

San Diego Housing  
Commission  
**Administrative Regulation**

Subject: **Guidelines to Open Meetings and Access to Public Records**

Number:  
AR 205.000

Effective Date:  
09/20/2023

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**1. Purpose**

1.1 The San Diego Housing Commission (Housing Commission) is a government agency, subject to the California Public Records Act and the Ralph M. Brown Act (also known as the Open Meetings Law). These two laws generally require that meetings of public agencies must be open to the public, permit public testimony at public meetings, and allow the records of public agencies to be open for inspection by members of the public. This Administrative Regulation provides guidelines for open meetings and access to public records.

**2. Scope**

2.1 This Administrative Regulation applies to all Housing Commission meetings governed by the Ralph M. Brown Act, which includes Housing Commission Board of Commissioners (Board), Housing Commission Board standing committees, Boards and standing committees of Housing Commission nonprofit affiliates. Additionally, regarding access to public records, this Administrative Regulation applies to the Housing Commission and its staff as wells as its nonprofit affiliates.

**3. Definitions**

3.1 Terms applicable to public meetings and public records as described in this Administrative Regulation are defined by the Ralph M. Brown Act, also known as the open meetings law, the California Public Records Act, and applicable case law.

**4. Open Meetings**

4.1 State law and San Diego Housing Commission (Housing Commission) policy require that all meetings of the Housing Authority of the City of San Diego (Housing Authority) and the Housing Commission Board of Commissioners (Board), 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. A schedule of regular meetings shall be established each year and posted on the Housing Commission's website, at the City of San Diego City Administration Building, and in a conspicuous public place at the Housing Commission's primary office. Special and emergency meetings shall only be called pursuant to the limited provisions of the Ralph M. Brown Act. Meeting agendas shall be posted prior to each meeting.

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Meeting agendas and 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 covering costs of printing or copying for distribution.

**5. Meeting Agenda**

5.1 The secretaries or deputy secretary of the Housing Authority and the Housing Commission Board, and of all subordinate bodies created by them, shall post an agenda of each meeting on the Housing Commission's website and in an area freely accessible to members of the public no later than 72 hours prior to a regular meeting, or no later than 24 hours prior to a special meeting. In the case of a special meeting, written notice of the meeting shall be delivered to each member of the body at least 24 hours prior to the time of the meeting. In addition, written notice shall be delivered to each local newspaper and broadcast station on the Housing Commission's news media distribution list and/or that has requested notice in writing. In the case of an emergency meeting, the agenda shall be posted as soon as feasible.

**6. Availability of Agenda Materials**

- 6.1 A copy of the meeting agenda, or a copy of all materials constituting the agenda packet, of every meeting of the Housing Authority and Housing Commission Board or of all subordinate bodies created by them, shall be made available for review by the public at the same time that those materials are distributed to the members of the body. In addition, at least five copies of the agenda and other public materials shall be made available at each public meeting.
- 6.2 Copies of these materials shall also be provided to every person who has filed a written request and paid the appropriate fee. The agenda and agenda packets shall be sent as first-class mail with the United States Postal Service at the same time that they are posted or when they are distributed to the members of the body, whichever occurs first. Any request for mailed agendas or agenda packets shall be valid for the calendar year in which the request is received and shall expire on January 1 of the following year.
- 6.3 Subscription fees for agendas and related materials of the Housing Commission Board and the Housing Authority shall be set by the Housing Commission Board to reimburse the Housing Commission for the estimated cost of providing the service. Annual fees for the Housing Authority and Housing Commission Board shall be paid in advance at the time of the request and shall be reevaluated on a periodic basis.

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- 6.4 For other legislative bodies, the Housing Commission’s President and Chief Executive Officer, or designee, shall establish a subscription fee schedule that does not exceed the cost of providing the service based upon the number of regular meetings, the number of pages contained in the packets and estimated mailing costs. Costs for duplication should not exceed 15¢ per single-sided sheet or 25¢ per double-sided sheet, and mailing costs should not exceed \$2.50 per packet for full agenda packets or the one-ounce first-class postal rate for agendas alone. Individual copies should be provided at no cost.
- 6.5 Materials that become nonexempt public records as a result of actions taken by the legislative body in closed session to finally approve contracts, settlement agreements or other documents shall be made available to persons who have subscribed for full agenda packets at the end of the meeting in which the final action was taken, or as soon thereafter as feasible if the action taken included substantive amendments requiring retyping. Such public records shall be available to any person on the next business day following the action.
- 6.6 Materials distributed to members of the legislative body at the meeting by agency staff or members of the public shall not be considered part of the agenda packet for purposes of distribution. Any such materials become public records at the time of their distribution but must be requested separately and are subject to the same charges as other public records. Copies of public records prepared by the agency or by members of the legislative body shall be made available for public inspection immediately and pursuant to the California Public Records Act. Public records prepared by some other person shall be made available for public inspection as soon as feasible following the meeting.
- 6.7 Pursuant to the Brown Act, California Government Code Section 54957.5(b), late-arriving documents related to Housing Commission Board meeting agenda items that are distributed to the Housing Commission Board prior to and during the Housing Commission Board meeting are available for public review on the Housing Commission Board meetings page on the Housing Commission’s website, in a binder available for public review in the Housing Commission Board meeting room, and by request to the Vice President of Communications and Government Relations, or designee. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting.
- 6.8 Printed copies of Housing Commission Board meeting agendas and the reports and attachments for the items on the agendas (“docket materials”) will be made available for the public to review in a binder in the first-floor lobby of the Housing Commission’s primary office building on the business day immediately after the docket materials have been posted on the Housing Commission’s website and distributed electronically.

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- 6.9 Any request for agendas and agenda materials shall be valid for the calendar year in which the request is received and shall expire on January 1 of the following year. Annual fees shall be prorated on a monthly basis for all requests received after January.

## **7. Public Records**

- 7.1 The California Public Records Act requires that all writings, as defined by Government Code section 7920.545, containing information related to the conduct of the public's business that are prepared, owned, used, or retained by the Housing Commission, regardless of physical form or characteristics, are public. Members of the public have the right to request to inspect and to receive a copy of any public record.

- 7.2 Notwithstanding the right of members of the public to request to inspect and/or receive a copy of public records, some public records are exempt from disclosure, either in whole or part. It is the Housing Commission's responsibility to determine whether a requested document is a public record and whether a public record is exempt from disclosure or whether some parts of a public record are exempt from disclosure. Because some of the public records the Housing Commission maintains are stored in working files located at one of several work sites, and most of those records contain some information that is exempt from disclosure, it is necessary that Housing Commission staff have time to collect, and review requested records prior to their disclosure.

- 7.3 The provision of Section 7.1 of this Administrative Regulation is subject to the following:

It is the policy and practice of the **Housing Commission** to not retain preliminary drafts, notes or interagency/intra-agency memoranda, or superseded/obsolete publicly available research materials nor duplicate copies of files in the ordinary course of the **Housing Commission's** business. These materials are hereinafter referred to collectively as "preliminary materials." It is also the **Housing Commission's** policy to overwrite preliminary materials so that only final versions of documents are retained, unless there is an overriding public purpose or reason to retain the preliminary materials, which public purpose or reason shall be determined on a case-by-case basis. However, it will not be the **Housing Commission's** ordinary practice to retain such preliminary materials. Such preliminary materials should be removed, recycled, and destroyed and not included in the active working files. As used in this section, "preliminary materials" specifically include those matters referenced within Government Code Section 7927.500

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**8. Records Maintained for Immediate Public Inspection**

- 8.1 The Housing Commission will maintain certain records available for immediate public inspection. Records maintained for the purpose of immediate public inspection shall be made available in a place open to public access during the usual office hours of the agency as well as the Housing Commission's website. In addition, the public will be able to review prior record requests in an electronic format accessible through the Housing Commission's website. These records will include:
- 8.1.1 Current and recent agendas and agenda materials of the Housing Authority, the Housing Commission Board and all subordinate bodies created by them.
  - 8.1.2 The Policies and Administrative Regulations of the Housing Commission.
  - 8.1.3 The Budget and most recent Financial Statements and Audits of the Housing Commission.
  - 8.1.4 Summary information regarding Housing Commission programs, projects, and operations, including descriptions of qualifications for participation in them.
  - 8.1.5 Informational Reports regarding the operations of the Housing Commission.
  - 8.1.6 Requests for Proposals, Notices of Funding Availability and other solicitations offering funding in support of Housing Commission programs.
  - 8.1.7 Plans, funding applications and progress reports prepared by the Housing Commission in support of its programs, projects, and operations.
  - 8.1.8 Any other records that the Housing Commission's President and Chief Executive Officer shall from time-to-time determine should be made more easily available to members of the public.
- 8.2 Copies of these records will be made available, subject to the collection of fees as set forth below.

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**9. Requests for Public Records**

9.1 Any member of the public may request to inspect or receive copies of public records. Requests for inspection or copying of public records:

9.1.1 Shall be specific, focused and not interfere with the Housing Commission's ordinary business operations. The Housing Commission's operational functions will not be suspended to permit inspection of records during periods in which such records are reasonably required by Housing Commission personnel in the performance of their duties. If the request requires review of numerous records, the Housing Commission will establish a time to produce copies of the requested, nonexempt records or for inspection of the records in accordance with the California Public Records Act.

9.1.2 Shall be directed to the Public Information Coordinator of the agency, who will coordinate collection and review of the demanded records with the custodians of the records. If a request for public records is received by someone other than the Public Information Coordinator, the request will be forwarded to the Public Information Coordinator. For purposes of the deadlines established by the California Public Records Act, a request is not deemed to have been received by the Housing Commission until the Public Information Coordinator receives a copy.

9.1.3 Shall sufficiently describe records so that identification, location, and retrieval of the records can be achieved by Housing Commission personnel.

9.1.4 Shall be submitted in writing and shall include the name and address of the person requesting the records, unless the request involves records that are maintained by the Housing Commission for the purpose of immediate public inspection. Records maintained for the purpose of immediate public inspection shall be made freely available in a place open to public access during the usual office hours of the agency.

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## **10. Processing Records Requests**

- 10.1 Once a request for public records has been received, the Public Information Coordinator shall review the request to determine whether the Housing Commission possesses the records and whether the requested records are exempt from disclosure.
- 10.2 The Housing Commission may refuse to disclose any records that are exempt from disclosure under the California Public Records Act and personally identifiable information about Housing Commission program participants, pursuant to 5 U.S. Code Section 552a and the right of privacy under the California Constitution. Records exempt from disclosure may include, but are not limited to:
- 10.2.1 Preliminary drafts, notes and memoranda that are not retained in the ordinary course of business. (See Section 7.3 of this Administrative Regulation.)
  - 10.2.2 Records pertaining to pending litigation or claims to which the Housing Commission is a party, including memoranda submitted to a legislative body of the Housing Commission by its legal counsel, until the pending litigation or claim has been finally adjudicated or otherwise settled.
  - 10.2.3 Personnel, medical or similar records, or any other record or part of a record that would disclose personal information about employees or agents of the Housing Commission, or the names, addresses or other private information about the Housing Commission's program participants. This exemption does not apply to persons requesting access to records about themselves who are able to verify their identity.
  - 10.2.4 Records obtained from law enforcement agencies regarding any client or vendor of the Housing Commission, or records regarding investigations or administrative or adjudicatory proceedings regarding the continued participation of any person in agency programs.
  - 10.2.5 Records pertaining to transactions involving real property (e.g., purchase, sale, or lease) or to prospective public contracts, including cost estimates, appraisals, engineering studies, feasibility analyses and other documents, until all transactions involving the property have been completed or all contract agreements have been concluded.

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- 10.2.6 Records that are exempted or prohibited from being disclosed by state or federal law, including, but not limited to, the provisions of the Evidence Code relating to privilege.
- 10.2.7 Records that contain personal financial information or trade secrets submitted for agency review and evaluation by private individuals or companies seeking to receive loans, grants, or contracts.
- 10.2.8 Records for which, on the facts of the particular case, the public interest served by not making the records public clearly outweighs the public interest served by disclosure of the record.
- 10.3 Many of the Housing Commission's public records contain some information that is exempt from disclosure and some information that is subject to disclosure. Prior to release of any record, it will be the responsibility of Housing Commission staff to delete those portions of the record that are exempt from disclosure.
- 10.4 When Housing Commission staff determines that a request for records will be denied, that information shall be communicated to the person requesting the records.
- 10.5 Housing Commission staff will provide all requested records electronically. However, physical inspection of the records shall be permitted, upon request, within the Housing Commission's offices and under the conditions determined by the Housing Commission. Upon either the completion of the inspection or the oral request of Housing Commission personnel, the person conducting the inspection shall relinquish physical possession of the records. Persons inspecting Housing Commission records shall not destroy, mutilate, deface, alter, or remove any such records from the Housing Commission. The Housing Commission reserves the right to have Housing Commission personnel present during the inspection of records to prevent the loss or destruction of records.
- 10.6 Personal Accounts and Devices
- 10.6.1 The Housing Commission encourages all Housing Commission employees not to use their personal accounts or personal devices to conduct Housing Commission business. When conducting Housing Commission business, Housing Commission accounts and programs should be used. If personal accounts or personal devices are used to conduct Housing Commission business, any writing, including emails and text messages that relate substantively to the conduct of Housing



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Commission business must be retained and are potential public records subject to disclosure. This includes personal cell phones, tablets, and computers.

10.6.1.1 This policy shall not apply to an employee's personal computer as long as the employee works on and stores all documents on the Housing Commission's cloud.

10.6.2 If the Public Information Coordinator determines a request may seek records stored on a personal electronic device or in a personal account, the Public Information Coordinator shall send a request to any employee(s) who may have responsive records stored on a personal electronic device or account to provide the Statement of Compliance required by this Administrative Regulation.

10.6.2.1 **Personal Mobile Device Searches.** If a Housing Commission employee is aware or reasonably believes that their personal account or device may contain responsive public records, they must conduct a reasonable and meaningful search of those accounts and device for responsive public records. Upon completion of the search, the employee will execute a Statement of Compliance affirming that they conducted a search and the results of the search (See Attachment B.) The Housing Commission will rely on the Statement of Compliance in responding to public records requests.

## **11. Time Limits for Public Records Requests**

11.1 Public records shall be produced electronically or made available for inspection, upon request as soon as feasible following collection and appropriate examination to identify exempt records or identification and deletion of exempt portions of records. Copies of records shall be provided within 10 calendar days of receipt of the request unless it is impractical to do so. In unusual circumstances, it may be necessary to extend the 10-day time limit in accordance with the California Public Records Act.

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11.2 When it is necessary to extend the time limit, the Housing Commission shall notify the person making the request, explaining the reasons for the extension and the date on which a determination or copies will be provided. In no case shall the extension for response to the request be for more than 14 additional calendar days. The Housing Commission may produce responsive, nonexempt documents on a reasonable date after the 14-day extension, in accordance with the California Public Records Act, in certain circumstances, such as a voluminous number of records that must be reviewed to determine whether or not they are exempt or contain personally identifiable information that the Housing Commission cannot disclose publicly. Reasons for extension of the usual 10-day time limit may include, but are not limited to:

11.2.1 The need to use outside services or facilities for creation of a copy of the requested records.

11.2.2 The need to search for, collect and appropriately examine the requested records from field facilities or other establishments.

11.2.3 The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

11.2.4 The need to compile data, to write programming language or a computer program, or to construct a computer report to extract requested data.

11.2.5 The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

## **12. Settlements**

12.1 The Ralph M. Brown Act and the California Public Records Act contain specific provisions dealing with the exemption of public records pertaining to pending litigation from disclosure until the matter is finally resolved. Once a matter of pending litigation is finally resolved, there are two different provisions for reporting the resolution. If the legislative body acts in a closed session to approve a final settlement or other resolution, then that approval and the substance of the agreement is announced in open session at the same public meeting in which the closed session takes place. This provides notice to the public regarding the final resolution of the matter. At that time, those records that were exempt become open to public inspection.

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12.2 However, when the final approval rests with another party or with the court, there is no opportunity to announce the final resolution at the public meeting. In these cases, the Ralph M. Brown Act provides that "... as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval and identify the substance of the agreement." [Government Code §54957. 1(a)(1)(B) and (a)(3)(B).] To facilitate public knowledge regarding these matters of pending litigation in which final resolution rested with another party or the court, the Housing Commission has chosen to disclose all such settlements on a periodic basis. Copies of the settlement agreements and other public records previously held exempt during the pendency of the litigation will be made available to any person who requests them in the same manner as other public records.

### **13. Appeals**

13.1 Any person may appeal a decision to deny access to a public record by filing, within 10 working days of the denial, a written request for review of the denial with the Housing Commission's President and Chief Executive Officer, or designee. 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 Housing Commission's President and Chief Executive Officer, or designee, shall review the request, seeking the opinion of legal counsel when necessary, and shall inform the person requesting review of the President and Chief Executive Officer's, or designee's, determination in writing, setting forth the reasons for denial of access when the denial is upheld.

### **14. Fees for Copies of Public Records**

14.1 Upon any request for a copy of records, other than records the Housing Commission has determined to be exempt from disclosure under the California Public Records Act, the Housing Commission shall provide copies of the records to any person upon payment of a fee covering costs of duplication.

14.2 For photocopies of records that may be reproduced at Housing Commission offices, a fee of 15¢ per single-sided page and 25¢ per double-sided page shall be paid at the time of delivery of the records.

14.3 For copies of records that require reproduction using outside services or facilities, the fee shall be equal to the actual cost of those services or facilities.

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14.4 For copies of records that require other forms of reproduction, e.g., audio recordings, photographs, video recordings, the actual cost of the materials used in creating the copy shall be included in the fee.

14.5 For records printed in bound, book or pamphlet form, the price per copy shall be established at the time of printing based upon the actual costs of production. The price shall be affixed to all copies prior to distribution.

**15. Posting**

15.1 A copy of these regulations shall be posted in a conspicuous public place at the Housing Commission’s primary office, as well as on the Housing Commission’s website. A copy thereof shall be made available free of charge to any person requesting such copy.

**History:**

3/17/1998; 8/1/1998; 3/12/2003; 12/02/2013; 7/1/2015; 09/20/2023

Authorized

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DocuSigned by:

*Jeff Davis*

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Jeff Davis, Interim President & CEO

10/12/2023

Date

## Appendix A

### FEE SCHEDULE FOR COPIES OF PUBLIC RECORDS AND HOUSING COMMISSION AGENDA MATERIALS

Adopted Pursuant to Housing Commission  
Policy 205.000, "Guidelines to Open Meetings and Access to Public Records"

#### 1 COPIES OF PUBLIC RECORDS

Copies of public records shall be made available upon payment of the following fees:

Type of Service	Fee for Reproduction
Xerographic Copy of Paper Document	\$0.15 per single-sided copy \$0.25 per double-sided copy
Printed Bound Materials	Cost of Production Set at Time of Printing
Other Materials (e.g., audio or video tapes)	Actual Cost of Reproduction and Media
Mailing of Public Records	\$0.50 per First-class Mailing up to 1 oz. \$0.50 plus Actual Postage for Mailing over 1 oz.
Facsimile of Public Records	\$0.25 per page within 619 Area Code \$1.00 per page outside 619 Area Code

#### 2 AGENDA MATERIALS AND SUBSCRIPTIONS

A copy of the meeting agenda, or a copy of all materials constituting the agenda packet, shall be provided to every person who has filed a written request with the Public Information Coordinator, and paid the appropriate fee. Any subscription request for agendas or agenda packets shall be valid for the calendar year in which the request is received and shall expire on January 1 of the following year. Subscriptions requests received after January will be charged on a *pro rata* basis.

Fees for agenda materials shall be paid in advance at the time of the request. Fees shall be as follows:

	Housing Commission		Housing Authority	
	Materials Made Available for Pick-Up	Mailed First- class	Materials Made Available for Pick-Up	Mailed First-class
Agenda Only				
One Meeting	Free	Free	Free	Free
Annual Subscription	Free	\$15	Free	\$7.50
All Agenda Materials				
One Meeting	\$15.00	\$17.50	\$10.00	\$12.50
Annual Subscription	\$300.00	\$325.00	\$125.00	\$135.00

Adopted February 23, 1998 by the San Diego Housing Commission. Effective March 17, 1998, upon adoption of revised Policy 205.000 by San Diego Housing Authority.

**California Public Records Act (CPRA)  
Request**

**Re:** \_\_\_\_\_

*(Insert NextRequest or other control  
number)*

**ATTACHMENT B**

**STATEMENT OF COMPLIANCE REGARDING SEARCH OF PERSONAL ACCOUNTS AND  
DEVICES OF:**

\_\_\_\_\_  
*(Print or type name of official or employee)*

I, \_\_\_\_\_, state as follows:  
*(Print name)*

- I am an I am an official or employee of the San Diego Housing Commission (SDHC). I have received notice from SDHC of a California Public Records Act (CPRA) request that requires a search for Public Records on my personal electronic messaging account(s) and/or device(s).
- The CPRA request provided to me seeks *(Insert text of CPRA request or attach a copy of the CPRA request)*:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- I am the owner or authorized user of the following personal account(s) and/or device(s) and am able to certify the records *(insert description of electronic account[s] or device[s])*:

\_\_\_\_\_

- I have made a good faith, diligent, thorough, and complete search of the above-mentioned personal account(s) and/or device(s) for all responsive electronic communications to the above mentioned CPRA request.
- Any responsive electronic communications discovered, and referenced below, were prepared, used, sent, or received by me in the ordinary course of business.
- Any responsive electronic communications discovered, and referenced below, are true copies of all non-exempt records in my possession described in the above-mentioned CPRA request.

*Check the applicable box:*

I certify that I do not possess any responsive electronic communications.

I certify that it is my practice to forward all public business electronic communications to my work email (*insert email address*): \_\_\_\_\_.

I certify that I cannot reasonably recover responsive electronic communications.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Explain efforts to retrieve responsive electronic communications and why you were unable to recover responsive electronic communications.*

I certify that I found potentially responsive electronic communications from my personal account(s) and/or device(s), but I am withholding them because the communications are personal business and not a Public Record subject to the CPRA, or they are exempt from disclosure as described below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Specify the applicable statutory exemption(s) then describe with sufficient facts why the electronic communications are personal business and not subject to the CPRA, ). Attach additional pages, if necessary.*

Executed this \_\_\_ day of \_\_\_\_\_ 20\_\_\_, in \_\_\_\_\_, California

Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

SDHC Position/Title: \_\_\_\_\_