

**RESOLUTION NO. 430**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
FALLBROOK REGIONAL HEALTHCARE DISTRICT ESTABLISHING  
POLICIES AND PROCEDURES FOR  
IMPLEMENTING THE CALIFORNIA PUBLIC RECORDS ACT**

**WHEREAS**, pursuant to the California Public Records Act (“CPRA”) found in sections 6250 et seq. of the Government Code of the State of California, the documents of the Fallbrook Regional Healthcare District (“District”) are public records subject to certain exemptions in the CPRA; and

**WHEREAS**, the District, in accordance with the CPRA and the public’s right to full and prompt access to all public records in the custody of the District, hereby adopts the following procedures for accessing the District’s public records

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Fallbrook Regional Healthcare District as follows:

**Policies and Procedures for Accessing Public Records**

**Policy:** The public’s right to access information concerning the conduct of the people’s business is a fundamental and necessary right. A record shall not be withheld from disclosure unless it is exempt under applicable laws, or the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. The California Public Records Act permits local agencies to adopt regulations stating the procedures to be followed when making records available to the public. This written policy sets forth the procedures by which such records will be made available to the public.

The District also recognizes the constitutional right to privacy accorded to individuals and this policy attempts to balance the individual’s right of privacy with the goal of open government. Should a conflict arise between this policy and the provisions of the CPRA, the CPRA shall prevail.

**NOW THEREFORE**, the Board of Directors of the District do hereby enact as follows:

1. Every request from a member of the public shall be marked on the date it is received by the District, whether the request is made in writing, by regular, overnight or priority mail, or delivered by electronic means (e-mail, facsimile transmission); a separate log of all CPRA requests shall be kept and maintained by the Executive Director or his/her designee.

2. Upon receipt of the Request, the Executive Director or his/her designee shall make a preliminary inquiry as to the type(s) of records sought, and whether or not the District does in fact maintain records of the type(s) requested.
3. Upon the preliminary determination that records responsive to the request are likely to exist, the Executive Director his/her designee shall promptly transmit a copy of the particular request to the department(s) or individual(s) responsible for maintaining such records. In addition to locating records responsive to the request, the department supervisor shall make a reasonable attempt to do all of the following:
  - a. 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.
  - b. Describe the information technology and physical location in which the records exist.
  - c. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
4. Upon determination that the request as presented may seek records that are exempt from disclosure or inspection in whole or in part, or may seek information subject to one or more of the recognized exemptions under California Government Code Section 6254, the Executive Director or his/her designee shall also cause a copy of the records request to be promptly forwarded to the District's General Counsel.
5. Within ten (10) days of the date of initial receipt of a request, the Executive Director or his/her designee shall respond, in writing, to the requesting party. The written response shall identify, to the extent known, the available formatting of the responsive records. Additionally, the written request may include the following:
  - a. A notification that the responsive documents have been compiled and are ready for inspection during normal business hours:
    - i. A notification that a portion of the responsive documents have been compiled and are ready for inspection, along with a time estimate of when any remaining documents may be compiled for inspection and copying. Any time estimate indicating additional compilation time is necessary shall not exceed fourteen (14) additional days from the date of the response.
  - b. If the Requester asked for copies of the records, a notation of the actual costs of copying the documents requested:

- i. For hard copies of standard sized (8 ½ x 11), the actual duplication costs shall be twenty-five cents per page copied. For oversized document copies (11 x 14 and above), the cost per page shall be fifty cents per page, and for copies of architectural-sized documents (plans, plat maps), the cost per page shall be one dollar and twenty five cents per page, if copying can be accomplished in-house;
- ii. For digital copies, the direct costs of duplication shall be the costs directly incurred by the District in copying and producing the documents in electronic format.

The District shall have the right to request payment of the charges in advance of producing any copies requested.

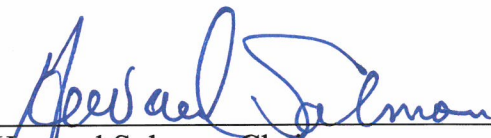
The Executive Director shall have the discretion to waive the cost of copying and producing the documents.

6. If the District has determined that any or all of the records sought by the requesting party are subject to any recognized exemption from inspection, it shall notify the requesting party in writing within ten (10) days of the date of receipt of the original request. The notification shall set forth all of the following:
  - a. The specific grounds for the denial of the request to inspect, including which exemption(s) are deemed applicable;
  - b. The name(s) and title(s) of any District personnel responsible for the denial of the request to inspect.
7. All inspections of public records which take place in accordance with the Act and the provisions of this Resolution shall take place within the District's normal business hours.
8. Records Exempt from Disclosure. In accordance with Government Code Section 6254 as amended from time to time, the following records are exempt from disclosure and shall not be disclosed (this list is intended to be illustrative and does not include all exempted records, nor does it include records exempted pursuant to other provisions of law):
  - a. Preliminary drafts, notes or interagency or intra-district memoranda that 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;

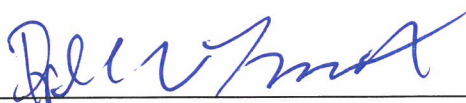
- b. Records pertaining to pending litigation to which the District is a party, or to claims made under California Tort Claims Act (Government Code 810), until such litigation or claim has been finally adjudicated or otherwise settled;
- c. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- d. Geological and geophysical data, plant production data and similar information relating to utility systems development which are obtained in confidence from any person;
- e. The contents of real estate appraisals, engineering of 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 such time as all of the property has been acquired or all of the contract agreements obtained, provided, however, the law of eminent domain shall not be affected by this provision;
- f. 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.

**PASSED, APPROVED AND ADOPTED** at a meeting of the Board of Directors of the Fallbrook Regional Healthcare District held November 13<sup>th</sup>, 2019, by the following roll call vote:

AYES: Directors Jeffries, Leach, Salmon and Schwartz-Frates  
 NOES: None  
 ABSENT: Director Mroz  
 ABSTAIN: None

  
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 Howard Salmon, Chairman  
 Board of Directors

ATTEST:

  
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 Bill Leach, Secretary,  
 Board of Directors