



COUNTY OF MENDOCINO

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MEMORANDUM

DATE: October 5, 2022

TO: County Department Heads and Elected Officials

FROM: Tim Hallman

SUBJECT: Public Records Act (PRA) Request and New Ordinance 4507 Fees

Attached with this memo, please find the County Memo that provides background and information on the process for charging fees for Mendocino County Ordinance 4507. Included with this memo is the process by which media entities may apply to have some of their PRA fees paid by the County of Mendocino (Attachment B).

If you have any questions, feel free to reach out to Tim Hallman (hallmanta@mendocinocounty.org).

Thank you.



COUNTY OF MENDOCINO

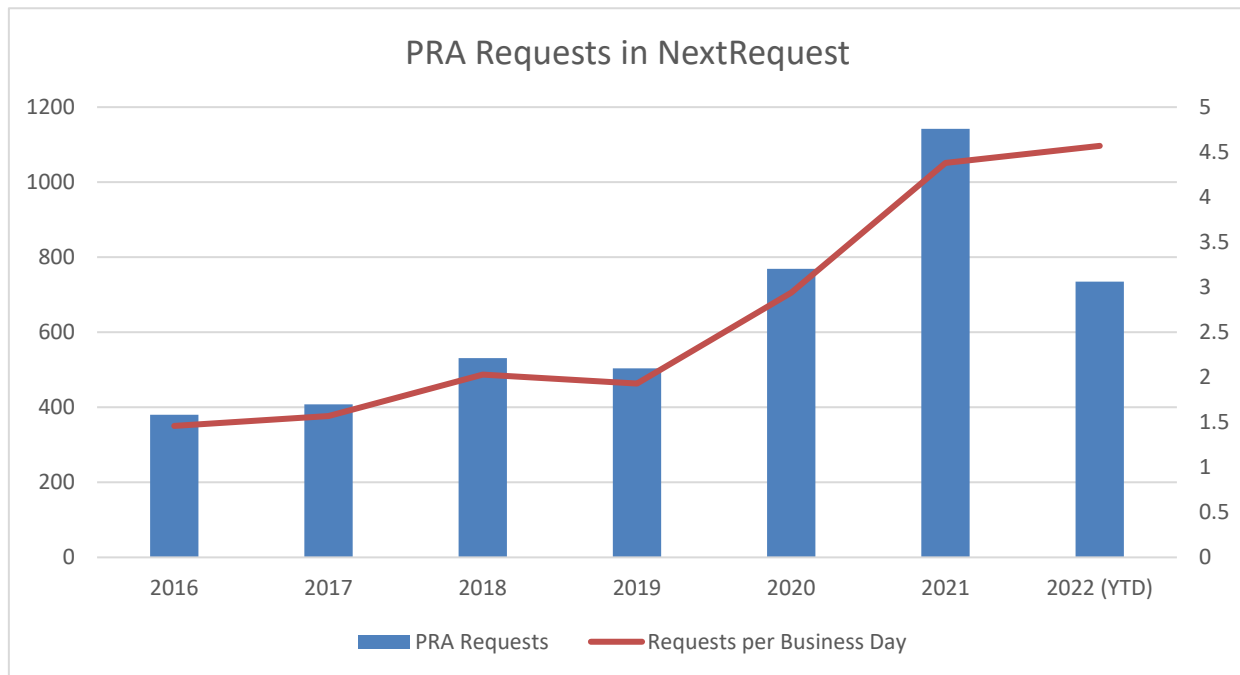
Memorandum

Mendocino County Public Records Act Fee Process

In 2022, the Mendocino County Board of Supervisors enacted Ordinance No. 4507, imposing fees in connection with certain request for public records.¹ Similar to the fees charged under the federal Freedom of Information Act (“FOIA”), the County now charges for the staff time required to locate, retrieve, and review records under certain circumstances.² This document is intended to provide consistency in the forms and procedures used for the collection of those fees.

I. Background

Ordinance No. 4507 was enacted in response to a significant increase in the amount of staff time spend locating, reviewing, and providing records over the last few years. For the first four years after Mendocino County began using the NextRequest software to track PRA requests in 2015, the number of requests received remained relatively stable. Beginning in 2020, however, Mendocino saw a large increase, resulting in a doubling of requests from 2019 to 2021. Through August of this year, 2022 is on track for an even larger number requests.



¹ MCC §§ 5.190.010

² MCC §§ 5.190.010; see also 5 USC § 552(a)(1)(4)(A)(iv).

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Unlike the federal Freedom of Information Act, as well as the sunshine laws of other states, the California Public Records Act (“PRA”) contains no mechanism for the recovery of the cost of staff time spent searching for and providing public records.³ By default, this cost is borne entirely by tax dollars. In the case of counties, however, this unfunded mandate can be offset if the governing body elects to adopt a fee by ordinance.⁴ This statutory mechanism, enacted after Proposition 13 limited the ability of local government to raise taxes, provides a safety valve to avoid records requests from overwhelming available tax dollars.

Ordinance No. 4507 was drafted for the purpose of reducing the burden to local tax dollars created by this growing number of Public Records Act requests. For some of these requests, the expenditure of public dollars furthers important governmental purposes of transparency and accountability necessary for a well-functioning democracy. In many other cases, however, local tax dollars are expended in a manner that inures primarily to the benefit of private parties, including private companies outside of Mendocino County.

Staff have identified roughly three types of PRA requests that appear to be an inefficient use of taxpayer dollars and a significant burden on local resources. First, a substantial number of requests appear to be made for commercial purposes. For example, multiple out-of-state “asset recovery” companies routinely request information on all uncashed checks, including the names and mailing addresses of the recipients. Similar requests have been made to other departments with the apparent intent of identifying potential customers for marketing purposes. This category also includes other types of economic research, such as requests establishing the County’s investment strategy, rates charged by competitors, or other economically valuable information.

Second, a significant number of PRA requests appear to be from attorneys or private litigants seeking to develop evidence for private lawsuits.⁵ If these parties were to subpoena the records, state law requires them to pay up to twenty-four dollars (\$24) per hour for staff time locating and make the records available.⁶ Subpoenaing a County employee to testify at deposition would require the attorney to pay the full cost of the witness’ time, and requires an initial deposit of two hundred seventy-five dollars (\$275).⁷ By utilizing the Public Records Act, however, litigants have been able to procure much of the same service at taxpayer expense. One such requester has made more than two hundred (200) requests for documents related to a private lawsuit against her neighbors. That requester was later ruled a vexatious litigant by the Mendocino County Superior Court.

Third, a small number of requestors appear to be motivated merely by a desire to disrupt operations or otherwise adversely affect the county. Most often, these requestors are upset about a policy, permitting, or other issue they lack any legal basis to challenge. Though rarely stated explicitly, the intent of these requests often appears to be to punish the County or its staff for decisions that the requestor did not like. This conduct is perhaps best exemplified by a 2019 email by a local attorney to several state agencies. That attorney was unusually explicit about his intent, stating:

I will, however, continue to hound you. You still have the 10 days mandated by the Government Code to respond to my Public Records requests. It is now up to you to spend your staff time researching and sending me all the required documents, and I intend to request my friends and colleagues to pester you for such information also. If you won't license, you will at least keep busy with paperwork. I will file similar requests of CDFW and the Water Board, as I have already with Mendocino County. Spend your staff and attorney time on that!

While the number of such requestors is small, they account for a disproportionate number of highly resource intensive requests.

The Public Record Act contains no explicit mechanism to mitigate these expenses. In some cases, courts have held that the public interest exemption under Government Code section 6255 allows

³ Gov. Code § 6253(b).

⁴ See Gov. Code § 54985; 85 Ops. Cal. Atty. Gen. 225.

⁵ FOIA treats litigation related requests as commercial in nature.

⁶ Evidence Code section 1563(b).

⁷ Government Code section 68097.2.

local agencies to avoid unduly burdensome requests.⁸ The County, however, must prove that the burden of responding to each such request “clearly outweighs” the public benefit of disclosure.⁹ Unlike in civil discovery, the County is forbidden from asking a court to rule on this issue.¹⁰ Instead, the County may either comply with the request or deny it and wait for the requestor to file a lawsuit. If a court ultimately disagrees with the County’s assessment, the County will be required to pay an award of attorneys’ fees.¹¹ The result is the staff are incentivized to err heavily on the side of disclosure, spending time and resources on burdensome requests of dubious public benefit.

Moreover, Government Code section 6255 is a poor tool to address the cumulative impacts of a large volume of requests. Courts evaluate each request on case-by-case basis, without regard to the identity of the requestor or the purpose of the request.¹² This analysis is inherently poor at accounting for the overall impact of a large volume of requests from foreign companies or the sort of coordinated harassment campaign described in the above quote. The result, again, is that staff err more heavily on the side of disclosure than they would in a discovery context, dedicating substantial staff time to requests that provide little or no benefit to the residents of Mendocino County.

To address these issues, the Board of Supervisors has adopted Ordinance No. 4507, which imposes fees for the staff time spent in response to certain requests. Although the Public Record Act does not contain language allowing for the recovery of these fees, Government Code section 54985 allows the County to implement this sort of fee structure by ordinance. County Counsel reviewed similar such ordinances from Ventura County, Shasta County, Los Angeles County, and others, and chose to use the Los Angeles County ordinance as a model. The amount of the fees was based on the weighted rates for the relevant staff positions, so as to be near but below full cost recovery.

II. Process under Ordinance No. 4507

Overview

Under Ordinance No. 4507, staff will review each incoming Public Records Act request to determine whether it is subject to the new fees. If the new fees apply, then staff must notify the requester, provide an estimate of the total cost, and obtain a deposit for the request. The fee estimate should be calculated to reflect that each requester (excluding agencies, corporations, and anonymous requesters) receives one free hour of staff time per month. There are two types of fees that may be applicable in this context—Search Fees and Specialized Search/Review Fees.

Search Fees¹³ apply to clerical time spent locating, retrieving, providing, and refiling records. Search fees do not apply to requests for known, identifiable records. Instead, these fees will only be charged for requests that do not reasonably describe a specific identifiable record. Such requests typically seek records “relating to” or “concerning” a particular topic and require staff to review a range of documents to determine what materials are responsive. Search fees are \$20 an hour.¹⁴

Specialized Search/Review Fees¹⁵ apply to requests describing a category of records that may include both disclosable records and exempt records. These requests require an attorney or other appropriate professional to manually review each document for exempt or privileged

⁸ *Am. Civil Liberties Union Found. v. Deukmejian* (1982) 32 Cal. 3d 440.

⁹ Gov. Code § 6255.

¹⁰ *Filarsky v. Superior Court* (2002) 28 Cal. 4th 419.

¹¹ Gov. Code § 6259.

¹² “The [California Public Records] Act does not differentiate among those who seek access to public information (e.g., a requestor who is a commercial entity, intending to use the material obtained for commercial purposes, and a private party who seeks public information).” *N. Cty. Parents Org. v. Dep’t of Educ.* (1994) 23 Cal. App. 4th 144, 153-54. By contrast, the federal Freedom of Information Act, as well as statutes in other states, expressly distinguish commercial requests from other types. See, e.g., 1 CFR § 602.3; 5 ILCS 140/2(c-10).

¹³ MCC § 5.190.010.B

¹⁴ MCC § 5.190.010.D.1

¹⁵ MCC § 5.190.010.C

information, such as confidential health information, social security numbers, attorney-client communication, CLETS information, etc. Specialized Search/Review fees do not apply to general attorney time spent researching or advising a department on any individual request—only time spent on actual review/redaction is captured. Specialized Search/Review fees are \$150 per hour if performed by an attorney and \$50 per hour if performed by other appropriate professional staff.¹⁶

In each case, the intent of the ordinance is to reduce the subsidy spent on research and review activities and/or encourage requesters to make more targeted and efficient requests. Staff are still required to provide the public certain information, without charge, “in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records . . .”¹⁷ This includes describing the information technology or physical location in which records are kept, helping identify the records or types of records that would include the information the requester is seeking, and providing suggestions for overcoming any practical obstacles.

This same information should help requesters in crafting requests that reduce or eliminate fees for their request. For example, a requester seeking “all records referring to” a specific APN or address might not realize how broad that request truly is. Staff should be able to explain that certain Planning and Building files may be available for free, but that a search of the County’s email system for that street address may include assessment and tax information, details about past welfare recipients or child welfare investigations, COVID contract tracing reports, and other information that will have to be manually reviewed and withheld.¹⁸ The requester can then craft a request that seeks those materials relevant to the requester’s purpose and designed to minimize unnecessary work.

Importantly, this process does not affect staff’s ability to speak to members of the public and provide information. Most, if not all, departments provide this function to one degree or another as a matter of customer service and good government, often by answering routine questions at the counter or over the phone. Such functions should continue without disruption. Similarly, staff still have the ability to provide information beyond what Government Code section 6253.1 requires, in order to provide feedback and help requesters obtain information in the most efficient way possible.

Step 1 – Intake and evaluation

When a new records request is received, staff will need to perform an initial evaluation to determine whether the new fees apply and, if so, estimate the amount of the fees to be charged. This will initially require a determination as to whether the records are sought under the Public Records Act or some other statutory basis. Where the County has an independent legal obligation to provide the documents, the PRA fees do not apply. Examples would include records sought through subpoena, requests from an employee labor union, Grand Jury requests, requests under Welfare and Institutions Code section 827, and others.

If the request is made under the PRA, staff will next need to determine whether search fees will apply. If the request seeks a known, identifiable record, there is no charge for the time spent locating that record and making it available. If, however, the search requires someone to read and review multiple documents in order to determine which are responsive to the request, then the search fees apply. Some examples are included below, but please note that in each case the determining factors is

¹⁶ MCC § 5.190.010.D.2

¹⁷ Gov. Code § 6253.1

¹⁸ At the same time, requesters should also have a diminished incentive to tailor requests in a manner that places additional burden on the County. Presently, some requesters phrase their requests in a way designed to get staff to curate documents in a manner specific to their needs. A hypothetical example might include “outstanding checks and warrants greater than six months old as of 7/18/2022 and greater than \$1,000.” In these cases, the requests are narrowed not to make the records easier to identify and provide, but to make County employees narrow an existing data set in a way that is more useful to the requester. Where this work must be performed manually, this essentially shifts the research burden from the requester to the County.

not the phrasing of the request, but instead the nature of the work that must be performed to provide the records.

Search Fee Examples

No Search Fees	Requires Search Fees
The memo from Mendocino Cannabis Alliance commenting on item 4f) of the May 17, 2022 BOS meeting.	All correspondence from any cannabis trade groups relating to a proposed following ordinance.
The most recent list of unclaimed checks maintained by the Auditor’s office.	Any financial documents related to outstanding checks and warrants greater than six-month old as of 7/18/2022 and greater than \$1,000 showing check number, check date, amount of the check, agency code or reference number, and payee name and address.
Invoices from Staples from January 1, 2022 through July 1, 2022.	All records relating to the purchase of office supplies by any department from January 1, 2022 through July 1, 2022.

If staff need to look through multiple files or folders and read and review documents to determine what is responsive, then the fees apply. Staff should ask of the Department: Does someone in the Department know what document or file the request is seeking, or does staff need to look through multiple documents to see what might be responsive? If the answer is the latter, then fees apply.

Next, staff will need to determine whether there are any fees that need to be charged for the review and redaction of the materials to be disclosed. This determination will need to be made on a case-by-case basis depending on the nature of the records in issue. These fees only apply to the time actually spent reviewing and redacting records. General research, legal questions, or other work performed by an attorney is not charged to the requester. Fees will apply only if the nature of the responsive materials means that there is a sufficient likelihood that privileged or exempt information will be contained, such that an appropriate professional needs to review the documents before public disclosure.

In order to minimize these expenses, departments are encouraged to maintain records in a manner that maximizes the public records available for inspection without prior review. Specifics will vary by department and project, but options might include separate files or folders for privileged materials, or identifying certain data fields (e.g. social security number) in a manner that can be easily excluded from public reports. County Counsel is available to advise if needed.

Step 2 – Estimate and Deposit

Once it has been determined that recoverable fees apply, it will be necessary to estimate the amount of fees involved and, if applicable, request a deposit. Staff should begin to identify the files or areas that will need to be searched and possibly begin gathering responsive materials. For example, if a request seeks emails on a particular subject, staff may start by asking Information Services to perform a preliminary email search using keywords or search terms related to the request. Similarly, staff might make inquiries from relevant staff to determine how many files or documents may be necessary to review. This is an administrative function and this time is not billed to the requester, but review at this stage will not be exhaustive. The goal is to gather enough information to provide a good faith estimate before a substantial amount of staff time is incurred.

Once this preliminary information is gathered, staff will need to estimate the total amount of recoverable staff time needed to comply with the request. Estimates may vary significantly depending on the volume of the materials, the specific nature of request, the density of the documents to review, and the ratio of responsive to unresponsive documents.¹⁹ Staff should make a good faith estimate of the amount of search time requires as well as the amount of review and redaction time to be spent. Departments are encouraged to use past data to maintain estimates for average review time of common request types. If the total estimated cost for a particular request exceeds fifty dollars (\$50), then staff should provide the requester with a letter informing them of the estimate and requesting a deposit. See Attachment A. The estimate should be provided at the same time that the requester receives their initial response under Government Code section 6253(c).²⁰

If the fee estimate is large for a particular request, staff should be prepared to offer information and advice that will assist the requester in crafting a more targeted, efficient request to find the information that they are seeking. This may include providing information about how records or information are stored, helping requesters identify the most readily accessible type of record that would contain the information they are looking for, or otherwise providing suggestions as to obtain the desired information with a cheaper and more efficient manner.

Step 3 – Provide the Records and Return Unused Deposit

Once an appropriate deposit is received, staff will proceed with searching for and reviewing the relevant materials. Time should be tracked pursuant to the relevant categories above, in order to recover fees. If the initial deposit proves insufficient, the Department should notify the requester as soon as practicable, provide a revised estimate, and confirm that the requester does want to proceed. Once the records are available, they should be provided to the requester, and any unused deposit needs to be refunded.

III. Mitigating Impacts to Governmental Transparency—The Media Subsidy Program

Although the purpose of Ordinance No. 4507 is to reduce the expenditure of tax funds on commercial requests and other inefficient uses, it is acknowledged that this structure will necessarily have a negative impact on governmental transparency. In order to mitigate these impacts, the Board of Supervisors has elected to provide funding for those requests coming from the news media. As such, it empowered the Executive Office to enact a partial subsidy program for this purpose.

Features of Program

Representatives of the news media are eligible to have some of their fees for Public Records Act requests paid by the County of Mendocino. The County has committed to providing 120 hours of administrative staff time and 40 hours of attorney or paralegal time without charge to news media requesters each calendar month. To ensure parity, each individual requester is eligible for up to 30 hours of search time and 10 hours of attorney time each month. Time is allocated on a monthly basis in the order that requests are received.

Eligibility

In order to be eligible for the fee subsidy, a requester needs to fill out the appropriate form and provide information demonstrating that they are a representative of the news media. For simplicity, Mendocino County has elected to use this term as it is defined in the federal Freedom of Information Act.

¹⁹ For example, a search for “all contracts for road paving services in FY 2019/2020” will take less time than a search for “all contracts with a non-boilerplate indemnity clause,” despite the fact that both requests involve a search of the same data set—“all contracts.”

²⁰ The initial response is due 10 days after the request is received, but this timeline may be extended by 14 days under certain circumstances.

The term “a representative of the news media” means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. In this clause, the term “news” means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of “news”) who make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), such alternative media shall be considered to be news-media entities. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.

The Executive Office will review such requests on a case-by-case basis to see if they meet criteria. Review may be expedited or truncated for previously approved applicants as appropriate.

In order to make sure that the program complies with the First Amendment, eligibility requirements will need to remain viewpoint neutral. Accordingly, eligibility cannot be denied or revoked as a result of any statement, publication, or viewpoint expressed. Additionally, while the department may adjust criteria to meet needs, the program should avoid adding any criteria related to favorability or accuracy of reporting, quality of information, or similar factors.

Process for Submission and Review

Requesters who are seeking to have their fees paid under this program should complete the County’s form and provide any information and/or documentation necessary to demonstrate that they are representatives of the news media. Attachment B. Forms can be uploaded directly to NextRequest or attached to a written request outside of that software portal.

Eligibility determinations and available hours remaining will be tracked by the Executive Office. If a department receives a PRA request accompanied by a request for media subsidy, they should promptly submit the documentation to the Executive Office for review and approval. Eligibility and available time should be determined before any fee estimate is sent out, and the amount of any subsidy should be reflected on that notice.

PRA Fee Procedure Outline

1. Records Request Received
2. Is it a Public Records Act Request?
 - a. Certain requests are not a PRA request, including subpoenas, requests from an employee labor union, the Grand Jury, or under Welfare and Institutions Code section 827. These would **not** be subject to PRA fees.
 - b. Review the request to confirm it is a PRA request. If unclear, please contact County Counsel.
3. Review the Request to see if Search Fees apply
 - a. If the request seeks a known, identifiable record then there is no charge for the time locating that record and making it available.
 - b. If the request does not seek a specifically identifiable record, or lists categories of records related to a particular subject, the following fees may be charged:
 - i. Search Fees: \$20 per hour of time spent locating, retrieving, providing and refiling records.
 - ii. Staff Specialized Fees: \$50 per hour spent segregating disclosable records from those that are exempt from disclosure, if performed by authorized staff, or \$150 per hour if performed by an attorney.
 - c. See the attached table for examples.
 - d. If the request is from a member of the media, see Mendocino County PRA Fee Subsidy Request for Representatives of the News Media.
4. Estimate Search Fees for Good Faith Estimate
 - a. Initial inquiries of relevant staff to assist in locating documents is an administrative function and not billed to the requester.
 - b. If the request includes a search for correspondence or emails, identify keywords in the request, and ask for a preliminary email search from the IT Division to identify an approximate number of responsive emails. This time is also not billed to the requester.
 - c. Search Fees may be incurred before good faith estimate for time spent locating and retrieving documents.
 - d. Estimate Specialized Search Fees based on
 - i. Volume of documents
 - ii. Density of documents to review
 - iii. Ratio of responsive to unresponsive documents
 - e. If good faith estimate is over \$50, provide requester with written response informing them of the estimate and requesting a deposit be made before further review.
 - i. If estimate is well over \$50, offer requester further contact via phone or email to discuss ways to create a more targeted request.
 - f. Estimate the amount of work days it would take to fulfill the request.
5. By Day 10 of the Request, either:
 - a. Respond that responsive documents have been located and whether fees of less than \$50 total are required to be paid prior to receipt.
 - b. Respond that responsive documents have been located and provide the good faith estimate.
 - c. Respond that additional time is necessary to determine if there are responsive documents, and under Government Code section 6253(c), a 14-day extension is necessary.

- i. Please discuss such extensions with County Counsel's Office.
- 6. In the event that fees are owed, place the request on "Pause" in Next Request.
- 7. Following payment of Good Faith Estimate
 - a. Proceed with any additional searching for documents, scanning or copying of documents, and reviewing relevant materials.
 - b. Separate time for regular Search Fees from Specialized Search Fees.
 - c. If good faith deposit is spent before document review is complete:
 - i. Estimate a second good faith estimate
 - ii. Contact requester and provide good faith estimate
 - iii. Place the request on "Pause" in Next Request
- 8. Provide Documents.
 - a. Following completion of review and any redaction, provide documents.
 - b. If any amount of the good faith deposit is not used, provide a refund to the requester.

Attachment A

INITIAL TEMPLATE RESPONSE FOR RECORDS THAT NEED TIME ESTIMATED TO BE OVER \$50

Dear Requester,

The County has reviewed your Public Records Act request and has determined that it seeks copies of disclosable public records. Pursuant to Mendocino County Code section 5.190.010, the County charges fees to account for the cost of duplicating records, as well as the cost of staff time in locating, retrieving, providing and refiling records, as well as staff and/or attorney time spent reviewing records to determine if any are exempt from disclosure under the Public Records Act.

Section 5.190.010 of the Mendocino County Code requires the County to provide a good faith estimate of the amount of the fee for each request where it anticipates that there will be a fee of over \$50. This good faith estimate must be paid by the requester before the County commences working on providing documents in response to the request. Based on its evaluation of the scope of your request and the records sought, the County estimates the following as a good faith deposit for your request:

Duplication Fees:

Search Fees (__ hours at \$20/hour):

Specialized Search/Review Fees (__ hours at \$50/hr/staff; __ hours at \$150/hr/attorney)

Good Faith Deposit amount:

Please note that the above good faith deposit amount is only an estimate. If the County expends the good faith deposit but has not completed processing your request, the County will provide you with an updated good faith estimate, which must be paid to the County before it resumes processing your request. Any overpayment or underpayment of fees will be reconciled at the time of final provision of documents.

Based on the above estimate of the amount of staff time processing your request will take, and if payment of the good faith deposit is made promptly, the County currently anticipates that documents would be available by [INSERT DATE]. This anticipated delivery date is subject to revision depending on the actual date of payment and staff availability.

If you have any questions about the estimated fee amount or about the County's initial review of the scope of your request, please contact the Mendocino County Executive office at ceo@mendocinocounty.org. Otherwise, please send your deposit to the Mendocino County Executive Office, Attn. PRA Deposit, 501 Low Gap Rd., Room 1010, Ukiah, CA 95482.



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Mendocino County PRA Fee Subsidy Request for Representatives of the News Media

Representatives of the news media are eligible to have some of their fees for Public Records Act requests paid by the County of Mendocino. The County will bear the cost for search, review, redaction, and other services for which fees would otherwise be charged under Ordinance No. 4507. The County has committed to providing 120 hours of administrative staff time and 40 hours of attorney or paralegal time without charge to news media requesters each calendar month. To ensure parity, each individual requester is eligible for up to 30 hours of search time and 10 hours of attorney time each month.¹

For the purposes of this subsidy, the County of Mendocino uses the same definition of “representative of the news media” used in the federal Freedom of Information Act.² Requesters may obtain this subsidy by submitting the same type of information and documentation used to establish news media status for the purposes of obtaining fee waivers under FOIA. For those news media representatives who have not previously submitted such requests, third-party guidance documents are available on-line.

If you believe that you are eligible for this subsidy, please complete this form and submit it along with your request. This form can be uploaded directly to your request in NextRequest or sent to the same department to which your request is made.

¹ Each individual, rather than publication, is considered a “requester” for the purposes of this limitation.

² The term “a representative of the news media” means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. In this clause, the term “news” means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of “news”) who make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), such alternative media shall be considered to be news-media entities. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.

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Name:

Company:

NextRequest ID:

(For requests made outside of the NextRequest software, please attach a copy)

How many hours (if any) of staff/ attorney time have you received for other requests this month?

Specific explanation for eligibility for subsidy:

Additional comments: