



June 2, 2016

TO: LOCSD Board of Directors
FROM: Peter J. Kampa, Interim General Manager
SUBJECT: **Agenda Item 11E – 6/2/2016 Board Meeting**
Adopt Resolution Approving District Public Records Request
Response Policy

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Marshall E. Ochylski

Vice President
Jon-Erik G. Storm

Directors
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STAFF RECOMMENDATION

This item will be approved along with the Consent Calendar unless it is pulled by a Director for separate consideration. If so, Staff recommends that the Board adopt the following motion:

Motion: I move that the Board adopt Resolution 2016-17 approving a Public Records Request Response Policy.

DISCUSSION

State law requires that the District make all public records, as defined, available for public inspection and copying. The law contains specific requirements regarding what is, and is not a public record, as well as the time schedule for District response to public records requests. District staff recommends that the Board adopt a policy to clearly direct staff, by describing the Board's expectations with regard to responses provided within the limitations of law.

Included with this agenda item is a draft public records response policy developed from a model provided by the California Special Districts Association and in place with many special Districts throughout the state.

The District's revised and upgraded website will contain many of the documents normally requested of the District through this process. Staff's intention is to upload a vast reference library of important and timely public records to the website; which will save staff time and individual response effort.

FINANCIAL IMPACT

Adoption of this policy will not result in additional cost or cost savings to the District.

RESOLUTION NO. 2016-17

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT
APPROVING A PUBLIC RECORDS REQUEST RESPONSE POLICY**

WHEREAS, the Los Osos Community Services District (herein referred to as District) is a local government agency formed and operating in accordance with Section §61000 et seq. of the California Government Code; and

WHEREAS, the District Board of Directors has directed District management to propose the adoption of policies and to develop procedures that maximize the transparency and accountability of the District; and

WHEREAS, the District regularly responds to requests from the public for information and documents related to the business of the District and state law provides certain requirements and guidelines within which the District must provide its response to such requests for public records; and

WHEREAS, the District desired to provide a policy statement to guide and direct management's response to all requests for public records, within the confines of law; and

WHEREAS, a Public Records Request Response Policy has been developed and attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Los Osos Community Services District Board of Directors does hereby approve the Public Records Request Response Policy as contained in EXHIBIT A herein.

On the motion of Director _____, seconded by Director _____,
and on the following roll call vote, to wit:

Ayes: _____
Nays: _____
Absent: _____
Conflicts: _____

The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Los Osos Community Services District this 2nd day of June 2016.

Marshall E. Ochylski
President, Board of Directors
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

Peter J. Kampa
Interim General Manager and Secretary to the Board

Michael W. Seitz
District Legal Counsel

Los Osos Community Service District

POLICY HANDBOOK

POLICY TITLE: Public Records Act Requests

POLICY NUMBER: (To be numbered)

XXXX.1 The purpose of this policy is to: establish District policy and guidelines concerning accessibility of District records.

XXXX.2 Section 6253 of the Government Code provides that every person has a right to inspect any public record except those specifically exempted by law.

"Public record" is defined by law to 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.

A "writing" for purposes of public access may be a handwriting, typewriting, printing, photostating, photograph, transmitting by electronic mail or 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 any combination thereof, regardless of the manner in which the record has been stored.

XXXX.3 Every person has the right to inspect any District record except those records exempted by statute from public disclosure.

XXXX.4 All requests to view or photocopy District records other than the requesting party's typical billing and account information shall be forwarded to the District's General Manager for processing.

XXXX.5 When a member of the public requests the inspection of a public record, or requests a copy of a public record, and to the extent such records are not exempt, the General Manager or his/her designee shall assist the individual in identifying existing records.

XXXX.6 Records existing in electronic format shall be made available to the public in such format, but only if the production will not jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained. The person requesting the information shall bear the cost of producing the record, including the cost to construct the record, and the cost of programming and computer service to produce the record when the District is requested to produce a copy of an electronic record that is produced only at otherwise regularly scheduled intervals or that request requires data compilation, extraction, or programming to produce.

XXXX.7 District staff shall provide a "Public Records Request" form to each individual who requests the inspection or photocopying of District records and shall assist the individual in completing the form if so requested.

XXXX.8 Upon receiving a request for a copy of records, the District shall, **within 10 days from receipt of the request**, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor.

XXXX.9 Upon receipt of a completed Request, the District will, when appropriate:

XXXX.9.1 Review the request and determine if the record exists, and if so, if it is a record that can be disclosed.

XXXX.9.2 Respond to the Requestor within 10 days and indicate the place within which the inspection must be made and the time limitation, if any, for return of the documents, or when copies may be emailed, copied to the desired form of digital media, or picked up and the charge for such documents. The District's goal is for public records to be produced as quickly as possible once a valid request has been submitted, the record determined a disclosable, and considering District workload and staffing.

XXXX.10 Any notification of denial of any request for records shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record, and the name, title or position of the District personnel responsible for the denial.

XXXX.11 A request for a copy of an identifiable public record, for information produced from such a record, or for a certified copy of such a record, must be accompanied by payment of the appropriate fee as determined by District staff based on cost to the District. Any fee established may be modified from time to time by District staff to reflect actual chargeable costs, and any fee schedule developed shall be made available by the District's General Manager. Where the State Legislature has established a statutory fee for any given record, the statutory fee shall be charged. Where the State Legislature has established a statutory fee for any given record, the statutory fee shall be charged.

XXXX.12 Electronic files in response to a Public Records request may be provided free of cost under the following conditions as determined appropriate by the District:

XXXX.12.1 If the validated Public Records are existing as electronic files that can be mailed to the requestor electronically without added effort such as scanning, data manipulation or first copying records; and

XXXX.12.2 Where the electronic transmittal of the record does not jeopardize the safety and security of the District's email or technology systems; and

XXXX.12.3 Where the District determines that such electronic transmission of the record does not increase the probability of unauthorized reproduction, document editing or manipulation, or modification of the document for use for any purpose other than to meet the information needs of the requesting party.

XXXX.13 Exempted records found in Government Code 6254 shall not be disclosed. 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.



LOS OSOS COMMUNITY SERVICES DISTRICT PUBLIC RECORDS REQUEST

California Public Records Act:

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency, (b) each state or local agency, upon a request for a copy of records that **reasonably describes an identifiable record** or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable, (c) Each agency, upon a request for a copy of records, **shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore.**

6253.4. (a) Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section.

Name: _____

Address: _____

Telephone: _____

Email Address: _____

When submitting your request, please be as specific as possible (i.e., provide dates of reports or actions, resolution and ordinance numbers, etc.) Non-specific requests may incur additional charges for research time or may be rejected if the request would require an undue amount of research or compilation.

SPECIFIC NAME / DOCUMENT DATE	TYPE OF DOCUMENT <small>(i.e., resolution, ordinance, report, agreement, etc.)</small>

I understand that the LOCSD has 10 days to respond to this request to determine whether it encompasses disclosable public records and will notify me by United States mail. I will pay copying costs for documents requested of \$.10 per page.

Signature: _____

Date: _____