




Berkeley Housing Authority

1901 Fairview St., Berkeley, CA 94703
Telephone: (510) 981 5470 Fax: (510) 981 5480

Office of the Executive Director

Item 5D
CONSENT CALENDAR
February 11, 2010

To: Honorable Chairperson and
Members of the Berkeley Housing Authority Board

From:  Tia M. Ingram, Executive Director

Subject: Adopting a schedule of charges for the production of records as required by the
Public Records Act and the Brown Act

RECOMMENDATION

Consideration of a resolution adopting a schedule of charges for 1) copies of public records produced in accordance with the California Public Records Act, and 2) copies of Commission agendas and meeting materials in accordance with the Brown Act.

BACKGROUND

The California Public Records Act ("PRA"), Government Code Section 6250 et seq., sets out the requirements pursuant to which government entities are to provide access to their records. The fundamental precept of the PRA is that governmental records shall be disclosed to the public, upon request, unless there is a specific reason not to do so. If a member of the public requests copies of records, except with respect to public records exempt from disclosure, the public entity is required to provide copies of the requested records upon payment of fees covering the direct cost of duplication.

Additionally, the Ralph M. Brown Act, Government Code Section 54960 et seq., California's open meeting law, provides that any person may request that a copy of a government entity's board meeting agenda and/or a copy of all documents constituting the agenda packet be mailed to that person. A person who makes such a request can ask that all agendas and board packets be mailed to him or her. Such a request is valid for the calendar year of the request, and must be renewed following January 1st of each year. The agenda is to be mailed at the time it is posted. Government Code Section 54954.1 provides that a government entity may establish a fee for mailed copies of agendas or agenda packets, which fee shall not exceed the cost of providing the service.

STATUS

Since BHA is a separate entity from the City of Berkeley, it needs to set its own fees for the production of records. The City of Berkeley currently charges ten cents per page for a copy of an 8.5 by 11 document, and twenty cents per page for a copy of a two-sided document. Also, as

allowed by law, the City charges the actual cost of copying if it does not have the capacity to copy the document and must send it to an outside vendor to be copied.

It is staff's recommendation that BHA adopt the same charges as the City of Berkeley for copies of documents requested pursuant to the Public Records Act, and provide that the BHA's charges will change whenever the City's charges change.

Additionally, the City implements its responsibility to provide agendas and agenda packets under the Brown Act by posting these documents on its website. It is staff's recommendation that the BHA implement this Brown Act requirement by 1) notifying the requester that the agendas are posted on its website, but giving the requestor the option of having the agendas mailed at no charge; and 2) notifying the requester that the agenda packets are posted on its website, and establishing a mailing fee of \$3.50, payable in advance, for requesters who prefer to have the agenda packets mailed to them.

FINANCIAL IMPACTS OF RECOMMENDATION

None

CONTACT PERSONS

Tia Ingram, Executive Director, 981-5471.

Attachment:

1. Resolution

BERKELEY HOUSING AUTHORITY
RESOLUTION NO. 10-_____

ADOPTING A SCHEDULE OF CHARGES FOR THE PRODUCTION OF RECORDS AS
REQUIRED BY THE PUBLIC RECORDS ACT AND THE BROWN ACT

WHEREAS, the California Public Records Act, Government Code Section 6250 et seq. provides that a public entity may charge the direct costs of duplication for copies of public records that are not exempt from disclosure; and

WHEREAS, the Ralph M. Brown Act, at Government Code Section 54954.1 provides that a public entity may establish a fee for mailing agendas and agenda packets; and

WHEREAS, the Housing Authority Board desires its Public Records Act charges be consistent with the charges imposed pursuant to the same requirements by the City of Berkeley, and

WHEREAS, the Housing Authority Board desires its Brown Act requirement to provide copies of agendas and agenda packets upon request to be satisfied by posting its agendas on its website, or mailing agendas, if requested, and by charging \$3.50 for mailing agenda packets.

NOW THEREFORE, BE IT RESOLVED, that the Housing Authority Board adopts the same schedule of fees for the production of public records as charged by the City of Berkeley; and

BE IT FURTHER RESOLVED, that the Housing Authority Board's schedule of fees for the production of public records shall automatically change to be consistent with the City of Berkeley's schedule of fees for copies of records whenever the City of Berkeley revises its schedule of fees; and

BE IT FURTHER RESOLVED, that the Housing Authority Board directs the Executive Director or her designee to mail copies of agendas to persons who request them after being told that the agendas will be posted on the Housing Authority's website; and

BE IT FURTHER RESOLVED, that the Housing Authority Board directs the Executive Director or her designee to provide mailed copies of agenda packets to person who request them after being told that the agenda packets will be posted on the Housing Authority's website, and establishing a fee of \$3.50, payable in advance, for the mailing of each agenda packet requested.

The foregoing Resolution was adopted by the Board of the Berkeley Housing Authority on February 11, 2010 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Attest: _____
Tia M. Ingram, Secretary