

**CITY OF DINUBA**  
**ADMINISTRATIVE POLICY AND PROCEDURES**

**SUBJECT: PUBLIC RECORDS ACT REQUEST**

**EFFECTIVE DATE: NOVEMBER 24, 2009**

**ORIGINATING DEPARTMENTS: CITY ATTORNEY / CITY CLERK**

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**1. PURPOSE**

The purpose of this policy is to ensure a prompt and appropriate response to all Public Records requests and to provide appropriate guidelines to City employees for the acceptance and appropriate response to Public Records requests in accordance with the Public Records Act.

**2. POLICY**

It is the City's intent to provide citizens with records pertaining to the operation of their government pursuant to the provisions of California Public Records Act. It is the policy of the City to protect legitimate business and legal interests of the City government organization. It is the City's policy that requests for Public Records be initiated through the City Clerk's Office.

The following statement is hereby adopted to be displayed on the Public Records Act form (PRA).

"Any person may receive a copy of an identifiable public record not otherwise protected from public disclosure. Upon request, and subject to the appropriate fee, an exact copy shall be provided unless impracticable to do so. Computer and/or electronic data shall be provided in an appropriate form determined by the affected department. It shall be determined by the City Clerk within 10 days after the receipt of such a request whether it is possible to comply and shall notify the requestor of such determination and the reason therefore."

**3. DEFINITIONS**

A. "Formal Requests" are those requests which are submitted in writing to the City Clerk on the City's official public records act request form.

B. "Informal Requests" are those requests that are made verbally that do not cite the Public Records Act or are made in a format other than the City's official request form.

C. “Public Record” means any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by the City, regardless of physical form or characteristics.

D. “Public Records Act” means California Government Code section 6250 through 6270, inclusive.

E. “PRA” Public Records Act.

#### **4. PROCEDURE FOR PUBLIC RECORDS ACT REQUESTS**

##### **A. Formal Requests**

1. Requests for public records which are received via the official City PRA form (attachment A) shall be immediately submitted to the City Clerk’s Office for processing.

2. The City Clerk or his/her designee, shall immediately upon receipt of the PRA form, route copies of the form, as deemed necessary, to the City Attorney and affected Department Director(s) and to the City Manager.

3. Any Department Director that receives a copy of a PRA form shall within three (3) days of its receipt, deliver a memo to the City Clerk describing any document in the custody of the Department that is the subject of the PRA request and briefly describe factors relevant to the public interest in disclosure and/or non-disclosure.

4. If the City Clerk deems that disclosure of the information may warrant exemption, he/she shall forward a memo to the City Attorney alerting him/her of the possible concerns. The City Attorney will review the documents/information and within three (3) days shall direct the City Clerk, as to whether or not the records may be produced, either in their entirety or in a redacted format, or state why the records could/should not be produced.

5. The City Clerk shall, within the applicable statutory time, ten (10) days, respond to the requestor in writing as to the status of the request. A copy of the response shall be sent to the City Attorney and all affected Departments.

The City is obligated to produce the records upon payment of fees including but not limited to postage fees.

6. A staff person must be present at all times whenever an individual is reviewing original City documents.

B. Informal Requests

1. Any informal request for documents received by a City employee or officers which may be in question shall be referred to the City Clerk's office for processing.

2. The City Clerk shall contact the requestor and encourage him/her to complete the proper request form. If the requestor refuses to do so, the City Clerk shall attempt to capture the substance of the request, along with the name and address of the requestor and memorialize the information in his/her Public Information Request Log.

3. The information captured by the City Clerk or his/her designee will be treated in the same manner as a formal request under 4.A.1. above.

**APPROVED:**

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**J. Edward Todd, City Manager**

Attachment "A": Request for Public Records Form



Stamp Date Received

Please forward to City Clerk's Office

# PUBLIC RECORDS REQUEST

The City of Dinuba has adopted the following policy statement in compliance with California Government Code Section 6253.

Any person may receive a copy of an identifiable public record not otherwise protected from public disclosure. Upon request, and subject to the appropriate fee, an exact copy shall be provided unless impracticable to do so. Computer and/or electronic data shall be provided in an appropriate form determined by the affected department. It shall be determined by the City Clerk within 10 days after the receipt of such a request whether it is possible to comply and shall notify the requestor of such determination and the reason therefore.

A fee of \$.10 per page will be charged for copies of public documents. Other media may be charged per direct cost.

Date: \_\_\_\_\_ Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Record(s) Requested (**be specific, i.e. title, type, approximate date, etc.**):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Completed: \_\_\_\_\_

Copy Charge: \$ \_\_\_\_\_ Paper Copy \_\_\_\_\_ Electronic Copy \_\_\_\_\_

Copies provided via: Mail \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_ Review \_\_\_\_\_

Additional Information: \_\_\_\_\_

## **CALIFORNIA PUBLIC RECORDS ACT REQUEST GUIDELINES FOR THE CITY OF DINUBA**

Any person may request public records. It does not matter who you are or why you want them. Similarly, the California Constitution guarantees that the "writings of public officials and agencies shall be open to public scrutiny" and requires that exemptions to access be "narrowly construed." As such, this office is cognizant of the City's responsibilities under the California Public Records Act (CPRA) and that the statutory scheme was enacted to maximize citizen access to the workings of government.

Although you are not required to submit a request in writing under the law, written requests both streamline the response process and ensure that the correct records are provided. Accordingly, you should direct your request to the City Clerk's Office for proper routing to the specific City department, office or agency you believe has the desired records (a list of all City departments and contact information can be found at [www.dinuba.ca.gov](http://www.dinuba.ca.gov)). Keep in mind that the City of Dinuba has approximately 200 full-time and seasonal employees. The CPRA recognizes that it would be impractical for one agency to be held responsible for controlling the records of any other agency, let alone the entire City. With this in mind, the City Clerk's Office will be used as the initial point for Public Records Act requests to ensure the appropriate and desired information is provided in a timely manner to the requestor.

Generally, the City has 10 calendar days to respond to a request for records. The response need only state which responsive documents will be made available, and which records, if any, will not be produced, citing specific exemptions. On certain occasions, the desired information may take an additional 14 calendar days to be produced if "unusual circumstances" exist with respect to the request (the need to search for records from field facilities; the need to search for a voluminous amount of records; the need to consult with another agency; or the need to compile data, to write programming language or a computer program, or to construct a computer report to extract data). The requested documents can either be made available with this initial response or within a reasonable time thereafter.

The City is not required to respond to requests for information, nor is it required to create new documents that otherwise would not exist simply to respond to a request. In certain instances, documents that exist are nevertheless withheld because certain statutory exemptions apply. By providing specific exemptions to disclosure, the CPRA recognizes the public's right to access balances against such important considerations as the right of privacy and laws relating to legal privilege. Accordingly, personnel records, attorney work product, and certain law enforcement documents are just some of the records that are exempt from production under the CPRA.

If you make a request for identifiable public records you will be given the opportunity to inspect identifiable AND available non-exempt public records during normal business hours free of charge. To ensure that your requested documents are ready and available, it helps if you plan ahead by making an appointment. If you would like

personal copies of any requested documents, those document copies will be provided at a cost of ten cents per page. The CPRA allows the City to request payment for copies in advance (checks should be made payable to the "City of Dinuba").