

Public Records Act Request Guidelines

The California Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. The California Public Records Act, Government Code Section 6250 *et seq.*, requires public records to be available to the public upon request. Mt. View Sanitary District (hereinafter MVSD) has established the following guidelines to ensure that members of the public fully understand and are afforded the opportunity to use their right to inspect and obtain copies of public records.

These Guidelines are published to assist the public in accessing public records and supplement, but do not amend District Policy "Public Records Access", Policy No. 3320.

WHAT ARE 'PUBLIC RECORDS'?

"Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by MVSD regardless of physical form or characteristics. "Writing" means handwriting, typewriting, printing, photography, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. "Person" includes natural person, corporation, partnership, limited liability company, firm, or association.

WHEN MAY PUBLIC RECORDS BE INSPECTED?

Public records are open to inspection during MVSD office hours. The inspection of public records is subject to a rule of reason as to time and duration and must be consistent with

the efficient functioning of MVSD offices. MVSD requests any person who wishes to inspect public records complete and submit the District's PUBLIC RECORDS ACT REQUEST FORM and thereafter schedule an appointment to inspect the records. It is the policy of District that records not exempt from disclosure by state law will be open for public inspection at the District office with the least possible delay and expense to the requesting party.

HOW DOES THE PUBLIC OBTAIN ACCESS TO PUBLIC RECORDS?

All requests for records are directed to District Office at:

Mt. View Sanitary District

P. O. Box 2757 (Mail delivery)
3800 Arthur Road (Shipping or Hand Delivery)
Martinez CA 94553

Email: info@mvsd.org

FAX: (925) 228-7585

TEL: (925) 228-5635

If you do not complete and submit the PUBLIC RECORDS ACT REQUEST FORM, it is important to include the following information in your request, so that MVSD may respond to your request in a timely manner.

A statement that you are requesting information under the Public Records Act.

A clear and specific description of the Public Record you are requesting identifying (where possible) dates, subjects, titles, or authors of the documents requested.

Your contact information, including your name, address, phone, fax, and email. Within 10 calendar days from the date the request is received, MVSD will determine whether the request, in whole or in part, seeks copies of disclosable public records in MVSD's possession and will notify you of its determination. In unusual circumstances, the 10 calendar day requirement

may be extended by written notice to the requestor by MVSD, setting forth the reason for the time extension. Unusual circumstances including, but not limited to:

- (1) The need to search for and collect the requested records from facilities that are separate from the District office,
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request,
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the District's determination of the request,

MVSD may request additional information if the request is not specific enough to permit identification of the requested records. If the District determines it shall comply with the request, the records will be made available as promptly as is reasonably practicable. While the District shall disclose identifiable and existing records, it is not required to synthesize, manufacture, or summarize records, i.e., develop new records in response to a request.

Records in Electronic Format

Upon request, MVSD shall make available any public record in electronic format in any electronic format in which the District holds the information or in the format requested if the requested format is one that has been used by the District to create copies for its own use or for provision to other agencies.

WILL THERE BE A FEE?

Hard copies of Records

All requests for a copy of an identifiable public record or information produced therefrom must be paid for to cover the direct costs of duplication, which will be based on a fee of \$.10 per standard reproduced page.

Fees for Records In Electronic Format

The requestor shall bear the direct costs of duplication of producing a copy of any record in electronic format, and shall also bear the costs to construct a record and the programming and computer services, where such services are legally required.

WHAT WILL THE DISTRICT RESPONSE TO A RECORDS REQUEST INCLUDE?

In responding to information requests, MVSD will advise the person submitting the request, by telephone or by mail as appropriate, of:

- (1) The location, date, and time at which the requested records may be inspected;
- (2) If copies of records are requested, the cost of providing such copies; and
- (3) The identity of any records requested that are not subject to production, inspection or copying.

WHAT RECORDS ARE NOT SUBJECT TO PRODUCTION, INSPECTION OR COPYING?

In balancing the public's right to access public records with the recognized individual right of privacy and the need to MVSD to be able to competently perform its duties, the

Legislature has established certain categories of records, which may be exempt from public disclosure. A complete list of statutory exemptions is found in the California Public Records Act. Records exempt for disclosure that pertain to MVSD include, but are not limited to, the following:

Preliminary drafts, notes, or inter-agency or intra-agency memoranda which are not retained by MVSD in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;

Records pertaining to pending litigation to which the District is a party, or to claims made until such litigation or claim has been finally adjudicated or otherwise settled;

Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;

Records of complaints to or investigations conducted by the District for law enforcement purposes;

Contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by MVSD relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained.

The District has discretion to claim an exemption from public disclosure any record which do not qualify for a specific exemption under the Public Records Act when the District may determine the public interest served by not making the record public clearly outweighs the public interest served by disclosure. Please be aware that Requests made or submitted to the District are generally themselves Public Records.

**WHAT IF A MEMBER OF THE PUBLIC WISHES TO CHALLENGE MVSD's
DETERMINATION NOT TO DISCLOSE RECORDS?**

Under the California Government Code Section 6258, any person may seek relief in a court of competent jurisdiction to enforce the right to inspect or to receive a copy of a disclosable public record.

ACCOMMODATION FOR PERSONS WITH DISABILITIES

Persons with disabilities who require accommodation for obtaining access to MVSD public records should notify MVSD of their accommodation needs at the time of their written request.