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CAJPA
California Association of
Joint Powers Authorities



July 12, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

**RE: SB 1034 (Seyarto): California Public Records Act: state of emergency
As Amended June 5, 2024 – REQUEST FOR SIGNATURE**

Dear Governor Newsom,

The California State Association of Counties (CSAC), Urban Counties of California (UCC), the Rural County Representatives of California (RCRC), the California Special Districts Association (CSDA), Association of California Healthcare Districts (ACHD), Public Risk Innovations, Solutions, and Management (PRISM), the California Association of Joint Powers Authorities (CAJPA), the City Clerks Association of California (CCAC), and the California Association of Recreation and Parks Districts (CARPD) are pleased to support Senate Bill (SB) 1034 by Senator Seyarto. This measure would amend the definition of “unusual circumstances,” in the California Public Records Act (CPRA) to include the need to respond to a CPRA request during a state of emergency.

The California Public Records Act serves as a vital tool for the public to hold their governments and elected leaders accountable. California’s public agencies take their responsibilities under the CPRA seriously, devoting substantial resources to responding thoroughly and promptly to public records requests.

Public agencies at all levels of government have reported a significant increase in the quantity and breadth of CPRA requests. A variety of public agencies reported a 73% increase in the volume of CPRA requests over the past five years. A vast majority of those agencies reported receiving CPRA requests that required an inordinate amount of staff time, with more than 90% reporting CPRA requests that diverted local resources away from local programs and services.

These requests can be costly and time-consuming for local agencies, as they can require significant staff time to discover, review, and redact records, often requiring the specific subject matter experts on an issue to dedicate substantial time outside of their core

responsibilities to ensure the agency fully responds to a CPRA request. Counties have reported single CPRA requests seeking decades of 911 call transcripts or decades of correspondence from local officials. One small, rural county reported a single requestor who has submitted hundreds of CPRA requests over the past few years, including a single request that required the county to review over 621,000 records. The county estimates that responding to a portion of the requests would cost the county over \$1.8 million and require a minimum of 34 employees working around the clock for a year to honor the request.

Furthermore, due to the modernization of how public sector work is conducted, there has been a significant increase in the volume of disclosable records (e.g., emails, text messages, inter-office direct chat messaging platforms, etc.) created by routine government work. In response, there has been a proportionate increase in the complexity and sophistication of the work necessary to respond to CPRA requests due to the staff time spent searching for records and redacting material that is exempt or prohibited from disclosure (e.g., confidential attorney-client correspondence, social security numbers, criminal history, trade secrets, medical records, etc.).

The heightened use of the CPRA – and the subsequent heightened impacts to governments – has occurred over the same period that saw local governments lose revenue sources that absorbed some of the cost pressures of CPRA requests through passage of Proposition 42 and a 2020 court case that restricts the use of fees imposed by local agencies for the costs of complying with CPRA requests.

SB 1034 will provide some narrow, limited relief to counties when they receive CPRA requests during an emergency. While other reforms to the CPRA could both improve public access to records and reduce impacts on local agencies, we appreciate any effort to reform the CPRA, including this narrow, but beneficial improvement.

For these reasons, CSAC, ACHD, UCC, RCRC, PRISM, CAJPA, CCAC, and CARPD support SB 1034 and respectfully request your signature. Should you have any questions or concerns regarding our position, please do not hesitate to contact us at the below email addresses.

Sincerely,



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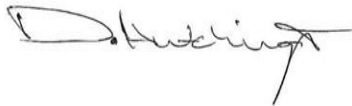
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cc: The Honorable Kelly Seyarto, California State Senate
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