ARTIFICIAL INTELLIGENCE (AI) DEEP DIVE: HOW TO USE AI IN LOCAL GOVERNMENT AND THE MUNICIPAL CLERK'S OFFICE

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California League of Cities
New Law and Elections Seminar

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INTRODUCTIONS



Photo Source: Copilot

AGENDA



Introductions



Ice Breaker



Part 1: Policies, Ethics, and Use Cases of AI



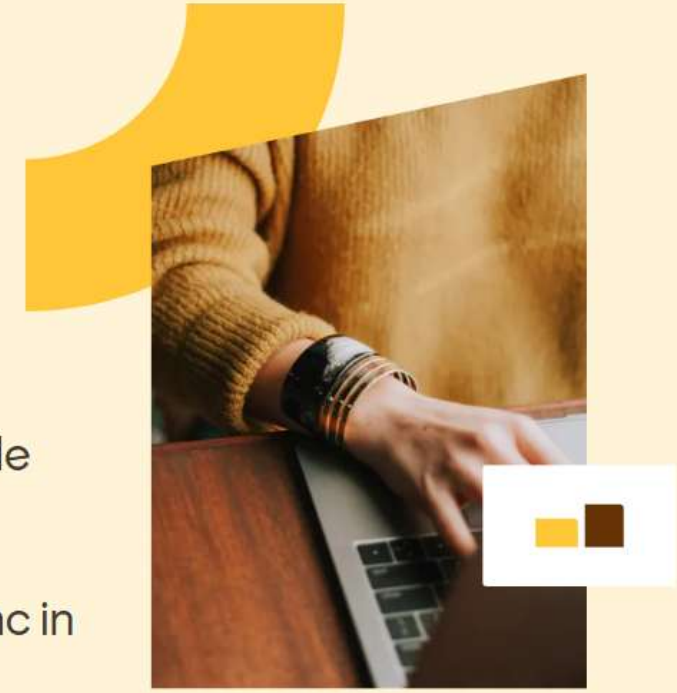
Part 2: Legal Implications



Group Work and Wrap Up

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WHAT CAN AI DO FOR YOU?

- Take meeting minutes
- Answer easy, simple questions via Chatbot
- AI Search on your website
- Generate report drafts, policies, handbooks, etc.
- Grant writing assistance
- Translating documents/text to other languages
- Summarizing documents and emails
- Scheduling
- Press Releases
- Emergency response checklist





- Finding sources
- Physical dexterity
- Explaining the decisions it came to
- Unusual/unforseen situations
- Ethical and moral dilemmas
- Creativity
- Image generation
- Common sense and context
- The environment
  - Lots of energy
  - Lots of water
- Privacy
- Bias
- Emotional intelligence
  - Empathy
- Legal Advice

HOW AI WORKS…WITH HELP FROM A CHEESEBURGER



- Top bun: Human Input – Initial ideas and concepts (prompts)
- Innards: Generative AI Output – Core content generation
- Bottom Bun: Human Verification – Review, refine, apply
- Final Product: Dive in and enjoy!

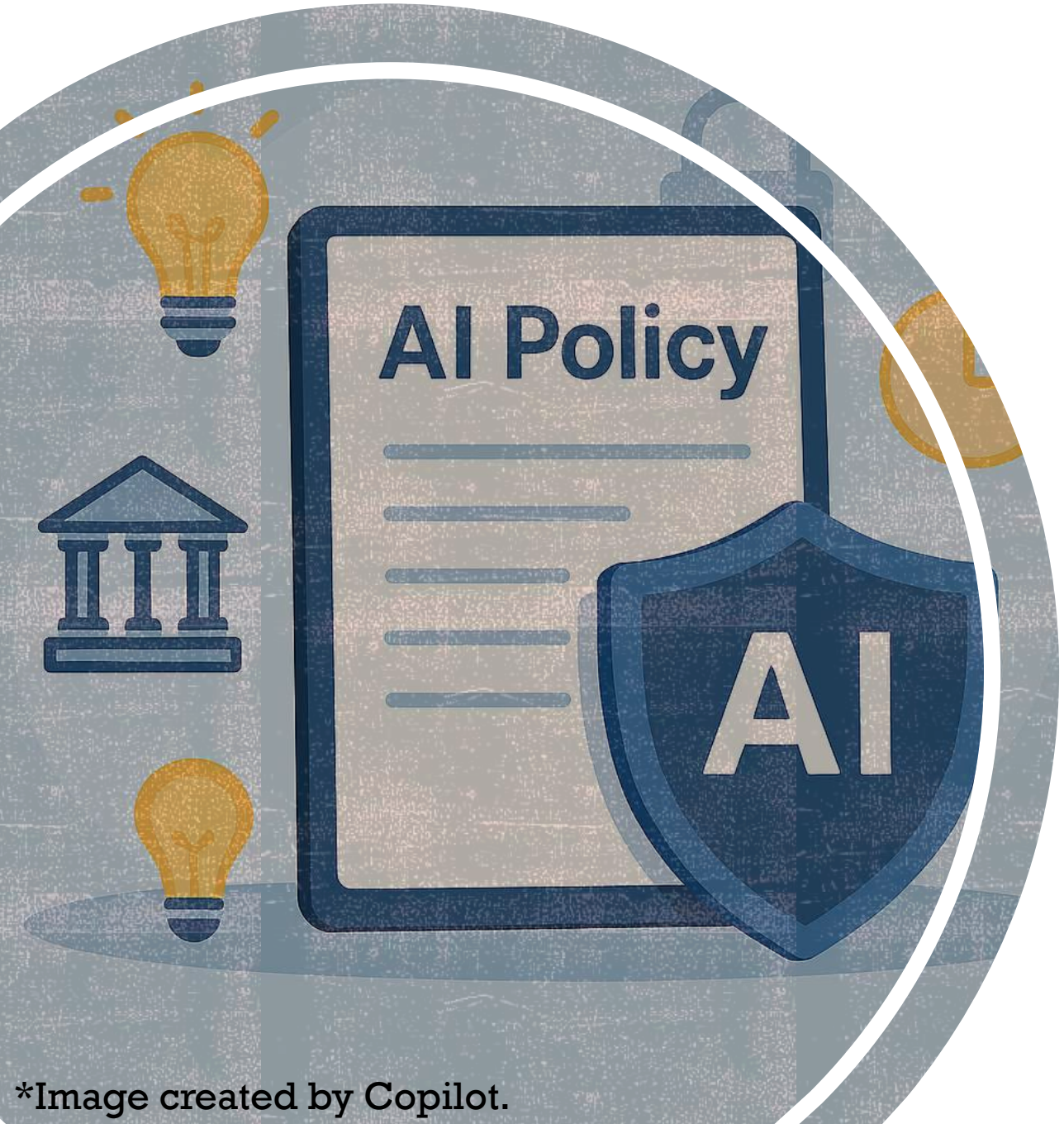


*Image created by Copilot.

AI POLICY – DO YOU HAVE ONE?

- If yes:
  - Were you part of creating it?
  - Have you seen it?
  - Is it Administrative or Council adopted?
- If No:
  - Is one being drafted?
  - Has it been discussed?
  - Are you involved?

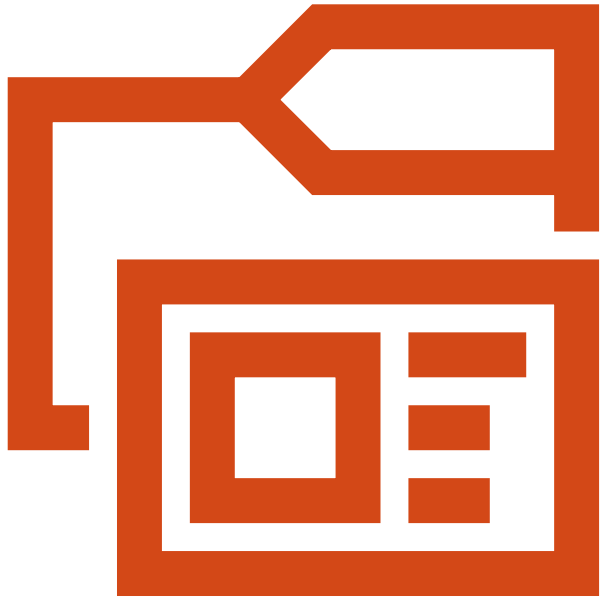
SUGGESTED SECTIONS OF POLICY

- Purpose
- Terms and Definitions
- Roles and Responsibilities
- Scope
- Core Principles
- Governance and Oversight
- Usage Guidelines
- Public Records
- Violations



GOVERNANCE RESOURCES

- GOVAI Coalition - https://www.sanjoseca.gov/your-government/departments-offices/information-technology/ai-reviews-algorithm-register/govai-coalition
  - Templates and Resources
    - Policy
    - Handbook
    - Incident Response Plan
  - Is your City a Member? (You might be and not realize it!!)
  - Trainings
    - AI Upskilling Course – Created by SJSU and the City of San Jose - https://sjsu.instructure.com/courses/1597194



LEGAL IMPLICATIONS



The information provided during this seminar is for general informational and educational purposes only and does not constitute legal advice.



It is not intended to create an attorney-client relationship.



You should not act upon any information provided without seeking professional legal counsel tailored to your specific situation.



We recommend consulting with a qualified attorney for advice on any particular legal matter.

RETAINED AI SEARCHES ARE PUBLIC RECORDS IF THEY CONCERN CITY BUSINESS

- A public record is any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by a state or local agency — and that is true regardless of the record's physical form or characteristics. Gov. Code § 7920.530
- Retained prompts, outputs, chats, and metadata all qualify if tied to city business.
- City of San Jose v. Superior Court, 2 Cal.5th 608 (2017): reachable even on personal phones and AI accounts.





The CPRA is a disclosure statute and imposes no duty to create or retain records. Sander v. Superior Ct., 26 Cal. App. 5th 651 (2018); City of Gilroy v. Superior Ct., 19 Cal. 5th 38 (2026).

The typical two-year figure comes from Gov. Code § 34090 and is a limit on destroying records, not a command to retain transitory items.

Under a bona fide policy, AI prompts/outputs tied to no specific decision may be cleared promptly; Gov. Code § 7927.500 covers preliminary drafts not kept in the ordinary course. This decision is up to you and your attorney.

Once litigation is reasonably foreseeable, a litigation hold suspends deletion under Code Civ. Proc. § 2023.010.

WHEN ARE RETAINED AI SEARCHES EXEMPT PUBLIC RECORDS?

- Public-interest "catchall" balancing, including deliberative process: Gov. Code § 7922.000.
- Preliminary drafts and notes not kept in the ordinary course: Gov. Code § 7927.500.
- Personal privacy (personnel, medical, similar files): Gov. Code § 7927.700.
- Privileged records (incl. attorney-client): Gov. Code § 7927.705.
- Each exemption is applied case by case, with the burden on the city to justify withholding.
- Open consumer tools carry the most disclosure risk; closed systems better protect privacy and privilege.



AI "LEGAL" SEARCHES NOT USUALLY PRIVILEGED

- No attorney: AI is not a lawyer. United States v. Heppner, 820 F. Supp. 3d 292 (S.D.N.Y. 2026).
- No confidentiality: platform terms let the provider use and disclose inputs. U.S. v. Heppner.
- Not legal advice, so not privileged; self-initiated work is also not work product. U.S. v. Heppner; Fed. R. Civ. P. 26(b)(3).
- Exception: counsel-directed use of a secure tool may be privileged or act as the lawyer's agent. Upjohn Co. v. United States, 449 U.S. 383 (1981); United States v. Kovel, 296 F.2d 918 (2d Cir. 1961); Warner v. Gilbarco, Inc., 820 F. Supp. 3d 629 (E.D. Mich. 2026)



CASE STUDY EXERCISE

- You will work with those at your tables as a group.
- Select a common type of Public Records Act request your office receives.
- As a group, outline the current workflow for responding to this request.
- Brainstorm how AI could support this process.
- Map a simple AI-assisted workflow for this request.
- Identify key policy and legal considerations.
- Prepare a one-minute summary and be prepared to report out.

WRAP UP

What is one take away from today's session?

What is one thing you plan to do when you return to the office on Monday to prepare for AI?



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