

**CITY OF MANHATTAN BEACH  
AD HOC OPEN GOVERNMENT SUBCOMMITTEE MEETING  
THURSDAY, JULY 19, 2012  
6:30 P.M.  
CITY COUNCIL CHAMBERS  
CITY HALL  
1400 HIGHLAND AVENUE  
MANHATTAN BEACH, CA 90266**

**AGENDA**

***WELCOME . . .** By your presence, you are participating in the process of representative government. To encourage that participation, the subcommittee encourages and has specified time for public comments on its agenda at which time members of the public may address the subcommittee on matters relating to the open government process. The subcommittee consists of two members of the City Council (Mayor Pro Tem Lesser and Councilmember Howorth) who have been asked by the City Council to develop recommendations with respect to open government. The subcommittee's recommendations will be considered by the City Council at a future City Council meeting.*

*Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the world wide web at [www.citymb.info](http://www.citymb.info) (contact 310-802-5056), at the Los Angeles County Library located at 1320 Highland Avenue, the Police Department located at 420 15th Street and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office to make an inquiry concerning the nature of the item described on the agenda.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD).*

**A. CALL TO ORDER**

**B. PLEDGE TO FLAG**

**C. ROLL CALL**

**D. AUDIENCE PARTICIPATION**

**E. GENERAL BUSINESS**

07/19/12-1. Approval of Action Minutes of the March 1, 2012, Ad Hoc Open Government Subcommittee Meeting.

07/19/12-2. Update Regarding Completed Open Government Initiatives.  
*Presented by Management Analyst Clay Curtin.*

07/19/12-3. Update Regarding Implementation of Granicus Modules.  
*Presented by City Clerk Liza Tamura.*

07/19/12-4. Update Regarding Website Redesign and the Information Systems Master Plan.  
*Presented by Finance Director Bruce Moe.*

07/19/12-5. Discussion and Direction Regarding Public Records Protocol.  
*Presented by Legal Counsel Roxanne Diaz.*

**F. ADJOURNMENT**

**CITY OF MANHATTAN BEACH  
ACTION MINUTES OF THE  
AD HOC OPEN GOVERNMENT SUBCOMMITTEE MEETING  
MARCH 1, 2012  
6:30 p.m.**

The Ad Hoc Open Government Subcommittee Meeting of the City Council of the City of Manhattan Beach, California, was held the 1<sup>st</sup> day of March, 2012, at the hour of 6:30 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City. A full video of this Ad Hoc Open Government Subcommittee Meeting can be accessed online at [www.citymb.info](http://www.citymb.info).

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A. Call Meeting to Order

B. Roll Call

Present: Councilmembers Lesser and Howorth.  
Absent: None.  
Staff: David N. Carmany, City Manager  
Roxanne Diaz, City Attorney  
Liza Tamura, City Clerk  
Clay Curtin, Management Analyst  
Leilani Emnace, Information Systems Manager

C. Audience Participation

Gary Osterhout  
Gerry O'Connor

D. General Business

***03/01/12-1 Approval of the Minutes of the December 13, 2011, Ad Hoc Open Government Subcommittee Meeting***

Motion by Councilmember Howorth to receive and file the minutes. Approved.

***03/01/12-2 Update Regarding the City Council-Approved Short-Term Open Government Initiatives***

The following individuals spoke:

Gerry O'Connor  
Gary Osterhout

Councilmembers Lesser and Howorth directed staff to clarify the open government initiative list and keep the matrix format with all items in one table.

**03/01/12-3      *Update Regarding the Pending Short-Term Open Government Initiatives***

The following individuals spoke:

Gerry O'Connor

Gary Osterhout

No action was taken.

**03/01/12-4      *Review of the Medium-Term Open Government Initiatives***

The following individuals spoke:

Gerry O'Connor

No action was taken.

**03/01/12-5      *Review of the Long-Term Open Government Initiatives***

The following individuals spoke:

Gerry O'Connor

Councilmembers Lesser and Howorth directed staff to bring back items 1, 3, 8, 9, 11, 12, 13, 15, 19, 20, and 28.

**03/01/12-6      *Consideration of a Revised Vision Statement***

The following individuals spoke:

Gerry O'Connor

Councilmembers Lesser and Howorth directed staff to bring this item back on a future subcommittee agenda.

E.      Adjournment

Ref. #	Effectiveness Area	Implementation Timeline	City Council Approval Date	DESCRIPTION	How will this be accomplished	Project Lead	Admin. Challenges	Legal Challenges	\$\$\$ Impact	Current Status
1	Public Forums, Hearings, and Meetings	Short	1/3/2012	Send out reserved meeting notices as soon as a meeting is set, with the agenda to follow (e.g. color coded posting boards)	E-Notify, City Website	City Clerk	Scheduling of limited staff, unbudgeted expenses	None; exceeds legal minimum requirements		Implemented.
2	Public Forums, Hearings, and Meetings	Medium		Explore concept and limits of the use of special meetings (policy)	City Council Policy	City Attorney		City Attorney is Reviewing		Staff is researching.
3	Public Forums, Hearings, and Meetings	Short	1/3/2012	Train City Council and Staff on types of meetings (regular, special, emergency, etc)	1-page handout	City Attorney	None	None		Proposed Training Scheduled for Sept/Oct 2012.
4	Public Forums, Hearings, and Meetings	Short	1/3/2012	Include a schedule of upcoming meetings on each agenda	Modify the current Agenda Template	City Clerk	None	None		Implemented.
5	Public Forums, Hearings, and Meetings	Medium	6/5/2012	Provide for meeting broadcasting capabilities at the Police/Fire Conference Room, Joslyn Center, Library	Purchase of necessary equipment, additional I.S. Division staff required	I.S. Manager	Scheduling of limited staff, unbudgeted expenses	None	Cost of I.S. staff	City Council approved funding and implementation as part of the FY2012-2013 budget.
6	Public Forums, Hearings, and Meetings	Medium		Provide for interim recording of meetings held outside City Council Chambers	Small investment for equipment, and ongoing staffing	I.S. Manager	Scheduling of limited staff, unbudgeted expense	None	Cost of I.S. staff	Implemented. Selected City Council meetings will be recorded via camcorder and then converted to Granicus archive.
7	Public Forums, Hearings, and Meetings	Short	1/3/2012	Timely completion and posting of City Council, Subcommittee, and Commission meeting minutes	Staff will develop an administrative policy setting the desired turnaround time for meeting minutes and distribute to all departments responsible for commissions or development of minutes	City Clerk	Staffing, day to day operations interrupt this activity	None		Implemented.
8	Public Forums, Hearings, and Meetings	Short		Policy on the format of minutes (action vs. summary)	City Council Policy	City Clerk	Staffing, day to day operations interrupt this activity			Staff is researching. Action minutes along with individual speaker timestamps will be possible with the Granicus implementation by 9/4/12.
9	Knowledge Acquisition and Information Accessibility	Medium		Agenda Structure and Process	Survey other cities,	City Manager / City Clerk				Staff is researching.
10	Public Forums, Hearings, and Meetings	Longterm		Sticking to the Agenda						
11	Public Forums, Hearings, and Meetings	Short		Evaluate the policy on time limits for audience participation (currently policy of 3-min individual and 15-min cumulative is set by City Council resolution)	City Council Policy	City Clerk	None	City Attorney will review		Implemented. City Council approved (6/4/12) change to audience participation time limit policy by eliminating the cumulative time limit of 15 minutes.
12	Public Forums, Hearings, and Meetings	Short		Evaluate the order/placement of audience participation on the agenda; review other cities' audience participation models	City Council Policy	City Clerk	None			Implemented. See Item #11
13	Public Forums, Hearings, and Meetings	Short		Consent Calendar content (include routine items only)	Mayor and City Manager currently work together to set the agenda	City Manager	None			Staff is researching.
14	Public Forums, Hearings, and Meetings	Short	1/3/2012	Pulling of Consent items: City Council should pull 1 <sup>st</sup> with staff introduction of the item included; clarifying questions and statements that could be addressed quickly vs. pulling an item.	City Council Policy	City Clerk	None			Implemented.
15	Public Forums, Hearings, and Meetings	Short		Follow-up of items that need to be agendized for a future meeting; ensuring that items are brought back	Staff will make a list of items requested to be agendized during each City Council meeting and the list will be discussed at the first Dept Head meeting immediately following City Council meetings and items will be placed on the upcoming agenda list	City Manager / City Clerk	None	None		Staff is researching.
16	Knowledge Acquisition and Information Accessibility	Short	1/3/2012	Councilmembers provide oral report of conferences/travel (first meeting after the event – per AB1234) and written reports with attachments (cover page or outline plus supplemental materials) available for public review	Staff will develop a 1-page cover sheet for use by Councilmembers. They will have the ability to attach supplemental materials. This will be kept on file in the City Clerk's office for public review.	City Attorney	None	City Councilmembers will still be required to provide an oral report of their conferences / travel at the first meeting following a trip (per AB1234)		The City Attorney has finalized the 1-page form that will be used. Implementation is pending subcommittee review.
17	Knowledge Acquisition and Information Accessibility	Short		City Manager to report on conferences/travel of senior staff	Staff will develop a 1-page cover sheet for use by senior staff. They will have the ability to attach supplemental materials. This will be provided to the City Manager within 1-week of the event. City Manager will provide a brief oral summary of senior staff travel at the next City Council meeting under the City Manager's report.	City Manager		None		The City Attorney has finalized the 1-page form that will be used. Implementation is pending subcommittee review.
18	Public Forums, Hearings, and Meetings	Short		Staff Reports: how to or not to include the public/stakeholders	The City could adopt an administrative policy outlining staff report procedures	City Manger				Staff is researching

Ref. #	Effectiveness Area	Implementation Timeline	City Council Approval Date	DESCRIPTION	How will this be accomplished	Project Lead	Admin. Challenges	Legal Challenges	\$\$\$ Impact	Current Status
19	Knowledge Acquisition and Information Accessibility	Medium		Public Records Requests	Staff will develop an administrative policy setting Public Records Act procedures ensuring compliance with the law and timely response to all requests	City Clerk / City Attorney				Draft Administrative Policy awaiting subcommittee review.
20	Knowledge Acquisition and Information Accessibility	Medium		Provide written guidelines to staff and the public regarding the California Public Records Act and the Brown Act in accordance with the McKee settlement	Written guidelines in the form of a handout will be provided to staff and available for review by the public in the City Clerk's office	City Attorney	None	None		City Attorney is reviewing this.
21	Public Forums, Hearings, and Meetings	Medium		Electronic Community Discussion Board	Staff will bring options to the subcommittee and City Council for consideration	City Manager		City Attorney will review	Cost of I.S. staff	Staff is researching.
22	Public Forums, Hearings, and Meetings	Short	1/3/2012	Evaluation of Meeting Management Software/Technology Tools to aid in meeting operation and audience participation	Staff will bring to City Council options for enhancing current meeting management software.	City Clerk / I.S. Manager	unbudgeted expense, training of staff for new software; additional /dedicated I.S. staff support during City meetings	None	Cost of I.S. staff	Estimated completion by 9/4/12
23	Public Forums, Hearings, and Meetings	Medium	1/3/2012	Voting Touch Device	(included as part of meeting management software/technology)	City Clerk / I.S. Manager	unbudgeted expense, training of staff for new software modules; additional I.S. & Clerk staff support during City meetings	None	Cost of I.S. staff	Estimated completion by 9/4/12
24	Public Forums, Hearings, and Meetings	Medium	1/3/2012	Public Timer	Implement solution related to Granicus	City Clerk / I.S. Manager	Granicus software configuration and training of staff	None		Implemented.
25	Public Forums, Hearings, and Meetings	Longterm	1/3/2012	Electronic Agenda Packets	Staff will bring to City Council options for implementation of an electronic agenda packet.	City Clerk / I.S. Manager	unbudgeted expense, training of staff for new software and/or procedures; additional I.S. staff support	None		Implementation to follow the Granicus deployment of 9/4/12 (See items #22-24)
26	Public Forums, Hearings, and Meetings	Longterm		Quarterly Work Plan updates at City Council meetings and ongoing updates posted to the City website	Modify the current Work Plan website page to a chart form that will be updated on an ongoing basis. An agenda item for "Work Plan Status Update" will be added to the City Council Agenda for the second regular meeting of each month: July, October, January, April.	City Manager	None	None		The Work Plan has been replaced by the Strategic Plan. The City Council conducts Strategic Planning sessions every 6 months (Jan. & July) with Monthly Strategic Plan Updates placed on the City Council's agenda.
27	Public Forums, Hearings, and Meetings	Short	1/3/2012	Scheduling of Annual Work Plan Meetings	A Work Plan meeting to set the coming year's goals typically occurs in January of each year so that items requiring budgetary consideration will be vetted and presented during the budget process.	City Manager	None	None		See Item #26.
28	Open Government Consensus and Commitment Building	Medium		City Council and Staff Training	Review current training offerings, budgets, and opportunities provided to City Council and staff	City Manager / Human Resources Director		None		Staff is researching.





Agenda Item #: \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Mayor Pro Tem Lesser and Council Member Howorth  
Open Government Ad Hoc Committee

**THROUGH:** Quinn Barrow, City Attorney

**FROM:** Roxanne Diaz, Esq.

**DATE:** July 19, 2012

**SUBJECT:** Discussion and Direction Regarding Public Records Protocol

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### **RECOMMENDATION:**

It is recommended that the Open Government Ad Hoc Committee discuss the Public Records Act Protocol and provide comments and/or direction to Staff.

### **BACKGROUND:**

In March 2011, the City Council entered into a settlement agreement with Richard McKee with regard to the lawsuit he filed seeking relief “for alleged violations of the Brown Act and the California Public Records Act.”<sup>1</sup> As part of the settlement agreement, the City agreed to “develop and adopt a protocol for responding to requests for public records which complies with the Public Records Act.”<sup>2</sup> While the settlement agreement delegated to the City Manager the authority to develop and adopt a Public Records Act protocol, Staff believes it would be appropriate for the Open Government Ad Hoc Committee to provide its input on the protocol prior to implementation.

### **DISCUSSION:**

The California Public Records Act codified at Government Code Section 6250 et. seq., is a California statute that affords the public the right to obtain a copy of and the right to inspect most government records retained by State and local agencies. The fundamental principal is that records of a state or local agency (as defined by the Public Records Act) shall be disclosed to the public upon request, unless there is a legal basis not to do so.

The Public Records Act permits local agencies to adopt regulations stating the procedures to be followed when making their records available to the public. Accordingly, the proposed Public Records Act Protocol (“Protocol”) is a formal written policy affirming the public’s right to access records as well as set forth the procedures by which such records will be made available to the public. The Protocol also describes the process for City Staff to follow when responding to requests for public records. The Protocol is summarized below.

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<sup>1</sup> Recital C of the Settlement Agreement and Release dated March 15, 2011

<sup>2</sup> Section 1(a)(iv) of the Settlement Agreement and Release dated March 15, 2011.

## **Procedures for Making Public Records Act Requests.**

The Protocol provides that requests for public records should be made on a “Request for Public Records Form” (“PRA Form”) and be submitted to the City Clerk’s Office. If a request for public records, however, is not placed on the PRA Form, the City cannot deny the request. The Protocol recognizes that public records requests come in variety of ways such as email, phone requests, fax, letter and in person. In cases where the requestor does not complete the PRA Form, the PRA Form shall be filled out by City Staff. The central reason for the PRA Form is to reduce any misunderstandings between the requestor and City Staff as to what records are sought. The PRA Form also serves as the basis for tracking requests to ensure that Staff responds to records requests in a timely manner and with greater efficiency.

Under the Public Records Act and as reflected in the Protocol, persons making requests should specify the records to be copied or inspected with sufficient detail to allow the city to identify the responsive public records. If City Staff determines that the request is unfocused or not clear, it is the role of the Staff to make a reasonable effort to obtain information from the requestor to clarify the request or otherwise assist the requestor in identifying records that may be responsive to a request. This is more fully discussed in Section IV.C. of the Protocol.

Last, the Protocol recognizes that the public has the right to not only request a copy of a public record, but that the public may also request to “inspect” a public record. Accordingly, the Protocol provides that public records are open to inspection during regular City business hours. The City, however, does not maintain a centralized system for all City records. Therefore the Protocol provides that requests for inspection of specifically identified and readily available public records should be handled as soon as possible, ideally on the day they are requested. However, some requests may require the City to locate, review and assemble records before fulfilling the request. Therefore in such cases it is likely that inspection will not be contemporaneous with the request.

## **Procedures for Processing Public Records Act Requests.**

The Protocol centralizes the processing and handling of public records requests in the Office of the City Clerk. Under the Protocol, the City Clerk’s office is responsible for accepting public records requests as well as transmitting responses and responsive public records to persons making a request. The Public Records Act provides that a local agency has 10 calendar days from receipt of the public records request to notify the requestor “whether the request, in whole or in party, seeks copies of discloseable public records in the possession of the [city]. . . .” Accordingly, the Protocol provides that the process for handling records requests shall be implemented within the ten days after receipt of a request. The process is summarized below:

1. Upon receipt of a public records request, the City Clerk’s Office enters the request into the “Public Records Act Request Log.”
2. The City Clerk’s Office forwards the request to the appropriate City department for processing.
3. The designated department employee(s) reviews the request and its files to determine whether the department has the requested public records in its possession.

4. If the department determines it has responsive public records, the department is required to contact the City Clerk to provide an estimated amount of time needed to prepare the records and an estimate of the copying charges if possible.
5. If the department determines that it does not maintain any responsive records, the department must immediately notify the city clerk.
6. After receipt of the information from the department, the City Clerk responds to the requestor by advising the requestor in writing whether the request, in whole or in part, seeks copies of discloseable public records in the possession of the City. The City Clerk shall also provide an estimated date as to when the records will be made available and the estimated copying charges, if available.

Although the Act prescribes the time for responding to a records request, the law does not provide a specific time-frame in which a local agency is required to disclose the records. The Act provides that copies of records must be provided “promptly.” That said, the Protocol requires the department to provide the City Clerk with the estimated amount of time needed by the department to prepare the records (i.e. search for, gather, review and copy the records). The expectation is that the department will forward the responsive records to the City Clerk within this time-frame so that the City Clerk can make those records available to the requestor upon the payment of the fees to cover the costs of duplication.

If a request for public records is denied in whole or in part, the requestor must be notified in writing.

**CONCLUSION:**

In conclusion, it is recommended that the Open Government Ad Hoc Committee discuss the Public Records Act Protocol and provide comments and/or direction to Staff

Attachments: A. Public Records Act Protocol  
B. Public Records Request Log



**CITY OF MANHATTAN BEACH**  
**PUBLIC RECORDS ACT PROTOCOL**

**I. INTRODUCTION/PURPOSE**

The California Public Records Act (“Act”) is the State law that establishes and guides the public’s right to access records concerning the conduct of the people’s business. The purpose of this protocol (known as the “Public Records Act Protocol”) is to affirm in writing the public’s right to access City Public Records and to set forth the procedures by which such Public Records will be made available to the public in accordance with the Act. City Staff receives requests for Public Records frequently. Responding promptly and appropriately to public records requests is an important aspect of the City’s open government process.

**II. GENERAL RESPONSIBILITIES**

The City Clerk’s Office shall be responsible for accepting Public Records requests from members of the public and transmitting responsive records to the person making a Public Records request. Each department shall be responsible for providing the City Clerk with Public Records under the Department’s control.

**III. DEFINITIONS**

- A. City Clerk shall mean the City Clerk of the City of Manhattan Beach or her designee.
- B. Public Records includes any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by the City of Manhattan Beach regardless of physical form and characteristics.
- C. Writing means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

**IV. PROCEDURES FOR MAKING PUBLIC RECORDS ACT REQUESTS**

- A. Public Records Act requests can come in different forms: (i) letter requests; (ii) email requests; (iii) fax requests; (iv) phone requests; and (v) requests made in person.

- B. Requests to be Submitted to the City Clerk's Office. Requests for Public Records should be made on the Request for Public Records Form ("Form") and should be submitted to the City Clerk's Office. Written requests reduce any misunderstandings between the requestor and City Staff, which allows City Staff to respond to records requests in a timely manner and with greater efficiency. However, the City will not deny a request for Public Records solely because it is not submitted in writing.
1. If the Form is not completed by the person making the request, the Form should be prepared by City Staff and if applicable, City Staff should attach the letter, email, or other writing prepared by the requestor. If a request is received by phone or made in person and the person making the request is unable or unwilling to complete the Form, the Form should be prepared by City Staff. A notation should be made on the Form stating the manner by which the request was received.
  2. Requests for inspection and/or copies of specifically identified and readily available Public Records such as limited sections of City regulatory documents, specific sections of the Zoning Code, and specifically identified resolutions, do not require completion of the Form, and such requests should be handled as soon as possible and copies provided expeditiously, ideally on the day they are requested.
  3. If City Staff must search and examine files or collect records from a variety of departments, or the request requires research as to the existence of the requested Public Records and/or their location, a Form should be completed.
- C. Requests Should Identify the Public Records. The person making the request should, in writing, specify the Public Records to be inspected/copied with sufficient detail to enable the City to identify the particular Public Records. If the request seems ambiguous or unfocused, City staff should make a reasonable effort to obtain additional clarifying information from the requestor that will help identify the Public Record(s). Pursuant to Government Code Section 6253.1, City staff shall do all of the following, to the extent reasonable under the circumstances:
1. Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
  2. Describe the information technology and physical location in which the records exist.

3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- D. Right to Inspect Public Records. Public Records are open to inspection at all times during regular City business hours. The Public Records Act provides that every person has a right to inspect any public record, except as otherwise provided in the Act. Upon receipt of a written or oral request for inspection of Public Records, the City shall make the records promptly available to the requestor. However, the City does not maintain a centralized system for all City records. Therefore, some requests to inspect records may require that the City locate, review and assemble records before fulfilling the request.
  - E. Any department that receives a request for a copy of Public Records shall time stamp the request and promptly forward the request to the City Clerk's Office.

V. PROCEDURES FOR HANDLING PUBLIC RECORDS ACT REQUESTS.

The City Clerk, upon a request to inspect or obtain a copy of Public Records, shall, within ten (10) days, determine whether the request, in whole or in part, seeks disclosable Public Records in the possession of the City. The ten (10) day time period shall be calculated from the date the request is received during regular City Hall business hours. The following procedures shall be followed within the ten days after receipt of a request.

- A. Upon receipt of a request, the Clerk's Office shall immediately enter the request into the "Public Records Act Request Log" maintained by the City Clerk's Office. The City Clerk shall then forward the request to the appropriate Department Head or department designee.
- B. Upon receipt of the Public Records request by the Department Head or designee, the department shall promptly begin reviewing the request and department files to determine if the department has the requested Public Records in its possession. The Department Head or designee may note his or her calendar with the last date to respond to the request as required under Government 6253(c). The department shall contact the City Clerk to provide an estimated amount of time needed to prepare the records (i.e. search for, gather, review and copy the records), and an estimate as to the duplication charges (if possible). If the request seeks a voluminous amount of Public Records, the department shall contact the City Clerk's office prior to preparing the records. If the department has determined that it does not maintain any Public Records responsive to the request, the department shall immediately notify the City Clerk.
- C. Upon receipt of the information from the department, the City Clerk shall respond to the person requesting Public Records by advising the

requestor in writing as to whether the request, in whole or in part, seeks copies of disclosable Public Records in the possession of the City, and if so, the estimated date and time when the records will be made available and the estimated duplication charge (if available). This determination shall be communicated to the requestor within the 10 day time period. The City is required to make the Public Records promptly available to any person upon payment of fees covering the direct costs of duplication, or a statutory fee if applicable.

- D. Requests that are related to pending or potential litigation shall be coordinated with the City Attorney's office. Questions regarding the Public Records Act or regarding whether or not any Public Record is subject to disclosure shall promptly be forwarded to the City Attorney's Office for review.
- E. In unusual circumstances, the 10 day period for determining whether the request, in whole or in part, seeks copies of disclosable Public Records in the possession of the City, may be extended by written notice from the City Clerk or City Attorney to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be made in the manner set forth in Government Code Section 6253. No notice shall specify a date that would result in an extension for more than 14 days. The written determination shall include the estimated date and time when the Public Records shall be made available.
- F. If a request for Public Records seeks the production of records or documents that are not in existence at the time the request is made, the City is not obligated to create a document in order to respond to the request.
- G. A determination that a Public Record is exempt from disclosure under the Public Records Act shall be made in consultation with the City Attorney's office.

## VI. TRANSMITTAL OF RECORDS

- A. Unless otherwise directed by the City Clerk, the department shall forward the Public Records and the final cost of duplication to the City Clerk within the time period estimated by the department.
- B. The City Clerk's office shall then make the Public Records available to the requestor upon payment of fees covering the direct costs of duplication or a statutory fee, if applicable.

VII. GENERAL

- A. Each Department shall designate a person or persons, who will be responsible for responding to Public Records Act requests and coordinating the response with other City Departments, when appropriate.
- B. If a request for Public Records is denied in whole or in part, the denial shall be in writing and shall contain the names and titles or positions of each person responsible for the denial as required by Government Code Section 6253(d) and 6255(b).
- C. Nothing in this Public Records Act Protocol shall be construed to permit the City to delay or obstruct the inspection or copying of Public Records, nor shall the Public Records Act Protocol be construed as limiting the City's rights under the Public Records Act and applicable case law.

- VIII. ATTACHMENT:      Public Records Request Transmittal Form  
                                    Sample of Public Records Act Request Log

APPROVED:

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City Manager

