

POLICY TITLE PREPARATION OF CERTIFIED RECORD OF ADMINISTRATIVE OR
LEGISLATIVE ACTIONS

POLICY STATEMENT:

Persons desiring to contest the decisions of this Council, or of its boards and commissions, may request the preparation of a certified copy of the administrative record of proceedings for filing with the Court in connection with litigation pertaining to such contest; and such persons are entitled to obtain such a certified copy of the record, on reasonable terms and conditions, and at their own expense. A record of proceedings does not usually include a verbatim transcript of testimony presented in connection with the proceedings for which a record is to be prepared. In order to assure the availability of the administrative record of any proceedings before this Council or of any of its boards and commissions, together with a verbatim transcript when requested, while at the same time, in order to assure that the cost thereof is not borne by the general taxpayers of city, this Council deems it desirable to adopt rules and regulations pertaining to the preparation and providing of such records and transcripts.

The following procedures will apply:

1. The City Clerk, when the record of a Council proceeding is requested, or the secretary of any board or commission when the record of any such board or commission is requested, shall prepare such record, and certify the same in accordance with this policy.

2. The City Clerk, or secretary of the board or commission, shall upon written request of any person, prepare and deliver to such person an estimate of the cost of preparing such administrative record within fifteen (15) working days after receipt of the request for such record. The Notice of estimate of cost shall include a statement advising the applicant that the estimated cost must be deposited with the City Clerk, or secretary of the board or commission, before the record is prepared.

3. Any person may file with the City Clerk, or with the secretary of the board or commission, in connection with any proposed proceedings, at least five (5) working days prior to the proceeding, a request that a verbatim transcript of testimony be prepared by a shorthand or stenotype reporter. The person requesting such transcript shall deposit with the City Clerk, or secretary, the sum of \$100.00 to apply toward the cost of such reporter's verbatim transcript. The City Clerk, or secretary, shall then arrange for a shorthand or stenotype reporter to transcribe verbatim the testimony presented at such proceeding.

PREPARATION OF CERTIFIED RECORD OF ADMINISTRATIVE
OR LEGISLATIVE ACTIONS
POLICY NUMBER 1.2 - continued

4. If the cost of the administrative record, the cost of the verbatim transcript, and any delivery costs exceed the amount deposited by any applicant, then the City Clerk or secretary shall within five (5) working days after ascertaining the true amount, submit a bill to such applicant for the additional amount due. Upon receipt of full payment, the administrative record or the verbatim transcript, or both, shall be delivered to the applicant.

5. If the amount deposited by the applicant exceeds the final cost of the administrative record, the verbatim transcript and any delivery costs, then the balance shall be refunded to the applicant.

6. The City Clerk's or secretary's fees for the expense of preparation of an administrative record shall be based on the cost of labor, materials, and equipment.

7. The fee for preparation of a verbatim transcript shall be its actual cost to the city.

8. After the administrative record or verbatim transcript has been prepared, it will be delivered to the applicant, or if the applicant so chooses, to the court, in the following manner:

(a) Delivery to applicant by mail. The record or transcript will ordinarily be delivered to the applicant by mail, with return receipt requested. The cost of such delivery will be borne by the applicant. The estimated cost of such mailing will be included in the original estimate provided to the applicant, and after the record or transcript is prepared, the actual cost of mailing will be determined and included in the final bill.

(b) Delivery to applicant at the Office of the City Clerk. The applicant may elect to accept delivery by appearing at the Office of the City Clerk in person, by his attorney, or by an agent designated in writing. The applicant must timely notify the City Clerk of his or her decision to accept delivery in this manner. In such case, there will be no charge for delivery of the transcript.

(c) Delivery to Superior Court or Municipal Court located in the City of Santa Cruz. The applicant may elect to have the record or transcript or a copy thereof delivered directly to the court in which the matter is to be tried, when such court is located in the City of Santa Cruz. The applicant must timely notify the City Clerk of his or her decision in this regard. In such case, there will be no delivery charge for any copy delivered to the court.

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