

Tracy Rural County Fire Protection District

Board of Directors

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TRACY RURAL COUNTY FIRE PROTECTION DISTRICT PUBLIC RECORDS ACT POLICY

SUBJECT: Public Records Act Policy

DATE UPDATED: February 18, 2020

SECTION 1: PURPOSE

This policy sets forth the procedures of the Tracy Rural County Fire Protection District (“District”) for handling requests to inspect and/or copy public records. This policy is established in accordance with Government Code section 6253.4(a), which states, “Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section.” 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 of California or federal law, the law shall take precedence.

SECTION 2: POLICY

The District has adopted this policy to ensure that members of the public may have access to public records concerning the conduct of the District’s business. It is the policy of the District that public records will be disclosed upon request, unless the law provides an exemption from disclosure. Records are open to inspection at all times during normal business hours at the District office located at 1820 W. Kettleman Lane, Suite F, Lodi, CA 95242.

SECTION 3: PROCEDURES

3.1 Right to Inspect

Disclosable public records of the District are open to inspection by any person at all times during normal business hours of the District’s office. All requests to view or photocopy District records shall be forwarded to the District’s Clerk of the Board for processing. 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 or redacted. 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. No documents shall be removed from the District’s office and a representative of the District will be present during the inspection of any records.

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Within ten (10) calendar days after the receipt of such request, the Clerk of the Board shall determine whether to comply with such request and shall immediately notify the person making the request of such determination and the reasons thereof. If immediate disclosure is not possible, the District shall provide the records within a reasonable period of time, along with an estimate of the date that the records will be available.

3.2 Request to Inspect and/or Make Copies

Request Must be Submitted to the Clerk of the Board During Normal Business Hours.

All requests for records must be submitted to the District's office during normal business hours to avoid any delays in responding to requests for inspection and/or copies of public 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 of local agency..." (Gov. Code §6253(a)). This requirement to submit records request 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(e)).

Requests Should be Submitted in Writing to the Clerk of the Board.

The District encourages members of the public to submit all records requests in writing to the Clerk of the Board's office, using the Public Record Request form. Written requests reduce any misunderstanding between the requestor and District staff, which allows District 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 Clerk of the Board.

If any member of the public chooses to make a verbal request for records, such request will only be accepted through the Clerk of the Board's office during normal business hours when the District's office is open. Personnel in other departments who receive verbal requests for records will direct the requestor to contact the Clerk of the Board.

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Requests Should Clearly Identify the Records.

The requestor 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, the District staff will make a reasonable effort to obtain additional clarifying information from the requestor that will help identify the record(s). Pursuant to Government Code §6253.1, District staff shall do all of the following, to the extent reasonable under the circumstances:

3.3 The District Must Withhold from Disclosure Exempt Records

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

(a) Preliminary draft, 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(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 the pending litigation or the claim has been finally adjudicated or otherwise settled. (Gov. Code §6254(b))

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Gov. Code §6254(c))

(d) The contents or 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. This provision does not include documents related to eminent domain actions. (Gov. Code §6254(h))

(e) Confidential information that has been acquired by being present in a closed session. Any such information and documents are not public records subject to inspection, to the extent permitted by the Ralph M. Brown Act and the Public Records Act. (Gov. Code §§ 5957.2, 54963)

(f) Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

(g) Statements of personal worth or personal financial data required by the District acting in the capacity of a licensing agency and filed by an applicant with the District to establish his personal qualifications for the license, certificate, or permit he seeks.

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(h) Memoranda, correspondence, and writings submitted to the District or its Board of Directors by District's legal counsel pursuant to the attorney-client privilege.

(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) The District also possesses the discretion to claim an exemption in those instances where the public interest served by not making the record public clearly outweighs the public interest served by disclosure.

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.*)

3.4 Fees Imposed for Copying

In accordance with state guidelines and laws for copying fees.

Payment is required in advance of delivery of copies of any requested records.

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

Approved as to form:

Policy/Procedure approved by:
