



TIFFANY N. NORTH
COUNTY COUNSEL

February 6, 2024

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CHIEF ASSISTANT

Board of Supervisors
County of Ventura
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Subject: Public Hearing Regarding the Adoption of an Ordinance to Repeal Ventura County Ordinance No. 4339 and Establish Revised County Charges for Providing Copies of Public Records; All Supervisorial Districts

Recommendations:

1. On February 6, 2024, conduct a public hearing on, and introduce the proposed ordinance attached as Exhibit 1, read in title only and waive further reading, and schedule the adoption of the ordinance for February 27, 2024.
2. At a second public hearing on February 27, 2024, receive public testimony and adopt the proposed ordinance.
3. Direct the Clerk of the Board to publish a summary of the ordinance in accordance with Government Code section 25124, subdivision (b).

Fiscal/Mandates Impact:

There is no fiscal impact associated with this Board item.

County of Ventura Strategic Plan:

By eliminating certain County charges for providing copies of public records, adoption of the proposed ordinance supports the 2024-2027 Strategic Plan values of transparency and accountability and equitable treatment and respect of all constituents.

Discussion:

Ventura County Ordinance No. 4339 was adopted by the Board in 2006 to establish County charges for providing copies of public records pursuant to the California Public Records Act. Under Ordinance No. 4339, the County charges an hourly fee of \$24.00 for County staff time that is spent, in excess of two hours, providing copies of public records in response to each request. The intent of this County charge is to partially recoup the County's costs incurred to provide copies of public records in response to requests that take over two hours of staff time to fulfill. During the time that Ordinance No. 4339 has been in effect, experience has shown that it requires a considerable amount of County staff time to implement and, as a result, may be implemented inconsistently across agencies. In order for the County to collect the ordinance's charge for staff time, County staff must: upon receipt of each records request, estimate the amount of staff time that the request will take to fulfill and, if the request is anticipated to take more than two hours, provide that estimate to the requester along with an explanation of the requester's obligation to pay the charge; track the amount of staff time spent processing the records request; and invoice the requester for such charges and then obtain and deposit the payment.

These ordinance implementation tasks – for which the County cannot recoup its costs – must be performed by County staff in addition to the time-consuming and often complex process of processing the Public Records Act requests themselves which involves searching for, retrieving, compiling, reviewing, and sometimes redacting records. County staff also spend a considerable amount of time explaining the basis and specifics of this County charge to requesters. In this regard, it is our understanding that our County is one of only six counties statewide that currently imposes this type of charge for staff time under the Public Records Act, which other counties include: Calaveras, Los Angeles, Santa Cruz, Shasta and Tuolumne. Mendicino County repealed its similar ordinance last year and Siskiyou County repealed its similar ordinance last month. The application of Shasta County's Public Records Act ordinance was successfully challenged last year in *Scripps NP Operating LLC v. County of Shasta*, Shasta County Superior Court case number 22CV-0200189.

To streamline the County's process of providing public records, reduce County administrative costs, and to promote County transparency, the proposed ordinance would repeal Ordinance No. 4339 and its aforementioned County charge for staff time incurred in providing copies of public records. The ordinance would still require payment for the County's actual costs incurred in printing copies (based on General Services Agency's internal County rates that are currently \$.035 per page for black and white and \$.105 per page for color copies), providing records on data storage devices, and mailing copies of records, but would waive County charges if the total recoverable cost of fulfilling a request does not exceed \$10.00.

Board of Supervisors
February 6, 2024
Page 3 of 3

This item has been reviewed by the County Executive Office, the Auditor-Controller, and County Counsel.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tiffany N. North', followed by a large, stylized circular flourish.

TIFFANY N. NORTH
County Counsel

TNN:tdb

Attachments:

Exhibit 1 – Proposed Ordinance
Exhibit 2 – Ventura County Ordinance No. 4339