

SANTA CLARITA VALLEY WATER AGENCY
PUBLIC RECORDS ACT POLICY
(Board Approved May 2018)

GENERAL RULES APPLICABLE TO MEMBERS OF THE PUBLIC

1.1 Access to Agency Records

The Agency, pursuant to the California Public Records Act ("Act") (Government Code §§6250 et seq.) and in keeping with the public's right of access to all public records in the Agency's custody, and subject to certain exemptions as provided by law or necessary to protect individuals' privacy rights, adopts the following procedures.

1.1.1 Requesting Public Records and Agency's Response:

- a. Requests for public records of the Agency can be submitted verbally or in writing, and shall state whether the request is for inspection of records or for copies. The request must clearly identify the document, record or information requested, and the person making the request; and shall be dated and signed. The Agency will provide a form to be utilized by those persons requesting examination or copies of Agency records, as set forth in Exhibit A hereto.
- b. Requests to inspect public records of the Agency will be processed promptly in accordance with Section 1.1.2. Within ten (10) calendar days of receipt of a request for inspection of records, an Agency staff member will contact the requester to schedule a date and time for inspection, or (2) a written response will be provided explaining the reasons that the request is denied. Requests for copies of Agency records will be processed in accordance with Section 1.1.3 d, below.
- c. In accordance with Government Code Section 6253.1, the Agency shall assist the requesting party in identifying records and information that are responsive to the request or its stated purpose, if provided. When possible, the Agency will also provide suggestions to the requesting party to overcome any grounds for denying access to the records or information sought.
- d. The Agency will comply with its obligation to allow for inspection of records or to provide copies of records by posting any public record on its website and, in response to a request for records, directing the requesting party to the location on the website where the record is posted . Any such record posted on the Agency's website shall be posted in an open format in compliance with Government Code Section 6253.10.
- e. If any request for an Agency record relates to a record in an electronic format, the Agency will make the record available in any electronic format in which it holds that record or in the format requested if the requested format is one the Agency has used to make copies for its own use. However, the Agency will not release any record in electronic format if that release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the record is maintained. The requesting party must pay for

the Agency's cost of producing records in an electronic format, including the cost of programming and computer services if the request requires data compilation, extraction or programming to produce the record, or if the Agency would be required to produce the requested electronic records at other than a regularly scheduled interval.

1.1.2 Inspection of Public Records:

The Agency will provide an area at its offices for inspection of its public records. Inspections may take place only during regular Agency business hours, must take place on Agency premises, and will be subject to observation by Agency personnel. These procedures are for the sole purpose of protecting original records against tampering or theft. Any inspection of original Agency records will be subject to the following rules:

- a. No document or record, or any part thereof, shall be removed from the file, notebook, folder, or other compilation in which it is contained.
- b. No document or record shall be written on, marked on, or erased, nor shall any writing or information therein otherwise be removed; nor shall any person destroy, mutilate, deface, alter or falsify any document or record. Violations of this rule will be prosecuted pursuant to Government Code §6201.
- c. The party examining records shall comply with all instructions of Agency personnel. Agency personnel may terminate or restrict the inspection as may be necessary to preserve Agency records.

1.1.3 Copying Public Records:

- a. Within ten (10) days of receipt of a request for copies of identifiable public records, the Agency will provide a determination on the request, and will thereafter notify the requesting party of its determination and the reasons therefor. In unusual circumstances, as described in Section 1.1.4, below, the response time for providing a determination may be extended up to an additional fourteen calendar days.
- b. Upon denial of a request in whole or in part, the reviewing official will provide a written response to the request by mail and/or email stating the reasons for the denial, including whether the requested document is exempt from disclosure pursuant to the Act, as described in Sections 1.1.6 and 1.1.7, below.
- c. Where a portion of the record requested contains information which is exempt from disclosure under the Act, the reviewing official will make a determination as to whether the non-exempt portion of the record is reasonably segregable from the exempt portion of the record.
- d. The requesting party will be notified in writing identifying the documents and records to be produced and stating that the requesting party may obtain the copies to be produced upon payment of the copying costs, as specified in the written response. The Agency has established a schedule of fees to cover the costs of duplication, which schedule of fees may be adjusted from time to time as determined by the Board. The current schedule of fees:

1. Copies of Agency Records – the cost is \$.25 per page for paper copies. The cost for electronic records provided on a CD/DVD is \$2.00 per CD/DVD.
 2. If the copies are requested to be mailed, the copy charge and postage fee must be paid prior to shipment.
 3. There is no charge for electronic copies provided as attachments to email or through file-sharing sites..
- e. Payment of the cost of copying and mailing requested records may be by cash, or by check or money order made payable to “Santa Clarita Valley Water Agency.” Payment for copies/mailling must be made before the copies will be provided to the requesting party. Upon receipt of the requester’s payment, the copied records will be mailed. Alternatively, copies may be picked up at the Agency office.

1.1.4 Extensions of Time to Respond:

The Agency will make every effort to respond to records requests within the 10-day period specified above. However, the Agency may take up to an additional fourteen (14) calendar days to provide a determination on a records request if one or more of the following unusual circumstances exists:

- a. The requested documents or records must be collected from field facilities or other locations separate from the Agency’s main offices.
- b. The request requires Agency personnel to search for, collect and appropriately examine a voluminous amount of separate and distinct records.
- c. There is a need for consultation with another agency having a substantial subject matter interest in the documents requested. Such consultation will be conducted with all practicable speed.
- d. There is a need to compile data, to write programming language or a computer program, or to construct a computer report to extract data for the request.

Upon determination by the reviewing official that additional time is required to provide a determination for a records request, the Agency will notify the requesting party in writing of the reasons for the extension and the date on which the Agency's determination will be available.

1.1.5 Review of Personal Electronic Devices and Personal E-Mail Accounts:

- a. Upon receipt of a request under the Act that may involve responsive records that have been transmitted by an employee or Director through the employee’s or Director’s personal electronic devices (including, but not limited to, a smart phone, tablet or laptop computer) or personal e-mail account, the Agency’s General Manager, General Counsel or Board Secretary shall notify any employee or Director who may reasonably be expected to have any such requested records of the need for that employee or Director to search his or her personal device(s) and personal e-mail account(s) for any responsive records

(including, but not limited to, text messages, e-mails or other electronic records). Any such search will be conducted promptly, and in good faith, upon receipt of notice from the General Manager, General Counsel or Board Secretary, in order to ensure the Agency complies with the timeframes for responding to the request in accordance with this policy.

- b. Upon completion of the search of any such devices or accounts, the employee or Director shall complete the declaration in the form attached hereto as Exhibit A, stating the result of the search. The Agency shall provide training for all employees and Directors regarding how to conduct such searches and how to differentiate and segregate public records from private records. The Agency shall have personnel available to assist any employee or Director who requests assistance in conducting such a search.
- c. The Agency shall incorporate into its separate electronic communications policy provisions designed to minimize the likelihood of an employee or Director using his or her personal electronic device or personal e-mail account for Agency business.

1.1.6 Review for Exemption:

- a. The Agency's Board of Directors designates the General Manager as the reviewing official. The reviewing official, or his or her designee, will have exclusive authority for reviewing and approving public records requests.
- b. The reviewing official must review and approve each request for inspection or copying before any public record of the Agency is released to the requesting party. Requests for public records may be received verbally or in writing and should be submitted to a reviewing official as soon as possible after receipt by Agency personnel.
- c. The requesting party will be informed as to the applicable time limits for the Agency's response, as provided under this policy.
- d. The reviewing official will determine whether or not the requested documents or records are exempt from disclosure under the Act. The reviewing official will direct Agency personnel to delete or otherwise redact exempt portions of otherwise disclosable records. Where there is a question as to whether a particular exemption applies, the reviewing official may consult with Agency General Counsel prior to disclosure.
- e. Where the facts of a particular case dictate that the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record, the request may be denied. The reviewing official may consult with Agency General Counsel prior to making such a determination.
- f. In response to inspection requests, the reviewing official may direct Agency staff to make such records immediately available upon a determination that the records are subject to disclosure. The official will designate the location for the inspection and shall direct an employee of the Agency to observe the inspection as provided above.

- g. Where a request to examine records is denied and in all cases of requests for copies, the reviewing official shall be identified in and shall sign the written response.
- h. The Agency will retain in its records copies of all requests for inspection or copying of public records, in accordance with the Agency's records retention guidelines.

1.1.7 Exempt and Non-exempt Records:

- a. Exempt Records: In addition to any other exemptions provided for under the Act, the following Agency records are exempt from disclosure:
 - 1. Preliminary drafts, notes, interagency and intra-agency memoranda which are not retained by the Agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure (Government Code §6254(a)).
 - 2. Records pertaining to pending litigation to which the Agency is a party, or records pertaining to claims filed against the Agency, which were created for the pending litigation, until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code §6254(b)).
 - 3. Personnel records of Agency employees and public officials, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Government Code §6254(c)).
 - 4. Medical, dental and other insurance records of Agency employees and directors (Government Code §6254(c)).
 - 5. Geological and geophysical data and similar information relating to water systems development which are obtained in confidence from any person (Government Code §6254(e)).
 - 6. The contents of real estate appraisals or engineering or feasibility estimates and evaluations prepared relative to the acquisition of property or to construction or supply contracts, until the property or agreement has been obtained (Government Code §6254(h)).
 - 7. Closed Session reports, minutes of Closed Session meetings, and legal memoranda and other materials distributed in a Closed Session of the Board of Directors held pursuant to Government Code §54956.9.
 - 8. Records the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege. (Government Code §6254(k)).

If applicable, the Agency shall specify in its written response to any request for inspection or copies of public records its determination that a record is exempt from disclosure under the Act.

The Agency's written response shall state all exemptions that apply to any record that is withheld.

- b. Non-Exempt Records. The following Agency records are subject to disclosure under the Act:
1. Minutes of Board meetings and agenda materials provided to Directors.
 2. Auditors' reports, budgets and financial reports of the Agency.
 3. Expense and disbursement records.
 4. All Agency ordinances, resolutions, regulations, policies and procedures.
 5. All Political Reform Act filings by Agency officers and directors.
 6. All correspondence or memoranda maintained in the ordinary course of Agency business and not subject to statutory exemption.

SANTA CLARITA VALLEY WATER AGENCY

INSTRUCTIONS FOR REQUESTING RECORDS

(California Public Records Act, Govt. Code Sections 6250-6276.48)

1. In order to expedite your request, requests for records should be in writing (verbal requests are excepted as well). Requests will be processed within 10 days from the date received. A Public Records Request Form can be faxed to you by calling (661) 297-1600. A form is also available on the Agency's web page at <http://www.yourscvwater.com>. Select the "Contact Us" menu, followed by the "Public Records" menu. Requests may be submitted by facsimile to (661) 297-1610, or by email to pr@scvwa.org.
2. Requests must be for records prepared, owned, used, or retained by the Agency (Gov. Code Sec. 6252(e)). Requests should be for clearly identifiable records. If necessary, the Agency will assist the requestor in making a request that describes reasonably identifiable records (Gov. Code Sec. 6253.1). Copies will not be provided if disclosure would infringe upon a copyright, trade secret, or is otherwise exempt in accordance with state law.
3. You will be notified within ten (10) days whether your request seeks copies of disclosable public records prepared, owned, used, or retained by this Agency. In most cases, your request will be completed within 10 days.
4. If the search for records finds the records voluminous, you will be notified of the approximate number of pages and/or length of time it will take to process your request.
5. If your request is to review records, rather than receive copies, the Agency will notify you once the records are gathered, and arrangements will be made for your review.
6. The charge for the direct cost of duplication is as follows: Paper Copies, \$0.25/page and CD's/DVD's are \$2.00 each. Payment will need to be received prior to the records being released.
7. For further clarification please refer to the California Public Records Act (California Gov. Code Sec. 6250 et seq.).

If you have questions pertaining to the submittal of a Public Records Act request, you may contact the Agency, (661) 297-1600, Monday through Thursday, 8:00 a.m. to 5:00 p.m. Our Fax number is (661) 297-1610. Our email address is pr@scvwa.org.

Santa Clarita Valley Water Agency

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