

TRI-CITY REGIONAL SANITARY DISTRICT

Policy Relating to Public Records Requests

The Tri-City Regional Sanitary District (“TRSD”) is subject to the Arizona Public Records Law (A.R.S. §§ 39-121 *et seq.*). TRSD is committed to operating in a transparent and inclusive manner so as to foster trust among stakeholders and the general public.

1. Definitions

- a. Public Record: A.R.S. § 41-151 defines public records as “all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-151.16, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in the record.”
- b. Public Body: A.R.S. 39-121.01, defines a public body as “this state, any county, city, town, school district, political subdivision or tax-supported district in this state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by monies from this state or any political subdivision of this state, or expending monies provided by this state or any political subdivision of this state.”
- c. Requestor: Any person, corporation, partnership, limited liability company, firm, or association.

2. Purpose

The purpose of this policy is to facilitate compliance with the requirements of the Arizona Public Records Law, which requires that a Public Body maintain public records and make them available to the public. As required by A.R.S. Title 39, Chapter 1, Article, 2, TRSD is required to produce Public Records in a reasonable time after a request has been made. However, TRSD may deny a request to produce all or a part of a Public Record when the requested material contains information that is protected from disclosure by federal or state law.

3. Procedure

- a. Requesting Inspection of Public Records. Requests for Public Records must be submitted in writing using a TRSD Public Records Request Form. This form is available on the TRSD website: tri-citysanitarydistrict.com. The completed form will be accepted and processed by the Harper Law Offices, PC, 111 W. Cedar Lane, Suite C, Payson, AZ 85541. Requests can be sent via e-mail to mjh@harperazlaw.com. The TRSD Public Records Request Form requires the requestor to clearly state the specific documents requested, the reason(s) the records are requested, and whether the records will be used for a commercial or non-commercial purpose. Commercial purpose is defined by statute to mean “the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body.” A.R.S. § 39-121.03(D).

The requestor is also asked to indicate on the TRSD Public Records Request Form whether the request is to view the documents at the office, make photocopies, receive the documents electronically, or purchase the documents.

Anyone needing help with completing the TRSD Public Records Request Form may contact TRSD for assistance. The Form may be translated into another language and provided in alternative formats, such as Braille, upon request.

TRSD is required by the Public Records Law to respond to all requests “promptly.” TRSD will review the request and respond within a timely manner. Redacted records will be provided as applicable under Arizona Supreme Court guidelines to protect applicable confidentiality rights.

- b. Fees for Public Records. As permitted by A.R.S. § 39-121.01(D)(1), TRSD may charge a fee pertaining to administrative costs and the costs of reproduction and postage for hard copies of records requested for non-commercial purposes. Additional charges apply to public records requested for commercial purposes. See A.R.S. § 39-121.03.
 - **In person inspections:** In person inspections are permitted in connection with records requests which have been submitted and processed. There is no charge for in-person inspections. However, an appointment must be made with TRSD to review records which are the subject of requests which have been submitted and

processed. Walk-in requests without an appointment will not be honored.

- **Hard copies:** Checks or money orders should be made payable to the Tri-City Regional Sanitary District. All fees must be received by TRSD in advance of the release of records. Pursuant to Attorney General Opinion No. I86-090 (August 25, 1986), an agency may charge any fee it deems appropriate for copying records, including a reasonable fee for cost of time, equipment, and personnel in producing copies of records subject to public disclosure, but not the actual cost of staff time to search for the records.

TRSD will charge the following rates for copies of public records:

Paper copies:

- TRSD paper records (black and white) \$0.25 per page
- TRSD paper records (color copies) \$0.75 per page
- Map products; first copy \$25.00 each
- Additional copies \$ 7.00 each
- Postage or Fed Ex if requested items are mailed or shipped at actual cost
- \$25/hour for time generating copies. Said charge does not apply to time searching for records requested.

Electronic copies: No charge will be issued for documents which are already in electronic form. If a request requires TRSD to convert hard copies into electronic copies, a \$0.25 per page fee will be charged.

Website: If requested records or materials are available on TRSD's website, the records are deemed already available to the public free of charge. TRSD does not provide hard copies or electronic copies of materials that are already available for downloading through its website. This does not apply to requests for materials made through a reasonable accommodation request pursuant to the Americans With Disabilities Act or similar laws.

- c. Requests for Compilations. Requests that require that a document be created or that analysis be conducted in order to respond to the request are not subject to A.R.S. § 39-121. Only requests for an identifiable, existing record will be fulfilled under this Policy.
- d. Subpoenas. A.R.S. § 39-121 does not apply to records requested through a subpoena. All subpoenas will be referred to the agency's legal counsel for consideration and response.