

April 15, 2024

To: City of Stockton – Public Records Request
From: Moss Adams, LLP
Subject: Public Records Request Benchmarking

Background

The California Public Records Act (PRA) was originally enacted in 1968 to: 1) safeguard the accountability of government to the public; 2) promote maximum disclosure of the conduct of governmental operations; and 3) explicitly acknowledge the principal that secrecy is antithetical to a democratic system of government. The PRA states that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.”¹

The City of Stockton (the City) requested its internal auditor, Moss Adams, conduct a Public Records Request procedure review including a compilation of how other cities organize and operationalize their public records requests. The review is intended to assist the City in improving its structure and procedures surrounding their public records request. The purpose of this memo is to provide a summary of the analysis of the City’s alignment with peers related to public records requests.

Peer Comparison

The City’s approach to public records requests was compared to five peer cities that were identified by Moss Adams and reviewed for relevance by City management: Sacramento, Tracy, Bakersfield, Manteca and Modesto. The analysis compared the City with peers in the areas listed in the following table.

TOPIC	STOCKTON	PEER ANALYSIS SUMMARY
What department leads public records request responses?	The Community Relations Officer within the City Manager’s Office coordinates public records requests.	In all five benchmarked cities, the City Clerk manages PRA requests. In three peer cities, the City Clerk is an appointed official that reports into the City Manager’s Office.
How many employees are dedicated to responding to public records requests?	One employee, the Community Relations Office, coordinates responses to requests and individual departments are responsible for searching and providing responsive records	In three peer cities, a Deputy City Clerk oversees triaging requests. In two peer cities, the City Clerk’s Office is sometimes able to fulfill requests

¹ Gov. Code, § 7921.000 (formerly Gov. Code, § 6250)

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		independent of departments and has between 2 to 6 FTE dedicated to this function.
How many PRA requests are received per year?	480 requests in calendar year 2023.	The number of requests varied between 450 and 5,000 requests in calendar year 2023. In interviews, peers noted an increase in the number of requests when a system was implemented due to customer ease.
Do public safety departments have their own public records request process?	Yes	<p>Four peer cities separate police and fire department requests and those departments own their requests using their own instance of the electronic request system.</p> <p>The police department in one peer city does not have its own instance of the electronic request system and must forward requests to the City Clerk's office for upload.</p>
How are requests received?	Requests can be received in any format including Ask Stockton, email, in-person, and phone call.	All five of the peer cities use some form of request system to organize and triage requests. Next Request or justFOIA. If requests are received outside of those systems, the city clerk's office is entering those into the system and using the system to track.
Does the City use a system to track and respond to requests?	No, requests and responses are tracked manually.	All five peer cities use an electronic system to manage requests; four peer cities use NextRequest and one peer uses justFOIA.
How are requests fulfilled?	The Community Relations Officer sends requests to the appropriate departmental personnel. Some larger departments, such as Public Works, have a dedicated records requests liaison.	In four peer cities, requests are sent to designated person(s) in the department(s) to which the request pertains. The designated person is responsible for retrieving any responsive records within the appropriate timeframe. Only one city is able to fulfill requests within the City Clerk's Office.
Are responsive records reviewed by the City Attorney's Office?	Responsive records are reviewed by the City Attorney's Office on a case-by-case basis for sensitive matters.	In four peer cities, responses to requests are reviewed by the City Attorney's office on a case-by-case basis and only if needed. One peer city has the City Attorney's office review the response to every request.
Are fulfilled requests made public?	No, responses to PRA requests are not made public.	Four of the five peer cities publish responses to PRA requests on their website.

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Does the city have a Public Records Request manual or written policy?	Stockton has a process flow chart that describes the public records process.	Only one peer city had a manual for public records request that included the process for requests and any FAQs. Peer cities had templates and workflows built into their electronic request system.

Appendix: Peer City Results

	Sacramento	Tracy	Bakersfield	Modesto	Manteca
What department leads public records request responses?	City Clerk; appointed	City Clerk; appointed but reports into the City Manager's Office	City Clerk; appointed but reports into the City Manager's Office	City Clerk; appointed	City Clerk; appointed but reports into the City Manager's Office
How many employees are dedicated to responding to public records requests?	Sacramento employs four deputy city clerks and one analyst to handle the public records requests in addition to the City Clerk. All of these employees (6 FTE) are dedicated to fulfilling records requests.	The City Clerk and a Deputy City Clerk manage the intake, triage, and completion of records requests. Every department has a designated liaison that responds to requests.	The Deputy City Clerk oversees triaging requests to each specific department. Every department has a designated liaison that responds to requests.	The Deputy City Clerk oversees triaging requests to each specific department. Every department has a designated team (4-5 people) to research and respond to requests.	The Deputy City Clerk oversees triaging requests to each specific department. Every department has at least 1 designated liaison that responds to requests.
How many PRA requests are received per year?	About 5,000 requests	875 requests in calendar year 2023	2,355 requests in calendar year 2023	823 requests in calendar year 2023	450 requests in calendar year 2023
Do public safety departments have their own public records request process?	Yes	Yes	Yes	Yes	No
How are requests received?	Online portal, call, email, in-person	Online portal, call, email, mail, in-person	Online portal, call, email, in-person	Online portal, call, email, in-person	Online portal, call, email, in-person
Does the City use a system to track and respond to requests?	Yes, NextRequest	Yes, NextRequest and Laserfische	Yes, justFOIA	NextRequest	NextRequest
How are requests fulfilled?	The City Clerk's Office has access to many records and can often fulfill requests independently. In some cases, the request is sent to a department to retrieve responsive records.	The City's Clerk's office has access to many records in Laserfische. Each department has a designated liaison that is responsible for retrieving responsive records.	Each department has a designated liaison that is responsible for retrieving responsive records.	Each department has a designated team that is responsible for retrieving responsive records.	Each department has at least 1 designated liaison that is responsible for retrieving responsive records.
Are responsive records received by	Some requests go to the City Attorney for	The City Clerk's office is in frequent	Deputy City Clerk works with City Attorney for	City Attorney reviews all requests. If it's sensitive	The City Attorney will review requests in

the City Attorney's Office?	review on a case-by-case basis. If it involves employee records, emails, or anything confidential, the City Attorney will review after redactions are made by the City Clerk's office.	communication with the City Attorney's office but each request does not necessarily go to the City Attorney for review. City Attorney reviews all confidential requests or employee investigations.	sensitive requests and sends legal a hard copy for review and advice.	information (employee records/emails) it goes directly to risk management and HR to fulfill and manage. City Attorney's office also reviews templates within the automated system annually to ensure compliance with PRA.	regards to communication, police department, and other sensitive matters on a case-by-case basis.
Are fulfilled requests made public?	Yes	Yes	No	Generally yes, although there may be some exceptions	Generally yes, although there may be some exceptions
Does the City have PRA policies and procedures?	No, workflows and templates are built into the system	No, workflows and templates are built into the system	Yes, the City has a manual	No, workflows and templates are built into the system	No, workflows and templates are built into the system