



LAKE WHATCOM WATER AND SEWER DISTRICT
1220 LAKEWAY DRIVE
BELLINGHAM, WASHINGTON 98229

REGULAR MEETING
OF THE BOARD OF COMMISSIONERS

AGENDA

June 24, 2015

8:00 a.m. – Regular Session

1. CALL TO ORDER
2. PUBLIC COMMENT OPPORTUNITY
At this time, members of the public may address the Commission. Please state your name prior to making comments.
3. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA
4. CONSENT AGENDA
5. SPECIFIC ITEMS OF BUSINESS:
 - A. Resolution 817 – Updating the District’s Public Disclosure Act Compliance Policy
6. OTHER BUSINESS
7. MANAGER’S REPORT
8. PUBLIC COMMENT OPPORTUNITY
9. ADJOURNMENT



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

DATE SUBMITTED:	June 22, 2015		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL <i>Patrick Sorensen</i>		
MEETING AGENDA DATE:	June 24, 2015		
AGENDA ITEM NUMBER:	5.A.		
SUBJECT:	Resolution 817 – Update the Districts Public Disclosure Act Compliance Policy		
LIST DOCUMENTS PROVIDED ⇒ NUMBER OF PAGES INCLUDING AGENDA BILL: _____	1. Resolution 577		
	2. Resolution 817 – Red line version		
	3. Resolution 817		
TYPE OF ACTION REQUESTED	RESOLUTION <input checked="" type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL/ OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

The District’s resolution regarding compliance with the Public Disclosure Act; Resolution 577 was adopted in 1994. The proposed Resolution 817 updates the District’s PDA compliance policy to conform to current law. District legal counsel recommends updating this policy.

FISCAL IMPACT

Not applicable at this time.

RECOMMENDED BOARD ACTION

Discuss and consider Resolution 817 Concerning Compliance with the Public Disclosure Act.

PROPOSED MOTION

To adopt Resolution 817 Concerning Compliance with the Public Disclosure Act as presented.

WHATCOM COUNTY WATER DISTRICT NO. 10

RESOLUTION NO. 577

A Resolution of the Board of Commissioners concerning compliance with the Public Disclosure Act and Chapter ~~41.40~~ 40.14 RCW

WHEREAS, the District wishes to insure compliance with the Public Disclosure Act,

WHEREAS, the District wishes to provide easy access to District documents and other public records for its customers,

WHEREAS, the District has previously by Resolution Nos. 177 and 241 established costs and charges for the reproduction of documents and these resolutions need to be updated,

WHEREAS, the District has not previously prepared an overall index to its files, and

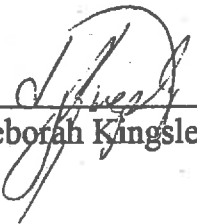
WHEREAS, while the District would benefit from preparing an overall index to its files, the District does not have the funds for such a major undertaking.

NOW, THEREFORE BE IT RESOLVED:

1. The District adopts the attached policy as its policy for the handling of public records requests.
2. The District adopts the form attached as its Public Disclosure Act Request Form.
3. The District amends Resolution Nos. 177 and 241 to provide that the District may charge a fee of 15¢ per page for legal or letter size copies of documents furnished to the public. Where the District is duplicating documents which are not legal or letter size originals, the District shall charge its actual cost of reproduction, including the cost for administrative staff time in arranging for and/or carrying out the reproduction.
4. The District adopts the General Records Retention Schedule for Water and Sewer Districts and the procedures which are contained in it, as its index for purposes of the Public Disclosure Act, based upon its finding, as set forth above, that preparation of a

separate overall index to agency records would be unduly burdensome. The District shall make available for public inspection and copying, all indexes maintained for District use.

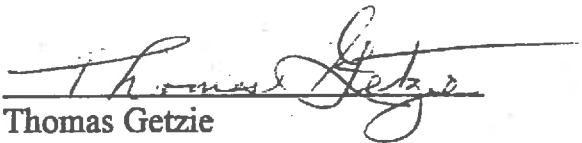
ADOPTED this ^{September} 14 day of ~~July~~ 1994.



Deborah Kingsley



Rebecca Peterson



Thomas Getzie



WHATCOM COUNTY WATER DISTRICT, NO. 10
1010 LAKEVIEW STREET
BELLINGHAM, WASHINGTON 98226

206-734-9224
FAX 738-8250

Policies and Procedures

Guidelines for Public Disclosure

Effective Date - September 14, 1994

Revision Date - _____

Proposed by - Jacqueline Hager, Office Manager

Approved by - Bonnie Strode, General Manager

Policy Statement:

The intent of R.C.W. 42.17 (Public Records) is to allow public access to information concerning the conduct of government on every level while protecting an individual's right to privacy. Water District No. 10 intends to comply fully with the intent of the Public Disclosure Law and has adopted the Washington State General Records Retention Schedule and Records Retention Manual for Sewer and Water Districts to aid in compliance with the law.

Procedure:

1. Request is made for the information either in person, or by telephone or mail.
2. The Records Officer accepts the request for information per R.C.W. 42.17.260 and Resolution No. 577.
3. If the record is an open record, the information may be released. If the information is not kept at the District office the requestor will be referred to the appropriate office, agency, consultant, etc.
4. The Records Officer (Office Manager) may go to his/her supervisor to confer about the information contained in the record before the record is released.
5. Per R.C.W. 42.17.320 the Records Officer must respond by either (1) providing the record; (2) acknowledging that the agency has received the request and providing a reasonable estimate of time the agency will require to respond to the request; or (3) denying the request. Denial of access to records may be appealed to the Board of Commissioners. If for any reason a delay is warranted, a "Request for Information" form is filled out (attachment A) and the requestor is notified of the delay. The Supervisor will make a decision within five (5) working days, unless the requestor specifies a more immediate response. If the request is made by court demand, the surrender of the records should be documented on a "Request for Information" form.

6. After Sections One and Two are completed on the "Request for Information" form, both copies are sent to the Records Officer.

7. The Records Officer presents the request to the Supervisor. The Supervisor reviews the request and determines the status of the record as either open, closed open with specific deletions, or non-existent in the agency.

8. The final decision is then documented on Section 3 of the "Request for Information" form, and the form is returned to the employee that received the initial request.

9. The employee then immediately notifies the requestor of the final agency response and provides them with a copy of the "Request for Information" form. The original is retained by the Records Officer.

Public Disclosure Exemptions:

R.C.W. 42.17.310 itemizes records that may be exempt from public disclosure. It should be noted that the only exemption that is required (R.C.W. 42.17.260 #7) is the non-disclosure of lists of individuals for commercial purposes. All other exemptions may or may not be used, at the discretion of the District. It should be noted that if a portion of a record could be released with exempt portions deleted, then the deletions should be made and the remaining information released.

Deletions:

R.C.W. 42.17.310 (4) states that agency responses, refusing in part, inspection of any public record, shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. If any information is to be deleted from a record it is necessary to complete a "Request for Information" form in order that the deletions can be documented. When the request is routed to the Records Officer, documentation of the deletion will be made and the form will be returned to the employee receiving the request.

Making Deletions in a Copy

To delete specific information from a record before its release, a copy must be made of the document with the confidential information removed. This is done by placing scraps or strips of paper over the area or words that are to be deleted and copying the document with the paper in place. Deleted areas should be outlined and referred to the "Request for Information Form".



WHATCOM COUNTY WATER DISTRICT NO. 10
1010 LAKEVIEW STREET
BELLINGHAM, WASHINGTON 98226

206-734-9224
FAX 738-8250

Public Disclosure - Request for Information

Instructions: Employee receiving request completes Section 1. Section 2 is completed by the requestor if the request is made in person, otherwise, by the person receiving the request. Legal or other authorizing documents should be attached. Section 3 must be completed by the Records Officer. Section 4 is completed by the notifying employee.

Section 1:

Date: _____

Request Number _____

Request received by: _____

Section 2: Records Request

Name of Requestor - _____

Address - _____

Phone - _____

I wish to ___ inspect ___ copy the following records:

If record(s) concern individual(s) other than requestor, please give name(s):

Is/are the requested record(s) to be used for commercial purposes? Yes or No

Request made: _ in person, _ by phone, _ by mail (attach)

Signature of Requestor: _____



WHATCOM COUNTY WATER DISTRICT NO. 10
1010 LAKEVIEW STREET
BELLINGHAM, WASHINGTON 98226

206-734-9224
FAX 738-8250

Waiver Form for the Release of Information

I, _____, hereby authorize
Whatcom County Water District No. 10 to disclose to:

whose address is _____,
the following information: _____

which is held by Whatcom County Water District No. 10.

I execute this release voluntarily and with full knowledge
of its significance.

(signature)

I certify that the above signature is the person known to me
as _____, and I have personally verified
his/her identity.

_____ (witness) _____ (title)

(agency)

(date)

Mail request identification verification must be made by a Notary
Public.

Section 3: Agency Response

___ Allow Access. R.C.W.42.17.260 has been consulted and you may view and/or copy the requested record. Copy charge is \$.15 per copy.

___ Deny Access. The District has determined that the records you have requested are legally exempt from public disclosure by the following authority:

___ We do not have the record(s). Explanation:

Section 4: Requestor Notification

Name of person notified: _____

Notification:

Date: _____

Time: _____

By: ___ mail
___ phone
___ in person

I certify that I carried out notification of final agency response as stated.

Signature: _____

I certify that I personally received final agency response.

Signature: _____

Routing: Original to Requestor
Copy to Records Officer

Use of the "Release of Information Waiver"

The "Release of Information Waiver" form may be used whenever records that are requested about an individual are desired to be released by that individual.

The employee receiving the request verifies that the person about whom the request is being made signs the waiver form before the information is released.

Persons signing waiver forms should present adequate identification including a picture and a signature at the time of signing. Waiver forms may be mailed, provided the form is notarized.

Completed forms are then sent to the Records Officer for retention.

Common Requests:

Payroll Information/Credit Checks - Only the employees's name, salary, position, date of hire and date of termination should be released. All other information concerning an employee must be waived by them if it is to be released.

Information Concerning the Requestor - If information concerns only the requestor, in most cases the records may be released to them. Proper identification must be presented, ie., Driver's License, Passport or two pieces of identification containing signatures and a picture.

Requests for Copies

According to R.C.W. 42.17.280, Public Records must be available for inspection and copying during customary office hours of the agency, except when and to the extent that this would unreasonably disrupt the operations of the agency.

Copies may be made either by the requestor or by the employee receiving the request, and are to be charged at the rate of \$.15 per page for letter or legal size documents. Larger sized documents may be charged at a rate not to exceed the actual cost of copying. Copying charges are payable in the District office upon service.

WHATCOM COUNTY WATER DISTRICT NO. 10 LAKE WHATCOM WATER AND
SEWER DISTRICT
RESOLUTION NO. 577

A Resolution of the Board of Commissioners concerning compliance with the Public Disclosure Act, Chapter 42.56 RCW and Chapter 40.14 RCW

WHEREAS, the District wishes to insure compliance with the Public Disclosure-Records Act, RCW 40.14 and RCW 42.56; and

WHEREAS, the District wishes to provide easy access to District documents and other public records for its customers, and the public; and

WHEREAS, the District has previously by Resolution Nos. 177, and 241 and 577 established costs and charges for the reproduction of documents and these resolutions need to be updated, adopted its policy, forms and retention schedule for public records which must be updated due to changes in state law; and

WHEREAS, the above resolutions shall be replaced with this resolution.

WHEREAS, the District has not previously prepared an overall index to its files, and

WHEREAS, while the District would benefit from preparing an overall index to its files, the District does not have the funds for such a major undertaking and it would be unduly burdensome.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF LAKE WHATCOM WATER AND SEWER DISTRICT HEREBY BE IT RESOLVES AS FOLLOWS:

1. The District adopts the policy attached policy as Exhibit A as its policy for the handling of public records requests which replaces its Policies and Procedures Guidelines for Public Disclosure dated September 14, 1994.
2. The District adopts the form attached as Exhibit B as its Public Disclosure-Records Act Request Form.
3. The District adopts the form attached as Exhibit C as its Waiver Form for the Release of Public Records.
- ~~3.4.~~ The District amends Resolution Nos. 177 and 241 to provide that the District may charge a fee of 15¢ per page for legal or letter size copies of documents furnished to the public. Where the District is duplicating documents which are not legal or letter size originals, the District shall charge its actual cost of reproduction, including the cost for administrative staff time in arranging for and or carrying out the reproduction. The District may provide records in installments. No fee shall be charged for the inspection of public records.

5. The District adopts the current General Records Retention Schedule for Water and Sewer Districts Washington State Schedule and Records Retention Manual for Local Government Common Records Retention Schedule and the Sewer and Water Systems Documentation section of the Washington State Utility Services Records Retention Schedule and the procedures which are contained in it as may from time to time be amended, as its index for purposes of the Public Disclosure Act, based upon its finding, as set forth above, that preparation of a separate overall index to agency records would be unduly burdensome. The District shall make available for public inspection and copying, all indexes maintained for District use.

4.—

6. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

7. This Resolution shall become effective upon signing.

ADOPTED this _____ day of _____, by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington, at a Regular Meeting thereof, on the _____ day of _____, 2015.

Leslie McRoberts, Commissioner

John W. Millar, Commissioner

Todd Citron, Commissioner

Laura Weide, Commissioner

Bruce Ford, Commissioner

Approved as to form, District legal counsel

Policies and Procedures

Guidelines for ~~Public Disclosure~~ of Public Records

~~Effective Date—September 14, 1994~~

~~Revision Date—~~

~~Proposed by—Jacqueline Hager, Office Manager~~

~~Approved by—Bonnie Strode, General Manager~~

Policy statement:

The intent of R.C.W. 42.17.56 (Public Records) is to allow public access to information concerning the conduct of government on every level while protecting an individual's right to privacy. ~~water District No. 10~~ The Lake Whatcom Water and Sewer District intends to comply fully with the intent of the ~~Public Disclosure Law~~ Records Act and has adopted the Sewer and Water Systems Documentation section of the Washington State Utility Services Records Retention Schedule ~~Washington State Schedule and Records Retention Manual for Sewer and water Districts~~ to aid in compliance with the law. In the event there is a conflict between any provisions of state law and this policy, state law shall be controlling.

Procedure:

1. Request is made for the ~~information~~ public record either in person, or by telephone, ~~or mail~~ or electronic mail.
2. Records Officer ~~accepts the request for information~~ public records per R.C.W. 42.17.56.260-070 and Resolution No. 577 ____.
3. If the record is ~~an open records~~ subject to disclosure, the information may be released. If the information is not kept at the District office the requestor ~~will~~ may be referred if known, to the appropriate office, agency, consultant, etc.
4. The Records Officer (~~Office Manager~~) ~~may go to his/her supervisor~~ will consult the General Manager ~~to confer~~ about the information contained in the record before the record is released.
5. ~~5.~~ Per R.C.W. 42.17.320 ~~56.520~~ the Records Officer ~~District~~ must respond within five (5) business days of receiving the request by either (1) providing the record in whole or in part; (2) acknowledging that the agency ~~District~~ has received the request and providing a reasonable estimate of time the agency ~~District~~ will require to respond to the request; (3) requesting clarification from the requestor or (34) denying the request in whole or in part.

~~Denial of access to records may be appealed to the Board of Commissioners 6. If for any reason a delay is warranted, a "Request for Information Public Record" form is filled out (attachment-Exhibit A) and the requestor is notified of the delay. The Supervisor-General Manager, or the Records Officer acting under direction of the General Manager, will take at least one of the four actions described in paragraph 5 above make a decision within five (5) working days, unless the requestor specifies a more immediate response in which event an attempt will be made to meet the request sooner. If the request is made by court demand, the surrender of the records should be documented on a "Request for Information Public Record" form.~~

67. After Sections One and Two are completed on the "Request for ~~Information Public~~ Records" form, both copies are sent to the Records Officer.

78. The Records Officer presents ~~each the request for a public record to the Supervisor-General Manager. The Supervisor-General Manager reviews the request and determines whether clarification of the request is necessary, and if not, whether the status of the record as either, must be released, open, should not be released, closed openshould be released with specific deletions, or non-existent~~that the District does not possess records responsive to the request ~~in the agency.~~

8. The final decision of the General Manager is then documented on Section 3 of the "Request for ~~Information Public~~ Records" form, and the ~~form~~ is returned to the Records Officer or employee that received the initial request.

9. ~~9.~~—The employee then immediately notifies the requestor of the District's final agency response and provides them with a copy of the "Request for ~~Information Public~~ Records" form. The original is retained by the Records Officer.

Administrative Appeal:

1. Denial of access to records may be appealed to the Board of Commissioners by tendering a written petition for review to the Records Officer or District General Manager within five business days following the written denial of the request. The petition shall include the written decision which constituted or accompanied the denial of access to records.

2. Immediately after receiving a petition for a review of a decision denying a public record in whole or in part, the Records Officer shall refer the request to the General Manager. The General Manager shall notify the Board of Commissioners which shall review the matter at the next regularly scheduled meeting of the Board of Commissioners. The petition shall be returned with a final decision within twenty business days following the date of the original denial.

3. Exhaustion of Administrative Remedy. A person shall not be considered to have exhausted his/her administrative remedies until the Board of Commissioners has returned the petition with a decision or until the close of the twentieth business day following denial of the inspection, whichever first occurs.

Public Disclosure Exemptions:

R.C.W. 42.1756 .310 ~~itemizes~~ specifies certain public records that may be exempt from public disclosure, RCW 42.56.210-.480 and as amended. It should be noted that the only exemption that is required (R.C.W. 42.5617.260070 #7(9)) is the non-disclosure of lists of individuals for commercial purposes. All other exemptions may or may not be used, at the discretion of the District. ~~It should be noted that if~~ a portion of a record could be released with exempt portions deleted, then the deletions should be made and the remaining information released.

Deletions:

R.C.W. 42.1756.3210 (43) states that agency responses, refusing in part, inspection of any public record, shall include a statement of the specific statutory exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. If any information is to be ~~deleted~~ redacted from a record it is necessary to complete a "Request for ~~Information~~ Public Record" form in order that the ~~deletion~~ redaction can be documented. When the request is routed to the Records Officer (documentation of the ~~deletion~~ redaction will be made and the form will be returned to the employee receiving the request.

Making Deletions-Redactions in a Copy

To ~~delete~~ redact specific information from a record before its release, a copy must be made of the document with the confidential information ~~removed~~ redacted. This may be done by placing scraps or strips of paper over the area or words that are to be deleted and copying the document with the paper in place. ~~Deleted~~ Redacted areas should be outlined and referred to the "Request for ~~Information~~ Public Records Form".

Use of the -Release of Information-Public Record Waiver

The "Release of ~~Information~~ Public Record Waiver" form may be used whenever records that are requested about an individual are desired to be released by that individual. -

The employee receiving the request verifies that the person about whom the request is being made signs the waiver form before the information is released.

Persons signing waiver forms should present adequate identification including a picture and a signature at the time of signing. ~~w~~Waiver forms may be mailed, provided the form is notarized.

Completed forms are then sent to the Records Officer for retention.

Common Requests:

Payroll Information/Credit Checks - Only the employees' name, salary, position, date of hire and date of termination should be released. All other information concerning an employee must be waived by them if it is to be released.

Information Concerning the Requestor - If information concerns only the requestor, in most cases the records may be released to them. Proper identification must be presented, ie. Driver's License, -Passport or two pieces of identification containing signatures and a picture.

Requests for Copies:

According to R.C.W. 42.5617.280090, Public Records must be available for inspection and copying during customary office hours of the ~~agency~~District, except when and to the extent that this would unreasonably disrupt the operations of the ~~agency~~District.

Copies may be made either by the requestor or by the employee receiving the request, and are to be charged at the rate of \$.15 per page for letter or legal size documents. Larger sized documents may be charged at ~ rate not to exceed the actual cost of copying. Copying charges are payable in the District office upon service.

Public Disclosure - Request for ~~Information~~ Public Record

Instructions: Employee receiving request completes Section 1. Section 2 is completed by the requestor if the request is made in person, otherwise, by the person receiving the request. Legal or other authorizing documents should be attached. Section 3 must be completed by the Records Officer. Section 4 is completed by the notifying employee.

Section 1:

Date: _____

Request Number: _____

Request received by: _____

Section 2: Records Request

Name of Requestor: _____

Address: _____

Phone: _____

I wish to ____ inspect ____ copy the following records:

If record(s) concern individual(s) other than requestor, please give name(s):

Is/are the requested record(s) to be used for commercial purposes? - Yes or No

Request made: _ in person, _ by phone, _ by mail (attach)

Signature of Requestor: _____

Section 3: Agency Response

Clarification of the request is necessary

Allow Access. R.C.W.42.17.26056 has been consulted and you may view and/or copy the requested record.
Copy charge is \$.15 per copy.

_____ Deny Access (complete or partial). The District has determined that the records you have requested are wholly or partially legally exempt from public disclosure by the following authority: _____. This record is exempt by this authority because _____

_____ We do not have the record(s). Explanation:

Section 4; Requestor Notification

Name- of person notified: _____

Notification:

Date: _____

Time: _____

By: _____ mail
_____ phone
_____ in-person

I certify that I carried out notification of final agency response as stated.

Signature: _____

I certify that I personally received final agency response.

Signature: _____

Routing: Original to Requestor
Copy to Records Officer

Waiver Form for the Release of Information

I, _____, hereby authorize ~~Whateom County Water District No. 10~~ the Lake Whatcom Water and Sewer District to disclose to:

_____ whose address is _____

the following information: _____

which is held by ~~Whateom County water District No. 10~~ the Lake Whatcom Water and Sewer District.

I execute this release -voluntarily and with full knowledge of its significance.

(signature)

I certify that the above signature is the person known to me as _____, and I have personally verified his/her identity.

(witness) (title)

(agency)

(date)

Mail request identification verification must be made by a Notary Public.

LAKE WHATCOM WATER AND SEWER DISTRICT

RESOLUTION No 817

A Resolution of the Board of Commissioners concerning compliance with the Public Disclosure Act, Chapter 42.56 RCW and Chapter 40.14 RCW

WHEREAS, the District wishes to insure compliance with the Public Records Act, RCW 40.14 and RCW 42.56; and

WHEREAS, the District wishes to provide easy access to District documents and other public records for its customers and the public; and

WHEREAS, the District has previously by Resolution Nos. 177, 241 and 577 adopted its policy, forms and retention schedule for public records which must be updated due to changes in state law; and

WHEREAS, the above resolutions shall be replaced with this resolution.

WHEREAS, the District has not previously prepared an overall index to its files, and

WHEREAS, while the District would benefit from preparing an overall index to its files, the District does not have the funds for such a major undertaking and it would be unduly burdensome.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF LAKE WHATCOM WATER AND SEWER DISTRICT HEREBY RESOLVES AS FOLLOWS:

1. The District adopts the policy attached as Exhibit A as its policy for the handling of public records requests which replaces its Policies and Procedures Guidelines for Public Disclosure dated September 14, 1994.
2. The District adopts the form attached as Exhibit B as its Public Records Act Request Form.
3. The District adopts the form attached as Exhibit C as its Waiver Form for the Release of Public Records.
4. The District may charge a fee of 15¢ per page for legal or letter size copies of documents furnished to the public. Where the District is duplicating documents which are not legal or letter size originals, the District shall charge its actual cost of reproduction, including the cost for administrative staff time in arranging for and or carrying out the reproduction. The District may provide records in installments. No fee shall be charged for the inspection of public records.
5. The District adopts the current Washington State Schedule and records Retention Manual for Local Government Common Records Retention Schedule and the Sewer and Water Systems Documentation section of the Washington State Utility Services Records Retention Schedule and the procedures which are contained in it as may

from time to time be amended, as its index for purposes of the Public Disclosure Act, based upon its finding, as set forth above, that preparation of a separate overall index to agency records would be unduly burdensome. The District shall make available for public inspection and copying, all indexes maintained for District use.

6. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.
7. This Resolution shall become effective upon signing.

ADOPTED by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington, at a Regular Meeting thereof, on the 24th day of June, 2015.

Leslie Mc Roberts, President

Todd Citron, Secretary

John W. Millar, Commissioner

Laura Weide, Commissioner

Bruce R. Ford, Commissioner

Approved as to form:

District Legal Counsel

EXHIBIT A

Policies and Procedures

Guidelines for Disclosure of Public Records

Policy Statement:

The intent of RCW 42.56 (Public Records) is to allow public access to information concerning the conduct of government on every level while protecting an individual's right to privacy. Lake Whatcom Water and Sewer District intends to comply fully with the intent of the Public Records Act and has adopted the Sewer and Water Systems Documentation section of the Washington State Utility Services Records Retention Schedule to aid in compliance with the law. In the event there is a conflict between any provisions of state law and this policy, state law shall be controlling.

Procedure:

1. Request is made for a public record either in person, or by telephone, mail or electronic mail.
2. Records Officer accepts the request for public records per RCW 42.56.070 and Resolution 817.
3. If the record is subject to disclosure, the information may be released. If the information is not kept at the District office the requestor may be referred if known, to the appropriate office, agency, consultant, etc.
4. The Records Officer will consult the General Manager about the information contained in the record before the record is released.
5. Per RCW 42.56.520 the District must respond within five (5) business days of receiving the request by either (1) providing the record in whole or in part; (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; (3) requesting clarification from the requestor; or (4) denying the request in whole or in part.
6. If for any reason a delay is warranted, a "Request for Public Record" form is filled out (Exhibit A) and the requestor is notified of the delay. The General Manager, or the Records Officer acting under direction of the General Manager, will take at least one of the four actions described in paragraph 5 above within five (5) working days, unless the requestor specifies a more immediate response in which event an attempt will be made to meet the request sooner. If the request is made by court demand, the surrender of the records should be documented on a "Request for Public Record" form.
7. After Sections One and Two are completed on the "Request for Public Records" form, both copies are sent to the Records Officer.
8. The Records Officer presents each request for a public record to the General Manager. The General Manager reviews the request and determines whether clarification of the request is necessary, and if not, whether the record must be released, should not be released, should

EXHIBIT A

be released with specific deletions, or that the District does not possess records responsive to the request.

9. The final decision of the General Manager is then documented on Section 3 of the "Public Records" form, and the form is returned to the Records Officer or employee that received the initial request.
10. The employee then immediately notifies the requestor of the District's final response and provides them with a copy of the "Request for Public Records" form. The original is retained by the Records Officer.

Administrative Appeal:

1. Denial of access to records may be appealed to the Board of Commissioners by tendering a written petition for review to the Records Officer or General Manager within five business days following the written denial of the request. The petition shall include the written decision which constituted or accompanied the denial of access to records.
2. Immediately after receiving a petition for a review of a decision denying a public record in whole or in part, the Records Officer shall refer the request to the General Manager. The General Manager shall notify the Board of Commissioners which shall review the matter at the next regularly scheduled meeting of the Board of Commissioners. The petition shall be returned with a final decision within twenty business days following the date of the original denial.
3. Exhaustion of Administrative Remedy. A person shall not be considered to have exhausted his/her administrative remedies until the Board of Commissioners has returned the petition with a decision or until the close of the twentieth business day following denial of the inspection, whichever first occurs.

Public Disclosure Exemptions:

RCW 42.56 specifies certain public records that may be exempt from public disclosure, RCW 42.56.210-480 and as amended. It should be noted that the only exemption that is required (RCW 42.56.070(9)) is the non-disclosure of lists of individuals for commercial purposes. All other exemptions may or may not be used, at the discretion of the District. If a portion of a record could be released with exempt portions redacted, then the redactions should be made and the remaining information released.

Redactions:

RCW 42.56.210 (3) states that agency responses, refusing in part, inspection of any public record, shall include a statement of the specific statutory exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. If any information is to be redacted from a record it is necessary to complete a "Request for Public Record" form in order that the redaction can be documented. When the request is routed to the Records Officer, documentation of the redaction will be made and the form will be returned to the employee receiving the request.

EXHIBIT A

Making Redactions in a Copy:

To redact specific information from a record before its release, a copy must be made of the document with the confidential information redacted. This may be done by placing scraps or strips of paper over the area or words that are to be redacted and copying the document with the paper in place. Redacted areas should be outlined and referred to the "Request for Public Records Form".

Use of the Release of Public Record Waiver:

The "Release of Public Record Waiver" form may be used whenever records that are requested about an individual are desired to be released by that individual.

The employee receiving the request verifies that the person about whom the request is being made signs the waiver form before the information is released.

Persons signing waiver forms should present adequate identification including a picture and a signature at the time of signing. Waiver forms may be mailed, provided the form is notarized.

Completed forms are then sent to the Records Officer for retention.

Common Requests:

Payroll Information/Credit Checks – Only the employees' name, salary, position, date of hire and date of termination should be released. All other information concerning an employee must be waived by them if it is to be released.

Information Concerning the Requestor

If information concerns only the requestor, in most cases the records may be released to them. Proper identification must be presented, ie. Driver's License, Passport, or two pieces of identification containing signatures and a picture.

Requests for Copies:

According to RCW 42.56.090, Public Records must be available for inspection and copying during customary office hours of the District, except when and to the extent that this would unreasonably disrupt the operations of the District.

Copies may be made either by the requestor or by the employee receiving the request, and are to be charged at the rate of 15¢ per page for letter and legal size documents. Larger sized documents may be charged at a rate not to exceed the actual cost of copying. Copying charges are payable in the District office upon service.

EXHIBIT B

Public Disclosure – Request for Public Records

Instructions: Employee receiving request completes Section 1. Section 2 is completed by the requestor if the request is made in person, otherwise, by the person receiving the request. Legal or other authorizing documents should be attached. Section 3 must be completed by the Records Officer. Section 4 is completed by the notifying employee.

Section 1:

Date: _____

Request Number: _____

Request received by: _____

Section 2: Records Request

Name of Requestor: _____

Address: _____

Phone: _____

I wish to _____ inspect _____ copy the following records:

If record(s) concern individual(s) other than requestor, please give name(s):

Is/are the requested record(s) to be used for commercial purposes? Yes or No (circle one)

Request made: _____ in person, _____ by phone, _____ by mail (attach)

Signature of Requestor: _____

Section 3: Agency Response

_____ Clarification of the request is necessary

_____ Allow access. RCW 42.56 has been consulted and you may view and/or copy the requested record. Copy charge is 15¢ per page.

EXHIBIT B

Deny access (complete or partial). The District has determined that the records you have requested are wholly or partially legally exempt from public disclosure by the following authority: _____ . This record is exempt by this authority because _____

____ We do not have the record(s). Explanation: _____

Section 4: Requestor Notification

Name of person notified: _____

Notification:

Date: _____

Time: _____

By: mail

phone

in-person

I certify that I carried out notification of final agency response as stated.

Signature _____

I certify that I personally received final agency response.

Signature: _____

Form distribution:

Original to requestor

Copy to Records Officer

EXHIBIT C

Waiver Form for the Release of Information

I, _____, hereby authorize Lake Whatcom Water and Sewer District to disclose to:

Whose address is _____

The following information: _____

which is held by Lake Whatcom Water and Sewer District.

I execute this release voluntarily and with full knowledge of its significance.

Signature

I certify that the above signature is the person known to me as _____, and I have personally verified his/her identity.

Witness Title

Agency

Date

Mail request identification verification must be made by a Notary Public.



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

DATE SUBMITTED:	June 16, 2015		
TO BOARD OF COMMISSIONERS			
FROM: Patrick Sorensen	MANAGER APPROVAL <i>Patrick Sorensen</i>		
MEETING AGENDA DATE:	June 24, 2015		
AGENDA ITEM NUMBER:	7.0		
SUBJECT:	Manager's Report		
LIST DOCUMENTS PROVIDED ⇒ NUMBER OF PAGES INCLUDING AGENDA BILL: _____	1. Manager's Report		
	2.		
	3.		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL/ OTHER <input checked="" type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Updated information from the General Manager in advance of the Board meeting.

FISCAL IMPACT

None

RECOMMENDED BOARD ACTION

None required.

PROPOSED MOTION

None

General Manager Comments

June 24, 2015

Board Meeting

Important Upcoming Dates:

- **Meetings Associated with the Lake Whatcom Management Program:**
 - **Policy Group Meeting:** The next meeting is set for **July 13, 2015 at 2:30 p.m.** in the City of Bellingham's Fireplace Meeting Room located in the bottom floor of the Municipal Court Building next to the City's Information Technology Office at 625 Halleck Street. Remember, all Policy Group Meetings are publicly noticed by the District.
 - **Management Meeting:** The date for the next meeting with the Mayor and County Executive has not been set at this time.
- **Next Regular Board Meeting:** The next regular meeting is scheduled for **Wednesday, July 8, 2015 at 6:30 p.m.**
- **Employee Staff Meeting:** The next staff meeting is set for **Thursday, July 9, 2015 at 8:00 a.m.** in the Board Room. Commissioner Citron is scheduled to attend this meeting. Scheduling is rotated by alphabetical order each month.
- **Employee Safety Committee Meeting:** The next meeting is not scheduled yet as we are working around vacation time in July. We will have a meeting sometime during the month.
- **Washington Association of Sewer & Water Districts (WASWD) Section III Meeting:** The upcoming Section III meeting will be held on **Tuesday, July 14, 2015 at 6:15 p.m.** held at Bob's Burger & Brew in Tulalip. All WASWD Section III Meetings are publicly noticed by the District.
- **Whatcom Water District's Caucus Meeting:** The Caucus meeting is set for **July 15, 2015 at 1:00 p.m.** in the Board Room.

Other:

- **Committee Meeting Reports as Needed:** This is a place holder for Board and staff members to report on recent committee meeting reports since the last Board Meeting.