



## PALM SPRINGS CEMETERY DISTRICT

### **ADMINISTRATIVE POLICY ON RELEASE AND REPRODUCTION OF DISTRICT RECORDS**

#### **STATEMENT OF POLICY AND LAW**

The California Public Records Act (Government Code §§6250-6276.48 (the "Act")) declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person. By this policy ("Policy"), the Palm Springs Cemetery District ("District") hereby adopts the Act in its entirety, in its most current version as amended from time, as though set forth fully herein. This Policy is intended to be additional to the requirements of the Act. To the extent an issue is not addressed expressly herein, it shall be resolved with reference to the Act. To the extent a provision of this Policy conflicts with a provision of the Act, this Policy shall govern.

The spirit of the Act, and this Policy is to permit access to disclosable public records in the possession of the District, unless doing so would constitute an unwarranted invasion of personal privacy or the request calls for the production of records that are exempt from disclosure under the Act. Other records may be kept confidential on a case-by-case basis only after a District determination that the public interest served by non-disclosure clearly outweighs the public interest served by disclosure. In addition, California courts have also recognized that certain records need not be disclosed if disclosure would reveal the public agency's decision-making process in such a way as to discourage candid discussion and debate within the agency, which could undermine the agency's ability to perform its functions. Decisions involving such issues will be made by the District with the assistance of its General Counsel.

#### **APPLICABILITY**

This Policy shall apply to all individuals acting for or on behalf of the District, including but not limited to trustees, officers, employees and agents.

#### **PROCEDURE**

##### **A. Release of Requested Records and Other Writings.**

Except for routine requests made to the District (e.g., agendas and agenda-related materials), all requests for inspection or copies of District records must be submitted by the District personnel receiving the request to the District Manager, who shall then review the request, who shall have authority to make a final determination. If the District Manager determines that the request is allowable, the District Manager shall refer the request to the appropriate staff member for processing. The Public Records Act Request Form, a copy of which is attached hereto, should be completed by the District Staff by the end of the next business day after receipt of the request, if possible; otherwise it shall be completed and forwarded to the appropriate staff member for processing no later than the third business day after receipt, unless a longer time is approved by the District Manager.

**B. Review by District Counsel.**

If the District Manager believe that the requested records may be exempt from disclosure under the Act, or that employee rights or significant interests of the District could be compromised by the requested disclosure, the District Manager should discuss the request with the District's General Counsel prior to making a determination.

**C. Timeliness.**

**1. Determination.**

Although the District encourages a quicker response, the District shall not be obligated to act within any timeframe other than as required by the Act with respect to the time within which the District must make a determination as to whether the request, in whole or in part, calls for the production of disclosable, non-privileged and non-exempt records that are in the possession of the District. Upon making a determination, where no extension is necessary (section 2, below) the District will promptly notify the requestor in writing of the determination and the reasons therefor.

**2. Extension.**

The District may also be entitled to an additional period of time, as set forth in the Act, within which to make its determination. In certain circumstances as set forth in the Act, the determination time limit prescribed by the Act may be extended by written notice of the District Manager or his/her designee to the requestor, 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 the period of time specified in the Act circumstances set forth in the Act:

A copy of the District's notice extension shall be provided to the requestor. A determination shall be made upon or before the expiration of the extension, and a notice of determination shall be sent promptly upon making such determination.

**D. Notice of Determination**

When the District dispatches the notice of determination, and if the District Manager and/or General Counsel determines that the request seeks disclosable public records, the notice of determination shall state the determination and the estimated date and time when the records will be made available. If the determination is to deny a request to inspect or copy District records, the District's Manager or General Counsel must notify the requestor, in writing, of the reasons for the denial. In every instance where the District Manager and/or General Counsel determines: (1) to deny the request; or (2) to invoke the extension to make the determination, approval of the District's General Counsel should be obtained.

**E. Partial Disclosure.**

If portions of the requested records are determined to be exempt from disclosure and those portions are reasonably segregable from the rest of the requested records by redaction or by other means, the non-exempt portion is required to be provided to the requestor.

**F. Providing Requestor with Assistance.**

When a member of the public requests to inspect a public record or obtain a copy of a public record, the District must take the actions set forth in the Act in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records.

**G. Records Inspection.**

In accordance with the Act, the District's public records which are not exempt from disclosure by express provisions of law are open to inspection during the District's office hours, and every person has a right to inspect, free of charge, any public record that is subject to disclosure. If a request calls for the inspection of records, and if the District Manager and/or General Counsel has determined that the records are appropriate for public disclosure, the District shall endeavor to locate, compile and review all responsive records. The District Manager shall then arrange a mutually convenient time for the requesting party to inspect the records.

If the requestor requests access to a large number of documents, the requester may need to make additional appointments to complete the document inspection process. The operational functions of the District will not be suspended to permit inspection of records during periods in which such records are reasonably required by District personnel in the performance of their duties.

The District reserves the right to have District personnel present during the inspection of records in order to protect the integrity of the records and to prevent the loss or destruction of records.

**H. Costs Recovery.**

The District has made a policy determination to not charge requestors under the Act for the first ten (10) pages of records reproduced pursuant to a request. However, if a requestor has made a previous request within 30 calendar days prior to the date of the District's receipt of the instant request, the District may charge the requestor for each and every page of records reproduced pursuant to the request.

If a request calls for reproduction of records in excess of ten (10) pages or is a second or subsequent request in a 30-day period, then the requestor shall be required to pay fifteen cents (\$0.15) per page for each page to which a charge applies, which payment shall constitute reimbursement of the District's direct costs for duplication. The reimbursement rate shall not include recovery of costs for staff time spent searching for, retrieving, reviewing, evaluating, and/or handling of the responsive records. If the duplicated records are mailed to the requester, the cost of postage will be added to the foregoing cost.

At the sole discretion of the District, the District may require the requestor to submit, in advance, a deposit check based on the estimated reproduction costs, including cost of postage if the records are to be mailed. In the event the District determines that a deposit is required, payment shall be received prior to release of the copied records.

Requestors will not be permitted unsupervised direct access to any original District files, nor to take possession or custody of any original District records in order to make copies of the requested records themselves.

In his or her discretion, (especially for requests requiring reproduction of voluminous records), the Requestor may seek to utilize the services of a bonded copy service to duplicate requested records. Under such circumstances, the requestor will be required to reimburse the District, in advance, for the direct costs of duplication associated with the use of said service.

**I. Cost of Videotapes, Audiotapes, or Compact Discs.**

The charge to the requestor for copies of videotapes, audiotapes, or compact disc recordings shall be the District's actual cost of reproduction.

**J. Media Contacts.**

District trustees, officers, employees and agents are instructed to promptly refer all media contacts and media inquiries to the District Manager. All information requests requiring production of records shall be processed in accordance with the terms of this Policy, and upon completion of the preparation of the copies, shall be delivered to the requesting media representative by the General Manager or District Counsel. District managers shall report, within one hour, any and all media contacts to the District Manager. The District Manager shall coordinate any action required by such contact.

**K. Hold Period.**

Records identified pursuant to a request under the Act will be held for review or reproduction for no longer than twenty-one (21) business days commencing on the date of notification of availability, unless a longer time is required by the Act as amended from time to time. Thereafter, original records will be returned to the file, duplicated records will be destroyed, and the records request will be considered closed.

**L. Forms.**

To ensure proper and timely processing of records requests, the Public Records Act Request Form, attached hereto, should be used by District staff for purposes of processing all requests made pursuant to the Act and for complying with this Policy. Requests for public records made by members of the public may be made to the District either orally or in writing.

**M. Requestor.**

For purposes of this policy, the term "requestor" includes interested members of the public, as well as members of the media. Consistent with the Act, disclosure by the requestor of his or her name and/or contact information in connection with a request made pursuant to the Act shall be voluntary and shall not be required in order for the District to process any such request pursuant to this Policy.

**APPROVED AND ADOPTED this 10th day of September, 2015,** by the following roll call vote:

AYES: *Aicumbrac, Lea, Malotto, Pepper & Pye*


NOES: *None*

ABSENT: *None*

ABSTAIN: *None*

  
Jan Pye, Chairperson

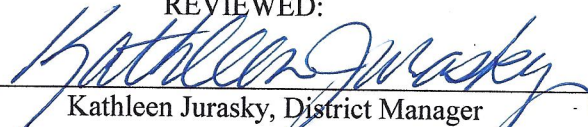
ATTEST:

  
John Lea, Secretary

APPROVED AS TO FORM:

  
Steven B. Quintanilla, General Counsel

REVIEWED:

  
Kathleen Jurasky, District Manager