



MEMORANDUM

Date: March 1, 2019

To: The Honorable Ally Miller, Member
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **February 28, 2019 Public Records Request from Steve Diamond**

The Clerk of the Board has received the attached Public Records Request seeking unedited audio and video records, among other things, of the February 11, 2019 meeting of the Community Law Enforcement Partnership Commission (CLEPC). The audio recording of the meeting made by the Clerk of the Board's office will be provided by the Clerk's office in response to this request. The Clerk of the Board's Office did not record a video of this meeting. However, there have been edited video segments of this meeting circulating on social media and a blog that one of your office staff writes for or may own. Judging by video segments posted on your Ally Miller Pima County Supervisor District 1 YouTube Channel, it appears the only video of the meeting was made by your office with paid public employees using County paid video equipment. Since the raw video in its entirety is a public record, please provide a copy of the full, unedited video to the Clerk of the Board in response to this request. Also, provide any segments of the video that have been edited since they are also a public record created by staff using publically owned equipment.

In addition, the County is required by state law to administer a Public Records Management Program, and the Arizona State Library, Archives & Public Records division of the Secretary of State Office, sets out records retention schedules the County must follow. Some audio/visual recordings of public meetings must be retained by the County permanently. Others for only for two years. The Clerk of the Board manages the audio/visual records retention for the Board of Supervisors meetings. In reviewing your District 1 YouTube Channel, it appears your staff has been attending other public body meetings of the County besides CLEPC, including the Transportation Advisory Committee. The full, raw video recordings of these meetings and others by your staff are to be retained by the County permanently. Please work with the Clerk of the Board to determine if your office is properly maintaining the audio/visual records of these meetings and the other videos.

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Additionally, you have several social media accounts where these videos have been shared. It is unclear whether your use of these communications tools are as a County Supervisor, as a private citizen, or as a candidate for office. They all reference your position as a County elected official. Among them are:

- <https://twitter.com/Ally4Supervisor>;
- <https://www.facebook.com/ally.miller.1088>;
- <https://www.facebook.com/allymillerforsupervisor> Titled "Supervisor Ally Miller – 2nd Term").

All three of these accounts appear to be used by you as a direct means of constituent communication and as so should be considered public records. As I have previously mentioned in memoranda to you, these social media records should be managed and retained in accordance with State law and the County's Records Management Program (Board Policy C4.2).

CHH/mp

Attachment

c: The Honorable Chairman and Members, Pima County Board of Supervisors
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board of Supervisors

Monica Perez

From: Publicrecords
Sent: Thursday, February 28, 2019 3:24 PM
To: Chuck Huckelberry; Andrew Flagg
Subject: FW: Public Records Request No. 2019-050

For your information.

From: Publicrecords <publicrecords@pima.gov>
Sent: Thursday, February 28, 2019 3:23 PM
To: Julie Castaneda <julie.castaneda@pima.gov>; Melissa Manriquez <Melissa.Manriquez@pima.gov>
Subject: Public Records Request No. 2019-050

Good afternoon,

The above referenced Public Records Request has been received. This request requires a response from your department.

Please inform the Clerk of the Board's office if other Pima County Departments, not identified in this email, should receive this request for records.

If any of this information is available online, please inform the Clerk of the Board's Office.

Your department is responsible for reviewing responsive records to determine what information should be withheld or redacted. For guidance about what information should be withheld or redacted, please contact your assigned Deputy County Attorney.

All responses should be emailed back to the Clerk of the Board's Office via the PublicRecords@pima.gov address.

Thank you,
Clerk of the Board
520-724-8449

From: Steve Diamond [REDACTED]
Sent: Thursday, February 28, 2019 11:59 AM
To: Julie Castaneda <julie.castaneda@pima.gov>; COB_mail <COB_mail@pima.gov>
Subject: Public Records Request

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

I request that the Pima County Clerk of the Board's office provide copies of the following public records:

1) All unedited video, audio, or other recordings of the CLEPC meeting on February 11, 2019, made by any Pima County staff, including but not limited to staff of individual county supervisors.

2) All unedited transcripts of the CLEPC meeting on February 11, 2019, made by any Pima County staff, including but not limited to staff of individual county supervisors.

I have reviewed and read the pertinent Arizona statutes, including A.R.S. §39-121.01 (D)(1), A.R.S. §39-121.03, and A.R.S. §39-122. The requested records will be used for Non-Commercial purposes.

Contact Information

Steve Diamond

[REDACTED]
[REDACTED]
[REDACTED]

Thank you,
Steve Diamond