

McCLOUD COMMUNITY SERVICES DISTRICT
Policy and Procedure Manual

POLICY TITLE: Public Records Request
POLICY NUMBER: 3092
ADOPTED: November 28, 2016
REVIEWED: November 9, 2016; February 12, 2020
REVISED: March 9, 2020

3092.1 The California Public Records Act (Government Code Section 6250 et seq.) provides California citizens with important rights to obtain access to records held by public agencies in the State. The purpose of this policy is to clarify the process by which the District will respond to requests for records under the Public Records Act. In addition, the District seeks to establish a clear procedure for responding to Public Records Act requests to ensure that the District processes all requests fairly, consistently and in a time sensitive manner.

3092.11 The District prefers that all requests for public records be in writing on a form prescribed by the District (appendix A), unless the request is to review an agenda or agenda reports of the Board of Directors or a District committee. Oral requests may require further clarification or a response to questions from the District to clarify the request.

3092.2 The General Manager will provide his or her initial response to all requests as soon as possible, but not later than the ten-day period, or extensions thereof, as provided by Government Code sections 6256 and 6256.1. In accordance with the Public Records Act, this initial response will indicate whether the District has any disclosable records in response to the request. The following steps will be taken to make this determination.

3092.21 The General Manager shall review the request and determine whether the request seeks identifiable records and, if not, the General Manager shall so advise the person making the request.

3092.22 The General Manager shall respond to the person requesting records by advising him or her in writing of the availability of the documents and whether disclosure of any of the documents is exempt under the provisions of the Public Records Act.

3093 The documents set forth below include but are not limited to and are illustrative of the categories of documents, which are not subject to inspection. In all cases, the inspection of documents shall be subject to the provisions of the Public Records Act, Government Code Section 6250, et.seq.

3093.21 § 6254. Exemption of particular records. Except as provided in Section 6254.7, nothing in this chapter shall be construed to require disclosure of records that are any of the following: (Refer to Government Code § 6254. for full text).

3093.21.1 Preliminary drafts, notes, or interagency, or intra-agency memoranda which are not retained by the District in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.

3093.21.2 Records pertaining to pending litigation to which the District is a party, or to claims made pursuant to Division 3.6 of the Government Code (commencing with Government Code Section 810), until the pending litigation or claim has been fully adjudicated or otherwise settled.

3093.21.3 Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

3093.21.4 Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination.

3093.21.5 The contents of real estate appraisals or engineering feasibility estimates and evaluations made for or by the District relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. However, the law of eminent domain shall not be affected by this provision.

3093.21.6 Information required from any taxpayer in connection with the collection of local taxes which is received in confidence and the disclosure of the information to the persons would result in an unfair competitive disadvantage to the person supplying the information.

3093.21.7 Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

3093.21.8 Facility security measures and critical information regarding facilities and their operation.

3093.22 The District is also under no obligation to provide the following:

3093.22.1 Customer account data other than that of requesting party.

3093.22.2 Provide or create records and information that may be created in the future.

3093.22.3 Prepare summaries of information, calculations or analysis of information.

3093.22.4 Documents meeting California's attorney-client privilege and California's attorney work product rules.

3093.22.5 The District is not required to respond to a request for information in the manner in which the requester asks for the information to be provided.

3093.23 Whenever the District asserts that a requested document is exempt from disclosure, the District shall justify the claimed exemption by providing a written statement citing either the specific exemption involved or those facts that indicate the public is best served by claiming the exemption.

3094 After the initial response from the District and if disclosable documents are identified, the person requesting such documents may either inspect the documents at the District office or request a copy of such documents.

3094.21 If a request is made for copies of the documents, the General Manager shall also advise the person requesting copies of the estimated time to compile the documents and the costs of copying the documents requested. The person requesting the copies shall pay the per page charge for copying as set forth by resolution of the District Board for all copies requested. The General Manager shall not make the requested copies until a deposit in the amount of the estimated costs of copying per MCSD Policy 1060 Miscellaneous Fee Schedule is received and shall not release the copies until the full cost of copying is paid to the District in the form of cash, check or money order.

3094.22 If the requester wishes to inspect the documents at the District office, then specific information regarding the records requested is needed. Specific information includes the subject matter involved, the inclusive dates within which the records were created, and the names of persons involved, if any. To ensure the integrity of the "original" records of the

District, a member of the District's staff shall remain in the room where the records are being inspected.

3094.23 In accordance with the Public Records Act, the District will provide only specific identifiable records but will not research District records for particular information or analyze information which may be contained within any public records. The District is not required to create a document or record that does not exist. The District will exercise reasonable efforts to locate requested documents normally kept by the District.

3094.24 If the requester seeks a record in an electronic format, the District shall make the information available in any electronic format in which it holds the information, (Government Code 6253.9). If the electronic records must be transferred to a device such as a flash drive, the requester will be charged for the cost of such device per the MCSD Policy 1060 **Miscellaneous Fee Schedule.**

3095 The District will respond to requests for public records in accordance with the terms of the California Public Records Act as the Act now exists or may hereafter be amended, and nothing in this Policy is intended nor shall it be construed to conflict with the terms of the Public Records Act.



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**MCS D 3092 PUBLIC RECORDS REQUEST
 APPENDIX A**

PUBLIC RECORDS REQUEST

The California Public Records Act (the “Act”) was enacted to ensure public access to public records. You may request copies of specific information or materials and the District will provide this information, or an explanation of why it cannot be disclosed, as soon as possible and consistent with the Act.

When submitting your request, please be as specific as possible (i.e. provide dates of reports or actions, resolution and ordinance numbers, etc.) Non-specific requests may incur additional charges for research time or may be rejected if the request would require an undue amount of research or compilation.

Copy charge:

If MCSD makes copies the fee will be based on MCSD’s Policy 1060 Miscellaneous Fee Schedule.

NAME:
ADDRESS:
CELL PHONE:
E-MAIL:

IDENTIFICATION OF DOCUMENTS

SPECIFIC NAME/DATE OF DOCUMENT	TYPE OF DOCUMENT
	(i.e. resolution, ordinance, report, agreement, etc.)
Signature of Requestor:	Date:
AREA BELOW FOR OFFICE USE ONLY	
Date received:	Date of Response:
Estimated Cost:	Amount of Deposit:
	Refund/Additional Payment: