

## ORDINANCE NO. 4507

### AN ORDINANCE CREATING MENDOCINO COUNTY CODE CHAPTER 5.190 REGARDING REQUESTS FOR COUNTY RECORDS AND ESTABLISHING FEES FOR PROVIDING COUNTY RECORDS

The Board of Supervisors of the County of Mendocino ordains as follows:

**Section 1.** Chapter 5.190 is added to the Mendocino County Code to read as follows:

#### **Chapter 5.190 Requests for County Records**

##### **Sec. 5.190.010 – Fees for providing County Records.**

- A. Duplication Fees. Whenever a request for copies of County records reasonably describes an identifiable record subject to disclosure, that record shall be provided to the requester in accordance with the California Public Records Act for a fee which covers the direct costs of duplication as set forth in the County's Master Fee Schedule.
- B. Search Fees. Whenever a request for copies of County records subject to disclosure describes the records sought by listing categories of records related to a particular matter, issue or subject, or otherwise does not reasonably describe a specifically identifiable record, the requester shall compensate the County for the costs incurred by the County in responding to the request as set forth in subsection D of this section.
- C. Specialized Search/Review Fees. Whenever a request for copies of County records subject to disclosure describes a category or type of records (including but not limited to email or other electronic communications) that may include both disclosable records and records exempt or prohibited from disclosure, the requester shall compensate the County for the costs incurred by the County in responding to the request as set forth in subsection D of this section.
- D. Amount of Fees. For requests for County records as described in subsection B and C of this section, the requester shall be charged a fee for the actual duplication of the records which is the same as that set forth for the records described in subsection A of this section. Additionally:
  1. For requests for County records as described in subsection B of this section, the requester shall be charged a fee of \$20.00 for each hour of time expended by County employees to locate, retrieve, provide and refile such records.
  2. For requests for County records as described in subsection C of this section, the requester shall be charged a fee of \$150.00 for each hour of time expended by any County attorney to review and/or reasonably segregate disclosable public records from those materials that are exempt from disclosure. If, in the opinion of the Department Head and County Counsel (or their respective designees), such segregation and review can be adequately performed by available non-attorney staff, the requester shall instead be charged a fee of \$50.00 for each hour of time expended by any County staff performing this function.
  3. The first full hour of time expended on all requests of any one requester each month shall be provided free of charge. This free hour shall apply only where the requester is an identifiable natural person.

- E. Estimate of Fees. If it is anticipated that the fee to be charged for the provision of any County records described in this section will exceed \$50.00, a good faith estimate of the total fee to be charged shall be provided to the requester, and the requester shall make payment of such amount to the County before work is commenced on the request. When the County has expended the amount of the good faith deposit but has not completed processing the request, the County shall provide the requester with an updated good faith estimate, and the requester shall make payment of such amount to the County before the County continues processing the request. Any overpayment or underpayment shall be reconciled at the time the records are provided to the requester.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this 12<sup>th</sup> day of July, 2022, by the following roll call vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None

**WHEREUPON**, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: DARCIE ANTLE  
Clerk of the Board

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Deputy

*APPROVED AS TO FORM:*  
CHRISTIAN M. CURTIS,  
County Counsel

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TED WILLIAMS, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: DARCIE ANTLE  
Clerk of the Board

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Deputy