

## City of Calistoga

# PROCEDURE FOR HANDLING PUBLIC RECORDS REQUESTS

### Policy Authorization

Effective Date June 21, 2007  
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Authorization James C. McCann  
James C. McCann, City Manager

#### I) Introduction:

A) The California Public Records Act (PRA), Government Code 6250 et seq. provides the public with the right to have access to information concerning the conduct of the people's business. In order for the City to comply with these provisions and to provide service to the public while at the same time protecting public agency rights, guidelines for disclosure of the City's public records must be developed and observed. Staff receives requests for records through the PRA frequently; they are an important aspect of our open government process. These requests should be viewed in a positive manner and it is our goal to respond to them quickly.

B) Public Records Act requests can come in different forms:

- 1) Letter form;
- 2) Email requests;
- 3) Fax;
- 4) Phone requests; and
- 5) Request made in person.

#### II) Responding to a Request for Documents:

A) Requests for public records should be made on the Request for Public Records Form (see attached) prepared by the City Clerk's Department and should be immediately routed to the City Clerk's Department.

- 1) A form should be prepared by staff if a request is received by letter, telephone, fax or e-mail, unless the letter or fax already includes a copy of the form filled out by the person making the request. In addition, a form should be prepared by staff if a request is made in person and the person making the request is unable or unwilling to complete the form. A notation should be made on the form stating the manner by which the request was received.
  - 2) Requests for copies of readily available handouts and limited sections of City regulatory documents, such as the Zoning Code, do not require completion of the Request for Public Records Form. For complete copies of large City regulatory documents or substantial portions of these documents a Request should be made.
  - 3) If a staff member must pull a file, perform research or compile information in order to provide the documents requested, it is most likely that a Request for Public Records Form needs to be completed.
- B) Requests shall be handled as follows:
- 1) City Clerk Department staff determines which department(s) is responsible for the response and routes the form to the appropriate department(s) with the response date noted. The City has ten (10) calendar days to respond to the request. If the request is specific to the City Clerk's Department, staff in that department will handle the response.
  - 2) Department Head receives request, reviews the request and the time frame for producing the documents, and assigns to staff member as appropriate. If the Department Head determines that the request presents unusual circumstances, such as requiring a search of unusually voluminous records, the Department Head will notify the City Clerk's Office, who shall prepare a letter to the requesting party stating that the City needs additional time, up to 14 calendar days, to respond to the request.
  - 3) A Department staff member will gather the documents responsive to the request. The Department Head will review the documents to be certain there are no confidential documents, documents that would be considered inter office memoranda or working documents or any other documents which are not records subject to the PRA. If there is a question with regard to whether the documents should be provided, the City Clerk's Office should be contacted.
  - 4) Requested documents are then given to the City Clerk who notifies the requesting party that the documents are ready to be picked up or mailed upon receipt of payment for the copies.
  - 5) An individual may ask to review the requested documents in order to determine which, if any, documents are desired to be copied. If such a request is made, a staff person must be present while documents are reviewed.

- 6) A Department staff member makes a copy of the Request for Public Records Form and retains it and gives the original of the form to the City Clerk.
- 7) City Clerk's Department staff provides copies of documents to the requesting party and completes the bottom portion of the Public Records Request Form, noting when the copies were reviewed or provided and the number of copies provided.

III) Description of Public Records:

- A) The State Public Records Act, Government Code, Section 6250 through 6268, was created to ". . . guarantee access to information concerning the conduct of the people's business . . . a fundamental and necessary right of every person in this state." The general requirement for disclosure was made "mindful of the right to . . . privacy," indicating a potential conflict between the right of public access to government records versus the right of privacy of persons who are the subject of state records.
- B) Public records are defined as including any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
- C) Certain records are exempt from disclosure under the Public Records Act. The most common exemptions are: (1) referendum, initiative and recall petitions; (2) preliminary drafts, notes or inter-agency memoranda; (3) litigation records; (4) personnel, medical or similar records; (5) peace officer personnel and citizen complaints; (6) personal financial data required of licenses; (7) arrest records; (8) other personal information; (9) criminal investigation records; (10) utility customer records; (11) concealed weapons permits; and (12) statutory exemptions and privileges.

IV) Costs for Copies:

- A) The City can only charge fees covering the direct costs of duplication in response to public records requests. A fee for research may not be charged nor can the cost of research be incorporated into the per copy charge. Keep the following in mind:
  - 1) Following is a list of fees for duplication of public records:
    - a. \$ .10 for each 8½" x 11" black and white copy
    - b. \$ .25 for each 11" X 17" black and white copy
    - c. \$ .25 for each 8½" X 11" color copy
    - d. \$ .75 for each 11" X 17" color copy
    - e. \$1.00 for each CD to copy electronic records
    - f. \$40.00 to copy VHS tape.
    - g. \$45.00 to convert VHS tape to DVD.
    - h. \$10.00 to copy each audio cassette.

- i. Staff may choose to send out large volumes of records and/or large size documents to a professional copy services company and pass the charge on to the requestor.
- 2) If the duplicating machine will automatically double side the copy of a document or if the original is double sided and the duplicating machine will make a double sided copy, the cost for each double sided black and white page is \$ .10.
- 3) If an individual asks for copies of reports from a packet for a current City Council or Commission meeting, there is no charge for the copies. If an individual requests a copy of the entire packet, use the costs listed in Section I (A) (1) listed above. Copies of agendas for current City Council or Commission meetings are available at no charge, and are also available on the City's website.
- 4) Payment for copies should be made at the time the copies are provided.
  - a) Payment can be made at the time the documents are picked up.
  - b) The amount of postage can be added to the cost of the copies and a call made to the individual requesting the records to inform them of the amount due. The individual can, then, send a check for the copies and postage. When the check is received, the copies can be mailed.
  - c) No charge has been established to send copies via facsimile. If the request is for a copy of an agenda or a small number of pages to be faxed, there is no charge. If the request is for a significant number of pages, the process to mail copies should be followed.

(Adopted by Resolution 2003-109 – September 16, 2003)

Revised on 6/21/07