

TWAIN HARTE COMMUNITY SERVICES DISTRICT
Policy and Procedure Manual

POLICY TITLE: Public Records Policy
POLICY NUMBER: 1035
ADOPTED: September 13, 2012
AMENDED: May 13, 2020

1035.10 Purpose

The purpose of this policy is to provide information with regard to public records requests.

1035.20 California Public Records Act

1035.21 The California Legislature has declared that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state. The California Public Records Act, Government Code Section 6250 et seq., requires public records to be available to the public upon request. Twain Harte Community Services District has established the following guidelines to ensure that members of the public fully understand and are afforded the opportunity to use their right to inspect and obtain copies of public records.

1035.22 “Public records” include any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by the District, regardless of physical form or characteristics. “Writing” means handwriting, typewriting, printing, photography and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols or any combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. “Member of the public” means any person, except a member, agent, officer or employee of federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

1035.23 Records in Electronic Format - Upon request, the District shall make available any public record in any electronic format in which the District holds the information or in the format requested, if the requested format is one that has been used by the District to create copies for its own use or for provision to other agencies.

1035.30 Public Records Requests

All requests for public records can be made on the District’s **Request for Public Records** (Appendix A), with a verbal request or with an informal written request. The District will then provide the requested information or an explanation as to why it

cannot be disclosed as soon as possible, consistent with the California Public Records Act.

1035.31 The District has 10 calendar days in which to respond to the request and a reasonable amount of time to produce the documents.

1035.40 Fees for Public Record Requests

1035.41 If the request would pose more than a minimal cost to the District for reproduction of written materials, this cost may be passed on to the requesting party, per our Policy #1060, Miscellaneous Fee Schedule.

1035.42 The requestor shall bear the direct costs of producing a copy of a record in electronic format and shall also bear the costs to construct a record and the programming and computer services necessary if:

1035.42.1 District is required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals, or

1035.42.2 District is required to perform data compilation, extraction, or programming to produce the record.

1035.50 Records Not Available for Inspection

1035.51 In balancing the public's right to access public records with the recognized individual right of privacy and the need for the District to be able to competently perform its duties, the Legislature has established certain categories of records, which may be exempt from public disclosure. A complete list of statutory exemptions is found in the California Public Records Act. Records exempt for disclosure that pertain to the District include, but are not limited to, the following:

1035.52 Preliminary drafts, notes, or inter-agency or intra-agency memoranda which are not retained by the District in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;

1035.53 Records pertaining to pending litigation to which the District is a party, or to claims made, until such litigation or claim has been finally adjudicated or otherwise settled;

1035.54 Personnel, medical or similar files the disclosure of which would constitute an unwarranted invasion of personal privacy;

1035.55 Records of complaints to or investigations conducted by the District for law enforcement purposes;

1035.56 Contents of real estate appraisals or engineering or 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.

1035.60 Challenge to the District's Determination Not to Disclose Records

Under the California Public Records Act, Government Code Section 6258, any person may seek injunctive or declarative relief in any court of competent jurisdiction to enforce the right to inspect or to receive a copy of any public record.

1035.70 Retention of all District documents is governed by Policy #3100, Records Retention and Destruction.