

The Sunday Californian

BOOKS **D8** CLASSIFIEDS **E1** EYE STREET **D1** LOCAL **B1** OBITUARIES **B2** OPINION **B6** PUZZLES **D3** SPORTS **C1** TRAVEL **D9** TV **D5**

GOVERNMENT COMMUNICATIONS

Text messages escape scrutiny

2,375

Number of government-issued cellphones at the county of Kern. All county smartphones have texting plans. It was unclear how many county phones are "smart."

16

Number of Kern County department heads, meaning the top appointed decision-makers, with county cellphones. No county supervisors (the top, top deciders) have them.

329

Number of regular city of Bakersfield staffers with government phones; all have texting capabilities. The Police Department may have additional phones not managed by the city's IT department.

6

City department heads with city cellphones. The mayor has one but the seven City Council members do not.

— County of Kern; city of Bakersfield

California Supreme Court set to decide if communiques on private devices that deal with public business qualify as public records

BY CHRISTINE BEDELL • THE BAKERSFIELD CALIFORNIAN

JUST ABOUT EVERY GOVERNMENT and elected official has a cellphone and yes, many are doing the public's business by text.

If they're using a government-issued phone, those messages are generally considered public record. Private cellphone texts are far more iffy, even if they involve government matters.

But either way, the public doesn't have access to that information because local agencies' policies haven't kept up with technology.

Neither the county of Kern nor the city of Bakersfield retains text messages sent or received on government cellphones. They don't even have the technology to do it.

If a records request for texts came in, they'd have to ask their cellphone carriers to dig them up. Problem is, those carriers may or may not have the texts, either.

And if those texts were on a government employee's private cellphone, forget about it.

Bakersfield City Attorney Ginny Gennaro says those texts are "completely off-limits" because they're not prepared, used, owned or retained by the city — the definition of a public record.

Even Kern County Counsel Theresa Goldner, who tends to have a more liberal view of what lengths governments should go to to preserve records, says texts on private phones aren't public under current law.

That could change depending on a case now before the California Supreme Court.

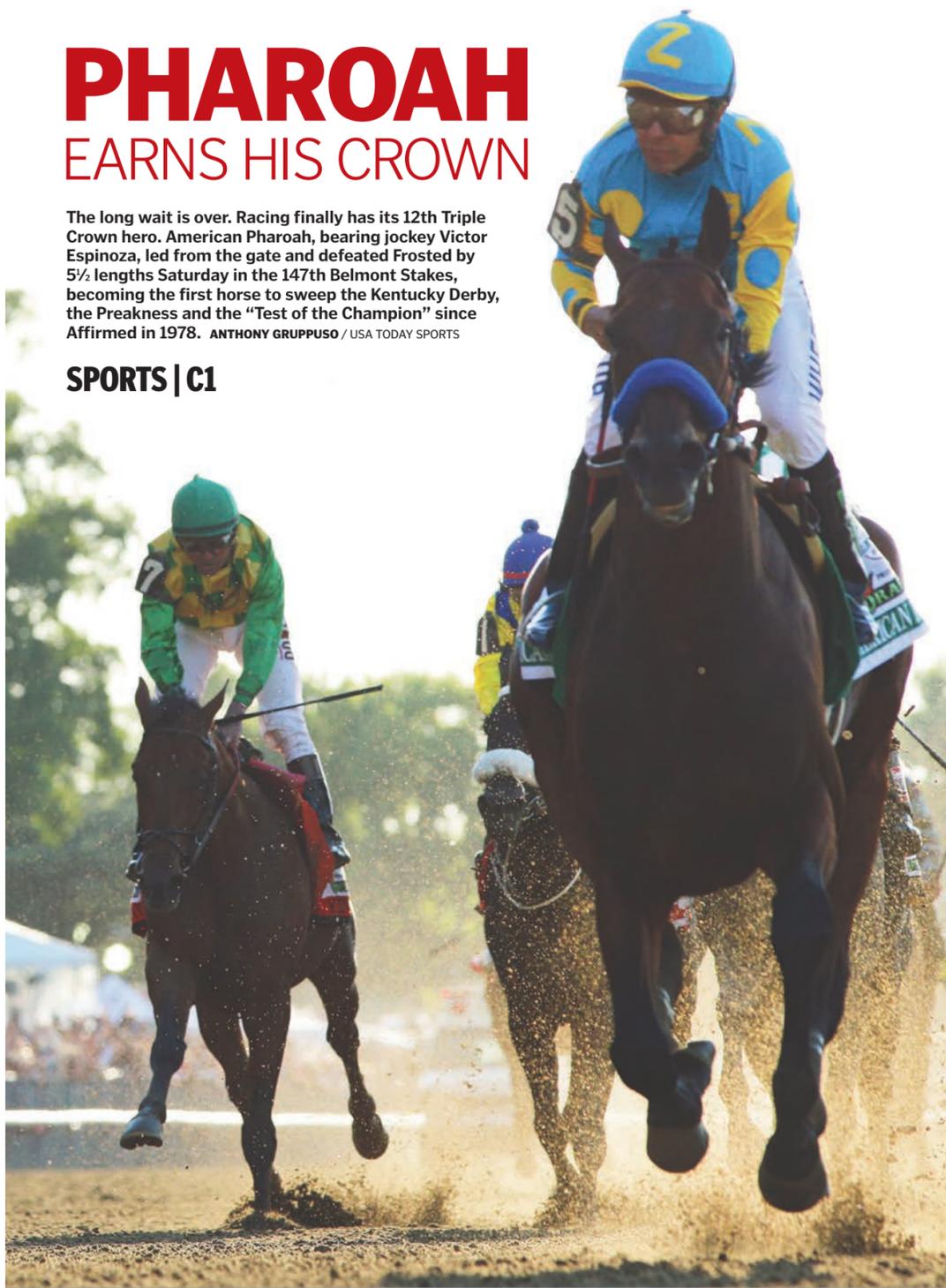
The court is poised to decide whether electronic communications pertaining to government business sent or received by public officials on their private devices meet the state's

Please see **TEXT MESSAGES / A3**

PHAROAH EARNS HIS CROWN

The long wait is over. Racing finally has its 12th Triple Crown hero. American Pharoah, bearing jockey Victor Espinoza, led from the gate and defeated Frosted by 5½ lengths Saturday in the 147th Belmont Stakes, becoming the first horse to sweep the Kentucky Derby, the Preakness and the "Test of the Champion" since Affirmed in 1978. **ANTHONY GRUPPUSO / USA TODAY SPORTS**

SPORTS | C1



POLITICS

McCarthy proves mastery of ability to raise money

BY NOAH BIERMAN AND EVAN HALPER • LOS ANGELES TIMES

BOSTON — Rep. Kevin McCarthy celebrated his first election to Congress at an In-N-Out Burger, sipping sodas from paper cups at Formica tables with his wife and children. The understated evening fit perfectly into the Bakersfield Republican's image as the son of a firefighter who started his first business, a deli, with proceeds from a winning lottery ticket.

Eight years later, as the new House majority leader, McCarthy commands a multimillion-dollar political operation featuring lavish meals, opulent getaways with lobbyists, and privately chartered aircraft.

In the two years leading up to last fall's election, McCarthy, through his re-election campaign and leadership PAC, spent \$140,000 on steakhouses alone. He paid \$426,000 to companies that charter private jets, covering 46 trips. And he raised at least \$10.5 million for his own and party political committees.



McCarthy

Please see **McCARTHY / A3**

BHEALTHY

Information to help you maximize your health and well-being **INSIDE | A9**

SUCCESS

Your guide to managing money, work and the business of life
Every Sunday in The Californian **INSIDE | A13**



DINING OUT COMFORT FOOD

Shafter's Red Wagon Cafe serves up the kind of home cooking for which folks are willing to wait

PETE TITTL | D1

DROUGHT

We hit the road with Bakersfield's water-waste monitor

LOCAL | B1

TRACK

Centennial senior dominates to win boys 800-meter run at state meet

SPORTS | C1



Subscriber services

392-5777, 800-953-5353 or circulation@bakersfield.com



95/69 Complete forecast, B8

To report a news tip

395-7384, 800-540-0646 or local@bakersfield.com



3101 Pacheco Rd. Bakersfield Auto Mall
Call Us Direct! (855) 393-2841

2015 Buick Verano

• OnStar/XM Radio • Remote Start • Bluetooth

Motor City Sale Price \$23,995
Bonus Cash - \$ 750
Conquest Cash* - \$ 1,500
*Must be current lessee of a non-GM lease.

\$21,495
10 at this net price.



32 months

LUXURY SEDAN / LUXURY SUV

\$21,495
NET PRICE!

OVER 20 IN STOCK!

2015 Buick Encore

• Power Package • XM/OnStar • Bluetooth • Rear Spoiler

Motor City Sale Price \$23,995
Bonus Cash - \$ 1,000
Conquest Cash* - \$ 1,500
*Must be current lessee of a non-GM lease.

\$21,495
10 at this net price.



33 months

LUXURY SUV OR SEDAN. IT'S YOUR CHOICE! Visit us @ www.MotorCityWest.com

All offers exclude government fees and taxes, any dealer document preparation charge, and any emission testing charge. Security deposit waived. On approved premium credit. Not all customers will qualify. Must take delivery from dealer stock by 9pm 6/08/15.