

**RESOLUTION NO. 668**

**AMENDMENT OF GUIDELINES FOR  
INSPECTION OF PUBLIC RECORDS**

**WESTBOROUGH WATER DISTRICT**

**WHEREAS**, pursuant to Government Code Section 7920.000 et seq., the Board of Directors of the Westborough Water District adopted Guidelines for Inspection of Public Records by Resolution No. 430 on April 13, 1989; and

**WHEREAS**, the Board of Directors desires to revise the Guidelines for Inspection of Public Records to update the District's office hours and make other updates to the policy.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Westborough Water District hereby updates, restates, and adopts the policies and procedures set forth below for inspection of public records.

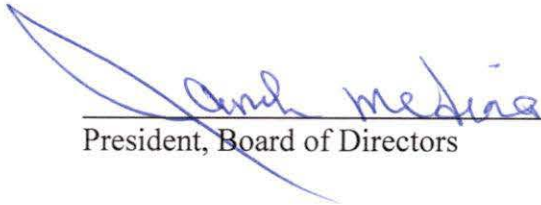
**BE IT FURTHER RESOLVED** that Resolution No. 430 adopted on April 13, 1989, hereby is rescinded.

PASSED AND ADOPTED this 8th day of December, 2022, by the following vote:

AYES: Amuzie, Bautista, Chambers, Richards, and Medina

NOES: None

ABSENT: None

  
\_\_\_\_\_  
President, Board of Directors

ATTEST:

  
\_\_\_\_\_  
Board Secretary

## PUBLIC RECORDS ACT POLICY

### A. Purpose

To establish the Westborough Water District ("District") policy concerning accessibility and processing of District public records.

### B. Definitions

Section 7922.530 of the Government Code provides that every person has a right to inspect any public record except those specifically exempted or privileged by law.

The term "public record" includes any writing containing information relating to the conduct of District business prepared, owned, used, or retained by the District.

The term "writing" means handwriting, typewriting, printing, photo-stating, photographing, electronic mail, facsimile, and every other means of recording upon any form of communication or representation, including letters, works, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

### C. Policy

District records are open to inspection at all times during normal office hours at the District's offices, 2263 Westborough Boulevard, South San Francisco, California 94080.

### D. Procedure

1. All requests to view or photocopy District records other than typical billing and account information shall be forwarded to the District's Office Supervisor for processing.
2. When a member of the public requests inspection or a copy of public records, the District's Office Supervisor will, to the extent reasonable, assist the individual in identifying records that are responsive, non-exempt, and not privileged, describe the information technology in which the records exist, and provide suggestions for overcoming any practical basis for denying access to the records.
3. Non-exempt, non-privileged, responsive records that exist in electronic format will be made available to the public in electronic format as long as the production will not jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.
4. The person requesting the information shall bear the cost of duplicating the record, including, if necessary, the cost of programming and computer service to produce a copy of an electronic record that is produced only at otherwise regularly scheduled intervals, or the cost to produce a record that requires data compilation, extraction, or programming.
5. The District's Request for Public Records form is available on the District website, and District staff shall reasonably assist the individual in completing the form, if so requested.

6. The District may extend the 10 day initial response period for advising the requester of whether the District has responsive records in its possession, as provided by law, because of the need:
  - a. To search for and collect the requested records from field facilities or other establishments separate from the office processing the request.
  - b. To search for, collect, and appropriately examine a voluminous amount of separate and distinct records demanded in a single request.
  - c. To consult with another agency having substantial interest in the request, or among two or more components of the local agency with substantial interest in the request.
  - d. In the case of electronic records, to compile data, write programming language or a computer program, or to construct a computer report to extract the data.
7. After receiving a Public Records Act request, the District will, when appropriate and within a reasonable period of time period as dictated by law:
  - a. Indicate the place where inspection of records must be made and the time limitation, if any, for the return of the documents.
  - b. Supervise and assist the requestor in reviewing the records.
  - c. Provide links to the records if such records are available on the District's website.
  - d. Provide copies upon request and after payment of the appropriate fees.

**E. Fee**

A request for a copy of an identifiable public record or for a certified copy of such a record must be accompanied by payment of the appropriate fee as determined by District staff based on the cost to the District. Any fee established may be modified from time to time by District staff to reflect actual chargeable costs, and any fee schedule, if developed, shall be made available by the District's Office Supervisor.

The District shall charge and collect the following fees for said records:

1. For copies of public records not required to be certified or authenticated - \$0.25 per page.
2. For certified, authenticated or true copies of public records - \$0.25 cents per page, plus \$1.00 for every certificate with seal affixed thereto.
3. Electronic storage devices: Actual cost.
4. Cost of duplication of an electronic record and/or programming and computer services necessary to produce a copy of the record: To be determined by District.

## **F. Records Not Open for Inspection**

The following is a representative, but not exhaustive, list of records that are generally not subject to disclosure under the Public Records Act:

1. Preliminary drafts, notes, or interagency or intra-agency memoranda, which are not retained by the District in the ordinary course of business.
2. Memoranda, correspondence, and writings submitted to the District or its Board of Directors by the District's legal counsel pursuant to the attorney-client privilege, and any other documents that would fall within the attorney-client privilege and/or the attorney work product protection.
3. Records pertaining to pending litigation to which the District is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled.
4. Confidential, closed session minute book.
5. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
6. Records pertaining to a utility customer, except to an agent or authorized family member of the customer in question, governmental or law enforcement agencies when appropriate, or unless disclosure is specifically required by law.
7. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination.
8. The contents of real estate appraisal or engineering or feasibility estimates and evaluations made for or by the District relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained.
9. Records the disclosure of which are exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code related to privilege.
10. Records constituting "trade secrets," which may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production, data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, procedure, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
11. Records in which the public interest served by not making the record public clearly outweighs the public interest served by disclosure, where an applicable exemption

under the Public Records Act exists, or where the production of such documents would be contrary to law.