

Key Peninsula Metro Park District
Dbas Key Peninsula Metro Parks
PO Box 70
Lakebay, WA 98349

Proposal No. R2007-3

Resolution No R 2007-3

**A RESOLUTION OF KEY PENINSULA METRO PARK DISTRICT
ADOPTING THE PUBLIC DISCLOSURE RULES**

WHEREAS, Chapter 42.56RCW requires all government entities adopt rules covering the disclosure of public records; and

WHEREAS, the Washington State Attorney General has drafted model rules to assist government agencies in preparing and adopting their own rules concerning the disclosure of public records; and


WHEREAS, the District has reviewed those model rules and modified them to reflect local circumstances and requirements; NOW THEREFORE BE IT

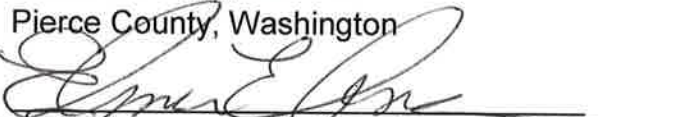
RESOLVED by the Board of Park Commissioners of the Key Peninsula Metropolitan Park District that the Public Records Disclosure Rules attached as Exhibit A are approved and adopted.

The foregoing resolution was adopted at a regular meeting of the Board of Park Commissioners of the Key Peninsula Metropolitan Park District held on April 9, 2007

Attest:

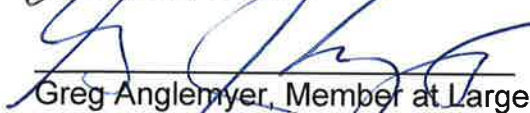
Key Peninsula Metropolitan Park District
Board of Commissioners
Pierce County, Washington


Caril Ridley, President


Elmer Anderson, Vice President


Kip Clinton, Clerk


Ross Bischoff, Member at Large


Greg Anglemyer, Member at Large

Key Peninsula Metropolitan Park District

Public Records Disclosure Rules Policy

Policy Number	Resolution Number	Date Approved:	Supersedes the following Resolutions and Policies:
	R2007-03	April 9, 2007	N/A

Policy: **Public Records Disclosure Rules**
(Approved by the Key Peninsula Metro Park District Board of Commissioners)

Purpose: RCW 42.56.070 (1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.070 (2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

The purpose of these rules is to establish the procedures the Key Peninsula Metro Park District (KPMPD) will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of KPMPD and establish processes for both requestors and KPMPD staff that are designed to best assist members of the public in obtaining such access.

The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, KPMPD will be guided by the provisions of the act describing its purposes and interpretation.

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Policy Requirements:

Section 1. Authority and Purpose

- A. KPMPD is a metropolitan park district formed pursuant to chapter 35.61 RCW. KPMPD headquarters is located at 5514 Key Peninsula HWY N, Lakebay, Washington 98349. Mailing address is PO BOX 70, Lakebay, and Washington 98349.
- B. Any person wishing to request access to public records of KPMPD, or seeking assistance in making such a request should contact KPMPD public records officer:

Public Records Officer
KPMPD
PO BOX 70
5514 Key Peninsula Hwy
Lakebay, WA 98349
Tel: 253.884.9240
Fax: 253.884.9249
Email: info@keypeninsulaparks.com

Information is also available at Key Peninsula Metro Park Districts' web site at www.keypeninsulaparks.co

- C. The public records officer will oversee compliance with the act but another KPMPD staff member may process the request. Therefore, these rules will refer to the public records officer "or designee". The public records officer or designee and KPMPD will provide the "fullest assistance" to requestors; create and maintain for use by the public and KPMPD officials an index to its public records; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of KPMPD.

Section 2. Availability of Public Records

- A. **Hours for Inspection of Records**
Public records are available for inspection and copying during normal business hours of KPMPD, Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the offices of KPMPD.
- B. **Organization of Records**
KPMPD will maintain its records in a reasonably organized manner. KPMPD will take reasonable actions to protect records from damage

and disorganization. A requestor shall not take KPMPD records from KPMPD offices without the permission of the public records officer or designee. A variety of records is available on the KPMPD web site at www.keypeninsulaparks.com. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

C. Making a Request for Public Records

- (1) Any person wishing to inspect or copy public records of KPMPD should make the request in writing on a KPMPD request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:
 - Name of requestor;
 - Address of requestor;
 - Other contact information, including telephone number and any e-mail address;
 - Identification of the public records adequate for the public records officer or designee to locate the records; and
 - The date and time of day of the request.
- (2) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to Section 5A, standard black and white photocopies will be provided at \$.25 per page and standard color photocopies will be provided at \$.89 per page.
- (3) A form is available for use by requestors at the office of the public records officer and on-line at www.keypeninsulaparks.com.
- (4) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

Section 3. Processing of Public Records Requests--General

A. Providing "Fullest Assistance"

KPMPD is charged by statute with adopting rules which provide for how it will "provide full access to public records", "protect records from damage or disorganization", "prevent excessive interference with other essential functions of the agency", provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or

designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

B. Acknowledging Receipt of Request

Within five business days of receipt of the request, the public records officer will do one or more of the following:

- (1) Make the records available for inspection or copying;
- (2) If copies are requested and payment of a deposit, for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor);
- (3) Provide a reasonable estimate of when records will be available; or
- (4) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or
- (5) Deny the request.

C. Consequences of Failure to Respond

If KPMPD does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

D. Protecting Rights of Others

In the event that the requested records contain information that may affect 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 will include a copy of the request.

E. Records Exempt from Disclosure

Some records are exempt from disclosure, in whole or in part. If KPMPD believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is

exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted.

F. Inspection of Records

- (1) Consistent with other demands, KPMPD shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.
- (2) The requestor must claim or review the assembled records within thirty days of KPMPD notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency 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, KPMPD may close the request and re-file the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

G. Providing Copies of Records

After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

H. Providing Records in Installments

When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

I. Completion of Inspection

When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that KPMPD has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

J. Closing Withdrawn or Abandoned Request

When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that KPMPD has closed the request.

K. Later Discovered Documents

If, after KPMPD has informed the requestor that it has provided all available records, KPMPD becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

Section 4. Exemptions

- A. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure.
- B. KPMPD is prohibited by statute from disclosing lists of individuals for commercial purposes.

Section 5. Costs of Providing Copies of Public Records

A. Costs for Paper Copies

There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for \$.25 per page and color copies for \$.89 per page.

KPMPD charges \$.25 per page for a standard black and white photocopy and \$.89 per page for a standard color photocopy of a record selected by a requestor. A statement of the factors and the manner used to determine this charge is available from the public records officer.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee 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. KPMPD will not charge sales tax when it makes copies of public records.

B. Costs for Electronic Records

The cost of electronic copies of records shall be \$1.00 per CD for information on a CD-ROM.

C. Costs of Mailing

KPMPD may also charge actual costs of mailing, including the cost of the shipping container.

D. Payment

Payment may be made by cash, check, or money order to KPMPD.

Section 6. Review of Denials of Public Records

A. Petition for Internal Administrative Review of Denial of Access

Any person who objects to the initial denial or partial denial of a records request 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 or designee denying the request.

B. Consideration of Petition for Review

The public records officer shall promptly provide the petition and any other relevant information to the public records officer's supervisor or other KPMPD official designated by KPMPD to conduct the review. That person will immediately consider the petition and either affirm or reverse the denial within two business days following KPMPD receipt of the petition, or within such other time as KPMPD and the requestor mutually agree to.

C. Judicial Review

Any person may obtain court review of denials of public records request pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.