

**Contra Costa County
Better Government Ordinance**

**Contra Costa County's
Better Government Ordinance**

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Ordinances of the County of Contra Costa

DIVISION 25

BETTER GOVERNMENT ORDINANCE

Chapter 25-2

MEETINGS

Article 25-2.2 General

25-2.202 Application to policy bodies; definitions

(a) For the purposes of this ordinance a "policy body" means:

the Board of Supervisors, or any permanent or temporary board, committee or commission under the authority of the Board of Supervisors. Policy bodies do not include committees entirely made up of County staff.

(b) A "delegated body" is any private entity which receives a grant of governmental authority, financial support, or property, pursuant to action by the Board of Supervisors; and is governed by a multi-member body, which includes one or more members of a policy body.

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(c) "County" includes the County of Contra Costa and all special districts, agencies and authorities of which the Board of Supervisors is the governing body.

(d) "Permanent advisory committee" means a permanent committee created by the County Administrator, or a department head to advise the County Administrator or a department head. "Permanent advisory committee" does not include a committee made up entirely of county staff.

25-2.204 Meetings to be open and public;

(a) All meetings of any policy body which is not currently governed by the provisions of the Ralph M. Brown Act (Government Code section 54950 et. seq.) shall be held in accordance with Section 25-2.205 of this ordinance.

(b) The governing body of a "delegated body" shall conduct its meetings pursuant to Section 25-2.205 of this ordinance when it deliberates either the expenditure of funds received from the County or any use of governmental authority delegated by the County.

(c) To the extent not inconsistent with state or federal law, any contract between the County and a private entity that owns, operates or manages any real property in which the County has a legal interest, including a mortgage, and on which the entity performs a government function related to the furtherance of health, safety or welfare, shall include a requirement that any meeting of the governing board of the entity to address any matter relating to the property, or its government related activities on the property, be conducted as provided by Section 25-2.205, except that closed sessions may be conducted as provided for by Article 25-2.4.

(d) The following are considered to be passive access gatherings which the public shall be permitted to attend:

(1) meetings of permanent advisory committees.

(2) social, recreational, or ceremonial occasions sponsored by or for the policy body, to which a majority of the body has been invited.

(e) Such "passive access" gatherings shall be accessible upon inquiry or request to the extent possible consistent with the facilities and the purpose of the gathering. Such gatherings need not be noticed formally, conducted in any particular space open to spectators or provide for comment by spectators.

(f) Such passive access gatherings may exclude the public if their purpose is to discuss information which is privileged by a specific State or Federal statute.

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25-2.205 Expansion of Open Meeting requirements

- (a) Policy bodies of the County which would not otherwise be subject to the Ralph M. Brown Act (Government Code Section 54950 et seq.) shall hold all meetings in open session. No closed sessions shall be allowed.
- (b) No issues which are not included in the agenda may be acted upon or deliberated by the policy body. No urgency items may be added to the agenda.
- (c) Public comment must be allowed on each agenda item and during a general comment period.
- (d) Records or recordings of the meetings must be kept in a manner which accurately reflects the agenda and decisions made at the meeting. These records do not necessarily need to be verbatim records.

25-2.206 Agendas and related materials; public records

- (a) Staff material, consisting of agendas of policy body meetings, staff reports and other material prepared or forwarded by staff which provide background information and recommendations regarding agenda items, when distributed to all or to a majority of the members of a policy body in connection with a matter subject to discussion or consideration at a public meeting shall be made available to the public. All such staff material must be distributed to the policy body and be made available to the public 96 hours before a scheduled meeting or 24 hours prior to a meeting when the agenda item has been added to the agenda at a previous meeting of the policy body not more than seven days prior to the scheduled meeting. However, the policy body may, by a 3/4 vote, waive these time limits when, in its judgment, it is essential to do so, providing that the County Administrator, appropriate Department Head or staff member furnishes to the Board of Supervisors or other policy body a written explanation as to why the material could not be provided to the Board or other policy body and the general public within the above time limits.
- (b) Records which are not exempt from disclosure and intended for distribution to the policy body shall be made available for public inspection and copying upon request whether or not actually distributed to or received by the body at the time of the request.
- (c) Records which are releasable and which are distributed during a public meeting but prior to commencement of their discussion shall be made available for public inspection prior to and during, their discussion.
- (d) A policy body of the county may charge a duplication fee in accordance with Section 25-4.610, for a copy of a public record prepared for consideration at a public meeting. Neither this section nor the California Public Records Act (Government Code section 6250 et seq.) shall be construed to limit or delay the public's right to inspect any record required to be disclosed by this section, whether or not distributed to a policy body.

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Article 25-2.4 Closed Sessions

25-2.402 Closed sessions: pending litigation

(a) A policy body covered by the Ralph M. Brown Act, based on advice of its legal counsel, may hold a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the county in that litigation.

(b) Litigation shall be considered pending when any of the following circumstances exist:

(1) An adjudicatory proceeding before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator, to which the county, an officer or employee of the county, or an agency of the county is a party, has been initiated formally.

(2) A point has been reached where, in the opinion of the policy body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the county, or the policy body is meeting only to decide whether a closed session is authorized pursuant to that advice.

(3) Based on existing facts and circumstances, the policy body has decided to initiate or is deciding whether to initiate litigation.

(c) Legal advice as to the potential risk of litigation of actions not yet taken, if provided by counsel at a meeting of a policy body, is to be conveyed openly as a matter of public record.

(d) A closed session may not be held under this section to consider the qualifications or engagement of an independent contract attorney or law firm, for litigation services or otherwise.

(e) Prior to holding a closed session pursuant to this section, the policy body shall disclose the justification for its closure either by entries in the appropriate categories on the agenda or, in the case of an item added to the agenda based on a finding of necessity and urgency, by an oral announcement specifying the same information.

25-2.404 Closed sessions: employee salaries and benefits

(a) A policy body with authority concerning employee compensation and benefits may hold closed sessions with the county's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of to its represented and

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unrepresented employees. A policy body shall not discuss or negotiate compensation or other contractual matters in closed session with one or more employees directly interested in the outcome of the negotiations except as follows. The Board of Supervisors may, in closed session, discuss and provide direction to the County Administrator or other negotiators representing the County regarding the salary and benefits of unrepresented management employees. The salary and benefits of members of the Board of Supervisors, the County Administrator and department heads will be discussed and acted on separately by the Board of Supervisors in open session.

(b) In addition to the closed sessions authorized by subdivision (a), a policy body subject to Government Code section 3501 may hold closed sessions with its designated representatives on mandatory subjects within the scope of representation of its represented employees, as determined pursuant to section 3504.

(c) Closed sessions shall be for the purpose of reviewing the county's position and instructing its designated representatives and may take place only prior to and during consultations and discussions between the county's designated representatives and the representatives of employee organizations or the unrepresented employees.

25-2.406 Report of closed session actions

(a) After every closed session, a policy body may in its discretion and in the public interest, disclose to the public any portion of its discussion the disclosure of which is not prohibited by federal or state law. The body shall, by motion and vote in open session, elect either to disclose no information or to disclose the information which a majority deems to be in the public interest. The disclosure shall be made through the presiding officer of the body or such other person, present in the closed session, whom he or she designates to convey the information.

(b) A policy body shall publicly report any final action taken in closed session and the vote or abstention of every member present thereon, as follows:

(1) Real Property Negotiations: Direction or approval given to the policy body's negotiator concerning real estate negotiations pursuant to Government Code section 54956.8 shall be reported as soon as the agreement is final. If its own approval renders the agreement final, the policy body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval rests with the other party to the negotiations, the county shall disclose the fact of that approval, the substance of the agreement and the policy body's vote or votes thereon upon inquiry by any person, as soon as the other party or its agent has informed the county of its approval.

(2) Litigation: Direction or approval given to the policy body's legal counsel to prosecute, defend or seek or refrain from seeking appellate review or relief, or to otherwise enter as a party, intervenor or amicus curiae in any form of litigation as the result of a consultation under Government Code section 54956.9 shall be reported in open session as soon as given, or at the first meeting after the adverse parties have been served if, in the opinion of legal counsel, earlier

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disclosure would jeopardize the county's ability to effectuate service of process or to conclude existing settlement negotiations to its advantage, in a manner that identifies the adverse party or parties, any co-parties with the county, and the substance of the litigation, including the circumstances leading to the dispute.

(3) Settlement: Approval given to the policy body's legal counsel of a settlement of pending litigation as defined in Government Code section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding, shall be reported as soon as the settlement is final. If its own approval renders the settlement final, the policy body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval rests with some other party to the litigation, the county shall disclose the fact of that approval, the substance of the agreement and the policy body's vote or votes thereon upon inquiry by any person, as soon as the settlement is final. The county shall neither solicit nor agree to any term in a final settlement which would preclude the release of the text and terms of the settlement itself and any related documentation communicated to or received from the adverse party or parties, or any other materials not originally constituting a confidential communication between the county and its counsel. The county shall oppose any request for confidentiality to which it is proposed the County would be a party.

(4) Claim Payments: Disposition reached as to claims discussed in closed session pursuant to Government Code section 54956.95 shall be reported as soon as agreed upon by the claimant, in a manner that discloses the name of the claimant, the substance of the claim, and any monetary amount approved for payment.

(5) Employee Actions: Action taken by a policy body to appoint, employ, dismiss, transfer, accept the resignation of or otherwise modify the terms or duration of the employment contract of a public employee in closed session pursuant to Government Code section 54957 shall be reported immediately in a manner that names the employee and position affected and specifies any change in compensation, job description, assignment or other contract particulars and, in the case of dismissal for a violation of law or of the policy of the county, the reason for dismissal. "Dismissal" within the meaning of this ordinance includes any termination of employment at the will of the employer rather than of the employee, however characterized, including a resignation tendered as an alternative to involuntary termination. The proposed terms of any separation agreement shall be disclosed, along with its final terms, immediately upon final approval by the policy body. Provided, that the report of a dismissal or the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Collective Bargaining: Approval of a final agreement concluding labor negotiations pursuant to Government Code section 54957.6 shall be reported as soon as it has been approved and ratified by all parties in a manner that describes the item approved, and identifies the other party or parties to negotiation. Such disclosure shall include all formal offers and counter-offers made over the term of the negotiations.

(c) Reports required to be made immediately may be made orally or in writing, but shall be supported by copies of any contracts, settlement agreements, or other affected documents that were finally approved or adopted by both sides after action in the closed session. These documents shall be provided to any person who requested such copies in a written request submitted within 24 hours of the posting of the agenda, or who has made a standing request for

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all such documentation as part of a request for notice of meetings pursuant to Government Code sections 54944.1 or 54946.

Article 25-2.6 Public Participation

25-2.602 Barriers to attendance prohibited

No policy body shall conduct any meeting, conference or other function in any facility that excludes persons on the basis of actual or presumed class identity or characteristics, or which is inaccessible to persons with physical disabilities, or where members of the public may not be present without making a payment or purchase. Whenever the number of spectators at a meeting of the Board of Supervisors, or a permanent board or commission, or a permanent sub-quorum committee of the Board of Supervisors, exceeds the legal capacity of the meeting room, any public address system used to amplify sound in the meeting room shall be extended by supplementary speakers to permit the overflow audience to listen to the proceedings in an adjacent room or passageway. If there be no public address system, or if supplementary speakers are not available at the time, the meeting shall be adjourned to a facility with capacity to accommodate all citizens present and wishing to attend.

25-2.604 Public testimony at regular and certain special meetings

A policy body shall not abridge or prohibit public criticism of the policies, procedures, programs or services of the county, or of any other aspect of its proposals or activities, or of the acts or omissions of the policy body, on any basis other than reasonable and uniformly applied time constraints provided in previously adopted rules.

25-2.606 Public comment by members of policy bodies

Every member of a policy body retains the full constitutional rights of a citizen to comment publicly on the wisdom or propriety of government actions, including those of the policy body of which he or she is a member. This county shall not sanction, reprove or deprive members of their rights as elected or appointed officials for expressing their judgments or opinions, including those which deal with the perceived inconsistency of non-public discussions, communications or actions with the requirements of state or federal law or of this ordinance. The release of factual information made confidential by state or federal law including, but not limited to, the privilege

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for confidential attorney-client communications, may be the basis for a request for injunctive relief, a complaint to the grand jury seeking an accusation of misconduct, or both.

Chapter 25-4

PUBLIC INFORMATION

Article 25-4.2 General

25-4.202 Definition of public information

As used in this ordinance, "public information" includes the content of "public records" as defined in the California Public Records Act (Government Code section 6252), whether provided in documentary form or in an oral communication.

25-4.204 Release of documentary public information

(a) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code section 6250 et seq.) in any particulars not addressed by this ordinance.

(b) Inspection and copying of documentary public information stored in electronic form shall be made to the person requesting the information in any form requested which is reasonably available to the county, its officers or employees, including disk, tape, printout, monitor or modem, at a charge no greater than the cost of the media on which it is duplicated, plus the direct costs of equipment, supplies and labor costs associated with duplicating the electronic file which is requested.

(c) To the extent permitted by law, nothing in this subdivision precludes a charge to recover development and maintenance costs for providing a higher level of service in providing access to computerized records when the cost has been approved by the Board of Supervisors. In establishing this charge, the Board of Supervisors shall take into account any savings to the County from the computerization of the service. In addition, such a charge may be levied only when the original method of providing the service is maintained and available to the public without the increased charge.

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25-4.206 Release of oral public information

Release of oral public information shall be accomplished as follows:

- (a) Factual information about the county, unless exempt from disclosure under state or federal law or not disclosable under this ordinance, may be released to a telephone caller or an office visitor by responsible employees conversant with the factual information. One or more brief factual questions may be answered as soon as the employee has obtained the information. More extensive information may be confined to an interview by appointment or by reference to information in documentary form.
- (b) Information concerning the county's policies, positions on public issues, plans or intentions, or reactions to events may be released to a telephone caller or office visitor by the person with primary policy responsibility for the subject matter or by his or her designated spokesperson. Each Department Head shall, to the extent practicable, designate one or more spokespersons to be available for this purpose during normal business hours. Employees not authorized to provide such information may be prevented from doing so.
- (c) Public employees shall not be prohibited from or disciplined for the expression of their legally protected personal opinions on any matter. Opinions should not be represented as those of the County, misrepresent the County's opinion, or interfere extraordinarily with the course of business of County departments.
- (d) Department Heads, with the advice and consultation of the County Counsel, shall be encouraged to establish specific policies outlining legally protected opinions.

Article 25-4.4 Public Records

25-4.402 Public review file - policy body communications

- (a) Every policy body supported by County staff shall maintain a file, accessible to any member of the public during office hours, containing a copy of any letter, memorandum or other communication sent to or received from a quorum of a policy body irrespective of subject matter, origin or recipient, within the last 30 days except commercial solicitations, periodical publications or communications exempt from disclosure under state or federal law.
- (b) The Clerk of the Board of Supervisors shall maintain a listing of the name, address and telephone number of the custodian of all communications sent to or received by each policy body under the jurisdiction of the Board of Supervisors. This list shall be available to any individual upon request.
- (c) Multiple-page reports, studies or analyses which are accompanied by a letter or memorandum of transmittal need not be included in the file so long as a copy of the letter or memorandum of transmittal is included.

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25-4.404 Non-exempt public records

The following policies shall govern specific types of documents and information:

(a) Drafts and Memos.

No preliminary draft or county memorandum shall be exempt from disclosure under Government Code section 6254, subdivision (a) if it is normally kept on file. Preliminary drafts and memoranda concerning contracts, memoranda of understanding, or other matters subject to negotiation or pending Board of Supervisors' approval shall not be subject to disclosure pursuant to this provision until final action has been taken.

(b) Litigation Material.

(1) No pre-litigation claim against the county shall be exempt from disclosure under Government Code section 6254, subdivision (b).

(2) When litigation is finally adjudicated or otherwise settled, records of all communications between the county and the adverse party shall be subject to disclosure, including the text and terms of any settlement. Counsel for the county shall not solicit or agree to any settlement term which would restrict public disclosure after settlement of all terms and communication records between the parties, and any such term shall be void and unenforceable. All such records shall be released as soon as reasonably possible.

(c) Personnel Information.

None of the following shall be exempt from disclosure:

(1) To the extent that such information is provided to the County and is summarized by the County for its reporting purposes, job pool characteristics and employment and education histories of the collective applicants, including the following information:

- i. sex, age and ethnic group;
- ii. years of graduate and undergraduate study, degree(s) and major or discipline;
- iii. Years of employment in the private and/or public sector;
- iv. whether currently employed in the same position for another public agency; and
- v. other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

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(2) The professional biography or curriculum vitae of every employee who has provided such information to the county, excluding home address, telephone number, and social security number.

(3) The job description of every employee of the county.

(4) The exact amount of salary and county paid benefits of every employee of the county.

(5) Any memorandum of understanding between the county and one or more employees.

(6) In the case of non Merit System employees, the record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

(7) In the case of Merit System employees, the record of any arbitration or Merit Board proceeding in which a county employee has been found to have committed acts of dishonesty, misappropriation of public funds or property, unlawful discrimination, unlawful abuse of authority or violence against another person, including the discipline imposed.

(d) Law Enforcement Information.

(1) The District Attorney and Sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to investigations, arrests, and other law enforcement activity. However, no provision of this ordinance is intended to abrogate or interfere with the constitutional and statutory power and duties of the District Attorney and Sheriff as interpreted under Government Code Section 25303, or other applicable state law or judicial decisions.

(2) Local records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public after the District Attorney or court determines that a prosecution will not be sought against the subject involved or the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in non-disclosure clearly outweighs the public interest in disclosure:

(i) the names of juvenile witnesses (whose identities should nevertheless be indicated by substituting a number or alphabetic letter for each individual interviewed);

(ii) personal or otherwise private information related or unrelated to the investigation if disclosure would constitute an unwarranted invasion of personal privacy;

(iii) the identity of a confidential source;

(iv) secret investigative techniques or procedures;

(v) information whose disclosure would endanger law enforcement personnel; or

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(vi) information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite.

(e) Attorney-Client Communications.

After the effective date of this ordinance, no record of a communication between an officer, department or policy body of the county and a legal advisor to the county shall be exempt from disclosure under Government Code section 6254, subdivision (k) as a confidential attorney-client communication to the extent that it:

(1) Concerns an actual or potential conflict of interest, or

(2) Analyzes a proposed legislative action or position of the county;

(3) Analyzes or interprets the Ralph M. Brown Act (Government Code section 54950 et seq.), the California Public Records Act (Government Code section 6250 et seq.), any other law supporting or abridging the public's right of access to information, or any provision of this ordinance; or

(4) Reports to the Board of Supervisors on the progress of negotiation of any matter, including a factual review of the positions taken to date by representatives of the county and of the other party or parties to the negotiation, after the negotiation has been completed. Legal advisors shall be instructed to prepare any such report in a manner that separates factual information of this type, known to both parties, from evaluative comments and recommendations, which may be withheld from disclosure as a confidential communication.

(f) Contract, Bids and Proposals.

Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the county and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded.

(g) Budgets and Other Financial Information.

Budgets, whether proposed or adopted, for the county or any of its departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social, forensic or other services whose records are confidential by law, shall not be considered exempt from disclosure under any circumstances.

Article 25-4.6 Public Records Access

25-4.602 Confidentiality waiver request

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Whenever a county officer asserts, as a justification for nondisclosure of a public record, the exemption protecting personal privacy in Government Code section 6254(c), the exemption for names and addresses of crime victims in Government Code section 6254(f)(2), the exemption for taxpayer information in Government Code section 6254(i), any confidentiality or privilege statute referenced under Government Code section 6254(k) the exemption for personal financial data in Government Code section 6254(n), and any other claimed exemption based upon the personal or proprietary interests of a private natural or corporate person, the officer shall cooperate with the requester's efforts to communicate with the subject of the record as follows, upon request, if the requester fulfills the related terms and conditions.

- (a) If the requester is seeking information concerning an unknown number of persons, the officer or designee shall inform the requester of the number or approximate number of persons to whom the public record request pertains. If ascertaining that number involves itemized labor or other costs reflecting more than ten minutes of staff time in research, the requester may be required to pay those itemized costs.
- (b) The requester shall prepare one stamped envelope for each of the persons sought to be contacted, with the requester's return address on the envelope. Within the envelope the requester shall place a letter explaining why the information is being sought and asking the person to contact the requester. The requester may also include a self-addressed, stamped envelope for that purpose. The envelope shall be presented to the officer for mailing.
- (c) The officer or designee shall affix to each envelope so received the mailing address of the person who is the subject of the information request and shall mail it, provided that a mailing address is included in the officer's records. Any staff time required to do so shall be required to be paid by the requester, at the pro rata hourly rate of the employee addressing the envelopes.
- (d) If the subject of the record signs a privacy waiver, the record shall be released to the requester if it could lawfully be released to the person authorizing release.
- (e) If the subject of the record is legally incompetent to waive privacy interests, the officer shall address the requester's envelope to the parent, guardian, conservator or judicial officer, as the case may be, if known, with the duty and authority to make such decisions for the incompetent person.
- (f) If, in the judgment of the department head, the requestor is someone who may misuse the information, or if the records or the subjects of the records are of a sensitive nature, the department head may include in the mailing a caution that the individual need not waive his or her privacy interests. The requester shall be provided a copy of the caution and an opportunity to include a response in the mailing.

25-4.604 Immediacy of response

Notwithstanding the 10-day period for response to a request permitted in Government Code section 6256, a request for a public record described in any nonexempt category under Section

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25-4.204 which is received by a department head shall be satisfied no later than the close of business on the day following the request unless the department head advises the requester in writing that the request will be answered by a specific future date. The statutory deadlines are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request. If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with legal counsel warrants an extension of 10 days as provided in Government Code section 6256.1, the requester shall be noticed as required within three business days of the request.

25-4.606 Minimum withholding

Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 25-4.608 of this ordinance.

25-4.608 Justification of withholding

Any refusal to disclose a public record shall be justified, in writing, as follows:

- (a) A withholding under a permissive exemption in the California Public Records Act, this ordinance or other law shall cite that authority and explain in practical terms, citing one or more examples, as to how the public interest would be harmed by disclosure.
- (b) No records or information shall be withheld on the basis of the public interest balancing test in Government Code Section 6255, or by citing any case law application of that statute.
- (c) A withholding on the basis that disclosure is prohibited by law shall cite the statutory authority in the Public Records Act or elsewhere.
- (d) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any statutory or case law, supporting that position.

25-4.610 Fees for duplication

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- (a) No fee shall be charged for making public records available for review.
- (b) No fee shall be charged for a copy of documents routinely produced in multiple copies for distribution, e.g. meeting agendas and related materials which are twenty or fewer pages in length per document.
- (c) A fee of one cent per page may be charged for a copy of documents routinely produced in multiple copies for distribution, e.g. meeting agendas and related materials which contain more than twenty pages per document.
- (d) For documents assembled and copied to the order of the requester, a fee not to exceed 10 cents per page may be charged, plus any postage costs.
- (e) The department or the County may, rather than making the copies itself, contract at market rate to have a commercial copier produce the duplicates and send the charges directly to the requester.
- (f) Nothing in this section shall be interpreted as intending to preempt any fee set by or in compliance with State law.

CHAPTER 25-6

ONGOING IMPROVED COMMUNICATION

Article 25-6.2 General

25-6.202 Records Database

The county shall cooperate with any voluntary effort by an interested and competent individual or organization to compile either a full text or partial database to the non-confidential records it maintains, including those it creates and those it receives in the ordinary course of business. This shall include, to the extent permitted by law, providing the organization with any listing of the contents or titles of files which can be released without compromising the confidentiality of the contents of the files. The database shall be for the use of county officials, staff and the general public, and shall be organized to permit a general understanding of the types of public information maintained, by which officials and departments, for which purposes and for what periods of retention, and under what manner of organization for accessing, e.g. by reference to a name, a date, a proceeding or project, or some other referencing system. The database need not be in such detail as to identify files or records concerning a specific person, transaction or other event, but shall clearly indicate where and how records of that type are kept. Any such master database shall be reviewed by appropriate staff for accuracy and presented to the Board of Supervisors for formal adoption. Any changes in the county's practices or procedures that would affect the accuracy of the database shall thereafter be reported by the responsible staff to the Board of Supervisors as the basis for a corresponding revision of the database.

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25-6.204 Policy task force

(a) There is hereby established a task force to be known as the Better Government Task Force consisting of nine voting members appointed by the Board of Supervisors. Two members shall be appointed from individuals whose names have been submitted by the local chapter of the Society of Professional Journalists, one of whom shall be an attorney and one of whom shall be a local journalist. One member shall be appointed from individuals whose names have been submitted by the Radio-Television News Directors Association. One member shall be appointed from individuals whose names have been submitted by the local chapter of the League of Women Voters. One member shall be a representative designated by the Board of Supervisors. Two members shall be members of the public who have demonstrated interest in or have experience in the issues of citizen access and participation in local government. Two members shall be county department heads nominated by the County Administrator. The County Counsel shall serve as legal advisor to the task force.

(b) The term of each appointive member shall be two years unless earlier removed by the Board of Supervisors. In the event of such removal or in the event a vacancy otherwise occurs during the term of office of any appointive member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described herein for the initial members. The task force shall elect a chair from among its members. The term of office as chair shall be one year. Members of the task force shall serve without compensation.

(c) The task force shall advise the Board of Supervisors and provide information to County departments on appropriate ways to implement this chapter. The task force shall recommend appropriate goals to ensure practical and timely implementation of this chapter. The task force may propose to the Board of Supervisors amendments to this chapter. The task force may report to the Board of Supervisors on any practical or policy problems encountered in the administration of this chapter.

(d) The task force shall recommend to the Board of Supervisors an administrative process of review and enforcement for Division 25 which could be accomplished by the use of a volunteer ombudsman whose role would be to mediate and resolve disputes, disagreements and conflicts that occur as a result of the enactment of this Division. No such administrative review process shall preclude, delay or in any way limit a person's remedies under the Brown Act or the California Public Records Act.

(e) Upon the conclusion of the administrative review process, as implemented pursuant to 25-6.204, any person may institute proceedings for injunctive relief or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this ordinance, or to enforce his or her right to attend any meeting required hereunder to be open, or to compel such meeting to be open.

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(f) The County shall pay reasonable court costs and attorney's fees to the plaintiff should the plaintiff prevail and the court order such fees to be paid. If the litigation is judged to be frivolous by the court, the County will assert its rights to be paid reasonable court costs and attorney's fees.