



The City of San Diego

Staff Report

DATE ISSUED: March 11, 2024

TO: City Council

FROM: City Attorney

SUBJECT: Office of Transparency

Primary Contact:	Mara W. Elliott, City Attorney	Phone: (619) 533-5800
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Council District(s): Citywide

OVERVIEW:

On September 20, 2023, the Office of the City Attorney issued a memorandum [City Att’y MS 2023-8 (Sept. 20, 2023)] which proposed ethical reforms to strengthen the City’s governance, promote oversight and accountability, increase transparency, and encourage collegiality. This item proposes the formation of a dedicated transparency office to ensure the City is in full compliance with the California disclosure laws and prepared as new laws emerge. A new statewide ballot measure stiffening penalties associated with a government agency’s failure to disclose public records upon request will be on the ballot in 2024, and is all but certain to pass, and the City should be prepared. See Christopher Cadelago and Melanie Mason, Sweeping ballot proposal would force California lawmakers to reveal lobbyist ties, Politico, Aug. 2, 2023.

PROPOSED ACTIONS:

Request the Rules Committee direct the Mayor’s Office to work with the City Attorney to prepare a draft ordinance to add a transparency office to the San Diego Municipal Code for the City Council’s consideration at a future meeting.

DISCUSSION OF ITEM:

Responses to California Public Records Act (CPRA) requests increase year after year and pose an increasing risk to the City through avoidable litigation. The current City response process is inadequate and has led to frustration, criticism, and costly litigation. Since 2019, the City Attorney’s Office (CAO) has recommended establishing a public information office to centralize CPRA response functions and restructure the intake/response processes. See City Att’y MS 2020-5 (February 28, 2020).

The proposed *Office of Transparency/Public Information Office* (Office) should be staffed by employees who are responsible for responding to CPRA requests and related obligations. Every department that has a high volume of CPRA requests should assign or fund a *Transparency Liaison* to the Office. The *Transparency Liaison* will search for responsive records and submit them to the Office for review and disclosure. The existing Public Records Act Administration Office staff includes 4 full-time employees. We recommend assigning full-time paralegals and attorneys to the Office to coordinate and respond to CPRA requests submitted to the City.

City of San Diego Strategic Plan:

The proposed new program aligns with several of the operating principles of Customer Service, Empowerment & Engagement, and Trust & Transparency, as identified in the City of San Diego Strategic Plan.

Fiscal Considerations:

N/A

Charter Section 225 Disclosure of Business Interests:

N/A. There is no contract associated with this item.

Environmental Impact:

This activity is not a project pursuant to CEQA Guidelines Section 15378(b)(5), as it is an organizational or administrative activity of government that will not result in direct or reasonably foreseeable indirect physical impacts to the environment. Therefore, this activity is not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

Climate Action Plan Implementation:

N/A – Does not have a connection to the CAP

Equal Opportunity Contracting Information (if applicable):

N/A

Previous Council and/or Committee Actions:

N/A

Key Stakeholders and Community Outreach Efforts:

N/A

Mara W. Elliott

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San Diego City Attorney