

RESOLUTION NO. 2012-04

A Resolution of North Kootenai Water District, Kootenai County, Idaho, approving the adoption of a fee schedule for public records requests; and providing for other matters properly relating thereto.

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH KOOTENAI WATER DISTRICT, Kootenai County, Idaho, as follows:

WHEREAS, North Kootenai Water District (the "District") is a water district under and by virtue of the constitution and laws of the state of Idaho and is governed by an elected Board of Directors ("Board"); and

WHEREAS, the Board has the statutory authority as a public official as defined in Idaho Code § 9-337, as amended, to adopt a fee schedule for public records requests pursuant to Idaho Code § 9-338, as amended; and

WHEREAS, the District Manager reviewed information regarding the actual cost to the District to copy a record in accordance with Idaho Code § 9-338(10)(b), as amended, and determined that the actual cost to copy a record is eight cents per page; and

WHEREAS, the District Manager reviewed information regarding the actual labor cost associated with locating and copying documents when the request is for more than one hundred pages of records, or the request includes records from which nonpublic information must be deleted, or the actual labor associated with locating and copying documents for a request exceeding two (2) person hours in accordance with Idaho Code § 9-338(10)(b)(i)-(iii), as amended, and determined that the actual labor cost to the District for performing the aforementioned labor is thirty dollars and no cents (\$30.00) per hour; and

WHEREAS, the District has the statutory authority to charge a fee for providing a copy of a computer tape, computer disc, microfilm or similar or analogous record system containing public record information in accordance with Idaho Code § 9-338(10)(d)(i)-(iii), as amended, and the District has the authority to require advance payment of the copying cost; and

WHEREAS, the District may authorize the examination of public records outside of the regular office location or regular office hours, at which time the persons designated to represent the District shall be entitled to reasonable compensation to be paid to them by the District out of funds provided in advance by the requestor in accordance with Idaho Code § 9-338(8), as amended; and

WHEREAS, the District may not charge copying and labor costs when the requester demonstrates an inability to pay or that the public's interest or the public's understanding of the operations or activities of government or its records would suffer by the assessment or collection of any fee; and

WHEREAS, the Board set a public hearing for Thursday, August 6, 2009 and published notice of the same as required by law, for an adoption of a fee schedule for public records requests and the Board was available for receiving public comment of the proposal; and

WHEREAS, the Board has received comments and input from the community on the adoption of a fee schedule for public records requests as proposed by the District; and

WHEREAS, the Board passed Resolution No. 2009-26 on August 6, 2009, approving the costs for public records requests as shown in Exhibit "A" attached hereto; however, because the citations to the Idaho Code referenced in Resolution No. 2009-26 were changed in 2011, the Board desires to adopt this Resolution to likewise change the citations to the Idaho Code, which are listed above correctly.

NOW, THEREFORE, IT IS HEREBY FURTHER RESOLVED as follows:

Section 1: INCORPORATION OF RECITALS

The Board hereby incorporates the recitals set forth herein as a part of this resolution.

Section 2: ADOPTION OF A FEE SCHEDULE FOR PUBLIC RECORDS REQUESTS

The District shall charge copying and labor costs for public records requests as shown in Exhibit "A" attached hereto.

Section 3: RATIFICATION

The Board hereby ratifies all acts taken by members of the Board and/or agents on behalf of the Board or District relative to the implementation of a fee schedule for public records requests, and the hearing process is hereby ratified and approved.

Section 4: SEVERABILITY

If any section, paragraph, clause, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of each section, paragraph, clause, or provision shall in no manner affect any remaining provision of this Resolution.

Section 5: EFFECTIVE DATE OF RESOLUTION


This Resolution shall take effect and be in force and effect from and after its passage and approval.

PASSED at a regular meeting of the Board of Directors of the North Kootenai Water District, held on the 2nd day of February, 2012, upon which a roll call vote was duly taken and duly enacted.

NORTH KOOTENAI WATER DISTRICT


Chairman

ATTEST:


Secretary



I, the undersigned, Secretary of the North Kootenai Water District, Kootenai County, Idaho hereby certify that the foregoing Resolution is a full, true, and correct copy of a Resolution duly adopted at a regular meeting of the Board of Directors, duly and regularly held at a special meeting place thereof on February 2, 2012, of which meeting all members of said Board had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote:

AYES, and in favor thereof, Boardmembers:

NAYS, Boardmembers:

ABSENT, Boardmembers:

ABSTAIN, Boardmembers:

I further certify that I have carefully compared the same with the original Resolution on file and of record in my office; that said Resolution is a full, true, and correct copy of the original Resolution adopted at said meeting; and that said Resolution has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the Board on February 2, 2012.

NORTH KOOTENAI WATER DISTRICT



Glenn Brooks
Secretary

EXHIBIT "A"

NORTH KOOTENAI WATER DISTRICT
PUBLIC RECORDS REQUEST FEE SCHEDULE

Standard search charge	No charge
Standard copy charge	\$.08 per page
Standard labor charge for locating and copying more than 100 documents (in addition to the \$.08 per page copy charge)	\$30.00 per hour
Standard labor charge when nonpublic information must be deleted from a record	\$30.00 per hour
Standard labor charge for locating and copying documents which exceed two person hours (in addition to the \$.08 per page copy charge)	\$30.00 per hour
Copy of a computer tape, computer disc, microfilm or similar or analogous record system. This may require an advance payment of the cost of copying	Actual cost
Examination of records outside of the regular office or working hours authorized by the records custodian. This may require advance payment to the persons designated to represent the records custodian during the records examination.	Reasonable compensation