

## **RESOLUTION NO. 07-26**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY LA CAÑADA FLINTRIDGE ADOPTING A CITY POLICY NOT TO DISCLOSE THE IDENTITY AND VOTE OF INDIVIDUAL PROPERTY OWNERS REGARDING SURVEY CARDS FOR PROPOSED SEWER ASSESSMENT DISTRICT #5**

WHEREAS, the City Council of the City of La Cañada Flintridge is considering the formation of a sewer assessment district commonly known as Sewer District No. 5; and

WHEREAS, as part of the City Council's consideration, survey cards were sent to property owners within the district requesting a response whether or not they were in support of its formation; and

WHEREAS, all information regarding the survey and survey cards, except for the identity and vote of individual persons, is released by the City to the public. The information released includes the names and addresses of all property owners in proposed Sewer District No. 5, the names and addresses of all persons who responded to the survey, the names and addresses of all persons who did not return the survey cards, the numerical results of the survey and a color-coded map indicating the spread of the results of the survey; and

WHEREAS, although the survey cards are public records under the California Public Records Act, information from the public records can be withheld from disclosure if either exempt under Section 6254 of the Government Code or if the City finds that the public interest served by not making the information public clearly outweighs the public interest served by disclosure of the information (Section 6255 of the Government Code); and

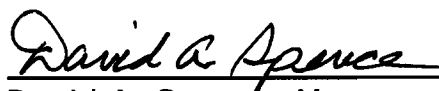
WHEREAS, at the July 17, 2000 City Council meeting, the City Council adopted Resolution No. 00-30 which established the City's policy not to release voter identity information pursuant to the balancing test set forth in Government Code Section 6255; and

WHEREAS, in adopting this Resolution, the City Council considered the staff report and public testimony, and after considering all the survey and assessment information that is and will be provided to the public, the impact of disclosure versus nondisclosure of the voter's identity, and balancing the public interest, the City Council determines that it is in the interest of personal privacy and/or to prevent a chilling effect on participation, the specifics of how individual property owners voted, with their names and addresses, will not be released.

NOW, THEREFORE, be it resolved by the City Council of the City of La Cañada Flintridge as follows:


1. That the recitals set forth in this Resolution are incorporated herein as findings by the City Council.
2. That the information released by the City relating to the survey cards without the specific information of how individual property owners voted, provides the necessary information for the public to understand the City's activities and to determine that the City properly exercised their duties.
3. That the disclosure of the identity and vote of individual property owners would violate traditional expectations of the privacy interest of "voters" and could have a chilling effect on the participation because of targeting individual "voters".
4. That upon balancing the impacts, the public interest served by not making the voter's identity public clearly outweighs the public's interest served by disclosure of the voter's identity.
5. That the identity and vote of property owners on survey cards relating to the formation of sewer assessment districts shall be exempt from disclosure to the public.

**PASSED, APPROVED and ADOPTED** this 5<sup>th</sup> day of November 2007.



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David A. Spence, Mayor

ATTEST:

  
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Sylvia Baca, City Clerk

State of California                    )  
County of Los Angeles            )     ss.  
City of La Cañada Flintridge    )

I, Sylvia Baca, City Clerk of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Resolution No. 07-26 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 5<sup>th</sup> day of November 2007, by the following vote:

AYES:	COUNCILMEMBERS:	Brown, Olhasso, Voss, Spence
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Del Guercio
ABSTAIN:	COUNCILMEMBERS:	None

Dated: November 6, 2007

  
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Sylvia Baca, City Clerk