

## **PUBLIC RECORDS INFORMATION REQUEST POLICY SUMMERLAND SANITARY DISTRICT**

### **Purpose**

Summerland Sanitary 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**

Members of the public may gain access to a public record in several ways – inspecting the record at the District Administrative Office or obtaining an electronic copy, or a hard copy if the record is not available in an electronic format or the requestor does not have the ability to receive or access the records in an electronic format. Public Records of the District are open to inspection at all times during business hours of the District, Monday through Friday, except holidays. The District’s Administration Office is located at 2435 Wallace Avenue, Summerland CA 93067. Public records shall not be removed from the District office. The District also maintains a website with searchable electronic copies of commonly requested records, including: annual reports, agenda’s and minutes of board meetings, budgets, etc.

**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. 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.

**Copies:** Requests are to be completed in writing and submitted to the District’s Records Access Officer (ROA) for researching and copying. A “Public Records Request” form is available at the District’s Office and on the website: [www.summerlandsd.org](http://www.summerlandsd.org). Request for records may also be made by letter or email. If hard copies are provided, then the cost for copies will be charged as outlined in Exhibit “A” (Fees for Copies). Upon a written request for copies of an identifiable public record, the District’s ROA shall endeavor to promptly provide an electronic copy or a hard copy upon payment of the fee. Nevertheless, staff in all cases shall have up to ten (10) business 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 business days.*

The District is only required to disclose existing records.

**Audio Recordings:**

Copies of recordings will be made by District personnel, upon written request and prepayment of the costs of the materials.

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.

**§ 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 District 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 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.
- c) Personnel, medical, or similar files, the disclosure of which would constitute 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 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.
- 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.

- h) Facility security measures and critical information regarding facilities and their operation.

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

- a) Customer account data other than that of requesting party.
- b) Provide or create records and information that may be created in the future.
- c) Prepare summaries of information, calculations or analysis of information.
- d) 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.

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.

Pursuant to the Government Code, "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.

"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.

A requestor who asks for electronic versions of documents should be provided with such documents if they are held in an electronic format. The District is not required to create an electronic version of a document.

**EXHIBIT "A" FEES FOR COPIES**

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|-----------------------|----------------------|
| 1. Document Copies    | \$0.05 Per Page      |
| 2. Copy of Recordings | \$3.00/Per Recording |

NOTE: A \$35.00 SERVICE FEE WILL BE CHARGED FOR RETURNED CHECKS.

Approved by the Summerland Sanitary District Board of Directors

Date: May 11, 2017