

TITLE:
Public Records Request Policy
ADOPTED BY BOARD OF HARBOR COMMISSIONERS:
May 12, 2014
EFFECTIVE DATE:
This Administrative Policy is effective upon adoption and approval by the Board of Harbor Commissioners.
SUPERSESION:
This policy supersedes Administrative Policy No. 5218.1.
PURPOSE:
The Public Records Act (Government Code Section 6251) requires that the Oxnard Harbor District, as a public agency, make its records available to the public for inspection with the exception of certain records specifically exempted under the Act.
POLICY:
<p>1. <u>POLICIES AND PROCEDURES:</u></p> <p>a. All inspection or examination of District records will be held at the District's Administration Building, Port Hueneme, California during regular office hours (8:00a.m. to 5:00p.m.) Monday through Friday except for holidays. Assistance to persons seeking to inspect a public record or obtain a copy of a public record shall be provided as required under Government Code Section 6253.1. Inspection of records shall be in front of an employee of the Oxnard Harbor District. Where portions of a record contains material exempt from disclosure but can be reasonably segregated from the record, those exempt portions shall be deleted and the remaining record furnished for inspection. If the exempt portions cannot be reasonably segregated, access to the requested information shall be denied.</p> <p>Requests for the inspection or examination of public records or to obtain copies of public records shall be made in writing to the Executive Aide/Clerk of the Board as follows:</p> <ol style="list-style-type: none"> 1) Persons requesting to inspect or examine public records at the District's Administration Building shall complete the Public Records Request Form (Exhibit A) and return the form to the Executive Aide/Clerk of the Board or designee. 2) Requests for copies of public records may be made by email or other written correspondence to the Executive Aide/Clerk of the Board or designee.

The Executive Aide/Clerk of the Board or designee shall maintain a log of all requests and completed Public Records Request Forms and supervise access to public records.

- b. Except with respect to public records exempt from disclosure by express provision of law, the District, upon requests that reasonably describe identifiable records, shall promptly permit the inspection or examination of records. Copies of public records shall be made available as stipulated by the Public Records Act.

Persons inspecting or examining records shall not remove documents from file folders, books or other similar containers. Persons engaged in the inspection or examination of records shall sign the Public Records Request Form for the file or other record provided for inspection. The form requests the name, address, telephone number and signature of the person requesting the record and a promise not to alter, change or remove anything from the file or record furnished.

- c. The District within ten (10) days from receipt of a request for a public record shall determine whether the request, in whole or in part, seeks inspections or copies of disclosable public records in its possession. The CEO & Port Director or designee shall promptly notify the person making the request of its determination and the reasons therefor.

In unusual circumstances, the ten (10) day time limit may be extended by written notice from the CEO & Port Director, or designee, to the person making the request. The notice shall set forth the reasons for the extension and the expected date on which a determination is to be rendered. Government Code Section 6253 (c) defines "unusual circumstances" as:

- 1) The need to search for and collect the requested records from facilities or locations 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, conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- 4) The need to compile data, to write programming language or a computer program, or to design a computer report to extract data.

The notice of extension shall not exceed more than fourteen (14) days beyond the ten (10) days' time normally required for a response. If the request seeks inspection of copies of records that are not subject to the disclosure under the Public Records Act, the CEO & Port Director or designee shall inform the person making the request.

- d. Under the Public Records Act records not subject to disclosure include:

- 1) Preliminary drafts, notes, or confidential memoranda and correspondence with other

public agencies that are not retained by the District in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.

- 2) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy unless express and verifiable written consent is obtained from the person whose records are being sought.
- 3) Records pertaining to pending litigation to which the District is a party, or to claims made pursuant to Division 3.6 "Claims and Actions Against Public Entities and Public Employees" (commencing with Section 810) of the Government Code until the pending litigation or claim has been finally adjudicated or otherwise settled. Legal Counsel shall be consulted in the handling of requests for records pertaining to pending or concluded litigation.
- 4) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made by or for the District relative to the acquisition of property, or prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreements obtained.
- 5) Trade secrets.
- 6) Records subject to the attorney-client privilege.
- 7) Matters subject to a confidentiality agreement.
- 8) Any other records exempt under express provisions of the Public Records Act or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by the disclosure of the record.

2. COST FOR PROVIDING RECORDS:

The District has the right to recover costs related to duplication or transcription of public records. The fee covering duplication costs shall be \$0.50 per duplicated page. Fees for the transcription of audiotapes or production of copies of records in electronic formats shall be determined based on the actual costs incurred. The fee for disclosable records that are only available as the result of programming or computer services shall be based on costs incurred necessary to produce copies of the records requested.

RELATED POLICIES AND PROCEDURES:

None.

DEFINITIONS:

None.



EXHIBIT A

**OXNARD HARBOR DISTRICT
PUBLIC RECORDS ACCESS REQUEST FORM**

Part I: Requestor Information

Requester Name: _____		Signature: _____	
<i>By signing this document I am voluntarily entering into an agreement with the Oxnard Harbor District assuring that I will not alter, change, or remove anything from the files or records furnished to me.</i>			
Organization: _____			
Address: _____			
City: _____	State: _____	Zip Code: _____	Email Address: _____
Daytime Phone: _____	Cell Phone: _____		Fax: _____

Part II: Request to Inspect Oxnard Harbor District Records

Date of Request: <i>(The date you submitted this form to the Oxnard Harbor District)</i> _____
Requested Form of Inspection: _____
Appointment to Examine Records at the District Office: <input type="checkbox"/> Preferred Date: _____ Preferred Time: _____
Provide Copy of Record: Email <input type="checkbox"/> Fax <input type="checkbox"/> <i>(Please include Email Address or Fax # in Part I: Requestor Information above)</i>

Part III: Description of Public Records Requested

Type of Record (if known): _____
Public Record Subject (if known): _____
Time Period (if known): <i>Please specify either "Most current record", specific date or range of dates.</i>
Most current record: <input type="checkbox"/> Specific Date: _____ Range of Dates: (mm/yyyy): _____ to (mm/yyyy): _____
Additional Information: <i>If a particular document is required, it should be identified precisely, preferably by date and title. If you cannot identify a specific record clearly explain your needs:</i>

For Oxnard Harbor District Use Only			
Time Limit Extension Required: <input type="checkbox"/>	Records Located: <input type="checkbox"/>	Records Not Located: <input type="checkbox"/>	Records Exempt From Public Review: <input type="checkbox"/>
Request Form Received by: Phone <input type="checkbox"/> Mail <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Walk In <input type="checkbox"/>			
Date Form Received: _____ <i>OHD Staff Initials: _____</i>	Date Requester Contacted: _____ <i>OHD Staff Initials: _____</i>	Date/Time of Appointment: _____ <i>OHD Staff Initials: _____</i>	
Date Copies Requested: _____ <i>OHD Staff Initials: _____</i>	Copy Fee: _____ Check#: _____ <i>OHD Staff Initials: _____</i>	Date Copies Mailed: _____ <i>OHD Staff Initials: _____</i>	

Public Records are made available in accordance with the Public Records Act of the State of California. All inspections of Oxnard Harbor District records are held at the District's Administration Building, Port Hueneme, California during regular office hours (8:00a.m. to 5:00p.m.) Monday through Friday except holidays. Some records may be exempt from disclosure as permitted under the Public Records Act. The District will make every effort to grant access to requested records within ten (10) days unless there are unusual circumstances as defined by the Government Code.