

# Open and Accessible:

A Guide to Communication and  
Transparency

# Introduction:

## The Time is Now to Increase Accessibility, Improve Profile

A recent statewide poll commissioned by ACWA and the California Special Districts Association (CSDA) (Nov. 2004) had some mixed news for special districts around the state. The good news is Californians like the diverse services provided by special districts and highly value local control and local management of those services.

The bad news is most Californians are unfamiliar with special districts as a form of government and do not always know that special districts are the agencies responsible for providing the services they need and value. While two-thirds of the Californians surveyed said they were familiar with cities and counties, only a quarter said they were familiar with special districts.

But the first-of-its-kind poll had some promising news as well. Once they learn what special districts do and how they are organized and governed, Californians overwhelmingly approve of special districts and regard them as the ultimate form of local government.

It's clear from the poll that special districts have the potential to enjoy broad public support for their organizations and the jobs they do. But that support can only materialize if special districts reach out to their communities and educate the public about the unique role they play in meeting local needs.

The following pages outline actions every district can take to improve visibility, increase accessibility and make its operations open and transparent to the public.

## Section I

### Establish and Maintain an Internet Web Site

In today's world of instant communications, maintaining an Internet Web site is a must for public agencies. No longer viewed as an optional nicety, a Web site is now an essential and cost-effective tool for communicating with the public.

Accessible any time of the day, any day of the year, a Web site allows interested members of the public to access meeting agendas, meeting minutes and information about an agency's finances and capital projects. In many cases, it eliminates the need for mass mailings and expensive paid ads. An investment in establishing and maintaining a Web site should be considered a critical business expenditure and budgeted for accordingly. The good news: establishing and maintaining a Web site can be done very easily and economically.

# How to Establish a Web Site

## *Prepare a Web Site Mission Statement*

It is important to develop a Web site mission statement to clearly outline the goals and objectives of your agency Web site and provide a clear vision for managers and guidance for the employees engaged in its day-to-day maintenance.

A primary goal should be to make the agency accessible and accountable to the public it serves. Objectives could include making non-secured public records and documents available, and providing avenues for feedback. Other goals should include providing customer service and effective support for media outreach and public information activities.

## *Determine In-House Capabilities and Budget*

Begin with a simple site that has basic documents. There are limits to the amount of information that can be stored on a simple site due to server capacity issues. Don't be overly ambitious. The site can be easily changed and enlarged. It is always a work in progress.

Things to decide before you establish a Web site:

- Determine who at your agency will be responsible for the management of the site. The Information Systems department, the board secretary's office or the public information office is generally tasked with the responsibility, which includes keeping the site updated, ensuring that it's up and functioning, and answering e-mail questions.
- Determine whether your agency can develop the site in-house or whether a consultant will be needed to build it and provide basic ongoing programming/updating services.
- If the design work will not be done internally, identify and hire a consultant to create a site that meets your goals and objectives, and can be easily updated by your staff.
- Select an Internet Service Provider (ISP) to host the site.
- Secure the use of a tracking service, which may be provided by the site host at no charge. A tracking service allows your agency to see how the Web site is being used and what sections are most visited.

## *Recommended Software, Hardware and Service Providers*

The following are some software and hardware recommended to develop a Web site:

### **Software**

- Microsoft Front Page or Dreamweaver: Creates the Web site, uploads documents and updates.
- Photoshop Elements: Edits and crops photos for the Web (also included in many software suites).

- Adobe Acrobat: Reads PDF files.
- Acrobat Distiller: Creates PDF files.

## Hardware

- Digital camera
- Scanner

Companies such as *GoDaddy.com*, *dotster.com* and *networksolutions.com* will allow you to purchase a domain name for as little as \$10 a year and will host a simple site for about \$10 per month. They will handle everything, asking you basic questions to get it started.

### *Decide How to Manage the Site*

Make the management of the Web site one person's responsibility. Routine maintenance updates on a daily or quarterly basis will allow agency staff to keep material fresh and up-to-date. Creating a plan to update and change the Web site is important to attract repeat users. A site must remain fresh.

## Web Site Design Considerations:

*Avoid fancy fads.* Flash animation and video clips are examples of fads to steer clear of unless you are absolutely sure they will add something meaningful to the Web site. Be cautious about using these features as they tend to increase download time for users.

*Keep it simple.* A beautiful site is not always effective or easy to navigate. Strive to make it possible for visitors to find whatever they're looking for in three clicks.

*Be sure it's appropriate.* A public agency Web site should not give the impression that it was very expensive to put together. Avoid the perception that public money is being spent irresponsibly.

*Make it interactive.* Use the site to complement existing outreach, such as education and conservation programs. Engage visitors with interactive features, but keep them simple and easy to load.

*Invite feedback.* Offer an easy e-mail mechanism for customers to ask questions or to subscribe to receive regular information on a particular topic. The site can also be used for simple customer surveys.

*Test drive it.* It's a good idea to test the site with staff members or other agencies before going public. It's also wise to have someone "proof" it for errors.

## Public Information/Documents to Put on a Web Site

An agency's Web site should, at the very minimum, include the following business information.

*Recommended Minimum Information/Documents:*

- Agency address, phone and fax numbers, directions (map) to office, hours of operation
- Agency mission statement/profile of agency
- Names of the board of directors; contact information
- Names of top managers
- Media relations section (news releases, statements)
- General map of agency service area
- Directory with customer service phone number, emergency after-hours phone number, and other pertinent phone numbers and/or e-mail addresses. Some agencies include an employee e-mail directory.
- Annual water quality report
- Dates and times of board meetings
- Board meeting agendas
- Board meeting minutes
- District code of regulations
- Comprehensive Annual Financial Report (CAFR) or Basic Financial Statement
- Agency budget (or executive summary)
- Public notices of postings
- E-mail link to agency

*Additional Recommended Documents:*

- Capital Improvement Plan
- Reserve policies (clear, concise information communicating the purposes for which monies are accumulated and held by the agency)
- Breakdown of customer rates
- District publications (annual report, bill inserts, brochures, etc.)
- Research studies (EIRs, etc.)
- Avenues for feedback (online surveys); automatic e-mail features
- Job descriptions
- Employment announcements
- Requests for Proposals (RFPs)

## Promoting Your Web Site to Your Customers

Once a Web site is established, it is important to market the site to customers, community leaders, the media and general public. Methods include printing the Web site address on all agency materials and publications, including:

- Letterhead
- Bills
- Bill inserts

- Customer newsletters
- Annual reports
- Fact sheets
- Recorded “on hold” message
- E-mail messages

In addition to the Web site address, a short message could be included urging customers to go to the Web site for specific information or to sign up for programs. Bill inserts and customer newsletters also can tell customers what types of information they will find and encourage them to visit the Web site.

Notify major search engines such as Google, Yahoo and MSN seeking inclusion in their search engines. Identify the URL of the Web site when communicating with the search engines in order to be listed. This process may take a while, but the search engine results will drive traffic to your Web site.

## Section II:

### Establish Community Outreach

So, you want yours to be a more “transparent” agency? You want your customers to understand what you do, sympathize with the challenges your agency faces as it struggles to provide a dependable, high-quality product to an increasingly skeptical consumer base? To borrow and twist a well-worn phrase: “Transparency begins at home!” Your community – however you define it – is your home.

An agency must become a recognizable, productive and appreciative member of that community. Most agencies can clearly define their community as their service area. But getting “positive face-time” in that community can be challenging. There are a number of ways an agency can reach out to its community. The options are many and don’t need to be fancy or expensive. Some ideas include:

### Identify Specialized Contacts Lists

Developing specialized contact, stakeholder or mailing lists can help the agency “target” its outreach activities and develop the most effective and efficient communication methods. Ensuring that you are communicating with the right audiences is a fundamental communication issue. Contact management software can facilitate and streamline the management of various lists.

Examples of contact lists may include:

- State and federal legislators
- County board of supervisors
- City council officials

- Community activist organizations
- Business and civic groups

## Newsletters as an Outreach Tool

A direct-mail newsletter is still a first-choice option for many agencies, and it's not a bad one. However, with the advent of computer-generated, self-mailer bills, separate newsletters to consumers are a much more expensive approach. An agency can make newsletters more effective by strategically rethinking their content, preparation and, most importantly, the

target audience. Traditionally, public agencies have filled newsletters with articles and stories the agency wanted to tell.

But a newsletter is more effective if it has information customers want. Consider these tips:

- Cover topics of interest to your customers and give them “news they can use.” Strive to be entertainingly informative.
- Visual presentation is always important because it is the “first impression.” If a reader is not visually enticed to pick up the newsletter for a closer examination, the newsletter is ineffective.
- Use plenty of pictures, interesting and simple-to-understand graphs and charts, and color when and where it is appropriate. Don't go overboard with a “glitzy” publication because it may invite criticism for wasting the ratepayers' dollars on unnecessary frills.

### *Distribution*

Before an agency decides to publish a newsletter, it must identify its reading audience. Sending one to every customer is an expensive choice with little assurance that it won't be relegated to the “junk mail” file. Develop a strategic distribution system. Think waiting rooms – places where your readers are looking for something to read; something different.

An agency's newsletter's content can be its guide. And you can never go wrong sending reading material to beauty salons and barber shops. Remember, when it comes to newsletters, think strategically.

### *In-House Knowledge or Consultants*

If your agency doesn't have in-house staff that can produce a newsletter like this, hire consulting editors and graphic artists. Communication experts that are sole proprietors are often more cost-effective than hiring a public relations firm.

## School Programs

Schools in our communities provide excellent and personally satisfying opportunities for community outreach. A few ideas and activities for school programs include:

- Take advantage of existing, off-the-shelf education programs for your local schools.

- Consider “adopting” a local school and provide it with surplus furniture and equipment, such as computers, copying machines, etc.
- Organize a “career day” in which experts from your agency could be guest speakers in the classroom.

Activities such as these will give your agency the opportunity to spread your message while being recognized as a positive force in the local community. There is a lot of good will that can be created through school programs.

## Speakers Bureaus

One of the most effective ways to reach customers, elected officials and future customers is through face-to-face meetings and talks. There are still many groups in each community looking for interesting speakers. Lions, Kiwanians and Rotarians, oh my! Although these traditional service clubs are the standard, other lunch groups are just as eager for informative and entertaining guest speakers, such as:

- The League of Women Voters.
- Larger companies that have “brown bag forums” for their employees.
- Trade groups and alumni of colleges and universities that get together for periodic socials.

If a speakers bureau already exists at the agency, get on the contact list of local organizations for a program once a year.

The key to a successful speakers bureau is selecting and training the speakers. It’s one thing to have the gift of gab and quite another to stand in front of a group that just finished eating and is ready to doze off.

The following are a few characteristics and criteria for participants in your agency’s speakers bureau:

- Speakers must have presentation skills.
- They should be properly groomed and armed with the latest facts.
- Presentations must be supported with attention-grabbing visual aids and handout materials that can be used and transported easily.
- Speakers must be personable because they ARE your agency for that hour.
- Speakers must be committed to the bureau, the agency and to the community outreach program.
- Speakers must be informed and available to speak when an assignment is given to them.

Nothing could be more damaging to an agency's reputation than having a group waiting for a speaker who doesn't show. An agency should not enter this arena of public outreach lightly. It's not for everyone.

## Welcome to the Neighborhood: Open Houses, Tours, Fairs

Nothing builds support like seeing your tax dollars at work. Open houses and facility tours provide opportunities to become acquainted with an agency's constituency and for them to get to know you. Think of it as a form of speakers bureau where instead of sending a speaker out to an audience, the audience comes to the agency. Tour guides and open house workers need to have the same qualities as speakers bureau representatives. Also, participation at county fairs, going where your customers go, is a great outreach avenue.

### *Keep Employees Informed – They're Your Ambassadors*

While many agencies have public information and outreach staffs, in reality every agency employee is an ambassador for your agency.

The receptionist is of particular importance. Often called the "director of first impressions," the receptionist plays a pivotal role in establishing – and enhancing – an agency's image.

Many special districts are behind locked gates and surrounded by walls and fences. The mere appearance of these security measures can raise the eyebrows of the uninformed. The impression people get is that they are not welcome. Tours offer a unique opportunity to make friends and influence people. A few tips for conducting open houses and tours include:

- Target groups and community leaders to invite on tours throughout the year.
- Have an annual facilities open house or "block party" for your neighbors.
- Send out mailers to the surrounding community. Invite them in to see what really happens behind the scenes. Welcome to the neighborhood!

When developing a strategy for open houses and tours, always consider the security of facilities. The list of tour attendees may include:

- Each attendee's name
- Home address
- Driver's license
- Home phone number
- Emergency contact information
- Social Security numbers may also be needed

Safety must come first, but managed properly, open houses and tours can benefit the whole community.

## Community Advisory Groups

“Stay close to your friends, and closer to your enemies,” said the famous Chinese general. Community advisory groups need not be feared because at their very best, they become vehicles for making allies out of foes. Agencies often are asked to take on sensitive issues that have an impact on their customers and communities. Inviting interested persons and community leaders to work on these issues with the agency leads to an understanding and appreciation of the challenges.

Advisory members often have creative answers to problems once they understand the issues. And, they become the agency’s champions in the community.

Make sure your advisory group is told exactly what its authority is upfront. An advisory group’s authority may be limited to recommending suggestions, for example. If you commit to an advisory group, the worst thing you can do is not give it authority to impact the ultimate decisions or to completely ignore the input it provides. Here are some issue areas where an agency could form advisory panels:

- Quality issues
- Infrastructure improvements
- Service rates
- Bond measures
- Community outreach

## Communicating with Stakeholders

It all begins with a plan. There is a process to develop a plan to communicate with your stakeholders. Stakeholders are the individuals and groups that allow your agency to function such as the people who use the service or the elected officials who govern in or around your service area. The following are several steps to effectively create and implement a communications plan aimed at your stakeholders:

- Identify key stakeholders and then carefully craft a plan to reach them with your communications. To be most effective, research the issues for which they have an interest.
- Develop the messages you want them to hear and then devise the communication channels or methods that will most effectively reach them.
- The process starts with research, both informal and formal. You need to know the key issues in your community and how to avoid becoming entangled in them as you put forth your communications. You should survey members of your community to find out what they think of your agency and the key issues of the service area.

Armed with this research, you can begin to focus on the most important audiences, normally leaders in the various aspects of your community:

- Local city, county and state elected officials
- Owners and CEOs of major businesses in the community
- Media reporters and editors
- Environmental activists
- Education leaders at all levels
- Medical and health organizations and professionals
- Leaders in senior community groups
- Other decision-makers

By focusing on the leadership, you can make the most effective use of your limited outreach assets. There is a communications theory that non-active community members will go to their more involved friends to help them form opinions on public issues.

Once you have defined your key stakeholders, the most important ones deserve your personal attention. Develop a calendar to visit them, to send them information about your organization, to involve them in your outreach efforts and even your planning. These key audiences will normally be city councils or farm bureaus, county, state and federal elected officials, top economic leaders in your service area, the editor or editors of your newspapers, etc.

## Section III: Establish Legislative Outreach

Over the past decade, a vast amount of legislation affecting the special districts has been proposed, discussed and enacted. Constant turnover of legislators due to term limits requires agencies to be more visible, consistent and intentional in communicating with legislators. One way to do so is to implement a legislative outreach program.

Elected officials at the local, state and federal levels are among your most critical audiences. Having a proactive and effective outreach program not only helps achieve local, statewide and federal legislative goals, but also increases an agency's transparency with key audiences by making those involved in the public policy arena more familiar with the agency's services and challenges.

A successful grassroots effort begins at the local level, developing relationships with community leaders and stakeholder groups that will understand and support an agency's legislative/regulatory efforts. Strong local networks translate into greater clout with local legislators who are highly attuned to community matters. Most legislators look to special districts a knowledgeable source of information. Legislators particularly value the input from their constituents.

There is strength in numbers. The special district community can be extremely effective in the legislative arena when working in partnership with association lobbyists in Sacramento and Washington, with support from grassroots member agencies. Agencies and their

constituents can make a difference working together on a variety of issues.

The bottom line: effective grassroots outreach gets results.

## Why Legislative Outreach Matters

Many factors contribute to the need for legislative outreach as part of any successful legislative/regulatory program. Some of these factors include:

- Term limits for legislators
- High turnover among key legislative staffers, which means less institutional memory
- The increasing volume of legislation and regulations affecting special districts
- A lack of understanding among legislators about how local agencies and special districts operate and the unique challenges they face

### *All Politics is Local*

Effective grassroots lobbying begins at home. The cliché that “all politics is local” is especially true in the era of term limits in Sacramento and given the growing number of constituents represented by members of Congress.

As a constituent of a local state Assembly member, senator, or Congressional representative, agencies enjoy a special status. Developing and maintaining strong coalitions with local influential officials increases an agency’s standing with its legislator(s).

### *Collaborating with Community Leaders*

Community leaders do not want to be told what is best for them. They expect to be consulted and to participate in the decision-making process. While it will require additional up-front effort on the part of the special district, such a proactive approach should help smooth the way once decisions have been made and are being implemented.

### *Mobilizing Local Interests*

It’s important that the special district be well-organized in its outreach efforts when the need arises to mobilize local interests, taking the following steps:

- Establish one-on-one contact with key leaders
- Arm yourself with specific, succinct message points and presentations for your discussion with legislators or other decision-makers
- Provide sample letters for community leaders’ use
- Thank them for their help!

### *Legislative Outreach Tips*

- Influence is a good thing: it encompasses opinion, knowledge and the ability to positively impact a legislator’s job while in office.

- Sometimes outreach means organizing masses. Other times it means identifying a few “right” or “key” people who have a legislator’s ear.
- Politicians are sophisticated and recognize paid media. The personal touch is still more effective than the big guns.
- Staff people at the Capitol now outlast the “electeds.”

## Dealing with Legislators

- Invest in local leaders. Local leaders are often on a path to statewide office. Get to know them and cultivate a relationship early on.
- No matter how effective your association is, no one can tell the story like the locals.
- Don’t think of your issue just in terms of service. Think of your agency and issues in terms of an organization that employs people, for example.
- Make sure that the information you provide to an elected official is accurate. They may pick it up and use it. The opposition may also use it against you. Ensuring accuracy protects you, your agency and your legislator.
- Never blind-side your elected official publicly. If you have an issue, discuss it privately.
- Legislative offices prefer to receive your official bill positions on official agency letterhead. Constituent letters often end up being filed in the “priority or red file.”
- Avoid e-mailing official letters to legislative offices. Fax the official letter and drop a hard copy in the mail.

## Building Relationships With Your Legislator

- Be patient. Legislators’ schedules are fluid and unpredictable. If they are not available, meet with their staff.
- Serve as the local expert. Be a legislator’s policy resource or contact.
- Research your legislators. Study their background, interests, accomplishments, legislation.
- Be prepared for a meeting. Have talking points or a fact sheet.
- Keep in touch. Contact your legislators and staff a few times a year.
- Provide a tour. Invite your legislators on a tour of your district’s facility and operations.
- Pay attention to legislators’ staff. Staff can be your advocate from within.

- Endorse your legislators. Offer personal support by giving your time, money, or endorsement.

## Section IV: Establish Media Outreach

An effective media outreach program should be an element of every agency's communications program. The media is a key audience for the agency, but it is also an excellent vehicle for an agency to communicate information to the public. Although there is no immediate feedback opportunity for the public, media coverage of a project, program or issue helps to raise awareness and understanding among community members.

The role of an agency's communications program is to develop and sustain effective, candid, clear, concise, open communication with internal and external publics. Media outreach efforts are often the most efficient means of reaching external publics with the agency's key messages. Like a three-legged stool, effective media outreach is grounded in good work, honest motives, and credible presentations. Effective media outreach requires those who deal with the media to develop honest, credible relationships with reporters, assignment editors, editorial boards when times are good, thereby building a solid and working foundation that will withstand critical times.

Solid working relationships with the media are built with simple daily acts of returning their calls/inquiries within an hour if not sooner, not wasting the reporters' time with "fluff pitches," sending out news releases/public service announcements that have something of substance to communicate to their readers/listeners/viewers, and training agency experts how to successfully communicate with reporters (because reporters like to get closer to the source).

Generally, events determine public opinion more than words, but words and images help reveal good works that might otherwise be overlooked, and they help interpret complex, difficult issues and situations. When reporters know and trust individuals within an organization, they are more likely to contact them for clarification, amplification, or expansion of a story. And any opportunity to talk to a reporter, in good times and bad, is an opportunity to impart the agency's key messages; it is an opportunity to shine the light and reveal the agency's transparency for all to see.

### Establishing an Effective Program

Components of an effective media relations program include understanding how the media work, establishing relationships with and being a resource for reporters, and preparing a solid media outreach program. Your media outreach program should include:

- Identified objectives of the program: why do you want to talk to the media or to the public through the media?

- A media policy or protocol – one that everyone on staff is familiar with.
- An identified, trained media spokesperson – include key district staff in media training.
- Key messages, as well as messages specific to the situation: what do you want to say about your district, program or project?
- Audiences you want to reach: whom do you want to talk to and what is the most effective medium to use to reach that audience? For example, to reach a specific audience, should you target a large or small print publication, radio, television, the Web – or all of these?
- Tools to help you do your job: the basics are a media information kit, news releases, background video footage and photographs. Depending on the objectives, you may also want to conduct editorial briefings, prepare opinion pieces or letters to the editor, or develop a public service announcement, paid advertisement or “advertorial.”

A media outreach program requires dedicated staff time to develop and implement the program, as well as targeted distribution of newsworthy information. Preparation and practice are also requirements for a successful media outreach program. Every agency has an important story to tell. By working with media representatives, an agency can tell that story to all of its customers.

## Section V: Tips for Rural Agencies

Most rural districts have a much smaller customer base to deal with in comparison to municipal or urban districts. The activity of a rural special district may be focused on a group ranging anywhere from a handful to several hundred customers. However, some rural special districts also service municipal areas and the previous suggestions outlined in “Open and Accessible” should be considered applicable. Despite the comparatively low number of rural customers, it is just as important for rural special districts to develop and maintain open lines of communication.

As previously mentioned, rural special districts can adopt suggestions listed elsewhere in “Open and Accessible.” These efforts include:

- Web page development and use
- Newsletters
- School programs
- Speakers bureaus
- Open house/tours
- Legislative outreach
- Media outreach

Rural special districts are unique in the close relationships maintained between district personnel and local customers. District personnel may interact with local farmers on almost a

daily basis and develop a first-name relationship. A high level of communication is conducted during the course of the year as farmers either stop by the district office for information or along the ditch bank to speak with district personnel.

## Creating Outreach Opportunities

Specific suggestions for expanding communication include:

- Tailgate sessions. Districts may formally schedule an “in-field” meeting to review a new procedure or operating schedule. These sessions may be used to explain a new piece of equipment installed by the district.
- Informational meetings. These meetings are scheduled as the need arises to apprise the community of new programs.
- Educational seminars. One district currently contracts with an independent consulting firm to conduct weekly classes on pertinent issues. The weekly classes include presentations, class discussion and lunch.
- Annual community events. Gatherings such as barbecues, open houses, and picnics are helpful in presenting topics of interest to the farmers. Outside speakers may be scheduled to present the information. In addition, the large-group setting also

provides the opportunity for district management to announce or explain new procedures.

The comparatively low number of rural customers works to the advantage of rural special districts. As a result, the rural special district should not overlook the opportunity to extend its message beyond its district boundaries.

## Section VI:

### Public Records Act Compliance

The preceding sections suggest pro-active steps for providing information to the public regarding special district activities. These steps are generally taken on a district’s own volition and without any specific demand or request from interested parties. They are voluntary means of becoming open, accessible and transparent.

In some instances, despite all of the voluntary efforts of the district, there will be occasions when members of the public request specific information. Under the California Public Records Act, every member of the public has a right to local government information and records. In its preamble (Section 6250 of the California Government Code), the Act declares that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” Though the law includes certain

exemptions, public agencies subject to the Public Records Act should assume all records are open unless a clear determination can be made that an exemption applies.

Though many requests for information likely could be handled informally, most attorneys recommend that public agencies follow specific procedures when a formal request for inspection or copying of records is received. Public records are defined as any writing that contains information relating to the conduct of the public's business that is prepared, owned, used or retained by the district, regardless of the physical form or characteristics of the writing. The general rule is that public records are open to inspection at all times during regular office hours, and every member of the public has a right to inspect and obtain copies of the public record unless the disclosure is exempted by the Act. Government Code §6253(a).

In addition to the disclosure requirements, the law requires public agencies to assist any person requesting records to properly identify the records sought, determine the technology used to prepare and maintain the records, and generally provide information sufficient to meet the request. The statutory rights to inspect and obtain copies and the agency's obligations to assist were affirmed in a constitutional amendment passed in November 2004 as Proposition 59. The measure not only makes the Public Records Act part of the State Constitution, but also requires the courts to liberally interpret the statutes to provide the maximum amount of public scrutiny, while recognizing rights of privacy.

## Procedures for Handling Requests

When a request for inspection or copying of public records is received, a public agency should take the following steps:

1. Determine whether the requested document exists. There is no legal requirement that districts create a document that is not in existence, such as a compilation or summary of district records.
2. Clarify whether the requesting party wishes merely to inspect the document during office hours or to obtain copies.
3. Determine whether the requested document is disclosable, or whether its release would conflict with the privacy rights of individuals or affect pending or threatened litigation. Such determinations generally involve referring the request to the agency's attorney.
4. Respond within 10 days to the requesting party, indicating the existence of disclosable documents and the estimated time and date when the records would be made available. If the determination of availability cannot be made within the 10-day time limit, a public agency may indicate the need for an additional 14 days due to "unusual circumstances." These circumstances generally include having to review voluminous records or those maintained at another location, the need to consult with other agencies, or engage computer experts to extract data in that form.

When advising the requesting party of the availability of the records for inspection or copying, the agency should indicate any costs involved in preparing the materials, if copies are requested. An agency may only recover the “direct costs of duplication” if there is a request to copy district records. Government Code §6253(b). While the statutes do not allow for any labor costs, the Attorney General has expressed an opinion that equipment costs and expenses and personnel costs of the employee doing the reproduction can be recovered, but additional overhead costs cannot be charged.

## Exemptions

In its recognition of the need to protect the privacy rights of individuals, the law does contain a substantial number of exemptions from disclosure. The specific exemption relied upon in the event an agency declines to make the records available should be cited in the response to the requesting party. There are over 100 exemptions.

The most commonly used include personnel and medical records, information about elected officials and documents involved in pending litigation. That also includes opinions provided to the agency by its attorneys. There is also a general exception for records that are preliminary in nature and not retained by the public agency in the ordinary course of business.

It should also be noted that the name, credit history, utility usage data, addresses and phone numbers of customers are not subject to disclosure to a member of the public under the Act. In the event there is no specific exemption for the particular record requested, the agency may still withhold the record if it can make a finding and determination that the public interest served by not making the record public clearly outweighs the public interest served by the disclosure of the record. The validity of this justification is determined on a case-by-case basis. For a more complete listing of the exemptions, see §6254 and §6275 et seq. of the Government Code.

If a public agency refuses to make a record available to a member of the public, the requesting party may institute proceedings in the court seeking an order to direct the right to inspect or copy the public record. The court will examine the records out of public scrutiny and determine whether the records must be disclosed. If the requesting party prevails, then the court must award the requesting party its costs and attorneys’ fees under Government Code §6259(d). A frivolous action by a requesting party would result in the requesting party having to pay the public agency’s fees and costs.

Finally, in recognition of the statutory and constitutional declaration of the public’s right to know, a theme which runs through the Public Records Act as well as the Brown Act, public agencies would be well served to err on the side of disclosure unless there is a clear exemption applicable.

# Acknowledgements:

**Gary Arant**  
**Chair, ACWA Communications Committee**  
**General Manager, Valley Center Municipal Water District**

**Section I:**

Susan Fitts, Santa Clara Valley Water District  
Karen Arntzen, Contra Costa Water District  
Libby Pischel, Marin Municipal Water District

**Section II:**

Bob Gomperz, Lincoln Avenue Water Company

**Section III:**

Jennifer Persike, Association of California Water Agencies  
Brad Sherwood, Association of California Water Agencies  
Mike Vallante, JM Communications (Legislative Outreach Tips)

**Section IV:**

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*Members, ACWA Communications Committee (2004-05), and staff with ACWA's Communications/Outreach Department.*

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