Library Board of Trustees
Staff Report

DATE: April 18, 2017

AGENDA ITEM NO: 6

TO: Library Board of Trustees

FROM: Norma Arvizu, City Librarian

SUBJECT: 2017-18 Fiscal Year Budget

RECOMMENDATION:

It is recommended that the Library Board of Trustees:

1. Approve the proposed preliminary library budget for fiscal year 2017-18; and
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The proposed preliminary budget reflects the last collection from the library tax Measure C, which will sunset in April 2018. The budget is essentially status quo from the previous fiscal year.

BACKGROUND:

The City Librarian is an ex-officio executive officer of the Board who shall be held responsible for recommendations concerning the budget which will provide for the library's orderly expansion, expenditures and operations of the library within the terms of the budget.

FISCAL IMPACT:

Measure LL would have provided approximately $500,000 per year over the next twenty years. With Measure LL's failure and expiration of Measure C, the library will lose approximately $125,000 - $175,000 a year in funding. There has been discussion as to whether it would be fiscally prudent to retrench in the aftermath of the defeat of Measure LL, but it was decided that since Measure C is still valid through fiscal year 2017-18, revenue will still be forthcoming so the library will be able to maintain current operations.

Respectfully submitted by:

Norma Arvizu
City Librarian

Prepared by:

Gwen Kishida
Administrative Secretary

ATTACHMENTS:

2017-18 Fiscal Year Proposed Budget

ATTACHMENT 1
2017-18 Fiscal Year Proposed Budget

CITY OF MONTEREY PARK

PROGRAM SUMMARY

DEPARTMENT: **Library**

ACTIVITY: **Administration**

ACTIVITY NO.: **6001**

SUMMARY OF COST	Actual 2014-15	Adopted 2015-16	Year-End Estimated 2015-16	Proposed 2016-17	Adopted 2016-17

Program Description

The administrative staff is responsible for the overall leadership, management, coordination and marketing of the Monterey Park Bruggemeyer Library. Specific service objectives are:

- Assist the Library Board of Trustees to develop policies that reflect sound administrative management and provide free and open access to library services for all.

- Coordinate with outside non-profit organizations, such as the Friends of the Monterey Park Library and Monterey Park Library Foundation, as well as other community agencies and organizations, which support and enrich library programs through library fundraisings.

- Supplement library budget appropriations through entrepreneurial activities and the development of gifts and other alternative sources of funding to finance non-traditional services and programs.

- Analyze library collections and usage as well as changes in community needs for information services and develop and implement plans which best fulfill the identified needs.

- Network and share resources with other state and local libraries, actively participate as a member of the Southern California Library Cooperative (SCLC).

PROGRAM MEASUREMENTS

	Actual 2015-16	Estimated 2016-17	Projected 2017-18
Library Volunteer Hours	9,101	8,000	9,000
Grants Awarded (Number)	2	4	3

Grants Awarded (Amount)	$129,625	$136,000	$125,000
*Fundraising (Foundation)	$52,000	$48,000	$40,000
*Fundraising (Friends)	$10,878	$7,000	$8,000

(*) Coordinate with outside non-profit organizations for library fundraisings.

2017-2018 GOALS AND OBJECTIVES

1. *Achieve financial stability:* Design a strategic marketing and outreach plan with efforts such as printing, advertising, or promotional items for library publications with a new recognizable logo to promote library activities and fundraise.

2. *Improve organizational effectiveness and efficiency:* Create excellent directional aids so that information and services can be found efficiently throughout the library.

3. *Improve organizational effectiveness and efficiency:* Conduct assessment of customer services on a quarterly basis and compare results against established baseline and benchmarks.

4. *Improve organizational effectiveness and efficiency:* Further integrate the library services into the local school and business communities by participating in local fairs and public events.

2016-2017 MAJOR ACCOMPLISHMENTS

1. Completed the painting of the library entrance lobby and Circulation areas and refinishing of the public counters in Reference, Children's and Circulation.

2. Repurposed shelving units to add shelving to the Friends Bookstore, providing a better browsing experience for patrons looking for reading materials at a bargain. Added new furnishings to offer increased opportunities for displays promoting library activities and materials.

3. Installed links to over 100 online tutor training courses and is considering how to establish additional online content so the public can access library programs, presentations and classes anywhere and at any time.

PRIMARY PROGRAM EXPENDITURE EXPLANATIONS

1. Contracted Services category (#31000) includes cost to the library for its share of the City's data processing/payroll system ($10,224).

2. R/M Contractual category (#38000) $33,562 includes building and maintenance costs for air conditioning and heating system, elevator, alarm and fire alarm systems.

3. Debt Service category (#42000) includes $383,196 for debt service payment for the library loan. This is the final year payment on a 13-year library financing program. This is the final payoff year for the Library Measure C.

CITY OF MONTEREY PARK

PROGRAM SUMMARY

DEPARTMENT: **Library**

ACTIVITY: **Reference and Adult Services**

ACTIVITY NO.: **6002**

SUMMARY OF COST	Actual 2014-15	Adopted 2015-16	Year-End Estimated 2015-16	Proposed 2016-17	Adopted 2016-17

Program Description

This activity assists users (adults and teens) in finding information through the library collection, online and through other research resources. This activity is responsible for organizing, selecting and maintaining the adult and young adult (YA) book collections, media, International book collection, Reference collection and Special Collection materials in a system that is easy for the public to access. Plans and facilitates exhibits and educational and cultural programs for adults and teens on a monthly basis throughout the year. Specific service objectives are:

- Assist at Reference Desk by answering in-person, telephone, E-mail and Internet requests for information and provide Reader's Advisory to adults and teens seeking information about authors and books.

- Show and train community members on how to locate materials and information using the Online Public Access Catalog (OPAC), electronic databases and the Internet.

- Assist adults and teens with computer help at the library with resumes, job searches, school reports, printing and other computer/online needs.

- Conduct computer classes in four languages (English, Spanish, Mandarin and Cantonese) for adults to learn modern skills and gain confidence using computers at the library, in their homes and in the workplace.

- Schedule cultural and educational programs that include Artists of the Month programs, history programs, author talks and cultural programs for diverse community audiences.

- Work in partnership with schools and community organizations to meet the educational, informational and recreational needs of the community.

PROGRAM MEASUREMENTS

	Actual 2015-16	Estimated 2016-17	Projected 2017-18
Reference Transactions	14,943	14,291	14,000
Adult/YA Programs Presented	263	306	250
Adult/YA Program Attendance	6,007	6,151	5,500

2017-2018 GOALS AND OBJECTIVES

1. *Improve organizational effectiveness and efficiency:* Develop new programming with films and guest speakers that promotes conversations with library audiences about the issues of immigration with people's stories about coming to California.

2. *Improve organizational effectiveness and efficiency:* Explore new ways of engaging immigrant communities in library programs and services for a grant project.

3. *Improve organizational effectiveness and efficiency:* Develop new Teen Tech Week and Teen Read Week programs to promote reading and technology with teens.

2016-2017 MAJOR ACCOMPLISHMENTS

1. Engaged the community in the development and printing of a commemorative cookbook to celebrate the City's Centennial and the local history legacy of Laura Scudder.

2. Presented diverse programming for Hispanic Heritage Month, Chinese Lunar New Year and the Mid Autumn Festival with folk dances, music, games, food, and film programs for the cultural, educational, and recreational enjoyment of library audiences.

3. Promoted library programs and services at city events that included the Chinese Lunar New Year Festival, Cherry Blossom Festival and the Geranium Festival.

PRIMARY PROGRAM EXPENDITURES EXPLANATIONS

1. Books and Subscriptions category (#40000) $36,000 is for the purchase of new books, subscriptions and databases or renewed subscriptions and databases.

CITY OF MONTEREY PARK

PROGRAM SUMMARY

DEPARTMENT: **Library**

ACTIVITY: **Technical Services**

ACTIVITY NO.: **6003**

SUMMARY OF COST	Actual 2014-15	Adopted 2015-16	Year-End Estimated 2015-16	Proposed 2016-17	Adopted 2016-17

Program Description

This program is responsible for ordering, receiving, cataloging and preparing for public and staff use all new print and nonprint materials received by the library and maintaining the library automation system and the library's online database of holdings. Collection maintenance, and the repair and upkeep of all print and nonprint materials fall within this program. Staff troubleshoots P.C.'s, printers, network connections and telecommunication problems. Specific activities include:

- Order and receive all library materials; process invoices for print and nonprint items selected for purchase by public services librarians and by the LAMP Program utilizing the acquisitions module of Innovative Interfaces. Coordinate and monitor budget allocations and expenditures.

- Catalog all new purchases and gift materials (including Chinese, Japanese, Vietnamese and Spanish language titles) either by OCLC or by original cataloging.

- Manage and administer, in conjunction with the City Librarian, the library's integrated automation system and assist as a liaison with the vendor which is Innovative Interfaces, Inc. Coordinate and monitor budget allocations and expenditures utilizing the acquisitions module of Innovative Interfaces.

- Troubleshoot Gates and other Internet and word processing computers, printers, peripherals, network software and telecommunications connections.

- Maintain the physical condition of the collection by managing the processing of all new print, nonprint and gift items for public and staff use, repairing damaged items, relabeling and reprocessing some and sending appropriate materials to the bindery.

- Borrow and lend materials via interlibrary loan and keep statistics.

PROGRAM MEASUREMENTS

	Actual 2015-2016	Estimated 2016-17	Projected 2017-18
NEW CATALOG TITLES ADDED			
Books	3,173	3,540	3,500
Audio-Visual	596	520	520
Total Cataloged Titles Added	3,769	4,060	4,020
NEW ITEMS ADDED			
Cataloged Books	3,709	4,620	4,600
Cataloged Audio-Visual	1,047	560	560
Government Documents	333	560	560
Total Cataloged Items Added	5,089	5,740	5,720
ITEMS PURGED	6,562	7,000	7,000
Number of materials borrowed from other libraries	24	10	10
Number of materials other libraries borrowed from City	8	20	20
COLLECTION TOTALS			
All Items	161,494	165,000	165,000
Cataloged Titles	147,737	145,000	145,000

2017-2018 GOALS AND OBJECTIVES

1. *Improve organizational effectiveness and efficiency:* Acquire 10 Chromebooks to supplement existing computers and provide alternatives that offer mobility and versatility to support increased computer usage in the library.

2. *Improve organizational effectiveness and efficiency:* Elicit free online links and catalog records for government documents such as the census and congressional documents to allow 24/7 access by the public by participating in the Federal Depository Library Program's Cataloging Record Distribution Program.

3. *Improve organizational effectiveness and efficiency:* Further participate in the City's Website Committee to redesign and revamp the Library's Webpage to improve accessibility and boost interest.

2016-2017 MAJOR ACCOMPLISHMENTS

1. Awarded *21st Century Technology for Tweens and Teens* grant of $5,000 from Southern California Edison to purchase 10 Chrome books and technology equipment.

2. Awarded California Center for the Book's *Californians: Community Conversations about Immigration* program grant which includes a bookshelf of 20 book and DVDs representing a variety of cultures and immigration experiences.

3. Installed four additional Access Points to upgrade the library's second floor Wi-Fi and provide faster internet connections and speed.

4. Staff outreach and promotion of library services resulted in addition of 1,192 gifts to the library's collection with a cumulative value of $13,568.

PRIMARY PROGRAM EXPENDITURE EXPLANATIONS

1. Contracted Services category (#31000) $11,540 includes cost for data processing.

2. R&M Contractual (#38000) $64,850 includes maintenance of Innovative Interfaces and Dell servers and public computers (62), copiers and printers.

CITY OF MONTEREY PARK

PROGRAM SUMMARY

DEPARTMENT: **Library**

ACTIVITY: **Circulation**

ACTIVITY NO.: **6004**

SUMMARY OF COST	Actual 2014-15	Adopted 2015-16	Year-End Estimated 2015-16	Proposed 2016-17	Adopted 2016-17

Program Description

The Check-out Desk of Circulation Services serves as the point of contact in the library for the majority of patrons, and as such its staff represents the library to the public. This activity is responsible for the operation of the library's loan and rental for all circulating print and nonprint materials to eligible cardholders.

Specific activities include:

- Interpret library circulation policies established by the Library Board.
- Maintain an up-to-date online patron file and ensure privacy of records and information from unauthorized inquiries.
- Check-in and check-out all circulating library materials; maintain book and nonprint collections by shelving returned materials in a timely manner and conducting an ongoing shelf reading program to ensure materials are in proper order and available to the community.
- Prepare and send notices to cardholders for overdue, lost or damaged materials and holds; calculate and collect the resultant fines and fees; record and deposit money daily.

PROGRAM MEASUREMENTS

ITEMS CIRCULATED	Actual 2015-16	Estimated 2016-17	Projected 2017-18
Total	240,564	310,000	242,000
Items Per Capita	3.92*	4.99*	3.94*
Weekly Hours of Operation	44	44	44

* Population figure used for calculation: 62,063

LIBRARY USERS

User Visits Per Day	978	991	997
Total User Visits Per Year	326,487	330,000	333,000
New Cardholders Registered	2,854	3,500	3,000
Library Cardholders	53,170	58,500	57,000
Number of Requests for Items Checked-Out	1,270	1,250	1,000
Overdue Notices-Processed	5,031	6,200	5,000

2017-2018 GOALS AND OBJECTIVES

1. *Improve organizational effectiveness and efficiency:* Investigate new 21st century technology in patron self checkout using the convenience of a mobile app on the patron's personal device to expedite customer service. The patron selects a book from the shelf and using a personal device checks out the item with the mobile app which sends the information to the library's computer system. The patron desensitizes the item near the Circulation desk and can take the item home. Only items checked out using the mobile app will be desensitized.

2. *Improve organizational effectiveness and efficiency:* Recruit and retain Circulation volunteers to assist in making available returned library materials quickly accessible for the public, fulfilling patron needs.

2016-2017 MAJOR ACCOMPLISHMENTS

1. Eliminated outdated audio-visual materials which allowed expansion of the entire Adult/Reference/Teen DVD collection.

2. Shifted the Children's Non-Fiction collection, then moved the Children's Reference collection into that area which allowed for the removal of the old Reference shelving to provide more seating areas in the Children's area.

CITY OF MONTEREY PARK

PROGRAM SUMMARY

DEPARTMENT: **Library**

ACTIVITY: **Literacy**

ACTIVITY NO.: **6005**

SUMMARY OF COST	Actual 2014-15	Adopted 2015-16	Year-End Estimated 2015-16	Proposed 2016-17	Adopted 2016-17

Program Description

The LAMP (Literacy for All of Monterey Park) Literacy Program is a library-based program that has served the residents of Monterey Park since 1984. LAMP recruits and trains volunteers to tutor adults in one-to-one or small group settings. Tutors help learners to reach their personal goals in one of LAMP's five program areas: Adult Literacy, English-as-a-Second Language Literacy, English Language Literacy Intensive (ELLI), U.S. Citizenship Preparation and Families for Literacy (FFL). Ongoing activities of the LAMP Program are:

- Recruit, train and match volunteer tutors with learners.
- Network with neighboring literacy programs, community agencies and local businesses to provide literacy activities in response to the community's needs.
- Select print and nonprint materials appropriate to the interest and needs of the program's participants.
- Execute U.S. passport applications by verifying documents, identity and signature of applicant and forwarding to the U.S. Department of State for an issuance determination.

PROGRAM MEASUREMENTS

	Actual 2015-16	Estimated 2016-17	Projected 2017-18
Number of Students Participating	1,197	1,500	1,500
Number of Student Hours	29,385	29,000	30,000
Number of Tutors	91	100	100

Number of Tutor Volunteer Hours	3,393	4,300	4,300
Number of Tutors Trained	73	75	75
Number of Students who became U.S. Citizens	61	80	100
Number of Passports Executed	561	1000	1000

2017-2018 GOALS AND OBJECTIVES

1. *Improve organizational effectiveness and efficiency:* Develop a distance learning program that offers Citizenship Preparation to the community's Spanish speaking adult residents unable to attend onsite Citizenship classes.

2. *Improve organizational effectiveness and efficiency:* Restructure initial assessment of adult learners to better assist the tutors in developing their curriculum around the needs and goals of the student.

3. *Improve organizational effectiveness and efficiency:* Boost passport application intake by increasing service hours and extending to include passport services during special events.

2016-2017 MAJOR ACCOMPLISHMENTS

1. Increased efficiency of ESL classroom instruction by switching to managed enrollment and reexamining textbooks used to better align with instructional levels.

2. Established a dedicated workspace for passport application acceptance and enhanced services by offering on-site passport photos.

3. Helped 94% of students who applied for U.S. Citizenship pass their Naturalization exam.

4. Helped 52% of ESL students make significant gains in English language acquisition.

CITY OF MONTEREY PARK

PROGRAM SUMMARY

DEPARTMENT: **Library**

ACTIVITY: **Children's Services**

ACTIVITY NO.: **6006**

SUMMARY OF COST	Actual 2014-15	Adopted 2015-16	Year-End Estimated 2015-16	Proposed 2016-17	Adopted 2016-17

Program Description

This activity is responsible for the Children's Services of the library. This activity provides the full range of library services from infants through the sixth grade; assists children, teachers and parents in locating and using library materials in the Children's area; provides professional level expertise in the selection and management of the library's print, audiovisual and electronic collections in the Children's area; conducts storytimes, Summer Reading Program and other children's programs.

Specific service objectives are:

- Assist at the Children's Desk by answering in-person and telephone requests for information and advise the community in the use of materials and services through individual instruction.
- Instruct the community on locating materials and information via the Online Public Access Catalog (OPAC), electronic databases and the Internet.
- Conduct library tours and provide instruction in the use of library materials and services for school classes, community organizations and other interested groups.
- Select print and audiovisual materials for children in the languages used in the community in order to meet the identified educational, informational and recreational needs of the residents.
- Review on an annual basis the demographic characteristics of the City of Monterey Park in order to keep the children's collections responsive to the community.
- Target the informational and educational needs of the community and work with community and governmental groups and respond with appropriate library services and materials.

- Encourage reading and promote the pleasure of reading by conducting storytimes for preschool through third grade students.

- Encourage reading and improve literacy by conducting a Summer Reading Program for preschool through sixth grade students.

- Schedule cultural and educational programs for children that reflect the needs and desires of Monterey Park residents.

- Provide homework assistance services via library volunteers on weekdays during the school year for students up to sixth grade.

PROGRAM MEASUREMENTS

	Actual 2015-16	Estimated 2016-17	Projected 2017-18
Reference Transactions	10,926	10,000	9,500
Children's Reading Programs	440	440	440
Children's Reading Programs' Attendance	17,157	17,500	18,000
Children's Outreach Attendance	2,600	2,600	2,700

2017-2018 GOALS AND OBJECTIVES

1. *Improve organizational effectiveness and efficiency:* Add monthly puppet show program to expand literacy enrichment activities for children and caregivers.

2. *Improve organizational effectiveness and efficiency:* Provide library outreach to classrooms and host field trips to the library for schools and child care centers.

2016-2017 MAJOR ACCOMPLISHMENTS

1. Increased registration in the annual Summer Reading Program by 17%. Increased number of hours read by 19%. Increased summer programming attendance by 171%.

2. Created new monthly programs for school aged children, which include Afterschool Art, Marvelous Mondays, Saturday family film showings and computer classes and added a new storytime on Monday evening.

3. Delivered programming calendars and flyers to every school in Monterey Park monthly.

4. Removed Reference shelving; weeded, recataloged and relocated existing materials; and added new seating and study area for patrons.

5. Hired and trained a Librarian, bringing Children's Services to full staffing.

PRIMARY PROGRAM EXPENDITURE EXPLANATIONS

1. Books and Subscriptions category (#40000) $34,768 is for the books, subscriptions and databases.

Department Library

#	Fund	Target Amounts	6001	6002	6003	6004	6005	6006	Balance	Over/Under
0010	General	$ 1,875,589.00	$ 433,906.00	$ 315,790.00 $ -	$ 439,394.00	$ 335,856.00	$ 95,524.00 $ -	$ 255,119.00	$ 1,875,589.00	$ -
0012	Retirement	$ 435,652.00	$ 51,009.00 $ -	$ 61,803.00	$ 68,708.00	$ 56,185.00	$ 19,392.00	$ 47,433.00	$ 304,530.00	$ 131,122.00
0131	Library Tax	$ 554,380.00	$ 416,129.00	$ 49,674.00	$ 12,200.00	$ 35,400.00		$ 40,977.00	$ 554,380.00	$ -
0142	Literacy & Civics Ed	$ 84,000.00					$ 84,000.00		$ 84,000.00	$ -
0163	CLLS	$ 35,986.00					$ 35,986.00		$ 35,986.00	$ -
0445	Literacy Trust	$ 18,000.00					$ 18,000.00		$ 18,000.00	$ -
	TOTALS	$ 3,003,607.00	$ 901,044.00	$ 427,267.00	$ 520,302.00	$ 427,441.00	$ 252,902.00	$ 343,529.00	$ 2,872,485.00	$ 131,122.00

ADMINISTRATION

010-6001-11200	0010	6001	LIBRARY ADMINISTRATION	11200	PERMANENT SALARIES	147,455	157,055	164,088	169,445	175,386	175,283	179,012	90,928	179,010	177,276
010-6001-11300	0010	6001	LIBRARY ADMINISTRATION	11300	PART TIME SALARIES	31,103	28,912	29,618	30,159	-	-	39,240	16,039	39,240	**39,240**
010-6001-11500	0010	6001	LIBRARY ADMINISTRATION	11500	SEPARATION BENEFITS	9,900	9,900	9,900	9,900	9,900	9,900	10,098	5,049	10,100	10,401
010-6001-12200	0010	6001	LIBRARY ADMINISTRATION	12200	LIFE INSURANCE	356	370	373	359	359	359	359	209	360	359
010-6001-12300	0010	6001	LIBRARY ADMINISTRATION	12300	MEDICAL INSURANCE	18,043	20,255	22,200	21,160	21,010	18,327	16,544	9,805	16,540	17,719
010-6001-12350	0010	6001	LIBRARY ADMINISTRATION	12350	MEDICARE INSURANCE	2,695	2,803	2,388	3,016	3,015	2,712	3,092	1,619	3,090	2,577
010-6001-12370	0010	6001	LIBRARY ADMINISTRATION	12370	PART TIME RETIREMENT	-	-	-	-	-	-	723	-	720	**2,250**
010-6001-12400	0010	6001	LIBRARY ADMINISTRATION	12400	DENTAL INSURANCE	825	820	821	1,048	1,211	1,216	1,811	712	1,810	1,220
010-6001-12500	0010	6001	LIBRARY ADMINISTRATION	12500	WORKERS COMPENSATION	2,299	2,529	2,655	2,655	2,788	2,788	2,927	1,463	2,930	3,073
010-6001-12900	0010	6001	LIBRARY ADMINISTRATION	12900	LONG TERM DISABILITY	792	792	792	792	792	792	792	462	790	792
010-6001-12950	0010	6001	LIBRARY ADMINISTRATION	12950	VISION PLAN	403	415	424	423	424	431	436	254	440	436
010-6001-21250	0010	6001	LIBRARY ADMINISTRATION	21250	OFFICE PAPER PRODUCTS	500	472	500	497	300	304	300	264	300	**450**
010-6001-21350	0010	6001	LIBRARY ADMINISTRATION	21350	OTHER OFFICE SUPPLIES	1,700	2,000	2,500	1,893	1,490	1,989	2,500	1,372	2,500	**5,500**
010-6001-22150	0010	6001	LIBRARY ADMINISTRATION	22150	CLEANING & SANITATION SUPPLIES	6,061	3,613	7,399	7,399	7,200	7,200	8,200	4,398	8,200	**9,963**
010-6001-22450	0010	6001	LIBRARY ADMINISTRATION	22450	LIBRARY SUPPLIES/CIRC/AV/ETC	-	-	-	49	-	-	-	-	-	
010-6001-22750	0010	6001	LIBRARY ADMINISTRATION	22750	OTHER OPERATING SUPPLIES	-	758	-	-	-	-	-	-	-	
010-6001-31700	0010	6001	LIBRARY ADMINISTRATION	31700	DATA PROCESSING	11,540	12,117	12,117	12,117	12,117	9,637	9,926	4,818	9,930	**10,224**
010-6001-31950	0010	6001	LIBRARY ADMINISTRATION	31950	OTHER PROFESSIONAL SERVICES	-	-	-	-	-	16,435	1,718	2,321	1,720	**2,500**
010-6001-32050	0010	6001	LIBRARY ADMINISTRATION	32050	TELEPHONE	4,348	4,573	4,100	4,835	4,500	5,099	5,000	1,703	5,000	**5,000**
010-6001-32150	0010	6001	LIBRARY ADMINISTRATION	32150	TECHNOLOGY CHARGES	4,935	4,282	4,496	4,496	4,721	4,721	4,863	2,432	4,860	5,106
010-6001-32200	0010	6001	LIBRARY ADMINISTRATION	32200	POSTAGE	1,443	1,144	1,250	1,227	1,250	962	1,000	296	1,000	**1,000**
010-6001-33100	0010	6001	LIBRARY ADMINISTRATION	33100	MILEAGE AND PARKING	-	-	-	-	250	117	1,500	43	1,500	**1,500**
010-6001-33200	0010	6001	LIBRARY ADMINISTRATION	33200	CONFERENCES/SEMINARS	-	-	-	-	-	-	1,368	-	1,370	**1,370**
010-6001-36100	0010	6001	LIBRARY ADMINISTRATION	36100	ELECTRICITY	75,063	77,211	91,000	92,559	93,730	89,196	96,542	54,635	96,540	**99,438**
010-6001-36200	0010	6001	LIBRARY ADMINISTRATION	36200	GAS SERVICE	2,846	3,293	3,500	2,617	3,753	2,015	4,691	663	4,690	**7,164**
010-6001-38100	0010	6001	LIBRARY ADMINISTRATION	38100	REPAIRS & MTC BUILDINGS	5,939	5,565	6,000	5,938	5,000	5,411	5,000	5,026	5,000	**11,178**
010-6001-38400	0010	6001	LIBRARY ADMINISTRATION	38400	R&M MACHINERY AND EQUIPMENT	29,178	1,201	1,500	1,299	11,240	6,913	11,517	1,182	11,520	**11,520**
010-6001-39250	0010	6001	LIBRARY ADMINISTRATION	39250	PRINTING & DUPLICATING	558	352	500	458	500	648	500	98	500	**500**
010-6001-39300	0010	6001	LIBRARY ADMINISTRATION	39300	DUES/MEMBERSHIPS	3,692	3,511	4,500	3,580	3,000	3,000	2,000	35	2,000	**3,150**
010-6001-41100	0010	6001	LIBRARY ADMINISTRATION	41100	SERVICES/OTHER GOVT. AGENCIES	-	3,000	3,000	3,000	3,000	3,000	3,000	-	3,000	**3,000**
					[10-6001] LIBRARY ADMINISTRATION	**361,672**	**346,941**	**375,621**	**380,920**	**366,936**	**368,453**	**414,659**	**205,825**	**414,660**	**433,906**
131-6001-11300	0131	6001	ADMINISTRATION	11300	PART TIME SALARIES	6,490	3,000	8,432	5,000	36,180	42,799	-	3,665	-	
131-6001-12350	0131	6001	ADMINISTRATION	12350	MEDICARE INSURANCE	-	-	522	-	-	476	-	53	-	-
131-6001-12370	0131	6001	ADMINISTRATION	12370	PART TIME RETIREMENT	-	-	-	-	1,447	1,590	-	147	-	
131-6001-21350	0131	6001	ADMINISTRATION	21350	OTHER OFFICE SUPPLIES	500	-	-	-	-	-	-	-	-	
131-6001-22150	0131	6001	ADMINISTRATION	22150	CLEANING & SANITATION SUPPLIES	-	2,622	-	-	-	-	-	-	-	
131-6001-32150	0131	6001	ADMINISTRATION	32150	TECHNOLOGY CHARGES	2,000	3,000	5,000	5,000	5,250	5,250	5,408	2,704	5,410	5,678
131-6001-36100	0131	6001	ADMINISTRATION	36100	ELECTRICITY	10,236	10,529	15,000	12,622	15,450	12,163	15,914	7,450	15,910	**16,391**
131-6001-38400	0131	6001	ADMINISTRATION	38400	R&M MACHINERY AND EQUIPMENT	8,000	8,240	10,240	10,240	-	8,533	-	5,120	-	10,864
131-6001-39250	0131	6001	ADMINISTRATION	39250	PRINTING & DUPLICATING	-	856	161	118	-	33	-	-	-	
131-6001-39300	0131	6001	ADMINISTRATION	39300	DUES/MEMBERSHIPS	-	-	-	-	-	-	1,500	-	1,500	-
131-6001-41100	0131	6001	ADMINISTRATION	41100	SERVICES/OTHER GOVT. AGENCIES	3,000	-	-	-	-	-	-	-	-	
131-6001-42200	0131	6001	ADMINISTRATION	42200	LEASE PRINCIPAL PAYMENT	308,454	320,318	332,640	332,639	345,433	345,433	358,720	177,667	358,720	372,517
131-6001-42240	0131	6001	ADMINISTRATION	42240	LOAN INTEREST	74,741	62,876	50,557	50,556	37,763	37,762	24,477	13,930	24,480	10,679
															416,129
	0012	6001	ADMINISTRATION	12370	PART TIME RETIREMENT	-	-	-	-	-	-	-	-	510	
	0012	6001	ADMINISTRATION	12600	RETIREMENT	-	-	-	-	-	-	-	-	46,110	51,009
					[12-6001] ADMINISTRATION	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**46,620**	**51,009**

REFERENCE

010-6002-11200	0010	6002	REFERENCE /	11200	PERMANENT SALARIES	187,710	199,778	218,184	213,374	230,136	227,741	234,174	118,131	234,170	232,968
010-6002-11300	0010	6002	REFERENCE /	11300	PART TIME SALARIES	-	-	15,239	13,538	-	-	-	-	-	-
010-6002-11500	0010	6002	REFERENCE /	11500	SEPARATION BENEFITS	13,750	13,750	13,750	13,750	13,750	13,750	14,025	7,013	14,030	14,446
010-6002-12200	0010	6002	REFERENCE /	12200	LIFE INSURANCE	486	483	486	468	468	468	468	273	470	468
010-6002-12300	0010	6002	REFERENCE /	12300	MEDICAL INSURANCE	26,047	27,835	28,079	28,093	29,893	30,022	31,333	18,275	31,330	31,693
010-6002-12350	0010	6002	REFERENCE /	12350	MEDICARE INSURANCE	2,787	2,909	3,164	3,299	3,216	3,348	3,726	1,789	3,730	3,388
010-6002-12400	0010	6002	REFERENCE /	12400	DENTAL INSURANCE	1,285	1,263	1,209	1,623	1,920	1,965	2,040	1,190	2,040	2,040
010-6002-12500	0010	6002	REFERENCE /	12500	WORKERS COMPENSATION	2,299	2,529	2,655	2,655	2,788	2,788	2,927	1,463	2,930	3,073
010-6002-12900	0010	6002	REFERENCE /	12900	LONG TERM DISABILITY	1,188	1,188	1,188	1,188	1,188	1,188	1,188	693	1,190	1,188
010-6002-12950	0010	6002	REFERENCE /	12950	VISION PLAN	455	461	466	499	524	525	526	307	530	526
010-6002-21350	0010	6002	REFERENCE /	21350	OTHER OFFICE SUPPLIES	992	1,988	2,500	2,156	-	-	2,500	10	2,500	2,000
010-6002-22450	0010	6002	REFERENCE /	22450	LIBRARY SUPPLIES/CIRC/AV/ETC	-	-	-	72	-	-	-	-	-	
010-6002-38400	0010	6002	REFERENCE /	38400	R&M MACHINERY AND EQUIPMENT	398	-	-	-	-	-	-	-	-	
010-6002-39250	0010	6002	REFERENCE /	39250	PRINTING & DUPLICATING	124	-	250	44	-	-	-	-	-	
010-6002-39300	0010	6002	REFERENCE /	39300	DUES/MEMBERSHIPS	-	-	750	-	-	-	-	-	-	
010-6002-40000	0010	6002	REFERENCE /	40000	BOOKS & SUBSCRIPTIONS	22,171	18,441	-	-	18,000	22,919	8,589	802	8,590	19,000
010-6002-40500	0010	6002	REFERENCE /	40500	LIBRARY DATABASES	-	17,588	7,435	-	7,803	7,288	5,000	-	5,000	5,000
					[10-6002] REFERENCE AND ADULT SER	**259,691**	**288,213**	**295,355**	**280,760**	**309,686**	**312,002**	**306,496**	**149,946**	**306,510**	**315,790**
131-6002-11300	0131	6002	REFERENCE /	11300	PART TIME SALARIES	4,901	12,985	-	3,791	15,057	40,390	28,777	24,535	28,780	35,880
131-6002-12350	0131	6002	REFERENCE /	12350	MEDICARE INSURANCE	15	188	387	55	250	509	-	187	-	-
131-6002-12370	0131	6002	REFERENCE /	12370	PART TIME RETIREMENT	95	519	642	152	600	1,616	1,150	829	1,150	1,794
131-6002-21350	0131	6002	REFERENCE /	21350	OTHER OFFICE SUPPLIES	-	-	-	-	2,500	2,532	-	831	-	
131-6002-40000	0131	6002	REFERENCE /	40000	BOOKS & SUBSCRIPTIONS	-	-	16,001	4,466	7,870	5,857	12,000	1,146	12,000	12,000
131-6002-40500	0131	6002	REFERENCE /	40500	LIBRARY DATABASES	17,068	-	-	-	-	-	-	-	-	
															49,674
	0012	6002	REFERENCE /	12370	PART TIME RETIREMENT	-	-	-	-	-	-	-	-	-	628
	0012	6002	REFERENCE /	12600	RETIREMENT	-	-	-	-	-	-	-	-	61,080	89,290
					[12-6002] REFERENCE AND ADULT SER	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**61,080**	**89,918**

TECHNICAL SERVICES

010-6003-11200	0010	6003	TECHNICAL SERV	11200	PERMANENT SALARIES	218,216	228,439	249,456	242,777	260,520	257,269	263,203	132,369	263,200	254,464
010-6003-11300	0010	6003	TECHNICAL SERV	11300	PART TIME SALARIES	2,780	1,355	-	-	12,558	11,107	16,635	5,218	16,640	**16,640**
010-6003-11500	0010	6003	TECHNICAL SERV	11500	SEPARATION BENEFITS	18,700	18,700	18,700	18,700	18,700	18,700	19,074	9,537	19,070	19,646
010-6003-12200	0010	6003	TECHNICAL SERV	12200	LIFE INSURANCE	648	644	648	624	624	624	624	364	620	624
010-6003-12300	0010	6003	TECHNICAL SERV	12300	MEDICAL INSURANCE	35,973	37,051	35,994	36,600	39,419	39,030	40,406	23,791	40,410	42,230
010-6003-12350	0010	6003	TECHNICAL SERV	12350	MEDICARE INSURANCE	3,286	3,452	3,618	3,610	3,836	3,929	3,722	1,992	3,720	3,704
010-6003-12400	0010	6003	TECHNICAL SERV	12400	DENTAL INSURANCE	2,466	2,420	2,420	2,484	2,530	2,575	2,650	1,546	2,650	2,650
010-6003-12500	0010	6003	TECHNICAL SERV	12500	WORKERS COMPENSATION	3,207	3,527	3,703	3,703	3,888	3,888	4,082	2,041	4,080	4,286
010-6003-12900	0010	6003	TECHNICAL SERV	12900	LONG TERM DISABILITY	1,584	1,584	1,584	1,584	1,584	1,584	1,584	924	1,580	1,584
010-6003-12950	0010	6003	TECHNICAL SERV	12950	VISION PLAN	462	475	485	527	557	562	567	330	570	566
010-6003-22450	0010	6003	TECHNICAL SERV	22450	LIBRARY SUPPLIES/CIRC/AV/ET	6,403	5,636	8,000	4,327	7,200	6,433	7,200	276	7,200	**7,200**
010-6003-31700	0010	6003	TECHNICAL SERV	31700	DATA PROCESSING	12,215	1,040	-	-	11,540	12,426	-	2,139	-	-
010-6003-31950	0010	6003	TECHNICAL SERV	31950	OTHER PROFESSIONAL SERVIC	-	-	-	3,500	-	-	-	-	-	
010-6003-38400	0010	6003	TECHNICAL SERV	38400	R&M MACHINERY AND EQUIPMI	23,682	50,358	50,469	63,716	56,848	53,076	64,848	40,726	64,850	**84,850**
010-6003-39250	0010	6003	TECHNICAL SERV	39250	PRINTING & DUPLICATING	665	-	1,049	473	945	-	945	-	950	**950**
					[10-6003] TECHNICAL SERVICES	**330,287**	**354,681**	**376,126**	**382,627**	**420,749**	**411,203**	**425,540**	**221,252**	**425,540**	**439,394**
131-6003-11300	0131	6003	TECHNICAL SERV	11300	PART TIME SALARIES	-	1,684	9,766	9,818	-	-	-	-	-	
131-6003-12350	0131	6003	TECHNICAL SERV	12350	MEDICARE INSURANCE	-	15	-	131	-	-	-	-	-	-
131-6003-12370	0131	6003	TECHNICAL SERV	12370	PART TIME RETIREMENT	-	41	-	363	502	89	660	55	660	**660**
131-6003-22450	0131	6003	TECHNICAL SERV	22450	LIBRARY SUPPLIES/CIRC/AV/ET	-	-	3,000	3,000	3,150	-	-	-	-	
131-6003-31700	0131	6003	TECHNICAL SERV	31700	DATA PROCESSING	-	10,826	11,540	11,029	-	-	11,540	2,139	11,540	**11,540**
131-6003-38400	0131	6003	TECHNICAL SERV	38400	R&M MACHINERY AND EQUIPMI	10,000	10,000	12,344	10,566	-	-	-	-	-	
					[131-6003] TECHNICAL SERVICE	**10,000**	**22,566**	**36,650**	**34,907**	**3,652**	**89**	**12,200**	**2,194**	**12,200**	**12,200**
	0012	6003	TECHNICAL SERV	12370	PART TIME RETIREMENT	-	-	-	-	-	-	-	-	-	-
	0012	6003	TECHNICAL SERV	12600	RETIREMENT	-	-	-	-	-	-	-	-	68,710	97,576
					[12-6003] TECHNICAL SERVICES	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**68,710**	**97,576**

CIRCULATION

010-6004-11200	0010	6004	CIRCULATI(	11200	PERMANENT SALARIES	183,502	191,210	205,704	198,188	208,486	204,032	215,096	94,524	215,100	212,927
010-6004-11300	0010	6004	CIRCULATI(	11300	PART TIME SALARIES	40,058	46,987	20,790	16,104	20,665	27,234	40,000	17,208	40,000	**40,000**
010-6004-11500	0010	6004	CIRCULATI(	11500	SEPARATION BENEFITS	16,940	16,940	16,940	16,940	16,940	16,940	17,279	8,639	17,280	17,797
010-6004-12200	0010	6004	CIRCULATI(	12200	LIFE INSURANCE	648	644	648	624	624	614	624	270	620	624
010-6004-12300	0010	6004	CIRCULATI(	12300	MEDICAL INSURANCE	28,359	32,836	30,597	34,091	37,371	37,252	39,731	18,814	39,730	42,204
010-6004-12350	0010	6004	CIRCULATI(	12350	MEDICARE INSURANCE	3,193	3,540	3,014	3,283	4,543	4,063	4,400	1,744	4,400	3,101
010-6004-12400	0010	6004	CIRCULATI(	12400	DENTAL INSURANCE	1,810	2,157	2,400	2,380	2,420	2,379	2,420	1,013	2,420	2,030
010-6004-12500	0010	6004	CIRCULATI(	12500	WORKERS COMPENSATION	4,054	4,459	4,682	4,682	4,916	4,916	5,162	2,581	5,160	5,420
010-6004-12900	0010	6004	CIRCULATI(	12900	LONG TERM DISABILITY	1,584	1,584	1,584	1,584	1,584	1,558	1,584	719	1,580	1,584
010-6004-12950	0010	6004	CIRCULATI(	12950	VISION PLAN	493	502	509	508	509	508	519	246	520	518
010-6004-22450	0010	6004	CIRCULATI(	22450	LIBRARY SUPPLIES/CIRC/AV/ETC	1,969	3,000	3,000	3,086	3,015	2,941	3,015	146	3,020	**4,500**
010-6004-38400	0010	6004	CIRCULATI(	38400	R&M MACHINERY AND EQUIPMENT	-	-	4,800	1,970	4,320	4,320	4,900	-	4,900	**4,900**
010-6004-39250	0010	6004	CIRCULATI(	39250	PRINTING & DUPLICATING	238	60	250	227	250	218	250	-	250	**250**
					[10-6004] CIRCULATION	**282,849**	**303,919**	**294,918**	**283,667**	**305,643**	**306,973**	**334,980**	**145,906**	**334,980**	**335,856**
131-6004-11300	0131	6004	CIRCULATI(	11300	PART TIME SALARIES	20,932	30,810	55,670	63,780	65,785	53,816	38,548	29,176	38,550	**30,000**
131-6004-12350	0131	6004	CIRCULATI(	12350	MEDICARE INSURANCE	391	448	2,234	781	-	118	-	290	-	**1,400**
131-6004-12370	0131	6004	CIRCULATI(	12370	PART TIME RETIREMENT	1,077	1,235	3,105	2,157	-	526	3,103	1,139	3,100	**4,000**
131-6004-12600	0131	6004	CIRCULATI(	12600	RETIREMENT	-	-	-	-	-	249	-	332	-	-
131-6004-38400	0131	6004	CIRCULATI(	38400	R&M MACHINERY AND EQUIPMENT	-	2,900	-	-	-	-	-	-	-	
					[131-6004] CIRCULATION	**22,399**	**35,392**	**61,009**	**66,718**	**65,785**	**54,709**	**41,651**	**30,937**	**41,650**	**35,400**
	0012	6004	CIRCULATI(	12370	PART TIME RETIREMENT	-	-	-	-	-	-	-	-	-	
	0012	6004	CIRCULATI(	12600	RETIREMENT	-	-	-	-	-	-	-	-	56,190	81,691
					[12-6004] CIRCULATION	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**56,190**	**81,691**

LITERACY

010-6005-11200	0010	6005	LITERACY	11200	PERMANENT SALARIES	2,878	9,947	73,474	4,220	71,793	44,174	74,299	7,388	74,300	74,300
010-6005-11500	0010	6005	LITERACY	11500	SEPARATION BENEFITS	3,410	3,410	3,410	3,410	3,410	3,410	3,478	1,739	3,480	3,583
010-6005-12200	0010	6005	LITERACY	12200	LIFE INSURANCE	13	28	179	1	156	93	156	13	160	312
010-6005-12300	0010	6005	LITERACY	12300	MEDICAL INSURANCE	807	1,838	8,547	90	11,100	5,976	12,269	1,022	12,270	12,270
010-6005-12350	0010	6005	LITERACY	12350	MEDICARE INSURANCE	59	147	1,066	41	991	643	1,051	110	1,050	1,700
010-6005-12400	0010	6005	LITERACY	12400	DENTAL INSURANCE	33	70	650	3	720	319	840	49	840	618
010-6005-12500	0010	6005	LITERACY	12500	WORKERS COMPENSATION	1,210	1,331	1,398	1,398	1,468	1,468	1,541	770	1,540	1,618
010-6005-12900	0010	6005	LITERACY	12900	LONG TERM DISABILITY	33	69	436	3	396	-	397	33	400	792
010-6005-12950	0010	6005	LITERACY	12950	VISION PLAN	11	23	225	1	212	126	240	12	240	330
010-6005-38400	0010	6005	LITERACY	38400	R&M MACHINERY AND EQUIPMENT	-	4,730	-	-	-	-	-	-	-	
					[10-6005] LITERACY	**8,454**	**21,593**	**89,385**	**9,167**	**90,246**	**56,208**	**94,271**	**11,136**	**94,280**	**95,524**
131-6005-11200	0131	6005	LITERACY	11200	PERMANENT SALARIES	10,750	-	-	-	-	-	-	-	-	-
131-6005-12200	0131	6005	LITERACY	12200	LIFE INSURANCE	90	-	-	-	-	-	-	-	-	-
131-6005-12300	0131	6005	LITERACY	12300	MEDICAL INSURANCE	5,459	-	-	-	-	-	-	-	-	-
131-6005-12350	0131	6005	LITERACY	12350	MEDICARE INSURANCE	389	-	-	-	-	-	-	-	-	-
131-6005-12400	0131	6005	LITERACY	12400	DENTAL INSURANCE	222	-	-	-	-	-	-	-	-	-
131-6005-12600	0131	6005	LITERACY	12600	RETIREMENT	4,710	-	-	-	-	-	-	-	-	-
131-6005-12900	0131	6005	LITERACY	12900	LONG TERM DISABILITY	221	-	-	-	-	-	-	-	-	-
131-6005-12950	0131	6005	LITERACY	12950	VISION PLAN	71	-	-	-	-	-	-	-	-	-
131-6005-33100	0131	6005	LITERACY	33100	MILEAGE AND PARKING	-	-	-	-	-	-	-	-	-	
					[131-6005] LITERACY	**21,914**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
142-6005-11200	0142	6005	LITERACY	11200	PERMANENT SALARIES	15,613	29,559	51,037	46,944	39,490	41,845	39,120	15,733	39,120	39,120
142-6005-11300	0142	6005	LITERACY	11300	PART TIME SALARIES	10,766	23,517	18,526	18,025	21,214	20,089	25,608	15,591	25,610	15,610
142-6005-11500	0142	6005	LITERACY	11500	SEPARATION BENEFITS	4,042	2,021	4,842	4,842	2,829	2,829	4,123	2,062	4,120	4,247
142-6005-12200	0142	6005	LITERACY	12200	LIFE INSURANCE	58	100	176	131	92	125	110	55	110	110
142-6005-12300	0142	6005	LITERACY	12300	MEDICAL INSURANCE	3,484	6,528	9,450	8,840	7,770	9,091	8,589	4,280	8,590	8,590
142-6005-12350	0142	6005	LITERACY	12350	MEDICARE INSURANCE	357	785	663	959	853	919	1,994	425	1,990	1,990
142-6005-12370	0142	6005	LITERACY	12370	PART TIME RETIREMENT	431	941	793	729	830	881	522	448	520	741
142-6005-12400	0142	6005	LITERACY	12400	DENTAL INSURANCE	143	248	429	447	413	472	413	206	410	410
142-6005-12600	0142	6005	LITERACY	12600	RETIREMENT	2,269	6,631	11,847	12,795	9,477	10,220	10,218	6,029	10,220	10,220
142-6005-12900	0142	6005	LITERACY	12900	LONG TERM DISABILITY	143	246	357	333	277	218	278	139	280	280
142-6005-12950	0142	6005	LITERACY	12950	VISION PLAN	46	82	121	113	95	109	97	48	100	100
142-6005-21350	0142	6005	LITERACY	21350	OTHER OFFICE SUPPLIES	208	-	2,483	2,473	2,450	1,145	-	109	-	
142-6005-22750	0142	6005	LITERACY	22750	OTHER OPERATING SUPPLIES	2,891	1,500	3,500	3,349	625	73	-	-	-	
142-6005-32200	0142	6005	LITERACY	32200	POSTAGE	12	-	300	-	100	37	250	-	250	
142-6005-33100	0142	6005	LITERACY	33100	MILEAGE AND PARKING	-	-	-	-	-	-	483	-	480	
142-6005-38400	0142	6005	LITERACY	38400	R&M MACHINERY AND EQUIPMENT	707	3,106	12,000	3,523	2,000	866	-	-	-	
142-6005-39250	0142	6005	LITERACY	39250	PRINTING & DUPLICATING	250	-	-	-	250	-	-	-	-	
142-6005-39300	0142	6005	LITERACY	39300	DUES/MEMBERSHIPS	45	-	-	150	300	60	1,195	27	1,200	
142-6005-40000	0142	6005	LITERACY	40000	BOOKS & SUBSCRIPTIONS	5,940	2,346	15,000	10,280	2,962	2,349	-	36	-	2,582
142-6005-40500	0142	6005	LITERACY	40500	LIBRARY DATABASES	-	3,169	5,000	7,430	-	573	-	-	-	

LITERACY

					[142-6005] LITERACY	**47,403**	**80,777**	**136,524**	**121,364**	**92,026**	**91,902**	**93,000**	**45,186**	**93,000**	**84,000**
163-6005-11200	0163	6005	LITERACY	11200	PERMANENT SALARIES	14,142	8,126	-	4,833	16,924	12,551	16,766	6,743	16,770	16,770
163-6005-11300	0163	6005	LITERACY	11300	PART TIME SALARIES	-	-	12,721	10,394	9,092	9,626	10,878	4,694	10,880	10,526
163-6005-11500	0163	6005	LITERACY	11500	SEPARATION BENEFITS	-	2,021	-	-	1,213	1,213	-	-	-	-
163-6005-12200	0163	6005	LITERACY	12200	LIFE INSURANCE	-	33	-	23	40	31	47	23	50	50
163-6005-12300	0163	6005	LITERACY	12300	MEDICAL INSURANCE	-	2,135	-	1,575	3,330	2,387	3,681	1,834	3,680	3,680
163-6005-12350	0163	6005	LITERACY	12350	MEDICARE INSURANCE	-	129	369	220	366	287	238	161	240	240
163-6005-12370	0163	6005	LITERACY	12370	PART TIME RETIREMENT	-	-	1,010	421	356	307	-	109	-	
163-6005-12400	0163	6005	LITERACY	12400	DENTAL INSURANCE	-	81	-	60	177	118	177	88	180	180
163-6005-12600	0163	6005	LITERACY	12600	RETIREMENT	-	1,785	-	2,259	4,061	4,065	4,379	2,186	4,380	4,380
163-6005-12900	0163	6005	LITERACY	12900	LONG TERM DISABILITY	-	81	-	59	119	178	119	59	120	120
163-6005-12950	0163	6005	LITERACY	12950	VISION PLAN	-	26	-	20	41	28	42	21	40	40
163-6005-21350	0163	6005	LITERACY	21350	OTHER OFFICE SUPPLIES	687	649	2,036	1,415	692	762	-	-	-	
163-6005-22750	0163	6005	LITERACY	22750	OTHER OPERATING SUPPLIES	7,349	404	250	87	-	-	-	-	-	
163-6005-31950	0163	6005	LITERACY	31950	OTHER PROFESSIONAL SERVICES	532	1,499	-	-	-	-	-	-	-	
163-6005-32200	0163	6005	LITERACY	32200	POSTAGE	-	1	250	21	-	-	-	-	-	
163-6005-38400	0163	6005	LITERACY	38400	R&M MACHINERY AND EQUIPMENT	4,296	-	2,800	2,417	-	-	-	-	-	
163-6005-39250	0163	6005	LITERACY	39250	PRINTING & DUPLICATING	-	-	250	177	-	-	-	-	-	
163-6005-39300	0163	6005	LITERACY	39300	DUES/MEMBERSHIPS	150	100	-	-	40	40	-	-	-	
163-6005-40000	0163	6005	LITERACY	40000	BOOKS & SUBSCRIPTIONS	1,256	1,013	6,000	4,522	-	-	-	-	-	
163-6005-40500	0163	6005	LITERACY	40500	LIBRARY DATABASES	-	188	-	-	-	-	-	-	-	
					[163-6005] LITERACY	**28,411**	**18,270**	**25,686**	**28,504**	**36,449**	**31,593**	**36,327**	**15,918**	**36,340**	**35,986**
445-6005-11300	0445	6005	LITERACY	11300	PART TIME SALARIES	-	-	-	-	-	-	-	812	-	
445-6005-21350	0445	6005	LITERACY	21350	OTHER OFFICE SUPPLIES	-	-	4,500	6,138	-	119	2,500	1,695	2,500	2,500
445-6005-22750	0445	6005	LITERACY	22750	OTHER OPERATING SUPPLIES	-	-	-	-	5,800	3,756	-	104	-	
445-6005-31950	0445	6005	LITERACY	31950	OTHER PROFESSIONAL SERVICES	-	-	-	-	-	-	1,500	-	1,500	1,500
445-6005-32200	0445	6005	LITERACY	32200	POSTAGE	-	25	-	-	100	-	-	-	-	
445-6005-33100	0445	6005	LITERACY	33100	MILEAGE AND PARKING	-	-	-	-	1,000	169	-	-	-	
445-6005-38400	0445	6005	LITERACY	38400	R&M MACHINERY AND EQUIPMENT	-	-	-	-	1,000	1,000	2,800	-	2,800	2,800
445-6005-39250	0445	6005	LITERACY	39250	PRINTING & DUPLICATING	-	-	1,050	60	100	-	250	175	250	250
445-6005-39300	0445	6005	LITERACY	39300	DUES/MEMBERSHIPS	-	-	1,100	365	500	150	2,500	-	2,500	2,500
445-6005-40000	0445	6005	LITERACY	40000	BOOKS & SUBSCRIPTIONS	-	-	2,000	-	5,000	4,836	6,500	865	6,500	6,500
445-6005-40500	0445	6005	LITERACY	40500	LIBRARY DATABASES	-	-	12,000	-	1,500	1,160	1,950	-	1,950	1,950
					[445-6005] LITERACY	**-**	**25**	**20,650**	**6,563**	**15,000**	**11,190**	**18,000**	**3,651**	**18,000**	**18,000**
	0012	6005	LITERACY	12600	RETIREMENT	-	-	-	-	-	-	-	-	-	-
	0012	6005	LITERACY	12600	RETIREMENT	-	-	-	-	-	-	-	-	19,390	44,887
					[12-6005] LITERACY	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**19,390**	**44,887**

CHILDREN'S SERVICES

													FY 17 YTD	Yr End Proj	2017.18 Request
010-6006-11200	0010	6006	CHILDREN'S SERVICES	11200	PERMANENT SALARIES	156,013	168,448	182,428	187,044	193,950	138,167	181,719	74,410	181,720	180,441
010-6006-11300	0010	6006	CHILDREN'S SERVICES	11300	PART TIME SALARIES	-	-	15,239	16,199	7,524	12,510	-	706	-	-
010-6006-11500	0010	6006	CHILDREN'S SERVICES	11500	SEPARATION BENEFITS	10,175	10,175	10,175	10,175	10,175	10,175	10,379	5,189	10,380	10,690
010-6006-12200	0010	6006	CHILDREN'S SERVICES	12200	LIFE INSURANCE	486	483	486	468	468	335	468	237	470	468
010-6006-12300	0010	6006	CHILDREN'S SERVICES	12300	MEDICAL INSURANCE	21,473	23,048	23,534	24,039	25,590	16,361	25,619	10,114	25,620	22,692
010-6006-12350	0010	6006	CHILDREN'S SERVICES	12350	MEDICARE INSURANCE	2,268	2,473	2,646	2,994	3,113	2,676	2,901	1,149	2,900	2,900
010-6006-12400	0010	6006	CHILDREN'S SERVICES	12400	DENTAL INSURANCE	861	1,161	1,161	1,161	1,161	601	1,281	471	1,280	1,051
010-6006-12500	0010	6006	CHILDREN'S SERVICES	12500	WORKERS COMPENSATION	2,360	2,595	2,725	2,725	2,861	2,861	3,004	1,502	3,000	3,154
010-6006-12900	0010	6006	CHILDREN'S SERVICES	12900	LONG TERM DISABILITY	1,188	1,188	1,188	1,188	1,188	917	1,188	568	1,190	1,188
010-6006-12950	0010	6006	CHILDREN'S SERVICES	12950	VISION PLAN	414	419	423	406	394	248	428	215	430	406
010-6006-12370	0010	6006	CHILDREN'S SERVICES	12370	PART TIME RETIREMENT	-	-	-	-	831	-	-	-	-	
010-6006-22450	0010	6006	CHILDREN'S SERVICES	22450	LIBRARY SUPPLIES/CIRC/AV/ETC	1,565	-	2,365	2,241	-	-	5,000	371	5,000	**7,500**
010-6006-39250	0010	6006	CHILDREN'S SERVICES	39250	PRINTING & DUPLICATING	141	-	250	-	250	52	250	-	250	**250**
010-6006-40000	0010	6006	CHILDREN'S SERVICES	40000	BOOKS & SUBSCRIPTIONS	2,200	1,968	2,200	1,923	2,200	1,823	12,378	5,747	12,380	**24,380**
					[10-6006] CHILDREN'S SERVICES	**199,144**	**211,958**	**244,820**	**250,562**	**249,705**	**186,727**	**244,615**	**100,678**	**244,620**	**255,119**
131-6006-11300	0131	6006	CHILDREN'S SERVICES	11300	PART TIME SALARIES	-	14,839	-	6,554	13,049	2,994	23,103	15,369	23,100	**28,984**
131-6006-12350	0131	6006	CHILDREN'S SERVICES	12350	MEDICARE INSURANCE	-	215	-	95	-	43	-	112	-	437
131-6006-12370	0131	6006	CHILDREN'S SERVICES	12370	PART TIME RETIREMENT	-	594	844	262	-	98	924	463	920	**1,168**
131-6006-22450	0131	6006	CHILDREN'S SERVICES	22450	LIBRARY SUPPLIES/CIRC/AV/ETC	-	1,763	-	-	5,000	5,018	943	46	940	
131-6006-31950	0131	6006	CHILDREN'S SERVICES	31950	OTHER PROFESSIONAL SERVICES	-	2,000	-	-	-	-	-	-	-	
131-6006-40000	0131	6006	CHILDREN'S SERVICES	40000	BOOKS & SUBSCRIPTIONS	27,395	14,256	10,415	10,527	15,000	16,259	8,000	-	8,000	**9,763**
131-6006-40500	0131	6006	CHILDREN'S SERVICES	40500	LIBRARY DATABASES	250	717	-	-	-	-	599	-	600	**625**
					[131-6006] CHILDREN'S SERVICES	**27,645**	**34,385**	**11,259**	**17,439**	**33,049**	**24,412**	**33,569**	**15,990**	**33,560**	**40,977**
	0012	6006	CHILDREN'S SERVICES	12370	PART TIME RETIREMENT	-	-	-	-	-	-	-	-	-	
	0012	6006	CHILDREN'S SERVICES	12600	RETIREMENT	-	-	-	-	-	-	-	-	47,430	69,202

LIBRARY TAX EXPENITURES

ADMINISTRATION															
131-6001-32150	0131	6001	ADMINISTRATION	32150	TECHNOLOGY CHARGES	2,000	3,000	5,000	5,000	5,250	5,250	5,408	2,704	5,410	5,678
131-6001-36100	0131	6001	ADMINISTRATION	36100	ELECTRICITY	10,236	10,529	15,000	12,622	15,450	12,163	15,914	7,450	15,910	16,390
131-6001-38400	0131	6001	ADMINISTRATION	38400	R&M MACHINERY AND EQUIPMENT										1,864
REFERENCE															
131-6002-11300	0131	6002	REFERENCE AND ADU	11300	PART TIME SALARIES	4,901	12,985	-	3,791	15,057	40,390	28,777	24,535	28,780	35,880
131-6002-12370	0131	6002	REFERENCE AND ADU	12370	PART TIME RETIREMENT	95	519	642	152	600	1,616	1,150	829	1,150	1,794
131-6002-40000	0131	6002	REFERENCE AND ADU	40000	BOOKS & SUBSCRIPTIONS	-	-	16,001	4,466	7,870	5,857	12,000	1,146	12,000	12,000
TECHNICAL SERVICES															
0131-6003-31700	0131	6003	TECHNICAL SERVICES	31700	DATA PROCESSING	-	10,826	11,540	11,029	-	-	11,540	2,139	11,540	11,540
0131-6003-12370	0131	6003	TECHNICAL SERVICES	12370	PART TIME RETIREMENT	-	41	-	363	502	89	660	55	660	660
CIRCULATION															
131-6004-11300	0131	6004	CIRCULATION	11300	PART TIME SALARIES	20,932	30,810	55,670	63,780	65,785	53,816	38,548	29,176	38,550	30,000
131-6004-12350	0131	6004	CIRCULATION	12350	MEDICARE INSURANCE	391	448	2,234	781	-	118	-	290	-	1,400
131-6004-12370	0131	6004	CIRCULATION	12370	PART TIME RETIREMENT	1,077	1,235	3,105	2,157	-	526	3,103	1,139	3,100	4,000
LAMP LITERACY - NONE															
CHILDREN'S SERVICES															0
131-6006-11300	0131	6006	CHILDREN'S SERVICE	11300	PART TIME SALARIES	-	14,839	-	6,554	13,049	2,994	23,103	15,369	23,100	28,984
131-6006-12350	0131	6006	CHILDREN'S SERVICE	12350	MEDICARE INSURANCE	-	215	-	95	-	43	-	112	-	437
131-6006-12370	0131	6006	CHILDREN'S SERVICE	12370	PART TIME RETIREMENT	-	594	844	262	-	98	924	463	920	1,168
131-6006-40000	0131	6006	CHILDREN'S SERVICE	40000	BOOKS & SUBSCRIPTIONS	27,395	14,256	10,415	10,527	15,000	16,259	8,000	-	8,000	9,763
131-6006-40500	0131	6006	CHILDREN'S SERVICE	40500	LIBRARY DATABASES	250	717	-	-	-	-	599	-	600	625

162,183

Library Board of Trustees
Staff Report

DATE: April 18, 2017

AGENDA ITEM NO: 7

TO: Library Board of Trustees

FROM: Norma Arvizu, City Librarian

SUBJECT: Electronic Communications and Personal Accounts and Devices

RECOMMENDATION:

It is recommended that the Library Board of Trustees:

1. Receive and file this report; and
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Communications between the City Librarian who is a public servant with a government agency and the Library Board of Trustees as officials of the City through use of their personal devices has been an ongoing practice. With the recent California Supreme Court Ruling regarding communications on personal account and electronic devices, it is recommended that the Board of Trustees become cognizant of this new ruling.

BACKGROUND:

In light of the California Supreme Court ruling regarding electronic communications on personal account and electronic devices, the City Attorney's office has prepared a memorandum to provide further explanation and to provide tips and recommendations to all City personnel, Boards and Commissions.

FISCAL IMPACT:

None

Respectfully submitted by:

Norma Arvizu
City Librarian

Prepared by:

Gwen Kishida
Administrative Secretary

ATTACHMENTS:

1. Memorandum: Electronic Communications and Personal Accounts and Devices

ATTACHMENT 1

Memorandum: Electronic Communications and Personal Accounts and Devices

CITY OF MONTEREY PARK

OFFICE OF THE CITY ATTORNEY

MEMORANDUM

DATE: March 10, 2017

TO: All City Officials and Personnel

FROM: City Attorney's office

SUBJECT: Electronic Communications and Personal Accounts and Devices

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On March 2, 2017, the California Supreme Court rendered a decision in *City of San Jose v. Superior Court (Smith)*. As we advised in December 2016, the Court found that electronic communications pertaining to public business and that are conveyed using a personal, nongovernmental account or electronic device, constitute public records subject to disclosure by public agencies.[1] We thought it would be prudent to provide you with an overview of the *San Jose* case and suggest some practical solutions for complying with that decision.

- *California Public Records Act ("PRA")*[2]

The PRA defines a public record as

> "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any ... local agency regardless of physical form or characteristics."[3]

A "writing" includes

> "handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents...."[4]

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[1] *City of San Jose et al. v. Superior Court of Santa Clara County (Smith)* (2017) ____ Cal.4th ____, 2017 WL 818506 ("*San Jose*").

[2] Government Code §§ 6250, *et seq.*; subsequent references to an unspecified code are to the Government Code.

[3] § 6252(e).

[4] § 6252(g).

Most public agencies have official email accounts that are used by elected officials and employees that are hosted by publicly owned servers. Such email accounts are clearly "owned" and "retained by" such public agencies. Thus, it was widely understood that any email communications that related to the conduct of the public's business and were transmitted via official email accounts were subject to the PRA.

The more difficult question was whether the PRA extended to personal email addresses, email accounts, personal social media accounts, and personal devices (smartphones, computers, etc.; collectively, "private email"). The conventional wisdom among municipal attorneys was that the PRA did not extend to private email. This viewpoint was generally supported by the available case law (e.g., trial court upheld city's decision not to disclose emails from councilmember's home computer using private email address).[5] The California Supreme Court, however, has now resolved the debate in favor of the broad language in the PRA.

Electronic communications prepared by public officials and employees – whether using public or private email – are subject to the PRA and (unless otherwise exempted) must be disclosed upon request. The reasoning? The Supreme Court found that public agencies are considered to own, use or retain such communications because they have *constructive possession* of such communications through its own officials and employees. Consequently, the public agency constructively retains the writings even when such writings are stored by private email.[6]

- *Tips and Recommendations in Light of San Jose*

Note that this decision is not really "new law." Rather, it is an interpretation of existing law that has some precedence (case law previously found that "writings" in the possession of private consultants working for public agencies were subject to the PRA). Now, however, the City must be aware that any PRA request for records extends to private email (not something that was previously contemplated by most jurisdictions).

To help, we thought the following list of tips and recommendations may be useful:

1. **The PRA Only Applies to "Public Records," and not Personal Records.** The PRA only applies to "public records" as defined above, i.e., the communication must pertain to the public's business. The Supreme Court emphasized that "communications that are *primarily personal*, containing no more than incidental mentions of agency business, generally will not constitute public records."[7]

   Whether a communication is a "public record" depends on several factors such as the

[5] *See, e.g., Tracy Press, Inc. v. Superior Court of San Joaquin County (City of Tracy)* (2008) 164 Cal.App.4th 1290.
[6] 2017 WL 818506 at 6.
[7] 2017 WL 818506 at 4 (emphasis added).

content itself; the context in, or purpose for which, it was written; the audience to whom it was directed; and whether the writing was prepared by an employee or official acting in his or her employment. For example, the Supreme Court noted that while an employee's email to a spouse complaining "my coworker is an idiot" would likely not be a public record, an email to a superior reporting the coworker's mismanagement of an agency project might be.[8]

2. **The PRA's Exemptions to Disclosure Still Apply, and Any Personal Information in a Public Record Will be Redacted Before it is Disclosed.** Even if a writing is a public record, the PRA includes many exemptions, such as a "catchall provision" that allows records to be withheld if the public interest in disclosure is outweighed by the City's interest in non-disclosure.[9] Likewise, the PRA exempts personal financial data, and personnel and medical files.[10] If only a portion of the record includes personal information, then the City may redact such information from the record before it is disclosed.

3. **All Employee Email Communications Should be Sent Via City Email Accounts.** Our office recommends the City adopt and enforce a policy that requires employees to conduct City business only on City email accounts. That way, the City can easily search employee email accounts when responding to a PRA request for employee emails. In the event an employee is unable to access his or her City email account and must use his or her personal account, the employee should be required to either "cc" the employee's City email address or forward the email from the personal account to the City email account.

4. **Elected and Appointed Officials Should Consider Only Using City Email Accounts When Conducting City Business.** In the event that an elected or appointed official either does not have a City email address, or chooses to use his or her personal email address when conducting City business, the official must be prepared to search his or her personal account in the event the City receives a PRA request for email communications. To avoid a situation where the official has to search his or her own account or device in response to a request, or to avoid a court ordering the City or official to do so (as discussed below), we strongly recommend that officials with City email accounts conduct City business only on such accounts.

5. **The City Need Not Conduct Searches of Personal Accounts or Devices Itself.** If the City receives a request seeking public records held in employees' or officials' nongovernmental accounts, the City's first step should be to communicate the request to the employees or officials in question. The Supreme Court noted that the City would not necessarily have to conduct searches of personal accounts or devices itself; instead, the

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[8] 2017 WL 818506 at 3.
[9] § 6255.
[10] § 6254(c), (n).

City should be able to "reasonably rely on these employees (and officials) to search their own personal files, accounts and devices for responsive materials."[11]

In the event of litigation, however, the City would need to prove that the employee or official had searched his or her personal account. That may require the employee or official to verify such action. This is usually memorialized in an affidavit, signed under penalty of perjury, by the employee or official. In the event of litigation, it is also possible that a reviewing court could require the City to take a more proactive role, such as hiring a third party to do a forensic search of employees' or officials' personal devices. To avoid the time, expense and hassle that could potentially be incurred in searching personal accounts, we strongly recommend that whenever possible, officials only conduct City business on City email accounts.

6. **Public Records within Personal Accounts Should be Retained for Two Years.** California law generally requires most public records to be retained for a minimum of two years.[12] The City's retention schedule – including its electronic communications policy – does assign different retention periods for various documents; these reflect either statutory requirements or department preferences. The *San Jose* case is an excellent opportunity for the City to reexamine its retention policy particularly as it relates to the retention requirements as to public and private email. Based upon the Supreme Court's decision, we believe it prudent that any electronic communications pertaining to City business kept on a personal account be retained for at least two years.

Remember that "private email," as discussed in this memorandum is more than electronic email. "Public records" that consist of "writings" under the PRA extends to virtually every recorded form of communication that includes, without limitation, Facebook comments; tweets; Instagram; texts; voicemails; and Snapchat. Since the *San Jose* case clearly extends the PRA to private email (as defined in this memorandum), it is important for all officials to be cognizant of their private communications; they may also constitute a "public record" that is subject not only to disclosure and retention requirements, but may have additional import (e.g., evidence during public hearings).

We will be proposing amendments to the City's electronic communications policy to help implement some of the practical items in this memorandum. In the interim, if you have questions, please contact us in the City Attorney's Office.

A copy of the *San Jose* decision is attached for your reference.

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[11] 2017 WL 818506 at 10.
[12] § 34090.

2017 WL 818506
Supreme Court of California,
California.

CITY OF SAN JOSE et al., Petitioners,
v.
The SUPERIOR COURT of Santa Clara County,
Respondent;
Ted Smith, Real Party in Interest.

S218066
Filed 3/2/2017

Synopsis
Background: Resident brought action against city, mayor, and ten city council members for declaratory judgment that the California Public Records Act (CPRA) required disclosure of their private voicemails, e-mails, and text messages relating to city business. The Superior Court, Santa Clara County, No. 1–09–150427, James P. Kleinberg, J., denied summary judgment for city, mayor, and council members. City, mayor, and council members petitioned for writ of mandate or prohibition. The Court of Appeal granted petition. Resident petitioned for review. The Supreme Court granted review, superseding the opinion of the Court of Appeal.

[Holding:] The Supreme Court, Corrigan, J., held that when a city employee uses a personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the CPRA.

Reversed and remanded.

Opinion, 169 Cal.Rptr.3d 840, superseded.

West Headnotes (24)

[1] **Records**
Matters Subject to Disclosure; Exemptions

City employees' communications about official agency business may be subject to disclosure as "public records" retained by the agency under the California Public Records Act (CPRA), even if the employees used personal e-mail or text message accounts in their preparation or transmission. Cal. Const. art. 1, § 3(b)(2); Cal. Gov.Code §§ 6252(a), (e), 6253(a).

Cases that cite this headnote

[2] **Records**
Matters Subject to Disclosure; Exemptions

California Public Records Act (CPRA) establishes a presumptive right of access to any record created or maintained by a public agency that relates in any way to the business of the public agency, and the record must be disclosed unless a statutory exception is shown. Cal. Gov't Code §§ 6253, 6254.

Cases that cite this headnote

[3] **Statutes**
Purpose and intent

When Supreme Court interprets a statute, its fundamental task is to determine the Legislature's intent so as to effectuate the law's purpose.

Cases that cite this headnote

[4] **Statutes**
Context
Statutes
Construing together; harmony

In construing a statute, courts do not examine the language in isolation, but in the context of the statutory framework as a whole in order to determine its scope and purpose and to harmonize the various parts of the enactment.

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Cases that cite this headnote

[5] **Statutes**
Plain language; plain, ordinary, common, or literal meaning
Statutes
Relation to plain, literal, or clear meaning; ambiguity

If statutory language is clear, courts must generally follow its plain meaning unless a literal interpretation would result in absurd consequences the Legislature did not intend.

Cases that cite this headnote

[6] **Statutes**
Purpose and intent; determination thereof
Statutes
Policy considerations; public policy
Statutes
Plain, literal, or clear meaning; ambiguity

If statutory language permits more than one reasonable interpretation, courts may consider other aids, such as the statute's purpose, legislative history, and public policy.

Cases that cite this headnote

[7] **Statutes**
Context
Statutes
Statutory scheme in general

Courts consider portions of a statute in the context of the entire statute and the statutory scheme of which it is a part, giving significance to every word, phrase, sentence, and part of an act in pursuance of the legislative purpose.

Cases that cite this headnote

[8] **Records**
Matters Subject to Disclosure; Exemptions

Given the strong public policy of the people's right to information concerning the people's business and the constitutional mandate to construe statutes limiting the right of access narrowly, all public records are subject to disclosure unless the Legislature has expressly provided to the contrary. Cal. Const. art. 1, § 3(b)(2); Cal. Gov't Code § 6250.

Cases that cite this headnote

[9] **Records**
Matters Subject to Disclosure; Exemptions

Under California Public Records Act (CPRA), a "public record" is (1) a writing, (2) with content relating to the conduct of the public's business, which is (3) prepared by, or (4) owned, used, or retained by any state or local agency. Cal. Gov't Code § 6252(e).

Cases that cite this headnote

[10] **Records**
Matters Subject to Disclosure; Exemptions

Generally, any record kept by an officer because it is necessary or convenient to the discharge of his official duty is a "public record" under California Public Records Act (CPRA). Cal. Gov't Code § 6252(e).

Cases that cite this headnote

[11] **Records**
Matters Subject to Disclosure; Exemptions

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Resolution of the question of whether a writing is sufficiently related to public business to be a "public record" under the California Public Records Act (CPRA), particularly when writings are kept in personal e-mail or text message accounts, will often involve an examination of several factors, including the content itself; the context in, or purpose for which, it was written; the audience to whom it was directed; and whether the writing was prepared by an employee acting or purporting to act within the scope of his or her employment. Cal. Gov't Code § 6252(e).

Cases that cite this headnote

[12] **Records**
Matters Subject to Disclosure; Exemptions

Communications that are primarily personal, containing no more than incidental mentions of agency business, generally will fall short of being a "writing containing information relating to the conduct of the public's business" and thus will not constitute "public records" under California Public Records Act (CPRA). Cal. Gov't Code § 6252(e).

Cases that cite this headnote

[13] **Records**
Agencies or custodians affected

The Legislature and the state's judiciary are generally exempt from California Public Records Act (CPRA). Cal. Gov't Code § 6252(f)(1).

Cases that cite this headnote

[14] **Records**
Matters Subject to Disclosure; Exemptions

In the context of determining whether writings are "prepared, owned, used, or retained by any state or local agency" under California Public Records Act (CPRA), a governmental entity, like a corporation, can act only through its individual officers and employees. Cal. Gov't Code § 6252(e).

Cases that cite this headnote

[15] **Records**
Agencies or custodians affected

California Public Records Act (CPRA) applies not only to individuals who work in state agencies, but also to employees in local government, since the broad term "public official" encompasses officials in state and local agencies. Cal. Gov't Code §§ 6250, 6259.

Cases that cite this headnote

[16] **Statutes**
Words of inclusion

In statutory drafting, the term "includes" is ordinarily one of enlargement rather than limitation, and the statutory definition of a thing as "including" certain things does not necessarily place thereon a meaning limited to the inclusions.

Cases that cite this headnote

[17] **Records**
Matters Subject to Disclosure; Exemptions

Under California Public Records Act (CPRA) provision stating that a writing must be "owned, used, or retained by any state or local agency" to qualify as a "public record," an agency has constructive possession of records if it has the right to control the records, either directly or through another person.

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6252(e).

Cases that cite this headnote

[18] **Records**
Matters Subject to Disclosure; Exemptions

The purpose of the California Public Records Act (CPRA) provision prohibiting a state or local agency from transferring a public record to a private entity in a manner that prevents the agency "from providing the record directly pursuant to this chapter" is to prevent an agency from evading its disclosure duty by transferring custody of a record to a private holder and then arguing the record falls outside CPRA because it is no longer in the agency's possession. Cal. Gov't Code § 6270.

Cases that cite this headnote

[19] **Constitutional Law**
Public Employees and Officials

Public employees do not forfeit all rights to privacy by working for the government.

Cases that cite this headnote

[20] **Records**
Matters Subject to Disclosure; Exemptions
Records
Discretion and equitable considerations; balancing interests

On a public records request covering writing in public employees' personal e-mail or text message accounts, the catchall exemption from the California Public Records Act (CPRA) permits a balance between the public's interest in disclosure and the individual's privacy interest. Cal. Gov't Code § 6255(a).

Cases that cite this headnote

[21] **Records**
In general; request and compliance

Unless a California Public Records Act (CPRA) request is overbroad or unduly burdensome, agencies are obliged to disclose all records they can locate "with reasonable effort," but such reasonable efforts do not require that agencies undertake extraordinarily extensive or intrusive searches, and in general, the scope of an agency's search for public records need only be reasonably calculated to locate responsive documents. Cal. Gov't Code § 6250 et seq.

Cases that cite this headnote

[22] **Records**
In general; request and compliance

When a California Public Records Act (CPRA) request seeks public records held in employees' nongovernmental accounts, an agency's first step should be to communicate the request to the employees in question, and the agency may then reasonably rely on those employees to search their own personal files, accounts, and devices for responsive material. Cal. Gov't Code § 6250 et seq.

Cases that cite this headnote

[23] **Records**
In general; request and compliance
Records
Discretion and equitable considerations; balancing interests

When a California Public Records Act (CPRA) request seeks public records held in employees' nongovernmental accounts, agencies strike an appropriate balance between the agency's responsibility to search for and disclose public records and the constitutional privacy rights of

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its employees by requiring employees who withhold personal records from their employer to submit an affidavit with facts sufficient to show the information is not a "public record" under the CPRA, if the affidavits give the requester and the trial court a sufficient factual basis to determine that withheld material is indeed nonresponsive. Cal. Const. art. 1, § 1; Cal. Gov't Code § 6250 et seq.

Cases that cite this headnote

[24] **Records**
Matters Subject to Disclosure; Exemptions

Agencies are in the best position to implement policies that fulfill their obligations under California Public Records Act (CPRA) yet also preserve the privacy rights of their employees. Cal. Gov't Code § 6250 et seq.

Cases that cite this headnote

Ct.App. 6 H039498, Santa Clara County Super. Ct. No. 109CV150427

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Opinion

Corrigan, J.

*1 Here, we hold that when a city employee uses a

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personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the California Public Records Act (CPRA or Act).[1] We overturn the contrary judgment of the Court of Appeal.

I. BACKGROUND

In June 2009, petitioner Ted Smith requested disclosure of 32 categories of public records from the City of San Jose, its redevelopment agency and the agency's executive director, along with certain other elected officials and their staffs.[2] The targeted documents concerned redevelopment efforts in downtown San Jose and included emails and text messages "sent or received on private electronic devices used by" the mayor, two city council members, and their staffs. The City disclosed communications made using City telephone numbers and email accounts but did not disclose communications made using the individuals' personal accounts.

Smith sued for declaratory relief, arguing CPRA's definition of "public records" encompasses all communications about official business, regardless of how they are created, communicated, or stored. The City responded that messages communicated through personal accounts are not public records because they are not within the public entity's custody or control. The trial court granted summary judgment for Smith and ordered disclosure, but the Court of Appeal issued a writ of mandate. At present, no documents from employees' personal accounts have been collected or disclosed.

II. DISCUSSION

This case concerns how laws, originally designed to cover paper documents, apply to evolving methods of electronic communication. It requires recognition that, in today's environment, not all employment-related activity occurs during a conventional workday, or in an employer-maintained workplace.

Enacted in 1968, CPRA declares that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (§ 6250.) In 2004, voters made this principle part of our Constitution. A provision added by Proposition 59 states: "The people have the right of access to information concerning the conduct of the people's business, and, therefore, ... the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, § 3, subd. (b)(1).) Public access laws serve a crucial function. "Openness in government is essential to the functioning of a democracy. 'Implicit in the democratic process is the notion that government should be accountable for its actions. In order to verify accountability, individuals must have access to government files. Such access permits checks against the arbitrary exercise of official power and secrecy in the political process.' " (*International Federation of Professional and Technical Engineers, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal.4th 319, 328-329, 64 Cal.Rptr.3d 693, 165 P.3d 488 (*International Federation*).)

***2** However, public access to information must sometimes yield to personal privacy interests. When enacting CPRA, the Legislature was mindful of the right to privacy (§ 6250), and set out multiple exemptions designed to protect that right. (*Commission on Peace Officer Standards & Training v. Superior Court* (2007) 42 Cal.4th 278, 288, 64 Cal.Rptr.3d 661, 165 P.3d 462 (*Commission on Peace Officer Standards*); see § 6254.) Similarly, while the Constitution provides for public access, it does not supersede or modify existing privacy rights. (Cal. Const., art. I, § 3, subd. (b)(3).)

[1]CPRA and the Constitution strike a careful balance between public access and personal privacy. This case concerns how that balance is served when documents concerning official business are created or stored outside the workplace. The issue is a narrow one: Are writings concerning the conduct of public business beyond CPRA's reach merely because they were sent or received using a nongovernmental account? Considering the statute's language and the important policy interests it serves, the answer is no. Employees' communications about official agency business may be subject to CPRA regardless of the type of account used in their preparation or transmission.

A. *Statutory Language, Broadly Construed, Supports Public Access*

[2]CPRA establishes a basic rule requiring disclosure of public records upon request. (§ 6253.)[3] In general, it creates "a presumptive right of access to any record *created or maintained* by a public agency that relates in any way to the business of the public agency." (*Sander v. State Bar of California* (2013) 58 Cal.4th 300, 323, 165 Cal.Rptr.3d 250, 314 P.3d 488, italics added.) Every such record "must be disclosed unless a statutory exception is shown." (*Ibid.*) Section 6254 sets out a variety of

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exemptions, "many of which are designed to protect individual privacy." (*International Federation, supra*, 42 Cal.4th at p. 329, 64 Cal.Rptr.3d 693, 165 P.3d 488.) The Act also includes a catchall provision exempting disclosure if "the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure." (§ 6255, subd. (a).)

[3] [4] [5] [6] [7]"When we interpret a statute, '[o]ur fundamental task ... is to determine the Legislature's intent so as to effectuate the law's purpose. We first examine the statutory language, giving it a plain and commonsense meaning. We do not examine that language in isolation, but in the context of the statutory framework as a whole in order to determine its scope and purpose and to harmonize the various parts of the enactment. If the language is clear, courts must generally follow its plain meaning unless a literal interpretation would result in absurd consequences the Legislature did not intend. If the statutory language permits more than one reasonable interpretation, courts may consider other aids, such as the statute's purpose, legislative history, and public policy.' [Citation.] 'Furthermore, we consider portions of a statute in the context of the entire statute and the statutory scheme of which it is a part, giving significance to every word, phrase, sentence, and part of an act in pursuance of the legislative purpose.' " (*Sierra Club v. Superior Court* (2013) 57 Cal.4th 157, 165-166, 158 Cal.Rptr.3d 639, 302 P.3d 1026.)

[8]In CPRA cases, this standard approach to statutory interpretation is augmented by a constitutional imperative. (See *Sierra Club v. Superior Court, supra*, 57 Cal.4th at p. 166, 158 Cal.Rptr.3d 639, 302 P.3d 1026.) Proposition 59 amended the Constitution to provide: "A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be *broadly* construed if it furthers the people's right of access, and *narrowly* construed if it limits the right of access." (Cal. Const., art. I, § 3, subd. (b)(2), italics added.) " 'Given the strong public policy of the people's right to information concerning the people's business (Gov. Code, § 6250), and the constitutional mandate to construe statutes limiting the right of access narrowly (Cal. Const., art. I, § 3, subd. (b)(2)), "all public records are subject to disclosure unless the Legislature has *expressly* provided to the contrary." ' " (*Sierra Club*, at p. 166, 158 Cal.Rptr.3d 639, 302 P.3d 1026.)

***3** [9]We begin with the term "public record," which CPRA defines to include "any 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." (§ 6252, subd. (e); hereafter "public records" definition.) Under this definition, a public record has four aspects. It is (1) a writing, (2) with content relating to the conduct of the public's business, which is (3) prepared by, *or* (4) owned, used, or retained by any state or local agency.

1. *Writing*

CPRA defines a "writing" as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored." (§ 6252, subd. (g).) It is undisputed that the items at issue here constitute writings.

In 1968, creating a "writing" could be a fairly involved process. Typically, a person would use an implement to type, or record words longhand, or would dictate to someone else who would write or type a document. Writings were generally made on paper or some other tangible medium. These writings were physically identifiable and could be retrieved by examining the physical repositories where they were stored. Writings exchanged with people outside the agency were generally sent, on paper, through the mail or by courier. In part because of the time required for their preparation, such writings were fairly formal and focused on the business at hand.

Today, these tangible, if laborious, writing methods have been enhanced by electronic communication. Email, text messaging, and other electronic platforms, permit writings to be prepared, exchanged, and stored more quickly and easily. However, the ease and immediacy of electronic communication has encouraged a commonplace tendency to share fleeting thoughts and random bits of information, with varying degrees of import, often to broad audiences. As a result, the line between an official communication and an electronic aside is now sometimes blurred. The second aspect of CPRA's "public records" definition establishes a framework to distinguish between work-related and purely private communications.

2. *Relating to the Conduct of the Public's Business*

[10]The overall structure of CPRA, with its many exemptions, makes clear that not everything written by a public employee is subject to review and disclosure. To

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qualify as a public record, a writing must "contain [ ] information relating to the conduct of the public's business." (§ 6252, subd. (e).) Generally, any "record ... kept by an officer because it is necessary or convenient to the discharge of his official duty ... is a public record." (*Braun v. City of Taft* (1984) 154 Cal.App.3d 332, 340, 201 Cal.Rptr. 654; see *People v. Purcell* (1937) 22 Cal.App.2d 126, 130, 70 P.2d 706.)

[11]Whether a writing is sufficiently related to public business will not always be clear. For example, depending on the context, an email to a spouse complaining "my coworker is an idiot" would likely not be a public record. Conversely, an email to a superior reporting the coworker's mismanagement of an agency project might well be. Resolution of the question, particularly when writings are kept in personal accounts, will often involve an examination of several factors, including the content itself; the context in, or purpose for which, it was written; the audience to whom it was directed; and whether the writing was prepared by an employee acting or purporting to act within the scope of his or her employment. Here, the City claimed all communications in personal accounts are beyond the reach of CPRA. As a result, the content of specific records is not before us. Any disputes over this aspect of the "public records" definition await resolution in future proceedings.

***4** [12]We clarify, however, that to qualify as a public record under CPRA, at a minimum, a writing must relate in some substantive way to the conduct of the public's business. This standard, though broad, is not so elastic as to include every piece of information the public may find interesting. Communications that are primarily personal, containing no more than incidental mentions of agency business, generally will not constitute public records. For example, the public might be titillated to learn that not all agency workers enjoy the company of their colleagues, or hold them in high regard. However, an employee's electronic musings about a colleague's personal shortcomings will often fall far short of being a "writing containing information relating to the conduct of the public's business." (§ 6252, subd. (e).)[4]

Coronado Police Officers Assn. v. Carroll (2003) 106 Cal.App.4th 1001, 131 Cal.Rptr.2d 553 demonstrates the intricacy of determining whether a writing is related to public business. There, police officers sought access to a database of impeachment material compiled by public defenders. The attorneys contributed to the database and used its contents in their work. (*Id.* at p. 1005, 131 Cal.Rptr.2d 553.) However, their representation of individual clients, though paid for by a public entity, was considered under case law to be essentially a private function. (*Id.* at pp. 1007-1009, 131 Cal.Rptr.2d 553; see *Polk County v. Dodson* (1981) 454 U.S. 312, 321-322, 102 S.Ct. 445, 70 L.Ed.2d 509.) Accordingly, the *Coronado* court concluded the database did not relate to public business and thus was not a public record. (*Id.* at pp. 1007-1009, 131 Cal.Rptr.2d 553.) The court was careful to note that not all documents related to the database were private, however. Documents reflecting policy decisions about whether and how to maintain the database might well relate to public business, rather than the representation of individual clients. (*Id.* at p. 1009, 131 Cal.Rptr.2d 553.) Content of that kind would constitute public records. (*Ibid.*)

3. *Prepared by Any State or Local Agency*

The City focuses its challenge on the final portion of the "public records" definition, which requires that writings be "prepared, owned, used, or retained by any state or local agency." (§ 6252, section (e).) The City argues this language does not encompass communications agency employees make through their personal accounts. However, the broad construction mandated by the Constitution supports disclosure.

A writing is commonly understood to have been prepared by the person who wrote it. If an agency employee prepares a writing that substantively relates to the conduct of public business, that writing would appear to satisfy the Act's definition of a public record. The City urges a contrary conclusion when the writing is transmitted through a personal account. In focusing its attention on the "owned, used, or retained by" aspect of the "public records" definition, however, it ignores the "prepared by" aspect. (§ 6252, subd. (e).) This approach fails to give " 'significance to every word, phrase, sentence, and part' " of the Act. (*Sierra Club v. Superior Court, supra*, 57 Cal.4th at p. 166, 158 Cal.Rptr.3d 639, 302 P.3d 1026.)

[13]The City draws its conclusion by comparing the Act's definitions of "local" and "state" agency. Under CPRA, " '*Local agency*' includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952." (§ 6252, subd. (a), italics added.) The City points out that this definition does not specifically include individual government officials or staff members, whereas individuals *are* specifically mentioned in CPRA's definition of "*state agency*." According to that definition, " 'State agency' means every state office, *officer*, department, division, bureau, board, and

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commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution."[5] (§ 6252, subd. (f)(1), italics added.) The City contends this difference shows the Legislature intended to exclude individuals from the local agency definition. If a local agency does not encompass individual officers and employees, it argues, only writings accessible to the agency as a whole are public records. This interpretation is flawed for a number of reasons.

*5 [14]The City's narrow reading of CPRA's local agency definition is inconsistent with the constitutional directive of broad interpretation. (Cal. Const., art. I, § 3, subd. (b)(2); see *Sierra Club v. Superior Court*, *supra*, 57 Cal.4th at p. 175, 158 Cal.Rptr.3d 639, 302 P.3d 1026.) Broadly construed, the term "local agency" logically includes not just the discrete governmental entities listed in section 6252, subdivision (a) but also the individual officials and staff members who conduct the agencies' affairs. It is well established that a governmental entity, like a corporation, can act only through its individual officers and employees. (*Suezaki v. Superior Court* (1962) 58 Cal.2d 166, 174, 23 Cal.Rptr. 368, 373 P.2d 432; *Alvarez v. Felker Mfg. Co.* (1964) 230 Cal.App.2d 987, 998, 41 Cal.Rptr. 514; see *United States v. Dotterweich* (1943) 320 U.S. 277, 281, 64 S.Ct. 134, 88 L.Ed. 48; *Reno v. Baird* (1998) 18 Cal.4th 640, 656, 76 Cal.Rptr.2d 499, 957 P.2d 1333.) A disembodied governmental agency cannot prepare, own, use, or retain any record. Only the human beings who serve in agencies can do these things. When employees are conducting agency business, they are working for the agency and on its behalf. (See, e.g., *Cal. Assn. of Health Facilities v. Dept. of Health Services* (1997) 16 Cal.4th 284, 296-297, 65 Cal.Rptr.2d 872, 940 P.2d 323; cf. *Competitive Enterprise Institute v. Office of Science & Technology Policy* (D.C. Cir. 2016) 827 F.3d 145, 149 [reaching the same conclusion for federal FOIA requests].). We presume the Legislature was aware of these settled principles. (See *People v. Superior Court (Zamudio)* (2000) 23 Cal.4th 183, 199, 96 Cal.Rptr.2d 463, 999 P.2d 686.) A writing prepared by a public employee conducting agency business has been "prepared by" the agency within the meaning of section 6252, subdivision (e), even if the writing is prepared using the employee's personal account.

The City also fails to explain how its proposed requirement that a public record be "accessible to the agency as a whole" could be practically interpreted. Even when documents were stored in filing cabinets or ledgers, many writings would not have been considered accessible to all agency employees, regardless of their level of responsibility or involvement in a particular project.

[15] [16]Moreover, although employees are not specifically mentioned in the local agency definition, nothing in the statutory language indicates the Legislature meant to *exclude* these individuals from CPRA obligations. The City argues the omission of the word "officer" from the local agency definition reflects a legislative intent that CPRA apply to individuals who work in *state* agencies but *not* employees in local government. The City offers no reason why the Legislature would draw such an arbitrary distinction. If it intended to impose different disclosure obligations on state and local agencies, one would expect to find this difference highlighted throughout the statutory scheme, particularly when the obligations relate to a "fundamental and necessary right of every person in this state." (§ 6250.) Yet there is no mention of such an intent anywhere in the Act. Indeed, under the City's logic, CPRA obligations would potentially extend only to state *officers*, not necessarily state *employees*. The distinction between tenured public officers and those who hold public employment has long been recognized. (See *In re M.M.* (2012) 54 Cal.4th 530, 542-544, 142 Cal.Rptr.3d 869, 278 P.3d 1221.) Considering CPRA's goal of promoting public access, it would have been odd for the Legislature to establish different rules for different levels of state employment. Contrary to the City's view, it seems more plausible that the reference to "every state ... officer" in the state agency definition (§ 6252, subd. (f)) was meant to extend CPRA obligations to elected state officers, such as the Governor, Treasurer, or Secretary of State, who are not part of a collective governmental body nor generally considered *employees* of a state agency.[6]

*6 The City's position is further undermined by another CPRA provision, which indicates that public records can be held by individual officials and need not belong to an agency as a whole. When it is alleged that public records have been improperly withheld, section 6259, subdivision (a) directs that "the court shall order the officer or person charged with withholding the records" to disclose the records or show cause why they should not be produced. If the court concludes "the public official's decision to refuse disclosure is not justified," it can order "the public official to make the record public." (§ 6259, subd. (b).) If the court finds "that the public official was justified in refusing" disclosure, it must "return the item to the public official without disclosing its content." (*Ibid.*) The Legislature's repeated use of the singular word "official" in section 6259 indicates an awareness that an individual may possess materials that qualify as public records. Moreover, the broad term "public official" encompasses officials in state *and* local agencies, signifying that CPRA

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disclosure obligations apply to individuals working in both levels of government.

4. *Owned, Used, or Retained by Any State or Local Agency*

CPRA encompasses writings prepared *by* an agency but also writings it owns, uses, or retains, regardless of authorship. Obviously, an agency engaged in the conduct of public business will use and retain a variety of writings related to that business, including those prepared by people outside the agency. These final two factors of the "public records" definition, use and retention, thus reflect the variety of ways an agency can possess writings used to conduct public business.

As to retention, the City argues "public records" include only materials in an agency's possession or directly accessible to the agency. Citing statutory arguments and cases limiting the duty to obtain and disclose documents possessed by others, the City contends writings held in an employee's personal account are beyond an agency's reach and fall outside CPRA. The argument fails.

[17]Appellate courts have generally concluded records related to public business are subject to disclosure if they are in an agency's actual *or constructive* possession. (See, e.g., *Board of Pilot Comrs. for the Bays of San Francisco, San Pablo and Suisun v. Superior Court* (2013) 218 Cal.App.4th 577, 598, 160 Cal.Rptr.3d 285; *Consolidated Irrigation Dist. v. Superior Court* (2012) 205 Cal.App.4th 697, 710, 140 Cal.Rptr.3d 622 (*Consolidated Irrigation*).) "[A]n agency has constructive possession of records if it has the right to control the records, either directly or through another person." (*Consolidated Irrigation*, at p. 710, 140 Cal.Rptr.3d 622.) For example, in *Consolidated Irrigation*, a city did not have constructive possession of documents in files maintained by subconsultants who prepared portions of an environmental impact report because the city had no contractual right to control the subconsultants or their files. (*Id.* at pp. 703, 710-711, 140 Cal.Rptr.3d 622.) By contrast, a city had a CPRA duty to disclose a consultant's field survey records because the city had a contractual ownership interest and right to possess this material. (See *Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1426, 1428-1429, 164 Cal.Rptr.3d 644 (*Community Youth*).)

An agency's actual or constructive possession of records is relevant in determining whether it has an obligation to search for, collect, and disclose the material requested. (See § 6253, subd. (c).) It is a separate and more fundamental question whether a document located outside an agency's walls, or servers, is sufficiently "owned, used, or retained" by the agency so as to constitute a public record. (See § 6252, subd. (e).) In construing FOIA, federal courts have remarked that an agency's public records "do not lose their agency character just because the official who possesses them takes them out the door." (*Competitive Enterprise Institute v. Office of Science and Technology Policy, supra*, 827 F.3d at p. 149.) We likewise hold that documents otherwise meeting CPRA's definition of "public records" do not lose this status because they are located in an employee's personal account. A writing retained by a public employee conducting agency business has been "retained by" the agency within the meaning of section 6252, subdivision (e), even if the writing is retained in the employee's personal account.

*7 [18]The City argues various CPRA provisions run counter to this conclusion. First, the City cites section 6270, which provides that a state or local agency may not transfer a public record to a private entity in a manner that prevents the agency "*from providing the record directly* pursuant to this chapter." (Italics added.) Taking the italicized language out of context, the City argues that public records are only those an agency is able to access "directly." But this strained interpretation sets legislative intent on its head. The statute's clear purpose is to prevent an agency from evading its disclosure duty by transferring custody of a record to a private holder and then arguing the record falls outside CPRA because it is no longer in the agency's possession. Furthermore, section 6270 does not purport to excuse agencies from obtaining public records in the possession of *their own employees*. It simply prohibits agencies from attempting to evade CPRA by transferring public records to an intermediary not bound by the Act's disclosure requirements.

Next, the City relies on section 6253.9, subdivision (a)(1), which states that an agency must make a public record available "in any electronic format in which *it holds* the information" (italics added), and on section 6253, subdivision (a), which requires that public records be available for inspection "during ... office hours." These provisions do not assist the City. They merely address the mechanics of how public records must be disclosed. They do not purport to define or limit what constitutes a public record in the first place. Moreover, to say that only public records "in the possession of the agency" (§ 6253, subd. (c)) must be disclosed begs the question of whether the term "agency" includes individual officers and employees. We have concluded it does.

Under the City's interpretation of CPRA, a document concerning official business is only a public record if it is

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located on a government agency's computer servers or in its offices. Indirect access, through the agency's employees, is not sufficient in the City's view. However, we have previously stressed that a document's status as public or confidential does not turn on the arbitrary circumstance of where the document is located.

In *Commission on Peace Officer Standards, supra*, 42 Cal.4th at pages 289 to 290, 64 Cal.Rptr.3d 661, 165 P.3d 462, a state agency argued certain employment information was exempt from disclosure under CPRA because it had been placed in confidential personnel files. In considering a Penal Code provision that deems peace officer personnel records confidential, we rejected an interpretation that made confidentiality turn on the type of file in which records are located, finding it "unlikely the Legislature intended to render documents confidential based on their location, rather than their content." (*Commission*, at p. 291, 64 Cal.Rptr.3d 661, 165 P.3d 462.) Although we made this observation in analyzing the scope of a CPRA exemption, the same logic applies to the Act's definition of what constitutes a public record in the first place. We found it unlikely "the Legislature intended that a public agency be able to shield information from public disclosure simply by placing it in" a certain type of file. (*Commission*, at p. 291, 64 Cal.Rptr.3d 661, 165 P.3d 462.) Likewise, there is no indication the Legislature meant to allow public officials to shield communications about official business simply by directing them through personal accounts. Such an expedient would gut the public's presumptive right of access (*Sander v. State Bar of California, supra*, 58 Cal.4th at p. 323, 165 Cal.Rptr.3d 250, 314 P.3d 488), and the constitutional imperative to broadly construe this right (Cal. Const., art. I, § 3, subd. (b)(2)).

***8** In light of these principles, and considering section 6252, subdivision (e) in the context of the Act as a whole (see *Smith v. Superior Court* (2006) 39 Cal.4th 77, 83, 45 Cal.Rptr.3d 394, 137 P.3d 218), we conclude a city employee's communications related to the conduct of public business do not cease to be public records just because they were sent or received using a personal account. Sound public policy supports this result.

B. *Policy Considerations*

Both sides cite policy considerations to support their interpretation of the "public records" definition. The City argues the definition reflects a legislative balance between the public's right of access and individual employees' privacy rights, and should be interpreted categorically. Smith counters that privacy concerns are properly addressed in the case-specific application of CPRA's exemptions, not in defining the overall scope of a public record. Smith also contends any privacy intrusion resulting from a search for records in personal accounts can be minimized through procedural safeguards. Smith has the better of these arguments.

The City's interpretation would allow evasion of CPRA simply by the use of a personal account. We are aware of no California law requiring that public officials or employees use only government accounts to conduct public business. If communications sent through personal accounts were categorically excluded from CPRA, government officials could hide their most sensitive, and potentially damning, discussions in such accounts. The City's interpretation "would not only put an increasing amount of information beyond the public's grasp but also encourage government officials to conduct the public's business in private." (Senat, *Whose Business Is It: Is Public Business Conducted on Officials' Personal Electronic Devices Subject to State Open Records Laws?* (2014) 19 Comm. L. & Pol'y 293, 322.)

It is no answer to say, as did the Court of Appeal, that we must presume public officials conduct official business in the public's best interest. The Constitution neither creates nor requires such an optimistic presumption. Indeed, the rationale behind the Act is that it is for the *public* to make that determination, based on information to which it is entitled under the law. Open access to government records is essential to *verify* that government officials are acting responsibly and held accountable to the public they serve. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, 651, 230 Cal.Rptr. 362, 725 P.2d 470.) "Such access permits checks against the arbitrary exercise of official power and secrecy in the political process." (*Ibid.*) The whole purpose of CPRA is to ensure transparency in government activities. If public officials could evade the law simply by clicking into a different email account, or communicating through a personal device, sensitive information could routinely evade public scrutiny.

[19]The City counters that the privacy interests of government employees weigh against interpreting "public records" to include material in personal accounts. Of course, public employees do not forfeit all rights to privacy by working for the government. (*Long Beach City Employees Assn. v. City of Long Beach* (1986) 41 Cal.3d 937, 951, 227 Cal.Rptr. 90, 719 P.2d 660.) Even so, the City essentially argues that the contents of personal email and other messaging accounts should be categorically excluded from public review because these materials have traditionally been considered private. However, compliance with CPRA is not necessarily inconsistent with the privacy rights of public employees. Any personal

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information not related to the conduct of public business, or material falling under a statutory exemption, can be redacted from public records that are produced or presented for review. (See § 6253, subd. (a).)

*9 [20]Furthermore, a crabbed and categorical interpretation of the "public records" definition is unnecessary to protect employee privacy. Privacy concerns can and should be addressed on a case-by-case basis. (See *International Federation*, *supra*, 42 Cal.4th at p. 329, 64 Cal.Rptr.3d 693, 165 P.3d 488.) Beyond the definition of a public record, the Act itself limits or exempts disclosure of various kinds of information, including certain types of preliminary drafts, notes, or memoranda (§ 6254, subd. (a)), personal financial data (§ 6254, subd. (n)), personnel and medical files (§ 6254, subd. (c)), and material protected by evidentiary privileges (§ 6254, subd. (k)). Finally, a catchall exemption allows agencies to withhold any record if the public interest served by withholding it "clearly outweighs" the public interest in disclosure. (§ 6255, subd. (a).) This exemption permits a balance between the public's interest in disclosure and the individual's privacy interest. (*International Federation*, at pp. 329-330, 64 Cal.Rptr.3d 693, 165 P.3d 488; *BRV, Inc. v. Superior Court* (2006) 143 Cal.App.4th 742, 755-756, 49 Cal.Rptr.3d 519.) The analysis here, as with other exemptions, appropriately focuses on the *content* of specific records rather than their location or medium of communication. (See *Commission on Peace Officer Standards*, *supra*, 42 Cal.4th at p. 291, 64 Cal.Rptr.3d 661, 165 P.3d 462.)[7]

The City also contends the search for public records in employees' accounts would itself raise privacy concerns. In order to search for responsive documents, the City claims agencies would have to demand the surrender of employees' electronic devices and passwords to their personal accounts. Such a search would be tantamount to invading employees' homes and rifling through their filing cabinets, the City argues. It urges no case has extended CPRA so far.

Arguments that privacy interests outweigh the need for disclosure in CPRA cases have typically focused on the sensitive content of the documents involved, rather than the intrusiveness involved in searching for them. (See, e.g., *International Federation*, *supra*, 42 Cal.4th 319, 64 Cal.Rptr.3d 693, 165 P.3d 488; *Copley Press, Inc. v. Superior Court* (2006) 39 Cal.4th 1272, 48 Cal.Rptr.3d 183, 141 P.3d 288.) Assuming the search for responsive documents can also constitute an unwarranted invasion of privacy, however, this concern alone does not tip the policy balance in the City's favor. Searches can be conducted in a manner that respects individual privacy.

C. *Guidance for Conducting Searches*

The City has not attempted to search for documents located in personal accounts, so the legality of a specific kind of search is not before us. However, the City and some amici curiae do highlight concerns about employee privacy. Some guidance about how to strike the balance between privacy and disclosure may be of assistance.

[21]CPRA requests invariably impose some burden on public agencies. Unless a records request is overbroad or unduly burdensome, agencies are obliged to disclose all records they can locate "with reasonable effort." (*California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166, 78 Cal.Rptr.2d 847.) Reasonable efforts do not require that agencies undertake extraordinarily extensive or intrusive searches, however. (See *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 453, 186 Cal.Rptr. 235, 651 P.2d 822; *Bertoli v. City of Sebastopol* (2015) 233 Cal.App.4th 353, 371-372, 182 Cal.Rptr.3d 308.) In general, the scope of an agency's search for public records "need only be reasonably calculated to locate responsive documents." (*American Civil Liberties Union of Northern Cal. v. Superior Court* (2011) 202 Cal.App.4th 55, 85, 134 Cal.Rptr.3d 472; see *Community Youth*, *supra*, 220 Cal.App.4th at p. 1420, 164 Cal.Rptr.3d 644.)

*10 [22]CPRA does not prescribe specific methods of searching for those documents. Agencies may develop their own internal policies for conducting searches. Some general principles have emerged, however. Once an agency receives a CPRA request, it must "communicate the scope of the information requested to the custodians of its records," although it need not use the precise language of the request. (*Community Youth*, *supra*, 220 Cal.App.4th at p. 1417, 164 Cal.Rptr.3d 644.) As to requests seeking public records held in employees' nongovernmental accounts, an agency's first step should be to communicate the request to the employees in question. The agency may then reasonably rely on these employees to search *their own* personal files, accounts, and devices for responsive material.

[23]Federal courts applying FOIA have approved of individual employees conducting their own searches and segregating public records from personal records, so long as the employees have been properly trained in how to distinguish between the two. (See *Ethyl Corp. v. U.S. Environmental Protection Agency* (4th Cir. 1994) 25 F.3d 1241, 1247.) A federal employee who withholds a

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document identified as potentially responsive may submit an affidavit providing the agency, and a reviewing court, "with a sufficient factual basis upon which to determine whether contested items were 'agency records' or personal materials." (*Grand Cent. Partnership, Inc. v. Cuomo* (2d Cir. 1999) 166 F.3d 473, 481.) The Washington Supreme Court recently adopted this procedure under its state public records law, holding that employees who withhold personal records from their employer "must submit an affidavit with facts sufficient to show the information is not a 'public record' under the PRA. So long as the affidavits give the requester and the trial court a sufficient factual basis to determine that withheld material is indeed nonresponsive, the agency has performed an adequate search under the PRA." (*Nissen v. Pierce County* (Wash. 2015) 183 Wash.2d 863, 357 P.3d 45, 57.) We agree with Washington's high court that this procedure, when followed in good faith, strikes an appropriate balance, allowing a public agency "to fulfill its responsibility to search for and disclose public records without unnecessarily treading on the constitutional rights of its employees." (*Id.*, 357 P.3d at p. 58.)

[24]Further, agencies can adopt policies that will reduce the likelihood of public records being held in employees' private accounts. "Agencies are in the best position to implement policies that fulfill their obligations" under public records laws "yet also preserve the privacy rights of their employees." (*Nissen v. Pierce County*, *supra*, 357 P.3d at p. 58.) For example, agencies might require that employees use or copy their government accounts for all communications touching on public business. Federal agency employees must follow such procedures to ensure compliance with analogous FOIA requests. (See 44 U.S.C. § 2911(a) [prohibiting use of personal electronic accounts for official business unless messages are copied or forwarded to an official account]; 36 C.F.R. § 1236.22(b) (2016) [requiring that agencies ensure official email messages in employees' personal accounts are preserved in the agency's recordkeeping system]; *Landmark Legal Foundation v. Environmental Protection Agency* (D.D.C. 2015) 82 F.Supp.3d 211, 225-226 [encouraging a policy that official emails be preserved in employees' personal accounts as well].)

We do not hold that any particular search method is required or necessarily adequate. We mention these alternatives to offer guidance on remand and to explain why privacy concerns do not require categorical exclusion of documents in personal accounts from CPRA's "public records" definition. If the City maintains the burden of obtaining records from personal accounts is too onerous, it will have an opportunity to so establish in future proceedings. (See *Connell v. Superior Court* (1997) 56 Cal.App.4th 601, 615-616, 65 Cal.Rptr.2d 738; *State Bd. of Equalization v. Superior Court* (1992) 10 Cal.App.4th 1177, 1188, 13 Cal.Rptr.2d 342.)

D. *Conclusion*

***11** Consistent with the Legislature's purpose in enacting CPRA, and our constitutional mandate to interpret the Act broadly in favor of public access (Cal. Const., art. I, § 3, subd. (b)(2)), we hold that a city employee's writings about public business are not excluded from CPRA simply because they have been sent, received, or stored in a personal account.

DISPOSITION

The judgment is reversed, and the case is remanded for further proceedings consistent with this opinion.

We Concur:

Cantil-Sakauye, C.J.

Werdegar, J.

Chin, J.

Liu, J.

Cuéllar, J.

Kruger, J.

All Citations

--- P.3d ----, 2017 WL 818506, 17 Cal. Daily Op. Serv. 1937

Footnotes

1 Government Code section 6250 et seq. All statutory references are to the Government Code unless otherwise specified.

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2 These parties, sued as defendants below and the petitioners here, are collectively referred to as the "City."

3 CPRA was modeled on the federal Freedom of Information Act (FOIA) (5 U.S.C. § 552). (*San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762, 772, 192 Cal.Rptr. 415.)

4 We recognize that this test departs from the notion that "[o]nly purely personal" communications "totally void of reference to governmental activities" are excluded from CPRA's definition of public records. (Assem. Statewide Information Policy Com., Final Rep. (Mar. 1970) 1 Assem. J. (1970 Reg. Sess.) appen. p. 9; see *San Gabriel Tribune v. Superior Court, supra*, 143 Cal.App.3d at p. 774, 192 Cal.Rptr. 415.) While this conception may yield correct results in some circumstances, it may sweep too broadly in others, particularly when applied to electronic communications sent through personal accounts.

5 Article IV establishes the Legislature, and article VI establishes the state's judiciary. (Cal. Const., arts. IV, VI.) These branches of government are thus generally exempt from CPRA. (See *Sander v. State Bar of California, supra*, 58 Cal.4th at p. 318, 165 Cal.Rptr.3d 250, 314 P.3d 488; *Copley Press, Inc. v. Superior Court* (1992) 6 Cal.App.4th 106, 111, 7 Cal.Rptr.2d 841.)

6 In one respect the local agency definition is worded more broadly than the state agency definition. Section 6252, subdivision (a) states that the term local agency "includes" a county, city, or one of several other listed entities. In statutory drafting, the term "includes" is ordinarily one "of enlargement rather than limitation." (*Ornelas v. Randolph* (1993) 4 Cal.4th 1095, 1101, 17 Cal.Rptr.2d 594, 847 P.2d 560.) "The 'statutory definition of a thing as "including" certain things does not necessarily place thereon a meaning limited to the inclusions.' " (*Flanagan v. Flanagan* (2002) 27 Cal.4th 766, 774, 117 Cal.Rptr.2d 574, 41 P.3d 575.) By contrast, the definition of "state agency" is couched in more restrictive language: " 'State agency' *means* every state office, officer ...," and other listed entities. (§ 6252, subd. (f), italics added.)

7 While admitting it invoked no CPRA exemptions in the proceedings below, the City nevertheless asks us to decide that messages in employees' personal accounts are universally exempt from disclosure under section 6255. This issue has not been preserved and is beyond the scope of our grant of review. It also appears impossible to decide on this record. Answering threshold questions about whether employees have a reasonable expectation of privacy (see *Hill v. National Collegiate Athletic Assn.* (1994) 7 Cal.4th 1, 35, 26 Cal.Rptr.2d 834, 865 P.2d 633), or whether their messages are covered by the "deliberative process" privilege (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1339-1344, 283 Cal.Rptr. 893, 813 P.2d 240) would require a fact-intensive review of the City's policies and practices regarding electronic communications, if not the contents of the challenged documents themselves. The record here is insufficient.

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Library Board of Trustees
Staff Report

DATE: April 18, 2017

AGENDA ITEM NO: 8

TO: Library Board of Trustees

FROM: Norma Arvizu, City Librarian

SUBJECT: Recommendation to Support Reappointment

RECOMMENDATION:

It is recommended that the Library Board of Trustees:

1. Approve the letter in support of the reappointment of Maria Elena Yepes and David Barron to the Library Board of Trustees; and
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None

BACKGROUND:

None

FISCAL IMPACT:

None

Respectfully submitted by:

Norma Arvizu
City Librarian

Prepared by:

Gwen Kishida
Administrative Secretary

ATTACHMENTS:

1. Letter: Recommendation to Support Reappointment

ATTACHMENT 1
Letter: Recommendation to Support Reappointment

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April 18, 2017

The Honorable Teresa Real Sebastian
Mayor
City of Monterey Park
320 W. Newmark Avenue
Monterey Park, CA 91754

Dear Mayor Sebastian:

Maria Elena Yepes and David Barron are currently members of the Library Board of Trustees. Mrs. Yepes is the current President of the Library Board. Mr. Barron is the current Vice-President of the Library Board. Their first term of office will end June 30, 2017. They are both interested in being reappointed for a second three-year term.

The Library Board supports the reappointment of Maria Elena Yepes and David Barron to the Library Board of Trustees.

Sincerely,

Betty Morín
Member/ Past President
Library Board of Trustees