

**CLARK REGIONAL WASTEWATER DISTRICT
CLARK COUNTY, WASHINGTON**

RESOLUTION NO. 1652

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CLARK REGIONAL WASTEWATER DISTRICT, CLARK COUNTY, WASHINGTON, ADOPTING RULES FOR PUBLIC INSPECTION AND COPYING OF PUBLIC RECORDS; REPLACING CHAPTER 2.24 OF THE DISTRICT CODE; AND REPEALING RESOLUTION NO. 1405.

WHEREAS, on April 10, 2007, the District Board of Commissioners adopted Resolution No. 1405, relating to rules for public inspection and copying of District public records; and

WHEREAS, Resolution No. 1405 provided for such rules to be included in Chapter 2.24 of the District Code; and

WHEREAS, the District Board of Commissioners has determined that it would be in the best interest of the District, its employees and its customers to update its rules relating to inspection and copying of public records, so that they are consistent with state law under the Public Records Act, Chapter 42.56 RCW, and with the advisory Model Rules promulgated by the Office of the Attorney General; now, therefore

BE IT RESOLVED by the Board of Commissioners of Clark Regional Wastewater District, Clark County, Washington, as follows:

Section 1: Adoption of Rules for District Public Records. Chapter 2.24 of the Clark Regional Wastewater District Code is replaced in its entirety with the following rules and procedures for inspection and copying of District public records:

**Chapter 2.24
Public Records**

2.24.010 Authority and purpose.

A. 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 regarding the procedures for public access to public records ("public records" or "records" in this Chapter). The District establishes the following Rules of Procedure ("Rules") for responding to requests for public records.

B. 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 and establish procedures for members of the public who wish to access records.

C. Full Access. The purpose of the Act and these Rules is to provide to the public full access to information concerning the conduct of the District, while balancing individual privacy rights and efficient District administration. In carrying out its responsibilities under the Act, the District will follow the parts of the Act that describe its purposes and guide its interpretation.

2.24.020 Contact information – Public records officer.

A. District Business Office. The District's Business Office is located at: 8000 N.E. 52nd Court, Vancouver, Washington 98665-0983.

B. Public Records Officer. The District Board Clerk/Administrative Services Manager is designated as the District Public Records Officer. Any person wishing to inspect public records should contact the Public Records Officer:

Clark Regional Wastewater District
Attention: Public Records Officer
8000 N.E. 52nd Court
Vancouver, Washington 98665-0983
Phone: 360-750-5876
Fax: 360-750-7570

Notice of the designation of the District Board Clerk/Administrative Services Manager as the District Public Records Officer shall be posted on the District's web site, www.crwwd.com.

C. Duties and Designee. The Public Records Officer shall oversee compliance with the Act and this Chapter, but other District staff members may also process requests. Therefore, in these Rules the term "Public Records Officer" includes any designee of the Public Records Officer.

2.24.030. Availability of public records.

A. Business Hours. Public records shall be available for inspection and copying during the District's normal business hours: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Public records must be inspected at the address listed in Section 2.24.020.B above, unless another location is designated for a particular request by the Public Records Officer.

B. Records Index. Due to the small size of District staff, maintaining a central index of District records is unduly burdensome and costly, and would interfere with District operations due to the number and complexity of public records generated as a result of the wide range of District 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.

C. Organization of Records. The District shall maintain its public records in a reasonably organized manner. The District shall take reasonable actions to protect

records from damage and disorganization. A requestor shall not take 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. Records Request - Form. Any person wishing to inspect or copy public records of the District may make the request in writing on the District request form, a copy of which is available on the District website and at the District Office ("Request to Review Public Records" form), or may make the request by letter, fax or email addressed to the Public Records Officer. A request shall include the following information:

1. Name of requestor;
2. Address of requestor;
3. Other contact information, including telephone number and any email address;
4. Identification of the public records adequate for the Public Records Officer to locate the records; and
5. Date of request.

E. Notice of Request. A requestor must provide the District with reasonable notice that the request being made is for public records. If a request is contained in a larger document unrelated to a records request, the requestor must point out the records request by labeling the front page of the document as containing a public records request or otherwise calling the request to the attention of the Public Records Officer.

F. Request for Copies. If the requestor wishes to have copies of the public records made instead of simply inspecting them, the requestor should so indicate and make arrangements to pay for copies of the records or to pay a deposit as required by the Public Records Officer.

G. Other Form of Request. The Public Records Officer may accept, but shall not be required to accept, requests by telephone or in person for public records that contain the above information. If the Public Records Officer accepts such a request, the Officer shall confirm receipt and substance of the request in writing.

H. Purpose of Request. A requestor need not state the purpose of the request. However, in an effort to clarify or prioritize a request and to provide responsive public records, 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 requestor if the requestor intends to use the records for a commercial purpose, as the District is prohibited by RCW 42.56.070(9) from disclosing lists of individuals for commercial purposes.

2.24.040 Processing of public records requests — General.

A. Providing Access and Assistance. These Rules explain how the District will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with essential District functions, provide full assistance to requestors, and provide timely responses to records requests. The Public Records Officer shall assist requestors to locate responsive records, provided that such assistance does not unreasonably disrupt the daily District operations.

B. Order of Processing Requests. The Public Records Officer will process requests in the order that will allow the most requests to be processed in the most efficient manner.

C. Acknowledging and Fulfilling Requests. Within five (5) business days of receipt of a request, the Public Records Officer will do one or more of the following:

1. Provide the public records for inspection and/or copying;
2. Provide an internet address and link on the District's website to the specific public records requested;
3. Acknowledge receipt of the request and provide a reasonable estimate of time that the District will require to respond to the request; or
4. Deny the request.

D. Clarification. If the request is unclear or does not sufficiently identify the requested public records, the District may ask the requestor to clarify the records requested. The clarification may be made by letter, telephone or email. The Public Records Officer may revise the estimate of time for availability of public records in light of the clarification. If the requestor fails to clarify the request, the District need not respond to the request.

E. Failure of District to Respond. If the District does not respond in writing within five (5) business days of receipt of the request, the requestor should contact the Public Records Officer to determine the reason for the failure to respond.

F. Third Party Notice. If the requested public 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 the persons whose rights may be affected by the disclosure. Such notice will allow the persons to contact the requestor and ask the requestor to revise the request, or, if deemed necessary by such persons, to seek an order from a court to prevent or limit the disclosure. The notice to such persons shall include a copy of the request.

G. Redaction; Denial. Some public records will be exempt from disclosure, in whole or in part. If the District believes that a record is exempt, in whole or in part, from disclosure and should be withheld, the Public Records Officer will state the specific exemption and provide a brief written explanation of the reason for withholding the

record, in whole or in part. The brief written explanation is also known as an “exemption log.” If only a portion of a public record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact (black out or remove) the exempt portion and provide the non-exempt portions to the requestor, stating the reason for the redaction.

H. Access to and Preservation of Records. The District shall promptly provide space to inspect public records. No member of the public may remove records from the viewing area or disassemble or alter any record. The requestor shall indicate which records the requestor wants copied, using a mutually agreed upon non-permanent method of marking the desired record. If the records are available on the District’s website, but the requestor cannot access the records on the District’s website, the District shall allow the requestor to view the records on a District computer that is designated for the public inspection of records. No requestor or person shall alter, mutilate, destroy, erase, obliterate or falsify any records, and any such actions may be reported to the Clark County Sheriff and/or Prosecuting Attorney. Any District employee who commits any of the aforementioned prohibited acts relating to the preservation of records shall be subject to discipline.

I. Consequence of Failure to Review Requested Records. The requestor must claim or review the assembled public records within thirty (30) days of District notification in writing that the records are available for inspection and/or copying. The District’s notification will advise the requestor to 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 to make other arrangements, the District may close the request and re-file the assembled records.

J. Copying Records. After inspection is complete, the Public Records Officer shall copy or arrange for copying of the public records that are identified for copying.

K. Installments. The Public Records Officer shall provide for inspection and copying in installments, if the request is for a large number of public records and the Public Records Officer reasonably determines that it would be practical to provide the records in installments. If the request is for a large number of public records, and the requestor 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.

L. Completion of Search. When the inspection of the requested public records is complete and all requested copies have been provided, the Public Records Officer shall indicate that the District has completed a diligent search for the requested records and has made any non-exempt public records available for inspection.

M. Closing Request—Withdrawal or Failure. When the requestor either withdraws the request or fails to fulfill the requestor’s obligations to inspect the public records or pay the deposit or final payment for the requested copies, the Public Records

Officer shall close the request and indicate to the requestor that the District has closed the request.

N. Later Discovered Records. If the District becomes aware of additional responsive public records that existed at the time of the request but were not provided, the District shall promptly inform the requestor of the additional records and make them available expeditiously for inspection and/or copying.

O. Records Disclosed in Error. The District, and its officials and employees, are not liable for loss or damage based on release of public records when the District official or employee acted in good faith in attempting to comply with the Act.

P. No Duty to Create Records. The District is not obligated to create a new record to satisfy a public records request. However, the District may in its discretion create a new record, where to do so is easier than collecting and making available voluminous records that contain small pieces of information responsive to the request.

Q. No Duty to Supplement Responses. A public records request includes within its scope records that are prepared, owned, used or retained by the District on or before the date of the request. If a record is prepared, owned, used or retained by the District after the date of a request, it will not be responsive to the request and will not be provided for inspection and/or copying. A new request must be made to obtain later-created records.

R. Closing of Request. After a public records request has been fulfilled, the District will provide a closing letter, memorandum or email, stating the scope of the request and memorializing the outcome of the request. However, the District may not provide such closing document when the request is for a small number of records. The closing document will ask the requestor to contact the District promptly if the requestor believes that additional responsive records have not been provided for inspection and/or copying.

2.24.050 Processing of public records requests- Electronic records.

A. Procedure. The procedure for inspection and/or copying of electronic public records is the same as for paper public records.

B. Reasonably Locatable. The District will provide reasonably locatable public records in an electronic format. A public record is reasonably locatable when it can be located with typical search features and organizing methods in the District's current software.

C. Reasonably Translatable. When the District has an electronic public record in a format that is generally commercially available, and the requestor requests the record in that format, the District will provide the record in that format. When the District has an electronic public record in an electronic format, but the requestor asks for the record in another format, the District will provide the record in the other format if the District is able to reasonably translate the electronic record into the requestor's desired

format. A record is reasonably translatable when it can be saved in the requestor's desired format without changing the substantive accuracy of the record.

2.24.060 Exemptions.

A. Listing of Exemptions—Informational Only. 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 records may be exempt from disclosure if any other statute or law exempts or prohibits disclosure. For informational purposes only, the District sets forth a list of exemptions below, which is not inclusive or exhaustive. The District's failure to list an exemption below shall not affect the efficacy of any exemption (RCW 42.56.070(2)). Requestors should be aware that the following exemptions may restrict the availability of inspection or copying of 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. RCW 42.56.230 and 42.56.050.

2. Personal Information: Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, and bank or other financial account numbers. RCW 42.56.230.

3. 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); and personal contact information in files maintained for District employees or volunteers, and their dependents (address, telephone number, personal email address, social security number, driver's license number, identicard number, emergency contacts and date of birth). RCW 42.56.250.

4. Real Estate Appraisals: Real estate appraisals made for or by the District relative to the acquisition or sale of property, until the acquisition or sale is abandoned or until the property has been acquired or sold, except disclosure may not be denied for more than three years after the appraisal. RCW 42.56.260.

5. Financial, Commercial and Proprietary Information: Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by the District within five (5) years of the request for disclosure when disclosure would produce private gain and public loss. RCW 42.56.270.

6. Intra-District Records. Preliminary drafts, notes, recommendations and interagency memorandums in which opinions are expressed or policies formulated or recommended, unless the opinion or policy is publicly cited in connection with District action. RCW 42.56.280.

7. Attorney Work-Product: Records that are relevant to a controversy to which the District is a party but that would not be available to another party under the rules of pretrial discovery for Superior Courts. RCW 42.56.290.

8. Attorney-Client Privileged Communication: Records reflecting communications transmitted in confidence between the District and its attorney for the purposes of legal advice. RCW 5.60.060(2)(a).

9. Utility Usage and Billing Information: Addresses, telephone numbers, electronic contact information, and customer-specific utility usage and billing information, in increments less than a billing cycle of District customers. RCW 42.56.330.

10. Security: Records assembled, prepared or maintained to prevent, mitigate or respond to terrorist acts, the disclosure of which would have a substantial likelihood of threatening public safety, including specific and unique vulnerability assessments and response or deployment plans; and records containing information regarding the infrastructure and security of computer and telecommunications networks. RCW 42.56.420.

11. Medical Records: Medical records in employee personnel files. Chapter 70.02 RCW.

12. Trade Secrets: Records containing trade secrets of businesses the District regulates. Chapter 19.108 RCW.

2.24.070 Costs of providing copies of public records.

A. Inspection. There is no fee for inspecting public records.

B. Photocopies. The charge for standard-size (8-1/2" x 11" and 8-1/2" x 14") photocopies of public records is fifteen cents (\$0.15) per page and the charge for oversized (8-1/2" x 17") photocopies of public records is twenty cents (\$0.20) per page.

C. Non-Standard photocopies. The charge for non-standard photocopies of public records is stated in Section 4.04.010.

D. Scanning. The charge for scanning public records into an Adobe Acrobat PDF file, or similar type of file, is ten cents (\$0.10) per page.

E. Deposit. Before making copies of public records, the Public Records Officer may require a deposit of up to ten percent (10%) of the estimated cost of copying all 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 shall not charge sales tax when it makes copies of records, unless required by law to do so.

F. Electronic Public Records. Unless another charge applies, there is no charge for providing a public record in the electronic format used by the District, and no charge for providing a record in the electronic format requested by the requestor.

G. Emailing. Unless another charge applies, there is no charge for sending public records by email (as attachments).

H. CD, DVD and USB Flash-drive. There is no charge for CD and DVD copies of public records. The charge for USB flash-drive copies of records is five dollars (\$5.00) per flash-drive.

I. Off-site Vendor Copying. If the District must hire a vendor for copying public records in non-standard formats, including but not limited to photographs, blueprints or tape recordings, the requestor shall pay the actual costs of such copying. The District may either arrange for the requestor to pay the vendor directly or charge the requestor for the actual costs of the copies.

J. Mail. The charge for mailing public records shall be the actual cost of mailing, including postage and shipping container.

K. Certified Copies. The charge for a certified copy of a public record shall be five dollars (\$5.00), regardless of the number of pages.

L. Payment Methods. The requestor shall pay for copies of public records by cash, check, or money order payable to the District.

2.24.080 Retention of records.

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

2.24.090 Denials and reviews of public records requests.

A. Final Decision on Denial. Immediately after denying inspection and/or copying of public records, the Public Records Officer shall transmit a copy of the written explanation for denial or partial denial to the requestor and the District attorney.

B. Petition for Review. Within three (3) business days after the denial of inspection and/or copying, the requestor may submit a written petition to the Public Records Officer for review of the denial or partial denial. The petition shall include a copy of or reasonably identify the written explanation.

C. District Response to Petition. The Public Records Officer shall promptly transmit the petition and any other relevant information to the District attorney. The District attorney shall within two (2) business days of the Public Record Officer's receipt of the petition, or within such other time as the Public Records Officer and the requestor

agree, affirm or reverse the denial or partial denial. The Public Records Officer or the District attorney shall transmit the decision to the requestor on the date of its issuance.

D. Judicial Review. The requestor may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two (2) business days after the initial denial by the Public Records Officer, regardless of the internal review provided for in the subsections above.

Section 2. Repealer. District Resolution No. 1405 is repealed. All other existing District resolutions, rules, policies and procedures are hereby modified, amended and/or superseded to be in accordance with the provisions of this Resolution.

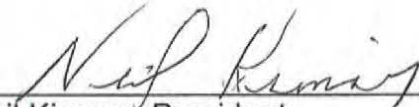
Section 3. Effective Date. This Resolution shall be effective on the date of adoption as set forth below.

ADOPTED by the Board of Commissioners of Clark Regional Wastewater District, Clark County, Washington, at the regular public meeting held on October 27, 2015.

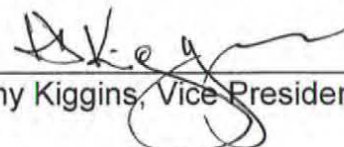
CLARK REGIONAL WASTEWATER DISTRICT

Attest:

Norm Harker, Secretary



Neil Kimsey, President



Denny Kiggins, Vice President