



LAKE WHATCOM WATER AND SEWER DISTRICT
1220 Lakeway Drive
Bellingham, WA 98229

REGULAR MEETING OF THE BOARD OF COMMISSIONERS

AGENDA

May 9, 2018

6:30 p.m. – Regular Session

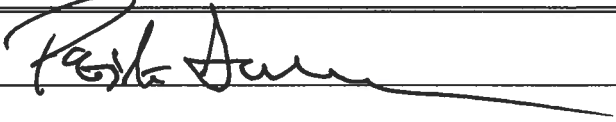
1. CALL TO ORDER
2. PUBLIC COMMENT OPPORTUNITY
At this time, members of the public may address the Commission. Please state your name prior to making comments.
3. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA
4. CONSENT AGENDA
5. SPECIFIC ITEMS OF BUSINESS:
 - A. Records and Retention Policies and Procedures
 - B. Commissioner Candidate Interviews
6. OTHER BUSINESS
7. MANAGER'S REPORT
8. PUBLIC COMMENT OPPORTUNITY
9. EXECUTIVE SESSION
10. ADJOURNMENT



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL

Item 5.A.

DATE SUBMITTED:	May 1, 2018	MEETING DATE:	May 9, 2018
SUBJECT:	Records and Retention Policies and Procedures		
TO: BOARD OF COMMISSIONERS	FROM: Rachael Hope		
GENERAL MANAGER APPROVAL			
DISTRICT ENGINEER/ASST MGR APPROVAL			
FINANCE MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Public Records Requests Policy (web version) 2. Public Records Request Form (from website) 3. Resolution No 817		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL /OTHER <input checked="" type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Commissioner Citron requested this addition to the agenda to check in with staff regarding the District’s current records request and records retention policies. Staff is currently in the process of performing a complete records inventory, as well as catching up on backlogs of transferring files to the State Archives and developing a plan for managing tracking and retention of electronic files.

Attached is the District’s current Public Records Request Policy as well as Resolution 817, in which the policy was established.

FISCAL IMPACT

N/A

RECOMMENDED BOARD ACTION

N/A

PROPOSED MOTION

N/A

Public Records Requests

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.

Procedures:

1. Requests for public records can be submitted to the District either in person, or by telephone, mail or electronic mail.
2. 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.
3. 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.
4. If for any reason a delay is warranted, the requestor will be notified of the delay in writing. The General Manager, or the Records Officer acting under direction of the General Manager, will take at least one of the four actions described 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.
5. According to RCW 42.56.090, Public Records must be available for inspection and copying during the customary office hours of the District; Monday through Thursday 8:00 a.m. to 5:00 p.m. except when and to the extent that this would unreasonably disrupt the operations of the District.

Costs for Copying Documents:

Copies will be made by a District staff person 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.

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.

Index of District Records		
Types of Records	Access	Web Site Location (if applicable)
Rates and Charges	Web Site	Rates
Rate Study Materials	Web Site	Rates
Water or Sewer Comprehensive Plans	Web Site	Resources
Consumer Confidence Reports	Web Site	Resources
Administrative Code	Web Site	Resources
Budgets and Financial Reports	Web Site	Financial
Commissioner Contact Information	Web Site	About us
Commissioner Meeting Schedules, Agendas, Meeting Packets, Minutes	Web Site	Home Page
Resolutions and Index of Resolutions	By request	
Public Works Project Files	By request	
Developer Extension Project Files	By request	
Maps	By request	
Correspondence	By request	



LAKE WHATCOM WATER AND SEWER DISTRICT

Public Records Request Form

Please describe the records you are requesting and provide any additional information to help locate the records as quickly as possible. Use document title and date, if known.

I would like to:

- Inspect the records at no charge (I may request copies after inspection).
- Receive copies of the records after paying required copying charges. I am willing to pay up to \$_____ for the copies.

Limitation on Use for Commercial Purposes

Washington State law, RCW 42.56.070(9), prohibits the use of lists of individuals for commercial purposes. "Commercial purposes" means that the person requesting the record intends that the list will be used to communicate with the individuals named in the record for the purpose of facilitating profit-expecting activity. By signing below, you are certifying that the lists of individuals obtained through this request for public records will not be used for commercial purposes.

Name

Address

City, State, Zip

E-Mail

Signature

Date

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.

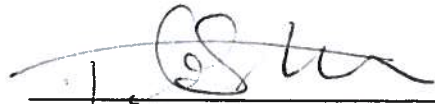
6. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this Resolution 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.

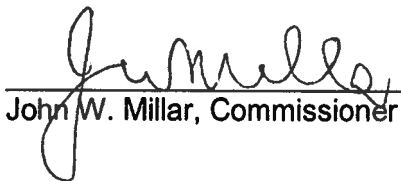
ADOPTED by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington, at a Regular Meeting thereof, on the 24th day of June, 2015.



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 B) 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 will be made by a District staff person 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

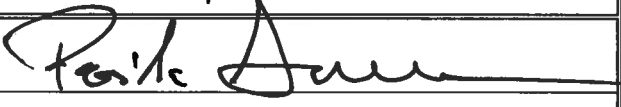
Date

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



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL
Item 5.B.

DATE SUBMITTED:	May 1, 2018	MEETING DATE:	May 9, 2018
SUBJECT:	Position #4 Commissioner Candidate Interviews		
TO: BOARD OF COMMISSIONERS	FROM: Rachael Hope		
GENERAL MANAGER APPROVAL			
DISTRICT ENGINEER/ASST MGR APPROVAL			
FINANCE MANAGER APPROVAL			
ATTACHED DOCUMENTS	1.		
	2.		
	3.		
TYPE OF ACTION REQUESTED	RESOLUTION	FORMAL ACTION/ MOTION	INFORMATIONAL /OTHER
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

This time is reserved for the Board to interview the three candidates for the vacant Commissioner Position #4. The tentative schedule is:

6:50 – 7:20 Jack McBride
 7:30 – 8:00 Larry Brown
 8:10 – 8:40 EJ Ledet

The Board will have a 10 minute gap between interviews in order to regroup and discuss, which may be done in Executive Session per RCW 42.30.110 (1)(h), To evaluate the qualifications of a candidate for appointment to elective office. The interviews themselves and any final action appointing a candidate to elective office shall be in open session.

FISCAL IMPACT

N/A

RECOMMENDED BOARD ACTION

N/A

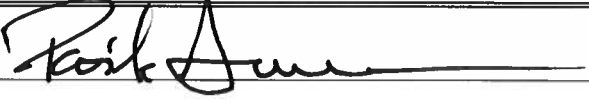
PROPOSED MOTION

N/A



LAKE WHATCOM WATER AND SEWER DISTRICT

AGENDA BILL
Item 7

DATE SUBMITTED:	May 1, 2018	MEETING DATE:	May 9, 2018
SUBJECT:	Manager's Report		
TO: BOARD OF COMMISSIONERS	FROM: Patrick Sorensen		
GENERAL MANAGER APPROVAL			
DISTRICT ENGINEER/ASST MGR APPROVAL			
FINANCE MANAGER APPROVAL			
ATTACHED DOCUMENTS	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.



LAKE WHATCOM WATER AND SEWER DISTRICT

General Manager Comments

Regular Meeting – Wed. May 9, 2018 – 8:00 a.m.

Important Upcoming Dates

Lake Whatcom Water & Sewer District			
Next Regular Board Meeting	Wed May 30, 2018	6:30 p.m.	Board Room
Next Employee Staff Meeting	Thu May 10, 2018	8:00 a.m.	Board Room Scheduled to Attend: Commissioner Laura Weide
Safety Committee Meeting	Thu May 10, 2018	9:00 a.m.	Small Conference Room
Lake Whatcom Management Program			
Policy Group Meeting	Tue May 15, 2018	3:00 p.m.	City of Bellingham's Fireplace Room 625 Halleck St <i>Enter through the Halleck St entrance</i>
Management Meeting	None Planned		Last meeting – March 28, 2018
Other Meetings			
Washington Association of Sewer & Water Districts (WASWD) Section III Meeting	Tue May 8, 2018	6:15 p.m.	Bob's Burgers and Brews Tulalip, WA
Whatcom Water District's Caucus Meeting	Wed May 16, 2018	1:00 p.m.	Board Room

Other Comments

- **Committee Meeting Reports as Needed:** This is a place holder for Board and staff members to report on recent committee meetings, such as the Lake Whatcom Policy Group.
- **Upcoming Important Agenda Topics & Meetings:**
 - City Public Works staff will attend the June 13 meeting to address proposed bio solid treatment changes at the Post Point wwtp.