SENATE JUDICIARY COMMITTEE
Senator Hannah-Beth Jackson, Chair
2017-2018 Regular Session

AB 1479 (Bonta)
Version: July 3, 2017
Hearing Date: July 11, 2017
Fiscal: Yes
Urgency: No
MS

SUBJECT

Public records: custodian of records: civil penalties

DESCRIPTION

This bill would require public agencies designate a person or office to act as the agency's custodian of records who would be responsible for responding to any request made pursuant to the California Public Records Act (CPRA) and any inquiry from the public about a decision by the agency to deny a request for records. This bill would provide that the designation of a custodian of records does not impose a duty upon a requester to direct the request to a designated custodian, nor does it prevent a person or office that is not the designated custodian from disclosing information pursuant to this chapter.

Moreover, this bill would provide that a court may assess a civil penalty against the agency in an amount not less than $1,000, nor more than $5,000, if the court finds by a preponderance of the evidence that the agency as improperly responded to a CPRA request, as provided.

BACKGROUND

"Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (Gov. Code Sec. 6250.) The CPRA provides that public records are subject to disclosure and must be made available to the public unless that type of record is exempt from disclosure. (Gov. Code Sec. 6254.) California's policy when it comes to the CPRA is strongly in favor of the disclosure of public records. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356, 1408.)

However, even with this preference for access, "'the public's right to disclosure of public records is not absolute.'" (*Id.*, internal citations omitted.) Though the CPRA gives every person the right to inspect and obtain copies of all state and local government documents not exempt from disclosure (Gov. Code Sec. 6253), the CPRA includes two exceptions to the general policy of disclosure of public records. The first exception is

found in Government Code Section 6254, which explicitly lists those types of documents that are exempt from disclosure. The CPRA includes 29 general categories of records that are expressly exempt from public disclosure. These categories are based on the character of the information in the records. The second exception is the "catchall" exception found in Government Code Section 6255. This Section provides that the agency may withhold any record by demonstrating that an express exemption applies or that the public interest served by withholding the records clearly outweighs the public interest served in disclosure. When utilizing the "catchall" exemption, the court conducts a balancing test to determine when a record must be disclosed based upon the facts of that particular case. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District* (2006) 139 Cal.App.4th 1356, 1408; Gov. Code Sec. 6255.)

This bill would require public agencies designate a person or office to act as the agency's custodian of records who is responsible for responding to any request made pursuant to the California Public Records Act (CPRA) and any inquiry from the public about a decision by the agency to deny a request for records. This bill would provide that the designation of a custodian of records does not impose a duty upon a requester to direct the request to a designated custodian, nor does it prevent a person or office that is not the designated custodian from disclosing information pursuant to this chapter. Additionally, the bill would provide that a court may assess a civil penalty against an agency in an amount not less than $1,000 nor more than $5,000 per an action, to be awarded to the requester, if the court finds by a preponderance of the evidence that the agency:

- failed to respond to a request for records as required pursuant to the CPRA;
- improperly withheld a public record from a member of the public that was clearly subject to public disclosure;
- unreasonably delayed providing the contents of a record subject to disclosure in whole or in part;
- improperly assessed a fee upon a requester that exceeded the direct cost of duplication, without substantial justification; or
- otherwise did not act in good faith to comply with the CPRA.

CHANGES TO EXISTING LAW

Existing law, the California Constitution, provides that "the people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny..." (Cal. Const., art. I, Sec. 3.)

Existing law, the California Public Records Act (CPRA), governs the disclosure of information collected and maintained by public agencies. (Gov. Code Sec. 6250 et seq.) Generally, all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. There are 30 general categories of documents or information that are exempt from disclosure, essentially due to the

character of the information, and unless it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information, the exempt information may be withheld by the public agency with custody of the information. (Gov. Code Sec. 6254.)

Existing law provides that an agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of the CPRA, or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Gov. Code Sec. 6255(a).)

Existing law provides that a response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing. (Gov. Code Sec. 6255(b).)

Existing law defines state agency, for the purposes of the CPRA, to include every state officer, department, division, bureau, board, and commission or other state body or agency except for the Legislature and the Judiciary. (Gov. Code Sec. 6252.)

Existing law provides that public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as provided. (Gov. Code Sec. 6253(a).)

Existing law provides that each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so. (Gov. Code Sec. 6253(b).)

Existing law provides that each agency shall determine within 10 days from the receipt of the CPRA request, whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the agency's determinations and reasons therefore. In unusual circumstances, the time limit may be extended by written notice by the head of the agency or his or her designee, but notice shall specify a date that would result in an extension not for more than 14 days. (Gov. Code Section 6253(c).)

Existing law provides that the public agency shall do all of the following to the extent reasonable under the circumstances:

- assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;
- describe the information technology and physical location in which the records exist; and
- provide suggestions for overcoming any practical basis for denying access to the records or information sought. (Gov. Code Sec. 6253.1(a).)

Existing law provides that some state agencies shall establish written guidelines for the accessibility of public records and shall post these written guidelines in a conspicuous public place at the offices of these agencies, and provide a copy of the guidelines upon request and free of charge. (Gov. Code Sec. 6253.4.)

Existing law allows any person to institute proceedings for injunctive relief, declarative relief, or a writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or receive a copy of any public record or class of public records under the CPRA. (Gov. Code Sec. 6258.)

Existing law provides for whenever it is made to appear by verified petition to the superior court of the county where the public records are situated, that specified public records are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose them or show cause why he or she should not have to disclose them. (Gov. Code Sec. 6259(a).)

Existing law requires the court to order the public official to make the record public if the court finds that the public official's decision to refuse disclosure is not justified under Section 6245 or 6255. If the court finds the public official was justified in refusing to make the record public, he or she shall return the item to the public official without disclosing its content and issue an order supporting the decision to refuse disclosure. (Gov. Code Sec. 6259(b).)

Existing law allows review of a court's decision directing disclosure of records or supporting the public official's refusal to disclose. The decision of the court is not viewed as a final judgment or order appealable within the meaning of Section 904.1 of the Code of Civil procedure, but rather is considered to be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ. A stay of an order or judgment may be granted if the petitioning party demonstrates it will otherwise sustain irreparable damage and probable success on the merits. In order to obtain this review, a party shall file a petition within 20 days of service of a written notice of entry of the order. (Gov. Code Sec. 6259(c).)

Existing law provides that the court shall award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to the CPRA. The costs and fees shall be paid by the public agency of which the public official is a member or employee and shall not become a personal liability of the public official. (Gov. Code Sec. 6259(d).)

Existing law provides that if the court finds that the plaintiff's case is clearly frivolous, it shall award court costs and reasonable attorney fees to the public agency. (Gov. Code Sec. 6259(d).)

This bill would provide that each agency shall designate a person or office to act as the agency's custodian of records who is responsible for responding to any requests made

pursuant to the CPRA and any inquiry from the public about a decision by the agency to deny a request for records.

This bill would provide that the designation of a custodian of records does not impose a duty upon a requester to direct the request to a designated custodian, nor does it prevent a person or office that is not the designated custodian from disclosing information pursuant to this chapter.

This bill would provide that the court may assess a civil penalty against an agency in an amount not less than $1,000 nor more than $5,000 per action, if the court finds by a preponderance of the evidence that the agency:

- failed to respond to a request for records as required pursuant to the CPRA;
- improperly withheld a public record from a member of the public that was clearly subject to public disclosure;
- unreasonably delayed providing the contents of a record subject to disclosure in whole or in part;
- improperly assessed a fee upon a requester that exceeded the direct cost of duplication, without substantial justification; or
- otherwise did not act in good faith to comply with the CPRA.

This bill would provide that the civil penalty assessed against the agency shall be awarded to the requester, if awarded at all.

This bill would provide that the court shall not assess a civil penalty pursuant to this paragraph if the public record was not subject to public disclosure pursuant to the California Public Records Act or decisional law.

This bill would make other technical and conforming changes.

COMMENT

1. Stated need for this bill

According to the Author:

> AB 1479 will bring Californians closer to their local and state government by creating greater transparency and responsiveness. When the Legislature enacted the California Public Records Act, it declared that access to information concerning the conduct of people's business is a fundamental right. However, there are various delays in responding to public records requests and at times exorbitant fees charged for producing such records. This stifles the public's ability to access public records. In order to address and prevent the issue of agencies inappropriately withholding public records, this bill would require public agencies to designate a person or office to act as the agency's custodian of records who will respond to a request and inquiry from the public about a

> decision by the agency to deny a request for records. This bill would also authorize a court to assess a civil penalty against an agency if it finds that an agency improperly withheld a public record that was clearly subject to public disclosure, unreasonably delayed in providing the contents of a record, assessed an unauthorized fee upon a requester, or otherwise did not act in good faith to comply with these provisions. This bill will hold government accountable and strengthen public access laws.

2. CPRA request process

Under existing law and practices, an individual may typically request access to public records from any state agency during the course of their normal business hours. (Gov. Code Sec. 6253.) The CPRA defines a "public record" as a "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." (Gov. Code Sec. 6252.) Additionally, the CPRA defines state agency, for the purposes of the CPRA, to include every state officer, department, division, bureau, board, and commission or other state body or agency, except for the Legislature and the Judiciary. (Gov. Code Sec. 6252.)

The CPRA allows 10 days for an agency to respond to a request to inspect. Within 10 days from the request, the agency is to determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency. Upon making this determination, the agency shall promptly notify the individual making the request of their determination and the reasons therefor. In unusual circumstances, the 10 day time limit may be extended through written notice for not more than 14 days. (Gov. Code Sec. 6253.)

Despite the time limits currently provided for under existing law, delayed response times are arguably a common complaint. Writing in support, Oakland's Privacy Commission states that the average response time to their requests is 60 weeks, while they, at times, receive no response. Currently, the ACLU of Southern California is suing the Los Angeles Police Department for a systematic violation of the CPRA in terms of both unanswered CPRA requests and requests for which a response took far longer than current law allows. (*See* Mather, *ACLU sues LAPD over 'systemic violation' of public records law* (April 25, 2017) <http://www.latimes. com/local/lanow/la-me-ln-lapd-records-lawsuit-20170425-story.html> [as of June 20,2017].) Moreover, the California Newspaper Publishers Association (CNPA) reports frequent delays in response to newspaper's requests for public records. It took newspapers in the Bay Area 16 months to gain access to information regarding sexual assault incidents that occurred at the University of California during the course of the three prior years. Writing about another example, CNPA states:

> For example, the *East Bay Times* made CPRA requests for records related to the Ghost Ship fire that occurred in December 2016. In a letter dated December 16,

> the City of Oakland promised to release records to the newspaper related to the incident. By February 2, 2017, the City had failed to provide the records responsive to the newspaper's request. The newspaper sent a lawyer's letter to the City, citing its protracted delay in responding to the request: "Given the gravity of this tragedy and the overwhelming public importance of access to records enabling the public to understand why it happened and to start to find solutions to prevent such occurrences in the future, the City's evident desire to control the message and delay the public's right of access during this critical time to the public's discourse on the matter is inexcusable."
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> The newspaper threatened to sue if the records were not released. As a result, more than 600 pages of records were promptly released.

a. Disclosable request determination

The agency is supposed to inform the individual who made the request that records are disclosable, and an estimated date and time when the records will be made available. (Gov. Code Sec. 6253(c).) Additionally, existing law provides that the agency shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. (Gov. Code Sec. 6253(b).) The statute as originally adopted in 1968 stated "reasonable fee" but through various amendments the statute was changed to state "direct costs of duplication." The Court of Appeals stated in *North County Parents Organization v. Department of Ed.* that "direct cost of duplication" means no more than what it costs to make a copy of the public record. Furthermore, based on a review of legislative history and previous legislative language, the court determined that this cost could not include the efforts made by the agency to respond to the appellant's request, regardless of the time and effort spent researching, preparing documents for review, excising material not subject to disclosure, etc. (*North County Parents Organization v. Department of Ed.* (1994) 23 Cal.App.4th 144, 147-148.)

Due to this current statutory language, duplicating records often results in an individual making physical copies of printed materials and paying the cost per page of copying. The CPRA is not limited to print materials. For example, the ACLU recently succeeded in a suit against the City of Hayward and its police department for a violation of CPRA in which an Alameda County judge ruled that a public agency cannot charge excessive fees for police body worn camera footage. (*National Lawyers Guild v. Hayward BD (Bodycam Records)* (June 24, 2016) <https://www.aclunc.org/our-work/legal-docket/national-lawyers-guild-v-hayward-pd-bodycam-records> [as of June 20, 2017].)

b. Nondisclosable request determination

If an agency makes the determination that a requested record is not subject to the CPRA, they must provide the individual with a written determination that the

request is denied, in whole or in part. (Gov. Code Sec. 6255.) Existing law provides any person may institute proceedings for injunctive relief, declarative relief, or a writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or receive a copy of any public record or class of public records under the CPRA. (Gov. Code Sec. 6258.) This typically occurs once a determination denying the request has been provided, but may also occur if the request was never answered.

It is then up to the court to determine whether the records are subject to the CPRA, or whether the agency violated the CPRA in some other way depending on the facts of the case before them. When utilizing the "catchall" exemption provided for in Government Code Section 6255, the court conducts a balancing test to determine when a record must be disclosed based upon the facts of that particular case. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356.) Should the court find that the decision to refuse disclosure was not justified under Section 6254 or 6255 of the Government Code, existing law provides that the court shall order the agency make the record public. (Gov. Code Sec. 6259(b).) Should the court decide the agency made the correct decision, the records remain private.

3. Making public records more accessible

Existing law provides that a public agency should assist the member of the public make a focused and effective request. Specifically, existing law provides the public agency shall do all of the following to the extent reasonable under the circumstances:

- assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;
- describe the information technology and physical location in which the records exist; and
- provide suggestions for overcoming any practical basis for denying access to the records or information sought. (Gov. Code Sec. 6253.1(a).)

Additionally, existing law provides that every agency may adopt regulations stating the procedures a member of the public should follow when making a CPRA request. Existing law further states that some state agencies shall establish written guidelines for the accessibility of public records and shall post these written guidelines in a conspicuous public place at the offices of these agencies, and provide a copy of the guidelines upon request and free of charge. The agencies included in this requirement for written, publicly posted guidelines includes, but is not limited to, the: Department of Motor Vehicles; Transportation Agency, Department of Consumer Affairs; Secretary of State, Department of Insurance, San Francisco Bay Conservation and Development Commission; State Department of Social Services; State Department of Public Health; California Coastal Commission; and Los Angeles County Air Pollution Control District. (Gov. Code Sec. 6253.4.)

Despite these provisions, under existing law it is not clear to whom a member of the public should direct their request, unless it is included in the agency's guidelines. Though the CPRA is often utilized by organizations with legal and other specialized knowledge who may understand the process, the goal of the CPRA is to make these records available to a member of the general public. (Cal. Const., art. I, Sec. 3.) This bill would thus require each agency subject to the CPRA to designate a person or office to act as the agency's custodian of records who is responsible for responding to any request made pursuant to this chapter and any inquiry from the public about a decision by the agency to deny a request for the records. The author believes this change will help clarify the process for making a CPRA request with a particular agency and prevent delayed responses to a CPRA request, like those discussed in Comment 2.

In opposition, the League of California Cities, California Municipal Utilities Association, Urban Counties of California, California State Association of Counties, California Special Districts Association, Association of California Healthcare Districts, Beta Healthcare Group, Rural County Representatives of California, and Association of California Water Agencies writes:

> Local agencies strive to comply with the strict guidelines inherent with the CPRA, including responding within a 10-day period from the time of the request; this measure runs counter to that intent. AB 1479 would cause further delays in processing requests by creating a bottleneck in the process. AB 1479 requires each public agency to designate a person or office to act as the agency's "custodian of records." The custodian of records is then responsible for responding to all CPRA requests made to the agency. Rather than allowing an agency to determine who is the most appropriate person or office to respond to a request, based on their level of expertise on the subject of a request, AB 1479 takes a one-size-fits-all approach to responding to CPRA requests. For example, when a county receives a question about sheriff's records, should the same office respond to that request that is also responding to requests about health services? Records and information are going to need to be shuffled from office to office, and department to department, unnecessarily to meet the requirements of this bill.

This bill was amended to provide that the designation of a custodian of records does not impose a duty upon a requester to direct the request to a designated custodian, nor does it prevent a person or office that is not the designated custodian from disclosing information pursuant to this chapter. This ensures that a request made by an individual not aware of the custodian of records would still be a valid request. Moreover, it provides clarification to agencies that even employees or offices who are not designated as the custodian of records, may provide information regarding a CPRA request. This provision would ensure that another employee may be able to respond to a request should the agency need someone who is not the designated custodian to respond or provide information regarding a CPRA request. This arguably addresses some of the concerns raised by the League of California Cities, California Municipal Utilities

Association, Urban Counties of California, California State Association of Counties, California Special Districts Association, Association of California Healthcare Districts, Beta Healthcare Group, Rural County Representatives of California, and Association of California Water Agencies.

4. Addition of civil penalties

Under existing law, in addition to the court ordering the record(s) be made public upon a finding in favor of the CPRA request, the court must also award court costs and reasonable attorney fees to the plaintiff when the plaintiff prevails in litigation filed pursuant to the CPRA. Existing law provides that the costs and fees awarded shall be paid by the public agency. Furthermore, if the court finds that the plaintiff's case was clearly frivolous, then the court shall award court costs and reasonable attorney fees to the public agency. (Gov. Code Sec. 6259(d).)

This bill would provide that the court may assess a civil penalty against an agency in an amount not less than $1,000 nor more than $5,000 per action, to be awarded to the requester, if the court finds by a preponderance of the evidence that the agency improperly responded to a CPRA request as provided.

In support of this bill, CNPA writes:

> The CPRA was modeled after the federal Freedom of Information Act [FOIA]. In adopting the FOIA, Congress was specifically concerned that agencies would delay in responding to requests, and as a result "an agency's failure to comply with the FOIA's time limits is, by itself, a violation of the FOIA." *Gilmore v. U.S. Dep't of Energy*, 33 F.Supp2d 1184, 1187 (N.D.Cal.1998); see also *Long v. IRS*, 693 F.2d 907, 910 (9th Cir. 1982)(concluding that an agency's unreasonable delay is disclosing non-exempt documents violated the FOIA and "courts have a duty to prevent those abuses.")
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> AB 1479 would adopt FOIA's reasoning into the CPRA and provide a concrete mechanism for a requester enforcing the right of access in court to allege that the agency unreasonably delayed in producing the records.

In support, Oakland Privacy Commission writes:

> The average response time to my request is sixty (60) weeks. Some of my requests have received no response at all, demonstrating that CPRA reform is needed and that a stronger disincentive to misconduct than simply awarding attorney's fees is called for. AB 1479 will address this concern.

Opposition to the bill is concerned that the addition of these penalties will only encourage litigation. In opposition, the League of California Cities, California Municipal

Utilities Association, Urban Counties of California, California State Association of Counties, California Special Districts Association, Association of California Healthcare Districts, Beta Healthcare Group, Rural County Representatives of California, and Association of California Water Agencies writes:

> The notion of introducing civil penalties into the body of law pertaining to the California Public Records Act (CPRA) is troublesome. Doing so sets a costly and precarious precedent. Such an introduction of civil penalties could lead to abuses of the CPRA and be likened to the well-documented abuses associated with frivolous Americans with Disabilities Act (ADA) lawsuits filed against small businesses. For years small businesses have been targeted with lawsuits and forced to either go to court or quickly settle regardless of corrections to the alleged violations – a failure of the law's intention. In response, the Legislature has in recent years adopted measures to provide relief enabling good actors in the business community the time afforded to make needed structural changes to comply with the ADA before a lawsuit can be filed.
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> Similar to unwarranted ADA lawsuits, AB 1479 would provide a financial incentive for serial litigants from across the nation, to extort taxpayer dollars from the state and local public agencies. Tax dollars that would otherwise be used to provide essential services such as healthcare, fire protection, park and road maintenance, and police protection. Public agencies will be forced to settle out of court to avoid expending time and resources for a costly trial, even when the agency is attempting to comply in good faith with the law.
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> Under the CPRA, the requester can file suit on the day after responsive records are due which could be as early as eleven days after the request if there has been no extension of time. Once a suit is filed, generous attorneys' fees established in current law may still be awarded under the "catalyst" theory even if the agency discloses the requested records after the litigation has commenced. Paying plaintiff's attorneys' fees in a PRA case can cost an agency upwards of $100,000. An additional $5,000 fine on top of $100,000 will not stop bad actors from willful violations – rather AB 1479 will incentivize litigation while punishing good actors trying to comply with the statutory deadlines in CPRA law.

In response to the raised concerns that the addition of a civil penalty would incentivize costly and unnecessary litigation, the Author suggested the following amendments to narrow the provision for civil penalties.

> Suggested Amendments:
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> (3)(A) If a court finds by preponderance of the evidence that an ~~agency~~ agency, knowingly and willfully without substantial justification, failed to respond to the request for records as required pursuant to subdivision (c) of Section 6253, improperly withheld a public record from a member of the public that was

clearly subject to public disclosure, unreasonably delayed providing the contents of a record subject to disclosure in whole or in part, or improperly assessed a fee upon a requester that exceeded the direct cost of duplication, ~~without substantial justification,~~ or otherwise did not act in good faith to comply with this chapter, the court may assess a civil penalty against the agency in an amount not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000), which shall be awarded to the requester. In an action alleging multiple violations the court may assess a penalty for each violation, however the total amount assessed shall not exceed five thousand dollars ($5,000).

(B) A court shall not assess a civil penalty pursuant to this paragraph if it determines that the public record was not subject to public disclosure pursuant to the California Public Records Act or decisional ~~law.~~ law, or that the agency reasonably withheld the record based upon an ambiguous or unsettled question of law or a legally recognized privilege.

Additionally, the Author has agreed to the inclusion of a five year sunset date in order to review the impact of this legislation.

Support: American Civil Liberties Union of California (ACLU); California Broadcasters Association (CBA); California Newspaper Publishers Association (CNPA); Californians Aware (CalAware); Coastal Environmental Rights Foundation; Cleveland National Forest Foundation - Save Our Forest and Ranchlands; Climate Action Campaign; ECO San Diego; Electronic Frontier Foundation; First Amendment Coalition (FAC); Inland Oversight Committee; Judge Quentin L. Kopp; Naked Capitalism; Oakland Privacy; San Diegans for Open Government; San Diego Audubon Society; San Diego Coastkeeper; Think Computer Foundation; One Individual

Opposition:
Alpine Village-Sequoia Crest Community Services District; Ambrose Recreation & Park District; Antelope Valley Mosquito and Vector Control District; Aptos/La Selva Fire Protection District; Association of California Healthcare Districts; Association of California Water Agencies; Association of Monterey Bay Area Governments; Bayshore Sanitary District; Beta Healthcare Group; California Association of Clerks and Election Officials; Cameron Estates Community Services District; California Municipal Utilities Association; California Special Districts Association; California State Association of Counties; Cameron Estates Community Services District; Chico Area Recreation and Park District; City Clerks Association of California; City of El Centro; City of Huntington Beach; City of La Quinta; City of Palm Desert; City of Torrance; Costa Mesa Sanitary District; County of Los Angeles; County Sanitation Districts of Los Angeles County; County of Orange; Del Pas Manor Water District; Eden Health District; El Dorado Hills Community Services District; Fallbrook Regional Health District; Garberville Sanitary District; Georgetown Divide Recreation District; Georgetown Fire District; Goleta Sanitary District; Goleta West Sanitary District; Greater Los Angeles

County Vector Control District; Helendale Community Services District; Hornbrook Community Services District; Indian Wells Valley Water District; Ione Memorial District; Kern County Cemetery District No. 1; Kern Mosquito and Vector Control District; Lake Don Pedro Community Services District; League of California Cities; Leucadia Wastewater District; Lincoln Rural County Fire Protection District; McKinleyville Community Services District; Menlo Park Fire Protection District; Midway City Sanitary District; Mojave Desert Air Quality Management District; Monte Rio Recreation and Park District; Monte Rio Recreation and Park District; Monte Vista Water District; Monterey Peninsula Regional Park District; Monterey Regional Waste Management District; Moss Landing Harbor District; North County Fire Protection District; North County Recreation and Park District; Palos Verdes Library District; Paradise Cemetery District; Rancho Simi Recreation and Park District; Rowland Water District; Rural County Representatives of California; Saddle Creek Community Services District; Salton Community Services District; San Bernardino Valley Water Conservation District; Santa Cruz Regional 9-1-1; South Bay Cities Council of Governments; South Tahoe Public Utility District; Special District Risk Management Authority; Squaw Valley Public Service District; Stockton East Water District; Three Valleys Municipal Water District; Tulare Mosquito Abatement District; Urban Counties of California; Vallecitos Water District; Vista Irrigation District; Wasco Recreation and Parks District; West Point Fire Protection District

HISTORY

Source: Author

Related Pending Legislation:

SB 804 (Morrell, 2017) would state the intent of the Legislature to require the exploration and promotion of efficiencies and modernization in the storage of, and public access to, local government documents and recordings. This bill is currently in Senate Rules Committee.

SB 657 (Bates, 2017) would require a court in a reverse public records action to apply the provisions of the CPRA as if the action had been initiated by a person requesting disclosure of a public record. Further, this bill would provide that, if a court orders the public agency to disclose the records in a reverse public records action, the court shall order the person who initiated the action to pay the court costs and reasonable attorney's fees of the requestor. This bill is currently in the Senate Judiciary Committee.

Prior Legislation:

SCA 3 (Leno, Ch. 123, Stats. 2013) placed a measure on the ballot to amend the California Constitution to require local agencies to comply with the CPRA and the Ralph M. Brown Act, and any subsequent amendments that further the constitutional provisions on public access to public agency meetings and records.

SB 1696 (Yee, Ch. 62, Stats. 2008) prohibited a state or local agency from allowing another party to control the disclosure of information that is otherwise subject to disclosure under the CPRA. Additionally, this bill specified that regardless of any contract term to the contrary, a contract for the purpose of conducting a review, audit, or report between a private entity and a state or local agency, including the University of California, is subject to the same disclosure requirements and exceptions as other public records under the CPRA.

Prior Vote:

Assembly Floor (Ayes 71, Noes 1)
Assembly Appropriations Committee (Ayes 16, Noes 0)
Assembly Judiciary Committee (Ayes 11, Noes 0)

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