

RESOLUTION NO. 2014 -44

RESOLUTION OF THE BOARD OF DIRECTORS OF
IRVINE RANCH WATER DISTRICT RESCINDING
RESOLUTION NO. 1995-37 AND ADOPTING
GUIDELINES FOR ACCESS TO PUBLIC RECORDS

WHEREAS, under the California Public Records Act, set forth in Government Code Section 6250, *et seq.* (the "Act"), all public records of the Irvine Ranch Water District ("IRWD") are open to inspection and any person may obtain a copy of any public record, subject to and in accordance with the provisions of the Act; and

WHEREAS, Government Code Section 6253.4 permits a public agency to adopt regulations and guidelines stating the procedures to be followed when making its records available in accordance with the Act; and

WHEREAS, IRWD has previously adopted Resolution No. 1995-37, establishing guidelines for accessibility of all public records; and

WHEREAS, this Board of Directors believes it to be in the best interest of the District to adopt amended guidelines, as more particularly set forth in Exhibit "A" to this resolution.

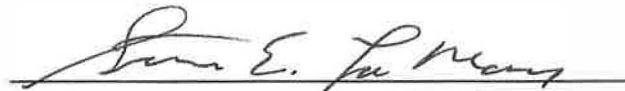
NOW, THEREFORE, THE BOARD OF DIRECTORS OF IRVINE RANCH WATER DISTRICT HEREBY RESOLVES AND DETERMINES AS FOLLOWS:

Section 1. Resolution No. 1995-37 is hereby rescinded in its entirety.

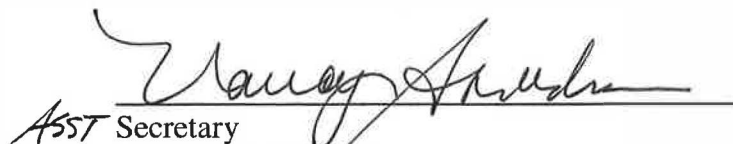
Section 2. The revised guidelines of IRWD with respect to access to public records of IRWD shall be as more particularly set forth in Exhibit "A," entitled "Guidelines For Access to Public Records", attached hereto and by this reference made a part hereof (the "Guidelines").

Section 3. The staff of IRWD is hereby authorized and directed to implement the Guidelines.

ADOPTED, SIGNED and APPROVED this 8th day of September, 2014.



President,
IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof



ASST Secretary
IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof

APPROVED AS TO FORM:
BOWIE, ARNESON, WILES & GIANNONE
IRWD Legal Counsel

By:  _____
BAWG 0112537/061914

STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

I, Nancy Savedra, Assistant Secretary of the Board of Directors of Irvine Ranch Water District, do hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of said District at a regular board meeting of said Board held on the 8th day of September 2014, and that it was so adopted by the following vote:

AYES:	DIRECTORS	LaMar, Matheis, Reinhart, Swan and Withers
NOES:	DIRECTORS	None
ABSTAIN:	DIRECTORS	None
ABSENT:	DIRECTORS	None

(SEAL)



Assistant Secretary of IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof

STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

I, Nancy Savedra, Assistant Secretary of the Board of Directors of Irvine Ranch Water District, do hereby certify that the above and foregoing is a full, true and correct copy of Resolution No. 2014-44 of said Board, and that the same has not been amended or repealed.

Dated: _____

Assistant Secretary of IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof

(SEAL)

EXHIBIT A

IRVINE RANCH WATER DISTRICT

GUIDELINES FOR ACCESS TO PUBLIC RECORDS

Section 1. General.

1.1 All public records, as defined in Government Code Section 6252(e), of Irvine Ranch Water District (“IRWD”) are open to inspection and copies of all public records are available as provided in these Guidelines, except for those records permitted by law to be withheld by IRWD from disclosure, such as personnel records, pending litigation records or IRWD customer information.

1.2 These Guidelines are intended to complement and implement Article 1, Section 3, of the California Constitution and the California Public Records Act, Government Code Section 6250, *et seq.* (collectively, the “Act”). These Guidelines are designed and intended to facilitate access to public records pursuant to the Act. For detailed statutory language, please consult the Act. To the extent of any inconsistency between these Guidelines and the Act, the Act shall control.

1.3 The District Secretary will maintain copies of requests for records in accordance with IRWD’s document retention policies.

1.4 IRWD is not required to compile data, gather information, perform research or otherwise create a record that does not exist or that is not maintained in the normal course of business; any determination to do any of the foregoing shall be at IRWD’s sole discretion.

Section 2. Making Requests for Inspection or Copies.

2.1 Any person who desires to inspect or obtain a copy of any IRWD public record may do so without having to reveal his or her identity or the reason for the request. Requests may be made to the receptionist or District Secretary, by telephone to (949) 453-5300 or in writing, e-mail (DistrictSecretary@irwd.com) or fax (949-453-1228) addressed to the District Secretary. Requests made to other IRWD personnel or departments will be rerouted to the District Secretary, which may delay the response time.

IRWD may make available, at its discretion, an online public records request process and/or a dedicated e-mail address for submission of public records requests. If and when these services are made available, IRWD will post information about their use on its website.

2.2 IRWD will determine within 10 days of IRWD’s receipt of the request whether the

request, in whole or in part, seeks disclosable public records in the possession of IRWD, and will promptly give or send a response to the contact information provided by the requester, stating the estimated date and time when the records will be made available for the inspection or the copies will be made available for pickup. If it is not feasible to make the determination within 10 days of the receipt of the request, the General Manager or his designee may, by written notice to the requester, extend the time as permitted by the Act.

2.3 If a delay is required in producing records determined to be subject to disclosure, due to the need to search for and retrieve records from remote and/or multiple locations, review, or redact or otherwise remove information exempt from disclosure, a reasonable time to complete such production will be established by the District Secretary. Suspension of normal operations shall not be required to fulfill a request for records, nor during a period when the records are reasonably needed in IRWDS's performance of its duties.

2.4 A request to inspect or obtain a copy of a readily identifiable and available record will often be satisfied within eight working hours, unless the use of the record by another person making an inspection of the same record or an IRWD employee, the presence in the file of material exempt from disclosure, the volume of the request or the unavailability of IRWD employees renders such a response impracticable.

2.5 A determination to deny the request, in the event requested records or portions thereof are determined by IRWD to be withheld from disclosure as permitted or required by law, will be made in writing.

2.6 Requesters may be able to view some of the records or information they are seeking by visiting IRWD's website, www.irwd.com, where items of general interest are posted.

Section 3. Identification of Requested Records.

3.1 Any person who requests to inspect or obtain a copy of any IRWD public record must reasonably describe an identifiable record or records. IRWD will assist the requester in identifying records and information that is responsive to the purpose of the request, if stated; describe the format and location of records; and provide suggestions for overcoming any practical basis for denial of access. IRWD may also suggest that the requester provide additional descriptions or clarifications of the records or information sought, for the purpose of making a faster or more efficient response possible.

3.2 Any reasonably segregated portion of a record shall be provided after removal or redaction of information that is exempt from disclosure.

Section 4. Procedure for Inspection.

4.1 Inspection of public records may be made at IRWD's principal office, located at 15600 Sand Canyon Avenue, Irvine, California, during IRWD's office hours on any

business day (normally, 8:00 a.m. to 5:00 p.m., Monday through Thursday).

4.2 Inspection of public records will be permitted only in the presence of IRWD personnel. Special arrangements shall be made in advance with the District Secretary for the inspection of voluminous records. The General Manager or District Secretary or their designees may designate the time and place for inspection in order to avoid disruption and to protect the records. The person making the inspection will be seated at a convenient desk or table within sight of an IRWD staff member for record security purposes.

4.3 A person inspecting public records shall not destroy, mutilate, deface or alter any such record or remove it from the location designated for inspection. The record shall be returned in the same condition and order as received, either upon completion of the inspection or the verbal request of the supervising IRWD personnel. Unless such person attempts to alter or remove the contents of any record file or unless the close of the working day occurs before the completion of the inspection, necessitating its completion on another day, such person will not be disturbed by the staff member during the course of their inspection.

Section 5. Procedure for Obtaining Copies.

5.1 Copies of all IRWD public records are available to any person subject to the applicable fees listed in Exhibits "1" and "2" attached hereto. IRWD will determine the applicable fee based upon the cost of duplication, or the cost of production in the case of electronic records, giving consideration to the cost benefit relationship and other factors relating to the determination of the charges.

5.2 Upon determination of the estimated number of pages, IRWD will advise the requesting party of the fee, if applicable, before making the copies, unless the requesting party has made payment in advance sufficient to satisfy the charges specified in this section. The applicable fee shall be paid before the copies will be produced and made available for pickup.

5.3 Upon request, copies will be mailed or sent by other means following receipt from the requesting party of payment covering postage or other delivery cost.

Section 6. Materials Requiring Special Handling.

6.1 IRWD may use an outside copying service to make requested copies of voluminous documents, or oversize maps, blueprints, photographs, slides, audio tapes or other materials requiring special reproduction equipment. IRWD will either charge the outside service's charge to the requester, or instruct the requester to make arrangements to pay the outside service directly.

6.2 A person requesting copies of voluminous material may make arrangements with

IRWD staff to send a professional copying service to IRWD's office to make copies of the requested records, and such arrangements will be accommodated to the extent space is available, the records will not be damaged and disruption of IRWD's operations will not occur. The staff of the professional copying service will be subject to the requirements and procedures set forth in Section 4 for persons inspecting records.

Section 7. Electronic Records.

7.1 A record existing in an electronic format will be made available in an electronic format if requested, but only if it is possible to do so in a manner that does not jeopardize or compromise the security or integrity of the record or of any proprietary software in which it is maintained. Information in an electronic format shall be made available in any electronic format in which IRWD holds the information. Such format shall be determined by IRWD, provided that IRWD shall use a requested format if IRWD has used that format to create copies for its own use or for other agencies.

7.2 IRWD is not required to reconstruct an electronic record that is no longer available in electronic format.

7.3 Computer software, including computer mapping systems, computer programs and computer graphics systems, is not itself a public record.

Section 8. Withholding of Records.

8.1 A request for inspection or copies may be denied by IRWD as permitted or required by law. This includes records such as personnel records, pending litigation records or IRWD customer information.

8.2 To obtain more information on the types of records that are permitted or required to be withheld by IRWD from disclosure, please see California Government Code Sections 6254, 6255 and 6276. Other laws may apply.

EXHIBIT 1

PUBLIC RECORDS COPYING AND PRINTING CHARGES

[insert IRWD Print Charges sheet as Exhibit "1"]



IRVINE RANCH WATER DISTRICT

15600 Sand Canyon Ave., P.O. Box 57000, Irvine, CA 92619-7000 (949) 453-5300

Date: _____

IRWD PRINT CHARGES

Name: _____

Company: _____

Address: _____

City: _____

State: _____ Zip: _____

Telephone Number: _____

Description:

<u>Quantity</u>	<u>Number of Pages / Size</u>	<u>Charge / Fee</u>		<u>Extended Total</u>
	1-10 pages sent via email	No charge		
	11 pages and above will not be sent via email.	Hard copies - \$0.25 cents per page+ handling/postage fee and applicable tax.		
	11 pages and above will not be sent via email.	Electronic Copies via CD / DVD- \$5.00 per CD/DVD + handling/ postage fee and applicable tax.		
	8 ½" x 11" (Black and White or Color)	\$0.25	Per Page	
	8 ½" x 14" (Black and White or Color)	\$0.25	Per Page	
	11" x 17" (Black and White or Color)	\$0.25	Per Page	
	<u>MAPS / OVERSIZED</u>	<u>Print Charge</u>		
	18" x 24"	\$2.00		
	24" x 36" (Color)	\$20.00		
	24" x 36" (Black & White)	\$5.00		
	34" x 45" (Color)	\$35.00		
	34" x 45" (Black & White)	\$8.00		
	24" x 36" Mylar	Outside Service		
	Other = \$4.00 per square foot			

For faster service and no postage fee, please provide your Overnight Account: _____

Account Number: _____

Requested by: _____

Sub-Total:	_____
Sales Tax (8.00%)	_____
Handling/Postage:	_____
Total:	_____

Run & Distributed by: _____

Drawings are to be: _____ Mailed to Customer - Cashier's Check Received
 _____ Given to Cashier for Payment (Customer in Office)

Remarks / Special Instructions:

EXHIBIT 2

PUBLIC RECORDS ACCESS CHARGES

Retrieval – Political Reform Act

- Retrieval fee for copies of Political Reform Act reports and statements that are five or more years old \$5.00 per request (documents requested at the same time constitute a single request)

Electronic Format

- Production of electronic records Direct cost of production, if existing and available. Cost of production including the cost to construct the record, programming and computer services, if requested other than at regularly scheduled production interval, or data compilation, extraction or programming is required.

Board of Directors Meeting Tapes (retained by District up to one year and then destroyed per retention policy)

- Each meeting \$5.00