

RESOLUTION NO. 2025-12

**A RESOLUTION OF THE BOARD OF DIRECTORS OF SAN
DIEGO COMMUNITY POWER, UPDATING ITS PUBLIC
RECORDS REQUESTS POLICY PURSUANT TO ASSEMBLY
BILL 473 (AB 473).**

A. San Diego Community Power (Community Power) is a joint powers agency formed pursuant to the Joint Exercise of Powers Act (Cal. Gov. Code § 6500 *et seq.*), California Public Utilities Code § 366.2, and a Joint Powers Agreement effective on October 1, 2019, and amended and restated December 16, 2021 (JPA Agreement).

B. The California Public Records Act (the PRA) was enacted in 1968 to: (1) safeguard the accountability of government to the public; (2) promote maximum disclosure of the conduct of governmental operations; and (3) explicitly acknowledge the principle that secrecy is antithetical to a democratic system of “government of the people, by the people and for the people.

C. On July 23, 2020, the Board of Directors adopted its initial Public Records Request Policy.

D. In 2021, the legislature enacted the California Public Records Act (CPRA) Recodification Act, AB 473. This Act, effective January 1, 2023, renumbered and reorganized the PRA in a new Division 614 of the Government Code (GC), beginning at section 7920.005. AB 473 was not intended to substantially change the law relating to inspection or production of public records.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of San Diego Community Power as follows:

Section 1. The Board of Directors wish to update Community Power’s Public Records Requests Policy, attached as an exhibit to this Resolution, with the new Government Code sections to comply with AB 473.

Section 2. This Resolution shall take effect immediately upon its adoption.

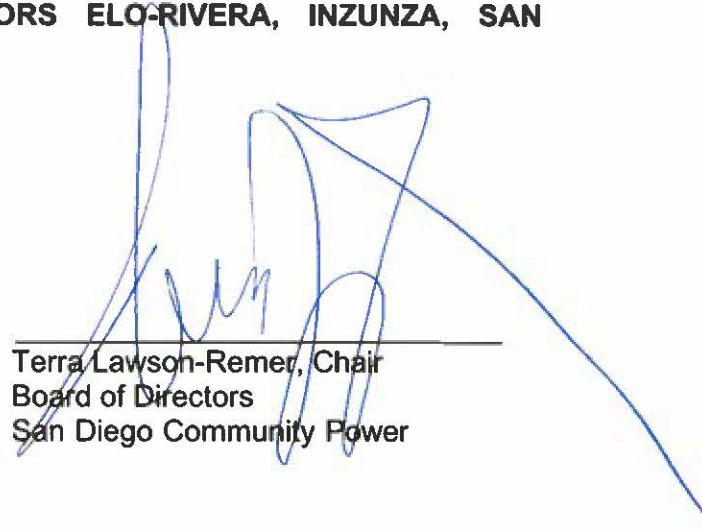
PASSED AND ADOPTED at a meeting of the Board of Directors of San Diego Community Power held on August 28, 2025.

AYES: CHAIR LAWSON-REMER, VICE CHAIR YAMANE, ALTERNATE DIRECTOR FISHER, DIRECTORS ELO-RIVERA, INZUNZA, SAN ANTONIO AND SUZUKI

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



Terra Lawson-Remer, Chair
Board of Directors
San Diego Community Power

ATTEST:

APPROVED AS TO FORM:

Maricela Hernandez

Maricela Hernandez, MMC, CPMC
Clerk of the Board of Directors
San Diego Community Power

Veera Tyagi

Veera Tyagi, General Counsel
San Diego Community Power

Policy	Public Records Requests	Original Adoption Date	July 23, 2020
Approval Date	August 28, 2025	Resolution No.	2025-12

PURPOSE:

This Public Records Request Policy (Policy) sets forth San Diego Community Power's (Community Power) policies and procedures for handling requests to inspect and/or copy public records. This Policy is intended to comply with the California Public Records Act (PRA) (Gov. Code § 7920.000 *et seq.*) and all applicable laws pertaining to disclosure of public records. If any provision of this Policy conflicts with applicable state or federal law, the applicable law shall prevail.

POLICY:**1. Definitions**

As used in this Policy, the following terms shall have the following meanings:

- (a) "Person" means any natural person, corporation, partnership, limited liability company, firm, or association.
- (b) "Public records" means any writing containing information relating to the conduct of Community Power's business prepared, owned, used, or retained by Community Power regardless of physical form or characteristics; provided, however, that such writings may be exempt from disclosure and/or deemed not to be "public records" pursuant to this Policy and the Public Records Act.
- (c) "Requester" shall mean a person, or representative of a person, who has submitted a request for records to Community Power by mail, fax, e-mail, telephone or in person.
- (d) "Community Power " means San Diego Community Power.
- (e) "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

2. Requests to Inspect and/or Make Copies

- (a) General. Disclosable public records of Community Power are open to inspection and copies of disclosable public records may be obtained by any person at all times during the normal business hours of Community Power in accordance with this Policy and the PRA All requests for records must be submitted to Community Power's Clerk of the Board or their designee. Any

request for records and any responsive records may be subject to review by Community Power's General Counsel prior to any inspection of the records or delivery of copies. Payment of fees is required before any copies are prepared and/or transmitted, as noted in Section 5 below.

- (b) *Written Requests.* Community Power encourages members of the public to submit requests in writing to Community Power, preferably using the Public Record Request Form (PRRF) attached as Exhibit "A" to this Policy, and as may be amended from time to time, to reduce misunderstandings and allow Community Power staff to timely respond with greater efficiency. The applicable fees are set forth in Exhibit "B." The PRRF and applicable fees are also available online at <https://sdcommunitypower.org/>.
- (c) *Oral Requests.* Community Power will not deny a request solely because it is not submitted in writing. Oral requests for records (in person or by telephone) are encouraged to be directed to the Community Power Clerk of the Board or their designee during normal business hours. Community Power personnel in other departments who receive oral requests for records should direct the requester to contact Community Power's Clerk of the Board or their designee. The Clerk of the Board or their designee will explain the records request procedure, describe applicable fees, and complete a Public Records Request form to document the request (Exhibit "A").
- (d) *Requests Should Reasonably Describe an Identifiable Record or Records.* The requester should specify the records to be inspected and/or copied with reasonably sufficient detail to enable staff to identify particular records. If the request seems ambiguous or unfocused, Community Power staff will make a reasonable effort to obtain additional clarifying information from the requester that will help identify a record or records. Pursuant to Government Code Section 7922.600, Community Power shall do all of the following, to the extent reasonable under the circumstances:
 - i. Assist requester to identify records and information that are responsive to the request or to the purpose of the request, if stated;
 - ii. Describe the information technology and physical location in which the records exist; and
 - iii. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

3. Determination on Records Request; Time Extensions

Upon a request to inspect or copy records, Community Power shall, within ten (10) days from receipt of the request, determine whether the request, in whole or in part, seeks disclosable public records in the possession of Community Power. Community Power shall promptly notify the requester of Community Power's

determination and the reasons for the determination. In unusual circumstances, the time limit for providing the determination on a records request may be extended by written notice to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be provided. Any extension of time to make a determination will not exceed more than fourteen (14) calendar days. A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing and shall include the reason for the denial. As used in this Policy and pursuant to Government Code section 7922.535, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (c) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of Community Power having substantial subject matter interest therein.
- (d) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

4. Records Exempt from Disclosure

Under the PRA, certain records may be exempt from disclosure to the public. Exempt records include, but are not limited to, the following:

- (a) Preliminary drafts, notes, interagency, or intra-agency memoranda which are not retained by Community Power in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure. (Gov. Code § 7927.500.)
- (b) Records pertaining to pending litigation to which Community Power is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such pending litigation or claim has been finally adjudicated or otherwise settled. (Gov. Code § 7927.200.)
- (c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Gov. Code § 7927.700)
- (d) Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop

reports, that are obtained in confidence from any person (Gov. Code § 7924.300).

- (e) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made for or by Community Power relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreements are obtained; provided that the law of eminent domain shall not be affected by this provision (Gov. Code § 7928.705).
- (f) Records the disclosure of which is exempt or prohibited pursuant to federal or state law (e.g., attorney-client privilege under the California Evidence Code) (Gov. Code § 7927.705).
- (g) The name, credit history, utility usage data, home address, or telephone number of utility customers of Community Power, except that disclosure of name, utility usage data, and the home address of utility customers of Community Power shall be made available upon request as follows:
 - i. To an agent or authorized family member of the person to whom the information pertains.
 - ii. To an officer or employee of another governmental agency when necessary for the performance of its official duties.
 - iii. Upon court order or the request of a law enforcement agency relative to an ongoing investigation.
 - iv. Upon determination by Community Power that the utility customer who is the subject of the request has used utility services in a manner inconsistent with applicable local utility usage policies.
 - v. Upon determination by Community Power that the utility customer who is the subject of the request is an elected or appointed official with authority to determine the utility usage policies of Community Power, provided that the home address of an appointed official shall not be disclosed without his or her consent.
 - vi. Upon determination by the local agency that the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure (Gov. Code § 7927.410).
- (h) Computer software developed by a state or local agency is not itself a public record (Gov. Code § 7922.585).
- (i) The records made, if any, of closed sessions, along with any confidential information that has been acquired by being present in a closed session, are not public records subject to inspection, to the extent permitted by the Ralph M. Brown Act and the Public Records Act (Gov. Code §§ 54957.2, 54963).

- (j) Information security records (records that reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency) (e.g., a “cyber attack”) (Gov. Code § 7929.215).
- (k) Social security numbers – State law requires local agencies to redact social security numbers from records before disclosing such records to the public (Gov. Code § 7922.200).
- (l) Records for which Community Power determines, based on the facts of the particular case, that the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Gov. Code § 7922.000).

The above-noted partial list of exemptions is subject to existing State and federal law, and any changes, additional exemptions, and/or provisions for not considering records as public records in the law are automatically incorporated into this Policy. Any disclosable portion of a record that can be reasonably separated from portions of the record that are exempt by law shall be made available for inspection and/or copying after the exempt portions have been redacted.

5. Payment of Fees for Copies

Community Power shall charge fees for copies or certified copies of identifiable public records or information as set forth in Exhibit "B."

Copies of requested records will be provided after payment of fees is received by Community Power. Any person in attendance at an inspection of Community Power records may request a copy of any disclosable record being inspected. Upon payment of the applicable fees, Community Power's Clerk of the Board or his/her designee will prepare copies of the requested records. If a large number of copies is requested after a records inspection, Community Power staff may require reasonable additional time to make the requested copies.

Prior Versions:

Date	Action	Resolution No.	Policy No.
July 23, 2020	Adoption	N/A	2020-05

EXHIBIT "A"

PUBLIC RECORD REQUEST FORM

Date of Request: _____

In accordance with the California Public Records Act (Gov. Code § 7920.000 et seq.), I am requesting to (check one):

☐ inspect the following public records ☐ receive copies of the following public records

Requests may be submitted to clerkoftheboard@sdcommunitypower.org.

[Please provide sufficient detail to assist in locating the public records you are seeking]

Type of Record(s):

Date or Date Range of Records:

Additional Information: _____

I understand that Community Power will respond to all Public Records Act requests in compliance with State law.

For copies of public records, I understand Community Power's copying fees will apply or statutory fees for copying may apply. I understand that I will be responsible for payment of all copying fees in advance of delivery of any requested copies. I also understand that Community Power has ten (10) days to determine if the request seeks disclosable records in Community Power's possession. In some instances, the time may be extended by written notice if additional time is required to search for and collect the requested information. If more than fifty (50) pages are requested, Community Power may require a deposit before making copies.

Name of Requester: _____

Address: _____

E-Mail: _____

Phone: _____

EXHIBIT "B"

PUBLIC RECORDS REQUEST

SCHEDULE OF COMMUNITY POWER COPYING FEES

Description	Price
Black & White Copy Price per Page – Standard Letter Size (8 1/2" x 11")	10¢ per page
Color Copy Price per Page – Standard Letter Size (8 1/2" x 11")	25¢ per page
Copy charges for oversized or other documents/formats that must be outsourced for duplication/reproduction	Actual cost
Price for public records in electronic format, including DVD of public meetings, when requested in electronic format, shall be calculated by Community Power in accordance with Government Code Section 7922.575, as it may be amended from time to time.	Per Gov. Code Section 7922.575
Note: Payment is required in advance of delivery of any requested records.	

All fees are in compliance with Community Power's fee schedule and are subject to change as the fee schedule is updated.