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IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

26.01.01 - RULES OF ADMINISTRATIVE PROCEDURE OF THE IDAHO PARK AND RECREATION BOARD

000. LEGAL AUTHORITY.
The Idaho Park and Recreation Board is authorized under Section 67-4223(a), Idaho Code, to adopt, amend, or rescind rules as may be necessary for proper administration of the department and the use and protection of park and recreation areas subject to its jurisdiction. Pursuant to Section 67-5206(5), Idaho Code, the Idaho Park and Recreation Board adopts these rules of administrative procedure. (1-1-94)

001. TITLE AND SCOPE.

01. Title. The title of this chapter shall be cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.01, "Rules of Administrative Procedure of the Idaho Park and Recreation Board." (1-1-94)

02. Scope. This chapter establishes procedures for rule-making, declaratory rulings, obtaining access to public records, and other administrative matters within the jurisdiction of the Idaho Park and Recreation Board. (1-1-94)

002. WRITTEN INTERPRETATIONS.
This agency has written interpretations of these rules, in the form of explanatory comments accompanying the notice of proposed rule-making that originally proposed the rules, or documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying in the central office of this agency.(1-1-94)

003. ADMINISTRATIVE APPEAL.
There is no provision for administrative appeals before the Idaho Park and Recreation Board beyond those provided under this chapter. (1-1-94)

004. (RESERVED)

005. FINDING OF INAPPLICABILITY.
The Idaho Park and Recreation board finds that certain portions of the "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01.000 et seq. are inapplicable to its functions. In particular, the board does not hear contested case proceedings, and the adoption of that portion of the cited provisions would be unnecessary as well as fiscally burdensome. The board, pursuant to the provisions of Section 67-5206(5), Idaho Code, adopts these alternative rules of administrative procedure. (1-1-94)

006. CITATION.
The official citation of this chapter is IDAPA 26.01.01.000 et seq. For example, the citation for this section is IDAPA 26.01.01.006. (1-1-94)

007. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.
The central office of the department and the board is in Boise, Idaho. (1-1-94)

01. Mailing Address. The mailing address for both the board and the department, unless otherwise indicated, is: Statehouse Mail, Boise, ID 83720-8000. (1-1-94)

02. Street Address. The street address for both the board and the department, unless otherwise indicated, is: 5657 Warm Springs Ave., Boise, Idaho, 83716. (1-1-94)

03. Telephone -- FAX. The telephone number for the board and the department, unless otherwise

indicated is: (208) 334-4199; FAX (208) 334-3529. Relay service is available for the hearing impaired by calling 1-800-377-1363 (voice) or 1-800-377-3529 (TDD). (1-1-94)

04. **Office Hours**. The central office is open from 8 a.m until 5 p.m, local time, Monday through Friday. The central office is closed Saturday, Sunday and holidays. (1-1-94)

008. FILING OF DOCUMENTS -- NUMBER OF COPIES.
All documents required to be filed by Sections 150, 200, and 250 of this chapter shall be filed with the department staff designated for the particular proceeding. If no department staff has been designated, documents shall be filed with the director. Only the original document need be filed. (1-1-94)

009. (RESERVED)

010. DEFINITIONS.
As used in this chapter: (1-1-94)

01. **Board**. The Idaho Park and Recreation Board, a bipartisan, six (6) member board, appointed by the governor. (1-1-94)

02. **Department**. The Idaho Department of Parks and Recreation. (1-1-94)

03. **Director**. The director and chief administrator of the department, or the designee of the director. (1-1-94)

04. **Other Definitions**. The definitions set out in the "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01.005 (IRAP 5), are incorporated by reference. Copies of the "Idaho Rules of Administrative Procedure of the Attorney General" may be obtained from the Department of Administration, Office of the Administrative Rules Coordinator. (1-1-94)

011. -- 049. (RESERVED)

050. MEETINGS.

01. **Board Meetings**. Board meetings shall not knowingly be held at any place where discrimination on the basis of race, color, national origin, religion, gender, age, or disability is practiced. (1-1-94)

02. **Board Meetings Required**. The board shall meet at least once each quarter at a place within the state of Idaho as the board may select. All meetings of the board are open to the public, except as provided under Section 67-2345, Idaho Code. (1-1-94)

03. **Special Meetings**. A special meeting may be called at any time and place by the board chairman or a majority of the members of the board. Special meetings are open to the public and are subject to the same requirements as a regular quarterly board meeting, except as provided under Section 67-2345, Idaho Code. (1-1-94)

04. **Telephone Conference Call Meetings**. In the essence of time and because of budget considerations, it may be necessary to hold special meetings of the board by telephone conference call. Board meetings held by telephone conference are open to the public and are subject to the same requirements as a regular quarterly board meeting, except as provided under Section 67-2345, Idaho Code. (1-1-94)

05. **Notice**. (1-1-94)

a. Notices of all regular quarterly meetings, special or telephone conference call meetings shall be sent to all board members and others requesting notification of particular meetings at least ten (10) days prior to such meeting. (1-1-94)

b. Notice to the public for regular meetings, special meetings, telephone conference call meetings, and executive sessions shall be in accordance with the provisions of Section 67-2343, Idaho Code. (1-1-94)

06. Records of Meetings. The director or the designee of the director shall keep a complete record of all proceedings of the board, which proceedings shall be kept in a permanent record book to be designated as "Minutes of Proceedings of the Idaho Park and Recreation Board." Summary minutes shall be taken of all meetings, except as provided in Subsection 050.06.d. of this chapter. Neither a full transcript nor an electronic recording of the meeting is required. All minutes shall be available for public inspection within thirty (30) days after the meeting. Summary minutes shall include a minimum of: (1-1-94)

a. All members of the board present; (1-1-94)

b. All motions, resolutions, orders, or rules proposed and their disposition; (1-1-94)

c. The results of all votes, and upon the request of a member, the vote of each member, by name; (1-1-94)

d. Minutes of executive sessions may be limited to material the disclosure of which is not inconsistent with the provisions of Section 67-2345, Idaho Code, but shall contain sufficient detail to convey the general tenor of the meeting. (1-1-94)

051. -- 099. (RESERVED)

100. GENERAL PROVISIONS.
The provisions set out in the "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01.050 through 057 (IRAP 50 through 57), are incorporated by reference. Copies of the "Idaho Rules of Administrative Procedure of the Attorney General" may be obtained from the Department of Administration, Office of the Administrative Rules Coordinator. (1-1-94)

101. -- 149. (RESERVED)

150. RULEMAKING.
The provisions set out in "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01.800 through 999 (IRAP 800 through 999), are incorporated by reference. Copies of the "Idaho Rules of Administrative Procedure of the Attorney General" may be obtained from the Department of Administration, Office of the Administrative Rules Coordinator. (1-1-94)

151. -- 199. (RESERVED)

200. DECLARATORY RULINGS.
The provisions set out in the "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01.400 through 409 (IRAP 400 through 409), are incorporated by reference. Copies of the "Idaho Rules of Administrative Procedure of the Attorney General" may be obtained from the Department of Administration, Office of the Administrative Rules Coordinator. (1-1-94)

201. -- 249. (RESERVED)

250. REQUEST TO APPEAR BEFORE THE BOARD.
Any person directly affected or aggrieved by a decision of the director may request to appear before the board to state their case and seek relief. Requests must be filed at the central office not more than thirty (30) days from the date of the decision sought to be reviewed. The request shall contain a general statement of the purpose of the requested appearance, and the relief sought. (1-1-94)

01. Grant or Denial of Request. Within thirty (30) days of receipt of the request to appear, the person seeking to appear will be notified whether the request was granted or denied. If the request is granted, the person will be advised as to the date and location of the board meeting at which the matter will be taken up by the board, and the approximate time that the board will take up the matter. If the request is denied, the person will be advised the reason or reasons for the denial. (1-1-94)

02. Final Agency Action. A denial of a request to appear or a decision made by the board pursuant to Subsection 250.01 of this chapter, is a final agency action and is governed by the provisions of Section 67-5270, Idaho Code. (1-1-94)

251. -- 299. (RESERVED)

300. PUBLIC RECORDS.
It is the intent of these rules to specify the procedures whereby public and private entities may gain access to the department's records, the charges, if any, for photocopying or duplication of computerized records, and procedures available when a request to examine or copy a public record is denied. (1-1-94)

01. Records Available, Procedure. Records of the department are deemed to be available for public inspection and copying, pursuant to the provisions of Title 74, Chapter 1, Idaho Code. A public records custodian, designated by the director, shall be located in each park, each region office, each department operated visitor center, and in the central office. Each public records custodian shall permit inspection or copying of public records under his or her control in compliance with public records disclosure requirements of Title 74, Chapter 1, Idaho Code. (1-1-94)

a. Any person requesting to examine or copy department records shall make a written request upon a "Request To Examine and/or Copy Public Record" form prescribed by the department which shall be available at each park, each region office, each department operated visitor center, and in the central office. (1-1-94)

b. In all cases in which a request to examine or copy a public record is made, it shall be the obligation of the public records custodian or staff member to whom the request is made to provide reasonable assistance to the person making the request. (1-1-94)

02. Fees. No fee will be charged for the examination of public records during regular business hours. The department may charge, in advance, a reasonable fee for examination or copying which occurs outside regular business hours, for providing copies of public records, for use of the department copy equipment, and for duplication of computerized records, at the following rates: (1-1-94)

a. For inspection or copying of records during other than regular business hours, the actual hourly compensation to which the custodian, or person designated to represent the custodian, is entitled, in addition to copying costs established by these rules; (1-1-94)

b. For providing copies of public records, or for use of the department photocopy equipment, ten cents ($.10) per page for requests in excess of ten (10) pages; (1-1-94)

c. For complete county or statewide automated or printed copies of a recreational registration or other computerized records: No charge will be made for requests which can be processed during regular business hours. Requests which must be processed outside regular business hours will be charged personnel costs pursuant to Subsection 300.02.a. of this chapter. Where mailing is required, the records requested will be shipped COD. Media type will be restricted to equipment available to the department for production of the records requested. Available media will be listed on the "Request To Examine and/or Copy Public Record" form. Any conversion of the record to make it readable by specific equipment is the sole responsibility of the person requesting the record, and the cost of providing the record will not be adjusted due to incompatibility of the requestor's equipment. If a file is damaged, the department will reproduce the file at no additional cost. Any magnetic media required will be provided by the person requesting the record; (1-1-94)

d. Statistical data which is maintained on an automated system by the department for its use is available at no cost; (1-1-94)

e. For duplication of public records not specifically addressed by these rules, the actual cost incurred by the department; (1-1-94)

f. The department will provide access to information contained in automated recreational registration files by law enforcement or other state or federal agencies at no charge or fee. (1-1-94)

03. Determination of Exempt Records. The department reserves the right to determine that a public record requested in accordance with the procedures outlined in these rules is exempt from disclosure under the provisions of applicable state and federal statutes. (1-1-94)

04. Time for Granting or Denying Request. Public records custodians shall grant or deny requests to examine or copy public records maintained by the department within three (3) working days of the date of receipt of the request. (1-1-94)

05. Extensions of Time. If the public records custodian determines that a longer period of time is needed to locate or retrieve the public records, the custodian shall notify, in writing, the person making the request, and shall provide the public records to the person no later than ten (10) working days following the person's request. (1-1-94)

06. Denials. All denials or partial denials of requests for examination and copying of public records shall include: (1-1-94)

a. A written statement specifying the reason for the denial, including reference to the specific statutory authority for the denial; (1-1-94)

b. A statement that the attorney for the department has reviewed the request for examination and copying, or a statement that the department has had an opportunity to consult with an attorney regarding the request for examination or copying of a record and has chosen not to do so; (1-1-94)

c. A statement notifying the person making the request for examination and copying of a record of the person's right to appeal the denial or partial denial and the time period for doing so. (1-1-94)

07. Protection of Public Records. Records shall not be removed from the place designated for their inspection. (1-1-94)

301. -- 999. (RESERVED)

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