

ADMINISTRATION AND GOVERNMENT

3.3.1

A. PUBLIC RECORDS POLICY AND PROTOCOL

PURPOSE

The purpose of this policy is to affirm the public’s right to access City records and to set for the procedures to facilitate disclosure of records and information to members of the public.

POLICY

The public’s right to access records and information concerning the conduct of the people’s business is a fundamental and necessary right. A record shall not be withheld from disclosure unless it is exempt under applicable laws or the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.

ACCESS TO CITY RECORDS

A. Records Available for Inspection and Copying

Records available for inspection and copying include any writing containing information relating to the conduct of the public’s business that is prepared, owned, used, or retained by the City, regardless of the physical form and characteristics. The records do not have to be written but may be in another format that contains information such as electronic, video or audio recording.

“Writing” includes any handwriting, typewriting, printing, Photostatting, photographing, photocopying, 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 combinations thereof, and any record thereby created, regardless of the manner in which the records has been stored. [Government Code §6252, subd. (g).]

If a request for records seeks the production of records or documents that are not in existence at the time the request is made, the City is not obligated to create a document in order to respond to the request.

B. Locating and Identifying Records

Public records are open to inspection at all times during regular City business hours. The City does not maintain a centralized record keeping system, other than certain documents routinely maintained by the Office of the City Clerk. Each of the City’s individual Departments maintains and has custody of records and information relating to the responsibilities and work performed by the particular Department.

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Requests may be made orally or in writing, either in person, through the mail, via e-mail, over the telephone or on the City's website via the Public Records portal. The request, however, should contain a reasonable description of the desired records in order to expedite processing of the request. City staff receiving a request should immediately enter the request into the PRA software for tracking and completion.

"Over the Counter Request"D. Form of Records Provided

Records shall be made available in their original form or by a true and correct copy, except that a requestor may designate another format and a requestor cannot be required to accept records in electronic format. Audio, photographic and computer data, or any other such records shall be exact replicas unless the Department determines it is impracticable to provide exact replicas. Any reasonably segregable portion of a record shall be provided to the public after deletion of portions that are deemed exempt from disclosure.

To the extent that it is technologically and economically possible, forms and computer systems used by the City relating to the conduct of the public's business should be designed to ensure convenient, efficient and economical access to public information, including making public information easily accessible over public networks such as the Internet. Specifically, forms and computer systems should be designed to (1) segregate exempt information from non-exempt information; and (2) reproduce electronic copies of public information in a format that is generally recognized as an industry standard format.

E. Steps and Timeframes for ResponseF. Fees for Duplication

No fees will be charged to the requestor for the duplication of records. (DVD's, blue prints??)

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RESPONSIBILITIES

<p>All Staff Members</p>	<p>All City staff members have an obligation to accept and respond to or refer requests for public records. Staff members responding to requests shall, to the extent reasonably practicable, assist the public in making focused and effective requests for records and information.</p> <p>If the staff member or Department receiving the request is not the holder of the requested records, the staff member or Department must forward the request to City Manager’s office within 24 hours of receiving the request. The City Manager’s Offices will coordinate and respond to the request with the assistance of the other Offices/Departments.</p> <p>All City staff member receiving a request for inspection of records over the counter shall make reasonable accommodation to</p>
<p>Department Representatives</p>	<p>Each Department shall designate a person or persons who will serve as Department PRA Liaison(s) responsible for responding to requests for records and coordinating the response within department.</p>
<p>Department Coordination</p>	<p>If a request seeks information from more than one Department, the City Manager’s Office will coordinate and respond to the request with the assistance of each of the Department PRA Liaison.</p>
<p>City Attorney’s Office</p>	<p>Requests that are related to pending or potential litigation shall be coordinated with the City Attorney’s Office. Questions regarding the California Public Records Act or any documents that may not be subject to disclosure shall be forwarded promptly to the City Attorney’s Office for review. Decisions to withhold records must be made in consultation with the City Attorney’s Office.</p>