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City's Statement concerning Santa Clara County Civil Grand Jury Report on Public Records Access

After reviewing the Santa Clara County Civil Grand Jury Report about public records access, the City of Santa Clara is appreciative of the Civil Grand Jury's time in examining the issue of public records. However, the City disagrees with its overall findings.

The Grand Jury Report, issued on June 18, 2019, is focused on one of the City's gap areas identified as early as January 2018, shortly after City Manager Deanna J. Santana's began her tenure with Santa Clara. City Manager Santana has reported several times that the decentralized state and manual nature of record-keeping is inefficient and presents challenges for many areas of service delivery. These conditions are not uncommon in other municipalities, and unfortunately, the Civil Grand Jury's review lacked municipal benchmarking with other cities. Additionally, contrary to the report's incorrect findings, the City remains compliant with the California Public Records Act (CPRA).

Although a formal response to the Civil Grand Jury report will be presented by City staff to the City Council in the late August/early September time frame, the City felt it important to note some key areas of disagreement with the report that was issued:

- The City disagrees with Finding #1 that the City does not properly respond to CPRA requests. In fact, the City is mandated to respond to all public records request within the 10-day period and utilizes a template that acknowledges the request and a date that the City will follow up as to whether the City possesses responsive records to the request. The City utilizes the 14-day extension only as dictated by the California Public Records Act (CPRA) and explicitly states the reason for the extension for each request. The Grand Jury's report failed to mention this set of legally compliant actions.
- The City disagrees with Finding #2 that the City lacks a written policy. In fact, the City has a written policy by way of a City Manager Directive #13 to guide staff in responding to CPRA requests in a manner that complies with the law. This policy is in the process of being modernized to consider technology, staffing and resources changes along with updates the City has made. In Santa Clara, City Manager Directives are used as administrative policies, much like other organizations, to direct procedures, practices and policies. The Grand Jury's report failed to mention the existing City Manager Directive.
- The City disagrees with Finding #3 that the City's recordkeeping and lack of a functional records management system hinders its ability to timely and accurately respond to

CPRA requests. The City identified public records management as an area of improvement with the first six month of the City Manager's tenure. The City has acted to remedy this issue which includes the hiring of a Public Records Manager with a mission to centralize the City's recordkeeping. The Civil Grand Jury partially acknowledges the steps the City has taken to improves its process, but set an unrealistic time frame for Executive Leadership who have been in place for less than 2 years , and a Public Records Manager who has been in place for less than 6 months, to develop and implement systems that are complex and far-reaching throughout the City administrative infrastructure.

- The City disagrees with Finding #4 that the Public Records Manager is the only staff member trained to respond to CPRA requests. In fact, the City has several staff members who are trained, equipped and obtain the professional experience and ability to assist and support the City's public records process. In an effort 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 process, increases its ability to fully respond to public records requests. The Public Records Manager cannot serve as a subject matter expert in every department in order 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 CPRAs.

The CPRA is designed to allow public agencies to produce readily available records within 10 days and allow the public agency to produce additional records, thereafter, recognizing that some records may require more time. The City also remains transparent about the resources challenges that Santa Clara faces with concurrently responding to many requests for records while implementing modern practices that would result in a more efficient process. The volume of CPRA requests, many of which are complex, continue to draw from our limited resources as a City and, yet, the City continues to be transparent, responsive and compliant with CPRA requests.

The City supports the public's right to access public records. In fact, one of the City Council's priorities is to "enhance community engagement and transparency" and the City has reported and established new practices that are advancing modern practices for records management. Looking ahead, the City remains committed to improving public record management processes and enhancing transparency.

About the City of Santa Clara

Located at the heart of Silicon Valley about 45 miles south of San Francisco, the City of Santa Clara truly is "The Center of What's Possible." Incorporated in 1852, Santa Clara covers an area of 19.3 square miles with a population of 120,000. Santa Clara is home to an extraordinary array of high-tech companies, including Applied Materials, Hewlett-Packard, Intel, Nvidia, Oracle, and Ericsson. The City of Santa Clara is also home to Santa Clara University, California's Great America Theme Park, and Levi's® Stadium, home of the San Francisco 49ers and Super Bowl 50. For more information, go to SantaClaraCA.gov.

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