

POLICYSubject: **GUIDELINES FOR OPEN MEETINGS AND ACCESS TO PUBLIC RECORDS**Number: **PO205.000**

Effective Date: 3/17/98

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1 Background

- 1.1 The California Public Records Act [California Government Code Section 6250 *et seq.*], the Ralph M. Brown Act (also known as the Open Meetings Law) [California Government Code Section 54950 *et seq.*] and the Freedom of Information Act (FOIA) [Title 5, United States Code, Section 552] establish the right of the people to participate in their government. These laws mandate that meetings of public agencies must be open and permit public testimony, that the records of public agencies must be open to inspection by members of the public, and that copies of public agency records must be provided to members of the public if requested. At the same time, the California Constitution and state and federal laws provide certain rights to privacy to persons and to some public records containing information about those persons.
- 1.2 This Policy provides guidelines for open meetings and access to public records.

2 Open Meetings

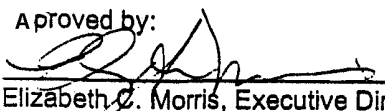
- 2.1 The meetings of the San Diego Housing Authority and San Diego Housing Commission and all subordinate bodies created by them shall be held openly in full view of the public pursuant to the requirements of the Ralph M. Brown Act. Each body shall establish a schedule of regular meetings each year which shall be posted in a conspicuous public place in each office of the San Diego Housing Commission. Special and emergency meetings shall only be called pursuant to the provisions of Ralph M. Brown Act. Meeting agenda shall be posted prior to each meeting, and distributed to each local newspaper and broadcast station requesting notice. The meeting agenda and of all materials included in the agenda packet shall be made available for public review, and copies shall be provided to the members of the public who request them upon payment of a fee based upon the estimated cost of providing the service.

3 Public Records

- 3.1 Public records maintained by the San Diego Housing Commission will be available for inspection by members of the public pursuant to the following procedures:
- 3.2 Public records maintained by the San Diego Housing Commission shall be available for inspection during the regular business hours of the agency. Because many of the public records maintained by the agency are stored in working files located at one or more of several work sites, and most of those records contain some information which is exempt from disclosure, it is necessary that agency staff have time to collect and review requested records prior to their disclosure.

[Supersedes Policy 205.000, Issued: 8/3/87, Effective: 3/17/98]

Approved by:


 Elizabeth C. Morris, Executive Director

Date


 Paula Burrier-Lund, Deputy Executive Director

Date

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- 3.3 Requests for inspection or copying of public records:
- 3.3.1 Shall be specific, focused and not interfere with the ordinary business operations of the agency. The operational functions of the agency will not be suspended to permit inspection of records during periods in which such records are reasonably required by agency personnel in the performance of their duties. If the request requires review of numerous records, a mutually agreeable time should be established for the inspection of the records.
 - 3.3.2 Shall be directed to the Public Information Officer of the agency, who will coordinate collection and review of the desired records.
 - 3.3.3 Shall sufficiently describe records so that identification, location and retrieval of the records can be achieved by agency personnel.
 - 3.3.4 Shall be submitted in writing and shall include the name and address of the person requesting the records, unless the request involves records which are maintained by the agency for the purpose of immediate public inspection.
- 3.4 The agency may refuse to disclose any records which are exempt from disclosure under the Public Records Act.
- 3.5 Any person may appeal a decision to deny access to a public record by filing, within ten working days of the denial, a written request for review of the denial with the Executive Director. The request for review of the denial shall set forth a description of the records demanded and the person's reasons for believing that the records should be disclosed. The Executive Director shall review the request, seeking the opinion of legal counsel when necessary, and shall inform the person requesting review of his/her determination in writing, setting forth the reasons for denial of access when the denial is upheld.
- 3.6 Only records that are already in existence are covered by the Public Records Act. There is no requirement that the agency create new records or develop compilations of existing records.
- 3.7 Physical inspection of the records shall be permitted within the agency's offices and under the conditions determined by the agency. Upon either the completion of the inspection or the oral request of agency personnel, persons inspecting agency records shall relinquish physical possession of the records. Persons inspecting agency records shall not destroy, mutilate, deface, alter, or remove any such records from the agency. The agency reserves the right to have agency personnel present during the inspection of records in order to prevent the loss or destruction of records.
- 3.8 Upon any request for a copy of records, other than records the agency has determined to be exempt from disclosure under the Public Records Act, agency personnel shall provide copies of the records to any person upon payment of a fee covering costs of duplication. Copies of records shall be provided within ten working days of receipt of the request except in unusual circumstances.

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4 Fee Schedule

- 4.1 The Housing Commission shall from time-to-time determine the cost of providing copies of public records, including reproduction and delivery, and set a fee schedule to recover that cost. In the case of agendas and agenda materials, the fee schedule should be set so as to encourage public participation in the public deliberations of the Housing Commission and any subordinate bodies.

A copy of this policy and fee schedule shall be posted in a conspicuous public place in each office of the San Diego Housing Commission, and a copy thereof shall be made available free of charge to any person requesting such copy.

History

Adopted: 1979

Revised: 10/10/86 (fees)

Revised: 3/2/87 (fees)

Revised: 8/3/87

Revised: 3/17/98

**SAN DIEGO HOUSING COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
MEMORANDUM**

DATE: September 15, 1998
TO: Managers, Supervisors, Policy Manual Holders
FROM: Tim O'Connell, Assistant to the Executive Director
Acting Public Information Officer
**SUBJECT: REVISED POLICY AND ADMINISTRATIVE REGULATION REGARDING
OPEN MEETINGS AND ACCESS TO PUBLIC RECORDS**

Attached are newly revised Policy PO205.000, and Administrative Regulation AR205.000, "Guidelines for Open Meetings and Access to Public Records." Please review them and place them in your Policy Manual (if you have one). If you have any questions about these new guidelines or about any specific request for agency records, please do not hesitate to contact me