



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: MARCH 4, 2024

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KINDON MEIK, CITY MANAGER
MARICELA HERNANDEZ, MMC, CPMC, CITY CLERK

SUBJECT: CITY COUNCIL CONSIDERATION OF LETTER SUPPORTING SENATE BILL 1034 (SEYARTO) (SB 1034) - STATE OF EMERGENCY PUBLIC RECORD EXTENSION

MEETING
DATE: MARCH 13, 2024

SUMMARY RECOMMENDATION:

That the City Council consider letter supporting SB 1034, which provides government agencies an extension from 10 days to 24 days to fulfill a public records request during a state of emergency, when the emergency prevents gathering for health and safety reasons.

BACKGROUND:

The California Public Records Act (CPRA) was passed by the California Legislature in 1968 for government agencies and requires that government records be disclosed to the public, upon request, unless there are privacy and/or public safety exemptions which would prevent disclosure. When an agency denies all or part of a request based on an exemption, the agency must identify the specific exemption in its response.

During the COVID- 19 pandemic, the City Clerk' s office had limited access to City documents to respond to Public Records Requests while working from home and responding to requests within the ten-day requirement proved to be challenging.

The City of Chino Hills proposed a bill that would add a clause to the "unusual circumstances" definition pertaining to a request of the California Public Records Act that provides for a 14-day extension for response if the Governor proclaims a state of emergency. This would help local agencies in situations such as Fires, Earthquakes, Floods, and Pandemics where there are logistical hurdles, safety concerns and other constraints in getting the response out in 10 days. Senator Seyarto agreed to sponsor SB 1034, which would add the following clause to the Public Records Act:

The need to search for, collect, appropriately examine, and copy records during a state of emergency proclaimed by the Governor when the state of emergency has affected the agency' s ability to timely respond to requests due to decreased staffing or closure of the agency' s facilities. Notwithstanding the foregoing, the time to respond to a request for records created during or related to the state of emergency may not be extended unless the request involves one or more of the unusual circumstances described in subparagraphs one (1) through four (4).

REQUESTED ACTION:

That the City Council consider attached letter supporting SB 1034, which provides government agencies an extension from 10 days to 24 days to fulfill a public record request during a state of emergency, when the emergency prevents gathering for health and safety reasons.

ATTACHMENTS:

- A. Draft letter of support
- B. SB 1034 Fact Sheet