

TO: James L. App, City Manager
FROM: Ed Gallagher, Community Development Director
SUBJECT: Proposal Regarding Written Correspondence to City
DATE: July 3, 2012

Needs: For the City Council to consider a proposal regarding disposition of letters to the City.

- Facts:**
1. Attached is a proposal submitted by Ms. Sally Reynolds requesting the City Council consider adoption of a policy under which letters and emails submitted to the City would only be distributed to the public if the author provides permission for such distribution, or alternatively, to redact the author's name and any other identifying information.
 2. With respect to all correspondence to the city, regardless of form, the City is subject to the provisions of the Brown Act (Government Code Sections 54950 et seq) and the California Public Records Act (Government Code Sections 6250 et seq).
 3. The Public Records Act includes the following definitions:
 - a. "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Government Code Section 6252(e))
 - b. "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code Section 6252(g))
 4. The Public Records Act provides exemptions for certain specified types of information (e.g., personnel matters, health records, financial information, property acquisition, etc.). It also provides that the City may refrain from disclosing documents if the public interest served by not disclosing a record clearly outweighs the public interest served by disclosure of a record.
 5. In addition, Section 54957.5(a) of the Brown Act provides that "...agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open

meeting of the body, are disclosable public records under the California Public Records Act ... and shall be made available upon request without delay.”

**Analysis &
Conclusion**

The City's practice has been to treat all identifiable correspondence to the City, particularly that regarding an item on an agenda for a public meeting as a public record and distribute such correspondence to the Council, its advisory bodies (if involved in the matter), parties having an interest in the matter to which correspondence applies, and to the public at large upon request. This practice is consistent with the Public Records and Brown Acts, which are based on the premise that the public's business should be done in public. It also fosters free and open public discussion.

The City has a longstanding practice of declining to distribute, much less consider, correspondence from anonymous persons. Further, anonymous correspondence is not retained by the City in the normal course of business. The public has a right to know who is commenting on a matter of city business, and is the reason why the City asks those who speak at meetings to identify themselves. Distribution of correspondence without identifying information would be contrary to this practice. Further, the courts have long held that while personal information may be redacted from public records, the names themselves cannot be unless a specific exception applies.

Fiscal Impact: None.

Policy

Reference: Brown Act (Government Code Sections 54950 et seq) and the California Public Records Act (Government Code Sections 6250 et seq).

- Options:**
- a. Receive and file Ms. Reynolds' proposal; or
 - b. Amend, modify, or reject the above option.

Attachment: Email from Sally Reynolds

From: Sally Reynolds
Sent: Wednesday, June 06, 2012 11:29 AM
To: Council-CM
Subject: Request For Item On the Agenda

Mayor Picanco and Council Members,

Thank you for approving my item to be placed on the City Agenda.
Attached is my proposal.

Sally Reynolds

Proposal to City Council Regarding Resident's Letters They Receive:

Today, when a resident send a letter or email to the city, the city owns it and that gives them the right to do what they want with the letter/ email. They can and do send the letter or e-mail they received out to the public. Currently, this practice is in use by Paso Robles by choice; however other cities choose not to do this. Recent communication from eight other cities confirmed this. To publish a letter or e-mail in their city would require a written authorization from the sender.

Proposal to Paso Robles City :

I propose Paso Robles adopt the protocol of the eight cities that were polled. I propose Paso Robles send out to the public letters or e-mails ONLY if the original sender has been contacted by the city and approves the distribution of the e-mail or letter.

If the City does not wish to change the above protocol, at least remove the senders name and any other identifying information of the sender. Personal information copied, distributed, or emailed serves no purpose and is absolutely not necessary.

Benefits:

1. Makes the City of Paso Robles more "resident friendly "in contacting the city with input and or opinions.
2. Protects the Sender from back lash from any public person that may want to directly respond to the sender.
3. The letters or emails sent from residents would then stay within the City government which was the sender's original intentions in the first place. If a resident wanted the communication to go to the public, as the author, they would have sent it to the public.
4. Takes the "Fear" out of residents who choose to contact the city and allows the sender to know that communication to the city will be answered by the city if they choose to do so and not the public.
5. Brings cohesiveness to both the city government and the residents. This proposal would be one small step in the City of Paso Robles acknowledging residents do matter. The city says they want the residents to get involved in city business. They say this, but in reality what they do when residents do get involved is entirely a different matter.

Justification:

The following are two examples of why I am making this recommendation for change.

----- Forwarded Message -----

From:

To: sally-reynolds

Sent: Mon, April 16, 2012 12:46:45 PM

Subject: Re: FYI

thanks for sharing the document with me. Well written. As a side note, I had written a e-mail to all five of the councilmen when the Soloman situation first became public. In that memo, I questioned why she was appointed in the first place because of her lack of morals. I was foolish enough to think that the e-mail

was confidential between myself and the five councilmen. This past Thursday I was approached by Soloman at the Post Office, and she raked me over the coals for me sending the e-mail that was given to her to read. I can only guess that Mr App is reading every e-mail that each councilman receives. Pretty scary!!! Continued good luck!!!

Wed, May 2, 2012 10:55:36 AM

Re: FW: Fountain Rec/Main Street Opposition

From: Vicki Combs

[View Contact](#)

To: pasoroblesdowntown; eliana de leon lopes; Grace Pucci; Karen Lamas; Kathy Bonelli ; Larry Gabriel; Linda Clark <lclark58

Cc: sally-reynolds

Regarding the opposing letter and statement from Sally Reynolds.

As a new resident of Paso Robles, my view of a project that needs attention is with out goggles of past history between the various associations.

My intentions are honorable, and are motivated with the community's best interest in mind. The park is owned by the community, and always will be. We have been visiting Paso for 30 years, and it has been our dream to live here. and now my husband is going to retire, so we finally get to do so. We love Paso and all it has to offer, which includes the park. I have seen the neglect and decline of the park over the past five years due to the financial state of the city. So, I brought it to the attention of the Main Street Association Design committee. and they were happy to help develop a task committee. I did not get a response from a few other associations within the city. Yes, the Main Street has taken ownership of this project, to lead the community members interested in getting our park and fountain area restored to a place that *we can all be proud of.*

Isn't ownership of a project necessary for success? Do you really think it this would come to use restrictions to the community??? Come on now. Lets not let petty bureaucracy get in the way of a project that will has, and will continue to bring our community together, by allowing business' and residents to get involved in a way that makes them feel like they can do their part. Donating funds or by showing up with their sleeves rolled up.

Without the Main Street Association, our downtown would not look as good as it does, They do have our city's best interest at heart. If they didn't do it who would ? Lets all come together to make this project a success.

Kind Regards,
Vicki Combs