-October 2019. The CPRA management system, NextRequest, will be a public portal where requestors can make online records requests. Requests will either be received directly from the system or entered by staff and each request will be assigned a tracking number and will be facilitated electronically. Any and all responsive records will be uploaded, and the system will notify the requestor that their records are ready for review.

Additionally, the City is in the process of implementing Laserfiche, which is a full records management program, and far more complex than NextRequest. The recommended timeline of implementation by the Civil Grand Jury for the Laserfiche records management system by December 31, 2019 is not reasonable and that was explained to them during the close out interview. This recommendation does not consider the other city reforms, daily workload of staff to remain compliant with the CPRA, and the other 33 software system upgrades and/or replacements that are concurrently being implemented.

Recommendation 3b

In the absence of an operational CPRA and records management system, the City of Santa Clara should create and immediately implement interim procedures to comply with the CPRA.

Response to Recommendation 3b: The **recommendation has been implemented**. The City is currently using a manual logging system to keep track of its incoming public record requests and is transitioning to NextRequest by mid to late-October 2019.

Finding 4

The City's Public Records Manager is the only staff member trained to respond to CPRA requests, yet the records are decentralized requiring the Records Manager to rely on other staff within multiple departments to search for and obtain the documents responsive to the CPRA requests.

Response to Finding 4: The City of Santa Clara **“Disagrees in Whole.”** While the Public Records Manager is a sole job classification, each department has one or more departmental staff assigned to coordinate the City's responses to CPRA requests. Staff relies on subject matter experts to respond accurately to requests. As shared with the Grand Jury members, the City has several staff members who are trained, equipped and have the professional experience and ability to assist and support the City's public records response process. To serve in the best way possible, the City recognizes that having staff in various areas and expertise levels, who are involved in the process for public records, increases its ability to fully respond to public records requests.

The position of Public Records Manager cannot serve as a subject matter expert in every department to identify all responsive records to a request and, accordingly, as a long-standing practice, the City has had multiple staff within its departments trained on responding to CPRA's. The Public Records Manager's work is to ensure consistency with response methodologies, support the system development, prepare for the various required trainings with this change management of the entire organization, and track requests that do not fall into one department or are more complex in nature.

Recommendation 4

The City should identify and train necessary staff on compliance with the CPRA by October 31, 2019.

Response to Recommendation 4: The **recommendation has been implemented.** The City of Santa Clara has trained staff. The Assistant City Clerk and the Deputy Clerk as well as key staff people in the City Manager's Office are fully trained on the CPRA and provide guidance and assist in fulfilling public records requests. In addition, the City Attorney's office provides legal support when necessary in responding to public records requests. In 2019, trainings with front-line staff have been held on March 12, August 5, August 7, and August 13. Additional discussions about these efforts have been held with executive staff throughout the year. Trainings are going to also be scheduled on a quarterly basis moving forward.

DISCUSSION

SECTION 2: Contextual Background, Benchmarking, and Commentary of the Grand Jury's Report and Method

The following section provides more contextual information regarding the public records management process and the engagement with the Grand Jury from December - June 2019 which led to the Grand Jury Report. This section is organized as follows:

1. Context of Driving Overall City and Public Records Reforms
2. Benchmarking Data that the Grand Jury Failed to Provide
3. Characterizations and City's Response

1. Context of Driving Overall City and Public Records Reforms

During the period of January through June 2018, against the backdrop of a looming \$46M+ three fiscal year deficit (for the period underway to plan for a two-year budget process), the City Manager and City Council agreed that the highest order of priority was to stabilize the City's unfavorable fiscal outlook, preserve service levels and avoid hundreds of lay-offs, and develop a revenue strategy to raise funds needed for critical high risk administrative processes. The City Council agreed with this strategy and embarked on a period of reforms. It should be noted that many Councilmembers at the January 2018 Goal and Priority Setting session made comments about how this was the first time that they had heard these details about the state of the organization and high- risk administrative practices. It is unknown why past City Managers failed to make public these high-risk conditions or work to mitigate/resolve the projected deficit, as they pose significant adverse impacts to the City's functioning and financial future.

The Grand Jury's observations of public records management are not new, nor has this topic been ignored by the City. In fact, within her first 90 days on the job, City Manager Deanna Santana presented at the City Council Priority Setting Session in January 2018, her assessment of the state of the organization and reported publicly to the City Council on her findings of the high-risk administrative processes that require attention. Unfortunately, because other high-risk administrative processes existed, staff was strategic in its ability to drive change in many high-risk areas of service.

Within many high-risk areas of service, three relevant areas were: procurement practices, contracts management, and public records management. One of the City Manager's recommendations was that the City needed to improve its management of the City's public records process, as well as the need to add resources to this decentralized system that was found to be inefficient. In fact, as reported earlier in this report, the City began to implement reforms immediately related to the public records process. As previously noted, Attachment 9 is a visual of the many efforts taken over the last 18-months related to public records and transparency measures, specifically.

Additionally, at that January 2018 meeting, the City Manager commented that the Administration was making significant advancements with implementing Granicus, the City's agenda management solution, which would catapult the City's records management and improve transparency at once. Use of the Granicus software was strategically selected as the first milestone for advancing public records management because it would immediately modernize the extremely manual process used to produce all legislative documents related to a City Council agenda (along with Boards and Commissions). Indeed, the Administration was successful with moving on the implementation of Granicus during the first half of 2018.

Concurrently, staff began aggressively reviewing each fund and line item expenditures of the City budget. By June 2018, City staff was able to balance the budget, reducing the deficit from \$8.6 million to \$1 million, and propose the addition of three key positions relevant to the Grand Jury's investigation: Procurement Manager, Contracts Manager, and Public Records Manager. For Fiscal Year 2018-19, the City Council added a Public Records Manager position to assist with improving our public records management and improve coordination in a decentralized model. The position was filled in January 2019. Had staff not prioritized this effort, there would have been layoffs and no possibility of bringing in the required resources to support the reforms required to correct high-risk administrative processes. This action cannot be ignored in the context of the City's ability to implement new software and other accomplishments.

In January 2019, at the annual Goal and Priority Setting Session, the City Manager expressed that Granicus was now the new norm, while also providing data on the growing number of public records requests and how the lack of resources made it difficult to concurrently respond to public records requests while leading the effort to implement vital software to modernize the practices, such as NextRequest and Laserfiche.

Thus, the context for understanding the state of public records management within the City of Santa Clara must be factored into the City's response to the Civil Grand Jury report. These include:

- Significant projected deficits (est. \$46+ million) that, under this scenario, must focus on is financial security;
- Plagued with several high-risk administrative processes due to failure to correct or modernize in the past;
- Workload overwhelmingly exceeds the staffing resources and where new initiatives continue due to need or opportunity;
- Staff resignations or recent hires within this service area that cause for disruption in stabilizing workplans;
- Failure to modernize its informational technology systems and is now faced with needing to implement 34 systems to continue service delivery and modernize systems; and,
- Like all Silicon Valley cities where unemployment is 1.9%, that is challenged with recruitment and retainment due to competing with private sector compensation and the high cost of living, rendering cities to commonly recruit from other cities and delayed recruitment processes due to the precedent setting low unemployment rate.

In summary, the City has continuously acknowledged that the manual, inefficient, decentralized state of the City's records management presents some challenges. However, a decentralized and inefficient manual system does not render it out of compliance with the law, as concluded in the Grand Jury report. Indeed, the facts and context in this report demonstrate that the City has been well-aware of administrative processes that past Administrations failed to address: unfortunately, resources do not exist sufficiently to address all of them at once and, as a result, the City continues to deliver high quality service, take on strategic efforts, and drive reforms within our very limited set of resources.

2. Benchmarking Data on Public Records

At the January 2019 session mentioned above, the City Manager also provided, for the first time, data that revealed the volume and quantity of CPRA requests during the 2018 calendar year which estimated approximately 1300+ public records requests received (including public safety request for information). As with many California municipalities, the City also experienced a significant increase in CPRA requests.

This trend did not stop in early 2019. In the first 90 days of 2019, the City received CPRA requests at the rate of more than 25 per month (this does not include the sub-record requests, nor does it include some departments that are still handling their own requests such as Police and Fire). The majority of these public record requests are not just a single record request, rather multiple records requested and complex in nature, which requires a large workload to assemble and review (100s - 1,000s of documents to review prior to releasing).

The professional observations of staff are that the City of Santa Clara receives more records

requests than other surrounding cities were validated by the City efforts to benchmark this activity. It is worth noting that the City of Santa Clara has multiple professional staff in this field of professional work that have served these cities and, in some cases, as City Clerks with extensive public records training. For example, the Assistant City Manager charged with oversight facilitated records requests in San Jose and served as Fremont's City Clerk. The Assistant City Clerk served as Deputy City Clerk in San Jose, and East Palo Alto and as City Clerk in Tracy, and Saratoga (which were not benchmarked). The City Manager served as Interim City Clerk in San Jose and has participated in development of Public Records Request policy development for bay area cities (both small and large).

Lastly, despite the City staff's request to the Grand Jury to benchmark Santa Clara against other cities and its failure to include this informative data, the City took the time to conduct that work so that the City could understand how Santa Clara compares to our regional neighbors. Table 2 provides a summary of the results.

Table 3: Benchmarking of Pubic Records Requests

CITY	POPULATION	RECORDS DIGITIZED	# of MONTHLY REQUESTS	# of ANNUAL REQUESTS
Cupertino	58,302	Many records but not all are digitized	10-12	Over 100
Fremont	234,962	Some records, not all are digitized	25-30	300 +
Milpitas	78,106	No records are digitized	+/-5	+/-55-60
Mountain View	76,260	Some records, not all records are digitized	Varies, average of 34	Approx. 407
Sunnyvale	153,655	Some records, not all; Implementation of an Electronic Management System in 2020 planned	5	Approx. 60
Santa Clara	127,134	Some records, but not all are digitized	~100/month	1300 (2018 numbers including public safety)

Note: During the course of the writing this report, the City was responding to 282 unique records requests. Within four days, the City brought down the open unique records requests to 168. The data demonstrate how quickly the City responds to its high volume of records requests.

This benchmarking data shows that Santa Clara is:

- An outlier with respect to its high volume of public records requests, when compared to like-regional cities, and not by a small amount; and,
- We are very much like other cities in that some records are digitized, but not all records are digitized.

3. City's Engagement with the Grand Jury

Table 4: Characterizations and City's Response

#	Characterization	Report Page #	Response
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1	"However, the 1018-2019 Santa Clara County Civil Grand Jury found the City's recordkeeping to be disorganized and its staffing levels inadequate to process CPRA requests in compliance with the requirements of the law."	3	Staff has acknowledged that the public records system is manual, inefficient and requires less decentralization, but this does not render it disorganized. As noted throughout this report, the manual (and in some cases digitized) records management does not impair the City's ability to be compliant with the CPRA, but it does require more staff intensive processes. The Benchmark data shows that Santa Clara is no different from surrounding cities.
2	"The Grand Jury found that obtaining public records from the City is a time-consuming and difficult chore."	3	The response time to provide responsive public records is compliant with the CPRA, as is noted in the above report. The time it takes to respond is often dependent on the manner in which files are stored and the magnitude of the request received. The City has not denied that the process is manual (with only some digitized documents), decentralized, and inefficient, but it is compliant with the law. Additionally, the City's practice is similar to surrounding cities, except for the higher volume, and there are opportunities to improve. It is worth noting that the City did ask the Requestor to narrow the request to better serve the Requestor. In fact, when presented with all of the responsive boxes full of documents for CPRA #1, the Assistant City Clerk offered again if she was looking for a specific set of records. City staff is in practice of working with Requestors to assist them with identifying records, when the CPRA is overly broad of the inquiry is unclear.
3	"The Grand Jury encountered non-compliance by the City in response to its CPRA requests. Noncompliance with CPRA included non-responsive replies to the requests, invalid excuses for extensions of time, and incomplete document production."	3	The Grand Jury made three records requests: one on December 3, one on February 6, and one on April 3. Regarding all three requests, the City provided responsive records in compliance with the CPRA. The City may not have provided records all at the same time, but they were always in communication with the Grand Jury and provided records on a "rolling" basis-which is entirely compliant with the law. This is a common practice to provide responsive records when handling a complex and voluminous records needed to be gathered, reviewed/assembled that is compliant to Government Code section 6253 (c).
4	"The City acknowledged its recordkeeping system was disorganized and in need of improvement, but the City did not have an interim solution. The City's progress towards implementation of an existing recordkeeping software has been without a sense of urgency."	3	This City specifically stated that the system was manual, inefficient, and resource intensive. The report outlines in detail how City staff has used the past 18 months. The City Manager also released to a Grand Jury member, a PowerPoint that was presented to the Executive Team on April 8, 2019 the detailed timelines for both NextRequest and Laserfiche (see Attachment 10). It is unknown why the Grand Jury did not acknowledge the PowerPoint workplan in its report, which provides supporting information that the City does have a plan.
5	"Closure of city offices other than for recognized holidays does not extend or excuse compliance with the time for response under the CPRA."	6	Government Code section 6253(a) of the CPRA makes it clear that inspection of records is available during the office hours of the state or local agency. Staff advised the Grand Jury of City Hall's closure because the 14-day deadline fell within that time (December 28, 2018), but provided the Grand Jury with a response well before the 14-day extension deadline. The Grand Jury visited City Hall on December 24 to inspect responsive records.

6	"After searching through the boxes for two hours, the Grand Jury was unable to find the documents it was seeking. This was surprising since the Grand Jury had previously obtained copies of several of the requested documents from other sources."	7	If the Grand Jury is referring to the Banner and Singer Contract, those two contracts were in fact in the boxes that were provided to the Grand Jury for inspection (as well as available on the City's website). At that time, the Grand Jury did not specifically ask for these two contracts or narrow the request to them when asked to if the voluminous request could be narrowed. Had the Grand Jury narrowed down their request for a specific contract, rather than for all contracts over many years, City staff could have easily and timely responded. The Grand Jury's broad request played a role in the way the City responded.
7	"City staff was unresponsive to multiple requests to meet, forcing the Grand Jury to seek legal assistance to facilitate the interviews."	7	This is misleading and in fact the attached emails serve as proof that the City Manager was responsive to meeting requests of the Grand Jury. As noted in the attached emails (Attachment 11), there were other large-scale priorities that had to be balanced on her calendar. Scheduling was completed accordingly to the workload requirements and their characterization is subjective and does not consider another City priorities. Their statement that they were "forced" to seek legal assistance is their own prerogative and improperly characterizes the City's efforts to properly schedule a meeting as if we were reluctant or resistant to meeting. That is absolutely not the case, as evidenced by the supporting emails. The Grand Jury also met individually with the Public Records Manager on March 26, 2019 and on May 28, 2019 met with the following staff: City Attorney Doyle, City Manager Deanna Santana, Purchasing Manager Giovannetti, Assistant City Manager Nader, and Public Records Manager Davis. In short, the City was very responsive to the Grand Jury's meeting requests.
8	"Due to the City's non-responsiveness to its CPRA requests after three months, the Grand Jury concluded that its investigation had become futile. Accordingly, the Grand Jury changed the focus of its investigation to the City's compliance with the CPRA."	8	As noted previously in this report, the City was responsive and provided all responsive records to the three different CPRA requests. It should also be noted, as it was quoted in the Mercury News published on October 3, 2018 "The Grand Jury indicates that people shouldn't file citizen complaints unless they have exhausted other attempts to resolve any issues. But Becker said he had been unable to get the city to review his concerns." (Attachment 1). Neither the City Manager nor the City Attorney were contacted by the Complainant.

9	"The Grand Jury learned that the City had been trying for over 18 months to implement a records management system and had procured two software systems: Laserfiche, a records management system to track records; and NextRequest, a software system used to trace records requests. To date, these systems are not operational, and the City could not estimate when they would be."	9	Once again, as noted in the report, the City has advanced many efforts over the past 18-months (see Attachment 9). The City Manager also released to a Grand Jury member, an advanced PowerPoint that was presented to the Executive Team on April 8, 2019 that noted the goals and the timelines for the implementation of Laserfiche and NextRequest (see Attachment 10). Unfortunately, the Grand Jury chose to suppress acknowledgement of this information and workplan in its report that would have provided a more balanced conclusion.
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10	"The Grand Jury learned that the City currently has no city-wide process or written procedures in place for complying with CPRA requests and that the Public Records Manager is the only CPRA trained City Employee."	9	As noted in the report, the Grand Jury report fails to acknowledge <i>CMD #13, dated July 23, 2003, and entitled "PUBLIC RECORDS REQUESTS"</i> which specifically provides instructions to the organization on how to respond to public records act requests and <i>City Council Policy #046 entitled "Mayor and Council Public Records Policy"</i> , effective since May 16, 2017 (see Attachment 7 and 8). As noted in the report, the City Attorney often provides Attorney communication to the Council on new and updated legal requirements regarding public record act requests and other pertinent laws.
11	"The City knew that the requestor was the Grand Jury. Given the Grand Jury's statutory ability to investigate and report on the City, it can be assumed that the City gave the Grand Jury heightened attention. The Grand Jury is concerned because it has greater access to public records than a private citizen does, yet it had significant trouble obtaining documents despite multiple requests."	11	Government Code Section 6253 states that "Any person" may make a CPRA request." Government Code Section 6253 states that "Any person" may make a CPRA request. No person has greater privilege to request records than any another person. The Grand Jury did not receive heightened attention, rather the City provided the Grand Jury with the same level of courtesy and customer service when responding to CPRA requests as it does with any other requestor.

FISCAL IMPACT

There is no fiscal impact associated with this report.

COORDINATION

This reported was coordinated with the City Attorney's Office, the City Clerk's Office and The City Manager's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

It is recommended the City Council approve this response and authorize Mayor Gillmor to submit the City's Response to the Civil Grand Jury Report to the Honorable Deborah A. Ryan, Presiding Judge, Superior Court of California, County of Santa Clara, 191 North First Street, San José, California 95113, no later than **Monday, September 16, 2019**.

Reviewed by: Nora Pimentel, Assistant City Clerk
Reviewed by: Nadine Nader, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Mercury news Article Published on October 3, 2018

2. Santa Clara County Civil Grand Jury Citizen Complaint Form
3. June 18, 2019 Santa Clara County Civil Grand Jury Report
("City of Santa Clara Public Records Access: The Paper Chase.")
4. The League of California's Cities: California Public Records Act publication entitled The People's Business, A Guide to the California Public Records Act [Revised April 2017]
- 5a. December 3, 2018 Grand Jury CPRA Request
- 5b. February 6, 2019 Grand Jury CPRA Request
- 5c. April 3, 2019 Grand Jury CPRA Request
6. Example of City Response Invoking a 14-day Extension
7. Mayor and Council Policy #046
8. City Manager Directive Procedure #13
9. City Stacked workload Diagram
10. PowerPoint for ELT - re: Laserfiche and Public Records
11. Email Exchanges between City Managers Santana's Office and Grand Jury Member