

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: DINA MANIS, CITY CLERK
SUBJECT: ANNUAL PUBLIC RECORDS REQUESTS REPORTS 2022 &
2023

AGENDA ACTION: MOTION

RECOMMENDATION

It is recommended by the City Clerk's Office that the Council, by motion, accept the 2022 and 2023 Annual Public Records Requests Reports and provide direction on how future reports should be presented to City Council.

EXECUTIVE SUMMARY

Santa Rosa City Code Chapter 1-10 Open Government, Article 3 (Attachment 1) requires the City Clerk, acting as the public records coordinator, to prepare an annual report of all public records requests submitted. "The report shall, at a minimum, identify the total number of requests, nature of the requests, number of requests fulfilled, number of requests unfilled, and the reason they were not filled." This report fulfills this annual requirement.

BACKGROUND

In 2013, the Mayor of Santa Rosa convened the Mayor's Open Government Task Force (Task Force) to improve openness and transparency in Santa Rosa municipal government. The Task Force produced a report (Attachment 2) which provided multiple recommendations towards improving open government efforts. One of those recommendations was to adopt a "Sunshine" or Open Government Ordinance. The City of Santa Rosa adopted Chapter 1-10 - Open Government into City Code in 2018 in part to establish new local standards to supplement the California Public Records Act, and to codify certain existing policies and practices that exceed State law requirements.

PRIOR CITY COUNCIL REVIEW

On December 8, 2020, the City Council adopted the Open Government Chapter of City Code.

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On July 13, 2021, the City Council adopted amendments to Open Government Chapter of City Code.

ANALYSIS

The 2022 and 2023 Annual Public Records Request Reports (Attachments 3 and 4) include the required data as outlined in Chapter 1-10 of City Code. Additional data in the reports include a year-over-year lookback for the last five years, and, in response to requests from the Open Government Implementation Task Force, the number of unique requesters.

The lookback shows a peak of requests in 2021, a modest decline in 2022 and nearly a plateau in 2023. The number of requests unfilled in both 2022 (328 unfilled or 25% of 1321 submitted) and 2023 (408 unfilled or 31% of 1316 total submitted) appears significant, but further evaluation of the unfilled request category show that it includes requests that were marked as withdrawn, affidavits not received by requester, other agency records, records that do not exist, or no response from requester. Only 2% (33) of requests in 2022 and 3% (47) of requests in 2023 went unfilled due to records withheld or denied under the California Public Records Act allowable exemptions.

Chapter 1-10 of City Code does not indicate how the tally and report of all records requests should be presented. Staff is seeking clarification on how Council would like to see future tally and reports. Possible options include a written communication or report item on the agenda and posting to the City of Santa Rosa website annually.

FISCAL IMPACT

Acceptance of the reports and feedback on future Public Records Request reports do not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and no environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

This item was presented in substantially the same form to the Open Government Implementation Task Force (OGTF) on March 7, 2024. The OGTF recommended that future reports include information on staff hours spent on fulfilling public records act requests, and data on the number of unique requesters compared to the total number of requests.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – City Code Chapter 1-10 Open Government
- Attachment 2 – Open Government Task Force 2014 Report
- Attachment 3 – 2022 Annual Public Records Requests Report
- Attachment 4 – 2023 Annual Public Records Requests Report

PRESENTER

Dina Manis, City Clerk