

CITY OF MADERA

Administrative Policy

POLICY NUMBER: AP-44

Date:

Adopted 11/03/99 by Res. 99-223

Revised Date: N/A

Subject: Inspection of Public Records

Purpose

To provide public records policy in coordination with the Public Records Act, Government Code Section 6250 et seq.)

Policy

A "record" is defined as any writing containing information relating to the conduct of the public's business that is prepared, owned, used or retained regardless of physical form or characteristics. A public record not specifically exempt from disclosure must be released to any citizen if requested unless the public interest served by not releasing it clearly outweighs the public interest by its release.

Records are open to inspection during normal office hours unless it would disrupt the orderly function of the office, interfere with public business unreasonably, or is needed by other staff members to conduct public business.

Where possible all record requests should be submitted in writing, unless requestor refuses. Written requests clarify what documents are requested. See Attachment "A" Written Request for Release of Information form.

Determination as to whether a record is public and open to inspection shall be made by the Department Head or his appointed representative. Refusals shall be reviewed by the City Attorney. When a decision is made not to disclose records, a written determination of non-disclosure shall be prepared in accordance with the Public Records Act.

If a requested record contains both public and private information, or there is any question as to whether the record is a public document, it shall be referred immediately to the Department Head or City Attorney for review. Documents containing both public and private information can be released after editing out the non-public information by blacking out, whiting out, covering or removing the private information.

Any subpoena for the City, or business information that concerns any litigation, shall be brought to the immediate attention of the City Attorney.

Computerized data is eligible for public access in accordance with the Public Records Act with the provider ensuring that software is not released in violation of licensing agreements and the security of the City's computer system is maintained. The requester shall provide the computer media that is compatible with the data's current format; staff is not required to reformat the data or create a new record to accommodate the requestor.

All requests for copies of documents will be provided at a per page price as set by City resolution. A copy service may be provided at the expense of the requestor in which case no charge would be applicable.

A member of City staff must be present while another person is inspecting records.

Some types of records that can be released:

- ❑ Material released to elected/appointed officials and media will be available to the public at the same time;
- ❑ City ordinances, resolutions, budgets, environmental impact reports, consultant reports, staff reports, agendas, minutes of meetings, zoning and general plan documents, approved construction plans, calculations and specifications, and approved building permits;
- ❑ Agenda packets of the City Council, Planning Commission and all other designated agencies and commissions of the City of Madera.

Some, but not all, of the types of records exempt from disclosure:

- ❑ Preliminary drafts not retained in the ordinary course of business;
- ❑ Records pertaining to pending litigation 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;
- ❑ Geographical and geo-physical data, plant production data and similar information relating to utility systems development;
- ❑ Market or crop reports, or other material obtained in confidence from any person;
- ❑ Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of the Police and/or Fire Department – see Section 6254(f) of the Government Code;
- ❑ Test questions, scoring keys, or other exam data used for licensing, employment or academic examination;
- ❑ Information to any person that would result in unfair competitive advantage to the person supplying such information;
- ❑ Municipal election voted ballots;
- ❑ Contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the City relative to the acquisition of property, or to prospective public supply and construction contracts, until such time as all the property has been acquired or all the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision.

In addition, computer information and/or e-mail information requests need to be referred to the City Attorney.

Nothing in this policy shall be interpreted to require the City to disclose records which disclosure is not otherwise required by the Public Records Act.

Responses to requests for records should be handled as soon as possible, however, the law allows 10 days to respond to a record request. If the 10-day limit may be exceeded, immediately request the City Attorney to provide a letter to the requestor; extensions of time are allowed in unusual circumstances.

Attachment "A"
City of Madera
Written Request for Release of Information Under
the Public Records Act

Date of Request: _____
Name of Requestor: _____
Address of Requestor: _____
Telephone Number of Requestor: _____

Below, please describe to the best of your ability the identifiable record or records you are requesting. City staff will expedite your request in a timely manner. Nevertheless, Government Code Section 6253(c) provides public agencies up to 10 days to determine if a record being requested is a public document. In no case will this provision be used as a reason to delay delivery of a document. In the event the document cannot be provided you will receive a written explanation of the cause for non- release.

DOCUMENT(S) REQUESTED:

A copy fee of \$.10 for single sided and \$.15 for double sided will be charged for any document you desire in accordance with the Public Records Act.

DO NOT WRITE BELOW THIS LINE - FOR OFFICE USE ONLY

Copy Released: _____ Copy Denied: _____

If Denied, reason for denial: _____

Release approved by: _____

If mailed, dated mailed: _____ Mailed by: _____