



1231 Eleventh Street
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

November 5, 2012

To: WesternPalms@aol.com (via Email Only)
Emerson Drake

Re: California Public Records Act Request

Dear Mr. Drake:

On October 30, 2012, Modesto Irrigation District received your Public Records Act Request via email, requesting a copy of the following:

“I would like a copy of Board Resolution 2006-54 known or referred to as the “Serpa” rule. I would also like a copy of Board policy regarding the “dotted lines” between staff and the Board.”

In accordance with Government Code section 6253, MID will comply with your request to the extent that the writings you have requested are not privileged or otherwise exempt from production under the California Public Records Act, or other applicable law.

Attached is a copy of Resolution No. 2006-54 authorizing the General Manager to Respond to Requests by Individual Directors and other Members of the Public for Access to or Provision of District Information and Information Systems. There is no Board policy regarding the “dotted lines” between staff and the Board.

Should you have any questions regarding this matter, please do not hesitate to contact this office at (209) 526-7388.

Sincerely,

Tim O'Laughlin
Interim General Counsel

Attachment

Copy: Allen Short
Pat Mills

RESOLUTION NO. 2006-54
AUTHORIZING THE GENERAL MANAGER TO RESPOND TO REQUESTS BY INDIVIDUAL DIRECTORS AND OTHER MEMBERS OF THE PUBLIC FOR ACCESS TO OR PROVISION OF DISTRICT INFORMATION AND INFORMATION SYSTEMS

WHEREAS, in exercising the power and duty granted to it by Water Code Section 21385 "to manage and conduct the business and affairs of the district the Board of Directors must utilize the limited resources of the District in an effective and efficient manner; and

WHEREAS, in an effort to maintain staff's diligent focus on the District's business and to help reduce costs and avoid ratepayer impact, the Board desires to establish policies regarding requests for access to District information and information systems.

BE IT RESOLVED, That the Board of Directors of the Modesto Irrigation District hereby authorizes the General Manager or the General Manager's designee to respond to requests by individual directors and other members of the public for access to or provision of District information and information systems as follows:

Every request must be directed to or through the General Manager and the General Manager shall evaluate the request. Except for requests to which a response is legally required, such as requests under the Public Records Act, or a subpoena, if the General Manager determines that response to the inquiry is appropriate, the General Manager shall appoint appropriate staff to provide such access and or information that, in the General Manager's experience and judgment, will require a collective effort of less than one-hour of staff time. All other requests shall be directed to the Board of Directors. No request shall be granted for direct access to the District's paper or electronic mail or record systems. The General Manager shall take measures as may be necessary to ensure that District information and information systems are properly secured.

Moved by Director Hensley, seconded by Director Warda, that the foregoing resolution be adopted.

The following vote was had:

Ayes: Directors Hensley, Kidd, Van Groningen and Warda

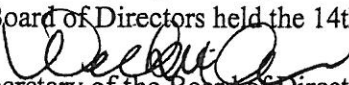
Noes: Director Serpa

Absent: Directors None

The President declared the resolution adopted.

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I, Vickie Ehrler, Secretary of the Board of Directors of the MODESTO IRRIGATION DISTRICT, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of said Board of Directors held the 14th day of March 2006.


Secretary of the Board of Directors
of the Modesto Irrigation District