

RESOLUTION No. 2009-09

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BEAUMONT CHERRY VALLEY WATER DISTRICT
AMENDING SECTION 5 OF PART 4 OF THE DISTRICT'S
POLICIES AND PROCEDURES**

WHEREAS, the Board of Directors of the Beaumont Cherry Valley Water District has determined that it is in the best interest of the District to adopt a formal and comprehensive Public Records Policy;

WHEREAS, the Board of Directors of the Beaumont Cherry Valley Water District has carefully reviewed Exhibit A to this Resolution which sets forth a Public Records Policy;

NOW, THEREFORE, BE IT RESOLVED, that Section 5 of Part 4 of the Beaumont Cherry Valley Water District's Policy Manual is hereby amended in its entirety in the form and content set forth in Exhibit A to this Resolution;

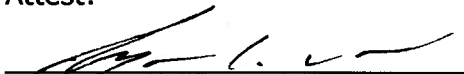
ADOPTED, SIGNED AND APPROVED, THIS 18TH DAY OF NOVEMBER, 2009 BY THE FOLLOWING VOTES:

AYES:	Ball, Parks, Magee, Ross and Woll
NOES:	None
ABSENT:	None
ABSTAIN:	None



Dr. Blair Ball, President of the
Board of Directors of the
Beaumont Cherry Valley Water District

Attest:



Ryan Woll, Secretary to the
Board of Directors of the
Beaumont Cherry Valley Water District

BEAUMONT-CHERRY VALLEY WATER DISTRICT

PART IV

MISCELLANEOUS
POLICIES & PROCEDURES MANUAL

Adopted on March 18, 2009 by Resolution 2009-05

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PUBLIC RECORDS POLICY

A. PURPOSE:

To establish policy and provide guidelines for complying with a request for public records.

B. DEFINITIONS:

For purposes of this policy, the following definitions shall apply:

- i. "Public Records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the District regardless of physical form or characteristics.
- ii. "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, electronic mail, facsimile, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols, or combination thereof regardless of the manner in which the record has been stored.

C. PUBLIC RECORDS POLICY

The Public Records of the Beaumont Cherry Valley Water District (the "District") shall be open to inspection during regular office hours. "Public Records" are all the records of the District falling within the definition of "public records" set forth in *Government Code* section 6252 except those which are exempted from disclosure by the California Public Records Act (*Government Code sections 6250*)

D. RECORDS EXEMPT FROM DISCLOSURE

i. Government Code Specific Exemptions

The District shall withhold from inspection any record that is exempted from disclosure under the express provisions of the California Public Records Act, including but not limited to *Government Code* sections 6253.5, 6254, and each section in the section 6254 series including, but not limited to, sections 6254.9 and 6254.25.

ii. Public Interest Served in Nondisclosure

The District shall withhold from inspection any record that is exempt under the express provisions of the California Public Records Act, including those items set forth above, and, in accordance with *Government Code* section 6255, the District may withhold any other record if on the facts of the particular case the public interest served by not making a record public clearly outweighs the public interest served by disclosure of the record.

iii. Consistent with California Constitution these Guidelines, along with other laws governing the public's access to public records shall be interpreted broadly, if it furthers the people's right of access, and narrowly if it limits the right of access.

E. ACCESS

Upon written request for copies of records, the District shall determine within ten (10) days after the receipt of such written request whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the District, and shall promptly notify the person making the request of the determination and the reasons therefore. In unusual circumstances as specified in *Government Code section 6253(c)*,

the ten (10) day time limit prescribed above may be extended by written notice by the General Manager or designee, to the person making the request. The notice shall set forth the reasons for the extension, and the date on which a determination is expected to be dispatched. No notice shall specify a date that will result in an extension of more than fourteen (14) days.

As used in section 6253(c), "unusual circumstances" shall mean, to the extent reasonably necessary for the proper processing of the particular request:

- i. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- ii. The need to search for, collect, and appropriately examine voluminous amount of separate and distinct records which are demanded in a single request.
- iii. 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 agency having substantial subject matter interest therein.
- iv. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data. In the event the District decides to comply with the written request for copies, in whole or in part, the District will do so promptly. Upon request, an exact copy shall be provided unless it is impracticable to do so. The cost is twenty five cents (\$0.25) per black and white copy (8 1/2" x 11" or 8 1/2" x 14"), or the prescribed statutory fee. The fee for documents larger than 8 1/2" x 14", which require special duplication processing, will include all direct costs of reproducing those documents. These costs may be adjusted from time to time by resolution of the Board of Directors, and will not exceed the amount reasonably necessarily to recover the cost to the District of providing the copy or copies.

F. ELECTRONIC RECORDS

- i. The District shall make public records which are in an electric format available in an electronic format when requested, if the format is one that has been used by the District for its own use or provided to other agencies. (Section 6253.9). The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.
- ii. The requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record at the current burdened cost rate of staff when either of the following applies:
 - (1) The requested electronic record is one that is produced only at otherwise regularly scheduled intervals.
 - (2) The request would require data compilation, extraction, or programming to produce the record.
- iii. The District shall not be required to reconstruct a record in an electronic format if the District no longer has the record available in an electronic format.
- iv. If a request is for information in another format and the information is also in electronic format, the District may inform the requestor that the information

is available in electronic format. This does not authorize the District to provide information only in electronic format.

v. The District shall not release an electronic record which would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

vi. Nothing in this section shall be construed to permit public access to records which access is otherwise restricted by statute.

G. RESERVATION OF RIGHTS

The District reserves the right to determine, to the extent and in the manner provided by law, which of its documents are not public records or which of its documents are otherwise exempt or privileged. This Policy shall not in any way limit or restrict the District in the exercise of its rights as set forth in this section.

Should a conflict arise between this Policy and California's Public Records Act as written, or as it may be amended, the Public Records Act shall prevail.