

THE CALIFORNIA PUBLIC RECORDS ACT

Government Code § 6250, et seq.

"[A]ccess to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (§ 6250)

Most Development Department Project File Items Are Subject to Public Review, Inspection and Photocopying. Under the California Public Records Act, the overwhelming majority of documents handled by the Development Department are public records to which any member of the public has the right to inspect and/ or photocopy at any time offices are open.

Exceptions. Certain, narrow categories of records are exempted from disclosure. The exceptions most commonly relevant to front-counter requests include:

- **Staff-produced Drafts.** "Preliminary drafts, notes, or interagency or intra-agency memoranda". (6254(a).) This would ordinarily include staff reports which have not yet been completed and handwritten notes taken by staff at meetings.

However, draft documents of the City are exempt from disclosure only if they are:

- 1) preliminary and are followed by more final versions at the time of the first staff report or approval by staff or the Planning Commission, in which case the revised document must still be released;
 - 2) would ordinarily be not be placed in a project file in the ordinary course of business; and,
 - 3) even if all of the above criteria for exemption is met, staff must still make the finding that "the public interest in withholding those records *clearly outweighs* the public interest in disclosure".
- **Construction Drawings.** Construction and building plans or "working" blueprints used for applying for building permits. However, site plan elevations and similar documents utilized as a part of the site planning and design review process in conjunction with a special permit or other land use approval are public records which must be disclosed to the public at all times. (Health & Safety Code § 19850 et seq.)

An analysis of statutory procedures governing requests is set forth in a memorandum from City Attorney Hilda Cantu Montoy dated April 19, 1999, copy found posted in the Staff Area of the City's web page, at <http://www.ci.fresno.ca.us>.

You should not withhold any documents from public review unless first consulting the City Attorney's office.