
San Bernardino Valley Water Conservation District

BOARD POLICY MANUAL

POLICY TITLE: Public Records Request Policy

POLICY NUMBER: 1050

The Public Records Request Act (Act) declares that access to information concerning the conduct of the public's business is a fundamental and necessary right. The Act requires the District to make "public records," as that term is defined in California Government Code sections 6250 et seq., available for inspection to the public and to provide copies upon written request. Requests for Public records of the District may be made at any time during regular office hours, Monday-Thursday 8 am-5 pm at the District's headquarters located at 1630 W. Redlands Blvd., Suite A, Redlands, CA 92373.

1050.1 Any Individuals requesting copies of a specific public document must submit a written request identifying the public records (s) to be inspected to the attention of the General Manager. The District has prepared a form for this purpose, which it encourages all Public Records Act requestors to use, to help expedite the District's compliance with the Public Records Act request. Members of the public may make written requests in person, by mail or via email.

1050.2 Copies of agendas and other writings (except for privileged documents) distributed to a majority of the Board of Directors at open Board meetings shall be made available to the public. A limited quantity of such documents (based on normal audience attendance) shall be copied in advance of each meeting and made available to the public in attendance at the meeting to which the material pertains at no charge.

1050.3 Any individual may review a copy of any identifiable public record or copy thereof. If the request is readily discernible and requests a public record which is immediately available, the record shall be made available for inspection or copying. Public records requested which are kept in the form of computer data shall be made available in the form determined by SBVWCD. For all other requests, the District shall determine within 10 calendar days after receipt of such request whether it has Public Records in its possession or control that it determines are responsive to the request, and within that time period shall notify the person making the request of such determination. Except with respect to public records exempt by express provision of law from disclosure, the District, upon any request for a copy of record which reasonably describes an identifiable record, or information produced therefrom, shall make the record available, or may, at the District's option, arrange to make copies upon prior payment of applicable fees. In the event the request presents unusual circumstances, including but not limited to the scope or breadth of the request, the age of the records requested, the location of storage of records likely to be responsive to the request, the availability and amount of staff time to devote to the request at the time it is made, the need to consult with other agencies or persons regarding the request who may have access to requested records, or other such circumstance, the District may extend the date for the time to respond to the request by up to an additional fourteen (14) days.

1050.4 The District may attempt to obtain additional information or clarification from the requesting party on any Public Records Act request where the District is uncertain regarding the meaning of the terms used in the request, the applicable date ranges of the records requested, the content of the documents requested, or in those instances when dialogue with the requesting party regarding the information technology, location of the storage of the records, formatting, or manner in which the records are kept by the District in the normal course of business will facilitate the identification of the specific records being requested, the manner in which the records might most feasibly be made available, or the appropriate persons on District staff to assist the requesting party

secure the records sought.

1050.5 The District may determine that it is appropriate to withhold and requested record by demonstrating that the record in question is exempt from public records disclosure under state law, or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record

1050.6 Any notification of denial of any request for records shall set forth the names and titles or positions of each person responsible for the denial.

1050.7 Staff will provide and post annually the current rate for copying public documents on the District website at www.sbvxcd.org. The copying fees are as follows:

- (a) For copies made by District staff: \$0.20 cents per page, including administrative staff time billed at \$60 per hour for all time involved in copying in excess of 20 minutes; unless the General Manager determines the fees are not effective to collect.
- (b) For copies made by copying service: the actual costs billed by copying service
- (c) Copies of tape records, computer records, mylars, sepia prints, maps, photographs and blueprints shall be made by a copying service, the fee for which shall be the actual costs of reproduction.

1050.8 Members of the public may not remove District records from SBVWCD's offices nor may they use SBVWCD's copying equipment. However, members of the public may examine written documents or listen to tape records of public meetings without charge under all of the following conditions:

- (a) A mutually-convenient time is arranged between the requesting party and staff;
- (b) The examination occurs in District office;
- (c) A member of staff is present at all times during such examination and, in the case of a tape recording, operating the playback machine.

1050.9 Although numerous types of records that are exempt from disclosure to the public, including those listed in Government Code section 6254, as may be amended, the following is a brief list of commonly-requested records which are not normally disclosed to members of the public:

- (a) Preliminary drafts, notes or memoranda which are not retained by the District in the ordinary course of its business;
- (b) Records pertaining to pending Government Tort Claims and litigation;
- (c) Personnel files, disclosure of which would result in an unwarranted invasion of privacy;
- (d) Certain data obtained by the District in confidence from third parties;
- (e) Real estate appraisals, engineering or feasibility estimates and evaluations used in connection with the acquisition of property;
- (f) Computer software;
- (g) Privileged Communications with legal counsel.
- (h) Trade Secrets.

1050.10 In the event a Public Records Act requests public records that do not exist on the District's email or other written electronic communication servers or services, and the District's General Manager or District Counsel determines such records may exist on personal electronic communications devices of one or more individual Directors, the District shall use the following procedure as a guide to assuring prompt, complete Public Records Act responses:

1050.10.1 The District General Manager or District Counsel will forward the Public Records Act request, or such portion as may be relevant to records not otherwise available to the District, to the Director, asking the Director to review his or her personal electronic written communication servers or services to determine if he/she has written records responsive to the request. Because Public Records Act requests are subject to strict statutory time periods for response, any Director receiving such a request shall confirm his or her receipt of same within forty-eight (48) hours, and shall provide an estimate to the General Manager or District Counsel of the time the Director requires to review his or her personal electronic written communication media to determine the existence and location of any such requested records.

1050.10.2 In the event the Director identifies responsive records on his or her personal electronic written communication media, the Director shall promptly notify the District's General Manager or District Counsel, who shall make arrangements for the electronic transfer of such records to District electronic written communication servers or storage, for review on whether the identified record(s) fits within the request, are public records, and are not otherwise subject to exemptions under the Public Records Act. The Director shall execute an affidavit in a form approved by District Counsel indicating all District-related electronic written communications in the possession of the Director responsive to the request have been forwarded.

1050.10.3 In the event the Director, after a reasonably diligent and good faith search, determines he or she has no responsive records, the Director shall promptly notify the General Manager or District Counsel of that fact, and shall execute an affidavit in a form approved by District Counsel indicating that the search was made, and no responsive records were found.

PUBLIC RECORDS REQUEST FORM

TO: Office of the General Manager
San Bernardino Valley Water Conservation District
1630 W. Redlands Blvd., Suite A
Redlands, CA 92373-8032

FROM: Name: _____

Address: _____

Telephone No: _____

DATE REQUEST RECEIVED BY SBWCD: _____

Pursuant to State law and the policy of the San Bernardino Valley Water Conservation District (SBWCD) as described in the attached policy, please provide me with a copy of the following public records:

Description of Documents Requested:

1. _____

2. _____

3. _____

4. _____

Attach a second sheet if necessary.

(Signature)

(Print Name)