

KITSAP COUNTY SEWER DISTRICT NO. 7

RESOLUTION NO. ____-2002 - 4

A RESOLUTION of the Board of Commissioners of the Kitsap County Sewer District No. 7, adopting rules for public inspection and copying of public records.

WHEREAS, the State Public Disclosure Act, Chapter 42.17 RCW (the "Public Disclosure Act" or "Act") requires that public agencies make public records, as defined in the Act, available for inspection and copying; and

WHEREAS, the Act requires state and local agencies to adopt and publish rules and procedures governing the inspection and copying of such public records; and

WHEREAS, the Kitsap County Sewer District No. 7 ("District") is a local agency subject to the Act;

NOW, THEREFORE, BE IT HEREBY RESOLVED by Board of Commissioners ("Board") of the District, in a regular meeting that the following are adopted as the rules of the District governing inspection and copying of its public records as required by RCW 42.17.260:

1. **PUBLIC RECORDS AVAILABLE.** All public records of the District, as defined in RCW 42.17.010 *et seq.* are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and Rule 7 herein.
2. **PUBLIC RECORDS OFFICER.** The District's public records shall be in the charge of the District Manager. The District Manager or his/her designee shall be responsible for the following: the implementation of the District's rules 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 Chapter 42.17 RCW.
3. **HOURS FOR RECORDS INSPECTION AND COPYING.** Public records shall be available for inspection and copying during the customary office hours of the District, 9:00 a.m. to 3:00 p.m., Monday through Friday, excluding legal holidays, in the offices of the District at 12828 Northup Way, Suite 150, Bellevue, Washington 98005.
4. **REQUESTS FOR PUBLIC RECORDS.** In accordance with requirements of Chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from loss, damage or disorganization, and to prevent excessive interference with essential functions of the agency, public 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: (1) a request shall be

made in writing upon a form prescribed by the District which shall be available at its office. The form shall be presented to the District Manager or to any member of the District's staff, if the District Manager is not available, at the office of the District during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request; and
- (d) 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 District Manager or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

5. **RESPONSES TO REQUEST FOR PUBLIC RECORDS.** Responses to requests for public records shall be made promptly by the District Manager or other District staff. Within five business days of receiving a public records request, the District Manager or other District staff must respond by either (1) providing the record; (2) acknowledging that the records request has been received and providing a reasonable estimate of the time the public records officer or department will require to respond to the request; or (3) denying the public records request. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the requests. If a requestor fails to clarify their request when asked to do so in writing, then responses are not required. Denials of requests must be accompanied by a written statement of the specific reasons for the denial.

6. **COPYING OF PUBLIC RECORDS.** No fee shall be charged for the inspection of public records. The District shall charge a fee of fifteen cents (15¢) per page of copy for providing copies of public records and for use of the District's copy equipment together with the cost of actual postage or delivery charges and the cost of any container or envelope used to transmit the documents to the requestor; provided, the cost to reproduce oversized documents, maps, photographs, audiotapes and other non-standard media shall be the District's actual costs. Nothing in this section shall preclude the District from agreeing to exchange with or provide copies of reports or records to other state, local or federal agencies whenever doing so is in the best interests of the District.

7. **EXEMPTING RECORDS FROM PUBLIC INSPECTION.** (1) The Board of Commissioners reserves the right to determine that a public record requested in accordance with the procedures outlined in Rule 4 is exempt under the provisions of RCW 42.17.310 or other State or federal law; (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 any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by Chapter 42.17 RCW. The District Manager will fully justify such deletion in writing; and (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 the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

8. REVIEW OF DENIALS OF PUBLIC RECORD REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request 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 review of a decision denying a public record, the District Manager or other staff member denying the request shall refer it to the Chairperson of the Board of Commissioners. The Chairperson shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the Board of Commissioners as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following receipt of the petition for review; (3) administrative remedies shall not be considered exhausted until the District has returned the petition with a decision or until the close of the second business day following the District's receipt of the petition, whichever occurs first.

9. PROTECTION OF PUBLIC RECORDS. (1) No person shall knowingly alter, deface, or destroy public records; (2) original public records shall not be removed from the premises where maintained; (3) the care and safekeeping of the public records furnished pursuant to a request for inspection and copying shall be the sole responsibility of the requestor; (4) records furnished for public inspection or copying shall be returned in the same condition and in the same file sequence or organization as when furnished; (5) the public records officer shall take all reasonable steps and impose appropriate conditions on the inspection and copying of public records so as to protect such records and to preserve the integrity of other proper activities of the office. Inspection or copying shall be denied and records shall be withdrawn if the person inspecting or copying the records is engaging in conduct likely to damage or substantially disorganize them or so as to interfere excessively with other essential functions of the office or in disregard of conditions imposed by the public records officer.

10. RECORDS INDEX. Compliance with RCW 42.17.260(2), regarding the maintenance of an index to the District's records, is hereby deemed to be unduly burdensome to the District and unnecessary to assist members of the public in locating records of which inspection and/or copying is sought. Any index maintained by the District in the future will be made available for public inspection and copying.

11. RECORD REQUEST FORM. The District hereby adopts for use by all persons requesting inspection and/or copies of records the form hereto attached and by this reference herein incorporated entitled "Request for Public Record."

ADOPTED by the Board of Commissioners of the Kitsap County Sewer District No. 7, at the regular open public meeting thereof held the 13 day of June, 2002.

SIGNED AND APPROVED:

Sarah M. Lee

ATTESTED BY:

Emily Soto

DATE:

June 13, 2002