



City of San Diego

Councilmember Scott Sherman

Seventh District

## MEMORANDUM

DATE: June 19, 2013  
TO: Honorable Members of the City Council  
FROM: Councilmember Scott Sherman  
RE: Proposal for a San Diego Public Records Act

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The California Legislature recently passed Assembly Bill 76 and Senate Bill 71 which will allow cities, counties and other local agencies the **option** to comply with the California Public Records Act. That act, which was a groundbreaking step forward in government transparency and openness when initially passed in 1968, must not be allowed to be undermined in the City of San Diego.

If the Governor signs this legislation, the City of San Diego would no longer be required to adhere to the following aspects of the Public Records Act:

- Respond to a public record request within 10 days.
- Provide electronic records in its original format.
- Provide a reason for denying a request.

I am calling on Governor Jerry Brown to veto this unconscionable proposal. I encourage my colleagues on the City Council to do the same.

But we must go one step further. Given the State's recent actions on the California Public Records Act, I would like to ensure that transparency and openness at the City of San Diego can never be undermined by state actions. Therefore, **I am requesting that the Rules Committee docket a *San Diego Public Records Act* which will enshrine in our Municipal Code the transparency requirements currently established in the California Public Records Act.** By making this a City law, government openness in San Diego will never be endangered by Sacramento.

In addition, establishing this City law will help ensure full compliance with the intent of transparency. I have requested the Independent City Auditor examine the City's current compliance with Public Records Act requirements due to reports that some San Diegans have experienced delays and non-responses when requesting information from the City.

I intend to work with the City Attorney's office to draft a *San Diego Public Records Act* which I will submit to the Rules Committee for discussion and action.