

RESOLUTION NO. 2009-23

A Resolution of North Kootenai Water District, Kootenai County, Idaho, setting a public hearing on 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 to adopt a fee schedule for public records requests pursuant to Idaho Code § 9-338; 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(8)(a) 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(8)(a)(i)-(iii) 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(8)(b)(i)-(iii) 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(7); 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 hereby sets a public hearing for August 6, 2009 at 12:30 p.m. to consider adoption of a fee schedule for public records requests, with the Notice for the Public Hearing in the form of Exhibit "A" attached hereto and incorporated herein by this reference.

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: CONFIRMATION OF PUBLIC HEARING

The Board hereby sets a public hearing on setting a charge for copying and labor costs for public records requests, with the publication of the Notice attached hereto as Exhibit "A".

Section 3: PUBLICATION OF NOTICE

The Notice of Public Hearing shall be published in the official newspaper of the District at least once each week for two weeks preceding the date of the public hearing.

Section 4: 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 5: 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 6: 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 16th day of July, 2009, upon which a roll call vote was duly taken and duly enacted.

NORTH KOOTENAI WATER DISTRICT



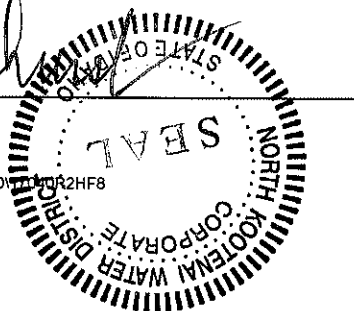
Chairman

ATTEST:



Secretary

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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 July 16, 2009, 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: 5

NAYS, Boardmembers: 0

ABSENT, Boardmembers: 0

ABSTAIN, Boardmembers: 0

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 July 16, 2009.

NORTH KOOTENAI WATER DISTRICT



Secretary

EXHIBIT "A"

NOTICE OF PUBLIC HEARING
NORTH KOOTENAI WATER DISTRICT
PUBLIC RECORDS REQUEST FEE SCHEDULE

The Board of Directors ("Board") of North Kootenai Water District ("District") shall hold a public hearing on a public records request fee schedule on August 6, 2009 at 12:30 p.m. at the District offices which are located at:

North Kootenai Water District

1841 West Hayden Ave.

P.O. Box 2290

Hayden, ID 83835

The proposed fee schedule is as set forth below:

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

If you are unable to attend the public hearing but would like to provide comments on the proposed fee schedule for public records, please send your comments to Secretary, Board of Directors, North Kootenai Water District, P.O. Box 2290, Hayden, ID 83835.