



County of Ventura

COUNTY EXECUTIVE OFFICE

MEMORANDUM

DATE: September 1, 2006

TO: Members, Board of Supervisors

FROM: John F. Johnston, CEO

SUBJECT: Response to 2005-06 Grand Jury Report No. 06 entitled, "Geographic Information System Data Sharing"

Findings:

We materially concur with the findings made in the submitted report. However, special consideration should be given to that sector of the public requiring "on-demand" availability of GIS information. For this sector, the process and response times specified in the Public Records Act (PRA) would not accommodate their business needs. The subscription model developed by the County has worked well to accommodate these needs and we are hoping continued dialogue on this issue will ensure this level of service can be continued in the future.

Recommendations:

R-03: The Board of Supervisors should adopt in the form of a resolution, or ordinance, as appropriate, the AG Opinion that has been recently supported by County Counsel. This action should be implemented as soon as possible.

Although we concur with the intent of this recommendation, it is not our Board's standard practice to adopt a resolution or ordinance based on a legal opinion. However, in establishing its policies, the Board does weigh the effect of statutes, case law, and the opinions of its attorneys. The Board has recently established general policies regarding responses to PRA requests and has considered the AG Opinion in the development of this policy (see attachment 1). Responses to individual requests are assigned to the responsible departments, and when those departments need legal advice concerning specific requests, they seek it from County Counsel. As the Grand Jury report states, our County Counsel issued an opinion that addresses the availability of the County's GIS data in response to PRA requests. That opinion concerned requests to County departments and was issued in furtherance of established Board policy. It has been followed by County departments and agencies in responding to PRA requests.

R-04. The County should develop procedures to ensure that responses to GIS PRA data requests are made in a timely manner consistent with PRA legal requirements.

The County has established the GIS Oversight Committee which acts as the County's advisory authority and coordinating body for all issues surrounding GIS information development and services. This Committee has worked with all departments and agencies to ensure a standardized approach is taken in fulfilling PRA requests as demonstrated in the Departmental responses to this recommendation.

| COUNTY OF VENTURA | 2005 ADMINISTRATIVE POLICY MANUAL | | LEGAL CHAPTER VI |
|---------------------------------------|--|---------|--|
| Originating Agency: County Counsel | Last Issued | Revised | <u>Policy No. Chapter VI - 8</u> |
| Policy: County Counsel | N/A | 2005 | ASSISTANCE TO PUBLIC MAKING PUBLIC RECORDS ACT REQUEST |
| Procedure: N/A | N/A | N/A | |
| Forms (if any): N/A | N/A | N/A | |
| Policy Change Requires: | <input type="checkbox"/> CEO Consultation with Board of Supervisors <input checked="" type="checkbox"/> CEO-County Counsel Approval | | |
| Procedure/Forms Change Requires: | <input type="checkbox"/> County Counsel Approval | | |

POLICY

1. The California Public Records Act requires that public agencies offer assistance to members of the public who are attempting to formulate requests for access to the agencies' records. Government Code section 6253.1 provides:

"(a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

- (1) 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.
- (2) Describe the information technology and physical location in which the records exist.
- (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought."

"(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records."

"(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253."

"(d) This section shall not apply to a request for public records if any of the following applies:

- (1) The public agency makes available the requested records pursuant to Section 6253.

(2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 6254.

(3) The public agency make available an index of its records.”

2. In summary, if the records are not exempt under Government Code section 6254, and if a county office does not have an index of records available, the department is required to: (a) help members of the public to identify records containing the information they seek, (b) describe to the public the form in which the records are kept and their location, and (c) help them to overcome any practical objections raised by the county department.
3. Compliance with Government Code section 6253.1 is currently an unfunded state mandate for which no reimbursement from the state may be claimed. Departments must maintain records of those costs to support a fee.