

ORDINANCE NO. 2016-26
(Allowing Use of the Public-Interest Balancing Test Exemption under Certain Circumstances in Responding to Public Records Act Requests)

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Section 25-4.608 of the County Ordinance Code to authorize the consideration of competing public interests under Government Code section 6255 when responding to Public Records Act requests, following review and approval by the County Counsel's Office.

SECTION II. Section 25-4.608 of the County Ordinance Code is amended to read:

Section 25-4.608 Justification of withholding.

Any refusal to disclose a public record shall be justified in writing as follows:

- (a) A withholding under a permissive exemption in the California Public Records Act, this ordinance or other law shall cite that authority and explain in practical terms, citing one or more examples, as to how the public interest would be harmed by disclosure.
- (b) No records or information shall be withheld on the basis of the public interest balancing test in Government Code Section 6255; or by citing any case law application of that statute, without review and written approval from county counsel.
- (c) A withholding on the basis that disclosure is prohibited by law shall cite the statutory authority in the Public Records Act or elsewhere.
- (d) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any statutory or case law, supporting that position.

(Ords. 2016-26, § 2; 95-6).

SECTION III. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage and within 15 days after passage shall be published once with the names of

supervisors voting for and against it in the EAST BAY TIMES, a newspaper published in this county.

PASSED on December 13, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: David Twa, Clerk of the Board
of Supervisors and County Administrator

By: _____
Deputy Clerk

Board Chair

[SEAL]

RJH

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