

From: Brad Malamud [REDACTED]

Sent: Thursday, August 29, 2024 9:06 AM

To: Hall, Andy <HallA@san-clemente.org>; Knoblock, Steve <KnoblockS@san-clemente.org>; Loeffler, Rick <LoefflerR@san-clemente.org>; Cabral, Victor <CabralV@san-clemente.org>; Enmeier, Mark <EnmeierM@san-clemente.org>; Duncan, Chris <DuncanC@san-clemente.org>

Cc: Campagnolo, Laura <CampagnoloL@san-clemente.org>

Subject: Transparency

On the next council Meeting close session, there appears to be well over 10 lawsuits by or against the city. There is no link to any of those matters.

My first observation is why are so many actions being taken against the city and why, as I suggested the past, isn't somebody reaching out from the city and attempting to resolve disputes?

My second observation is that none of these lawsuits were linkable, and therefore the lawsuits are not easily available if available at all to the residents to review. That's it is difficult for them to address the council regarding the details and your positions of the city when information is hidden from the public. It is time for this lack of transparency to end.

On that basis, I am asking the city to implement a new page under government on its website listing all pending litigation and includes all documents filed with the court by all parties.

I'm also asking that other relevant documents, including, but not limited to status reports, important discovery, motions for sanctions or award of sanctions, tender of defense to the CJPIA, and acceptance, denial, or reservation of rights also be posted online.

It is time to stop hiding facts and documents from the public, especially in light of the city's stated position on transparency.

I ask Mr. Hall to provide the public and me the status of what was reported to be a new city website that would assist the staff in posting documents and making information easily accessible to the public.

It was my understanding that when the city moves to a new website, the city will be easily able to post documents of interest to the public, which would also decrease the need for public records act requests if the city chose to publish virtually all public documents in real time that are not protected by attorney client, attorney work product, or other privileges.

On that topic, I asked the city manager and city Council to agendas a decision to, like San Francisco, Pass a new ordinance that states clearly that the city does not invoke the deliberative process privilege. This has been done by the city of San Francisco for far more than a decade. Once this decision is made, council and staff will know that anything they write other than attorney client privilege will be a publicly accessible document that should normally be posted in searchable form online.

protecting documents from the public by asserting a nebulous, and very questionable privilege of what actions were taken based on document review is antithetical to transparency and democracy.

Yet in the past, this privilege was used in particular by former city managers. it's time for the city to come clean and vote to stop using the deliberative process privilege.

Thank you in advance for your consideration of these issues.

Brad Malamud

Sent from my gmail account: