

**PORT OF MANCHESTER
RESOLUTION NO. 03-25**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF MANCHESTER ADOPTING PUBLIC
RECORDS ACT DISCLOSURE POLICY**

WHEREAS, it is the policy of the Port of Manchester ("Port"), pursuant to Washington's Public Records Act as codified in Chapter 42.56 RCW, to ensure the public has access to the Port's public records, except as expressly exempted by appropriate Washington statutes, pursuant to the terms of this resolution; and

WHEREAS, the purpose of this resolution is to provide procedure and rules, for the public and Port to follow, in the identification and release of all non-exempt Port public records as may be requested by members of the public; and

WHEREAS, the Port of Manchester Public Records Act Disclosure Policy, attached hereto as EXHIBIT A, is adopted as the rules and procedures of the Port governing public inspection and copying of its public records, and an appeal process when document requests are denied, as established by Chapter 42.56 RCW and Washington law.

NOW THEREFORE BE IT RESOLVED by the Port Board that Resolution 07-22, and any other Resolutions that established policy covered by this Resolution, are hereby terminated and replaced by the rules for public inspection and copying of public records defined herein, and the attached as EXHIBIT A, which are hereby adopted and which shall be effective June 17, 2025.

THIS RESOLUTION was duly considered and approved by the Board of Commissioners of the Port of Manchester in a regularly scheduled open public meeting on June 16th, 2025.

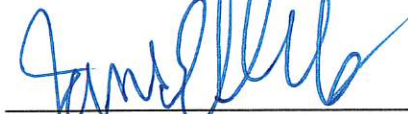
1. **Ratification.** Any act consistent with the authority granted pursuant to this Resolution occurring prior to the effective date of this Resolution is hereby ratified and affirmed; and
2. **Severability.** The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this resolution or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of the

resolution, or the validity of its application to other persons or circumstances; and

3. **Effective Date.** This resolution shall become effective immediately upon adoption and signature as provided by law.

ADOPTED by the Port of Manchester Board of Commissioners on
June 16, 2025.

PORT OF MANCHESTER



James E. Strode, President

Robert Ballard, Secretary

Paul Drotz, Commissioner

**Port of Manchester
Public Records Act Disclosure Policy**

PURPOSE

The purpose of this policy is for the Port of Manchester ("Port") to comply with the requirements of the Public Records Act by providing for consistent and predictable practices for responding to and fulfilling requests for public records in a manner consistent with the Washington State Public Records Act, Chapter 42.56 RCW.

1. **PUBLIC RECORDS AVAILABLE.** All public records of the Port are deemed to be available for public inspection and copying, except as otherwise provided by applicable Washington law and the terms of this resolution.

Pursuant to RCW 42.17.020(41), the Port's public records consist of any writings relating to the conduct of the Port, or the performance of its functions which are owned, used, or retained by the Port, regardless of format. Provided, however, the following records are exempted from public disclosure:

A. **Public Personnel Information.** Pursuant to RCW 42.56.230(2), personal information in files maintained for employees or independent contractors shall not be disclosed to the extent they would violate the person's statutorily protected right to privacy.

B. **Real Estate Appraisals and Negotiations.** Pursuant to RCW 45.56.260, the contents of any real estate appraisals made for the Port relative to the purchase or sale of any real property shall not be disclosed until the earlier of three years from the appraisal's date or such time as the contemplated transaction has been completed.

C. **Preliminary Records.** Pursuant to RCW 45.56.280, preliminary drafts, notes, recommendations, and intra-Port memorandums in which opinions are expressed or policies formulated or recommended are exempt, except in such cases where the record in question is publicly cited by the Port in conjunction with Port action.

D. **Security Sensitive Information.** Pursuant to RCW 42.56.420, information relating to the security of Port property, systems and personnel is exempt from public inspection; and

E. **Other Records Protected by Statute.** Other records as referenced in this resolution and/or Washington law that are protected and exempt from public disclosure by law shall not be subject to public inspection.

2. **PUBLIC RECORDS OFFICER.** The Port designates Manchester Water District's General Manager as the person in charge of the Port's public records. If they cannot so act, then the Port's Attorney, Foster Garvey PC, is designated as the alternate person in charge. The public records officer shall be responsible for implementation of the Port's rules regarding release of public records, and insuring compliance with the public records disclosure requirements of Chapter 42.56 RCW.

3. **HOURS FOR RECORDS INSPECTION AND COPYING.** Public records shall be available for inspection and copying by appointment only by calling the Public Records Officer's office at (360) 871-0500. The alternate person's contact number is (206) 447-4400.

4. **REQUEST FOR PUBLIC RECORDS.** In accordance with the requirements of Chapter 42.17 and 42.56 RCW directing that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the Port, public records may be inspected or copied, or copies of such records obtained by members of the public, upon compliance with the following procedures:

A. **Request Form.** A request shall be made in writing upon the form prescribed by the Port (identified on "**EXHIBIT B**") which will be available at its office. The completed form shall be presented to Manchester Water District's General Manager, or Designee, by appointment only by calling (360) 871-0500. The request shall include the name of the person requesting the record ("requestor"), contact information regarding the requestor, date the request was made, nature of the request, and an appropriate description of the public records(s) requested, including, if reasonably possible, title, subject matter, document date, and any other means to aid the Port in identifying and making the same available.

B. **Port Assistance to Requestor.** In all cases in which a member of the public makes a public document request, it shall be the obligation of the person to whom the request was made to assist the member of the public in appropriately identifying the public records requested. The person to whom the request was made shall refer the member of the public to the Manchester Water District General Manager. In the event the record(s) cannot be identified, the Port shall so advise the requestor and, in the case of a formal request having been made, return the formal request for resubmission with additional description of the requested records necessary for the District General Manager to locate the same.

C. **Notification If Records Not Readily Available.** Public records requested may not be easily available for immediate inspection. If the requested document(s) is/are not readily available, the requestor shall be notified as to the approximate date they should be available and the reason for the delay. Such notification shall occur no later than five (5) business days after the request if initially made, provided that the District General Manager has received the request and is not on vacation or absent for medical

reasons. In such cases, the notification shall occur no later than five (5) business days after the District General Manager has returned to the office.

5. COPYING OF PUBLIC RECORDS. No fee will be charged for locating public records, or for making public records available for inspection.

A. The general records of the Port are defined as all Port public records except for medical incident reports. For records requests requiring copies of these records, the requestor shall pay the appropriate reproduction and mailing costs listed in the following table. The Public Records Officer may elect to waive these fees with permission from the Board of Commissioners.

B. The Port has calculated the actual costs it charges for providing photocopies pursuant to Chapter 42.56.070 RCW and identified in the Statement of Cost attached hereto as Exhibit B.

C. The Port finds calculating the cost for providing electronic copies, including those costs related to production, file transfer, storage and transmission is unduly burdensome and will charge the default rate provided in Table 3.

Table 3 - General Records Costs

MEDIA OR FORMAT	COST
Black & white paper photocopies or printed copies of electronic records when requested by the requestor (8½ x 11, per side)	\$0.29 per page
Color copies (8½ x 11, per side)	Billed for actual cost
Large paper copies (11x17, drawings, etc.)	Billed for actual cost
Scanning or creating electronic documents from existing paper copies using Agency equipment	\$0.10 per page
CD-ROM, DVD or other form of physical digital media	Billed at actual cost
Records uploaded to email or cloud -based data storage service, or other means of electronic delivery	\$0.05 per each for electronic files or attachments
Records transmitted in electronic format or for use of agency equipment to send records electronically.	\$0.10 per gigabyte
Postage and Mailing Costs	Actual cost of postage and mailing materials

All above fees and expenses shall be paid by the requestor to the District General Manager/Port Attorney prior to delivery of the public records.

6. **DETERMINATION OF PUBLIC RECORDS EXEMPTION STATUS.**

A. **Determination If Exemption Applies.** If an appeal be made, the Port Board of Commissioners reserve(s) the right to determine if any records requested, in accordance with the procedures outlined in Section 4 hereof, are exempt from public inspection under the provisions of Chapter 42.56 RCW, the statutes cited in Section 11 hereof, and/or other applicable Washington law.

B. **Privacy Concerns – Deletion of Identifying Details.** In addition, pursuant to RCW 42.56.070 (1), the Port reserves the right to delete identifying details when it make available or publishes any public record, in any situation when there is reason to believe disclosure of such details would be an invasion of an individual's privacy rights protected by Chapter 42.56 RCW. The District General Manager shall justify such deletion in writing to the requestor.

C. **Written Explanation of Denials.** All denials or requests for Port records by the Port shall be accompanied by a written statement to the requestor specifying the reason(s) for the denial, including a statement of the specific statutory exemption(s) authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

7. **REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS**

A. **Finality of Request Denial.** A public records request denial shall not be deemed final until the requestor has first appealed the District General Manager's decision to the Port Board of Commissioners. The appeal request: shall be in writing; shall be delivered to the President of the Port Commissioners at his or her home address of record within ten (10) days of the requestor being notified of the denial; and it shall concisely explain his or her reasoning as to why the denial was improper. Failure by the requestor to deliver his/her appeal within the ten (10) day time period shall be deemed an acceptance by him/her of the District General Manager's denial decision.

B. **Final Determination by Board of Commissioners.** Upon receiving a timely appeal, the Board of Commissioners shall consider the matter at its next regularly scheduled Board of Commissioners meeting and take one of the following actions: affirm the earlier denial; reverse the earlier decision to deny access. In any case, the requestor shall be notified of the Board's decision and the reason(s) therefore, within five (5) business days following the Board's decision. Upon receiving an unfavorable decision from the Board of Commissioners, the requestor shall then have the ability to seek judicial review of the decision.

8. **RECORDS INDEX.** In compliance with RCW 42.15,070 (4) regarding maintenance of an index to Port records, it is hereby deemed unduly burdensome to the Port, and unnecessary to assist members of the public in locating records for which

inspection and/or copying is/are sought, for the Port to create and maintain an index of all its public records. The Port is sufficiently small enough that if the requestor notifies the Port of the type of record(s) it seeks, the Port should be able to quickly identify and supply such records(s).

9. **RECORD REQUEST FORM.** The Port hereby adopts for use by all persons requesting inspection and/or copies of records, the form attached hereto as **Exhibit B**, and by this reference hereby incorporated herein, entitled "Request for Public Records." Prior to the Port acting upon any request, the form shall be fully completed and returned to the District General Manager, or designee. Upon approval of any request, before copies are delivered to the requestor, he or she must first pay all District General Manager/Port Attorney charges as identified in Section 5 above.

10. **RECORDS PRESERVATION.** In order that the Port's records may be adequately protected and maintained in an organized fashion, when a member of the public seeks to personally review any Port records, the following rules shall be observed:

- A. No original Port records shall be removed from Port offices;
- B. Inspection of all requested Port public records shall be conducted in the presence of a designated Port agent;
- C. No Port public record may be marked, altered in any fashion, or defaced in any manner during inspection;
- D. Records which are maintained in a file or jacket or in chronological order may not be dismantled except for purposes of copying, and then only by the District General Manager, or designee;
- E. Access to file cabinets, shelves, vaults and other Port storage areas is restricted solely to Port personnel authorized to access such file cabinets, etc;
- F. The District General Manager or designee, at any time, may limit inspection and copying to the extent necessary to prevent such activity from unreasonably disrupting District operations.

11. **EXEMPTIONS TO PUBLIC DISCLOSURE.** In addition to other document exemptions identified in this Resolution, information concerning any of the following areas contained in Port documents, in whatever form, is/are exempt from Public Disclosure:

- A. Attorney/Client privilege RCW 5.60.060.
- B. Criminal background checks RCW 43.43
- C. Criminal Records Privacy Act RCW 10.97

- D.** Uniform Health Care Information Act (medical records) RCW 70.02
- E.** The American with Disabilities Act (medical records) 42USC § 12112; and
- F.** Alcohol and drug abuse patient records. RCW 70.96, 42 CFR § 2.1

EXHIBIT B

Return To:
Port of Manchester
PO Box 304
Manchester, WA 98353

**PORT OF MANCHESTER
REQUEST FOR PUBLIC RECORDS**

Date: _____

Full name(s) of Requesting person(s): _____

Mailing Address: _____

Contact Phone Number: _____

Description of Records sought (Please be as specific as possible as to what you seek to aid Port personnel in identifying and locating pertinent records): _____

I, the above identified person(s) certify that the information obtained through this Request for Public Records will not be used for commercial or illegal purposes.

Signature: _____

Signature _____

FOR PORT USE ONLY:

Date and Time Request Received by Port: Date: _____ Time: _____

Action Taken on Request and Reason taken on action if request denied in whole or part: _____

Name of Person Taking Action: _____ Date: _____

Postage _____

Material Costs _____

Copy Charge _____ @ 29 cents per page

Time Charge (Copying) _____ @ \$60 per hour or fraction thereof

Other Charges _____

TOTAL CHARGE _____