

**SILVER LAKE WATER AND SEWER DISTRICT
SNOHOMISH COUNTY, WASHINGTON
RESOLUTION NO: 783**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
SILVER LAKE WATER AND SEWER DISTRICT, SNOHOMISH
COUNTY, WASHINGTON, AMENDING CHAPTER 2.35 OF THE
DISTRICT CODE, ENTITLED "RECORDS" TO UPDATE THE RULES
GOVERNING PUBLIC INSPECTION AND COPYING OF PUBLIC
RECORDS, AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, on April 14, 2011, the Commissioners of Silver Lake Water and Sewer District ("District") adopted Resolution No. 668, relating to the rules and procedures for public inspection and copying of District public records; and

WHEREAS, Resolution No. 668 was later codified at Chapter 2.35 of the District Code, entitled, "Records"; and

WHEREAS, the Commissioners have determined that it would be in the best interest of the District, its employees, and its customers to update its policies and procedures relating to the inspection and copying of public records consistent with state law under the Public Records Act, Chapter 42.56 RCW; and

WHEREAS, the Commissioners desire to amend Chapter 2.35 of the District Code to update the rules relating to inspection and copying of public records;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of Silver Lake Water and Sewer District, as follows:


Section 1: Chapter 2.35 of the District's Code, entitled "Records" is hereby amended as set forth in Exhibit 1, attached hereto and incorporated by reference.

Section 2: This resolution shall be effective on the date of adoption as set forth below.

ADOPTED by the Board of Commissioners at a regular open public meeting of the Silver Lake Water and Sewer District, Snohomish County, Washington this 10th day of October, 2019.



President and Commissioner



Vice President and Commissioner



Secretary and Commissioner

CERTIFICATION

I, the undersigned, Secretary of the Board of Commissioners of Silver Lake Water and Sewer District, Snohomish County, Washington (the "District"), hereby certify as follows:

1. The attached copy of Resolution No. 783 (the "Resolution") is a full, true and correct copy of the Resolution duly adopted at a regular meeting of the Board of Commissioners of the District, held at the regular meeting place thereof on October 10, 2019, as that Resolution appears on the minute book of the District; and the Resolution will be in full force and effect immediately following its adoption; and

2. A quorum of the members of the Board of Commissioners was present throughout the meeting and a majority of those members present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of October, 2019.

**SILVER LAKE WATER-SEWER DISTRICT,
SNOHOMISH COUNTY, WASHINGTON**

A handwritten signature in cursive script that reads "Bill Anderson". The signature is written in dark ink and is positioned above the printed name of the signatory.

Bill Anderson, Secretary

EXHIBIT 1 TO RESOLUTION NO. 783

Chapter 2.35 RECORDS

Sections:

- 2.35.010Availability of public records.**
- 2.35.020District general manager designated as public records officer.**
- 2.35.030Hours for records inspection and copying.**
- 2.35.040Request for public records.**
- 2.35.050Copying of public records.**
- 2.35.060Records exempt from public inspection.**
- 2.35.070Review of denials of public records requests.**
- 2.35.080Records index.**
- 2.35.090Record request form.**
- 2.35.100Protection of public records.**

2.35.010Availability 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 42.56.470, SLWSDC 2.35.060, and other applicable Washington law.

2.35.020District general manager designated as public records officer.

The district general manager is designated as the district's public records officer ("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 chapter, 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. Any person desiring to inspect district public records, or seeking assistance in making such a request, should contact the public records officer at:

Silver Lake Water and Sewer District
Attention: Public Records Officer
15205 41st Ave. SE
Bothell, WA 98012-6114
Phone: 425-337-3647
Fax: 425-337-4399

2.35.030 Hours for records inspection and copying.

Public records shall be available for inspection and copying at the district's business office located at 15205 41st Ave. SE, Bothell, WA 98012, during the customary office hours of the district, Monday through Friday, excluding legal holidays. The district's customary office hours shall be posted at the district business office and on the district website, <https://slwsd.com>.

2.35.040 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, consistent with the following procedures:

(1) A person wishing to inspect or copy public records of the district shall request in writing upon a form prescribed by the district as set forth in Section 2.35.090, and available at the district office. The form shall be presented in person at the district office during customary office hours, by first class mail to the district office, or by e-mail. The request shall include the following information:

- (a) The name of the person requesting the records;
 - (b) The date on which the request was made;
 - (c) Address of the requestor, and/or other contact information, including telephone number and any e-mail address;
 - (d) The nature of the request; and
 - (e) 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.
- (2) A requestor 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 is required to ask the requestor 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. See RCW 42.56.070(8).
- (3) The district shall assist a requestor to identify appropriately the public records requested, but if the records cannot be identified, the district shall so advise such requestor, and in the case of a formal request, shall return the formal request for

resubmission by the requestor with additional description of the requested public records.

(4) 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.

(5) Within five business days of receiving a public records request, the district shall respond by either (a) providing the public records for inspection or copying; (b) providing an internet address and link on the district's website to the specific records requested; (c) acknowledging receipt of the request and providing a reasonable estimate of the time the district will require to respond to the request; (d) acknowledging receipt of the request and asking the requestor to provide clarification for a request that is unclear and provide, to the greatest extent possible, a reasonable estimate of the time the district will require to respond to the request if it is not clarified; or (e) denying the request.

(6) A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used or retained by the district is not a valid request for identifiable public records. Provided, that a request for all 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. If the request is unclear or does not sufficiently identify the requested records, the district may ask the requestor to clarify information the requestor is seeking. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available. If the requestor fails to clarify the request, and the entire request is unclear, the district need not respond to it. Otherwise, the district must respond to those portions of the request that are clear.

(7) 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.

(8) 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 shall include a copy of the request.

(9) 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.

(10) 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 diligent search for the requested records and made any located nonexempt records available for inspection.

(11) When the requestor: (a) withdraws the request; (b) fails to inspect the records; (c) fails to pay the deposit; (d) fails to pay for any installment(s); or (e) fails to make 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.

(12) If, after the district has informed the requestor 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 requestor of the additional public records and make them available for inspection on an expedited basis.

(13) 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.

(14) 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 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.

(15) The district is not obligated to hold current records requests open to respond to requests 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.

(16) The process for requesting electronic public records is the same as for requesting paper public records. When a requestor requests records in an electronic format, the public records officer shall 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.

(17) Pursuant to RCW 42.56.080(3), the district may deny a bot request because responding to multiple bot requests would cause excessive interference with other district essential functions and would be unduly costly and burdensome to the district. A

“bot request” means a request for public records that the district reasonably believes was automatically generated by a computer program or script, which is one of multiple requests from a requester to the district within a 24-hour period.

2.35.050 Copying of public records; fees. Pursuant to RCW 42.56.120(2)(b), the district has not calculated the actual costs it charges for providing public records because to do so would be unduly burdensome. The district does not have the resources to conduct a study to determine all of its actual copying costs, and to conduct such a study would interfere with other essential district functions. The district shall charge for copies of public records in accordance with the statutory default fees set forth in RCW 42.56.120(2)(b) and (c), as may be amended, and in the manner set forth below:

(1) Inspection. There is no fee for inspecting public records.

(2) Paper copies. The district shall charge fifteen cents (\$0.15) per page for all photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of the district’s equipment to photocopy public records.

(3) Electronic copies. The district shall charge the following for electronic copies:

(a) Ten cents (\$0.10) per page for public records scanned into an electronic format or for the use of district equipment to scan the records;

(b) Five cents (\$0.05) cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery;

(c) Ten cents (\$0.10) per gigabyte for the transmission of public records in an electronic format or for the use of the district’s equipment to send records electronically.

(4) Actual delivery costs/Facsimile/Mail. The district shall charge the actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, the actual postage, delivery charge or cost of long distance facsimile transmission and/or mailing.

(5) Alternative fees. The district may, at its option, charge the fees authorized under RCW 42.56.120(2)(c),(d), (3), including an alternative \$2.00 flat fee or customized fees for information technology expertise/access, and shall comply with the procedures set forth under the statutes for said fees.

(6) Combination of charges. The charges authorized herein may be combined to the extent that more than one type of charges applies to copies produced in response to a particular request.

(7) Other statutory fees. In accordance with RCW 42.56.130, the district may charge other copy fees authorized by statutes located outside of Chapter 42.56 RCW.

(8) Deposit, installments. In response to a request for copies of public records, the district may require a deposit in the amount of 10 percent of the estimated cost of providing the copies. 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 prior to it being provided. If an installment of a records request is not claimed, reviewed, or paid for the district need not fulfill the balance of the request.

(9) Vendor. If the district has to pay an off-site vendor for copying public records in nonstandard formats, including but not limited to photographs, blueprints or tape recordings, the requestor shall pay the actual costs of such duplication. If the public records officer determines it is reasonable to send a request to an off-site vendor for copying, the district may: (1) arrange for the requestor to pay the vendor directly for copies made; or (2) charge the requestor the actual amount charged by the off-site vendor to the district for the copies made. [Res. 668 § 5, 2011.]

(10) Certified copies. Where the request is for a certified copy of public records, an additional charge of Five Dollars (\$5.00) may be applied to cover the additional expense and time required for certification.

(11) Estimate/Payment methods. A requestor may ask the district, and if requested the district shall provide, a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges. The requestor shall pay for copies of public records by cash, check, or money order payable to the district.

2.35.060Records exempt from public inspection.

(1) The district reserves the right to determine that a public record requested in accordance with the procedure outlined in SLWSDC 2.35.040 is exempt from public inspection and copying under the provisions of RCW 42.56.210 through 42.56.480 and other applicable Washington law.

(2) 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.

(3) 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.

2.35.070Review of denials of public records requests.

Any person who objects to the denial or partial denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review of that decision to the public records officer. The petition shall include a copy of or reasonably identify the written statement of 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. The district attorney shall promptly consider the petition, and provide the requestor a written determination of whether the record is exempt. Nothing in this section shall be deemed to establish an attorney-client relationship between the district attorney and the requestor. The requestor 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.

2.35.080Records index.

(1) 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.

(2) 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.

2.35.090Record request form.

The district adopts for use by all persons requesting inspection and/or copies of records the form entitled, "Request for Public Records," a copy of which is attached hereto as Exhibit A and incorporated herein by this reference.

2.35.100Protection of public records.

To adequately protect the public records of the district, any person inspecting public records shall adhere to the following guidelines:

(1) No public records shall be removed from the district's possession.

(2) Inspection of public records shall be conducted in the presence of a designated district representative.

(3) No public records may be marked or defaced in any manner during inspection.

(4) 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.

(5) Access to file cabinets, shelves, vaults and other district storage areas is restricted to district representatives unless other arrangements are made with the district.

(6) The district may limit inspection and copying to any extent necessary to prevent such activity from unreasonably disrupting the district operations.

EXHIBIT A
SILVER LAKE WATER AND SEWER DISTRICT
15205 - 41st AVE. SE
BOTHELL, WA 98012-6114
(425) 337-3647
FAX (425) 337-4399

REQUEST FOR PUBLIC RECORDS

In accordance with RCW 42.56.520 & Chapter 2.35 of the District Code

Dated of Request

Requested By

(Individual)

(Organization)

(Address)

(Phone)

(Fax)

(Email Address)

Description of Requested Records: (Please indicate the number of copies being requested)

(Attached additional pages as needed for request.)

RCW 42.56.070(8) prohibits the disclosure of lists of individuals for commercial purposes. If requesting lists of individuals, please affirm the following statement by checking the box at the end of this sentence:

I WILL NOT use any requested lists of individuals for commercial purposes. ☐

Signed

Representing

Dated _____

For District Use Only

Date Processed _____ Processed by _____ Title _____

Costs: The charge for copying shall be as set forth in Chapter 2.35 of the District's Code:

Paper photocopies shall be \$0.15 per page.

The District shall charge the actual costs of long distance facsimile transmission and/or mailing, including postage and the cost of any shipping container.

Electronic copies:

- (a) \$0.10 per page for public records scanned into an electronic format or for the use of district equipment to scan records;
- (b) \$0.05 per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery;
- (c) \$0.10 per gigabyte for the transmission of public records in an electronic format or for the use of the district's equipment to send records electronically.

Alternative fees, such as combined fees, alternative fees, and/or customized fees may be charged by the District consistent with state law and Chap. 2.35 of the District Code.

--The District may require a deposit of up to 10% of the estimated cost of copying all public records selected by the requestor.

Paper Copies _____ x \$.15 each page = \$ _____

Electronic Copies _____ x \$.____ each page = \$ _____

Postage Charges/Shipping Container \$ _____

Alternative Fees \$ _____

TOTAL AMOUNT DUE \$ _____

Estimated 10% Deposit \$ _____