

SECTION 4:
Administrative
Policies
and Procedures

Policy for Inspection and Copying of Public Records

I. POLICY

This policy sets forth the procedures of the Orange County Local Agency Formation Commission (OC LAFCO) for handling requests for inspection and/or copying of public records. It is designed to follow the California Public Records Act (Government Code §7920.000 et seq.) and all existing laws and regulations pertaining to disclosure of public records. If any provision of this policy conflicts with current state or federal law, the law shall take precedence.

It shall be the policy of OC LAFCO to allow members of the public to inspect and/or receive copies of any records maintained in the Commission's office or OC LAFCO-related records housed in the Orange County Records Center, unless such records are restricted by federal or state law, or other regulations.

II. LEGAL AUTHORITY

This policy is authorized under Government Code §7922.630 which provides: "Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section." The California Public Records Act (Government Code §7920.000, et seq.) and the California Constitution (Cal. Const. Art. I, Code §3, subd. (b)) gives every member of the public the right to inspect and/or receive copies of public records, for the direct cost of duplication or a statutory fee, except where access is otherwise made exempt by law.

III. DEFINITIONS

For purposes of this policy and procedure, "public records" shall include any writing containing information related to the conduct of the public's business that is prepared, owned, used or retained by the Commission, regardless of physical form or characteristics.

"Writing" means 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 combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

IV. PROCEDURES

- A. OC LAFCO encourages members of the public to submit records requests to the Commission's office during normal business hours when the Commission offices are open. Receiving requests during normal business hours helps Commission staff avoid any delays in responding to requests for inspection and/or copies of OC LAFCO records. This procedure is intended to further the Public Records Act Mandate that public records must be "open to inspection at all times during the office hours of the state or local agency..." and the provision that allows OC LAFCO to "adopt requirements for itself that allow for faster, more efficient, or greater access to records that prescribed by the minimum standards set forth in [the Public Records Act]." (Government Code §7922.525 through §7922.540(b).) Notwithstanding the foregoing, OC LAFCO accepts records requests that are sent to the Commission's office after normal business hours, during weekends, and holidays. However, OC LAFCO will deem such requests as received on the next business day that the Commission's office is open for business.
- B. OC LAFCO encourages members of the public to submit all records requests in writing to the Commission's office, preferably using the Public Record Request form attached as Exhibit "A" to this policy. Written requests reduce any misunderstandings between the requester and OC LAFCO staff, which allows OC LAFCO staff to respond to records requests in a timely manner and with greater efficiency. However, OC LAFCO will not deny a request for records solely because it is not submitted in writing or was not submitted on OC LAFCO's Public Record Request form.
- C. The requester should, in writing, specify the records to be inspected/copied with sufficient detail to enable OC LAFCO to identify the particular records. If the request appears ambiguous or unfocused, staff will make a reasonable effort to obtain additional clarifying information from the requester that will help identify the record or records. Pursuant to Government Code §7922.600 and §7922.605, staff shall do all of the following, to the extent reasonable under the circumstances:
 1. Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
 2. Describe the information technology and physical location in which the records exist.
 3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- D. Staff will make disclosable public records promptly available whenever possible. If any document responding to a public records request is posted on any OC LAFCO-related websites, staff will provide the requestor with a link or other direction to the online location of the document, pursuant Government Code §7922.545, subdivision (a).

- E. For requests for records in electronic format, OC LAFCO will make electronic records available in their existing format, pursuant to the requirements and conditions of Government Code §7922.570 through §7922.580.
- F. Within 10 (ten) days of OC LAFCO's date of receipt of the original request, the Executive Officer will provide a written determination as follows:
 - 1. If the requested records were made promptly available after the request was received, the Executive Officer's written response will document staff's determination that the records were disclosable and were provided to the requester.
 - 2. If the request presents "unusual circumstances" as described in Government Code §7922.535 subdivision (b), the Commission may take an extension of 14 days to provide a determination on the request. Pursuant to Government Code §7922.535, subdivision (c), "unusual circumstances" means the following, but only to the extent reasonably necessary to properly process the request:
 - a. The need to search for and collect the requested records from filed facilities or other establishments that are separated from the office processing the request.
 - b. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
 - c. The need for consultation, which shall be 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 Commission having substantial subject matter interest therein.
 - d. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

The Executive Officer's written response will explain the "unusual circumstances" that apply to the request and will provide the estimated date when the determination on the request will be provided.

- 3. If the requested records are exempt from disclosure under the Public Records Act, other state law, or federal law, the response shall provide the specific exemptions and provide the name and title or position of the person(s) responsible for withholding the exempt records.
- 4. If the requested records are disclosable but cannot be made "promptly available" because additional time is required to complete the request, the response shall notify the requester of the estimated date when the materials will be made available.

- G. For requests to inspect records, staff members will assist requestors to schedule a date and time for inspection during regular business hours when the Commission offices are open. Original records may NOT be taken from OC LAFCO offices or another repository. Some historical OC LAFCO records are stored in the Orange County Records Center through an agreement between OC LAFCO and the Orange County Records Center. All OC LAFCO records within the Orange County Records Center remain under the ownership of OC LAFCO. As custodian for these documents, OC LAFCO shall work with Orange County Records Center, when necessary, to retrieve any documents that respond to records requests.

- H. OC LAFCO shall produce requested copies upon payment of the copy fee specified in the OC LAFCO fee schedule or upon payment of a statutory fee if applicable.

Originally Adopted: 9/1979 (formerly “Policy for the Public Review of LAFCO Records”)

Last Reviewed: 3/8/2023, 8/14/2019, 2/14/2018

Last Revised: 3/8/2023

EXHIBIT A
[PLACE ON LETTERHEAD]

PUBLIC RECORDS ACT (PRA) REQUEST FORM

A. REQUESTOR INFORMATION: **Required field (You will need to provide at least one form of contact information for us to respond to your request.)*

Name: _____ Date: _____

*Email: _____

Street Address: _____

City: _____ State: _____ Zip: _____

*Telephone: _____ *Fax: _____ *Cell: _____

B. RECORDS REQUESTED: *Please be specific and state clearly the type of information you are requesting. To expedite your request, please indicate the type of record, file name, application number, applicant name, date or date range of record(s), incident location or other helpful information. (You may attach another sheet if you need additional space.)*

I am requesting to (check one) inspect receive copies of the following records:

(1) _____

(2) _____

(3) _____

We assure you that your request for information is important to us. However, immediate access records cannot always be accommodated immediately. In accordance with California GOVERNMENT CODE §7920.000 et seq. OCLAFCO staff has up to ten (10) days in which to determine whether the documents requested constitute in whole or in part disclosable public records, and such time period may be extended if necessary. Requests for large volume documents, historical/archived files, or for active application files requested near an OC LAFCO meeting date may not be processed immediately. Extensive research or substantial photocopying may take a reasonable amount of time to process. If you would like to schedule an appointment to arrange appropriate accommodations for large requests, please contact [INSERT CONTACT PERSON, TITLE AND PHONE NUMBER AND/OR EMAIL ADDRESS.]

Please be advised that OCLAFCO copying fees or statutory copying fees may apply for copy requests and that you may be required to pay all such fees before requested copies are delivered.