

**KING CONSERVATION DISTRICT
KING COUNTY, WASHINGTON**

RESOLUTION NO. 21-005

A RESOLUTION OF THE BOARD OF SUPERVISORS OF KING
CONSERVATION DISTRICT, ADOPTING UPDATED RULES GOVERNING
PUBLIC INSPECTION AND COPYING OF PUBLIC RECORDS.

WHEREAS, since 2014, the Legislature has updated certain procedures governing the disclosure of public records under Chapter 42.56 RCW, the Public Records Act ("Act"); and

WHEREAS, the Board of Supervisors has determined it would be in the best interest of King Conservation District ("District"), its employees, and the public for the District to adopt updated 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; now, therefore

BE IT RESOLVED by the Board of Supervisors as follows:

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

1. Authority and Purpose.

a. Public Records Act. The Public Records Act, Chapter 42.56 RCW ("Act") requires the District to make identifiable, non-exempt public records available for inspection and copying upon request, and to publish rules of procedures to inform the public how access to public records will be accomplished. The Act defines "public record" at RCW 42.56.010(3), which may be amended. The following Rules of Procedure ("Rules") for responding to public records/disclosure requests are hereby established.

b. Purpose of Rules. The purpose of these Rules is to establish the procedures that the District will follow to provide full access to public records. These Rules provide information to persons wishing to request access to public records of the District and establish processes for both requestors and District staff that are designed to assist members of the public in obtaining such access.

c. Full Access. The purpose of the Act is to provide the public full access to information concerning the conduct of government, while balancing individuals' privacy rights and the desirability of the efficient administration of government. In carrying out its responsibilities under the Act, the District will be guided by the provisions of the Act describing its purposes and interpretation.

2. **Contact Information – Public Records Officer.**

a. **District Business Office.** The District is a municipal corporation of the State of Washington. The District's Business Office is located at: 800 SW 39th St., Suite 150, Renton, Washington 98057.

b. **Public Records Officer.** The District Executive Director, and his/her designee, is hereby designated the District Public Records Officer. Any person wishing to inspect District public records, or seeking assistance in making such a request, should contact the Public Records Officer of the District:

King Conservation District
Attention: Public Records Officer
800 SW 39th St., Suite 150
Renton, WA 98057
Phone: 425-282-1900

Notice of the designation of the District Executive Director as the District Public Records Officer shall be posted on the District's web site, www.kingcd.org.

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

3. **Availability of public records.**

a. **Business hours.** Public records shall be available for inspection and copying during the District's normal business hours: Monday through Friday, 8:30 a.m. to 5:00 p.m., excluding legal holidays. District public records must be inspected at the address listed in Section 2.b above, unless another location is designated for a particular request by the Public Records Officer.

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

c. **Organization of records.** The District shall maintain its records in a reasonably organized manner. The District shall take reasonable actions to protect records from damage and disorganization. A requestor shall not take District public records from the District's office, or from a location designated by the Public Records Officer, without the permission of the Public Records Officer.

d. **Records request - form.** Any person wishing to inspect or copy public records of the District shall make the request in writing on the District request form, a copy of

which is attached hereto as **Exhibit A** and incorporated herein by this reference ("Request to Review Public Records" form), or by letter, e-mail or by electronic form on the District's website addressed to the Public Records Officer, and include the following information:

- (1) Name of requestor;
- (2) Address of requestor;
- (3) Other contact information, including telephone number and any e-mail address;
- (4) Identification of the public records adequate for the Public Records Officer to locate the records; and
- (5) The date of the request.

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

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

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

h. Purpose of request. A requestor need not state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive documents, the Public Records Officer may inquire about the nature or scope of the request. If the request is for a list of individuals, the Public Records Officer may ask the 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. RCW 42.56.070(8).

4. Processing of public records requests — General.

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

b. Order of processing requests. The Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner.

c. Acknowledging and fulfilling requests. Within five (5) business days of receipt of the request, the Public Records Officer will do one or more of the following:

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

d. Identifiable Record; Clarification. 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 what 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.

e. Failure to respond. If the District does not respond in writing within five (5) 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.

f. Third party notice. 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.

g. Redaction. Some records are exempt from disclosure, in whole or in part. If the District believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state the specific exemption and provide a brief 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 (black out or remove) the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted.

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

i. Consequence of failure to review request. The requestor must claim or review the assembled records within thirty (30) days of the District notification to the requestor that the records are available for inspection or copying. The District will notify the requestor in writing of this requirement, and that the requestor must contact the District to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the District may close the request and re-file the assembled records.

j. Copying request. After inspection is complete, the Public Records Officer shall make the requested copies or arrange for copying.

k. Installments. If the request is for a large number of public records, the Public Records Officer shall provide access for inspection and copying in installments, if the Public Records Officer reasonably determines it would be practical to provide the records in that manner. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one or more of the installments, the Public Records Officer shall no longer be obligated to fulfill the balance of the request, and shall stop searching for the remaining records and close the request.

l. Completion of search. When the inspection of the requested 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 non-exempt records available for inspection.

m. Closing request. When the requestor either withdraws the request or fails to fulfill the requestor's obligations to inspect the records or pay the deposit or final payment for the requested copies, the Public Records Officer shall close the request and indicate to the requestor that the District has closed the request.

n. Later discovered records. If, 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.

o. Consequence of disclosing record in error. The District, and its officials and employees are not liable for loss or damage based on release of a public record if the District official or employee acted in good faith in attempting to comply with the Act.

p. No duty to create records. The District is not obligated to create a new record to satisfy a records request; however, the District may, in its discretion, create such a new record to fulfill 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.

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

r. No bot requests. 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

5. Processing of public records requests- Electronic records.

a. Processing electronic records. The process for requesting electronic public records is the same as for requesting paper public records.

b. Format. When a requestor requests records in an electronic format, the Public Records Officer may provide the non-exempt records or portions of such records that are reasonably locatable in an electronic format that is used by the District and is generally commercially available, or in a format that is reasonably translatable from the format in which the District keeps the record.

6. Exemptions.

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

(1) Personal information: Personal information in files maintained for employees and appointed or elected officials of the District to the extent disclosure would violate their right to privacy; and financial information including credit card numbers, debit card numbers, electronic check numbers, card expiration dates, and bank or other financial account numbers. RCW 42.56.230.

(2) Employment and licensing: Applications for public employment and related materials submitted with respect to an applicant; examination information (test questions, scoring keys and other data used to administer a license, employment or academic examination); and personal contact information in files maintained for District employees or volunteers, and their dependents (address, telephone number, personal email address, social security number, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contacts and date of birth). RCW 42.56.250.

(3) Real estate appraisals: Real estate appraisals made for or by the District relative to the acquisition or sale of property until the project is abandoned or sold, except disclosure may not be denied for more than three years after the appraisal. RCW 42.56.260.

(4) Financial, commercial and proprietary information: Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by the District within five years of the request for disclosure when disclosure would produce private gain and public loss; farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit; farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190. RCW 42.56.270.

(5) Preliminary drafts, notes, recommendations and interagency memorandums: Records in which opinions are expressed or policies formulated or recommended, except if the opinion or policy is implemented or the record is publicly cited in connection with District action. RCW 42.56.280.

(6) Work product: Records which are relevant to a controversy to which the District is a party but which records would not be available to another party under the rules of pretrial discovery for Superior Courts. RCW 42.56.290.

(7) Public utilities information: Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095; and records containing the addresses and telephone numbers, electronic contact information, and customer-specific utility usage and billing information in increments less than a billing cycle of District customers. RCW 42.56.330.

(8) Security: Records assembled or prepared to prevent, mitigate or respond to terrorist acts, the disclosure of which would have a substantial likelihood of threatening public safety; specific and unique vulnerability assessments or emergency response plans and

records containing information regarding the infrastructure and security of computer and telecommunications networks, consisting of passwords, security codes and programs and access codes for secure software applications. RCW 42.56.420.

(9) Attorney-client privileged information: Records reflecting communications transmitted in confidence between the District and its attorney for the purposes of legal advice. RCW 5.60.060(2)(a).

(10) Medical records: Medical records in employee personnel files. Chapter 70.02 RCW.

(11) Trade secrets: Records containing trade secrets of businesses the District regulates. Chapter 19.108 RCW.

(12) Religious affiliation: Records that relate to or contain personally identifying information about an individual's religious beliefs, practices, or affiliation. RCW 42.56.235.

7. **Costs of providing copies of public records.** 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 (as set forth below).

The District will charge all costs of public records when the combined, applicable fees are in excess of Ten Dollars (\$10.00):

- a. **Inspection.** There is no fee for inspecting public records.
- b. **Photocopies or printed electronic copies.** Fifteen (15) cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of District equipment to photocopy public records.
- c. **Scanned into Electronic format.**
 - i. Ten cents (.10) per page for public records scanned into an electronic format or for the use of District equipment to scan the records; and
 - ii. Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and
 - iii. Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically.
- d. **Actual delivery costs/Facsimile/Mail.** The District shall charge the actual costs 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.

e. 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.

f. 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.

g. Alternative fees. The District may, at its option, charge the following alternative fees: i) \$2.00 flat fee (RCW 42.56.120(2)(c)); ii) fees under an alternative fee arrangement (RCW 42.56.120(4)); and iii) customized fees for information technology expertise/access (RCW 42.56.120(3)), provided that the District complies with the procedures set forth in said statutes for said fees. The District may charge the actual costs of obtaining specialized information technology should a request require the use of these services to prepare data compilations or provide customized electronic access services, including, but not limited to GIS Information compilation and printouts, drawing sheets (\$5.00 for 24" X 36"), and Aerial Mapped Sheet (\$10.00, and \$5.00 for each overlay).

h. Off-site vendor copying. The District will provide copies of paper records up to 11"x7" at the fees listed herein. For copies of paper records requested at a size larger than 11"x7", copies of records in a format that the District is not able to produce in-house, or copies that can be made more efficiently and/or less expensively at an outside vendor, the District may, in its sole determination, send a request to an off-site vendor for copying/scanning/reproducing, and the requestor shall arrange payment directly with the vendor for these services.

i. Deposit. Before beginning to make the copies, the Public Records Officer may require a deposit of up to ten (10) percent of the estimated cost of copying all the public records selected by the requestor. The Public Records Officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The District shall not charge sales tax when it makes copies of public records, unless required by law to do so.

j. 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.

k. Installments. If the District makes a request available on a partial or installment basis, the District may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the District is not obligated to fulfill the balance of the request.

l. 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.

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

9. **Review of denials of public records.**

a. **Petition.** Promptly after initial denial or partial denial of a records request, the requestor may petition in writing (including e-mail) to the Public Records Officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer denying the request.

b. **District response to petition.** The Public Records Officer shall promptly provide the petition and any other relevant information to the District attorney. The District attorney 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.

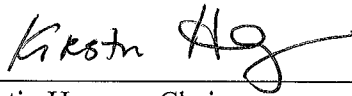
c. **Judicial review.** The requestor may obtain court review of denials of public records requests pursuant to RCW 42.56.550 after the initial denial, regardless of any internal administrative appeal.

Section 2. **Repealer.** All other existing District resolutions, policies and procedures are hereby modified, amended and/or superseded to be in accordance with the provisions of this Resolution.

Section 3. **Authority to Implement.** The District's Executive Director is hereby authorized and directed to implement this resolution, which includes, but is not limited to, updating these policies when applicable state law changes, and to bring such updates to the Board for affirmation by motion.

Section 4. **Effective Date.** This Resolution shall be effective on the date of adoption as set forth below.

ADOPTED BY THE BOARD OF SUPERVISORS of the King Conservation District, King County, Washington, at the special open public meeting thereof, and effective this 27th day of September, 2021.


Kirstin Haugen, Chair

CERTIFICATE

I, Chris Porter, Vice Chair of the Board of Supervisors, King County, Washington, do hereby certify that the foregoing resolution is a true and correct copy of Resolution No. 21-005 of such Board, duly adopted at a special meeting thereof held on September 27, 2021.


Chris Porter, Vice Chair

Exhibit A

District Form “Request to Review Public Records”

[illegible]

Requester's Signature: _____



NAME AND DESCRIPTION OF PUBLIC RECORDS OR INFORMATION REQUESTED	

If you need this publication in an alternate format, please call the King Conservation District Office at (425) 282-1900.

Requester's Signature: _____