LEWIS COUNTY PUBLIC FACILITIES DISTRICT

RESOLUTION NO. 2007-03

A RESOLUTION of the Lewis County Public Facilities District adopting a public records policy and exempting the District from the requirement of maintaining an index of public records.

WHEREAS, the Lewis County Public Facilities District (the "District"), is a duly organized municipal corporation of the state of Washington; and

WHEREAS, the Public Records Act ("PRA"), chapter 42.56 RCW, requires all public agencies to promptly respond to requests for public records, and to maintain and make available a current index of all public records; and

WHEREAS, it is in the interests of the District to establish a basic policy and procedure for handling public records requests; and

WHEREAS, the PRA also states that if maintaining such an index would be unduly burdensome, or interfere with agency operation, an agency must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome; and

WHEREAS, when such an order is made, all indexes maintained by that District must be made available to provide identifying information on those records which are available for inspection and/or copying; and

WHEREAS, because the District has records which are extensive, diverse and complex, it would be a hardship for the District to create and maintain an accurate and complete index of the District's multiple media public records with limited staff resources; and

WHEREAS, the District will fully comply with the provisions of the RCW as they relate to the Public Records Act, under Chapter 42.56 RCW;

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE LEWIS COUNTY PUBLIC FACILITIES DISTRICT, as follows:

Section 1. The "Policy Regarding Public Records Requests" attached at Exhibit A is adopted.

Section 2. Based upon the findings set forth above, and pursuant to RCW 42.56.070(4)(a), the Board of Directors orders that the District is not required to maintain an all-inclusive index of public records, due to findings of the Board of Directors that the requirement is unduly burdensome to create and/or maintain.

Section 3. The District shall make available all public records and any indexes created for internal use upon request by any citizen. Any such indexes shall be maintained and released in order to obtain those records which are public and not protected by the exemption portion of the statute.

ADOPTED by the Board of Directors of the Lewis County Public Facilities District, at a regular open public meeting thereof this 18th day of September, 2007.

CHAIR

50836253.2

EXHIBIT A

POLICY REGARDING PUBLIC RECORDS REQUESTS

It is the policy of the Lewis County Public Facilities District (the "District") to release records of the District in compliance with the Public Records Act (the "Act"), set forth at Chapter 42.56 RCW, and any other applicable provisions of federal or state law.

I. OVERVIEW OF THE PUBLIC RECORDS ACT

A. Purposes of the Policy

The purposes of this policy are to: (1) describe the organization of the District; and (2) comply with 42.56 RCW, the Public Records Act. Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on the District. The District reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time.

This policy shall be available at the District's Main Office.

B. Definitions

1. "Act" refers to the Public Records Act, at Chapter 42.56 RCW.

2. "District" refers to the Lewis County Public Facilities District.

3. "Main Office" is defined in Section I.C of this Policy.

4. "Policy" refers to this policy for the Public Records Act.

5. "Public Records Officer" is the person identified in Section II.A.1 of this Policy.

6. "Records Request" means a request for Public Records made to the District pursuant to the Act.

7. "Requester" means the person or entity that has made a Records Request to the District.

C. Organization of the District

The District's Main Office is located at the Lewis County Courthouse:

351 NW North Street
Chehalis, Washington 98532
(c/o Lewis County Treasurer)

All Record Requests shall be inspected at the Main Office. The Main Office is open 8 a.m. to 5 p.m., Monday through Friday, except legal holidays.

The District has no administrative offices, but is provided administrative support by the Lewis County under the terms of an Interlocal Agreement.

The District is managed by a Board of Directors.

II. GUIDELINES

A. Public Records Request

1. Public Records Officer.

The District's Public Records Officer currently is the Lewis County Treasurer. The Public Records Officer may be contacted in person at the Main Office, or via first class mail addressed to the Public Records Officer at the Main Office.

2. How to Make a Public Records Request.

Public records may be inspected or copies of Public Records may be obtained by the public at the District's Main Office upon compliance with the following procedures:

(a) The District encourages that all requests be made in writing and directed to the Public Records Officer. The "Lewis County Request to Inspect or Copy Public Record", or other similar forms used by Lewis County or the District, may be utilized to request records from the District. A request may be mailed, or delivered in person to the Main Office. In-person requests must be made during the Main Office's normal business hours. If a form provided by the District or the County is not used, a request should include the following information:

(i) The name and address of the Requester;

(ii) The date of the request;

(iii) A detailed description of the public record being requested;

(iv) Whether the Requester wants copies, or wants to inspect the requested records;

(v) The address where copies are to be mailed if copies are requested;

(vi) A statement regarding whether the records are being requested for a commercial purpose; and

(vii) Signature of the Requester.

(b) When a Records Request is made orally, the District should confirm the request in writing in its initial 5-day response. Any such request must be made during the Main Office's normal business hours.

3. **Special procedures for requests for customer records by law enforcement authorities.**

When law enforcement authorities request customer records, in addition to the information listed in subsection II.A.2 above, the law enforcement authority must also provide the District with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true. Law enforcement authorities may use the District's "Request To Inspect" form for the request. Nothing in this requirement shall create any right to privacy in customer records.

B. Procedure for Response to Request

Only Public Records as defined by RCW 42.56.010 are subject to disclosure.

1. **Response.** The District shall respond promptly to a Records Request. Within five business days of receiving a Records Request, the District shall respond by:

(a) Notifying the Requester that the documents are available; or

(b) Acknowledging the request in writing and providing a reasonable estimate of the time the District will require to respond to the request; or

(c) Denying the Records Request.

2. **Large Requests.** When a Records Request is for a large volume of records, the District may elect to provide records on an installment basis. If a Requester does not contact the Public Records Officer within 15 days to arrange for the review of the first installment, the District may deem the request abandoned and stop fulfilling the remainder of the request.

3. **Notice to Third Parties.** If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the District may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. The District may take this into account when providing an estimate for when the records will be available. The District should also review any contracts with third parties that may contain special notice provisions. Nothing in this policy is intended to create any right to such notice.

4. If the District does not respond in writing within five business days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

(a) Consider the request denied; and

(b) Petition the Public Records Officer.

C. Exemptions

1. **Exemptions**. After the District has gathered responsive records, the District shall determine whether an exemption applies to all or part of the record. The District need not make available for inspection and copying Public Records exempt from public inspection and copying under Chapter 42.56 RCW and other records exempt from public inspection and copying under state or federal statute or regulation, including but not limited to:

(a) Records that are protected by trade secrets law;

(b) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(c) Residential customers' phone numbers, addresses, Social Security numbers and financial information such as credit card numbers and checking account numbers;

(d) Personal information in files maintained for Board members and District employees to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, Social Security numbers, voluntary deductions, marriage status, number of dependents, and any garnishment deductions;

(e) Preliminary drafts, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the Board in connection with any Board action;

(f) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(g) The residential addresses and telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers; or

(h) Any record which is exempt from disclosure under state or federal law.

2. **Address Verification.** If a customer wishes to have the District verify his or her address, the customer shall provide the District a statement in writing authorizing the District to provide that verification. This authorization shall be construed as

applicable to all requests for verification, unless the authorization is expressly limited to particular requesters.

D. Copying Public Records

No fee shall be charged for the inspection of Public Records.

1. **Copies**. The District will charge one or more of the following charges for copies:

(a) For standard black-and-white copies, free for up to 20 pages, and fifteen cents per page for all pages if more than 20 pages are requested for copying;

(b) The actual cost of copying for any non-standard copies or items, including the charge for staff time necessary for making such copies if Lewis County is charging for staff time for that service, and if so, at whatever Lewis County is then currently charging;

(c) Cost of taxes actually charged by any third-party vendor used to make copies; and

(d) Postage and shipping costs, including the cost of any containers used in shipping.

The Public Records Officer may elect to waive these fees. Fees will be waived when the expense of billing exceeds the cost of copying and postage.

2. **Deposits.** Before copying any record, the District may charge a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, the District may charge for each installment. The decision not to request a deposit shall not serve to waive the District's right to request a deposit for a future request. If an installment is not claimed and paid for within 15 days, the District is not obligated to fulfill the balance of the Records Request.

E. Inspection of Records

1. **Notice**. Once the Public Records Officer has collected all responsive records (or the first installment if the records are being produced on an installment basis), has reviewed the responsive records to remove exempt records, and has prepared an exemption log, the Public Records Officer shall notify the Requester that the records are available.

2. **Response by Requester**. If the Requester does not contact the Public Records Officer to arrange for payment of the copies or for review of the records within 15 days after the Notice of Availability Letter was sent, the District may consider the Records Request abandoned, unless the Requester seeks an additional amount of time to review the records.

3. **Protection of Records.** In order that Public Records maintained on the premises of the District may be protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:

(a) No Public Records shall be removed from District's Main Office without the Public Records Officer's permission;

(b) Inspection of any Public Records shall be conducted in the presence of the Public Records Officer or designated staff;

(c) No public record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;

(d) Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by District staff; and

(e) Public records of the District may be copied only on the copying machines of the District unless other arrangements are made by the Public Records Officer.

4. **Loss of Right to Inspect.** Inspection shall be denied and the records withdrawn by the Public Records Officer if the Requester, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the District.

5. **Closing the File.** Once all copies of requested records have been provided to the Requester, the Requester has reviewed the requested records, or 15 days have passed since the Requester was notified that the records were available and the Requester has failed to contact the Public Records Officer to arrange for the review of those records or for payment for copies, the Public Records Officer shall treat the request as closed.

F. Index of Public Records

For the reasons stated in Resolution 2007-03, incorporated herein by reference, the District finds that it would be unduly burdensome and would interfere with District operations to maintain an index of records. The District will make available for public disclosure all indices which may at a future time be developed for District use.

G. Disclaimer of Liability

Neither the District nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as "shall," nothing in this policy is intended to impose mandatory duties on the District beyond those imposed by state and federal law.