

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

178



**FROM:** Executive Office

**SUBMITTAL DATE:**  
May 25, 2011

**SUBJECT:** Order Initiating Riverside County Ordinance No. 905

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1) Adopt an order initiating proceedings for Ordinance No. 905 which will authorize custodians of records to charge sums reasonably necessary to at least partially recover the cost of providing copies of public records beyond direct costs of duplication; and
- 2) Direct the Executive Office and County Counsel to prepare and process Ordinance No. 905.

**BACKGROUND:** The weighted hourly salary of a county custodian of records, or his or her designee, for actual time spent complying with a Public Records Act request is greater than the direct duplication costs that are recoverable under Government code section 54985. County custodians of records often spend inordinate time responding to records requests, which can create a substantial burden in tight budgetary times and takes employees away from their daily duties.

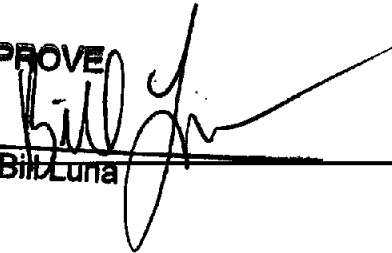
  
Raymond Smith, public information officer

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	-0-	In Current Year Budget:
	Current F.Y. Net County Cost:		Budget Adjustment:
	Annual Net County Cost:		For Fiscal Year:

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

County Executive Office Signature

**APPROVE**  
BY:   
Bill Luria

- Consent
- Policy
- Consent
- Policy

Dept Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.: | District: | Agenda Number:

3.12

To fulfill some requests, county staff must retrieve boxes of records from storage for review before the records can be released. The task can require several hours a day, or more, over the course of many days. In recent years, some records requests have preceded the filing of civil lawsuits, providing a means to commence a de-facto discovery process before a case has even been filed in court.

Other complex requests have involved the review of thousands of documents by a custodian of records, followed by a County Counsel examination needed to identify records that should not be released because of personnel, legal or privacy exemptions included in state law.

Ordinance No. 905 would provide a mechanism for the County to recover costs above and beyond the direct expense of duplication. This cost recovery is allowed pursuant to the Office of the Attorney General, State of California, Opinion No. 01-605 dated November 1, 2002. However, because government must be responsive to residents and maintain transparency in its operations, the following provisions will be added:

1. The Ordinance will provide that any fee beyond the direct cost of duplication is capped at \$50 per hour.
2. The Ordinance will exempt requests that require a nominal amount of processing time, which will be defined as less than one hour.
3. The Ordinance will provide that the Board may waive charges if individuals demonstrate the fee creates a hardship.