



Administrative Policy Manual

Policy No.: A-24

Date: 10/24/07

Approved: [Signature]

SUBJECT: ADMINISTRATIVE MANUAL

PURPOSE: Requests for Public Records

I. Purpose

To establish standards with respect to the acceptance of and response to requests for and access to public records; and to ensure a prompt and appropriate response to all requests for public records.

To ensure compliance with the California Public Records Act, which allows local agencies to adopt policies to be followed when making records available, and to protect legitimate business and legal interests of the City governmental organization.

This policy does not supersede the independent applicability of other laws which may have different or more stringent access to public records such as provisions of, but not limited to, the Political Reform Act, Labor Code or Penal Code.

Policy Statement

The public's right to access information is a fundamental and necessary right. The City of Indio supports the principle that every person has a right to information concerning the conduct of the peoples' business.

The City is mindful of the constitutional right of privacy accorded to individuals and it is the intent of the City of Indio to promulgate a policy that strikes an appropriate balance between the objectives of open and transparent government and an individual's right of privacy.

II. Application

This procedure applies to all City Departments and Employees.

Each Department/Division of the City shall maintain a sufficient supply and provide to the public, a Request for Public Records Form (Attachment 1). Departments may obtain blank forms from the City Clerk's Department and on the "K" Drive.

Requests for Public Records submitted to any Department/Division shall immediately be forwarded to the City Clerk. Under the provisions of the CPRA, the City Clerk must respond in ten days, in writing. The response is either the requested documents or an explanation of decision and when the request will be completed.

III. Procedure

Records Available for Inspection and Copying

Records available for inspection and copying include any writing (as defined in the Public Records Act) containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by the City, regardless of the physical form and characteristics. Records do not have to be on paper, but may be on another media/format that contains information such as a computer disc, video and/or audio recording.

Exempt Records

Records exempt from disclosure are those records specifically cited by the Public Records Act not subject to disclosure. Specific exemptions include, but are not limited to: preliminary drafts of certain documents that are NOT retained by the City in the ordinary course of business; records related to pending litigation and attorney-client privileged documents/communications; personnel, medical or similar records, the disclosure of which would constitute an unwarranted invasion of personal privacy; corporate financial and proprietary information; certain ballot measure and voter registration documents; citizen complaints against law enforcement, certain arrest records and investigation records; utility customer records; certain records and documents containing personal information, such as social security number, home addresses and the like; ongoing negotiations, feasibility studies, real estate negotiations; other records exempted by State and Federal Law.

Certain documents and records maintained by the City are exempt from public disclosure because the public interest served by non-disclosure clearly outweighs the public interest served by making the record public. The City Clerk will work with the City Attorney to determine exemptions. The City Clerk will notify the requestor of any exemptions in writing within the prescribed ten day time frame.

Pursuant to the passage of Proposition 59, the City will make every effort to lean toward disclosure and openness when there is no specific exemption that applies; and shall provide detailed explanations when withholding records.

Pursuant to the California Supreme Court's decision in International Federation of Professional and Technical Engineers, Local 21, AFL-CIO, et seq. v. Superior Court (Alameda County) (2007) 42 Cal. 4th 319, on July 1 of each year, or as soon thereafter as is reasonably practicable, a list of the names, titles, salary and overtime of employees earning \$100,000 or more in the prior fiscal year shall be provided. In

providing such records, staff will preserve employee privacy to the utmost extent legally permissible.

Partial Disclosure

The City should not take an all or nothing approach in evaluating a request. Any reasonably segregable portion of a record must be made available after deletion of portions that are exempt.

Locating and Identifying Records

The City does not maintain a centralized record keeping system, other than certain documents routinely maintained by the City Clerk. Each of the City's individual departments maintains and has custody of records and information relating to the responsibilities and work performed by the particular department.

Public Assistance

To the extent reasonable under the circumstances, the City Clerk and/or City staff shall assist the member of the public in identifying records and information that are responsive to the records or to the purpose of the request.

In order to accomplish this the City Clerk 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.

City staff shall not provide any legal advice to the public regarding compliance with this policy or with the Public Records Act or other matters.

Inspection Provisions

Public records are open to inspection at all times during regular City business hours. No public record may be removed from City offices or facilities, or leave City custody at any time. Additionally, a staff person needs to be present whenever an individual is reviewing original City documents.

Outside Copy Service

Any person may arrange to have records copied at City offices or facilities by licensed and bonded outside copy service at his/her expense. A staff person needs to be present whenever an outside copy service is handling City documents. The City reserves the right, under unusual circumstances, to insist that only city staff handle records responsive to individual requests.

Receiving a Request for Records

Any person or entity may make a Public Records Act request. There is no specific form that must be used to request records, nor is there any language that must be used when making a request. Requests may be made orally or by telephone, or in writing; either in person, through the mail, or via e-mail. The request, however, does need to contain a reasonable description of the desired records.

The City has prepared a Request for Public Records Form to assist persons making a request.

Department Responsibilities

Each Department shall designate a person or persons who will be responsible for receiving and forwarding requests for public records to the office of the City Clerk. Furthermore, each department/division including information technician, shall designate an employee to cooperate with the City Clerk's Department in processing Public Records Act requests.

Upon receiving a request for records pertaining to Departmental records, the Department should time/date stamp the request, and forward to the office of the City Clerk. The City Clerk will then forward to the appropriate department to provide the information to the City Clerk by a date certain. The City Clerk shall promptly respond to the request, as outlined in the Section "Time for Response". The City Clerk's Office shall coordinate and respond to all requests.

Exceptions for the requirement to forward requests to the City Clerk:

- Building Permits
- Building Plans
- Copies of resolutions, ordinances, minutes of any legislative body
- Planning Entitlement Project files

If a particular request requires research as to the existence of the requested record and/or its location, the Department staff shall promptly begin researching the request and shall immediately note and calendar, the last date to respond to the request which is ten calendar days after receiving the request.

The City Clerk shall review records prior to inspection and copy to determine if any record or portion of record is exempt from production.

The City Clerk shall ensure records are safeguarded and provide access to and copies of records as requested, and ensure fees are paid for copies.

If a request for records is directed to a Department that does not maintain or have custody of the records, or the request pertains to records in more than one Department,

then the Department representative shall promptly forward the request to the City Clerk's office.

City Clerk's Office Responsibilities

Upon receiving a request for records pertaining to an individual Department, the City Clerk shall time/date stamp the request, and forward the request for response to the Department.

Upon receiving a request for records pertaining to multiple Departments, the City Clerk shall notify each Department of the request and the "Time for Response." The City Clerk's office shall coordinate and respond to all multi-departmental requests.

The City Clerk shall coordinate with the City Attorney's Office, the appropriate response and withholding of any document or portions of a document with the City Attorney's office. The City Clerk shall bring any Public Records Act request related to pending litigation or threatened litigation to the City Attorney's attention.

If a request for information is denied in whole or in part, the City Clerk shall prepare the denial in writing containing the explicit reasons for denial of access to the records.

Time for Response

Upon receipt of a request, the City Clerk shall make the records promptly available to the requestor during business hours. If a request to inspect records includes numerous files and/or documents, or requires the coordination by more than one City Department, the City Clerk reserves the right to set a date and time when the records will be made available for inspection.

In cases where the records are not readily identifiable or accessible, or includes numerous files and/or documents, or additional time is needed to determine whether the request, in whole or in part, seeks copies of disclosable records, the City will have ten (10) calendar days to provide its determination.

In unusual circumstances, the City may extend its time to respond by an additional fourteen (14) calendar days. Unusual circumstances are limited to those situations defined in the Public Records Act; such as: the need to search and collect from outside facilities, the need to search for, collect and examine a voluminous amount of separate distinct records in a single request, the need to coordinate with an outside agency, the need to collect data or write programming language. Only the City Clerk's office or the City Attorney may extend the time to respond.

Fees and Charges

In most situations, the City will not charge any fees to cover the time and costs incurred in searching for, locating, or collecting records. Therefore, there is no charge for inspection of records.

The City Clerk shall charge for the actual costs of duplicating and mailing documents consistent with the amounts set forth in the City's Comprehensive Fee Schedule.

The City Clerk may request a reasonable deposit to cover the estimated costs in advance of commencing the work.

Requestors of electronic records shall pay for production costs to construct the records 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, the requestor will not be charged for access to data that is readily accessible without significant cost to the City.

Electronic Format

When requested by any person the City Clerk shall make information available in any electronic format in which it holds the information. The City Clerk shall provide a copy of an electronic record in the format requested, if the requested format is one that has been used by the City to create copies for its own use or provided to other agencies.

The City is not required to reconstruct a record in an electronic format if the City no longer has the record available in an electronic format.

The City is not required to release an electronic record if its release would jeopardize or compromise the security or integrity of the original record or any software in which it is maintained.

Creation and Retention

If a request for records seeks the production of records or documents that are not in existence at the time the request is made, the City is not obligated to create a document in order to respond to the request.

These procedures do not obligate City Departments to retain documents beyond the period of time designated for the department in the Records Retention schedule. In the event a request for records is received prior to its destruction, the City is obligated to produce the records.

IV. Effective Date

This procedure shall be effective immediately.

V. Forms and/or Documents Referenced

Request for Public Records

Fee Schedule



CITY OF INDIO
City Clerk's Office
Public Records Request

Please see attached City Policy on Public Records Act requests.

Date Requested

Please list each document file or record separately describing them as specifically as possible.

I wish to review
 obtain copies of the following public records

For copies, I/We the undersigned, request documents as indicated and agree to pay the City of Indio, if required, at the time of receipt.

Name/Organization:

Mailing Address:

Phone Number: Fax Number:

Signature:

Per California Government Code Section 6250, et seq., Public Records Act, please allow staff ten calendar days to respond to your request unless additional time is requested.

Disposition of Request:

Documents/response provided on ___/___/___

By: Mail Fax Delivered Verbal Phone

Amount Due/Paid: \$

Comments:

City Clerk Summary
 Schedule of Fees Charges for City Services
 Resolution 6683
 September 17, 2003

Fee Description	Current Fee	Comments
Agenda/Minute Mailing Service:		
Agendas	\$75/yr	
Minutes	\$100/yr	
Agenda Packets	\$450 yr	
Photocopying:	\$0.10	per page
Sale of Municipal Code Book	actual cost	
Audio Tape Duplication	\$10.00	
Annual Update Subscription	actual cost	
Elections Fees per State Election Code	actual cost	per state law
Rent Mediation:		
Hardship Petition	\$55.00	
Petition of Interpretation	\$55.00	
Respondent	\$55.00	
Hearing Fee	\$27.50	1/2 of hearing cost
A deposit is required at the time the Petition is filed	\$825.00	
Annual Registration	\$10/space	
Totals		