

**RESOLUTION NO. 2846.2**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
EASTERN MUNICIPAL WATER DISTRICT, RIVERSIDE  
COUNTY, CALIFORNIA, ESTABLISHING GUIDELINES FOR  
ACCESSIBILITY TO PUBLIC RECORDS**

**WHEREAS**, the Legislature of the State of California has heretofore enacted the California Public Records Act, comprising Section 6250 and following, of the Government Code applicable in part to Local Agencies of the State of California; and

**WHEREAS**, the Eastern Municipal Water District is a political subdivision of the State of California, formed and existing pursuant to Division 20 of the California Water Code and is a "Local Agency" as defined in Section 6252 of the Government Code; and

**WHEREAS**, the Board of Directors of the Eastern Municipal Water District believes it will be in the best interests of the District to establish written guidelines for accessibility to all public records of the District consistent with the Board of Directors= policy of insuring maximum involvement of the general public in the affairs of the District consistent with the policy and provisions of the California Public Records Act.

**NOW, THEREFORE**, the Board of Directors of Eastern Municipal Water District does hereby **RESOLVE, ORDER, AND DETERMINE** as follows:

**Section 1.** That the guidelines of Eastern Municipal Water District with respect to accessibility to the public records of the District shall be as more particularly set forth in Exhibit A – "Guidelines for Accessibility to Public Records" attached hereto and by this reference made a part hereof;

**Section 2.** That any person/agency outside the District submit a Public Records Request Form (Exhibit B) attached hereto and by this reference made a part of Resolution No. 2846.2, prior to receiving the requested item(s);

**Section 3.** That fees to cover the direct cost of duplication be charged, per S.F. EN-19 (Exhibit C), which may be revised periodically; and

**Section 4.** That District Staff continue to implement the provisions of the "Guidelines for Accessibility of Public Records" set forth on Exhibit A to this Resolution.

Adopted this 19th day of February, 2003.

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Richard R. Hall, President

ATTEST:

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Mary C. White, Secretary

(SEAL)

## **EXHIBIT A**

### **EASTERN MUNICIPAL WATER DISTRICT GUIDELINES FOR ACCESSIBILITY FOR PUBLIC RECORDS**

#### **SECTION I General and Purpose**

All public records of the Eastern Municipal Water District (EMWD) are available for review by the public in accordance with the California Public Records Act (hereinafter referred to as the Act), Section 6250 and following of the Government Code. It is the purpose of these guidelines to set forth the administrative procedures necessary to facilitate such review by the public.

#### **SECTION II Definitions**

- 2.1 Public Records, for the purposes of these guidelines, are defined as those documents defined as Public Records in the Act and identified as such by the Board of Directors of EMWD, either by Resolution or by Minute Order (motion) or as determined by the General Manager of EMWD.
- 2.2 Preliminary Reports, for the purposes of these guidelines, are not public records, unless and until the Board of Directors of EMWD has determined that it is in the best interests of EMWD to circulate such preliminary information in order to obtain the opinions of the public as necessary information for a future action or decision of the Board. Intra-agency reports, Staff Memos, Staff notes, sketches, drafts, etc., are not public records unless and until they meet the criteria of Section 2.1 of these guidelines.
- 2.3 Inter-agency Correspondence, for the purposes of these guidelines, are not public records, unless and until they meet the criteria of Section 2.1 of these guidelines.
- 2.4 Consultant Records, which are the property of EMWD but which are in the possession of consultants of EMWD, for the purposes of these guidelines, are public records if they meet the criteria of Sections 2.1 or 2.2 of these guidelines.

### **SECTION III Written Request for Access**

The public records of the EMWD will be made available for review by the public upon prior written request as follows:

- 3.1 Minutes, Resolutions, Agreements, and other specifically identifiable documents are available for public review at the EMWD office during normal office hours upon written request for access. The specific document desired should be requested by title, date, number or description.
- 3.2 Correspondence and miscellaneous public records not readily identifiable are available for public review at the EMWD office during normal office hours upon written request for access. The specific document desired should be requested by title, date, name, number or description.
- 3.3 Audit and Financial public records for prior fiscal years are available for public information at the EMWD office during normal office hours upon written request for access. The specific document desired should be requested by date or period and title or ledger name. Current year accounting records are available for public inspection and review at the EMWD office during normal office hours upon written request for access. The specific document desired should be requested by date or period and title or ledger name.
- 3.4 Engineering or Planning public records of EMWD in the possession of EMWD are available for public review at the EMWD office during normal office hours upon written request for access. If such records are in the possession of EMWD's consulting engineers, EMWD will promptly request transmittal of such records to EMWD's offices. The records will be made available upon receipt by EMWD. Requests for specific documents must be made with the EMWD office, not of the consultant, and should indicate the desired document by date and title or description.
- 3.5 Legal public records of EMWD in the possession of Legal Counsel of EMWD will be made available by such Legal Counsel upon direct written request to Counsel. Any such documents are subject to the limitations of the attorney-client privileges to the extent permitted by law.

### **SECTION IV Security of Public Records**

The EMWD reserves the right to assign sufficient security personnel to supervise the public review of EMWD records and to charge for the actual cost of such security personnel. A deposit for such costs may be required in advance.

## **SECTION V Copy Service**

Under no circumstances will public records of EMWD be released to the possession of the public. However, upon written request for copies of records, EMWD shall determine within ten (10) days after the receipt of such written request whether to comply with the request and shall immediately notify the person making the request of such determination and the reasons therefore. In unusual circumstances as specified in Section 6256.1 of the Government Code, the ten (10) day time limit prescribed above may be extended by written notice by the Board of Directors of EMWD or the General Manager of EMWD to the person making the request setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that will result in an extension for more than ten (10) working days.

As used in Section 6256.1 “unusual circumstances” means, but only to the extent reasonably necessary to the proper processing of the particular request.

- (a) 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.
- (b) The need to search for, collect, and appropriately examine voluminous amount of separate and distinct records which are demanded in a single request.
- (c) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

In the event EMWD decides to comply with the written request for copies, EMWD will do so promptly with prepayment or billing of fees covering direct costs of duplication, or a statutory fee, if applicable, as specified in Section 6257 of the California Public Records Act. The costs may be adjusted from time to time by Resolution of the Board of Directors of EMWD.

**SECTION VI Reservation of Rights**

EMWD reserves the right to determine, to the extent and in the manner provided by law, which of its documents are not public records or which of its documents are otherwise exempt or privileged. These guidelines shall not in any way limit or restrict EMWD in the exercise of its rights as set forth in this Section VI.