

<b>Title:</b>	Guidelines to Access Public Records
<b>Number:</b>	POL400-002
<b>Approval:</b>	Board of Directors
<b>Approval Date:</b>	March 16, 2021
<b>Effective Date:</b>	Effective with the launch of the updated website (anticipated Spring 2021)
<b>Review Date:</b>	

**Reference:**

California Public Records Act, Government Code Section 6250 et. seq.  
California State Constitution Article I, Section 3

**Purpose/Background:**

In accordance with the California Public Records Act (CPRA) (Gov. Code § 6250 et. seq.), the Soquel Creek Water District (SqCWD) provides access to public records, except those exempt from disclosure by law. The purpose of this policy is to ensure that members of the public understand their right to review and obtain access to public records and clarify the process by which staff will respond to public records requests. The CPRA does not require the SqCWD to provide information or context, answer questions, or create records that do not exist.

SqCWD will adhere to the CPRA and modify its procedures for responding to public records requests as necessary, consistent with State law.

**Policy:**

**1. Definition of Public Records**

The CPRA defines a public record as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” In turn, the CPRA defines a “writing” as “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.”

**2. How to Obtain Access to a Public Record**

Public records requests should be directed to the SqCWD’s Executive Assistant/Board Clerk. Public records requests may be submitted by the following:

- SqCWD Website via Public Records Request Form (*preferred method – see below*)
- Email: [publicrecords@soquelcreekwater.org](mailto:publicrecords@soquelcreekwater.org) (*preferred method – see below*)
- Office: 5180 Soquel Drive, Soquel, CA 95073
- Mailing Address: P.O. Box 1550, Capitola, CA 95010
- Phone: (831) 475-8501 x126

SqCWD recommends that all public records requests be submitted electronically (via the website or email), so that staff can more accurately identify the records sought and process the request more efficiently. If a request is made orally, staff should confirm the request in writing. The following information should be included in public records requests:

1. A request to inspect and/or obtain copies of public records.
2. A clear and specific description of requested information. If possible, identify dates, subjects, titles and authors of the records requested.
3. Contact information (optional), so the SqCWD can obtain clarifying information (if needed), and provide responses and/or copies of records.

A concerted effort will be made to assist the requestor in identifying records and information that are responsive to the request or to the purpose of the request. Pursuant to SqCWD’s obligation under the CPRA to assist requesters in making focused and effective requests, additional information may be required if the request is not specific enough to identify the records sought.

**3. Response Time**

In general, the requestor will be notified within ten (10) days from the date the request is received if the SqCWD has disclosable public records or not. If responsive, disclosable records exist, the requestor will be provided with an estimated date when the records will be available.

If the request is received after business hours or on a weekend or holiday, the next business day may be considered the date of receipt. Similarly, if the tenth day falls on a weekend or holiday, the next business day is considered the deadline for responding to the request.

In some circumstances, the 10-day notification deadline may be extended for up to an additional fourteen (14) days to determine if responsive records exist. Note that the 14-day extension is not a timeline for production of records – it is for notifying the requestor if responsive, disclosable records exist, and, if so, the estimated date when the records will be available. If a notification extension is needed, the requester will be provided written notice setting forth the reason for the time extension. The reasons for an extension will be limited to one or more of the following reasons:

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 SqCWD's determination of the request or among two or more components of SqCWD having substantial subject matter interest therein; or
4. The need to compile data, write programming language or a computer program, or to construct a computer report to extract data (note the CPRA does not require the SqCWD to create records that do not exist).

**4. Inspection of Public Records**

Disclosable records may be inspected at no cost at the District Office by appointment, during regular office hours. Any person who wishes to review responsive public records shall contact the SqCWD Executive Assistant/Board Clerk in advance to schedule an appointment to review the records.

**5. Duplication/Extraction of Public Records**

The requestor shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record (Gov. Code § 6253, subdivision (b) and Gov. Code § 6253.9, subdivision (b)(2)). The District's standard fee schedule is attached to this policy as Appendix A and will also be available on the SqCWD website. SqCWD will assist requestors to identify the most cost-efficient method to meet their needs and provide a cost estimate on a case-by-case basis.

a. Printed Copies

Printed copies of records may be obtained for the direct cost of duplication. SqCWD encourages that public members request electronic copies (when feasible), to reduce printing impacts and adhere to SqCWD's commitment to environmental stewardship and sustainability.

b. Electronic Copies

SqCWD shall make an electronic public record available in any electronic format in which the SqCWD holds the information, or in the format requested (if the requested format is one that has been used by the SqCWD). Electronic records may be emailed to the requestor, or provided in another secure online format, at no cost, if the responsive records do not exceed file size

limitations. If a flash drive or some other format is needed to provide the electronic records, then the requestor is responsible for the direct cost of duplication (e.g., the cost of the flash drive).

If the records are contained in a form other than hard copies (e.g., electronic, computer CD, diskette, cassette or videotape), duplication costs will be based on actual costs incurred by SqCWD in sending records to the appropriate outside vendor for duplication.

c. Extraction and Programming

The requestor shall bear the cost of producing the record if data compilation, extraction, or programming is needed to fulfill the request. A minimum deposit may be required to initiate the programming/extraction work. Additional charges for the work may accrue, depending on the length of services. The requestor will be notified of any additional fees that SqCWD incurs, and any additional charges beyond the deposit will be due at the time records are released.

6. Records Exempt from Public Disclosure

Certain types of records may be exempt from disclosure including, but not limited to: personnel and medical records, preliminary drafts not retained by SqCWD in the ordinary course of business, attorney-client communications, records pertaining to pending litigation, real estate appraisals and evaluations made relative to pending acquisition of property, information regarding individual services that, if released, would violate customer privacy (e.g. location of service, usage history, payment records, etc.), proprietary software or water system design information (e.g. Geographic Information Systems, computer models, engineering documents, location of water facilities, etc.).

SqCWD will provide a written response when a records request is denied, either in whole or in part. Additionally, SqCWD will provide the name(s) and position(s) of person(s) responsible for the denial.

# PUBLIC RECORDS FEE SCHEDULE



**Note** that that this fee schedule is not comprehensive, and procedures and fees may vary depending on the nature of the request. SqCWD will adhere to the CPRA and modify its procedures for responding to public records requests as necessary, consistent with State law.

Requested Format	Applicable Fees	Government Code
Printed Copy	<ul style="list-style-type: none"> <li>Less than (&lt;) 10 pages - no charge</li> <li>10 pages or more (<math>\geq</math>), including the first nine: <ul style="list-style-type: none"> <li>15¢ per standard reproduced one-sided page</li> <li>25¢ per standard reproduced double-sided page for all pages</li> </ul> </li> <li>25 pages or more (<math>\geq</math>) - Fees will be based on actual costs incurred by SqCWD in sending records to an outside photocopy service for duplication</li> </ul>	Government Code section 6253, subdivision (b)
Electronic Copy	<ul style="list-style-type: none"> <li>Downloadable file (if available) - no charge</li> <li>Flash drive - \$4.75</li> </ul>	Government Code section 6253, subdivision (b); Government Code section 6253.9, subdivision (b)(2)
Extraction and Programming	<ul style="list-style-type: none"> <li>Charges vary depending on the nature of the request</li> <li>Deposit may be required for IT Programming/Extraction - \$110/1-hour minimum; additional charges may accrue, depending on length of services.</li> </ul>	Government Code section 6253.9, subdivision (b)(2)