



PLUMAS COUNTY PUBLIC RECORDS ACT POLICY

(ADOPTED BY THE BOARD OF SUPERVISORS ON 1/3/2012)

1.0 Purpose

The California Public Records Act (Gov. Code sec. 6250 and following) gives members of the public the right to inspect and obtain copies of most of the records created, used, or maintained by counties. The Public Records Act is interpreted to strongly favor disclosure of public records. The Act states this policy as follows:

In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code, sec. 6250.)

Proposition 59, passed by voters in 2004, enshrined this principle in the Constitution of the State of California, declaring: "The people have the right of access to information concerning the conduct of the people's business, and therefore ... the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., Art. I, § 3, subd. (b)(1).).

However, there are many exceptions to the general rule that favors inspection and copying of records created, used, or maintained by counties, such as (but not limited to) individual privacy, evidentiary privileges, trade secret or sensitive competitive information, or security issues. Because of the complexity of the Public Records Act and the infrequency with which many departments receive requests for public records, it is appropriate that there be a consistent procedure for receipt, analysis, and timely response to such requests by the Plumas County government to assure compliance with the requirements of the Public Records Act.

2.0 Scope

This policy applies to all departments, offices and agencies of Plumas County government. This policy supersedes all previously adopted policies concerning requests to inspect or obtain copies of Plumas County public records to the extent those prior policies are inconsistent with this policy.

3.0 Process

3.1 Submittal of Requests for Public Records Maintained by Plumas County

Requests to inspect or copy a public record maintained by Plumas County should be made to the department, office, or agency where that record is located or maintained (the "subject department"), if the requesting party knows this information.

If the requesting party does not know the department, office, or agency where the record is located or maintained, the request shall be directed to the County Administrator's Office. If the County Administrator's Office receives an initial request, the County Administrator's Office shall endeavor to determine the department, office, or agency to that is in the best position to respond to the request, and direct the requester to that department, office or agency. Where the request is written, within one (1) business day of receipt, the original of the request shall be forwarded to the subject department, and a copy of the request provided to the Office of the County Counsel.

If a department, office, or agency receives a request for a record or records that it believes may be located or maintained in other departments, offices, or agencies (whether or not the receiving department, agency, or office also possesses responsive records), the receiving department, office, or agency shall immediately forward a copy of the request to all departments, offices, and agencies that it believes may possess responsive records, as well as to the County Administrator's Office and the Office of the County Counsel.

3.2 Processing Requests

An oral request to inspect or obtain a copy of a public record shall be reduced to writing by the subject department. Within five (5) calendar days from the date the request is initially made, the subject department shall forward the request and a proposed response to the County Counsel's Office for consultation. If the subject department has any question or concern about how, or whether, it must or should respond to the request, the County Counsel's Office should be consulted without delay. The County Counsel's Office shall respond to the consultation in sufficient time to allow a timely response consistent with the requirements of the Public Records Act.

3.3 Response

The subject department shall make a timely response to a Public Records Act request after consultation with the County Counsel's Office. A copy of the response shall be provided to the County Counsel's Office. Both the subject department and the County Counsel's Office shall maintain copies of the response for no less than two (2) years.

4.0 Exclusions

Subject to the written approval of the County Counsel's Office, departments may exclude categories of public records from the process provided in paragraph 3 above, if such

categories present no question that the records should be made available for inspection or copying.

5.0 Adoption:

This "Plumas County Public Records Act Policy" is adopted by the Plumas County Board of Supervisors at a meeting held 1/3/2012.

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