



Brief Mayoral Candidate Q-and-A on Open Records

Bruce Coons

1. In your administration, would emails sent and received from private email accounts by elected officials and city employees related to public business be treated as public records? Why or why not?

Yes. The California Public Records Act requires transparency for paper and electronic documents that pertain to the public's business, without making any distinction for the manner in which the documents are kept, and the California Constitution creates a civil right to public information. Unless the subject matter of an email rendered its disclosure exempt under an explicit statutory exemption or one recognized in case law, the email should be disclosed.

2. In your administration, would text messages sent and received from private and city-owned cell phones by elected officials and city employees related to public business be treated as public records? Why or why not?

Yes, for the same reasons given above. If it concerns the public business, it should be subject to disclosure.

3. If you answered yes to either question, how would you ensure compliance?

First, I would set the tone by doing everything in my power to ensure that the public and press are satisfied that I am being fully transparent with my own emails and text messages.

Second, I support amending the municipal code to include strong financial disincentives (e.g., penalties) to public officials who are using their personal accounts to communicate about the public's business but refusing to turn over their communications when asked. Personal accounts are presumably used to keep the public in the dark, to ensure that no member of the public has the same access to the communications that he or she would have if the communications were to or from a city account; if such accounts are used only for convenience, then there would never be an objection to turning over the communications when the public asks for them. When public officials use their personal accounts for public business and refuse to disclose the communications, the taxpayers end up having to pay to clean up the mess (i.e., by paying the city attorney to defend the withholding, and when the city loses in court by paying the plaintiff's legal expenses). I will work with the City Attorney and City Council to come up with an enforcement program that protects the taxpayers from officials who refuse to allow the public to see what is being discussed outside the public's view.