

Joyce Dillard <dillardjoyce@yahoo.com>

Jun 30 (1 day ago)

to me

We see we made an error on the Council File but not on the Agenda No. Please post the comments to CF 15-0616.

Thank you.

Joyce Dillard

On Tuesday, June 23, 2015 12:48 PM, Joyce Dillard <dillardjoyce@yahoo.com> wrote:

CHAPTER 3.5. Inspection of Public Records [6250 - 6276.48] of the State Government Code states:

In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and 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.

The City policy does address the fundamentality of records as a priority but the storage cost instead. The policy does not adhere to the City Charter, nor does is its intent one to inform the public of the city's business or protect the public from fraud or deception.

We are the second largest City in the nation, but we are following smaller city policies. Why?

The City Clerk's duties in the Charter state:

Sec. 281. Powers and Duties.

(a) The City Clerk shall be the custodian of the City seal, the City ordinances, contracts, records, including a complete record of the real estate holdings of the City, and other City documents entrusted to the Clerk's care.

(b) The City Clerk shall keep all ordinances, contracts, records and documents properly indexed and, when not in actual use, open during regular office hours to public inspection.

Not all departments have jurisdiction of the recordkeeping of their departments. For instance, the Department of Recreation and Parks *Sec. 590. Powers and Duties of the Department* does not list recordkeeping. It is the responsibility of the City Clerk. Real Estate Holdings are a huge inventory in that Department.

General Managers and/or Directors have existing roles regarding Contract Amendments to Grants. Section 14.8 (a) Contracts states:

*(a) **Contract Amendments.** General Managers and/or Directors may make grant program service provider contract amendments subject to approval by the Mayor of the contracts amendments provided all of the following conditions are satisfied: (omitted)*

A City department or office shall file contract amendments promptly with the City Clerk and Controller.

There is a relationship to the City functions.

In our experience, the City is not run well and this policy will create more chaos. Transparency does not exist and few records are available online or electronically. Open Data or data dumps are not accessible records.

Departments have custody. The key issue is in the function of the Final Governmental Decision. Contracts are a perfect example.

Departments and their boards can award bid and award contracts without the public every seeing the dates applicable for Conflict of Interest purposes. The City Council is not necessarily the FINAL GOVERNMENTAL DECISION MAKER. That role, for most contracts, exists internally and out of the view and accessibility of the Public. The City Clerk does not receive the Contracts; and consequently, it is not in the Council File Management System. The Ethics Commission has not exercised their authority over this issue and depends upon the complaint process. We have the Ethics Commission to alleviate the role of the Fair Political Practices Commission, but the Ethics Commission is failing.

We would like to see a Separation of Powers over records. Availability should exist without combing through agendas. Piggyback Contracts are being used to easily as our non-bid Non-Profit Corporations.

Why would you give the General Manager control to hide fraud? Were they hired with qualifications to ferret out corruption? For the most part, we are finding signatures other than the General Manager on many reports. The Executive Director takes on a more day-to-day role.

In other words, you will be allowing staffers, who may have an interest to hide facts, determine the time to destroy those facts.

Who inspects the records before disposal? Garbage in-garbage out, the City has no viable process now and will have no reason to account for any in the future.

Do you want more headlines like the recent LADWP employee that was arrested on felony charges?

We cannot see how a judge would be satisfied with this procedure when he calls for records to be disclosed. We would like to see a uniform process put in place for all Departments.

We have years of experience in the issue of City records. LA Department of Water and Power records were requested by then UC Berkeley (now UC Riverside) Water Resources Collections Archives, but destroyed instead. History was lost.

Department of Recreation and Parks Mike Shull assured us that their Historical Records would be protected after the Da Vinci fire in Figueroa Plaza. He wrote:

I wanted to get back to you personally regarding our historical records. These records include but not limited to maps, plans, drawings, photographs, etc. I've had concerns regarding the safety and security of these records from day one of the fire which is why they are being moved to a secure Rec and Park's location where we are investigating the process and cost for all of these documents to be scanned and archived properly. We were fortunate that none of the records were damaged due to the fire and we will continue to keep them safe until we are able to move back to Fig Plaza.

Per a Municipal Facilities Committee meeting the Department of Recreation and Park records are at the Central Service Yard in trailers. That Department has indexes that they do not share for the old records.

You need to address recordkeeping honestly and make the functions of the City operate consistently and openly.

For safety purposes, even the weight of the record files are an issue in buildings. Have you addressed that problem yet?

We disagree with all your proposals. It is not the Storage Cost that is the main issue. Records are used by many-researches, tourists, academia, other municipalities who look to Los Angeles as a sample city.

Many records should be vaulted that are not. Records are not even close to be considered electronically available.

Do not diminish your role and spend the time to execute policies that encompass the purpose, not the convenience.

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