

**WEST SOUND UTILITY DISTRICT
RESOLUTION NO. 453-13**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF WEST SOUND UTILITY DISTRICT ESTABLISHING THE POLICY
FOR PUBLIC INSPECTION AND COPYING OF
DISTRICT PUBLIC RECORDS**

BE IT RESOLVED by the Board of Commissioners of West Sound Utility District (“District”), Kitsap County, Washington, that the following are adopted as the rules of the District governing public inspection and copying of its public records as required by RCW ~~42.17.260~~ 42.56.040:

- 1. PUBLIC RECORDS AVAILABLE.** All public records of the District, as defined in RCW ~~42.17.42.56~~ 42.56 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 Section 6 of this Resolution, the exemptions cited in Section 12 hereof, and other applicable law.

- 2. PUBLIC RECORDS OFFICER.** The District’s ~~Customer Service~~ General Manager shall be in charge of the District’s public records. The ~~Customer Service~~ General Manager 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 the staff with the public records disclosure requirements of Chapter ~~42.17.42.56~~ 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.

- 4. REQUEST FOR PUBLIC RECORDS.** In accordance with the requirements of Chapter ~~42.17.42.56~~ 42.56 RCW 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 may be obtained, by members of the public, upon compliance with the following procedures:
 - (a) 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 ~~Customer Service~~ General Manager, or to any member of the District staff, if the ~~Customer Service~~ General Manager is not available, at the office of the District during customary office hours. The request shall include the name of the person requesting the record, 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 enabling District staff to identify the requested records and make them available.

(b) In all cases in which a member of the public is making a request, it shall be the obligation of the ~~Customer Service~~ General Manager or 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 records cannot be identified, the District shall so advise the person making the request 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) Public records requested may not be readily available for immediate inspection. If the requested records are not readily available within five (5) business days, the requestor shall be notified as to the approximate date they should be available and the reason for the delay.

5. COPYING OF PUBLIC RECORDS. No fee shall be charged for the inspection of public records. No fee shall be charged for locating public documents and making them available for copying. The District shall charge for making copies of public records, for staff time in making copies, and for postage and mailing container costs, as follows:

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

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.

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

6. EXEMPTING RECORDS FROM PUBLIC INSPECTION.

(a) The District's Board of Commissioners reserves 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 RCW 42.17.310, the statutes cited in Section 12 hereof, and/or other applicable Washington law.

(b) In addition, pursuant to RCW ~~42.17.260~~ 42.56.230(2) 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 ~~42.17~~ 42.56 RCW. The ~~Customer Service~~ General Manager shall justify such deletion in writing to the requestor.

(c) 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) Any person denied access to a District record shall be notified that the denial will be forwarded to the Board of Commissioners for review.

(b) All denials of requests for District records shall be referred to the District's Board Chairperson. The Chairperson shall consider the matter as soon as reasonably possible, and in no event longer than five business days, and take one of the following actions: affirm the earlier denial; reverse the earlier decision to deny access; or call a special meeting of the Board of Commissioners as soon as reasonably possible to review the denial. In any case, the requestor shall be notified of the District's final decision within twelve (12) business days following the original denial.

(c) The District's denial of access to requested records shall not be considered final until the close of the twelfth (12th) business day following the initial denial.

8. RECORDS INDEX. In compliance with RCW ~~42.17.260(2)~~ 42.56.070(3), regarding the maintenance of an index to District's records, it is hereby deemed to be unduly burdensome to the District and unnecessary to assist members of the public in locating records for which inspection and/or copying is sought.

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 ~~Customer Service~~ 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 associated with its per page copy charge and staff copy time.

10. PROTECTION OF PUBLIC RECORDS. In order to adequately protect the District's records, the following procedures will be adhered to by any person inspecting such records:

~~(a) No District's records, premises;~~

~~(a) No record shall be conducted in District premises;~~

~~(b)~~ (a) Inspection of any record shall be conducted in the presence of a designated District employee;

~~(e)~~ (b) No public record may be marked, altered in any fashion, or defaced in any manner during inspection;

(d) (c) 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 Customer Service Manager or staff;

(e) (d) Access to file cabinets, shelves, vaults, and other District storage areas is restricted solely to District personnel authorized to access such cabinets, etc.; and

(f) (e) The District's ~~Customer Service~~ General Manager or staff members designated by him or her, may limit inspection and copying to the extent necessary to prevent such activity from unreasonably disrupting the District's operations.

11. EXEMPTIONS TO PUBLIC DISCLOSURE. The following 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;

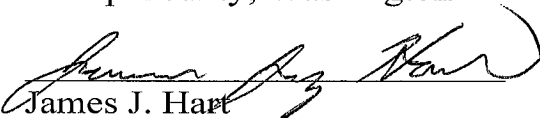
(e) The Americans with Disabilities Act (medical records)- 42 USC Sec. 12112; and

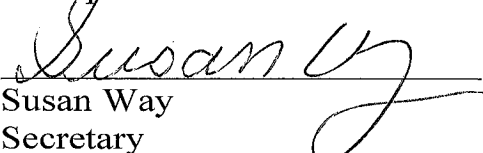
(f) Alcohol and drug abuse patient records - RCW 70.96, 42 CFR Sec 2.1.

12. TERMINATION OF PREVIOUS RESOLUTIONS . West Sound Utility District Resolution 26-08 is hereby terminated and shall have no further legal force or effect.


APPROVED and ADOPTED by the Board of Commissioners of West Sound Utility District at a regular scheduled meeting on August 19, 2013.

WEST SOUND UTILITY DISTRICT
Kitsap County, Washington


James J. Hart
Chairperson


Susan Way
Secretary

Jerry Lundberg
Vice Chairperson


Jeannie Screws
Commissioner

Return To:
West Sound Utility District
2924 SE Lund Avenue
Port Orchard, WA 98366

"EXHIBIT A"

**WEST SOUND UTILITY DISTRICT
REQUEST FOR PUBLIC RECORDS**

Date: _____ Time: _____

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):

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:

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: _____