ORO LOMA SANITARY DISTRICT
STANDARD POLICY AND PROCEDURE

No: I.A.10
Effective: 08/06/96
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Reviewed on: 06/10/24

SUBJECT: INSPECTION OF PUBLIC RECORDS AND DUPLICATION CHARGES

I. **POLICY:** Oro Loma Sanitary District will accommodate requests for inspection of the District's records and will charge for photocopies or duplication of those records, including audio tapes.

II. **SCOPE:** In accordance with §6250 et seq. of the California Government Code, the following rules and regulations governing the disclosure and inspection of public records are formulated to prevent interference with the orderly conduct of the District's business while providing the public access to information in the District's possession. Additionally, a fee schedule is provided to ensure reimbursement to the District for costs associated with accommodating requests for photocopies or other duplication of said public records.

III. **RESPONSIBILITY:** It shall be the responsibility of the providing employee to ensure that procedure is followed and accurate charges assessed. It is the responsibility of the General Manager to review, approve or deny, special requests. It is the responsibility of the General Manager to approve or deny requests for access to unusual or controversial information.

The California Supreme Court issued a decision on March 2, 2017 in *City of San Jose vs. Superior Court*, holding that communications by District employees and elected and appointed officials regarding matters of District business – even on private email accounts and private devices – are subject to public disclosure pursuant to Public Records Act requests.

District elected and appointed officials shall not create or send records relating to the conduct of the District's business using non-official electronic messaging accounts. Under the California Public Records Act, a public record includes "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristic" (includes electronic messages - emails, text messages, voicemails).

IV. **PROCEDURES:**

A. Whenever possible, a request to receive or inspect public records should be made in writing.

B. All requests must be reasonably specific and concise, in order to allow District staff to understand what record or records are being sought. Staff cannot be required to create records that do not already exist or compile records into a format that the District does not use. Requests must also allow sufficient time, if necessary, for staff to retrieve archival materials from storage and/or off-site locations.

C. Pursuant to Government Code §6254, if the District has non-exempt documents in an electronic format, the District shall make that information available in electronic format when requested, and at no charge. Copies of all non-electronic records shall be made available as set forth below.

D. If only inspection of the records is requested, District records will remain on the District premises during review.

E. In order to protect the safety of the records against theft, mutilation, or accidental damage, a District employee will be present during inspection whenever deemed necessary.

F. Documents exempt from disclosure or inspection are those enumerated in Government Code §6250 et seq. with some of the more significant exemptions summarized here:

- Preliminary drafts, notes, or memoranda that are not retained by the District in the ordinary course of business, if the public interest in withholding those records clearly outweigh the public interest in disclosure;
- Records pertaining to pending litigation to which the District is a party, or to claims against the District, until such litigation or claim has been finally adjudicated or otherwise settled;
- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- Test questions, scoring keys and other examination data used for examination for employment;
- Matters contained in or related to applications filed with any state agency responsible for regulation or supervision of the issuance of securities or of financial institutions;
- Information prepared or received in confidence pursuant to closed sessions;
- Geological and geophysical data, results of tests and experimental processes, plant production data and similar information relating to utility systems development that are obtained in confidence from any person;
- Correspondence of and to the Governor or employees of the Governor's office, consistent with the provisions of Government Code §6245 (l);
- Matters in the custody of, prepared by, or maintained by the legal counsel(s) of the District;
- Any data, records or information that is considered to be the proprietary property or trade secret of any party.
- Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the California Evidence Code relating to privilege.

G. Requester may, at their own expense, furnish a copier and operator on site at the District to copy records.

H. **Mailing/Shipping Costs:** Any mailing or shipping costs incurred by the District will be passed through to the requester.

I. **Collection of Charges:**

As funds are collected for photocopies, video/audio duplication and/or mailing of said photocopies or tapes, the staff collecting the funds shall complete the Cash Receipts with requester's name, address, and telephone number; the number of copies/pages faxed/tapes produced, and the amount of money collected.

J. **Costs:**

- If photocopying of records by District staff is requested, fees for processing and copying shall be charged, on a per request basis, as follows:

  For 8 ½" x 11" Originals and/or 8 ½" x 14" Originals

1-10 pages	No Charge
11+ pages	$5.00 Administrative Fee plus $0.50/page

  For 11" x 17" Originals and Larger Originals

1-2 pages	No Charge
3+ pages	$5.00 Administrative Fee plus $1.50/page

- If requester furnishes the operator, but uses District copier, fees shall be charged as follows:

  For 8 ½" x 11" Originals and/or 8 ½" x 14" Originals

1-10 pages	No Charge
11+ pages	$5.00 Administrative Fee plus $0.50/page

  - **Specific Reproduction Classification** shall be charged a flat fee as follows:

▸ District Budget/Audit	$30.00
▸ Collection System Base Map or District map, per copy (36" x 42")	$7.50
▸ District Standards, per set	$30.00

  - **For requests for documents via fax:**

1-10 pages, local call	No Charge
11+ pages, local call	$5.00 Administrative Fee plus $0.50/page
1-5 pages, long distance call	No Charge
6+ pages, long distance call	$5.00 Administrative Fee plus $1.00/page

- The costs of **duplicating Inspection Video Tapes** or DVDs will be $30.00 per tape or DVD, plus mailing costs, if applicable. Cost of duplicating audiotapes will be $20.00 per tape, plus mailing costs, if applicable.

The above costs fairly represent the actual cost to the District for the processing and copying services rendered.

Written by: S. Strom
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