

**CALIFORNIA ASSOCIATION OF MUTUAL WATER COMPANIES
JOINT POWERS RISK AND INSURANCE MANAGEMENT AUTHORITY**

**Policy and Procedures Implementing
the California Public Records Act**

The California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority (the "Authority"), pursuant to the California Public Records Act ("Act") (Government Code §§6250 et seq.) and in keeping with the public's right of access to all public records in the Authority's custody, and subject to certain exemptions as provided by law or necessary to protect individuals' privacy rights, adopts the following procedures.

Section I. Requesting Public Records and Authority's Response.

A. All requests for public records of the Authority must be in writing, and shall state whether the request is for examination of the records or for copies. The request must clearly identify the document, record or information requested, and the person making the request; and shall be dated and signed. The Authority will provide a form to be utilized by those persons requesting examination or copies of Authority records, as set forth in Exhibit A hereto.

B. Requests to examine public records of the Authority will be processed promptly in accordance with Section II, below, provided that a member of the Authority's staff is available to supervise the examination and retrieval of records so long as the examination does not interfere with the ordinary business operations of the Authority. Within three business days of receipt of a written request for examination of records, either (1) all non-exempt documents requested will be produced for examination by the requesting party, or (2) a written response will be provided stating that the request is denied and giving the reasons for the denial of the request. Requests for copies of Authority records will be processed in accordance with Section III, below.

C. In accordance with Government Code Section 6253.1, the Authority shall assist the requesting party in identifying records and information that are responsive to the request or its stated purpose. The Authority will also provide suggestions to the requesting party to overcome any grounds for denying access to the records or information sought, if that is feasible.

D. The Authority may comply with its obligation to allow for in person examination of records or to provide copies of records by posting any public record on its website and, in response to a request for records, directing the requesting party to the location on the website where the record is posted. Any such record posted on the Authority's website shall be posted in an open format in compliance with Government Code Section 6253.10.

E. If any request for a Authority record relates to a record in an electronic format, the Authority will make the record available in any electronic format in which it holds that record or in the format requested if the requested format is one the Authority has used to make copies for its own use. However, the Authority will not release any record in electronic format if that release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the record is maintained. The requesting party must pay for the Authority's direct cost of copying any record in an

electronic format. The Authority may recover its programming and computer service costs if the request requires data compilation, extraction or programming to produce the record or if the record is produced at other than a regularly scheduled interval.

Section II. Examination of Public Records. The Authority will provide an area at its offices for examination of its public records. Examinations may take place only during regular Authority business hours, must take place on Authority premises, and will be subject to observation by Authority personnel. These procedures are for the sole purpose of protecting original records against tampering or theft. Any examination of original Authority records will be subject to the following rules:

- A. No document or record, or any part thereof, shall be removed from the file, notebook, folder, or other compilation in which it is contained.
- B. No document or record shall be written on, marked on, or erased, nor shall any writing or information therein otherwise be removed; nor shall any person destroy, mutilate, deface, alter or falsify any document or record. Violations of this rule will be prosecuted pursuant to Government Code §6201.
- C. The party examining records shall comply with all instructions of Authority personnel. Authority personnel may terminate or restrict the examination as may be necessary to preserve Authority records.

Section III. Copying Public Records.

- A. Within ten days of receipt of a request for copies of identifiable public records, the Authority will determine whether it will comply with the request, and will thereafter notify the requesting party of its determination and the reasons therefor. In unusual circumstances, as described in Section IV, below, the response time may be extended up to an additional fourteen calendar days.
- B. Upon denial of a request in whole or in part, the reviewing official will provide a written response to the request by personal delivery or by mail stating the reasons for the denial, including whether the requested document is exempt from disclosure pursuant to the Act, as described in Sections VI and VII, below.
- C. Where a portion of the record requested contains information which is exempt from disclosure under the Act, the reviewing official will make a determination as to whether the non-exempt portion of the record is reasonably segregable from the exempt portion of the record.
- D. Upon approval of the request in whole or in part, the requesting party will be notified by writing identifying the documents and records to be produced and stating that the requesting party may obtain the copies to be produced upon payment of the copying costs, as specified in the written response. The Authority shall determine the cost of reproducing the record or document.
- E. Payment of the cost of copying requested records may be by cash, check or money order, and must be made before the copies will be provided to the requesting party. Upon request and payment of mailing expenses in addition to the copying charges, the copied records will be mailed as directed by the requesting party, or may be picked up at the Authority office.

F. No charge will be made for staff time expended in the search and retrieval of the requested records and documents, but the Authority may recover its direct costs of duplication.

Section IV. Extensions of Time to Respond. The Authority will make every effort to comply with or provide a written response to requests to examine or copy records or documents within the applicable period specified above unless one or more of the following unusual circumstances exists:

A. The reviewing official determines that a question exists as to whether the requested documents or records are exempt under the Act, and requires additional time to seek advice of Authority legal counsel.

B. The requested documents or records are not located at the main Authority offices.

C. The request requires Authority personnel to search for, collect and appropriately examine a voluminous amount of separate and distinct records.

D. The requested documents or records contain information which is exempt from disclosure under the Act, and Authority personnel requires additional time to delete the exempt information and provide the segregable portion of the record.

E. There is a need for consultation with another agency having a substantial subject matter interest in the documents requested. Such consultation will be conducted with all practicable speed.

F. Upon determination by the reviewing official that additional time is required to respond to a request, the Authority will notify the requesting party in writing of the reasons for the extension and the date on which the Authority's determination will be available. In no event shall such notice specify an extension to respond to the request for more than fourteen (14) days beyond the time limits provided above.

Section V. Review of Personal Electronic Devices and Personal E-Mail Accounts.

A. Upon receipt of a request under the Act that may involve responsive records that may have been transmitted by an employee or director through the employee's or director's personal electronic devices (including, but not limited to, a smart phone, tablet or laptop computer) or personal e-mail account, the Authority's Executive Director shall notify any employee or director who may reasonably be expected to have any such requested records on such a personal device or personal e-mail account of the need for that employee or director to search his or her personal device(s) and personal e-mail account(s) for any records (including, but not limited to, text messages, e-mails or other electronic records) that may be housed on any such device or in any such account. Any such search will be conducted promptly upon receipt of notice from the Executive Director in order to ensure the Authority complies with the timeframes for responding to the request in accordance with this policy. Any such search shall be conducted in good faith to be reasonably calculated to locate any responsive public records that may be housed on any such personal device or personal e-mail account, but need not be extraordinarily extensive or intrusive.

B. Upon completion of the search of any such devices or accounts, the employee or director shall complete the declaration in the form attached hereto as Exhibit B that states the appropriate result from that search. The Authority shall provide training for all employees and directors regarding how to conduct such searches and how to differentiate and segregate public records from private records. The Authority shall conduct updated training at least every two years. The Authority shall have personnel available to assist any employee or director who requests assistance in conducting such a search.

C. The Authority shall incorporate into its separate electronic communications policy provisions designed to minimize the likelihood of an employee or director using his or her personal electronic device or personal e-mail account for Authority business.

Section VI. Review for Exemption.

A. The Authority's Board of Directors designates the Executive Director as the reviewing official. The reviewing official, or his or her designee, will have exclusive authority for reviewing and approving public records requests.

B. The reviewing official must review and approve each request for inspection or copying before any public record of the Authority is released to the requesting party. All requests for public records shall be in writing and should be submitted to a reviewing official as soon as possible after receipt by Authority personnel.

C. The requesting party will be informed as to the applicable time limits for the Authority's response, as provided under this policy.

D. The reviewing official will determine whether or not the requested documents or records are exempt from disclosure under the Act, and shall examine records where it is possible that some or all of the requested documents contain information that is exempt. Where there is both exempt and non-exempt information in a particular document, the official will determine whether the exempt portions are reasonably segregable from the non-exempt portions and, where possible, direct Authority personnel to delete or otherwise redact those portions of the document which are exempt. Where there is a question as to whether a particular exemption applies, the reviewing official may consult with Authority counsel prior to disclosure.

E. Where the facts of a particular case dictate that the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record, the request may be denied. The reviewing official may consult with Authority counsel prior to making such a determination.

F. In response to examination requests, the reviewing official may direct Authority staff to make such records immediately available upon a determination that the records are subject to disclosure. The official will designate the location for the examination and shall direct an employee of the Authority to observe the examination as provided above.

G. Where a request to examine records is denied and in all cases of requests for copies, the reviewing official shall be identified in and shall sign the written response.

H. The Authority will retain in its records all written requests for inspection or copying of public records in accordance with the Authority's records retention guidelines.

Section VII. Exempt and Non-exempt Records.

A. Exempt Records. In addition to any other exemptions provided for under the Act, the following Authority records are exempt from disclosure:

1. Preliminary drafts, notes, interagency and intra-agency memoranda which are not retained by the Authority as permanent records, where circumstances justify nondisclosure (Government Code §6254(a)).
2. Records pertaining to pending litigation to which the Authority is a party, or to claims filed against the Authority, which were created in connection with the litigation and were intended to be confidential, until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code §6254(b)).
3. Personnel records of Authority staff and employees, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Government Code §6254(c)).
4. Medical, dental and other insurance records of Authority employees and directors (Government Code §6254(c)).
5. Geological and geophysical data and similar information relating to water systems development which are obtained in confidence from any person (Government Code §6254(e)).
6. The contents of real estate appraisals or engineering or feasibility estimates and evaluations prepared relative to the acquisition of property or to construction or supply contracts, until the property or agreement has been obtained (Government Code §6254(h)).
7. Closed session minutes and legal memoranda and other materials distributed in a closed session of the Board of Directors held pursuant to Government Code §54956.9 (Government Code §6254.25).
8. Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege. (Government Code §6254(k)).

If applicable, the Authority shall specify in its response to any written request for inspection or copies of public records its determination that a record is exempt from disclosure under the Act.

B. Non-Exempt Records. The following Authority records are subject to disclosure under the Act:

1. Minutes of Board meetings and agenda materials provided to Directors.
2. Auditors' reports, budgets and financial reports of the Authority.
3. Expense and disbursement records.

4. All Authority ordinances, resolutions, regulations, policies and procedures.
5. All Political Reform Act filings by Authority officers and directors.
6. All correspondence or memoranda maintained in the ordinary course of Authority business and not subject to statutory exemption.

EXHIBIT A

CALIFORNIA ASSOCIATION OF MUTUAL WATER COMPANIES JOINT POWERS RISK AND INSURANCE MANAGEMENT AUTHORITY Public Records Request Form

Requesting Party (NAME): _____
(PLEASE PRINT)

Mailing Address: _____

Phone Number: _____; E-mail Address: _____

1. The Requesting Party requests (CHECK ONE):

_____ That the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority provide the documents, records and information described below for the Requesting Party to examine at the Authority's offices during Authority business hours.

_____ That the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority provide the Requesting Party with photocopies of the documents, records and information described below.

2. Description of the documents, records and information requested. (Description must be specific enough to identify the public records sought).

3. If the request is for copies of public records, the Requesting Party (CHECK ONE):

_____ Will return to pick up the copies and will pay for copying costs at the time of pickup. (Requesting Party should leave a phone number at which they may be contacted when the copies are ready.)

_____ Requests that the copies be mailed to the address specified above. (All copying and postage costs must be paid before the copies will be mailed. The Authority will notify the Requesting Party of the amount of copying costs and postage by telephone or mail at the Requesting Party's choice.)

Dated: _____

Signature of Requesting Party

FOR OFFICE USE ONLY

Reviewing Official _____ Received On _____ Approved By _____

Number of Copies _____ Copying Cost _____ Date Paid _____

EXHIBIT B

Form of Declaration

I, _____, hereby declare as follows:

1. I have personal knowledge of the matters set forth in this declaration.

2. I currently am serving as the _____ [state employee or director's position] of the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority ("Authority").

3. On _____, 20____, I received notice of the need to search my personal electronic device and personal e-mail account for documents that may be responsive to a Public Records Act request the Authority received from _____ [insert name of requesting party] (the "Request").

4. I have, with reasonable diligence, searched all of my personal electronic devices and personal e-mail accounts (that is, those accounts which are not housed on an Authority server), including, but not limited to, my _____ [describe the devices searched] and my e-mail address of _____ [insert all personal e-mail accounts that were searched] and have provided all public records responsive to the Request to the responsible Authority employee.

[OR]

4. I have, with reasonable diligence, searched all of my personal electronic devices and personal e-mail accounts (that is, those accounts which are not housed on an Authority server), including, but not limited to, my _____ [describe the devices searched] and my e-mail address of _____ [insert all personal e-mail accounts that were searched] and did not locate any public records on such devices or accounts that were responsive to the Request.

[CONTINUE]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____, 20_____

[insert name]