

RESOLUTION NO.13R-19

A POLICY OF THE BOARD OF DIRECTORS OF BIGHORN-DESERT VIEW WATER AGENCY OUTLINING THE PROCEDURE FOR ACCESSING PUBLIC DOCUMENTS

WHEREAS, The Board of Directors of Bighorn-Desert View Water Agency recognizes that pursuant to the Public Records Act, the Agency will, from time to time, be required to make available for viewing and provide copies of public documents on file at the Agency office. The Board also recognizes that in the case of providing copies of public documents the Agency shall make the records promptly available upon payment of fees covering the direct costs of duplication.

WHEREAS, Resolution No. 13R-19 rescinds Policy No. 05P-04 in its entirety.

NOW, THEREFORE, the following guidelines are established in accordance with applicable law and in the interest of those persons requesting public documents.

Access to Agency Documents

1. The Agency shall make public documents available for viewing at all times during the Agency's normal business hours, in accordance with the California Public Records Act.
2. A person requesting to view public documents shall submit to the Agency a Public Information Request form similar to the form attached hereto as Exhibit A, describing, with reasonable particularity, a record readily identifiable by Agency employees.
3. Upon receipt of a Public Information Request to view public documents, the Agency shall attempt to make such public documents immediately available for viewing.
4. In the event a Public Information Request to view public documents requires that Agency employees search for, collect, and examine a large number of Agency files for separate and distinct documents that are demanded in a single request the Agency shall schedule an appointment for the person requesting to view the public documents to view such documents at the earliest possible time taking into account the amount of work the request and the convenience of the person requesting to view the public documents.
5. In the event a Public Information Request to view public documents seeks information from a document which contains confidential, exempt, or otherwise non-disclosable information, as well as disclosable information,

any reasonably segregable portion of such document shall be made available for inspection after deletion or redaction of the portions that contain the non-disclosable information.

Photocopying Agency Documents

1. The Agency shall make available a copy of any Agency record not exempt from disclosure to any person requesting such record, in accordance with the California Public Records Act.
2. A person requesting copies of public documents shall submit to the Agency a Public Information Request form similar to the form attached hereto as Exhibit A, describing, with reasonable particularity, a record readily identifiable by Agency employees.
3. The Agency, within ten (10) days of actual receipt of a proper request, shall determine whether the request, in whole or in part, seeks copies of disclosable public documents in possession of the Agency and shall promptly notify the person making the request, in writing, of the Agency's determination and the reasons therefor. In the event the Agency denies a request for copies of public documents, the denial notification to the person making such request shall set forth the names and titles or positions of each person responsible for the denial.
4. In unusual circumstances, as specified below, the time for determination of whether the Agency will comply with a request for copies of public documents may be extended for a period not to exceed ten (14) working days, by written notice from the Agency to the person making the request, setting forth the reasons for the extension and the date on which a determination will be mailed. Unusual circumstances are:
 - a. The need to search Agency facilities or other locations that are separate from the main Agency office.
 - b. The need to search for, collect and examine voluminous amount of separate and distinct records demanded in a single request.
 - c. The need to consult with another agency having substantial Interest in the determination of the request.
5. In the event a request to copy public documents seeks information from a document which contains confidential, exempt, or otherwise non-disclosable information, as well as disclosable information, any reasonably segregable portion of such document shall be made available for photocopying after deletion or redaction of the portions that contain the non-disclosable information.

6. The Agency shall provide the party requesting copies of public documents with a verbal estimate of the actual reproduction costs for such copies and requesting party may be required to deposit the estimated reproduction cost with the Agency prior to the commencement of any work arising from the request.
7. Upon completion of the reproduction work, a full accounting of the total cost shall be made available to the requesting person and final settlement shall occur at the time the copies are made available for delivery. No delivery shall take place until the Agency has received full payment of the reproduction costs determined by direct costs of duplication in accordance with this policy.
8. The Agency shall charge persons requesting public documents on standard (8.5"x 11") size paper at a rate of the direct cost of duplication as set forth by Resolution. The cost for other public records, i.e., tapes, electronic data, etc. shall also be charged at a rate of the direct cost of duplication as set forth by Resolution. Agendas/agenda packets shall be provided upon request at no charge to the requester.
9. With the exception of deletions or redactions of confidential, exempt or otherwise non-disclosable information on disclosable documents, the Agency shall provide an exact copy of the record requested. The Agency is not obligated to create a compilation or extract of its records in response to a request.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 19th day of November 2013.


By Michael McBride, President of the Board

ATTEST:


Terry Burkhardt, Secretary