

GOVERNING BOARD POLICY
Mojave Desert Air Quality Management District

Policy No: 93-2
Effective Date: July 1, 1993

Adopted: July 1, 1993
Amended: June 24, 1996
February 23, 2004
January 23, 2012

/s/

Brad Mitzelfelt, Chair

Last Review: January 26, 2015

SUBJECT: REQUESTS FOR INSPECTION AND/OR COPYING PUBLIC RECORDS

POLICY:

It is the policy of the Governing Board of the Mojave Desert Air Quality Management District (District) to ensure that the District maintains all records not exempted from disclosure by state law as records open for public inspection and to provide such records with the least possible delay and expense to the requesting party.

AMPLIFICATION OF POLICY:

A. General:

1. The California Public Records Act (California Government Code §§6250et seq.) requires that the public to have access to, and may demand copies of, non-confidential public information including that information stored on computer files. The Act defines the type of information that must be made available upon request and that which is confidential and may not be released.

2. This Policy is established in accordance with Government Code section 6253.4, subdivision (a), which states: "Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section." This Policy and the Standard Practice developed and adopted as directed herein sets forth the District's policies and procedures for handling requests to inspect and/or copy public records. It is designed to be in compliance with the California Public Records Act and all existing laws pertaining to disclosure of public records.

3. The APCO is authorized to develop a Standard Practice (Standard Practice 4-12) setting forth the specific District procedures used to comply with this policy and the provisions of the California Public Records Act and all existing laws pertaining to disclosure of public records.

4. If any provision of this Policy or the Standard Practice developed pursuant to this Policy is in conflicts with current State or federal law, the law shall take precedence.

B. Definitions:

All definitions contained in the California Public Records Act (Gov. Code §§ 6250 et seq.) and Standard Practice 4-12 – Public Records Act Standard Practice shall apply unless otherwise defined herein

C. Right to Inspect:

Public records of the District are open to inspection by any person at all times during the normal business hours of the District offices, in accordance with this policy and Standard Practice 4-12 – Public Records Act Standard Practice. Copies of disclosable public records may be obtained by any person, in accordance with the procedures set forth in this Policy. Any disclosable portion of a record that can be reasonably separated from any portions of the record that are exempt by law shall be made available for inspection and/or copying after the exempt portions have been deleted. Any request for records and any responding documents may be subject to review by the District's legal counsel prior to any inspection of the records or delivery of copies.

D. Disclosable Public Records:

Records of the District which are disclosable under applicable law are listed in the California Public Records Act (Gov. Code §§ 6250 et seq.). A partial listing is contained in Standard Practice 4-12 – Public Records Act Standard Practice.

E. Records Exempt from Disclosure:

Records of the District which are exempt from disclosure under applicable law include, but are not limited to those listed in Standard Practice 4-12 – Public Records Act Standard Practice.

F. Public Records Procedure:

All requests for and provision of Public Records shall be performed in accordance with the Procedures set forth in Standard Practice 4-12 – Public Records Act Standard Practice.

F. Fees for Provision of Public Records:

The District may charge fees and recover costs as provided by law. The amount and method of charging fees shall be set forth in Standard Practice 4-12 – Public Records Act Standard Practice. In addition, fees for certain designated District publications shall be as set forth in Standard Practice 4-9.