

RESOLUTION NO. 2024 – 14

RESOLUTION OF THE BOARD OF DIRECTORS OF
IRVINE RANCH WATER DISTRICT RESCINDING
RESOLUTION NO. 2014-44 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. 2014-44, 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 Attachment “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 Resolution No. 2014-44 is hereby rescinded in its entirety.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 Attachment “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 11th day of November, 2024.

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

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

APPROVED AS TO FORM:
HANSON BRIDGETT
IRWD Legal Counsel

By: _____

ATTACHMENT "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 7920.530, 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, including 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 7920.000, *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 District Secretary, by telephone at (949) 453-5300 or in writing addressed to the District Secretary. Requests made to other IRWD personnel or departments will be re-routed to the District Secretary, which may delay the response time.

2.2 IRWD may make available, at its discretion, an online public records request process and has made a dedicated e-mail address (RecordsRequests@irwd.com) for submission of public records requests. Information about these services or changes in the dedicated email address will post information about their use on IRWD's website.

2.3 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. If it is not feasible due to unusual circumstances 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.

2.4 If a delay is required in producing records determined to be subject to disclosure due to the need to search for, identify 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 or her designee. IRWD shall not suspend its normal operations to fulfill a request for records or during a period when responsive records are reasonably needed in IRWD's performance of its duties.

2.5 A request to inspect or obtain a copy of a readily identifiable and available record(s) may be satisfied within one business day, 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 are 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 segregable 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, 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 making the inspection has the right to use their own equipment, without being charged any fees or costs, to photograph or otherwise copy or reproduce any record in a manner that does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in either damage to the record or require access to IRWD's computer systems or secured networks. IRWD may impose any reasonable limits on the use of the equipment that are necessary to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly function of IRWD and its employees.

4.4 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.

4.5 Despite the foregoing, IRWD may impose a time limit, if necessary, on the length of an inspection in order to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records being inspected. If IRWD imposes such a limit, it will work to give to the person inspecting the records the maximum inspection time possible that would not risk the integrity or long-term preservation of such records.

Section 5. Procedure for Obtaining Copies.

5.1 IRWD will make physical copies or electronic copies placed onto a physical storage medium (e.g. CD or flash drive) available upon receiving such a request; however, unless a requestor requests otherwise or a record is not stored in an electronic format, IRWD will make identifiable, disclosable public records available in the electronic format, usually via an email or link through which a requester may download the records, pursuant to Section 7.

5.2 If the records request is for physical copies or electronic copies to be placed onto a physical storage medium but the record is available in an electronic format, the District will inform the requester that the information is available in electronic format so that the requestor can elect to receive the record electronically or can confirm that they prefer a physical copy or electronic copy placed onto a physical storage medium.

5.3 Physical copies or electronic copies placed onto a physical storage medium of all IRWD public records are available to any person subject to paying the District's direct costs for the copies or physical storage medium, as permitted by law.

5.4 Upon determination of the estimated number of pages and the direct production costs, 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 must be paid before the copies will be produced and made available for pickup.

5.5 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 for the outside service directly.

6.2 A person requesting copies of voluminous materials may coordinate 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 IRWD's operations will not be disrupted. 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, 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, Title 1, Division 10, Sections 7922.000-7922.210, 7923.600-7923.610, and 7930.000-7930.215. Other laws may apply.