

**TRI-CITY HEALTHCARE DISTRICT  
BOARD OF DIRECTORS POLICY**

**BOARD POLICY #07-026**

**POLICY TITLE:   Requests For Inspection of Public Records**

**I.     PURPOSE**

This Policy sets forth the District policies and procedures regarding requests for inspection of public records. It is designed to be in compliance with existing law, specifically Government Code section 6250 et seq.. If any provision of this Policy conflicts with the law, the law shall take precedence.

**II.    DEFINITIONS**

As used in this Policy, the following terms shall have the following meanings:

- A.     “District” shall mean the TRI-CITY HEALTHCARE DISTRICT.
- B.     “Person” shall mean any natural person, corporation, partnership, limited liability company, firm, or association.
- C.     “Writing” means handwriting, typewriting, printing, photostating, photographing, photocopying, electronic mail, facsimile, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof and any record thereby created, regardless of the manner in which the record has been stored.
- D.     “Public records” shall mean any writing containing information relating to the conduct of the District's business prepared, owned, used, or retained by the District regardless of physical form or characteristics that are open to public inspection by law.
- E.     “Requestor” shall mean a person, or representative of a person, who has correctly filled out the request form, attached as Exhibit “A” to this Policy.

**III.   RIGHT TO INSPECT**

To the extent required by law, and except as otherwise provided herein, all public records of the District are open to inspection by any person at all times during the office hours of the District (pursuant to Section V herein). Copies of public records may be obtained by any person, subject to compliance with the procedures set forth in this Policy. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

#### IV. RECORDS EXEMPT FROM DISCLOSURE

Records which are exempt from disclosure under applicable law include but are not limited to the following:

- A. Preliminary drafts, notes, interagency, or intra-agency memoranda which are not retained by the District in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure.
- B. 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 pending litigation or claim has been finally adjudicated or otherwise settled.
- C. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- D. Contained in or related to:
  - 1. Applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies.
  - 2. Examination, operating, or condition reports prepared by, on behalf of, or for the use of, any state agency referred to in Section (1) above.
- E. Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any person.
- F. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of the Education Code.
- G. The contents of real estate appraisals, 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 agreements are obtained; provided that the law of eminent domain shall not be affected by this provision.
- H. Information required from any taxpayer in connection with the collection of local taxes which is received in confidence and the disclosure of the information to

other persons would result in unfair competitive disadvantage to the person supplying such information.

- I. Library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library materials acquired solely for reference purposes. This exemption does not apply to records of the fines imposed on the borrowers.
- J. Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish his or her personal qualification for the license, certificate, or permit for which the applicant applied.
- K. A final accreditation report of the Joint Commission on Accreditation of Hospitals that has been transmitted to the State Department of Health Services pursuant to subdivision (b) of Section 1282 of the Health and Safety Code.
- L. Records of the District that relate to any contract with an insurer or nonprofit hospital service plan for inpatient or outpatient services for alternative rates pursuant to Section 10133 or 11512 of the Insurance Code. However, the record shall be open to inspection within one year after the contract is fully executed.
- M. Computer software developed by a state or local agency is not itself a public record under this chapter. The agency may sell, lease, or license the software for commercial or noncommercial use. Computer software includes computer mapping systems, computer programs, and computer graphic systems.
- N. The records made, if any, of closed sessions, pursuant to Government Code section 54957.2, are not public records subject to inspection.
- O. Records the disclosure of which is exempted or prohibited pursuant to federal or state law.

This partial list of exemptions is subject to applicable law, and any changes in law are automatically incorporated herein.

#### V. REQUEST TO INSPECT AND/OR MAKE COPIES

- A. Any person desiring to inspect records, including tapes of the meetings of the Board of Directors, of the District shall submit the request form attached as Exhibit "A" to the Office of the President/CEO. The requestor shall, in writing, specify the records to be inspected with sufficient detail to enable the District to identify the particular records and shall specify the number of person to attend such inspection. If the request is ambiguous or unfocused, the District shall make a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records. Pursuant to Government Code

section 6253.1, the District shall do all of the following, to the extent reasonable under the circumstances:

- Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated;
- Describe the information technology and physical location in which the records exist; and
- Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- These requirements are deemed to have been satisfied if the District is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requestor that will help identify the record or records.

The District, upon a request for inspection or for a copy of records, shall, within ten (10) days from receipt of the request, determine whether the request, in whole or in part, seeks inspection of or copies of disclosable public records in the possession of the District and shall promptly notify the person making the request of the determination and the reasons therefore. In unusual circumstances, the time limit prescribed in this Section may be extended by written notice by the President/CEO of the District or his/her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than fourteen (14) days. A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing. As used in this Section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
3. 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 District having substantial subject matter interest therein.
4. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

B. Procedures for Approved Requests for Inspection and/or Copies.

Approved requests for inspection and/or copies will be handled as follows:

1. Mail Request - The Office of the President/CEO will notify the requestor of the fees to be paid to the District for copies of such records. Upon receipt of such fees, the Records Clerk shall prepare and mail copies of such records to the person requesting them.
  2. In-Person Request – Copies of requested documents will be provided after receipt of a completed request form (Exhibit “A”) and payment of fees in accordance with the established fee schedule (Exhibit “B”).
  3. Telephone Request – In response to a telephone request for copies of District records, the Office of the President/CEO will explain the records request procedure (including established fees) as outlined in subsections (1) and (2) above. Payment of fees is required before copies may be prepared.
  4. Fax Requests – In response to a fax request for copies of District records, the Office of the President/CEO will transmit to the Requestor an explanation of the procedures (including established fees) as outlined in subsections (1) and (2) above, and transmit Exhibits “A” and “B” to the Requestor. Payment of fees is required before copies may be prepared.
  5. E-Mail Requests – In response to an E-Mail request for copies of District records, the Office of the President/CEO will transmit to the Requestor and explanation of the procedures (including established fees) as outlined in subsections (1) and (2) above, and transmit Exhibits “A” and “B” to the Requestor. Payment of fees is required before copies may be prepared.
- C. Any person in attendance at an inspection of District records may request a copy of any record being inspected. Upon completion of the written request and payment of the fee set forth herein, the Office of the President/CEO will prepare the copies of such records for the requestor.
- D. Members of the public seeking to review a tape(s) of the Board of Directors meetings must complete the request form set forth in Exhibit “A,” complying with Section V of this Policy as well as call the Board’s Executive Assistant to make an appointment to review the tape(s). In the alternative, the District will provide the person requesting to review the tapes(s) with the phone number of the television station that airs the meetings of the Board of Directors to obtain the schedule for airing the Board of Directors’ meetings.
1. At the scheduled appointment to review a tape, as scheduled in accordance with the above, the member of the public must be accompanied by a

member of District staff to a private area in the hospital to listen to the audiotape of the Board of Directors meeting. A member of District staff must be present at all times during which the member of the public listens to the audiotape in order to operate the audiotape playing device.

2. Should a member of the public desire to obtain a duplicate the audio or video tape of the Board of Directors meetings, the member of the public must follow the procedures set forth above for obtaining copies of public records.

#### **VII. FEES FOR COPIES**

The District shall charge a reasonable fee (full/actual cost of reproduction) for copies or of identifiable public records or information produced there from as set forth in Exhibit "B," attached hereto, which provides a complete schedule of photocopying, information reproduction, and transmission.

#### **VIII. AGENDAS AND AGENDA PACKETS, CHARGES FOR MAILING PACKETS**

- A. Any person may request that a copy of the Agenda, or a copy of all the documents constituting the agenda packet, of any meeting of the Board or one or more of its Committees be mailed to that person. If requested the Agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132.), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the Office of the President/CEO shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Government Code section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of the Board, whichever occurs first. Any request for mailed copies of Agendas or Agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year.
- B. There is no fee for a request for mailing the Agenda of meetings of the Board or its Committees without the packet. The Board hereby establishes a fee for mailing the Agenda packet, of meetings of the Board and its Committees. The fee shall not exceed the cost of providing the service. The fee for receiving the agenda packets shall be the actual cost incurred by the District, based on the previous year costs, payable in advance. If the requesting person requests mailing of the Agenda or Agenda packet for a specified period less than a year, the annual fee shall be pro-rated based upon the number of months and any parts thereof which fall within the period for which the request is made, but shall still be paid in advance. The fee amount applies regardless of whether the request is for agenda packets of the Board or one or more of its Committees, and the requestor shall be entitled to receive all of the packets. Failure of the requesting person to receive the Agenda or Agenda packet pursuant to this Section shall not constitute

grounds for invalidation of the actions of the legislative body taken at the meeting for which the Agenda or Agenda packet was not received.

### **VIII. WAIVER OF REQUIRED FEES**

As a means of facilitating and expediting efficient business relationships with other local and state agencies, regulatory agencies, and local news organizations, the fees for copies of Agendas, Agenda packets and approved minutes of Board of Directors meetings and Board of Directors Committee meetings will be waived. In addition, should any member of the public desire a public document such as minutes to a single meeting of the Board or a standing Committee of the Board, or the budget, the Office of the President/CEO may waive the fees. Should any public record request involve significant reproduction costs, in the judgment of the Office of the President/CEO, such costs shall not be waived. Additionally, should a public agency not reciprocate with a similar waiver of fees for Agendas and approved minutes of the meetings of their governing body, the District will require that the fees set forth in Exhibit "B" attached hereto shall be paid by that agency prior to receiving copies of District documents. Fees for those entities listed on Exhibit "C" attached hereto will be waived except those agencies that do not reciprocate with a similar waiver.

**Reviewed by the Gov/Leg Committee: 6/8/05**  
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**Reviewed by the Gov/Leg Committee: 10/10/07**  
**Approved by the Board of Directors: 12/13/07**