



Costa Mesa Sanitary District

Administrative Regulations No. 60.00

Date Approved: May 23, 2013

SUBJECT: Public Records Act Request Policy

PURPOSE: Establish procedures to facilitate accessibility of information to members of the public

I. Purpose

The purpose of this policy is to affirm the public's right to access District records and to set forth the procedures that will facilitate accessibility of information to members of the public.

II. Policy

The public's right to access 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. The California Public Records Act permits local agencies to adopt regulations stating the procedures to be followed when making their records available to the public. The Costa Mesa Sanitary District (CMSD) General Manager desires to establish a formal written policy affirming the public's right to access CMSD records and to set forth the procedures by which such records will be made available to the public. The General Manager is mindful of the constitutional right of privacy accorded to individuals and it is the intent of the General Manager to promulgate a policy that strikes an appropriate balance between the objectives of open government and the individual's right of privacy. This policy supplements Chapter 1.07 of the CMSD Operations Code.

III. Procedures

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 District, 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 computer tape or disc or video or audio recording. "Writing" includes any handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation such as letters, words, pictures, sounds, or symbols, as well as all papers, maps, magnetic or paper tapes, photographic films and prints, and electronic mail.

B. Locating and Identifying Records

Public records are open to inspection at all times during regular District business hours. The District Clerk's Office maintains a centralized record keeping system. The District

Clerk or his/her representative is responsible for responding to requests for records and coordinating the response, when appropriate. The District Clerk or his/her representative shall also, to the extent reasonably practicable, assist the public in making focused and effective requests for records and information. In order to accomplish this the District Clerk or his/her representative shall: (1) assist the member of the public with identification of records and information that are responsive to the request or the purpose of the request, if known; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying the request.

C. Making a Request for Records

Requests should be made in writing and must contain a reasonable description of the desired records in order to expedite processing of the request. Request can be made using email, via CMSD's website at www.cmsdca.gov, or members of the public can download a Public Records Act Request form from CMSD's website and fax said form to (714) 650-2253.

D. Form of Records Provided

Records shall be made available in their original form or by a true and correct copy. Audio, photographic and computer data, or any other such records, shall be exact replicas unless the District Clerk or his/her representative 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.

E. Time for Response

Upon receipt of a written or oral request for records, CMSD shall make the records promptly available to the requestor. In cases where the records are not readily identifiable or accessible, or additional time is needed to determine whether the request in whole or in part seeks copies of disclosable records, CMSD will have ten (10) calendar days to provide its determination. The ten (10) day time period shall be calculated from the date the request is received.

In unusual circumstances, CMSD may extend its time to respond by an additional fourteen (14) calendar days. Should this occur, CMSD will inform the requestor in writing of the extension within the initial ten (10) day period, setting forth the reasons for the extension, along with the estimated date of CMSD's further response. Unusual circumstances permitting the extension of time are limited to: (1) the need to search for and collect the requested records from facilities 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 have been asked for in a single request; (3) the need for consultation with another department or another agency that has a substantial interest in the response to the request; and/or (4) the need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

If a written request for information is denied in whole or in part, the denial shall be in writing and shall contain the explicit reasons for denial of access.

F. Fees and Charges

In most situations, CMSD will not charge any fees to cover the time and costs incurred in searching for, locating or collecting records. CMSD, however, may charge for the actual costs of duplicating paper copies of records and postage, consistent with the amounts set forth in the adoption of CMSD Resolution No. 2013-831. CMSD may also charge for duplication costs in another medium in accordance with the amounts set forth in the resolution (e.g. copying video or cassette tapes).

Requestors of electronic records shall pay for production costs, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy if the request would require the production of a record that is otherwise only produced at regularly scheduled intervals, or the request would require data compilation, extraction, or programming to produce the record. However, CMSD will not charge for access to data that is readily accessible without significant cost to CMSD.

Attachment – Public Records Act Request Form



COSTA MESA SANITARY DISTRICT
FAX (949) 650-2253

PUBLIC RECORDS ACT REQUEST FORM

DATE: _____

Requestor _____

Address _____

City/State/Zip _____

Telephone _____

Email _____

Please provide a written description of the records you are requesting below. The more specific you are, the easier it will be to determine if such records exist in District files. Use additional sheets if needed.
