

RESOLUTION NO. 23-14

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RUNNING SPRINGS WATER DISTRICT ADOPTING A POLICY FOR HANDLING REQUESTS FOR INSPECTION AND/OR COPYING OF PUBLIC RECORDS

WHEREAS, the Running Springs Water District (RSWD) is subject to the California Public Records Act, as set forth in California Government Code sections 6250–6276.48; and

WHEREAS, under the Public Records Act, RSWD must make available for inspection and/or copying any RSWD records that are not otherwise exempt from disclosure under State or federal law; and

WHEREAS, the Public Records Act allows every public agency to adopt regulations stating the procedures to be followed when making its records available for inspection and/or copying pursuant to Government Code section 6253.4; and

WHEREAS, in accordance with the above referenced section of the Public Records Act, the Board of Directors of RSWD desires to adopt regulations stating the procedures to be followed when making RSWD records available for inspection and copying.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Running Springs Water District:

SECTION 1. Approval of Policy. The Board of Directors hereby approves the Running Springs Water District policy titled “Requests for Inspection and/or Copying of Public Records,” attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION 2. Authorization to Implement. The Board of Directors authorizes the General Manager, and other RSWD staff members as designated by the General Manager, to implement the attached policy and to amend the policy from time to time in compliance with any changes in State or federal law or regulations that may affect disclosure of RSWD records.

SECTION 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

[Signatures on next page]

PASSED, APPROVED AND ADOPTED THIS 20th DAY OF AUGUST, 2014.


KEN AYERS
PRESIDENT
BOARD OF DIRECTORS
RUNNING SPRINGS WATER DISTRICT

ATTEST:

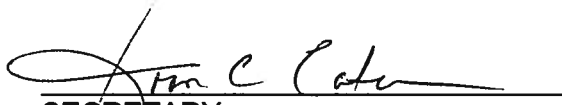

SECRETARY
BOARD OF DIRECTORS
RUNNING SPRINGS WATER DISTRICT

EXHIBIT "A"

Running Springs Water District

"Requests For Inspection and/or Copying of Public Records"

[Attached]

RUNNING SPRINGS WATER DISTRICT

POLICY TITLE: REQUESTS FOR INSPECTION AND/OR COPYING OF PUBLIC RECORDS

PURPOSE

This policy is established in accordance with Government Code section 6253.4, subdivision (a), which states: "Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section." This policy sets forth the District's policies and procedures for handling requests to inspect and/or copy public records. It is designed to be in compliance with the California Public Records Act (Gov. Code §§ 6250 et seq.) and all existing laws pertaining to disclosure of public records. If any provision of this policy conflicts with current State or federal law, the law shall take precedence.

PROCEDURE

1. Definitions

As used in this policy, the following terms shall have the following meanings:

- (a) "District" shall mean the RUNNING SPRINGS WATER DISTRICT.
- (b) "Person" shall mean any natural person, corporation, partnership, limited liability company, firm, or association.
- (c) "Writing" means handwriting, typewriting, printing, photographing, photocopying, electronic mail, 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 combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.
- (d) "Public records" shall mean any writing containing information relating to the conduct of the District's business prepared, owned, used, or retained by the District regardless of physical form or characteristics.
- (e) "Requester" shall mean a person, or representative of a person, who has submitted a request for records to the District by mail, fax, e-mail, telephone or in person.

2. Right to Inspect

Disclosable public records of the District are open to inspection by any person at all times during the normal business hours of the District offices, in accordance with Section 5 of this policy. Copies of disclosable public records may be obtained by any person, in accordance with the procedures set forth in this policy. Any disclosable portion of a record that can be reasonably separated from any portions of the record that are exempt by law shall be made available for

inspection and/or copying after the exempt portions have been deleted. Any request for records and any responding documents may be subject to review by the District's legal counsel prior to any inspection of the records or delivery of copies.

3. Records Exempt from Disclosure

Records which are exempt from disclosure by law include but are not limited to the following:

- (a) Preliminary drafts, notes, interagency, or intra-agency memoranda which are not retained by the District in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure. (Gov. Code § 6254, subd. (a).)
- (b) Records pertaining to pending litigation to which the District is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such pending litigation or claim has been finally adjudicated or otherwise settled. (Gov. Code § 6254, subd. (b).)
- (c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Gov. Code § 6354, subd. (c).)
- (d) Statements of personal worth or personal financial data required by the District and filed by an applicant with the District to establish his/her personal qualification for the license, certificate or permit applied for. (Gov. Code § 6254, subd. (n).)
- (e) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made for or by the District 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 agreements are obtained. However, the law of eminent domain shall not be affected by this provision. (Gov. Code § 6254, subd. (h).)
- (f) Computer software developed by a state or local agency is not itself a public record. (Gov. Code § 6254.9.)
- (g) The records made, if any, of closed sessions, along with any confidential information that has been acquired by being present in a closed session, are not public records subject to inspection, to the extent permitted by the Ralph M. Brown Act and the Public Records Act. (Gov. Code §§ 54957.2, 54963.)
- (h) Records the disclosure of which is exempted or prohibited pursuant to federal or state law (i.e., attorney-client privilege under the California Evidence Code). (Gov. Code § 6254, subd. (k).)

- (i) Social security numbers – State law requires local agencies to redact social security numbers from records before disclosing such records to the public. (Gov. Code § 6254.29.)
- (j) Test questions, scoring keys, and other examination data used to administer an examination for employment are exempt from disclosure. (Gov. Code § 6254, subd. (g).)
- (k) Library registration and circulation records are exempt from disclosure. (Gov. Code §§ 6254, subd. (j), 6267.)
- (l) Utility customer information – names, credit histories, utility usage data, home addresses, or home telephone numbers are exempt from disclosure except under specific circumstances. (Gov. Code § 6254.16.)

This partial list of exemptions is subject to existing State and federal law, and any changes in the law are automatically incorporated into this policy. An expanded list of exempt documents and documents which are not deemed to be public records is provided in the California Public Records Act (Gov. Code §§ 6250 et seq.)

4. Requests to Inspect and/or Make Copies

Requests Must be Submitted to the District During Normal Business Hours. All requests for records must be submitted to the District during normal business hours when District offices are open. Receiving requests during normal business hours helps District’s staff avoid any delays in responding to requests for inspection and/or copies of District records. This requirement complies with the Public Records Act mandate that public records must be “open to inspection at all times during the office hours of the state or local agency...” (Gov. Code § 6253, subd. (a).) (Emphasis added.) This requirement to submit records requests during normal business hours also complies with the Public Records Act provision that allows the District to “adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in [the Public Records Act].” (Gov. Code § 6253, subd. (e).)

Requests Should be Submitted in Writing to the District. The District encourages members of the public to submit all records requests in writing to the District’s office, preferably using the Public Record Request form attached as Exhibit “A” to this policy. Written requests reduce any misunderstandings between the requester and District’s staff, which allows District’s staff to respond to records requests in a timely manner and with greater efficiency. However, the District will not deny a request for records solely because it is not submitted in writing.

All Verbal Requests Must be Submitted to the District’s Office. If any member of the public chooses to make a verbal request for records, such requests will only be accepted through the District’s office during normal business hours when District offices are open. District personnel in other District departments who receive verbal requests for records will direct the requester to contact the District’s office.

Requests Should Clearly Identify the Records. The requester should, in writing, specify the records to be inspected/copied with sufficient detail to enable the District to identify the particular records. If the request seems ambiguous or unfocused, District staff will make a reasonable effort to obtain additional clarifying information from the requester that will help identify the record or records. Pursuant to Government Code Section 6253.1, District staff shall do all of the following, to the extent reasonable under the circumstances:

- Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;
- Describe the information technology and physical location in which the records exist; and
- Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

5. Making Determinations on Records Requests/Taking Time Extensions

The District, upon a request to inspect or copy records, shall, within ten (10) days from receipt of the request, determine whether the request, in whole or in part, seeks disclosable public records in the possession of the District. District staff shall promptly notify the person making the request of the District's determination and the reasons for the determination. In unusual circumstances, the time limit for providing the determination on a records request may be extended by written notice to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be provided. Any extension of time will not last more than fourteen (14) calendar days. 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. As used in this policy and pursuant to Government Code section 6253, subdivision (c), "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (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 determination of the request or among two or more components of the District having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

6. Procedures for Requests for Inspection and/or Copies

Requests for inspection and/or copies of records determined to be disclosable will be handled as follows:

- (1) Requests Received by Mail - The District or a member of the District's staff will notify the requester of the fees to be paid to the District for copies of such records. Upon receipt of such fees, the District or a member of the District's staff shall prepare and mail copies of such records to the requester.
- (2) Requests Delivered in Person - Copies of requested documents will be provided after payment of fees in accordance with the established fee schedule (Exhibit "B"). As previously stated, requests for records should be submitted in writing, preferably by completing the attached Public Records Request form.
- (3) Requests Received by Telephone - In response to a telephone request for copies of District records, the District or a member of the District's staff will explain the records request procedure (including established fees) as outlined above. Payment of fees is required before copies may be prepared. A Public Records Request form (Exhibit "A") should be completed by the District employee receiving the request by telephone.
- (4) Requests Received by Fax - In response to a faxed request for copies of District records, the District or a member of the District's staff will explain to the requester the procedures (including established fees) as stated above. Payment of fees is required before copies may be prepared.
- (5) Requests Received by E-mail - In response to a request by e-mail for copies of District records, the District or a member of the District's staff will transmit to the requester an explanation of the procedures (including established fees) as outlined in subsections (1) and (2) above, and transmit Exhibits "A" and "B" to the Requester. Payment of fees is required before copies may be prepared.

Any person in attendance at an inspection of District records may request a copy of any disclosable record being inspected. Upon completion of the written request and payment of the applicable fees, the District or a member of the District's staff will prepare copies of the requested records at the time of inspection. If a large number of copies is requested after a records inspection, District staff may need additional time to make the requested copies.

7. Fees for Copies

The District shall charge fees for copies or certified copies of identifiable public records or information as set forth in Exhibit "B."



Exhibit "A"
RUNNING SPRINGS WATER DISTRICT
 A Multi-Service, Independent Special District
 31242 Hilltop Blvd * Post Office Box 2206
 Running Springs, CA 92382
 (909) 867-2766
PUBLIC RECORDS REQUEST FORM

Date: _____

I, _____, representing _____
 (Name) (Company/Self/Etc.)

hereby request certain public records pursuant to the California Public Records Act, Government Code sections 6250-6268:

PLEASE DESCRIBE THE DOCUMENT(S)/INFORMATION THAT YOU WOULD LIKE COPIES OF, INCLUDING THE APPROPRIATE DATE/TIME FRAME AS NECESSARY. ALSO, PLEASE INDICATE THE NUMBER OF COPIES. AN AGENCY HAS 10 DAYS TO DECIDE IF COPIES WILL BE PROVIDED. THE AGENCY MAY UPON WRITTEN NOTICE TO THE REQUESTERS, GIVE ITSELF AN ADDITIONAL 14 DAYS TO RESPOND.

I understand that for each page I request, I will be charged \$0.15 per copy. I agree to pay for those copies before receiving the material. I also understand that my public information request form and information may be posted on the District's website.

Signature: _____

Name: _____
 (Please Print)

Telephone: _____

Address: _____

Email Address: _____

 NOTE: Legal public records (subject to attorney-client privilege and any other applicable provisions of law) should be requested directly from the District's legal counsel: BEST BEST & KRIEGER LLP (Mike Riddell), 3390 University Ave, 5th Floor, Riverside, CA 92502 – (951) 686-1450. The District reserves the right to delete any portion of the material requested that is exempt by applicable provisions of law, but will provide the remainder of the information requested.

FOR DISTRICT USE ONLY

No. of pages @ \$0.15 per page: _____

Other Costs (e.g. maps, blueprints, DVDs, etc): _____

Total Amount Due: _____

Date Notified: _____

Actual Staff Time: _____

Staff Signature: _____

**PUBLIC RECORDS REQUEST
EXHIBIT "B"
SCHEDULE OF DISTRICT COPYING FEES**

Description	Price
Copy Price per Page – Standard Letter Size (8 1/2” x 11”) [No charge for documents that are four (4) pages or less]	15¢ per page
Copy Price per Page - Legal Size (8 1/2” X 14”)	15¢ per page
Copy charges for oversized documents that must be outsourced for duplication/reproduction	Actual cost
Price for Public Records in electronic format, including DVD of public meetings, when requested in electronic format, shall be calculated by the District in accordance with Government Code Section 6253.9, as it may be amended from time to time.	Per Gov. Code Section 6253.9
Copy charge for duplication of DVD	\$5.00 per DVD
Note : Payment is required in advance of delivery of any requested records.	

All fees are in compliance with the District's fee schedule and are subject to change as the fee schedule is updated.