

Manchester Water District
PO Box 98
Manchester, Washington 98353-0098
360-871-0500

**MANCHESTER WATER DISTRICT
RESOLUTION NO. 2006-11**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
MANCHESTER WATER DISTRICT ADOPTING RULES FOR
PUBLIC INSPECTION AND COPYING OF PUBLIC RECORDS**

PREAMBLE: It is the policy of the District, pursuant to Washington's Public Disclosure Act as codified in Chapter 42.56 RCW, to ensure the public has free and unfettered access to the District's public records, except as expressly exempted by appropriate Washington statutes, pursuant to the terms of this resolution. The purpose of this resolution is to provide procedure and rules, for the public and District to follow, in the identification and release of all non-exempt District public records as may be requested by members of the public. Now, therefore,

BE IT RESOLVED by the Board of Commissioners of MANCHESTER WATER DISTRICT ("District"), that the following are adopted as the rules and procedures of the District 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:

1. PUBLIC RECORDS AVAILABLE. All public records of the District 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 District's public records consist of any writings relating to the conduct of the District, or the performance of its functions, which are owned, used, or retained by the District, regardless of format. Provided, however, the following records are exempted from public disclosure:

A. Private Personnel Information. Pursuant to RCW 42.56.230(2), personal information in files maintained for employees shall not be disclosed to the extent they would violate the employee's statutorily protected right to privacy;

B. Real Estate Appraisals. Pursuant to RCW 42.56.260, the contents of any real estate appraisals made for the District 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 42.56.280, preliminary drafts, notes, recommendations, and intra-District 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 District in conjunction with District action;

D. **Security Sensitive Information.** Pursuant to RCW 42.56.420, information relating to the security of District 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 District General Manager shall be in charge of the District's public records. He or she shall be responsible for implementation of the District's rules regarding release of public records, coordinating District staff in this regard, and generally insuring compliance by District staff 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 during the customary office hours of the District, Monday through Friday, excluding legal holidays, from 9 a.m. to noon, and from 1:00 p.m. to 4:00 p.m.

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 agency, 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 District (identified on "**EXHIBIT A**" of this Resolution) which will be available at its office. The completed form shall be presented to the District's General Manager, or designee member of the District's office staff, if the General Manager is not available, at the District's office during customary office hours. 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 record(s) requested, including, if reasonably possible, title, subject matter, document date, and any other means to aid District staff in identifying and making the same available.

B. **District Staff 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 General Manager or designee staff member to whom the request was made, to assist the member of the public in appropriately identifying the public records requested. In the event the record(s) cannot be identified, the District 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 District staff to locate the same.

C. Notification if Records Not Readily Available. Public records requested may not be readily 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 is initially made.

5. COPYING OF PUBLIC RECORDS. No fee shall be charged for the inspection of public records. The District shall charge the requestor: for making copies of public records; for staff time in making copies; and for its postage and mailing container costs, as follows---

A. Copy Charge. Per Page Copy Charge: FIFTEEN CENTS (\$0.15) ;

B. Labor Costs. TWENTY FIVE DOLLARS (\$25.00) AN HOUR, billed in half hour increments, when staff time to copy documents for a request exceeds 15 minutes in a 24-hour period.

C. Postage / Mailing Containers: Actual postage plus the cost to the District of any mailing containers/envelopes.

All said fees and expenses shall be paid by the requestor to the District prior to delivery of the public records.

6. DETERMINATION OF PUBLIC RECORDS EXEMPTION STATUS.

A. Determination if Exemption Applies. The General Manager, and if appeal be made, the District 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, the statutes cited in Section 12 hereof, and/or other applicable Washington law;

B. Privacy Concerns- Deletion of Identifying Details. In addition, pursuant to RCW 42.56.070(1), the District reserves the right to delete identifying details when it makes 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 General Manager shall justify such deletion in writing to the requestor.

C. Written Explanation of Denials. All denials of requests for District records by the District 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 RECORD REQUESTS.

A. Finality of Request Denial. A public records request denial shall not be deemed final until the requestor has first appealed the General Manager's decision to the District Board of Commissioners. The appeal request: shall be in writing; it shall be delivered to the District's office directed to the Board of Commissioners 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 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; or 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 42.56.070(4) regarding the maintenance of an index to District's records, it is hereby deemed unduly burdensome to the District, and unnecessary to assist members of the public in locating records for which inspection and/or copying is/are sought, for the District to create and maintain an index of all its public records. The District is sufficiently small that if the requestor notifies the District of the type of record(s) it seeks, the District should be able to quickly identify and supply such record(s).

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

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

- A. No original District records shall be removed from the District's offices;
- B. Inspection of all requested District public records shall be conducted in the presence of a designated District employee;
- C. No District 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 designated office staff;
- E. Access to file cabinets, shelves, vaults, and other District storage areas is restricted solely to District personnel authorized to access such file cabinets, etc.;
- F. The District General Manager, or staff member(s) designated by him or her, at any given 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 District 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 Americans with Disabilities Act (medical records)- 42 USC Sec. 12112; and

F. Alcohol and drug abuse patient records- RCW 70.96, 42 CFR Sec 2.1.

THIS RESOLUTION WAS CONSIDERED AND ADOPTED AT A REGULAR MEETING of the Board of Commissioners of MANCHESTER WATER DISTRICT on the October 10, 2006.

MANCHESTER WATER DISTRICT

by: _____


KYLE D. GALPIN, Chair

by: _____


JAMES E. STRODE, Commissioner

by: _____



STEVE PEDERSEN, Commissioner

EXHIBIT A

Return To:
MANCHESTER WATER DISTRICT
P.O. Box 98
(2081 East Spring Street)
Manchester, WA 98353

**MANCHESTER WATER DISTRICT
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 District staff in identifying and locating the same):

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 DEPARTMENT USE ONLY:

Date & Time Request Received by District: Date: _____ ; Time: _____

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

Name of Person Taking Action: _____

Date Action Taken: _____

Staff time to Copy: _____

Number of Copies: _____

Total Copy Charge: _____ at 15 cents per page;

Total Staff Charge: _____ at \$25 per hour after the first 15 minutes.

TOTAL CHARGE: _____