

BIRCH BAY WATER AND SEWER DISTRICT, WHATCOM COUNTY, WASHINGTON

RESOLUTION NO. 455

A RESOLUTION ESTABLISHING PROCEDURES
FOR PUBLIC ACCESS TO DISTRICT RECORDS,
CONSISTENT WITH THE STATE PUBLIC DISCLOSURE ACT, (RCW 42.17).

WHEREAS the State Public Disclosure Act, RCW 42.17 ("Act") requires all State and local agencies to adopt rules concerning public access to agency records for inspection and copying;

WHEREAS the District desires to adopt rules to establish procedures for inspection and copying of District records by members of the public consistent with the provisions of such Act;

NOW, THEREFORE, it is resolved that the District hereby adopts the following procedures in respect to the accessibility of its records for inspection and copying by members of the public:

1. Policies. The District hereby adopts by reference the policies of the Washington Public Disclosure Act, Section 42.17.250, pertaining to public records.

2. Adoption by Reference. The District hereby adopts by reference the following Sections of Chapter 390.05 of the Washington Administrative Code:

<u>WAC 390.05-</u>	<u>Subject</u>
.010	Purpose
.020	General Administration Policy
.240	Definition - Person
.260	Definition - Public Record
.273	Definition of Normal and Regular Conduct
.280	Definition - Writing

3. Public Records Available. All public records of the District are deemed to be available for public inspection and copying pursuant to these rules, unless otherwise exempt pursuant to the provisions of RCW 42.17.310.

4. Public Records Officer. The District's public records shall be in the charge of the District Manager, who shall be responsible for implementing the District's rules and regulations regarding release of public records, coordinating the staff of the District in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of RCW 42.17.

5. Hours for Records Inspection and Copying. Public records shall be available for inspection and copying from 8:00 A.M. to 4:30 P.M., Monday through Friday, excluding legal holidays.

6. Requests for Public Records.

(1) Public records may be inspected or copied or copies of such records may be inspected or copied or copies of such records may be obtained by members of the public, upon compliance with the following procedures:

(a) A request shall be made in writing upon a form prescribed by the District which shall be available at the District office. The form shall be presented to the District Manager or district staff member at the District office during customary office hours. The request shall include the following information:

- (i) The name of the person requesting the record;
 - (ii) The time of day and calendar date on which the request was made;
 - (iii) The nature of the request;
 - (iv) If the matter requested is referenced within the current index maintained by the District Manager, a reference to the requested record as it is described in such current index;
 - (v) If the requested matter is not identifiable by reference to the District's current index, an appropriate description of the record requested.
- (2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

7. Copying of Public Records. No fee shall be charged for the inspection of public records. The District shall charge a fee of twenty-five cents (\$.25) per page for providing copies of public records and for use of the District's copy equipment. This charge is the amount necessary to reimburse the District for its actual costs incident to such copying.

8. Right to Exempt Records from Public Inspection.

- (1) The District reserves the right to determine that a public record requested in accordance with these procedures is exempt from the provisions of RCW 42.17.310.
- (2) In addition, pursuant to RCW 42.17.260, the District reserves the right to delete identifying details when it makes available or publishes any public record in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by RCW 42.17. The public records officer will fully justify such deletion in writing.
- (3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing withholding of the record and a brief explanation of how the exemption applies to the record withheld.

9. Review of Denials of Public Records Requests.

- (1) Any person who objects to the denial of a request for a public record may petition the District for prompt review of such decision by tendering a written request for review. The petition shall specifically refer to the written statement by the District Manager or other staff member which constituted or accompanied the denial.
- (2) Immediately after receiving a written request for a review of a decision denying a public record, the District Manager or other staff member denying the request shall refer the request to the President of the Board of Commissioners. The President shall immediately consider the matter and either affirm or reverse such denial, or refer the matter to review at the next regularly scheduled meeting of the Board of Commissioners. In any case, the requests shall be returned with a final decision within twenty (20) business days following the date of the original denial.

- (3) Exhaustion of Administrative Remedy. A person shall not be considered to have exhausted his/her administrative remedies until the Board of Commissioners has returned the petition with a decision or until the close of the twentieth (20th) business day following denial of the inspection, whichever first occurs.

10. Records Index.

- (1) The District has available to all persons a current index which provides identifying information as to all resolutions passed by the Board of Commissioners. The District has not indexed all of the public records described in RCW 42.17.260(2) on the basis that it would be unduly burdensome to do so and it would not necessarily assist members of the public in locating requested information.
- (2) The current index prepared by the District shall be available to all persons under the same rules and conditions as are applied to public records available for inspection.

PASSED BY THE BOARD OF COMMISSIONERS OF BIRCH BAY WATER AND SEWER DISTRICT, WHATCOM COUNTY, WASHINGTON, at its regular meeting held the 11th day of February, 1988.

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JANUARY, 1988 ^{PK}

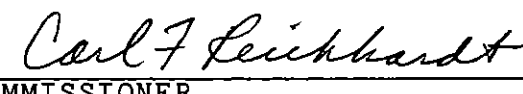
PRESIDENT AND COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 455 of the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, adopted at the regular meeting thereof on the 11th day of February, 1988.

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SECRETARY AND COMMISSIONER