RESOLUTION NO. 2007-1

RESOLUTION OF THE BOARD OF DIRECTORS OF ARMONA COMMUNITY SERVICES DISTRICT REGARDING POLICY FOR RESPONSE TO PUBLIC RECORDS ACT REQUESTS

The Board of Directors of the Armona Community Services District hereby finds as follows:

WHEREAS, the Armona Community Services District (District) is a community services district formed and existing under the Community Services District Act, codified at California Government Code §§ 61000-61226.5, referred to as the "Act," possessing all of the powers thereunder, express and implied, together with the powers granted under all acts amendatory thereof or supplementary thereto, together with all other powers implied by the foregoing, to give meaning and effect thereto; and

WHEREAS, the District may do all things necessary or convenient for the full exercise of all of said powers; and

WHEREAS, the California Public Records Act (California Government Code §§ 6250 et seq.) provides that the books and records of the District, with specified exceptions, are public records open to inspection by the public during normal office hours; and

WHEREAS, Government Code § 6253 permits the District, as a local public agency, to adopt rules and regulations stating the procedures to be followed for responding to Public Records Act requests; and

WHEREAS, on December 6, 1989 the Board adopted Resolution No. 1989-4, Resolution Establishing Policy and Procedures for Responding to Requests for Public Records; and

WHEREAS, said Resolution adopted a District policy for responding to Public Records Act requests, including setting charges for the searching and copying of documents; and

WHEREAS, said Resolution was adopted over 16 years ago and has not been revised since; and

WHEREAS, it is in the best interests of the District that the District's policy for responding to requests made under the California Public Records Act, including response costs, be updated.

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NOW, THEREFORE, the Board of Directors of the Armona Community Services District does hereby RESOLVE AS FOLLOWS:

1. **Section 1**. Resolution No. 1989-4 is hereby repealed.

2. **Section 2**. The following policy is hereby adopted:

In accordance with the California Public Records Act (California Government Code §§ 6250 et seq.), the following is hereby adopted as the policy of the Armona Community Services District in responding to requests for records made under the California Public Records Act:

1. Documents, information, and other records, which are subject to disclosure under the California Public Records Act, are covered by this Policy. Those matters which are excluded from disclosure by statute or other law or regulation shall not be available for review.

2. The District will make available, with reasonable promptness, information requested by the public, provided:

(a) the request is made in writing, delivered in person or by mail to the Armona Community Services District Office, 10956 14th Ave., P.O. Box 486, Armona, CA 93202.

(b) the request shall contain a reasonably specific description of the particular record(s) requested, including name(s) of authors or recipients, date(s) of preparation or transmittal, subject matter, and location, if known, to enable the District to locate the records with reasonable ease. Within two (2) working days of receipt of the written request, the District shall send a written acknowledgment of receipt of the request to the person making the request.

(c) in the case of matter(s) involving litigation, no information or records will be provided.

(d) when a request is made in writing to review District records and the requestor does not desire copies of the requested records, the review will be conducted between 9:00-11:30 a.m. and 1:30-4:00 p.m. at the District office on regular business days when the District office is open to the public.

(e) if copies of documents are requested, copies will be charged at 50¢ per copy and payment for the number of copies to be made shall be tendered before copies will be made and provided.

(f) time for records search and copying shall be charged at the rate of $45.00/hour and shall be paid prior to documents being made available for review or copies provided based on estimated time for records search and copying time based on minimum one-half (½) hour increments.

(g) all information received or reviewed shall be evidenced by receipt, or transmittal letter, issued by the District.

(h) in the event that a request for records is made, and the District determines that on the facts of the particular case, the public interest served by not making the record public outweighs the public interest served by disclosure of the record, assuming the subject record is otherwise disclosable, said record(s) shall not be disclosed. In such event the District, within five (5) working days of the decision not to disclose otherwise disclosable documents, shall provide to the individual submitting the request a written notice that the request has been denied, setting forth the reasons therefor. Any person whose request is so denied may, within thirty (30) days of such notice, appeal the denial to the Board of Directors, whose decision on the appeal shall be final.

WHEREFORE, the foregoing Resolution was passed and adopted at a Regular Meeting of the Board of Directors of the Armona Community Services District held on January 10, 2007, at Armona, California, by the following vote, to wit:

AYES: Plooy, Danielson, Bittner, Gutierrez

NOES: None

ABSENT: Franco

ABSTAIN: None

By: _____
ED BITTNER, PRESIDENT, BOARD OF DIRECTORS,

ATTEST:

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ACTING SECRETARY

CERTIFICATE OF SECRETARY

I, Alan Danielson, the duly appointed acting Secretary of the Armona Community Services District, do hereby declare that the foregoing Resolution was passed and adopted at a Regular Meeting of the Board of Directors of the Armona Community Services District duly held on January 10, 2007, at Armona, California.

DATED: January ____, 2007.

ACTING SECRETARY

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