



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: March 19, 2019

Subject: Modified Administrative Bulletin regarding Public Access to County Records (Administrative Bulletin 120)

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### **RECOMMENDATION(S):**

1. APPROVE modified administrative bulletin regarding public access to County records under the Public Records Act.
2. DIRECT the County Administrator's Office to disseminate the modified administrative bulletin and encourage departments to send staff whose job it is to receive and respond to PRA requests to semi-annual trainings by the County Counsel's Office.

### **FISCAL IMPACT:**

There are no costs associated with this action.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **03/19/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

### **VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II  
Supervisor  
Federal D. Glover, District V Supervisor

ABSENT: Diane Burgis, District III Supervisor  
Karen Mitchoff, District IV  
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 19, 2019

David Twa, County Administrator and Clerk of the Board of  
Supervisors

Contact: Lisa Driscoll, Finance  
Director (925) 335-1023

By: Stephanie Mello, Deputy

## BACKGROUND:

Because the County places great importance on providing the public with timely and complete information, the County has an administrative bulletin in place to help County staff and board advisory bodies (including Municipal Advisory Councils) respond to requests from the public for records. The administrative bulletin describes the responsibilities of the County and advisory boards under the California Public Records Act and the County's Better Government Ordinance ("BGO"). The County also provides a semi-annual training for County staff and boards to guide them through the requirements of the Public Records Act and BGO, and to prepare them to assist the public with such requests.

Since 2009, when the Board adopted the most recent administrative bulletin concerning public access to County records, there have been developments in the law concerning local agencies obligations under the Public Records Act. The administrative bulletin has been updated to reflect these changes. One of the most significant changes has been the clarification that public records potentially subject to disclosure under the Public Records Act may include records that are contained on private electronic devices or accounts. For this reason, the administrative bulletin has been amended to provide guidance concerning when a search of private electronic devices and accounts is appropriate, procedures for doing so and how to identify a public record on a private electronic device or account.

To ensure that those who are responsible for responding to a request conduct a thorough search, the bulletin has also been changed to describe the increasing array of media on which public records may be found, such as flash drives, cell phones, and tablets. Similarly, recognizing the shift to most records being held in an electronic format, the updated administrative bulletin discusses the format in which a record should be produced and the charge, if any, for producing the record in a certain format.

Additionally, the updated administrative bulletin has a new section that describes how to handle a writing that is sent to or received by a quorum of the Board of Supervisors or other policy body.

## CONSEQUENCE OF NEGATIVE ACTION:

Failure to obtain Board approval will reduce the County's ability to ensure that staff and policy bodies are trained about recent updates to the Public Records Act.

## ATTACHMENTS

Administrative Bulletin 120 - Public Records Act