Approved:	**September 17, 2025**
Ordinance:	**None**
Resolution:	**None**

MORAGA-ORINDA FIRE DISTRICT
DISTRICT POLICY
05

PUBLIC RECORDS POLICY

PURPOSE:
The purpose of this Policy is to affirm the public's right to access District public records in accordance with the California Public Records Act. (California Government Code section § 7920.000 et seq.). This Policy shall not be construed as creating a right of access to District public records greater than the right of access provided by the California Public Records Act. Should any provision of this Policy be inconsistent with the California Public Records Act, the California Public Records Act shall control.

POLICY:
Public records are available upon request and are open for inspection at all times during office hours. Every citizen has the right to inspect any public record, except those records exempted from disclosure under the California Public Records Act or other applicable law.

Except with respect to public records exempt from disclosure by express provisions of law, the District, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

Determination as to whether a requested record is a public record and available for inspection or copying shall be made by the Fire Chief or designee. Refusals to disclose a record shall be reviewed by General Counsel.

The District will respond to every public records request. The District will determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the District and shall promptly notify the person making the request of the determination and the reasons therefor. If the District determines that the request seeks disclosable public records, the agency shall also state the estimated date and time when the records will be made available. If the request does not reasonably describe an identifiable record, the requested record does not exist, or the record is exempt from disclosure, the District will respond and inform the requester.

DEFINITIONS:
Public Record – Any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the District, regardless of physical form or characteristics.

Writing – Any handwriting, typewriting, printing, photo stating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

PROCEDURE:
A public records request may be made in writing or orally, in person or by phone. A written request may be made in paper or electronic form and may be mailed, emailed, or personally delivered. The District may ask, but not require, that the requester put an oral request in writing.

Communications made through District social media sites in no way constitute a legal or official notice or comment to the District. Therefore, a post or comment on a District social media site that asks for public records will not be considered a public records request.

All public records requests will be directed to the District Clerk. Upon receipt of a public records request, the District Clerk will:

1. Route the request to the appropriate custodian(s) of the requested records for collection.
2. Collect the records: The custodian(s) will gather the appropriate records and submit them to the Fire Chief or designee for review.
3. Submit the records for approval: The Fire Chief or designee will assess the records to determine whether they are public records subject to disclosure or if they fall under any exemptions outlined in the California Public Records Act or other applicable law.
4. Provide the approved records: Once the Fire Chief or designee approves the records for release, the Fire Chief or designee will determine the estimated date and time when the records will be released and will inform the requester. The District Clerk will provide the approved records to the requester as determined by the Fire Chief or designee and maintain a record of the submitted request and the released records according to the retention schedule.

There are certain categories of documents that are generally not subject to disclosure. These include, but are not limited to:

- Preliminary drafts, notes, or memoranda that are not retained by the District in the ordinary course of business.
- Records related to pending litigation.
- Attorney-client privileged communications.
- Personnel records, medical information, or similar records, the disclosure of which would constitute an unwarranted invasion of personal privacy.
- Trade secrets.
- Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any person.
- Records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local police agency, or any such

investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.

- Test questions, scoring keys, and other examination data used to administer a licensing examination, an examination for employment, or an academic examination.
- The contents of real estate appraisals, engineering or 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 agreement obtained, provided, however, the law of eminent domain shall not be affected.
- 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.
- Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law.

The District may charge a fee for the direct costs of duplicating paper copies of records when a requester seeks a copy in accordance with the District's Fee Schedule.