



Chairman

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County Board of
Supervisors

May 2, 2016

11

Vice Chairman

Sam Abed
Mayor
City of Escondido

TO: Local Agency Formation Commission

Members

Dianne Jacob
County Board of
Supervisors

FROM: Executive Officer
Local Governmental Analyst III

Andrew Vanderlaan
Public Member

SUBJECT: Administrative Policy A-104 (California Public Records Act Requests)

Lorie Zapf
Councilmember
City of San Diego

The San Diego Local Agency Formation Commission (LAFCO) has adopted Administrative and Legislative Policies to implement the Cortese-Knox-Hertzberg Act of 2000 consistent with State legislative findings and declarations regarding orderly growth and development. The policies assist the Commission in making balanced decisions while providing government officials and the public with an enhanced understanding of the factors considered in LAFCO deliberations.

Lorraine Wood
Councilmember
City of Carlsbad

Jo MacKenzie
Vista Irrigation District

Ed Sprague
Olivenhain Municipal
Water District

San Diego LAFCO has responsively complied with requests by members of the public for LAFCO public records on a case-by-case basis in accordance with the requirements of the California Public Records Act (Government Code Section 6250, et seq.). The California Public Records Act provides statutory direction regarding the types of public records available for inspection and subject to disclosure; the timelines for compliance with records requests; and the types of public records that are exempt from disclosure by express provisions of law.

Alternate Members

Greg Cox
County Board of
Supervisors

Administrative Policy A-104 (California Public Records Act Requests) has been developed to provide clarity and direction for procedural compliance with public records requests per provisions in State Law. Administrative Policy A-104 states that non-exempt LAFCO records are available for public inspection during regular LAFCO office hours (Monday-Friday, 8 a.m. to 5 p.m., except holidays).

Chris Cate
Councilmember
City of San Diego

Racquel Vasquez
Councilmember
City of Lemon Grove

Harry Mathis
Public Member

Vacant
Special District

Executive Officer

When copies of LAFCO records are requested, Policy A-104 provides that records not exempt from disclosure will be made promptly available upon payment of fees covering direct LAFCO costs of duplication, including the cost of programming and computer services if produced in an electronic format.

Michael D. Ott

Legal Counsel

Michael G. Colantuono

Within 10 days of receiving a request for records, the LAFCO Executive Officer will determine whether the request, in whole or in part, seeks copies of non-exempt LAFCO records, and will promptly notify the requestor of a determination and the reasons thereof.

In *unusual circumstances*, it may be necessary to request a 14-day extension to provide a determination; however, the Public Records Act states that *unusual circumstances* means the following, but only to the extent reasonably necessary to the proper processing of the particular request [*Government Code Section 6253(c)*]:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are 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 are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (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 requested non-exempt LAFCO public record is in an electronic format, LAFCO will make that information available in an electronic format upon payment of the direct cost of producing a copy of the record in an electronic format, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies [*Government Code Section 6253.9*]:

- (1) The electronic record is produced only at otherwise regularly scheduled intervals.
- (2) The request would require data compilation, extraction, or programming to produce the record.

Administrative Policy A-104 also provides direction for assisting members of the public in making a focused and effective public records request that reasonably describes an identifiable record or records [*Government Code Section 6253.1*]. Accordingly, LAFCO staff will:

- (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- (2) Describe the information technology and physical location in which the records exist.
- (3) Provide suggestions for overcoming any practical basis for denying access to non-exempt records or the information sought.

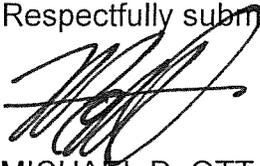
A LAFCO *Public Records Request Form* has been developed and will be available for public download from the LAFCO internet website. A copy of the form is attached for the Commission's reference.

In conclusion, adoption of Administrative Policy A-104 will establish guidelines to help to ensure public access to all LAFCO records subject to disclosure per the California

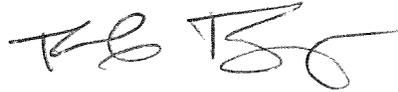
Public Records Act. Policy A-104 will also provide direction for LAFCO compliance with all requirements regarding public records requests. Therefore it is **RECOMMENDED:** That your Commission:

1. Review and discuss the Administrative Policy A-104; and,
2. Approve Administrative Policy A-104, or provide additional direction.

Respectfully submitted,



MICHAEL D. OTT
Executive Officer



ROBERT BARRY, AICP
Local Governmental Analyst III

MDO:RB:ra

Attachments: 1) Administrative Policy A-104 (draft)
2) LAFCO Public Records Request Form (draft)

Subject

CALIFORNIA PUBLIC RECORDS ACT REQUESTS

Purpose

To establish a procedure for requests of LAFCO public records subject to disclosure per the California Public Records Act (Government Code Section 6250, et seq.).

Background

The California State Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. [Government Code Section 6250]

The California Public Records Act (Government Code Section 6250, et seq.) provides statutory direction regarding the types of public records available for inspection and subject to disclosure; the timelines for compliance with records requests; and the types of public records that are exempt from disclosure by express provisions of law.

San Diego LAFCO has responsively complied with requests by members of the public for LAFCO public records on a case-by-case basis in accordance with the requirements of the California Public Records Act. Administrative Policy A-104 (California Public Records Act Requests) has been developed to provide clarity and direction for procedural compliance with public records requests per provisions in State Law.

Administrative Policy A-104 states that LAFCO records subject to disclosure are available for public inspection during regular LAFCO office hours (Monday-Friday, 8 a.m. to 5 p.m., except holidays). When copies of LAFCO records are requested, Policy A-104 provides that records not exempt from disclosure will be made promptly available upon payment of fees covering direct LAFCO costs of duplication, including the cost of programming and computer services if produced in an electronic format.

Policy

It is the policy of the San Diego Local Agency Formation Commission to comply

with all requests for copies of information by members of the public in accordance with the California Public Records Act [Government Code Section 6250, et seq.].

1. San Diego LAFCO public records subject to disclosure are open to inspection at all times during the regular LAFCO office hours (8 a.m. – 5 p.m., Monday – Friday, except holidays). Every person has a right to inspect any public record and any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. [Government Code Section 6253(a)]
2. Except with respect to public records exempt from disclosure by express provisions of law, San Diego LAFCO, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication. Upon request, an exact copy shall be provided unless impracticable to do so. For producing non-exempt public records in an electronic format, refer to Policy 6 of Administrative Policy A-104 [Government Code Section 6253(b)]
3. San Diego LAFCO, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of LAFCO and shall promptly notify the person making the request of the determination and the reasons therefor. [Government Code Section 6253(c)]
4. In *unusual circumstances*, the 10 day time limit may be extended by written notice by the LAFCO Executive Officer to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When LAFCO dispatches the determination, and if LAFCO determines that the request seeks disclosable public records, LAFCO shall state the estimated date and time when the records will be made available. [Government Code Section 6253(c)]
5. The Public Records Act states that “*unusual circumstances*” means the following,

but only to the extent reasonably necessary to the proper processing of the particular request:

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(c) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(d) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

[Government Code Section 6253(c)]

6. If a requested non-exempt LAFCO public record is in an electronic format, LAFCO will make that information available in an electronic format upon payment of the direct cost of producing a copy of a record in an electronic format, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

(a) The electronic record is produced only at otherwise regularly scheduled intervals.

(b) The request would require data compilation, extraction, or programming to produce the record.

[Government Code Section 6253.9]

7. LAFCO staff will assist members of the public in making a focused and effective public records request that reasonably describes an identifiable record or records. Accordingly, LAFCO staff will:

(a) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(b) Describe the information technology and physical location in which the records exist.

(c) Provide suggestions for overcoming any practical basis for denying access to non-exempt records or the information sought.

[Government Code Section 6253.1]

8. A LAFCO Public Records Request Form is available for public download from the LAFCO internet website.

Adopted: May 2, 2016 (Proposed)

PUBLIC RECORDS REQUEST

*The Public Records Request form may be saved and submitted to the San Diego LAFCO office via email as an attachment.
The form may also be printed and mailed or faxed to the San Diego LAFCO office.*

Date of Request: _____ Name of Requestor: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____

Telephone: _____

Description of Requested Record	Date/Range

San Diego LAFCO will respond to your request within 10 days from receipt of this form. The 10 day time limit may be extended for up to 14 days by written notice of the LAFCO Executive Officer to the person making the request, setting forth the reasons for the extension and the date for which a determination is expected.

LAFCO records subject to disclosure are available for public inspection during regular LAFCO office hours (Monday-Friday, 8 a.m. to 5 p.m., except holidays). When copies of LAFCO records are requested, records not exempt from disclosure will be made promptly available upon payment of fees covering direct LAFCO costs of duplication, including the cost of programming and computer services if produced in an electronic format.

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