

**HARTSTENE POINTE WATER-SEWER DISTRICT
MASON COUNTY, WASHINGTON**

RESOLUTION NO. 2009-15

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF HARTSTENE
POINTE WATER-SEWER DISTRICT, MASON COUNTY, WASHINGTON,
ESTABLISHING RULES FOR PUBLIC INSPECTION AND COPYING OF
PUBLIC RECORDS.**

WHEREAS, Chapter 42.56 RCW requires the District to establish rules of procedure for the public inspection and copying of public records; now, therefore

BE IT RESOLVED by the Board of Commissioners of the Hartstene Pointe Water-Sewer District, Mason County, Washington, as follows:

Section 1. Availability of public records. All public records of the District, as defined in Chapter 42.56 RCW, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.56.210 through 42.56.300, Section 6 of this Resolution, and other applicable Washington law.

Section 2. District general manager designated as public records officer. The District general manager is designated as the District's public records officer, serving as the point of contact for members of the public in requesting disclosure of public records. Unless provided otherwise in this Resolution, the District general manager shall supervise, monitor and accomplish the retention, protection and disclosure of the District's public records consistent with these rules and Chapter 42.56 RCW, and may delegate duties and responsibilities to any District staff person. In the absence of a District general manager, the Secretary of the Board of Commissioners shall serve as the District's public records officer.

Section 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.

Section 4. Request for public records. In accordance with the requirements of Chapter 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 a form prescribed by the District and available at the District office. The form shall be presented in person at the District office during customary office hours, or shall be sent by first class mail to the District office, by fax to the District fax number, if any, or by email to the District email address, if any. The request shall include the following information:

- (1) The name of the person requesting the records;
- (2) The time of day and calendar day on which the request was made;
- (3) The nature of the request; and
- (4) An appropriate description of the public records requested, including title, subject matter, date and other means of enabling the District to identify the requested records and make them available.

B. If the requester is a member of the public, the District shall assist such member to identify appropriately the public records requested, but if the records cannot be identified, the District shall so advise such member, and in the case of a formal request, shall return the formal request for resubmission with additional description of the requested public records.

C. Public records that are requested may not be readily available for immediate inspection. If the requested public records are not readily available, the District shall notify the requester as to when and where such records will be available. The District shall provide the public records on a partial or installment basis as they are assembled or are available for inspection or disclosure.

D. Within five business days of receiving a public records request, the District shall respond by either (1) providing the public records; (2) acknowledging that the District has received the request and providing a reasonable estimate of the time the District will require to respond to the request; or (3) denying the request. The District shall not deny a public records request for identifiable public records solely on the basis that the request is overbroad.

Section 5. Copying of public records.

A. No fee shall be charged for the inspection of public records.

B. The District shall charge a fee of fifteen cents (\$.15) per page for providing photocopies of public records and for use of the District's copy equipment. The District shall charge forty cents (\$.40) for public records on a floppy disk or a CD-ROM. The District shall charge actual costs of mailing, including the cost of the shipping container. All payments shall be made by cash, check or money order.

C. The District may require a deposit in the amount of ten percent of the estimated cost of providing the copies. The District may require the payment of the remainder of the copying costs before providing the records. If the District makes public records available on a partial or installment basis, the District may charge for each part of the partial disclosure or installment. If an installment of a records request is not claimed or reviewed, the District need not fulfill the balance of the request.

D. Where, in the judgment of the public records officer, it is reasonable to send a request to an off-site vendor for copying, the District shall charge for the actual amount paid by the District to the vendor for the copies.

Section 6. Records exempt from public inspection.

A. The District reserves the right to determine that a public record requested in accordance with the procedure outlined in Section 4 is exempt from public inspection and copying under the provisions of RCW 42.56.210 through 42.56.480 and other applicable Washington law.

B. In addition, pursuant to RCW 42.56.070, the District reserves the right to delete identifying details when it makes available or publishes any public record, in any case when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by Chapter 42.56 RCW. The District will fully justify such deletion in writing.

C. All denials of requests for public records shall be accompanied by a written statement specifying the reason for the denial, stating the specific exemption for withholding the public records and explaining the applicability of the exemption to the public records withheld.

Section 7. Review of denials of public records requests. Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the President of the Board of Commissioners. The written request shall specifically refer to the written statement by the District that constituted or accompanied the denial, and shall set forth the legal and factual basis for the objection to the denial. The President shall immediately consider the request for review and either reaffirm or reverse the denial. In any case, the review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final action for the purpose of judicial action.

Section 8. Records index.

A. The District has available to all persons a current index which provides identifying information for resolutions adopted by the Board of Commissioners. The District has not indexed all of the public records described in RCW 42.56.070(3), because to do so would be unduly burdensome and would not necessarily assist members of the public in locating requested information.

B. The current index of resolutions prepared by the District shall be available to all persons under the same rules and conditions as are applied to public records available for inspection.

Section 9. Record request form. The District adopts for use by all persons requesting inspection and/or copies of records the form entitled, "Request for Public Records," and attached to this resolution.

Section 10. Protection of public records. To adequately protect the public records of the District, any person inspecting public records shall adhere to the following guidelines:

- A. No public records shall be removed from the District's possession.
- B. Inspection of public records shall be conducted in the presence of a designated District representative.
- C. No public records may be marked or defaced in any manner during inspection.
- D. Public records, which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by a District representative.
- E. Access to file cabinets, shelves, vaults and other District storage areas is restricted to District representatives unless other arrangements are made with the District.
- F. The District may limit inspection and copying to any extent necessary to prevent such activity from unreasonably disrupting the District operations.

ADOPTED by the Board of Commissioners of Hartstene Pointe Water-Sewer District, Mason County, Washington, at a regular meeting held on 1/29, 2009.

HARTSTENE POINTE WATER-SEWER DISTRICT

By 
Commissioner

By 
Commissioner

By Mary Alice Cary
Commissioner

RETURN TO:

Hartstene Pointe Water-Sewer District

Attn: _____

Board Secretary

**HARTSTENE POINTE WATER-SEWER DISTRICT
REQUEST FOR PUBLIC RECORDS**

Date: _____ Time: _____

Name: _____

Mailing Address: _____

Email Address: _____

Contact Phone Number: _____

Description of Records:

I certify that the information obtained through this "Request for Public Records" will not be used for commercial purposes.

Signature: _____

FOR DISTRICT USE ONLY (Note: Use separate form for each installment of records. Requestor needs to complete only one form for all installments).

Action Taken on Request: _____

Name of Person Taking Action: _____

Date Action Taken: _____

Number of Copies: _____

Number of Pages: _____

Per Page Charge: \$0.15

Other Charges: _____

Total Charge: _____

Deposit (10% of estimated cost): _____