

RESOLUTION NO. 2240

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
LEUCADIA WASTEWATER DISTRICT
ADOPTING THE LEUCADIA WASTEWATER DISTRICT'S
PUBLIC RECORDS ACT REQUEST POLICY**

WHEREAS, the California Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state; and

WHEREAS, the California Public Records Act (PRA), Government Code sections 6250 to 6270, requires the Leucadia Wastewater District to make public records available for inspection by the public and to provide copies upon request; and

WHEREAS, Leucadia has established guidelines to ensure that all persons understand and are afforded the opportunity to use their right to access public records.

NOW, THEREFORE, it is resolved as follows:

1. The LWD Board of Directors adopts the LWD Public Records Act Request Policy attached hereto as Exhibit "A" and directs that it be implemented consistent with all applicable laws and related District policies.

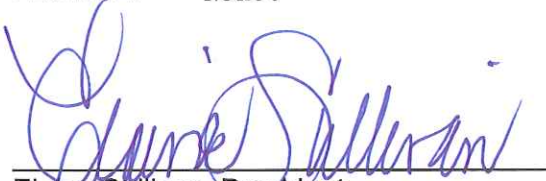
PASSED AND ADOPTED at a meeting of the Board of Directors of the Leucadia Wastewater District held on October 16, 2013 by the following vote:

AYES: Sullivan, Hanson, Juliussen and Omsted

NOES: None.

ABSENT: Kulchin

ABSTAIN: None.



Elaine Sullivan, President

ATTEST: 

Paul Bushee, Board Secretary



LEADERS IN
ENVIRONMENTAL
PROTECTION

Ref: 14-3862

PUBLIC RECORDS ACT REQUEST POLICY

PUBLIC RECORDS ACCESS GUIDELINES

The California Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. The California Public Records Act (PRA), Government Code Sections 6250 to 6270, requires the Leucadia Wastewater District (LWD) to make public records available for inspection by the public and to provide copies upon request. LWD has established the following guidelines to ensure that all persons understand and are afforded the opportunity to use their right to access public records. A copy of these guidelines will be provided free of charge upon request.

DEFINITION OF PUBLIC RECORDS

"Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by LWD regardless of physical form or characteristics. "Writing" means handwriting, typewriting, printing, photostating, photocopying, photographing, 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 any combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

AVAILABILITY OF PUBLIC RECORDS

Public records are open to inspection during LWD office hours, generally 8:00 am – 5:00 pm Monday through Friday, except for state holidays. Advanced notice is not required to inspect public records; however, the inspection of records is subject to a rule of reason and must be consistent with the efficient functioning of LWD office. It is advisable for any person who wishes to inspect public records to contact the LWD to ensure that the records are available. An appointment may be necessary, if the records are not readily available.

Records available for immediate inspection include the Fair Political Practice Commission (FPPC) forms (Gov. Code Section 81008) of designated LWD employees and Board members and the Public Records Access Guidelines. Copies of the Guidelines will be provided without charge upon request. The Guidelines are also available on LWD's website at www.lwwd.org. It is the policy of LWD that records not exempt from disclosure by state law will be open for public inspection with the least possible delay. There is no charge to inspect records. In order to prevent records from being lost, damaged or destroyed during inspection, LWD staff may determine the location of, and may monitor, the inspection.

PUBLIC ACCESS TO PUBLIC RECORDS

While a written request is not required, LWD prefers that the requestor(s) complete LWD's PRA Request Form. Request for records should be in writing so that LWD can more accurately identify the

records sought and process the request more efficiently. LWD's PRA Form is posted on LWD's website www.lwwd.org; under the Publications tab. Requests or the form should be directed to LWD's Office at the following address:

Leucadia Wastewater District
1960 La Costa Avenue
Carlsbad, CA 92009
Phone: (760) 753-0155
Fax: (760) 753-0155
Email: info@lwwd.org

Please include the following information in your request, so that we may respond to your request in a timely manner:

1. Whether you are requesting to inspect and/or obtain copies of public records under the PRA.
2. A clear and specific description of the information you are requesting. If possible, identify dates, subjects, titles and authors of the records requested. If needed, LWD staff will assist you in making a focused and effective request by helping you identify records, describing where they can be located and providing other suggestions for facilitating access. LWD may ask for additional information if the request is not specific enough to permit identification of the records sought.
3. Contact information.

RESPONSE TIME

Within ten (10) days from the date the request is received, LWD will determine whether the request, in whole or in part, seeks copies of dis-closable public records that are in LWD's possession. LWD will notify the requester of such determination. In unusual circumstances, the 10-day time limit may be extended up to an additional fourteen (14) days by written notice to the requester, setting forth the reason for the time extension. Unusual circumstances include:

1. 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;
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, which shall be conducted with all practicable speed, with another agency having substantial interest in LWD's determination of the request or among two or more components of LWD having substantial subject matter interest therein; and
4. The need to compile data, write programming language or a computer program, or constructs a computer report to extract data. If LWD determines it will comply with the request, the records will be made available as promptly as possible upon payment of any applicable copying fees.

RECORDS IN ELECTRONIC FORMAT

Upon request, LWD will provide electronic copies of records if they are still available in an electronic format. LWD shall make an electronic public record available in any electronic format in which LWD holds the information or in the format requested if the requested format is one that has been used by LWD to create copies for its own use or for provision to other agencies.

FEE FOR COPIES

The usual fee for copying records is ten cents (\$.10) per standard 8 ½ x 11 inch page.
The cost for all other copies is the direct cost of duplication, or a statutory fee if applicable.

FEES FOR RECORDS IN ELECTRONIC FORMAT

The requestor shall bear the direct costs of producing a copy of a record in electronic format, including the costs to construct a record and the cost of programming and computer services necessary if:

1. LWD is required to produce a copy of an electronic record that is otherwise only produced at regularly scheduled intervals; or
2. LWD is required to perform data compilation, extraction, or programming to produce the record.
3. The usual cost of obtaining electronic copies on a CD is one dollar (\$1).

LWD'S RESPONSE TO A RECORDS REQUEST INCLUDES

In responding to information requests, LWD will advise the person submitting the request of the following:

1. Whether LWD has disclosable records responsive to the request;
2. The location, date, and time at which the requested records may be inspected if an inspection was requested;
3. If copies of records are requested, the cost of providing such copies; and
4. Which of the records requested are exempt from disclosure pursuant to applicable provisions of the California PRA.

RECORDS THAT ARE NOT REQUIRED TO BE DISCLOSED

In balancing the public's right to access public records with other rights and interests, including the individual right of privacy and the need for LWD to be able to competently perform its duties, the Legislature has established certain categories of records that may be exempt from public disclosure under specified circumstances. These include, but are not limited to, certain personnel records, investigative records, drafts, confidential legal advice, records prepared in connection with litigation, real estate appraisals and evaluations made relative to pending acquisition of property, Native American graves, cemeteries and sacred places, archaeological site information, trade secrets, communications with the Governor's Office, and information that is confidential pursuant to other state or federal statutes.

PERSONS WITH DISABILITIES

Persons with disabilities who require accommodation for obtaining access to LWD public records should notify LWD of their accommodation needs in their request or by calling (760) 753-0155.