



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo

SUBJECT: SEE BELOW

DATE: April 28, 2022

Approved:

Date: 4/28/22

SUBJECT: SAN JOSÉ SPOTLIGHT PUBLIC RECORDS ACT REQUEST APPEAL

RECOMMENDATION

1. Approve the appeal from San José Spotlight and release the three withheld documents.

BACKGROUND

On May 9, 2021 through the City's online Public Records Act request form, Ramona Giwargis, on behalf of San José Spotlight ("Spotlight"), requested "a copy of all emails, texts and Slack (or other messaging system) communications between Mayor Sam Liccardo, Chief of Staff Jim Reed and any and all other Mayor's staff, consultants, lobbyists or associates related to Solutions San Jose over the past six months."

On May 18, 2021 the City notified Spotlight of its decision to withhold documents under the Attorney-Client Privilege pursuant to California Government Code §6254(k). The withheld documents were confidential correspondences seeking and providing legal advice between the Mayor's Office Staff and the City Attorney's Office and are therefore exempt from production under the California Public Records Act. On June 3, 2021 Spotlight formally appealed the City's decision to withhold the records stating that it is its belief that these records do not qualify under California Government Code §6254(k), and believes nonprivileged responsive records were improperly withheld.

I request that we approve the appeal from Spotlight, waiving attorney-client privilege from the three withheld documents.