

CHAPTER 15.02 INTRODUCTION

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15.02.01 Intent

The Glenn County Board of Supervisors recognizes the right of the public and the news media to have access to information related to the business of the people of Glenn County. The Glenn County Board of Supervisors also upholds the right to individual privacy granted by the California State Constitution. The legislature has declared that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person” in the State of California.

15.02.02 Purpose

A. The purpose of this policy is to set forth the county’s policy with regard to complying with the California Public Records Act (CPRA) for all county departments, except the Sheriff’s Department, which has a separate Media and Public Records Policy, adopted by Glenn County, which governs the release of information from the Sheriff’s Department.

B. With regard to all other public records, the Glenn County Board of Supervisors follows the requirements of the CPRA, while recognizing that certain limitations on the release of information are governed by other California State Code sections and case law, which are not included herein.

C. The adoption of the policy is designed to assure that the release of information from all county departments occurs in a uniform, predictable, fair and an impartial manner as prescribed by law.

15.02.03 Objective

A. It is the policy of the Glenn County Board of Supervisors to make available all information and/or records as required by the California Public Records Act, within the guidelines established.

B. This policy does not replace the California Public Records Act, but sets forth county policies for carrying out the requirements of the Act as allowed by the CPRA which states, “every agency may adopt regulations stating the procedures to be followed when making its records available . . .” (Government Code 6253.4). The CPRA allows the county to adopt policies which “allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth (herein).”

15.02.04 Definitions

As used in this Public Records Act Policy, the following words shall be defined as set forth below:

“Public Record” as defined in the CPRA, Government Code Section 6252 (e), “Public records include any writing containing information relating to conduct of public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” A public record does not include drafts, writings not kept in the ordinary course of business or confidential communications.

“Writing” means handwriting, typewriting, printing, photo stating (copies), photographing, and every other means of recording upon any form of communication or representation, including letters, e-mail, works, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents, as defined by CPRA, Government Code Section 6252 (f).

Additional terms are included in the California Public Records Act.

CHAPTER 15.04
DEPARTMENT PROCEDURES IN SUPPLYING PUBLIC RECORDS

15.04.01 Records Availability

15.04.02 Assistance to the Public/Press

15.02.03 Fulfilling Requests

15.04.01 Records Availability

A. The California Public Record Act (CPRA) requires that public records be open to inspection at all times during regular office hours.

B. Upon a request for a copy of records that reasonably describes an identifiable record or records, county personnel shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable.

C. An exact copy shall be provided, unless impracticable to do so. If the record can be made available after portions of the records that are exempted by law are redacted, that will be done.

D. When a member of the public makes a request to view a record where portions must be redacted that are exempted by law, causing County personnel to produce a copy of the redacted document, there shall be no cost to the requestor.

15.04.02 Assistance to the Public/Press

A. County personnel will make every effort to assist the public and/or press make a focused and effective request that reasonably describes an identifiable record or records, in an effort to avoid unnecessary delay.

B. Pursuant to Government Code Section 6253.1(a), when a member of the public makes a request, county personnel shall do all of the following to the extent reasonable under the circumstances:

- (1) Assist the member of the public and/or press in identifying which public records are responsive to the request or to the purpose of the request, if stated;
- (2) Describe to the person making the request the type of information technology, format and /or physical location of the existing records;
- (3) Provide suggestions for overcoming any practical basis for denying access to the records of information sought.

15.04.03 Fulfilling Requests

A. A written request shall not be required.

- (1) Where the request is clear or the information requested is of a nature that is ordinarily made available to the public, is disclosable, and/or easily retrieved, the information of records shall be released promptly.

B. Where county personnel is not able to ascertain the exact nature of the information requested, the breadth of information requested and/or the type of information requested, county personnel shall make every effort to ascertain exactly what information or records are requested for the person making the request. The county will do this verbally, and, if not successful, in writing.

C. County personnel will also consult with others, including other departments to discover whether the requested records exist, in what form the records exist, and, if necessary, the location of the records.

D. The requirements of Sections 15.04.02 and 15.04.03 shall be satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that would help identify the record or records.

CHAPTER 15.06 COUNTY GUIDELINES

15.06.01 *Requests for Copies*

15.06.02 *Unusual Requests for Copies*

15.06.03 *Requirements within Departments*

15.06.01 Requests for Copies

The County shall meet the following time lines where reasonable under the circumstances.

A. Each department, upon a request for a copy of records, shall, as soon as possible, and no later than 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of public records in the possession of the department and shall promptly notify the person making the request of the county's determination and the reasons therefore in writing.

B. If county personnel determines that the request seeks disclosable public records, county personnel shall state the estimated date and time when the records will be made available and, if necessary, the location of the records.

C. The county's notification of a denial of any request for, inspection of, and/or copies of public records, must also be in writing and shall set forth the names and titles or positions of each person responsible for the denial.

15.06.02 Unusual Requests for Copies

In unusual circumstances, the time limit prescribed in this section may be extended in order to comply with the request, but in no case shall the extension be longer than 14 days, in addition to the original 10 days referred to in the CPRA, to make a determination or supply the information.

A. The second extension requires an additional written notice be sent to the person requesting the public records, bearing the name and title of the person or persons requesting additional time to comply, stating the reason for the extension and the date on which a determination is expected to be made or the information made available.

B. Unusual circumstances mean the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (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 department or agency having substantial interest in the determination of the request or among two or more departments 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;
- (5) The county is not permitted to delay or obstruct the inspection or copying of public records.

15.06.03 Requirements within Departments

Except as otherwise prohibited by law, county departments may adopt requirements that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter, and are encouraged to do so.

CHAPTER 15.08
DEPARTMENT GUIDELINES FOR COMPLIANCE

15.08.01 Department Requirements

15.08.01 Department Requirements

A. Each department will keep a copy of the California Public Records Act (CPRA) and the county policy at the front counter, for easy reference by staff and public.

B. The department will make available free of charge (as required by the CPRA) a copy of the county policy, and any form used by a department to facilitate the release of records, although a written request cannot be required.

C. Department personnel shall become familiar with the requirements of the California Public Records Act.

D. Information that is released to one member of the public or media must be released to all members of the public, as the information released loses its exempted character when released.

E. Department Personnel shall send a written explanation to the requestor as soon as possible explaining what is being done to comply with the request and when the records will be available. The records will be made available or a written response sent to the requestor explaining the delay.

F. If the County Personnel has any question regarding whether the information/records requested may be disclosed and cannot determine the answer based on the CPRA or other state statutes, etc., staff should immediately refer the issue to their Department Head, who may request an opinion from the County Counsel.

G. Prior to denying any records request, the request shall be forwarded to the County Counsel, with a copy to the ex-officio Clerk of the Board, for final determination. If the County Counsel is unavailable, the request shall be forwarded by the ex-officio Clerk of the Board to the Chairman of the Board of Supervisors for final determination.

CHAPTER 15.10 COSTS OF COPIES

15.10.01 Cost of Duplication

15.10.02 Fee Determination

15.10.03 Use of a Bonded Copier

15.10.01 Cost of Duplication

The County shall charge the amount reasonably necessary to recover the direct cost of providing any public record. The County will charge the direct cost of producing the copies requested.

15.10.02 Fee Determination

Fees for copies of public records shall be determined by the Department of Finance and reviewed on a periodic basis. The current fee for copies shall be five cents per page. This section does not apply to those fees otherwise determined by Statute.

15.10.03 Use of a Bonded Copier

In the alternative, when the number of records (in any form) requested are many and/or the time required to make copies of the records will take more than 30 minutes the department may require that the person or entity requesting the information hire a bonded copier.

The bonded copier will show proof of a current bond certificate and the department will make a copy of the certificate, as well as the name, address and phone number of the business. The bonded copier will pick up the originals, make the copies requested, and return the originals to the county department. The charge for the bonded copier's service is between the person or entity requesting the information and the bonded copier, and will be paid by the person requesting the documents.

CHAPTER 15.12 MEDIA ACCESS

15.12.01 Access to Scenes of Disasters/Calamities

15.12.01 Access to Scenes of Disasters/Calamities

In general, authorized news media representatives are permitted free movement in the area of public disasters/calamities (defined as flood, storm, fire, earthquake, explosion, accident, avalanche, or other disaster) as long as they do not hamper, deter, or interfere with department members or designated public safety functions. Penal Code sections 409.5(d) and/or 409.6(d).

- (1) When media enters an area designated a public disaster and/or calamity, the County accepts no liability for their safety.
- (2) Department members are not required to provide an escort to any media personnel.