

# HIGHLINE WATER DISTRICT KING COUNTY, WASHINGTON

## RESOLUTION 25-1-15C

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF HIGHLINE WATER DISTRICT, KING COUNTY, WASHINGTON, RELATING TO COMPLIANCE WITH THE PUBLIC RECORDS ACT, CHAPTER 42.56 RCW, INCORPORATING UPDATED RULES GOVERNING INSPECTION AND COPYING OF PUBLIC RECORDS; AND REPEALING RESOLUTION 12-8-28A.**

**WHEREAS**, Chapter 42.56 of the Revised Code of Washington (RCW) requires the District to make nonexempt public records available for inspection and copying; and

**WHEREAS**, pursuant to Chapter 42.56 RCW (the Public Records Act), on August 28, 2012, the Highline Water District adopted Resolution 12-8-28A, implementing its policies and procedures for responding to and fulfilling requests for identifiable, nonexempt public records; and

**WHEREAS**, the District Board of Commissioners desire to update and revise its public records policies and procedures to comply with the current updates to the Public Records Act; and

**WHEREAS**, in order to incorporate these changes into the District's existing rules relating to the Public Records Act, the existing Resolution 12-8-28A must be repealed and replaced; now, therefore

**BE IT RESOLVED** by the Board of Commissioners of the Highline Water District ("District") as follows:

**Section 1:** The District Board of Commissioners hereby adopts the following rules for inspection and copying of District public records:

#### **1. AUTHORITY AND PURPOSE.**

- 1a. Public Records Act.** The Public Records Act, Chapter 42.56 RCW ("Act") requires the District to make identifiable, non-exempt public records available for inspection and copying upon request, and to publish rules of procedures to inform the public how access to public records will be accomplished. The following Rules of Procedure ("Rules") for responding to public records/disclosure requests are hereby established.
- 1b. Purpose of Rules.** The purpose of these 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 requesters and District staff that are designed to assist members of the public in obtaining such access.
- 1c. Full Access.** 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. In carrying out its responsibilities under the Act, the District will be guided by the provisions of the Act describing its purposes and interpretation.

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### 2. CONTACT INFORMATION – PUBLIC RECORDS OFFICER.

**2a. District Business Office.** The District is a municipal corporation of the State of Washington. The District's Business Office is located at: 23828 - 30th Avenue South, Kent, WA 98032.

**2b. Public Records Officer.** The District's Public Records Officer is the General Manager and his/her designee. Any person wishing to inspect District public records, or seeking assistance in making such a request, should contact the Public Records Officer of the District:

Highline Water District  
Attention: Public Records Officer  
23828 - 30th Avenue S  
Kent, WA 98032  
Phone: 206-824-0375  
Fax: 206-824-0806  
E-mail: [publicrecords@highlinewater.org](mailto:publicrecords@highlinewater.org)

**2c. Duties and designee.** The Public Records Officer shall oversee compliance with the Act and this Resolution, but other District staff members may also process requests. Therefore, in these Rules, the Public Records Officer includes any designee of the Public Records Officer.

### 3. AVAILABILITY OF PUBLIC RECORDS.

**3a. Business hours.** Public records shall be available for inspection and copying during the District's normal business hours: Monday through Friday, 7:00 a.m. to 4:00 p.m., excluding legal holidays. District public records must be inspected at the address listed in Section 2b above, unless another location is designated for a particular request by the Public Records Officer. Many public records are also available for inspection on the District's website at any time.

**3b. Records index.** Due to the small size of District staff, maintaining a central index of District's records is unduly burdensome, costly, and would interfere with District operations due to the number and complexity of records generated as a result of the wide range of the District's activities. The District, however, maintains an index of resolutions adopted by the Board of Commissioners, which may be accessed by requesting them from the Public Records Officer.

**3c. Organization of records.** The District shall maintain its records in a reasonably organized manner. The District shall take reasonable actions to protect records from damage and disorganization. A requester shall not take District public records from the District's office, or from a location designated by the Public Records Officer, without the permission of the Public Records Officer. A variety of records are available on the District's website. Requesters are encouraged to view the documents available at no cost on the District's website prior to submitting a public records request.

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**3d. Records request - form.** Any person wishing to inspect or copy public records of the District shall make the request in writing on the District request form, a copy of which is available on the District's website, and attached hereto as **Exhibit A** and incorporated herein by this reference ("Request For Public Records"), or by letter, fax or e-mail addressed to the Public Records Officer, and include the following information:

- (1) Name of requester;
- (2) Address of requester;
- (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.

The District shall accept requests received in person during normal business hours. The District's request form shall be made available to requesters who wish to complete requests in person. Completed forms will be routed to the Public Records Officer.

**3e. Notice of request.** A requester must provide the District with fair notice that the request being made is for public records. If a request is contained in a larger document unrelated to a public records request, the requester should point out the public records request by labeling the front page of the document or the subject line of an email as containing a public records request or otherwise calling the request to the attention of the Public Records Officer to facilitate timely response to the request.

**3f Invalid Request; Identifiable Records.** A request must be for identifiable public records or a class of records. An identifiable record is one that exists at the time of the request and which the Public Records Officer can reasonably locate. A request for all or substantially all public records prepared, owned, used, or retained by the District is not a valid request for identifiable public records. A request for all public records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of the District's records.

**3g Bot Requests.** The District may deny a "bot" request that is one of multiple requests from a requester to the District within a twenty-four (24) hour period, if the District establishes that responding to the multiple requests would cause excessive interference with other essential District functions.

**3h. Request for copies.** If the requester wishes to have copies of the records made instead of simply inspecting them, the requester should so indicate and make arrangements to pay for copies of the records or to pay a deposit as required by the District.

**3i. Other form.** The Public Records Officer may accept requests for public records that contain the above information by telephone or in person during regular business hours. If the Public Records Officer accepts such a request, the officer shall confirm receipt of the information and the substance of the request in writing.

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**3j Purpose of request.** A requester need not state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive documents, the Public Records Officer may inquire about the nature or scope of the request. If the request is for a list of individuals, the Public Records Officer may ask the requester if they intend to use the records for a commercial purpose. The District is prohibited by statute from disclosing lists of individuals for commercial purposes. RCW 42.56.070(8).

### **4. PROCESSING OF PUBLIC RECORDS REQUESTS — GENERAL.**

**4a. Providing access and assistance.** These Rules identify how the District will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of the District, provide fullest assistance to requesters, and provide the most timely possible action on public records requests. All assistance necessary to help requesters locate particular responsive records shall be provided by the Public Records Officer, provided that the giving of such assistance does not unreasonably disrupt the daily operations of the District.

**4b. Order of processing requests.** The Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner. Upon receipt of a request, the District will assign the request a tracking number and log it in. The Public Records Officer or designee will evaluate the request according to the nature of the request, volume, and availability of requested records.

**4c. Acknowledging and fulfilling requests.** Following the initial evaluation of the request as described in 4b of this section, and within five (5) business days of receipt of the request, the Public Records Officer will do one or more of the following:

- (1) Provide the records available for inspection or copying;
- (2) Provide an internet address and link on the District's website to the specific records requested;
- (3) Acknowledge receipt of the request and provide a reasonable estimate of time the District will require to respond to the request;
- (4) Acknowledge receipt of the request and ask the requester to provide clarification for a request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of time the District will require to respond to the request if it is not clarified; or
- (5) Deny the request.

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- 4d. Clarification.** Clarification of requests may be requested and provided by orally (e.g. by telephone or in person) or in writing. The Public Records Officer may revise the estimate of when records will be available. If the requester fails to respond to a request for clarification and the entire request is unclear, the District need not respond to it. The District will respond to those portions of a request that are clear. The District may take additional time to provide the records or deny the request if it is awaiting clarification.
- 4e. Failure to respond.** If the District does not respond in writing within five (5) business days of receipt of the request for disclosure, the requester should contact the Public Records Officer to determine the reason for the failure to respond.
- 4f. Protecting rights of others.** 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 requester 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 shall include a copy of the request.
- 4g. Redaction.** 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 written 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 non-exempt portions, and indicate to the requester why portions of the record are being redacted.
- 4h. Access to and preserving records.** The District shall promptly provide space to inspect public records. No member of the public may remove public records from the viewing area or disassemble or alter any public record. The requester shall indicate which records they wish to have copied using a mutually agreed upon non-permanent method of marking the desired record. If the requester cannot access the records made available on the District's website, the District shall allow the requester to view the records using a District computer designated for the public inspection of records.
- 4i. Consequence of failure to review request.** The requester must claim or review the assembled records within thirty (30) days of the District notification to the requester that the records are available for inspection or copying. The District will notify the requester in writing of this requirement, and that the requester must contact the District to make arrangements to claim or review the records. If the requester or a representative of the requester 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.

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- 4j. Copying request.** After inspection is complete, the Public Records Officer shall make the requested copies or arrange for copying. Where the District charges for copies, the requester must pay for the copies. If requested, the District will provide a summary of the applicable charges before any copies are made. The requester may then revise the request to reduce the number of requested copies. For large requests, the District may ask the requester to prioritize the request so the District can provide the most important records first.
- 4k. Installments.** If the request is for a large number of public records, the Public Records Officer shall provide access for inspection and copying in installments, if the Public Records Officer reasonably determines that it would be practical to provide the records in that way. If, within thirty (30) days, the requester fails to inspect the entire set of records or one or more of the installments, the Public Records Officer shall no longer be obligated to fulfill the balance of the request and shall stop searching for the remaining records and close the request.
- 4l. Completion of search.** When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer shall indicate that the District has completed a reasonable search for the requested records and made any located non-exempt records available for inspection.
- 4m. Closing request.** When the requester either withdraws the request, or fails to clarify an entirely unclear request, or fails to fulfill the requester's obligations to inspect the records, pay the deposit, pay the required fees for an installment, or make final payment for the requested copies, the Public Records Officer shall close the request and indicate in writing to the requester that the District has closed the request. The closing letter will include information on how the request was fulfilled and why the District is closing the request, a statement informing the requester that the statute of limitations to seek judicial review has started to run because the District does not intend to further address the request, and that the requester may ask follow-up questions within a reasonable time frame as specified by the District. If the requester asks timely follow-up questions, the District may search for additional records but is not required to do so. If the requester asks follow-up questions and the District does not intend to further address the request, the District will explicitly inform the requester of its intent and will reiterate that the statute of limitations has started to run.
- 4n. Later discovered records.** If, after the District has informed the requester that it has provided all available records, the District becomes aware of additional public records existing at the time of the request that are responsive to the request, it shall promptly inform the requester of the additional public records and make them available for inspection on an expedited basis.
- 4o. Consequence of disclosing record in error.** The District, and its officials and employees are not liable for loss or damage based on release of a public record if the District official or employee acted in good faith in attempting to comply with the Act.
- 4p. No duty to create records.** The District is not obligated to create a new record to satisfy a records request; however, the District may, in its discretion, create such a new record to fulfill

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the request where it may be easier for the District to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.

- 4q. No duty to supplement responses.** The District is not obligated to hold current records requests open to respond to requests for District public records that may be created in the future. If a public record is created or comes into the possession of the District after a request is received by the District, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.

### **5. PROCESSING OF PUBLIC RECORDS REQUESTS- ELECTRONIC RECORDS.**

- 5a. Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

- 5b. Providing electronic records.** When a requester requests records in an electronic format, the Public Records Officer shall provide the non-exempt 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. Costs for providing electronic records are governed by Section 7b, below.

### **6. EXEMPTIONS FROM DISCLOSURE - EXEMPTIONS LISTED FOR INFORMATIONAL PURPOSES.**

The Act provides that a number of categories of public records are exempt from public inspection and copying. In addition, the Act provides that certain public records may be exempt from disclosure if any other statute or law exempts or prohibits disclosure. For informational purposes only, the District has set forth a list of applicable exemptions below. This list is not inclusive or exhaustive of all exemptions. The District's failure to list an exemption below shall not affect the efficacy of any exemption. RCW 42.56.070(2). Requesters should be aware that the following exemptions may restrict the availability of inspection or copying of some public records, or portions thereof.

- (1) Personal information: Personal information in files maintained for employees and appointed or elected officials of the District to the extent disclosure would violate their right to privacy; and financial information including credit card numbers, debit card numbers, electronic check numbers, card expiration dates, and bank or other financial account numbers. RCW 42.56.230.
- (2) Employment and licensing: Applications for public employment and related materials submitted with respect to an applicant; examination information (test questions, scoring keys and other data used to administer a license, employment or academic examination); personal contact information in files maintained for District employees or volunteers, and their dependents (address, telephone number, email address, social security number, emergency contacts and date of birth); any employee's name or other personally identifying information including, but not limited to, birthdate, job title, addresses of work stations and locations, work

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email address, work phone number, bargaining unit, or other similar information, if the employee has provided both a sworn statement that the employee or a dependent of the employee is a survivor of domestic violence and proof to the District of participation in an address confidentiality program; GPS data that indicates a District employee's residence location; and voluntarily submitted information that identifies a District employee's personal demographic details. RCW 42.56.250.

- (3) Real estate appraisals: Real estate appraisals made for or by the District relative to the acquisition or sale of property until the project is abandoned or sold, except disclosure may not be denied for more than three years after the appraisal. RCW 42.56.260.
- (4) Financial, commercial and proprietary information: Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by the District within five years of the request for disclosure when disclosure would produce private gain and public loss. RCW 42.56.270.
- (5) Preliminary drafts, notes, recommendations and interagency memorandums: Records in which opinions are expressed or policies formulated or recommended, except if the opinion or policy is implemented or the record is publicly cited in connection with District action. RCW 42.56.280.
- (6) Work product: Records which are relevant to a controversy to which the District is a party but which records would not be available to another party under the rules of pretrial discovery for Superior Courts. RCW 42.56.290.
- (7) Public utilities information: Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095; and records containing the residential addresses and residential telephone numbers of District customers. RCW 42.56.330.
- (8) Security: Records assembled or prepared to prevent, mitigate or respond to terrorist acts, the disclosure of which would have a substantial likelihood of threatening public safety; specific and unique vulnerability assessments or emergency response plans and records containing information regarding the infrastructure and security of computer and telecommunications networks. RCW 42.56.420.
- (9) Attorney-client privileged information: Records reflecting communications transmitted in confidence between the District and its attorney for the purposes of legal advice. RCW 42.56.070(1); RCW 5.60.060(2)(a).
- (10) Medical records: Medical records in employee personnel files. Chapter 70.02 RCW.
- (11) Trade secrets: Records containing trade secrets of businesses the District regulates. Chapter 19.108 RCW.



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The Act and other statutes contain hundreds of exemptions from disclosure and it is not practical for the District to list each exemption. Therefore, the District adopts by reference the exemptions from public disclosure contained in the law and other statutes, as set forth in Appendix C: Exemptions and Prohibition Statutes Not Listed in Chapter 42.56 RCW to "Public Records Act for Washington Cities, Counties, and Special Purpose Districts," Municipal Research and Services Center, 2019, as may be amended from time to time, a copy of which is maintained in the District's business office.

### 7. COSTS OF PROVIDING COPIES OF PUBLIC RECORDS.

- 7a. Location/Inspection of records.** There is no fee to locate or inspect public records, including inspecting records on the District's website.
- 7b. Statutory default costs.** The District has determined it would be unduly burdensome to calculate actual costs for copying because the District does not have the resources to determine actual copying costs for all its records, to conduct such a study would interfere with other essential District functions, and through the legislative process, the public and requesters have commented on and been informed of authorized fees and costs provided in the Act including RCW 42.56.120 and other laws. Therefore, in order to timely implement a fee schedule consistent with the Act, it is more cost efficient, expeditious, and in the public interest for the District to adopt the state legislature's approved fees and costs for most of the District's records, as authorized in RCW 42.56.120 and as published in the District's fee schedule, established in HWDC 6.04.020, and available on the District's website. The District will periodically update HWDC 6.04.020, which establishes a fee schedule for the copying of records in non-standard, formats or media. Statutory default charges include the actual costs of long-distance facsimile transmission, digital storage media, mailing containers, and postage.
- 7c. Off-site vendor copying.** If the Public Records Officer determines that an off-site vendor can make copies more quickly and less expensively than the District, or if the District has to pay an off-site vendor for copying public records in non-standard formats, including but not limited to photographs, scanning, blueprints or audio recordings, the requester shall pay the actual costs of such duplication. If an off-site vendor is used, the District may: (1) arrange for the requester to pay the vendor directly for copies made; or (2) charge the requester the actual amount charged by the off-site vendor to the District for the copies made.
- 7d. Deposit.** Before beginning to make the copies, the Public Records Officer may require a deposit of up to ten (10) percent of the estimated cost of copying all the public records selected by the requester. 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 shall not charge sales tax when it makes copies of public records, unless required by law to do so. Any unused deposit will be refunded to the requester.
- 7e. Payment methods.** The requester shall pay for copies of public records by cash, check, or money order payable to the District.

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### 8. **RETENTION OF RECORDS.**

The District shall retain its records in accordance with retention schedules approved by the State Local Records Committee. Public records may not be destroyed per retention schedule if a public records request or actual or anticipated litigation is pending.

### 9. **REVIEW OF DENIALS OF PUBLIC RECORDS.**

**9a. Petition.** Promptly after initial denial or partial denial of a records request, the requester 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.

**9b. District response to petition.** The Public Records Officer shall promptly provide the petition and any other relevant information to the District attorney. The District attorney will immediately consider the petition and provide the requester a written determination of whether the denial is affirmed or reversed within two (2) business days following the District's receipt of the petition, or within such other time as the District and the requester mutually agree to. Nothing in this section shall be deemed to establish an attorney-client relationship between the District attorney and the requester.

**9c. Judicial review.** The requester may obtain court review of denials of public records requests pursuant to RCW 42.56.550 after the initial denial, regardless of any internal administrative appeal.

**Section 2.: Repealer.** All other existing District resolutions or administrative rules relating to public records procedures, other than the fees established under HWDC 6.04.020, are hereby repealed and superseded to be in accordance with the provisions of this Resolution.

**Section 3.: Effective Date.** This Resolution shall be effective on the date of adoption as set forth below.

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**ADOPTED BY THE BOARD OF COMMISSIONERS** of Highline Water District, King County, Washington, at the Open Public Meeting thereof held on the 15 day of January, 2025.

### BOARD OF COMMISSIONERS

DocuSigned by:

*Vince Koester*

**Vince Koester**, President

DocuSigned by:

*Polly Daigle*

**Polly Daigle**, Commissioner

Signed by:

*Kathleen Quong Vermeire*

**Kathleen Quong Vermeire**, Commissioner

Signed by:

*Todd Fultz*

**Todd Fultz**, Secretary

Signed by:

*Daniel Johnson*

**Daniel Johnson**, Commissioner