

ORDINANCE NO. 1095

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RED BLUFF ESTABLISHING PROCEDURES FOR PUBLIC RECORDS REQUESTS

WHEREAS, The California Public Records Act, codified at Government Code sections 7920.000 through 7931.000, declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person; and

WHEREAS, Government Code sections 7920 through 7922 require local agencies to make public records promptly available upon request, subject to specific exemptions provided by law; and

WHEREAS, The City Council desires to adopt uniform procedures to ensure timely, transparent, and lawful responses to public records requests while safeguarding records exempt from disclosure; and

WHEREAS, The adoption of local procedures consistent with state law promotes efficient administration, accountability, and public trust;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF _____ DOES ORDAIN AS FOLLOWS:

CHAPTER 2: ADMINISTRATION, ARTICLE I GENERAL PROVISIONS

SECTION 2.8: PUBLIC RECORDS REQUESTS

Sections:

- 2.8.1 Purpose and Authority
- 2.8.2 Definitions
- 2.8.3 Requests for Inspection or Copies
- 2.8.4 Requests Filed with Deputy City Clerk
- 2.8.5 Response Time and Procedure
- 2.8.6 Fees and Charges
- 2.8.7 Exemptions, Redactions, and Denials
- 2.8.8 Record Retention and Preservation
- 2.8.9 Severability

§ 2.8.1 PURPOSE AND AUTHORITY.

The purpose of this Chapter is to establish procedures by which members of the public may request access to records of the City of Red Bluff in accordance with the California Public Records Act, Government Code Sections 7920 through 7922 (the “Act”). This Chapter is adopted pursuant to the authority granted by the Act and other provisions of state law governing access to public records. Nothing in this Chapter is intended to expand or diminish the rights provided under state law.

§ 2.8.2 DEFINITIONS.

For purposes of this Chapter, the following definitions apply:

“**Act**” means the California Public Records Act, Government Code Sections 7920 through 7931, as may be amended from time to time.

“**Public Record**” means every writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by the City, regardless of physical form or characteristics.

“**Request**” means any request, whether written or oral, for inspection or copying of public records.

“**Deputy City Clerk**” means the Deputy City Clerk of the City of Red Bluff or the Clerk’s designated representative.

§ 2.8.3 REQUESTS FOR INSPECTION OR COPIES.

(A) Public Records shall be made available for inspection or copying upon request in accordance with the Act, subject to exemptions provided by law.

(B) Requests shall reasonably describe the records sought so that the City can locate the records with reasonable effort and specificity.

(C) Requests may be made in person, by mail, by electronic mail, or in such other written form as the Deputy City Clerk may prescribe.

(D) The City is not required to create new records, to answer questions posed by a requester, or to perform analysis of records except as otherwise expressly required by law.

§ 2.8.4 REQUESTS FILED WITH DEPUTY CITY CLERK.

- (A) All requests for public records shall be filed with the Deputy City Clerk.
- (B) The Deputy City Clerk shall log each request, assign it a control number, and track the City's response in accordance with the Act.
- (C) If a request is made to another City department, that department shall immediately forward the request to the Deputy City Clerk.

§ 2.8.5 RESPONSE TIME AND PROCEDURE.

- (A) Within ten (10) calendar days of receipt of a request, the Deputy City Clerk shall determine whether the request, or any portion thereof, seeks disclosable public records in the City's possession and shall promptly notify the requester of the determination and the reasons therefor. A notice may be sent in electronic or written form.
- (B) The 10-day period may be extended once by written notice to the requester stating the reason for the extension and the date on which a determination is expected, for a period not to exceed an additional fourteen (14) calendar days, in accordance with state law.
- (C) If the City determines that records are disclosable and available, it shall provide inspection of the records at a time agreeable to both parties, or provide copies of the records upon payment of applicable fees.

§ 2.8.6 FEES AND CHARGES.

- (A) The City may charge for copies of public records in accordance with Government Code Sections 7922.530 and as authorized by the Act.
- (B) Fees shall be limited to the direct cost of duplication and any other costs expressly authorized by law (e.g., mailing, media costs).
- (C) No fee shall be charged for time spent locating or reviewing records unless otherwise permitted by the Act, or unless a statutory exemption applies.

§ 2.8.7 EXEMPTIONS, REDACTIONS, AND DENIALS.

- (A) The City shall not disclose records that are exempt from disclosure under state or federal law.

(B) When reasonably possible, the City shall segregate and disclose all non-exempt material contained in an otherwise exempt document.

(C) Any denial of a request, or of a portion of a request, shall cite the specific legal authority supporting the denial and shall include contact information for the Deputy City Clerk.

§ 2.8.8 RECORD RETENTION AND PRESERVATION.

Nothing in this Chapter shall authorize the destruction or withholding of records that are required to be retained under state law or City retention schedules. The Deputy City Clerk and department heads shall ensure that records requested under this Chapter are preserved until the request has been completed and any applicable appeal period has expired.

§ 2.8.9 SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter.