

## **ADMINISTRATIVE ORDER NUMBER 8-4**

### **SUBJECT: Public Records Act Policy and Procedure**

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**Responsible Department: City Attorney**

**Date Issued: 09-15-2003**

**Date Revised: 04-09-2018**

**Approved: (*Signature on File*)**

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### **Purpose**

The purpose of this policy is to establish procedures for City responses to California Public Records Act (PRA) requests:

### **Procedures**

Each City Official and City Department (collectively, "Department") shall designate a person or persons to be responsible for responding to requests for records. These representatives will be known as PRA Coordinators. For Departments that have more than one division, the PRA Coordinator will be responsible for coordinating and responding to requests for records that overlap different divisions within the Department.

The City Attorney's Office will designate a staff member to coordinate the response to requests (the "Central Coordinator"). The Central Coordinator will keep a log of all PRA requests, coordinate responses, and maintain control copies of documents provided in response to the request.

The Departments where records are located are responsible for compiling records and forwarding them to the Central Coordinator. Requests frequently include records maintained in several Departments.

The City is not required to create a record that does not exist, compile data, nor respond to questions, other than to produce currently maintained records in the form they are kept.

This Administrative Order does not apply to routine requests for Police and Fire Department reports, which will continue to be handled internally by those Departments. It also does not apply to official records in the City Clerk's possession that can be provided "over the counter," such as resolutions, ordinances, agendas, minutes, and contracts officially approved by Council. The City Clerk may also provide over the counter anything on the internet, or direct the requester to the location on the internet at which it can be found, consistent with California Government Code 6253(f). Furthermore, this Administrative Order does not apply to access to the Form 700. However, the Form 700 is required to be made available to the public as soon as practicable, and in no event later than the second business day following receipt of the request. If there is any question as to whether a document, or a portion or attachment

thereof, should be produced pursuant to this paragraph, the Department should consult with the City Attorney's Office.

The following procedures will be followed:

1. When a Department receives a request, either written or oral, it will immediately notify the Central Coordinator of the request and forward it, if written.
2. The Central Coordinator will log the request and will notify potentially affected Departments of the request.
3. The PRA Coordinator will compile responsive records, and forward them to the Central Coordinator. The PRA Coordinator will first examine the potential universe of records and remove those that are clearly not responsive. Any document in the possession or control of the Department may be required to be produced.
4. If a requester seeks information from more than one Department or is unsure where or how to make the request, the Central Coordinator will assist the requester in framing the request and identifying the Department most likely to have responsive documents. The requester does not need to provide the City with a reason for requesting the records nor specify the Department that may maintain the records.
5. The Central Coordinator shall provide a written response to the requester within ten days of the City's receipt of the request as to whether the requested records will be made available, or whether additional time is necessary to respond. The response will include an estimated cost of providing the copies, and may require a deposit or prior payment. Fees for copies shall be as set forth in the Master Fee Schedule. Copies of the response shall be provided to the affected Departments.
6. If a requester seeks records in a specific format, for example, paper or electronic format, they must be produced in that format, so long as they were created in that format originally. It is not necessary, even when requested, to produce hard copy records in electronic format, if the conversion would jeopardize the security of the original record or any proprietary software in which it is maintained.
7. E-mails prepared or used by public officials or public employees to assist in carrying out his or her duties or pertaining to the public's business may be public records subject to production. The Central Coordinator shall initiate all ISD searches for e-mails responsive to a request, with approval of the City Manager. Department Coordinators shall cooperate with and assist the Central Coordinator to refine the names of employees who may have prepared or maintained requested e-mails, so that efficient but thorough searches may take place. Department Coordinators should not run email searches for responsive documents. All e-mail searches must be approved by the City Manager.

8. The City Attorney's Office will review potentially responsive records to determine whether a privilege or exemption may exclude a document from disclosure or whether the document should be redacted, prior to the Central Coordinator finalizing and providing the responsive documents. City Attorney staff will inspect potentially responsive documents for privileges and exemptions permitted by federal or state law, including the specific exemptions provided in the Public Records Act. The Central Coordinator will work closely with the affected Department(s) concerning the response.
9. The Central Coordinator will maintain a control copy, or list of documents provided, if the number is excessive, so that there is a clear record of what documents were produced.
10. The Central Coordinator will notify affected Departments of the final resolution of the response to a request.