

March 9, 2020

The Honorable Todd Gloria
California State Assembly
State Capitol
Sacramento, CA 95814

RE: Oppose As introduced Assembly Bill (AB) 2093 – Public records: writing transmitted by electronic mail: retention

Dear Assembly Member Gloria:

The Orange County Sanitation District (OCSD) is respectfully opposed to your Assembly Bill (AB) 2093, which will require all public agencies to maintain all transmitted emails related to agency business for at least two years.

OCSD is a public agency that provides wastewater collection, treatment, and recycling for approximately 2.6 million people in central and northwest Orange County. OCSD is a special district that is governed by a 25 member Board of Directors comprised of 20 cities, four special districts, and one representative from the Orange County Board of Supervisors. OCSD has two operating facilities that treat wastewater from residential, commercial, and industrial sources.

To be clear, this is not a transparency bill, it is a data storage bill. The public will have no greater access to public records under AB 2093, nor will they have less. This bill creates no new disclosures or exemptions of records. This bill only mandates that public agencies retain all emails related to agency business for two years and avoids the constitutionally required mandate subvention process declaring that the provisions of the bill are in furtherance of the California Public Records Act (CPRA).

AB 2093 will add millions of dollars in costs annually to state and local agencies, including OCSD. Public agencies will be forced to pay for additional data storage space, as well as hire additional staff, to sort through the millions of emails that are exempt from disclosure under the CPRA, but mandated to be retained under AB 2093 in order to respond to public records act requests. Without the ability to be reimbursed for this costly unfunded mandate, public agencies such as OCSD will be forced to either raise fees and taxes or cut services to the communities they serve.

It is for these reasons that the Orange County Sanitation District must respectfully oppose AB 2093. Please contact Jennifer Cabral, Administration Manager, at 714.593.7581 or via email at jcabral@ocsd.com should you have any questions.

Sincerely,

David John Shawver
Board Chairman

CC:
Orange County Legislative Delegation
Dillon Gibbons, Senior Legislative Representative, California Special Districts Association