

RESOLUTION NO. 2019-04

**A RESOLUTION OF THE CALIFORNIA STORMWATER AUTHORITY
ADOPTING AND ESTABLISHING REPRODUCTION CHARGES IN COMPLIANCE
WITH THE CALIFORNIA PUBLIC RECORDS ACT**

WHEREAS, the California Stormwater Authority (“Authority”) was formed through the execution of a Joint Powers Agreement, effective June 1, 2018 on behalf of the signatory agencies the Fresno Metropolitan Flood Control District, the Alameda County Flood Control & Water Conservation District, and the State Water Resources Control Board; and

WHEREAS, the California Stormwater Authority is a public agency as defined in California Government Code section 6500; and

WHEREAS, the California Public Records Act (“CPRA”) (Gov. Code sec 6250) gives members of the public the right to inspect and obtain copies of the public records created, used, or maintained by Government agencies. The Act is interpreted to strongly favor disclosure of public records; and

WHEREAS, in enacting the CPRA, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this State; and

WHEREAS, except for costs of copying records or compiling and programming electronic records, it is the intent of the Authority to make its public records process timely, efficient and largely cost-free to the requester through posting on its website; and

WHEREAS, the Act allows an agency to charge the requester a fee not to exceed the direct costs of duplicating a public record. Direct costs of duplication include costs of reproduction, including scanning, and cost of staff time and postage expended in making and providing a copy of the record pursuant to Government Code section 6253(b); and

WHEREAS, duplication charges for electronic records copies are limited to the direct cost of producing the electronic copy pursuant to Government Code section 6253.9(a)(2); and

WHEREAS, requestors may be required to pay programming and computer service costs if the request requires the production of electronic records that are otherwise only produced at regularly scheduled intervals, or production of the record would require data compilation, extraction, or programming pursuant to Government Code section 6253.9(b); and

WHEREAS, the California Stormwater Authority may choose to reduce or waive the duplication costs that may be charged to requesters pursuant to Government Code section 6253(e); and

WHEREAS, the California Stormwater Authority desires to adopt a Reproduction Charge in compliance with the California Public Records Act.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the California Stormwater Authority as follows:

1. There shall be no charge for the first 10 pages reproduced in either electronic format or paper.
2. \$0.20 shall be charged for each additional page after first 10 pages, in either electronic format (not otherwise already in electronic form) or paper.
3. \$5.00 shall be charged for the cost of electronic media device (CD or flash drive) unless the requestor provides its own media device.

All fees and postage incurred for mailing copies shall be paid by the requestor in advance of delivery of the requested documents.

PASSED AND ADOPTED at a regular meeting of the California Stormwater Authority held on June 28, 2019, in Emeryville, California.

On the motion of Director Gosselin seconded by Director Mogus and by the following roll call vote:


AYES: Hofmann, Mogus, Gosselin

NOES: —


CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Stormwater Authority.

APPROVED AS TO CONTENT


Gerhard Hubner
Executive Director

APPROVED AS TO FORM


Gilbert A. Tujillo
Legal Counsel