



ROSS VALLEY SANITARY DISTRICT

Serving the Greater Ross Valley Area for 110 Years

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WWW.RVSD.ORG

Brett N. Richards ~ General Manager

Directors: Patrick Guasco, President ~ Marcia Johnson, Secretary ~ Sue Brown, Treasurer ~ Steven M. Vanni ~ Peter Wm. Sullivan, M.D.

DISTRICT PROCEDURES for RESPONDING to PUBLIC RECORDS ACT REQUESTS

REMEMBER:

- ▶ **Providing public information to members of the public as requested is complying with the Public Records Act.** So, whether or not the person requesting information refers to the Public Records Act, compliance with the Act is District staff's responsibility.
- ▶ **It is not appropriate to ask why a member of the public wants the information they are requesting.** The public has a right to know and that is all we need to know.
- ▶ **An important part of our jobs at the District is to assist the public in obtaining public records, so think "customer service" when processing requests.**

I. RECEIVING A PUBLIC RECORDS ACT REQUEST

- **DATE STAMP** the actual date the Public Records Act request is received by the District. The date of receipt is important because the District must respond to the request no later than ten (10) *calendar days* from receipt of the request, notifying the requestor whether records will be disclosed or whether the District requires an extension of the ten-day period. If a request is received after business hours or on a weekend or holiday, the next business day will be considered the date of receipt. The ten-day response period starts with the first calendar day after the date of receipt.
- **REVIEW COMPLETENESS OF REQUEST** to ensure that the requestor's contact information is provided, that the requestor has indicated whether he or she wishes to inspect the documents or obtain copies, and that the requestor has properly identified the documents he or she seeks. A copy of the Request for Public Records form is attached hereto.

Help the member of the public make a focused and effective request that describes an identifiable record or records. This entails the following:

- Assisting the member of the public to identify records or information responsive to his or her request;
 - Describing the information technology and physical location of the records requested;
 - Providing suggestions for overcoming any practical basis for denying access to the records or information sought.
- **REVIEW CONTENTS:** Prior to making files available to the public, review the contents of each file to be provided to determine whether any of the documents are exempt from disclosure or contain personnel information that should be redacted. If you have *any concern* that the documents may be exempt from disclosure or require redaction, or

contain controversial information, immediately notify the District General Manager, who will consult with District Counsel as appropriate.

- **REQUESTS FOR INSPECTION:** Records must be available for review and inspection during the District's regular business hours of operation. Where a requestor asks to inspect the documents, and after District staff have located and reviewed the requested documents, staff should contact the requestor to schedule an appointment for the inspection the documents.
- **COPYING COSTS:** The District's charge for copies is \$ 0.25 cents per 8.5 x 11 inch page, \$ 0.40 (current rates as of 05/19/2009), or the "direct cost of duplication" if the volume of documents requested necessitates the use of a professional copy service. For costs of copies in other formats, such as electronic or audiotape, please refer to the District's Copying Costs Sheet, a copy of which is attached hereto.
- **MAILING COPIES:** Government Code Section 6254(b) requires the District to mail copies of the requested documents if the person is unable to review the responsive documents at the District's administrative office. Payment must be received before the District mails documents. If mail service is requested, District staff should notify the requestor of the number of pages and payment due to the District for copying charges and postage.
- **ELECTRONIC FORMAT:** Where public information that constitutes an identifiable public record is in an electronic format, the District shall make that information available in an electronic format when requested. However, the District is not required to reconstruct a record in an electronic format if the District no longer has the record available in an electronic format. Where there is any concern that production of the document in an electronic format may jeopardize or compromise the security or integrity of the original record or of any proprietary software, immediately email a PDF of the request to the District General Manager at brichards@rvsd.org, who will consult with District Counsel as appropriate.

II. PROCESS FOR RESPONSES WITHIN 10 DAYS

- **DETERMINE** if the response to the request can be provided in full within the 10 day time period stipulated by the Public Records Act. If so, treat this response like any daily routine request would be handled at the District in the usual courteous manner of providing what is requested as efficiently as possible. If a request is for production of records or documents that are not in existence at the time the request is made, the District is not obligated to create a document in order to respond to the request.
- **EXAMPLE:** If a verbal or written request is received for particular non-controversial and non-exempt documents that are readily available for review, go ahead and provide the information to the person at the counter and collect the duplication fee, or phone the person who called in a verbal request or sent the written request, to let them know the number of pages involved to respond to their request and the copy fee, and that payment is to be made prior to releasing the copies.
- **FEE WAIVERS:** The District may choose to reduce or waive a fee. For example, where the requestor is indigent, or where the duplication cost is so low that the administrative costs of collecting the fee would exceed the revenue to be collected, the fee may be waived or reduced. If the request only involves a few pages, up to half a dozen, and it's obvious it would not be convenient for the person to physically come to the District

department to pick up the copies, check to see if an e-mail PDF would suffice, or simply mail the copies at no charge.

- **TIMING OF PAYMENT:** If the request involves numerous pages, the **first choice** would be to call the person to let them know the copies will be provided upon receipt of payment, or, the **second choice** would be if the staff representative handling the response senses a solid assurance the payment will be forthcoming, then it would be sufficient to enclose a bill with the copies requesting payment by return mail.

III. PROCESS FOR EXTENDING RESPONSE TIME AN ADDITIONAL 14 DAYS

- **DETERMINE** if circumstances exist making it difficult to comply within the 10 day PRA time period. If this is the case, immediately email a PDF of the request to the District General Manager at brichards@rvsd.org, who will distribute the request to appropriate staff for handling and determine if an extension notice is necessary advising that the District will require an additional 14 days from the 10 days typically afforded by the Public Records Act. Government Code Section 6253(c) allows an extension only in unusual circumstances where there is a need to:
 - search for and collect the requested records from facilities separate from the office processing the request;
 - search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request;
 - consult with another agency having a substantial interest in the request (such as a state agency), or among two or more components of the District with a substantial interest in the request.
 - compile data, to write programming language or a computer program, or to construct a computer report to extract data where the request involves electronic records.
- **NOTICE OF EXTENSION:** If one or more of the above listed usual circumstances arise, the District General Manager, or District representative, will inform the requestor in writing of the extension within the initial 10 day period, checking the appropriate box on the Notice of Extension For Response to Public Records Act Request form, a copy of which is attached hereto, explaining the reason(s) for the extension, along with the expected date of the District's further response.

IV. COORDINATION WITH DISTRICT COUNSEL

- The District General Manager will consult District Counsel regarding any Public Records Requests that are related to active, pending, threatened or potential litigation and/or claims against the District.
- The District General Manager will consult District Counsel where a request involves a huge volume of documents, controversial records, documents which may qualify as exempt from disclosure, or documents that may require redaction.
- When redacted copies are provided, a copy of the redacted version provided to the member of the public should be retained by the District to be available as needed by District Counsel for current and/or possible future litigations.

ROSS VALLEY SANITARY DISTRICT
PUBLIC RECORDS ACT COPYING COSTS

Photocopies

– Cost per 8.5 x 11 page	<i>black & white copy</i>	\$ 0.25
	<i>color copy</i>	\$ 0.30
– Cost per 8.5 x 14 page	<i>black & white copy</i>	\$ 0.40
	<i>color copy</i>	\$ 0.45

Irregularly shaped documents will be billed at the District's cost. If the volume of documents requested necessitates the use of a professional copy service, the requestor must pay the direct cost of duplication.

Mailing Fees

– Envelope	\$ current USPS rate for size and weight
– Postage Per Ounce	\$ current USPS rate for size and weight

Audiotape Duplication

\$ Actual

Production in Electronic Format

– PDF file sent via email	\$ Actual
--Files produced on CD	\$ Actual

“Actual” Costs: These prices should reflect the actual cost to the District to of such duplication / production. Where the request would require data compilation, extraction or programming to produce the record; or where the District is required to produce a copy of an electronic record that is produced only at scheduled intervals, the cost will include the cost to construct the record and cost of the programming and/or computer services necessary.

Agenda Mailing – Annual Fee

(cost includes postage and copy costs) \$ 30.00

Returned Check Processing Fee

\$ 30.00

Research Costs

\$ N/A

The District can only charge for the actual cost of duplication, which can include the cost of reproduction and the cost of staff time expended in making a copy of the record. No fees may be charged to reimburse the District for costs incurred in searching for a record, reviewing or redacting a record, assisting a requestor in formulating a request, or responding to a request. Where the requestor asks to inspect the records, no fee may be charged even where staff time is expended in the inspection.

**ROSS VALLEY SANITARY DISTRICT
REQUEST FOR PUBLIC RECORDS**

REQUESTOR INFORMATION

Name: _____ Date: _____

Company: _____

Mailing Address: _____

City: _____ State/Zip: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Preferred Method of Contact in the Event of Questions: _____

REQUESTED RECORDS: Requests must be for records in the possession of, prepared, owned, used, or retained by Ross Valley Sanitary District. Requests should reasonably describe identifiable records. The intake staff is available to assist you in identifying the records in the control of the District based on your description.

Time period covering documents requested [mm/dd/yyyy]

I wish to inspect the requested documents, where applicable, and do not want copies produced at this time. I understand the District must be given time to locate and review documents responsive to this request in order to comply with the provisions of the Public Records Act. I will, therefore, be requested to make an appointment to return at a later date to view the documents.

I would like copies of the requested records and I understand that I will be required to make payment for the copying costs for this request. The charge for copies is \$ 0.25 per 8.5 x 11 inch page, and \$ 0.40 per 8.5 x 14 inch page, or the "direct cost of duplication" if the volume of documents requested necessitates the use of a professional copy service.

Signature of Requestor: _____

District Office: 2960 Kerner Boulevard, San Rafael, CA 94901
District Office Hours: Monday through Friday, 7:30 a.m. to 4:00 p.m.

Timing of Response: The District will provide you with a response no later than *10 calendar days from receipt of the request*, to notify you whether records will be disclosed, unless a Notice of Extension for Response is sent. The ten-day response period starts with the first calendar day after the date of receipt. If a request is received after business hours or on a weekend or holiday, the next business day will be considered the date of receipt. If the tenth day falls on a weekend or holiday, the next business day will be considered the deadline for responding.

ROSS VALLEY SANITARY DISTRICT
NOTICE OF EXTENSION FOR RESPONSE TO PUBLIC RECORDS ACT REQUEST

To: _____

Date: _____

On _____, Ross Valley Sanitary District received your Public Records Act request, a copy of which is enclosed. In accordance with the Public Records Act, pursuant to Government Code Section 6253(c), the District will require an additional fourteen days from the ten days typically afforded by the Public Records Act, because of the reason(s) checked as follows:

- The need to search for and collect the requested records.
- The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- The need for consultation with another agency having a substantial interest in the request (such as a state agency), or among two or more components of the District with a substantial interest in the request.
- In the case of electronic records, the need to compile data, write programming language or a computer program, or to construct a computer report to extract data.

The District's public records responsive to your request will be made available to you on _____ at the District's administrative offices, located at 2960 Kerner Boulevard, San Rafael, CA 94901.

If you are unable to review the responsive documents or pick up copies of such documents at District's administrative office, the District will require payment before mailing copies of the documents to you (Government Code Section 6254(b)). If you wish the documents be mailed to you, please call _____, at (_____) _____ - _____. On the above-referenced date of availability, these records will be available to review to determine the number of pages and payment that will be due to the District for copying charges and postage. Upon receipt of your payment, the District will mail the documents to you.

Please be advised that the District's charge for copies is \$ 0.25 per 8.5 x 11 inch page, \$ 0.40 per 8.5 x 14 inch page, or the "direct cost of duplication" if the volume of documents requested necessitates the use of a professional copy service.

Thank you for your interest and please do not hesitate to call me at _____ with any further questions regarding this response to your request.

Sincerely,

[Name]
[Title]

Enclosure