



## CITY OF AZUSA

### **POLICY TITLE: REQUESTS FOR INSPECTION AND/OR COPYING OF PUBLIC RECORDS**

#### **PURPOSE**

This policy is established in accordance with Government Code section 6253.4, subdivision (a), which states: "Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section." This policy sets forth the City's policies and procedures for handling requests to inspect and/or copy public records. It is designed to be in compliance with the California Public Records Act (Gov. Code §§ 6250 et seq.) and all existing laws pertaining to disclosure of public records. If any provision of this policy conflicts with current State or federal law, the law shall take precedence.

#### **PROCEDURE**

##### **1. Definitions**

As used in this policy, the following terms shall have the following meanings:

- (a) "City" shall mean the CITY OF AZUSA.
- (b) "Person" shall mean any natural person, corporation, partnership, limited liability company, firm, or association.
- (c) "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, electronic mail, facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.
- (d) "Public records" shall mean any writing containing information relating to the conduct of the City's business prepared, owned, used, or retained by the City regardless of physical form or characteristics.
- (e) "Requester" shall mean a person, or representative of a person, who has submitted a request for records to the City by mail, fax, e-mail, telephone or in person.

## **2. Right to Inspect**

Disclosable public records of the City are open to inspection by any person at all times during the normal business hours of the City Hall offices, in accordance with Section 5 of this policy. Copies of disclosable public records may be obtained by any person, in accordance with the procedures set forth in this policy. Any disclosable portion of a record that can be reasonably separated from any portions of the record that are exempt by law shall be made available for inspection and/or copying after the exempt portions have been deleted. Any request for records and any responding documents may be subject to review by the City's legal counsel prior to any inspection of the records or delivery of copies.

## **3. Records Exempt from Disclosure**

Records which are exempt from disclosure by law include but are not limited to the following:

- (a) Preliminary drafts, notes, interagency, or intra-agency memoranda which are not retained by the City in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure. (Gov. Code § 6254, subd. (a).)
- (b) Records pertaining to pending litigation to which the City is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such pending litigation or claim has been finally adjudicated or otherwise settled. (Gov. Code § 6254, subd. (b).)
- (c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Gov. Code § 6354, subd. (c).)
- (d) Statements of personal worth or personal financial data required by the City and filed by an applicant with the City to establish his/her personal qualification for the license, certificate or permit applied for. (Gov. Code § 6254, subd. (n).)
- (e) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made for or by the City 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 agreements are obtained; provided that the law of eminent domain shall not be affected by this provision. (Gov. Code § 6254, subd. (h).)
- (f) Computer software developed by a state or local agency is not itself a public record. (Gov. Code § 6254.9.)
- (g) The records made, if any, of closed sessions, along with any confidential information that has been acquired by being present in a closed session, are not public records subject to inspection. (Gov. Code §§ 54957.2, 54963.)

- (h) Records the disclosure of which is exempted or prohibited pursuant to federal or state law (i.e., attorney-client privilege under the California Evidence Code). (Gov. Code § 6254, subd. (k).)
- (i) Social security numbers – State law requires local agencies to redact social security numbers from records before disclosing such records to the public. (Gov. Code § 6254.29.)
- (j) Test questions, scoring keys, and other examination data used to administer an examination for employment are exempt from disclosure. (Gov. Code § 6254, subd. (g).)
- (k) Library registration and circulation records are exempt from disclosure. (Gov. Code §§ 6254, subd. (j), 6267.)
- (l) Utility customer information –names, credit histories, utility usage data, home addresses, or home telephone numbers are exempt from disclosure except under specific circumstances. (Gov. Code § 6254.16.)

This partial list of exemptions is subject to existing State and federal law, and any changes in the law are automatically incorporated into this policy. An expanded list of exempt documents and documents which are not deemed to be public records is provided in the California Public Records Act (Gov. Code §§ 6250 et seq.)

#### **4. Requests to Inspect and/or Make Copies**

***Requests Must be Submitted to the City Clerk During Normal Business Hours.*** All requests for records must be submitted to the City Clerk during normal business hours when City Hall offices are open. Receiving requests during normal business hours helps City staff avoid any delays in responding to requests for inspection and/or copies of City records. This requirement complies with the Public Records Act mandate that public records must be “open to inspection at all times during the office hours of the state or local agency...” (Gov. Code § 6253, subd. (a).) (Emphasis added.) This requirement to submit records requests during normal business hours also complies with the Public Records Act provision that allows the City to “adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in [the Public Records Act].” (Gov. Code § 6253, subd. (e).)

***Requests Should be Submitted in Writing to the City Clerk.*** The City encourages members of the public to submit all records requests in writing to the City Clerk’s office, preferably using the Public Record Request form attached as Exhibit “A” to this policy. Written requests reduce any misunderstandings between the requester and City staff, which allows City staff to respond to records requests in a timely manner and with greater efficiency. However, the City will not deny a request for records solely because it is not submitted in writing.

***All Verbal Requests Must be Submitted to the City Clerk's Office.*** If any member of the public chooses to make a verbal request for records, such requests will only be accepted through the City Clerk's office during normal business hours when City Hall offices are open. City personnel in other City departments who receive verbal requests for records will direct the requester to contact the City Clerk's office.

***Requests Should Clearly Identify the Records.*** The requester should, in writing, specify the records to be inspected/copied with sufficient detail to enable the City to identify the particular records. If the request seems ambiguous or unfocused, City staff will make a reasonable effort to obtain additional clarifying information from the requester that will help identify the record or records. Pursuant to Government Code Section 6253.1, City staff shall do all of the following, to the extent reasonable under the circumstances:

- Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;
- Describe the information technology and physical location in which the records exist; and
- Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

## **5. Making Determinations on Records Requests/Taking Time Extensions**

The City, upon a request to inspect or copy records, shall, within ten (10) days from receipt of the request, determine whether the request, in whole or in part, seeks disclosable public records in the possession of the City. City staff shall promptly notify the person making the request of the City's determination and the reasons for the determination. In unusual circumstances, the time limit for providing the determination on a records request may be extended by written notice to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be provided. Any extension of time will not last more than fourteen (14) calendar days. A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing. As used in this policy and pursuant to Government Code section 6253, subdivision (c), "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the City having substantial subject matter interest therein.

- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

## **6. Procedures for Requests for Inspection and/or Copies**

Requests for inspection and/or copies of records determined to be disclosable will be handled as follows:

- (1) Requests Received by Mail - The City Clerk or a member of the City Clerk's staff will notify the requester of the fees to be paid to the City for copies of such records. Upon receipt of such fees, the City Clerk or a member of the City Clerk's staff shall prepare and mail copies of such records to the requester.
- (2) Requests Delivered in Person – Copies of requested documents will be provided after payment of fees in accordance with the established fee schedule (Exhibit "B"). As previously stated, requests for records should be submitted in writing, preferably by completing the attached Public Records Request form.
- (3) Requests Received by Telephone – In response to a telephone request for copies of City records, the City Clerk or a member of the City Clerk's staff will explain the records request procedure (including established fees) as outlined above. Payment of fees is required before copies may be prepared. A Public Records Request form (Exhibit "A") should be completed by the City employee receiving the request by telephone.
- (4) Requests Received by Fax – In response to a faxed request for copies of City records, the City Clerk or a member of the City Clerk's staff will explain to the requester the procedures (including established fees) as stated above. Payment of fees is required before copies may be prepared.
- (5) Requests Received by E-mail – In response to a request by e-mail for copies of City records, the City Clerk or a member of the City Clerk's staff will transmit to the requester an explanation of the procedures (including established fees) as outlined in subsections (1) and (2) above, and transmit Exhibits "A" and "B" to the Requester. Payment of fees is required before copies may be prepared.

Any person in attendance at an inspection of City records may request a copy of any disclosable record being inspected. Upon completion of the written request and payment of the applicable fees, the City Clerk or a member of the City Clerk's staff will prepare copies of the requested records at the time of inspection. If a large number of copies is requested after a records inspection, City staff may need additional time to make the requested copies.

## **7. Fees for Copies**

The City shall charge fees for copies or certified copies of identifiable public records or information as set forth in Exhibit "B."

PUBLIC RECORD REQUEST FORM

Date of Request: \_\_\_\_\_

In accordance with the California Public Records Act (Gov. Code §§. 6250 et seq.), I am requesting to (check one):

- checkbox inspect the following public records checkbox receive copies of the following public records

[Please provide sufficient detail to assist in locating the public records you are seeking]

Type of Record(s): \_\_\_\_\_

Date or Date Range of Records: \_\_\_\_\_

Incident Location (if applicable): \_\_\_\_\_

Additional Information (if more space needed, attach additional information):

I understand that the City will respond to all Public Records Act requests in compliance with State law.

For copies of the above-listed public records, I understand the City copying fees will apply or statutory fees for copying may apply. I understand that I will be responsible for payment of all copying fees in advance of delivery of any requested copies. I also understand that the City has 10 days to determine if the request seeks disclosable records in the City's possession. In some instances, the time may be extended by written notice if additional time is required to search for and collect the requested information. If more than fifty (50) pages are requested, the City may require a deposit before making copies.

Name/Signature of Requester (Optional) \_\_\_\_\_

Address: \_\_\_\_\_

Phone/Fax/E-Mail: \_\_\_\_\_

PUBLIC RECORD REQUEST FORM

FOR STAFF USE ONLY:

Copy(ies) Provided? Yes No Partial

Method of Delivery. Date

List any requested document that is exempt from public disclosure and was not copied (i.e., personnel files, attorney/client privilege documents, preliminary drafts, pending litigation or claims, etc.)

Estimated Copy Charges:

Amount of Deposit (if required):

Refund/Additional Payment:

Total Payment Received:

Request for Additional Information by City to Locate Record Date:

Additional Information Received by City. Date:

Records located and delivered. Date:

Request Completed: by Date

Signature:

**PUBLIC RECORDS REQUEST  
EXHIBIT "B"  
SCHEDULE OF CITY COPYING FEES**

Description	Price
<b>Copy Price per Page – Standard Letter Size (8 1/2" x 11") [No charge for documents that are four (4) pages or less]</b>	<b>65¢ – first page; 20¢ each additional page ¢</b>
<b>Copy Price per Page - Legal Size (8 1/2" X 14")</b>	<b>65¢– first page; 20¢ each additional page</b>
<b>Copy charges for oversized documents that must be outsourced for duplication/reproduction</b>	<b>Actual cost</b>
<b>Price for Public Records in electronic format, including video tapes of public meetings, when requested in electronic format, shall be calculated by the City in accordance with Government Code Section 6253.9, as it may be amended from time to time.</b>	<b>Per Gov. Code Section 6253.9</b>
<b>Copy charge for duplication of audio tapes Copy charge for duplication of CD Copy charge for duplication of DVD</b>	<b>\$12.00-tape \$10.00-CD \$10.00-DVD</b>
<b>Note : Payment is required in advance of delivery of any requested records.</b>	

All fees are in compliance with the City's fee schedule and are subject to change as the fee schedule is updated.