

SOUTHWEST SUBURBAN SEWER DISTRICT
KING COUNTY, WASHINGTON

RESOLUTION NO. 2010-13

A RESOLUTION OF THE SOUTHWEST SUBURBAN SEWER DISTRICT, KING COUNTY, WASHINGTON, ADOPTING RULES GOVERNING PUBLIC INSPECTION AND COPYING OF PUBLIC RECORDS.

WHEREAS, Southwest Suburban Sewer District ("District"), is a special purpose municipal corporation organized pursuant to Title 57 RCW which provides sewer service to customers within its boundaries; and

WHEREAS, the District desires to adopt rules governing public inspection and copying of its public records; now therefore,

BE IT RESOLVED by the Board of Commissioners of Southwest Suburban Sewer District, King County, Washington, as follows:

Section 1. The Public Records Act Rules attached hereto as Exhibit A and incorporated herein by this reference are hereby approved and adopted effective the date set forth below.

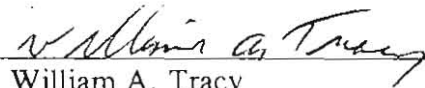
Section 2. All District resolutions, policies and procedures are hereby amended, superseded and/or rescinded to be in accordance with this Resolution.

ADOPTED by the Board of Commissioners of Southwest Suburban Sewer District, King County, Washington, at the regular meeting thereof held this 9th day of November, 2010.

SOUTHWEST SUBURBAN SEWER DISTRICT
KING COUNTY, WASHINGTON


Individual Commissioner's
Vote on Resolution

In Favor Of:
Opposed:
Abstained:




William A. Tracy
President and Commissioner

In Favor Of:
Opposed:
Abstained:



Tony Genzale
Vice President and Commissioner

In Favor Of:
Opposed:
Abstained:



Scott Hilsen
Secretary and Commissioner

CERTIFICATE

I, Scott Hilsen, Secretary of the Board of Commissioners of Southwest Suburban Sewer District, King County, Washington, do hereby certify that the foregoing resolution is a true and correct copy of Resolution No. 2010-13 of such Board, duly adopted at a regular meeting thereof held on the 9th day of November, 2010, signed by the members of such Board in attendance at such meeting and attested by myself in authentication of such adoption.

A handwritten signature in cursive script, appearing to read "Scott Hilsen", is written over a horizontal line.

Scott Hilsen, Secretary
Board of Commissioners
Southwest Suburban Sewer District
King County, Washington.

**SOUTHWEST SUBSUBURBAN SEWER DISTRICT
PUBLIC RECORDS ACT RULES**

- Section 1. Authority and purpose.
- Section 2. Contact information – Public records officer.
- Section 3. Availability of public records.
- Section 4. Processing of public records requests – General.
- Section 5. Processing of public records requests- Electronic records.
- Section 6. Exemptions.
- Section 7. Costs of providing copies of public records.
- Section 8. Review of denials of public records.

Section 1. Authority and purpose.

A. RCW 42.56.070(1) requires the District to make available for inspection and copying nonexempt "public records" in accordance with published rules. The Public Records Disclosure Act ("Act") defines "public record" to include 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 a government. RCW 42.56.070(2) requires the District to set forth "for informational purposes" every law, in addition to the Act, that exempts or prohibits the disclosure of public records held by the District.

B. The purpose of the "Southwest Suburban Sewer District Public Records Act Rules" ("Rules") is to establish the procedures that the District will follow to provide full access to public records. These Rules provide information to persons wishing to request access to public records of the District and establish processes for both requestors and District staff that are designed to best assist members of the public in obtaining such access.

C. The purpose of the Act is to provide the public full access to information concerning the conduct of government, while balancing individuals' privacy rights and the desirability of the efficient administration of government. The Act and these Rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the District will be guided by the provisions of the Act describing its purposes and interpretation.

Section 2. Contact information – Public records officer.

A. The District is a municipal corporation of the State of Washington. The District's main office is located at: 431 Ambaum Blvd., Burien, Washington 98166.

B. Any person wishing to request access to public records of the District, or seeking assistance in making such a request, should contact the District's Office Manager who serves as the "public records officer" of the District:

Southwest Suburban Sewer District
Attention: Office Manager
431 Ambaum Blvd.
Burien, WA 98166

Telephone: (206) 244-9575
Fax: (206) 433-8546

Information is also available at the District web site at <http://www.swssd.com>.

C. The public records officer will oversee compliance with the Act, but other District staff members or independent contractors may process requests. Therefore, in these Rules, the "public records officer" includes any designee of the District. The public records officer and the District will provide the "fullest assistance" to requestors; maintain a basic inventory of certain public records; ensure that public records are protected from damage or disorganization; and prevent responses to public records requests from causing excessive interference with essential functions of the District.

Section 3. Availability of public records.

A. Public records are available for inspection and copying during the normal business hours of the public records officer, which are Monday through Friday, 7:30 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the address listed in Section 2 above, unless another location is designated for a particular request by the public records officer.

B. Due to the small size of District staff, maintaining an index of public records as provided for in RCW 42.56.070(3) would be unduly burdensome. The District, however, maintains indexes of resolutions, which may be accessed by requesting them from the public records officer.

C. The District will maintain its records in a reasonably organized manner. The District will take reasonable actions to protect records from damage and disorganization. A requestor shall not take District records from the District's office, or from a location designated by the public records officer, without the permission of the public records officer.

D. Any person wishing to inspect or copy public records of the District should make the request in writing on the District public records request form, or by letter, fax or e-mail addressed to the public records officer, which request shall include the following information:

1. Name of requestor;
2. Address of requestor;
3. Other contact information, including telephone number and any e-mail address;
4. Identification of the public records adequate for the public records officer to locate the records; and

5. The date and time of day of the request.

E. If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or to make a deposit. Standard photocopies will be provided at fifteen cents (\$0.15) per page.

F. The public records officer may accept requests for public records that contain the above information by telephone or in person. If the public records officer accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

Section 4. Processing of public records requests — General.

A. The District is charged by the Act with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer will process requests in the order allowing the most requests to be processed in the most efficient manner.

B. Within five business days of receipt of the request, the public records officer will do one or more of the following:

1. Make the records available for inspection or copying;
2. Provide an internet address and link on the District's web site to the specific records requested, except that if the requester notifies the District that he or she cannot access the records through the internet, then the District will provide copies of the record or allow the requester to view copies using a District computer;
3. Provide a reasonable estimate of when records will be available;
4. Deny the request; or
5. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available.

C. If the District does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the public records officer to determine the reason for the failure to respond.

D. If the requested records contain information that may affect the rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

E. Some records are exempt from disclosure, in whole or in part. If the District believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

F. Consistent with other demands, the District shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the District to copy.

G. The requestor must claim or review the assembled records within thirty days of the District notification to him or her that the records are available for inspection or copying. The District will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the District to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the District may close the request and re-file the assembled records.

H. After inspection is complete, the public records officer shall make the requested copies or arrange for copying.

I. When the request is for a large number of records, the public records officer will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer may stop searching for the remaining records and close the request.

J. When the inspection of the requested records is complete and all requested copies are provided, the public records officer will indicate that the District has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

K. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the District has closed the request.

L. If, after the District has informed the requestor that it has provided all available records, the District becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

Section 5. Processing of public records requests- Electronic records.

A. The process for requesting electronic public records is the same as for requesting paper public records.

B. When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the District and is generally commercially available, or in a format that is reasonably translatable from the format in which the District keeps the record.

Section 6. Exemptions.

A. The Act provides that a number of categories of public records are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any “other statute” exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the District for inspection and copying:

1. Attorney Client Privileged Documents, RCW 5.60.060(2)(a).
2. Trade Secrets, Chapter 19.108 RCW.
3. Medical Records, Chapter 70.02 RCW.
4. Tax return records and other tax information, RCW 82.32.330 (not property tax).
5. Private electronic authentication key in the possession of local agency, RCW 19.34.240(3).

B. The District is prohibited by statute from disclosing lists of individuals for commercial purposes.

Section 7. Costs of providing copies of public records.

A. There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents (\$0.15) per page and, for color copies, the actual amount charged by the vendor providing color copies to the District.

B. Before beginning to make the copies, the public records officer may require a deposit of up to ten percent (10%) of the estimated costs of copying all the records selected by the requestor. The public records officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The District will not charge sales tax when it makes copies of public records.

C. The District will charge the requestor, in addition to the per page photocopy charge, for actual staff time, in excess of one hour, spent making photocopies of records, at the hourly rate paid to the staff person. The District will not charge the requestor for staff time spent making copies which are required to redact records before they are inspected.

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 may either:

1. Arrange for the requestor to pay the vendor directly for copies made and charge the requestor for the actual time spent by staff going to or coming from the off-site vendor, for purposes of processing the request, on the basis of the hourly rate paid to the staff member during that time; or
2. Charge the requestor the actual amount charged by the off-site vendor to the District for copies made and the actual time spent by staff going to or coming from the off-site vendor, for purposes of processing the request, on the basis of the hourly rate paid to the staff member during that time.

E. The cost of electronic copies of records shall be sixty cents (\$0.60) for information on a computer disk or CD.

F. The District shall also charge actual costs of mailing, including the cost of the shipping container.

G. Payment shall be made by cash, check, or money order to the District.

Section 8. Review of denials of public records.

A. Promptly after initial denial or partial denial of a records request, the requestor may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer denying the request. The public records officer shall promptly provide the petition and any other relevant information to the District attorney.

B. Within two business days following the initial denial or partial denial of a records request, with or without the filing of a petition for review by the requestor, the District attorney shall either affirm or reverse the denial. The requestor and the District attorney may agree to a longer period of time for issuance of the decision by the District attorney. The District attorney shall promptly provide notice of the decision to the requestor.

C. The requestor may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial, regardless of completion of the internal administrative appeal.



**Southwest Suburban
Sewer District**

431 S.W. AMBAUM BOULEVARD
 BURIEN, WA 98166
 PHONE: 206.244.9575
 FAX: 206.433.8546
 WEBSITE: www.SWSSD.com

PUBLIC RECORDS REQUEST

Please clearly print the following Information:	Name:
	Address:
	Telephone:
	Fax:
	E-Mail:

Records Request: *(Please be specific in describing the record(s) being requested and any additional information that will aid in the location of the record(s) such as title or date of record)*

It is the District's policy to respond to a records request within five business days of receiving a public records request by either: (1) providing the record; (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. Additional time required to respond to a request may be based on the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request or to determine whether any of the information requested is exempt and that a denial should be made to all or part of a request. In acknowledging receipt of a request that is unclear, the District may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the District need not respond to it. See RCW 42.56.520.

I wish to have copies of the records indicated above. I understand that there will be a charge for duplication of the requested records. A minimum of \$0.15 per page will be charged to the requestor. The requestor may be required to provide a deposit in the amount of ten percent of the estimated cost of providing copies of the records. If the District provides copies of records on a partial or installment basis, the requestor shall pay the copy charge for each installment as it is provided to the requestor.

I wish to make an appointment to review the records indicated above before copies are made

I certify that the requested records shall not be used for commercial purposes.

Signature _____ Date _____ Time _____

For District Use Only

Date Received:	Received By:	Forwarded to:	Responded By (date):
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Comments:

Request was satisfied: Yes No	Denied for the following reason:
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Date Completed:	District Representative:
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No. of Copies @ \$0.15 per copy = \$
 Additional Charges (Disk/CD, other) = \$