

SOUTH TAHOE PUBLIC UTILITY DISTRICT PUBLIC RECORDS POLICY

General

Public records maintained by the District shall be available for inspection during the regular business hours of the District. The General Manager, or his or her designee, shall be the official custodian of District records and shall make any nonexempt records freely available to the public in accordance with Government Code § 7920 et seq. The District may refuse to make available records that are exempt from disclosure pursuant to Government Code § 7922 or other applicable law. The District shall not disclose records that assess vulnerability to terrorist attack or other criminal acts intended to disrupt the District's operations or the disclosure of which would compromise the workplace security of the District's facilities, operations, or personnel.

Guidance For District Employees

Employees shall not make any promise or statement assuring confidential treatment of any record given to the District. All requests for inspection or copies of public records, other than forms and documents routinely distributed to the public, shall be forwarded to the General Manager (or his or her designee) to determine whether a record is exempt from disclosure. District employees shall not provide to anyone who does not work for the District any record deemed exempt from disclosure by the General Manager or his or her designee without express authorization from the General Manager. The General Manager shall have the sole authority to disclose exempt documents. All records created by the District's legal counsel are protected by the attorney/client privilege and are exempt from disclosure. The General Manager or his or her designee shall not disclose such records to anyone not employed by the District without first consulting with the District's legal counsel.

All Proposals submitted in response to a request for proposal (RFP) become the property of the District and under Government Code § 7920 et. seq. are public records which may be subject to public review. The RFP should generally provide that except for price or other portions marked confidential (such as trade secrets when applicable) the public will have access to a submittal. However, in special circumstances where the public interest in the confidentiality of submittals outweighs the public interest in disclosure, the RFP may provide for confidentiality of submittals for that particular project. In such special circumstances, the General Manager or his or her designee shall consult with the District's legal counsel for assistance in preparing the RFP.

Requests for Inspection or Copies of District Records

Members of the public who wish to inspect or obtain copies of any public record must submit their request to the office of the General Manager specifying the desired records. Requests should be specific, focused and not unreasonably interfere with the ordinary business operations of the District. The request should sufficiently describe records so that identification, location and retrieval of the records can be achieved in a timely manner by District personnel, and should include the name and address of the

requestor and a telephone number where the requestor can be reached for questions of clarification that will help to identify and locate the appropriate records for retrieval. The District shall require the name and address and positive identification of any person requesting to inspect or receive copies of records relating to the location, construction, operation or maintenance of District facilities or property, along with a statement of the purpose for the inspection or receipt of copies. Positive identification may be established by a California driver's license, California identification card or other official photographic identification. If the member of the public is unsure how to phrase a request, the District shall provide assistance as required by Government Code § 7922.600.

The District's Search for and Review of Responsive Records

A reasonable effort will be made to locate requested records. If the document requested cannot be located after a reasonable search, the requesting party shall so be advised. The District shall, within 10 days of receipt of the request, determine whether the request, in whole or in part, seeks disclosable public records that are in the possession of the District and shall promptly notify the requestor of the determination by sending the requestor a letter of determination.

In unusual circumstances, the District may extend the 10 days for the determination by up to 14 additional days by written notice, setting forth the reasons for the extension and the date upon which the determination will be made. "Unusual circumstances" include instances where the records are located off site, the request is for a voluminous amount of separate records, the District needs to consult with another agency having a substantial interest in the determination, or where there is a need to compile or extract data.

If the District determines that the request seeks disclosable records, the District will state an estimated date and time when the records will be made available in its letter of determination. The District will not delay in producing the disclosable records but may designate an estimated date for production which is later than the 10 or 14 additional days permitted by law for the initial determination in order to review, redact as necessary and copy responsive documents. If the District determines that the records requested are not disclosable, it will state the reasons therefore in its letter of determination and the name and title of the person responsible for the denial.

Inspection of District Records

A member of the public requesting inspection of District records shall be assisted by the General Manager or his or her designee during regular office hours at a time arranged between the District and requestor. The operational functions of the District will not be suspended to permit inspection of records during periods in which District personnel in the performance of their duties reasonably require such records. Physical inspection of the records shall be permitted within the District's offices and under the

conditions determined by the District. District employees shall not provide records deemed to be exempt from disclosure by the General Manager or his or her designee to members of the public. Upon either the completion of the inspection or the oral request of department personnel, the person conducting the inspection shall relinquish physical possession of the records. Persons inspecting District's records shall not destroy, mutilate, deface, alter, or remove any such records from the District office. The District reserves the right to have District personnel present during the inspection of records in order to prevent the loss or destruction of records.

Advance Payment Required for Copies of District Records

After the District has completed its search for records that are responsive and disclosable, District personnel shall notify the requestor that the records are available. The notice of availability shall include the number of pages and total cost for copying. District employees shall promptly provide copies of the records to the requestor upon the advance payment of ten cents (\$.10) per page to cover the direct costs of duplication. Postage fees incurred in mailing such copies shall also be charged to the requestor.

Copies of maps, or blueprints will be supplied at the actual cost to the District for reproduction by an outside service including the hourly wage for actual staff time spent delivering and picking up the copies. Expected costs of reproduction will be collected in advance of reproduction.

The Public Records Act states that providing records via email is not reimbursable. However, the District may charge a fee (Government Code § 7922.575) to cover the costs of producing an electronic record if the requestor seeks an electronic record that is not already available in electronic format and

1. The District is required to produce a copy of the electronic record outside the regularly scheduled intervals for when that electronic document may be produced otherwise; or
2. The request would require data compilation, extraction, or programming to produce the record.

Records Prepared and Filed In Accordance With the Political Reform Act

Records prepared and filed in accordance with the Political Reform Act (conflict of interest code, statements of economic interest, campaign statements) are public records subject to inspection and reproduction during the District's regular business hours, commencing as soon as practicable, but no later than the second business day following the day the request for inspection was received. Copies shall be provided at a charge of ten cents (\$.10) per page. Pursuant to Government Code Section 81008, a retrieval fee of five dollars (\$5.00) per request shall be charged for copies of reports and statements which are five years old or more.

Posting of the Public Records Policy

A copy of this policy shall be posted in a conspicuous public place in the office of the South Tahoe Public Utility District and a copy thereof shall be made available free of charge to any person requesting such copy.

