



## WEST BAY SANITARY DISTRICT PUBLIC RECORDS REQUEST POLICY

### **POLICY:**

Public records of the West Bay Sanitary District (the "District") will be open to inspection during regular office hours of the District. "Public records" means those records of the District that are retained in the ordinary course of District business and in accordance with the District's Record Retention Schedule, as may be amended from time to time, and which is incorporated herein by reference. "Public records" do not include those records which are exempt from disclosure under the California Public Records Act (Gov. Code § 6250 et seq.).

### **DEFINITIONS:**

A. The term "public records" shall have the same meaning as set forth under Government Code section 6252(e).

### **PROCEDURE:**

A. Any person desiring to inspect any public records may submit a request to the District to do so. A request form is available online at <https://westbaysanitary.org/wp-content/uploads/2016/07/Public-Records-Request-Form.pdf>. A public records request may be made in writing or orally, but it must reasonably describe an identifiable record or records.

B. The District shall make efforts to assist a member of the public in formulating a request, to the extent reasonable under the circumstances.

C. Any person, firm, business, or entity may request to inspect or copy public records. Upon request, an exact copy shall be provided unless impracticable to do so.

D. The District Manager, or designee, shall, within 10 days from receipt of the request, determine whether the request seeks copies of disclosable public records and shall notify the person making the request of that determination. The District Manager, or designee, shall consult with the District's legal counsel during this initial 10-day period to determine whether any of the sought-after records are subject to any privilege, confidentiality concerns, or are otherwise exempt from disclosure. In unusual circumstances, the District Manager may, by written notice to the person making the request, extend the response time by a period not to exceed an

additional fourteen (14) calendar days. "Unusual circumstances" mean the need to search for and collect requested records from field facilities or other locations separate from the office processing the request; or the need to search for, collect, and examine a voluminous amount of records to comply with the request; or the need for consultation with another agency having a substantial interest in the determination of the request; or the need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

E. After receiving a public records request which reasonably describes an identifiable record which is not determined to be otherwise exempt from disclosure, the District shall make the records promptly available to any person upon payment of applicable fees. If the District makes a determination that a public records request is being denied, in whole or in part, that determination must be in writing.

F. If any public records request seeks records which are privileged or otherwise exempt from disclosure, any portion of such record that can reasonably be segregated shall be provided to any person requesting such record, after deletion of the portions which are exempt from disclosure.

G. Inspection of public records shall be made only in a District office, and no document shall be removed therefrom. A representative of the District will be present during the inspection of any records.

H. The public records policy of the District shall at all times be subordinate to the California Public Records Act. If there is any conflict between that Act and this policy, the Act shall prevail.

#### **Copies Requested Pursuant to the Political Reform Act of 1974**

A. Notwithstanding the other provisions of the District's Public Records Policy, public records requested pursuant to the Political Reform Act of 1974 (Gov. Code § 81000 et seq.), shall be open for public inspection and reproduction during regular business hours, and not later than the second business day following the day on which such document was received from a public officeholder or other person subject to the Political Reform Act.

B. No conditions whatsoever shall be placed on those persons desiring to inspect or reproduce reports or statements filed pursuant to the Political Reform Act, nor shall any information or identification be required from such persons.

C. Copies shall be provided at a cost of twenty-five cents (\$0.25) per page, and the filing officer of the District may charge a retrieval fee not to exceed ten dollars (\$10) per request for copies of reports and statements which are five (5) or more years old. A request for more than one (1) report or statement or report and statement at the same time will be considered as a single request.

## **District Copy Cost Schedule**

A. A request for a copy of an identifiable written public record, or a certified copy of such record, shall be accompanied by payment of a fee in the amount of 25 cents (\$0.25) per page if the copy is no larger than 8-1/2" x 11". If the size of the copy of the record is in excess of 8-1/2" x 11", a request for such copy shall be accompanied by payment of a fee in the amount fixed by the District Manager, provided that the amount so fixed shall not be more than 25 cents (\$0.25) times the number of 8-1/2" x 11" pages into which each copied sheet could be divided if so desired.

B. Requests for a mailed copy of the Board of Directors' meeting agenda will be directed to the District Manager. Copies of the agenda will be provided upon compliance and payment of the fee in the amount of 25 cents (\$0.25), per page, for each agenda requested (i.e., Board; and Finance & Audit Committee) according to the Copy Cost Schedule, to cover the direct cost of duplication, postage and labor. Agendas are available, at no cost, on the District website typically the Friday afternoon prior to a regularly scheduled Board meeting.

C. Any person desiring a copy of any portion of information made available at Board meetings may request the same from the District Manager who will provide such copies in accordance with the District Copy Cost Schedule.