



**SOOS CREEK WATER AND SEWER DISTRICT**

**KING COUNTY, WASHINGTON**

**RESOLUTION NO. 3376-C**

**A RESOLUTION** of the Board of Commissioners of Soos Creek Water and Sewer District, King County, Washington; adopting rules of the District governing public inspection and copying of the District's public records; and appointing Public Records Officer.

**WHEREAS**, The District is committed to providing full access to public records in accordance with the Washington State Public Records Act (Chapter 42.56 RCW); and

**WHEREAS**, the purpose of the Act is to provide the public with full access to records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government; and

**WHEREAS**, public records are defined as "any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics"; and

**WHEREAS**, a Public Records Officer should be appointed to be responsible for serving as a point of contact for public records requests; and to oversee the District's compliance with the Washington State Public Records Act, although other District staff may process public records requests.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Soos Creek Water and Sewer District, King County, Washington, that rules of the District governing public inspection and copying of the District's public records shall be as follows:

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**SECTION 1: Appointment of Public Records Officer.** The following person is appointed and publicly identified as the District's Public Record Officer, whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the District's compliance with public disclosure requirements under Washington law:

Executive Secretary  
Soos Creek Water & Sewer District  
14616 SE 192<sup>nd</sup> Street  
Renton, Washington 98058-1039  
Phone: (253) 630-9900  
Fax: (253) 630-5289

Notice of the designation of the Executive Secretary as the District's Public Records Officer shall be made in a manner reasonably calculated to provide notice to the public including but not limited to posting on the District's website.

**SECTION 2: How to Request Records.** Any person wishing to inspect or copy the District's public records should make a request by letter, fax, or e-mail addressed to the Executive Secretary. Requestors are encouraged to use the District's Public Records Request Form, a copy of which is attached hereto. E-mail will be considered received on the date the message is received during customary business hours, not on the date sent. Requests should include the following information:

1. The name, mailing address, e-mail address, and telephone number of the person making the request;
2. The date of the request;
3. An identification of the public records sufficient for the District to locate the records; and
4. Whether the requestor wants to inspect or receive a copy of the record.

The District's Public Records Officer may accept requests for public records that contain the information above by telephone or in person. If the Public Records Officer accepts a verbal request, he/she will confirm receipt of the substance of the request in writing.

**SECTION 3: Hours for Records Inspection and Copying/Location of Records.** The District's office is located at 14616 SE 192nd Street, Renton, Washington 98058-1039. More information about the District is available on the District's website at [www.sooscreek.com](http://www.sooscreek.com). Public records are available for inspection and copying during the District's customary office hours, Monday through Thursday, 8 a.m. to 5 p.m., and Fridays from 8 a.m. to 4:30 p.m.,

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excluding legal holidays. Records may be inspected at the office.

**Section 4: Response to Requests.** The District will process requests in the order allowing the most requests to be processed in the most efficient manner. Within 5 business days of receiving a request, the District will either:

1. Provide the record;
2. Provide a reasonable estimate of when the record will be available;
3. If the request is unclear or does not sufficiently identify the requested record, seek clarification from the requestor;
4. Provide an internet address and link on the District's web site to the record (if the requestor notifies the District that he/she cannot access the record, the District will provide a copy); or
5. Deny the request.

Additional time. Additional time to respond may be based on the need to clarify the request; locate and assemble the records, notify third parties affected by the request and provide them with the opportunity to seek a court order preventing disclosure, and/or determine whether any of the information requested is exempt from disclosure.

30 days for review. Requestors must claim or review assembled records within 30 days of the District's notification that the records are available. The District will notify the requestor of this requirement. If the requestor fails to claim or review the records with 30 days or make other arrangements, the District may close the request.

Explanation of exemption. Some records may be exempt from disclosure in whole or in part. If the District believes that a record is exempt from disclosure and should be withheld, it will state the specific exemption and provide a brief explanation of how the exemption applies. If a portion of the record is exempt, the District will redact the exempt portion and provide the remainder of the record, including the applicable exemption and a brief explanation of how the exemption applies. This Resolution does not require the District to answer written questions or create new public records.

**SECTION 5: Costs.** There is no fee for inspecting public records. The District shall charge the following fees for copies of public records. The Public Records Officer may elect to waive these fees.

Standard photocopies (letter or legal size) \$0.15 per page after 10 pages

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Non-standard photocopies or other media    Actual cost

Postage    Actual cost of postage plus actual cost of mailing materials

Deposits. The District may require a deposit of up to 10% of the estimated cost of copying records prior to copying any records for a requestor.

Partial or Installment Release. If the District releases records on a partial or installment basis, it will charge for each part of the request as it is provided. If an installment is not claimed or reviewed, the District is not obligated to fulfill the balance of the request.

**SECTION 6: Review of Denials of Public Record Requests.** Any person who objects to the denial of a public records request may petition in writing to the Public Records Officer for a review of that decision. The petition shall include a copy of or identify the statement by the District denying the request. The Public Records Officer shall provide the petition and other relevant information to the General Manager or his/her designee who will consider the petition and affirm or reverse the denial as promptly as possible. The review shall be deemed concluded at the end of the second business day following the denial.

**SECTION 7: Protection of Records.** In order to protect public records, the following rules are adopted pursuant to RCW 42.56.100:

1. The District may require that inspection of public records be conducted in the presence of a District employee.
2. Requestors may not remove records from the viewing area. No public record may be marked, altered in any fashion, or defaced in any manner by a requester.
3. Records maintained in a file or jacket may not be dismantled by a requestor.
4. Access to filing cabinets, shelves, and District storage areas is restricted to District personnel authorized to access such areas.

**SECTION 8: Organization of Records.** Resolutions and minutes of meetings of the Board of Commissioners are indexed and maintained by the Executive Secretary. The District finds that maintaining an index for records existing since 1973 as described in RCW 42.56.070(3) would be unduly burdensome and would interfere with agency operations given the volume, various locations, and types of public records received, generated, and otherwise used or acquired by the District since that time. However, the District will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization. The District will also make available for public inspection and copying any non-exempt indexes maintained for District use.

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**SECTION 9: Records and Information Exempt from Public Disclosure.** The Public Records Act provides that certain records are exempt from public inspection and copying. RCW 42.56.230 through 42.56.480 contain a large number of exemptions. RCW 42.56.070(9) prohibits the District from disclosing lists of individuals for commercial purposes. Documents are also exempt from disclosure if any other statute exempts or prohibits disclosure. RCW 42.56.070(1). Requestors should be aware of the exemptions that restrict the availability of some documents held by the District in the attached "Appendix A." The list is not exclusive.

**SECTION 10: Disclaimer.** All acts of District employees pursuant to public disclosure law shall constitute a duty to the public only and are not intended to create or fulfill a duty to any person(s). Neither the Soos Creek Water & Sewer District nor any employee or representative of the District shall be liable for any loss or damage based on the release of public records in good faith in attempting to comply with this Resolution. This Resolution is not intended to expand or restrict the rights of disclosure or privacy as they exist under state or federal laws.

**ADOPTED** by the Board of Commissioners of Soos Creek Water and Sewer District, King County, Washington, at a regular open public meeting thereof on the 6th day of February, 2013.

  
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**STEVE PFAFF, President**

  
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**DAROLD STROUD, Secretary**

  
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**ALICE MARSHALL, Commissioner**

  
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**KAREN WEBSTER, Commissioner**

  
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**GARY CLINE, Commissioner**

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**APPENDIX A**  
**Statutory Exemptions Pertaining to District Public Records**

- RCW 42.56.330(2) Residential addresses and residential telephone numbers of customers of a public utility contained in the records or lists held by the public utility of which they are customers.
- RCW 42.56.230(3) Personal information in files maintained for employees, appointees, or elected officials to the extent disclosure would violate their right to privacy.
- RCW 42.56.250(1) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.
- RCW 42.56.250(2) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
- RCW 42.56.250(2) Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employee or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records.
- RCW 42.56.250(5) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under RCW 49.60 or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.
- RCW 42.56.280 Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.
- RCW 42.56.070(1); RCW 5.60.060(2)(a); RCW 42.56.290; CR 26(b)(4) Attorney-client privileged communications and attorney work product.
- RCW 42.56.420 Vulnerability assessments and national security information
- RCW 43.43.830 -.840; WAC 446-20-300 Background checks
- RCW 5.60.060 Privileged communications
- RCW 5.60.070 Court-ordered mediation records
- RCW 19.34.240(3) Private digital signature keys
- RCW 42.56.600; RCW 7.07 Mediation communications under the Uniform Mediation Act
- RCW 26.26.450 Confidentiality of genetic testing
- RCW 40.14 Preservation and destruction of public records
- RCW 42.23.070 Municipal officer disclosure of confidential information prohibited
- RCW 48.62.101 Local government insurance transactions
- RCW 50.13 Employment security records
- RCW 51.28.070 Worker's compensation records
- RCW 51.36.060 Physician information on injured workers
- RCW 42.56.360(2); RCW 70.02 Medical Records
- RCW 70.24 Public health records
- RCW 70.96A.150 Alcohol and drug abuse treatment programs
- RCW 71.05 Mental health records
- RCW 71A.14.070 Records regarding developmental disability
- RCW 82.32.330 Disclosure of tax information

42 USC 405(c)(2)(vii) Limits on Use and Disclosure of Social Security Number  
42 USC § 12112 Americans with Disabilities Act

# Public Records Request Form

Soos Creek Water & Sewer District  
14616 SE 192nd St.  
Renton, WA 98058-1039  
Phone (253) 630-9900 Fax (253) 630-5289

## Contact Info

Full Name \_\_\_\_\_ Date: \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email Address \_\_\_\_\_ Phone \_\_\_\_\_

## Request

**Requested records** *Please provide a detailed description of identifiable public records. The more specific your request, the more quickly we can process and deliver responsive records.*

## Delivery

**E-mail or CD/DVD**

Receive electronic copies of the requested records when available. Records not available in electronic format will be mailed to you on paper at the rates below.

**Paper copies (15¢ per page + postage) via mail to address above.**

— OR —  Don't mail. I will pick up.

Receive paper copies of the requested records. A deposit may be required.

**Inspection (free)**

— OR — Inspect the records requested in person during normal office hours

## Commercial Use

By submitting this form, pursuant to RCW 42.56.070(9), I certify that I will not use any lists of individuals that I receive in response to this request for commercial purposes