

RESOLUTION NO. 2011-197

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERNON ADOPTING A PUBLIC RECORDS ACT COMPLIANCE POLICY AND REVISING ITS PROCEDURES FOR PUBLIC INSPECTION, EXAMINATION, AND COPIES OF PUBLIC RECORDS, AND REPEALING RESOLUTION NO. 7216

WHEREAS, the California Public Records Act (Government Code Section 6250, et seq.) provides that public records which are not exempt from disclosure shall be made available for inspection and copying by citizens; and

WHEREAS, the City Clerk's Department and other City departments maintain certain records which are defined as "public records" pursuant to the Public Records Act; and

WHEREAS, the Public Records Act requires that such records be open for inspection by the public during normal office hours and the public shall be provided copies of such records upon request; and

WHEREAS, the City Council of the City of Vernon adopted Resolution No. 7216 on September 22, 1998 which established fees for the reproduction of public records of the City of Vernon in accordance with the Public Records Act; and

WHEREAS, Government Code Section 6253 provides that the City may adopt regulations setting forth procedures to be followed when making records available for inspection, and Government Code Section 6257 authorizes the City of Vernon to recover direct costs of duplication; and

WHEREAS, the City's Independent Ethics Advisor, John Van de Kamp, recommended in his report, dated July 29, 2011, that the City develop a written Public Records Act compliance policy; and

WHEREAS, on August 25, 2011, the City Council adopted Resolution No. 2011-149 affirming the City's commitment to implement the Independent Ethics Advisor's recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERNON AS FOLLOWS:

SECTION 1: The City Council of the City of Vernon hereby finds and determines that the recitals contained hereinabove are true and correct.

SECTION 2: The City Council of the City of Vernon hereby approves and adopts the Public Records Act Compliance Policy, a copy which is attached hereto as Exhibit A.

SECTION 3: The City Council of the City of Vernon hereby approves and adopts the Public Records Act Compliance Procedures and Fees, a copy of which is attached hereto as Exhibit B.

SECTION 4: Resolution No. 7216 and all other resolutions in conflict herewith are hereby repealed.

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SECTION 5: The City Clerk of the City of Vernon shall certify to the passage, approval and adoption of this resolution, and the City Clerk of the City of Vernon shall cause this resolution and the City Clerk's certification to be entered in the File of Resolutions of the Council of this City.

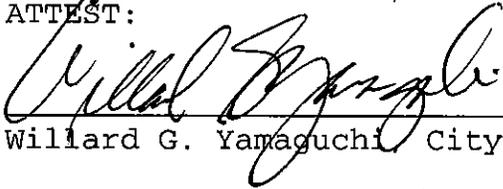
APPROVED AND ADOPTED this 6th day of December, 2011.



Name: William J. Davis

Title: ~~Mayor~~ / Mayor Pro-Tem

ATTEST:

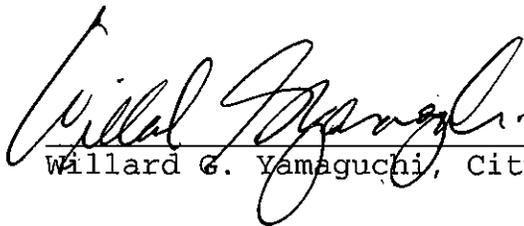


Willard G. Yamaguchi City Clerk

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Willard G. Yamaguchi, City Clerk of the City of Vernon, do hereby certify that the foregoing Resolution, being Resolution No. 2011-197, was duly passed, approved and adopted by the City Council of the City of Vernon at a regular meeting of the City Council duly held on Tuesday, December 6, 2011, and thereafter was duly signed by the Mayor or Mayor Pro-Tem of the City of Vernon.

Executed this 8 day of December, 2011, at Vernon, California.



Willard G. Yamaguchi, City Clerk

(SEAL)

EXHIBIT A

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CITY OF VERNON PUBLIC RECORDS ACT COMPLIANCE POLICY

The Vernon City Council desires to establish a formal written policy affirming the public's right to access City of Vernon records and establish procedures by which such records are requested, either orally or in writing, and made available to the public. The City Council is mindful of the constitutional right of privacy accorded to individuals and it is the intent of the City Council to promulgate a policy that strikes an appropriate balance between the objectives of open government and the individual's right of privacy.

The public's right to access information concerning the conduct of the people's business is a fundamental and necessary right. A record, or any portion thereof, shall not be withheld from disclosure unless it is exempt under applicable laws, or the public interest served by not making the record, or respective portions thereof, public clearly outweighs the public interest served by disclosure of the record.

EXHIBIT B

EXHIBIT B

CITY OF VERNON PUBLIC RECORDS ACT COMPLAINT PROCEDURES AND FEES

All public records of the City of Vernon shall be open to public inspection and examination, except those records identified as exempt from disclosure requirements by Government Code Section 6254 or by other applicable law, and members of the public may obtain copies of such records in accordance with the following rules, regulations, procedures, and fees.

PROCEDURES

A. Written Requests

1. The City shall encourage requestors to submit their requests in writing, and specifically, to use the official city request form. While the public is not legally required to submit requests in writing, written requests ensure the correct records are provided and streamline the response process. Requests shall supply sufficient information to enable the City to identify and locate the requested record.
2. Written requests for public records shall be immediately submitted to the City Clerk for processing.
3. The City Clerk, or his/her designee, shall, within twenty-four (24) hours of receipt of the request, route copies of the request to the City Attorney, City Administrator, and affected Department Heads.
4. Within five (5) days of receipt of the form, all departments having any public records which are potentially responsive to the request shall deposit such records with the City Clerk.
5. The City Attorney shall review the documents and shall either inform the City Clerk, or his/her designee, that the records may be produced, either in their entirety or in a redacted format, or state why the records should not be produced.
6. The City Clerk shall, within the applicable statutory time lines, respond to the requestor in writing. The Clerk shall inform the requestor of the estimated costs of providing copies of the record(s) and the requesting party shall deposit such amount with the Clerk before copies are provided. Upon receiving payment, the Clerk shall arrange for the copying of the record(s) in a timely fashion.

B. Oral Requests

1. Any oral request for documents received by a City employee or officer shall be immediately referred to the City Clerk's office for processing.

2. The City Clerk shall encourage the requestor to use the official city request form. Should the requestor choose not to do so, the City Clerk shall attempt to capture the substance of the request, as well as the requestor's name and address, and memorialize the same in writing. Requests shall supply sufficient information to enable the City to identify and locate the requested record.

3. The written document memorializing an oral request prepared by the City Clerk will be treated in the same manner as a written request; however, any applicable deadlines shall be imposed from the date of the original oral request.

C. Fees

1. The costs charged by the City for the copying of any public record shall be direct costs incurred by the City of Vernon therefore, the sum of Fifteen Cents (\$0.15) for each page of legal size or smaller. Any mailing costs shall be in addition thereto.

2. In the event that the requesting party shall require said document to be certified, the City Clerk shall certify the same upon the payment of an additional One Dollar and Seventy-five Cents (\$1.75) for each certification thereof.

3. Any copies of public records requested pursuant to Government Code Section 81008, or any other statute which establishes a specific statutory charge for copies of certain public records, shall be reproduced at the charge set forth therein.

D. Department Designees

The City Council of the City of Vernon directs all department heads to designate individuals in their department who will evaluate requests for public records and provide the City Clerk with all responsive documents. This individual shall inform the Clerk if he or she believes that an otherwise responsive document may be exempt from disclosure, but the City Attorney shall have the final authority to determine if any particular document or portion of a document shall not be disclosed.

E. Compliance Manual

The City shall issue a Public Records Act compliance manual to City staff that contains supplemental written materials to help staff understand and comply with the requirements of the Public Record Act and the City's related policy and procedures. The City Clerk and City Attorney shall annually review the manual and perform any necessary updates.