

1.9 OTHER

1.9.1 Public Records Act Guidelines: The following guidelines govern requests for access to inspect or obtain copies of public records prepared, owned, used, or retained by the Commission.

1.9.1.1 California's Constitution and the California Public Records Act recognize that the conduct of the people's business is a fundamental and necessary right of every person in California. Equally important, however, is the need to be mindful of individual privacy rights. To that end, the California Public Records Act and other state law provisions exempt certain records from disclosure. Records not exempt from disclosure must be made available to the public promptly upon request.

1.9.1.2 Consistent with the California Constitution and the Public Records Act, the Commission's policy is to provide all members of the public with prompt access to its records unless there is a legal basis not to do so.

1.9.1.3 The Commission's Records are generally open to inspection at all times during normal office hours at the administrative office, located at 550 Main Street, Suite E, Placerville, California. Appointments are not required, but are recommended to help Commission staff locate records and facilitate a response to the request in a timely fashion. In addition, the Commission has an optional form found in Appendix H to these Policies & Guidelines to help facilitate records requests.

1.9.1.4 When a member of the public requests the inspection of a public record Commission staff shall determine whether the Commission has records responsive to the request. It may be necessary for Commission staff to review the requested records to determine whether exemptions apply before the records may be available for inspection or copying. Commission staff, however, will determine whether it has responsive, non-exempt records within 10 days from the Commission's receipt of the request, except in unusual circumstances when the 10-day response period may be extended up to an additional 14 days. Unusual circumstances may apply if the requested records need to be retrieved from storage or other facilities, or the need to search through voluminous amounts of records. If an extension is required, Commission staff will notify the requestor of the need for an extension. Commission staff shall also to the extent feasible, assist individuals in identifying records that are responsive to the request, describe the location or the format in which the records may exist, and provide suggestions for overcoming any practical basis for denying access to a record.

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- 1.9.1.5 To the extent non-exempt public records exist in electronic format, they shall be made available to the public in such format, provided access is not otherwise restricted by law and production will not jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained. The person requesting the information shall bear the cost of producing the record, including the cost to construct the record, and the cost of programming and computer service to produce the record when the Commission is requested to produce a copy of an electronic record that is produced only at otherwise regularly scheduled intervals or the request requires data compilation, extraction, or programming to produce.
- 1.9.1.6 Requests may be denied if the requested records are determined to be exempt from disclosure under the California Public Records Act or other provisions of federal or state law. Notification of a denial of any request for records must be in writing and include the name and title or position of the Commission employee responsible for the denial and the grounds for exemption or denial of the request.
- 1.9.1.7 A request for a copy of an identifiable public record, for information produced from such a record, or for a certified copy of such a record, must be accompanied by payment of the appropriate fee as stated in the Commission fee schedule. Any fee established may be modified from time to time by Commission to reflect the direct costs of duplication. Where the State Legislature has established a statutory fee for any given record, the statutory fee shall be charged.