

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

Category:	Financial	Policy # 2004 - 03
Title:	Public Records Information Request	

PURPOSE

Rancho Murieta Community Services District ("District") has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person. The District has prepared the following guidelines/policy to ensure that members of the public fully understand and are afforded the opportunity to use their right to inspect public records.

POLICY

Public Records of the District are open to inspection at all times during business hours of the District, Monday through Friday, except holidays. The administration office is located at 15160 Jackson Road, Rancho Murieta, California. Public records shall not be removed from the District office.

Inspection: To facilitate the inspection of public records, 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. There is "No Right" to immediate access unless determined feasible by District staff.

To ensure the integrity of the "original" records of the District, if numerous records are requested to be inspected, a member of the District's staff shall remain in the room where the records are being inspected.

Copies: A "Request for Copies" form is available at the front desk of the administration office. Requests are completed, in writing, and given to the District Secretary for researching and copying. Before copies are made, the District Secretary will inform the person making the request, the cost for copies as outlined in Exhibit "A" (Fees for Copies).

Upon a written request for copies of an identifiable public record, District staff shall endeavor to promptly provide the copy upon payment of the fee. Nevertheless, staff in all cases shall have up to ten (10) working days after receipt of the request to determine whether to comply with the request and, if not, shall within such period notify the person, in writing, making the request of such determination and the reasons therefor. As defined in Government Code Section 6256.1, Extension of time for determination in unusual circumstances; (in part, reads) *In unusual circumstances, as specified in this section, the time limit prescribed in Section 6256 may be extended by written notice by the head of the agency to the person making the request setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than 10 working days.*

Tape Recordings:

- 1) Tape recordings do not constitute official District records. They are supplemental information, primarily for use by the District Secretary in preparing the official records (minutes) of the District.
- 2) Tapes need not be retained for any specific period. The District Secretary, with confirmation of the General Manager, will erase or re-use tapes as required.
- 3) Tapes may not be removed from District offices except by District personnel, for duplicating, etc.
- 4) Tapes will not be available for review by other than the General Manager until the District Secretary has completed use of them.
- 5) Tapes may be reviewed only in the District offices, using only District-furnished equipment.
- 6) Copies of tapes will be available only by one of the following procedures:
 - a) Individuals may microphone-record tapes played on District furnished equipment, at District offices, during regular business hours. District reserves the right to schedule such copying so as not to unreasonably interfere with District office operations.
 - b) District personnel will make copies of tapes, upon written request and prepayment of the cost of the materials, prevailing District labor rates and electronic media to be used.

District will specify, at the time the request is received, an estimate of when copies will be ready and the cost, in no case less than two full business days.
- 7) No guarantees, warranties, or other representation of the quality of the copies is made by the District, or accuracy of the information contained on the tapes copied.

The documents set forth below 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 Sections 6250, and et.seq.

§ 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).

- a) Preliminary drafts, notes, or interagency, or intra-agency memoranda which are not retained by the agency in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.
- b) Records pertaining to pending litigation to which the public agency 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.

- c) Personnel, medical, or similar files, the disclosure of which would institute an unwarranted invasion of personal privacy.
- d) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination.
- e) The contents of real estate appraisals or engineering feasibility estimates and evaluations made for or by the agency 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.
- f) 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 unfair competitive disadvantage to the person supplying the information.
- g) 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.

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.

The Public Records Act, Chapter 3.5, Division 7 of the Government Code, provides judicial relief for persons seeking to enforce their right to inspect public records.

Subsequent to Government Code Section 6254.7, "Public Records" include any writings containing information prepared, owned, used or retained by the District and relating to the conduct of the public's business.

A "writing" for purposes of public access may be handwriting, typewriting, printing, photostats, photography, and every other means of recording upon any form of communication or representation: including letters, words, pictures, or any combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, and other documents.

EXHIBIT "A"

FEES FOR COPIES

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| 1. Document Copies | \$1.00/First Page Plus
\$.15/Per Page |
| 2. Document Copying Over 15 Minutes,
shall be charged the clerical rate of: | \$33.00/Per Hour
Charged In 15 Minute Increments Plus
\$.15/Per Page |
| 3. Faxed Agendas of Committee Meetings
Faxed Agendas of Board Meetings | \$50.00/Per Year *
\$25.00/Per Year * |
| 4. Mailed Agendas of Committee Meetings
Mailed Agendas of Board Meetings | \$25.00/Per Year *
\$20.00/Per Year * |
| 5. E-mailed Agendas of Committee Meetings
E-mailed Agendas of Board Meetings | No Charge
No Charge |
| 6. Mailed Committee Meeting Packets
Mailed Board Meeting Packets | \$200.00/Per Year *
\$200.00/Per Year * |
| 7. Certified Copies | \$3.00 Plus Copy Fees |
| 8. Conflict of Interest Statement
Conflict of Interest Statement (5 years or older)
(A "Request for Copies" form does not need to be completed.) | \$.10/Per Page
\$5.00/Per Statement |
| 9. Copy of Recordings
(This is done off-premises, as the District does not have the equipment to copy tapes.) | Tape and Reproduction Cost |

* ***Billed January 1st of Each Year***

NOTE: A \$25.00 SERVICE FEE WILL BE CHARGED FOR RETURNED CHECKS.

Approved by CSD Board of Directors	February 18, 2004
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