

**03-29-94.13.1 17 21.**

Report and recommendation: Approve a media policy declaring the Board's intent that requests for public information be honored on a timely basis, with full disclosure provided for by law; instruct the County Departments, within 45 days, to adopt guidelines for release of public records, and designate the Chief Administrative Office's Public Affairs Office as the Board's representative in resolving disputes between the media and the County Departments; also instruct the Chief Administrative Officer to meet with Department Heads and Public Information Officers to ensure the Board's policy is understood. APPROVED Documents on file in Executive Office.

**Absent:** None

**Vote:** Unanimously carried



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Larry J. Monteilh, Executive Officer  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

17 through 18

On motion of Supervisor Molina, seconded by Supervisor Antonovich, unanimously carried, the attached recommendations of the Chief Administrative Officer, identified as Synopsis Nos. 17 through 18 were adopted. Following is a summary accounting of the attachments:

17. Report and recommendation: Approve a media policy declaring the Board's intent that requests for public information be honored on a timely basis, with full disclosure provided for by law; instruct the County Departments, within 45 days, to adopt guidelines for release of public records, and designate the Chief Administrative Office's Public Affairs Office as the Board's representative in resolving disputes between the media and the County Departments; also instruct the Chief Administrative Officer to meet with Department Heads and Public Information Officers to ensure the Board's policy is understood. Documents on file in Executive Office.
18. Recommendation: Approve amendments to add agency shop language to the Memoranda of Understanding for Bargaining Units 731, Social Service Investigators and 401, Plant Operating Engineers. Documents on file in Executive Office.

10329-1.min

Attachments (2)

March 29, 1994

COCC122



# COUNTY OF LOS ANGELES CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION/LOS ANGELES, CALIFORNIA 90012  
(213) 974-1101

SALLY R. REED  
CHIEF ADMINISTRATIVE OFFICER

March 22, 1994

## Executive Summary

### ADOPTION OF A MEDIA POLICY FOR PUBLIC RECORDS (3-VOTES)

#### Request

Approve a media policy declaring the Board's intent that requests for public information be honored on a timely basis, with full disclosure provided for by law. Direct departments within 45 days to adopt guidelines for release of public records. Designate CAO Public Affairs Office as Board's representative in resolving disputes between the media and departments. Instruct the CAO to meet with department heads and department public information officers to ensure Board's policy is understood.

#### Fiscal Impact

None

#### Issues

The news media has complained about their inability at times to obtain information on a timely basis from departments. The Board of Supervisors is committed to openness in County government and expects County departments to give priority to media requests for public information.



# COUNTY OF LOS ANGELES CHIEF ADMINISTRATIVE OFFICE

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(213) 974-1101

SALLY R. REED  
CHIEF ADMINISTRATIVE OFFICER

March 22, 1994

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

## **ADOPTION OF A MEDIA POLICY FOR PUBLIC RECORDS (3-VOTES)**

On February 15, the Board of Supervisors, in response to complaints from the news media about the inability at times to obtain information on a timely basis from departments, asked the Chief Administrative Office to formulate a policy for releasing information to the press.

An overall policy cannot cover all departments as their missions are diverse and specific records may be exempt from disclosure. Therefore, other than establishing a general policy of openness and a desire for timely response to media inquiries, development of specific guidelines should be left to individual departments. Even at the department level, no blanket policy can be implemented to cover all situations, yet the establishment of procedures to better assure the press has adequate access to public records will facilitate that goal.

The very act of requiring the establishment of such a policy reinforces the Board's commitment to openness in County government. The Board of Supervisors fully supports the public's right to know and expects priority to be given to requests for public information -- recognizing good government requires an informed citizenry. Public records must be released except in limited exceptions detailed by law or in which it can be demonstrated that the public interest in keeping certain information confidential clearly outweighs the public interest served by disclosure of the record. The County Counsel has developed the attached list of documents exempt from disclosure under the California Public Records Act. Even in cases where the County legally has 10 days in which to respond to a request for public records, the Board's intent is that unnecessary delays be avoided.

policy.bl

Honorable Board of Supervisors  
March 22, 1994  
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**THEREFORE, IT IS RECOMMENDED THAT YOUR BOARD:**

1. Declare that requests for public information be honored on a timely basis, with full disclosure as provided by law by adopting the following policy: "The Board of Supervisors is committed to openness in County government. The Board fully supports the public's right to know and expects priority to be given to requests for public information -- recognizing good government requires an informed citizenry. Public records must be released except in limited exceptions detailed by law or in which it can be demonstrated that the public interest in keeping certain information confidential clearly outweighs the public interest served by disclosure of the record. Even in cases where the County has a specific amount of time legally in which to respond to a request for a public record, the Board does not wish unnecessary delays imposed."
2. Direct departments within 45 days to develop guidelines for release of public information, including a determination of documents they legally cannot release and an appeal process for media members who feel they are being denied public records. Departments are further directed to circulate the guidelines to appropriate personnel. Copies of the guidelines are to be filed with the Executive Officer of the Board and the Public Affairs Division of the Chief Administrative Office.
3. Designate the CAO Public Affairs Office, upon request from the media and/or department, to act on behalf of the Board to assist in resolving any dispute over access to public documents.

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4. Instruct the Chief Administrative Officer to meet with department heads and department public information officers to assure they understand and comply with the Board's policy on public records and desire for timely release of such documents.

Respectfully submitted,



SALLY R. REED  
Chief Administrative Officer

SRR:NW  
JAH:mp

Attachments

c: Executive Officer, Board of Supervisors  
County Counsel  
Auditor-Controller

DOCUMENTS EXEMPT FROM DISCLOSURE  
UNDER THE CALIFORNIA PUBLIC RECORDS ACT

The Public Records Act defines a public record very broadly to encompass virtually any type of record in the possession of a governmental agency that relates to the agency's business, regardless of physical form or characteristics. For example, public records may exist in the form of maps, magnetic tapes, photographic films and prints, magnetic or punched cards, discs, and drums. (Government Code Sec. 6252, subsections (d) and (e).)

The following is a listing of categories of documents exempt from disclosure under the Public Records Act as of January 1, 1994:

Certain records related to initiative, referendum and recall petitions, and petitions for reorganization of school districts and community college districts. (G.C. § 6253.5)

Records that would reveal the identity of a person who requested a bilingual ballot or ballot pamphlet. (G.C. § 6253.6)

Preliminary drafts, notes, or memoranda which are not retained in the ordinary course of business, provided the public interest in withholding the records clearly outweighs the public interest in disclosure. (G.C. § 6254(a).)

Records pertaining to pending litigation against the County, or to claims filed against the County under the Tort Claims Act, until the litigation or claim is finally adjudicated or otherwise settled. (G.C. § 6154(b).)

Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (G.C. § 6254(c).)

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. (G.C. § 6254(e).)

Certain records relating to law enforcement, criminal investigations, corrections and licensing. (G.C. § 6254(f).)

Certain records relating to test questions, scoring keys, and other examination data. (G.C. § 6254(g).)

Real estate appraisals, engineering or feasibility estimates, and evaluations relating to the acquisition of property, or to prospective supply and construction contracts, until all the property has been acquired, or all the contract agreement obtained. (G.C. § 6254(h).)

Taxpayer information received in confidence, the disclosure of which would result in unfair competitive disadvantage to the person supplying the information. (G.C. § 6254(i).)

Library registration and circulation records, and library and museum materials made or acquired and presented solely for reference or exhibition purposes. (G.C. §§ 6254(j), 6267.)

Records exempt from disclosure or that are required to be kept confidential under other provisions of state law, or under provisions of federal law, including provisions of the Evidence Code relating to privilege. (G.C. § 6254(k).)

Statements of personal worth or personal financial data required to establish personal qualification for a license, certificate, or permit. (G.C. § 6254(n).)

A final accreditation report of the Joint Commission on Accreditation of Hospitals which has been transmitted to the State Department of Health Services. (G.C. § 6254(s).)

Certain local hospital district records relating to contracts with an insurer or nonprofit hospital service plan for inpatient or outpatient services. (G.C. § 6254(t).)

Certain information contained in applications for licenses to carry concealed weapons. (G.C. § 6254(u).)

Certain trade secret information relating to pesticide safety and efficacy. (G.C. § 6254.2.)

Certain voter registration information for designated public officials. (G.C. § 6254.4.)

Certain private industry wage data. (G.C. § 6254.6.)

Certain air pollution data. (G.C. § 6254.7.)

Computer software, including computer mapping systems, computer programs, and computer graphics systems. (G.C. § 6254.9.)

In addition to the foregoing, information may be withheld from public disclosure under limited situations when, under the facts of the particular case, the public interest in keeping the information confidential clearly outweighs the public interest served by disclosure of the record. This exception, known as the "public interest exemption," requires the holder of the information to evaluate the reason the information is being requested, and to determine whether, on balance, that reason outweighs the governmental interest in keeping the information confidential. Only when the governmental interest clearly outweighs the reason the information is being requested can public disclosure of the information be withheld.

Office of County Counsel  
March, 1994

SYN# 17 OF MAR 29 1994

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