

MLIRD RESOLUTION 2017-002

**RESOLUTION OF THE MOSES LAKE
IRRIGATION AND REHABILITATION DISTRICT
ADOPTING PUBLIC RECORDS RULES**

WHEREAS, the Moses Lake Irrigation and Rehabilitation District is a public agency subject to the Public Records Act, RCW Ch. 42.56 (the "Act"); and

WHEREAS, the Act requires Moses Lake Irrigation and Rehabilitation District adopt and enforce reasonable rules and regulations to provide public access to public records, to protect public records from damage or disorganization and to prevent excessive interference with other essential functions of the agency; and

WHEREAS, heretofore the rules enacted by the Moses Lake Irrigation and Rehabilitation District pertaining to public records was limited to Resolution 2008-010 establishing public records request fees; and

WHEREAS, the Moses Lake Irrigation and Rehabilitation District finds it to be in the best interests of the district and the public that it serves to enact a complete set of rules for providing public access to the public records of the Moses Lake Irrigation and Rehabilitation District in order to better insure compliance with the Act ; NOW THEREFORE,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MOSES LAKE IRRIGATION AND REHABILITATION DISTRICT AS FOLLOWS:

1. Resolutions 2015-001 is hereby withdrawn with no further force or effect.
2. The Moses Lake Irrigation and Rehabilitation District hereby adopts the following rules and regulations regarding requests for public records:

Authority and purpose.

- (1) 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.
- (2) The purpose of these rules is to establish the procedures the Moses Lake Irrigation and Rehabilitation District will follow in order to provide access to public records. These rules provide information to persons wishing to request access to public records of the Moses Lake Irrigation and

Rehabilitation District and establish processes for both requestors and the Moses Lake Irrigation and Rehabilitation District staff that are designed to best assist members of the public in obtaining such access.

- (3) 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.

Agency description--Contact information--Public records officer.

- (1) The Moses Lake Irrigation and Rehabilitation District (MLIRD) maintains Moses Lake as an irrigation facility. MLIRD also works to improve the water quality of Moses Lake for irrigation purposes and to enhance recreational aspects of the lake and to rehabilitate the lake to further health, welfare and quality of life of the citizens that surround it. The Moses Lake Irrigation and Rehabilitation District's central office is located at 932 East Wheeler Road, Moses Lake, Washington.
- (2) Any person wishing to request access to public records of the Moses Lake Irrigation and Rehabilitation District, or seeking assistance in making such a request should contact the public records officer of the Moses Lake Irrigation and Rehabilitation District:

Beth Yonko, Public Records Officer
Moses Lake Irrigation and Rehabilitation District
932 East Wheeler Road
Moses Lake, Washington 98837
(509) 765-8716
(509) 764-8425 (fax)
assistant@mlird.org (e-mail)

Information is also available at the Moses Lake Irrigation and Rehabilitation District web site at www.mlird.org

- (3) The public records officer will oversee compliance with the Act but other Moses Lake Irrigation and Rehabilitation District staff members may process the request. Therefore, these rules will refer to the public records officer "or designee."

Availability of public records.

- (1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the Moses Lake Irrigation and Rehabilitation District, or by appointment. Records must be inspected at the offices of the Moses Lake Irrigation and Rehabilitation District.

- (2) **No records index.** The Moses Lake Irrigation and Rehabilitation District finds that maintaining an index is unduly burdensome and would interfere with agency operations. The requirement would unduly burden or interfere with the Moses Lake Irrigation and Rehabilitation District operations because Moses Lake Irrigation and Rehabilitation District does not have sufficient staff resources in order to maintain such an index without causing excessive interference with daily operations.
- (3) **Organization of records.** A requestor shall not take the Moses Lake Irrigation and Rehabilitation District original records from the Moses Lake Irrigation and Rehabilitation District offices.
- (4) **Making a request for public records.**
 - (a) Any person wishing to inspect or copy public records of the Moses Lake Irrigation and Rehabilitation District should make the request in writing on the request form prescribed in subsection (b) below to the public records officer.
 - (b) All public records requests shall be submitted in writing on a form substantially as follows:

**MLIRD
Request for Access to Public Records
(Please Print Legibly)**

Name: _____ Daytime Phone #: _____
 Physical Address: _____
 Mailing Address: _____
 Fax # (optional): _____ E-Mail Address (optional): _____

Please describe the specific, identifiable public records you are requesting, including any additional information that will help us locate said records pursuant to RCW 42.56. We will be able to process your request faster if you clearly identify the records you are requesting. The Revised Code of Washington (RCW) states that records must be made available in a reasonable length of time. Depending on the complexity of the request, MLIRD will endeavor to fill requests within 1-5 business days. If MLIRD is unable to respond to the request within 5 business days, MLIRD will communicate to you an estimate of the time in which it expects to complete the request.

Upon MLIRD's retrieval of any responsive, non-exempt records, your preference is (check one):

Inspection Only* Photocopies

RCW 42.56 authorizes MLIRD to charge the cost of copying and providing public records. The costs that will be charged are available in Resolution 2017-002, a copy of which is available on the MLIRD website.

I understand that Washington State Law (RCW 42.56.070) (9) prohibits my use of lists of individuals for commercial purposes and I hereby declare, under penalty of perjury pursuant to the laws of the State of Washington, that I will not use lists obtained from this request for commercial purposes. I further acknowledge that I am solely responsible for any consequences or damages arising from any failure on my part to adhere to the above-referenced RCW.

Signature: _____ Date: _____

SUBMIT COMPLETED FORM TO: MLIRD, P.O. Box 98, Moses Lake WA 98837



FOR OFFICIAL USE ONLY

Date Received: _____
Inspection Appt. Time: _____
Photocopies Provided: Yes No
Costs to fulfill this request: \$ _____
Request Denied: Yes No Reason: _____

Comments: _____
Date Completed/Request closed out: _____ By: _____

- (c) 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 pay a deposit.
- (d) A form is available for use by requestors at the office of the public records officer and also online at www.mlird.org

Processing of public records requests--General.

- (1) **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:
 - (a) Make the records available for inspection or copying;
 - (b) 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;
 - (c) Provide a reasonable estimate of when records will be available; or
 - (d) 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
 - (e) Deny the request.
- (2) **Consequences of failure to respond.** If the Moses Lake Irrigation and Rehabilitation District does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the public records officer to verify that the request was received and determine the reason for the failure to respond.
- (3) **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.
- (4) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the Moses Lake Irrigation and Rehabilitation District believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

- (5) **Inspection of records.**
- (a) Consistent with other demands, the Moses Lake Irrigation and Rehabilitation District 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.
 - (b) The requestor must claim or review the assembled records within thirty days of the Moses Lake Irrigation and Rehabilitation District's notification to him or her that the records are available for inspection or copying. The Moses Lake Irrigation and Rehabilitation District 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, the Moses Lake Irrigation and Rehabilitation District may close the request and refile 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.
- (6) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.
- (7) **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.
- (8) **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 the Moses Lake Irrigation and Rehabilitation District has completed a diligent search for the requested records and made any located nonexempt records available for inspection.
- (9) **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 the Moses Lake Irrigation and Rehabilitation District has closed the request.

Processing of public records requests--Electronic records.

- (1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.
- (2) **Providing electronic records.** Where a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. The cost for providing electronic records are set forth below.
- (3) **Customized access to data bases.** With the consent of the requestor, the agency may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. The Moses Lake Irrigation and Rehabilitation District may charge a fee consistent with RCW 43.105.280 for such customized access.

Exemptions.

- (1) The 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.
- (2) The Moses Lake Irrigation and Rehabilitation District is prohibited by statute from disclosing lists of individuals for commercial purposes.

Costs of providing copies of public records.

- (1) **No charge for inspection.** There is no fee for inspecting public records.
- (2) **Costs for copies; Deposit May be Required.** The schedule set forth below establishes the costs for obtaining copies of MLIRD records. Before beginning to make the copies, the public records officer or designee may require a deposit to cover the estimated costs of copying all the records selected by the requestor. The public records officer or designee may require the payment of copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The Moses Lake Irrigation and Rehabilitation District will not charge sales tax when it makes copies of public records.

For copies of public records, the following schedule shall apply:

PRA Fee Schedule	
Actual cost	Customized service charge (in addition to fees for copies – see copying fees below).
Copies:	
15 cents /page	Photocopies, printed copies of electronic records when requested by the requester, or for the use of agency equipment to make photocopies.
10 cents /page	Scanned records, or use of agency equipment for scanning.
5 cents /each 4 electronic files or attachment	Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery.
10 cents /gigabyte	Records transmitted in electronic format or for use of agency equipment to send records electronically.
Actual cost	Digital storage media or devices.
Actual cost	Any container or envelope used to mail copies.
Actual cost	Postage or delivery charges.
<i>↑ Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request</i>	
Option for Copies:	
Up to \$2 flat fee	As an alternative to the copy charges above, an agency may charge a flat fee of up to \$2 for any request when the agency reasonably estimates and documents that the costs are equal to or more than \$2. If applied to the initial installment, additional flat fees shall not be charged for subsequent installments.

Due to security concerns, MLIRD will not allow use of non-MLIRD purchased storage media or equipment.

- (3) **Payment.** Payment may be made by cash, check, or money order to the Moses Lake Irrigation and Rehabilitation District.

Review of denials of public records.

- (1) **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 MLIRD General Manager for a review of that decision. The petition shall be delivered to the Public Records Officer, and shall include a copy of the request and of the written statement by the public records officer or designee denying the request.
- (2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the General Manager. The General Manager will promptly consider the petition and either affirm or reverse the denial within two business days following the Moses Lake Irrigation and Rehabilitation District's receipt of the petition, or within such other time as the Moses Lake Irrigation and Rehabilitation District and the requestor mutually agree to.

3. This Resolution shall be effective immediately upon passage and signatures hereon.

PASSED and DATED this 8th day of August, 2017.

Jeff Foster, Chair

Bill Bailey, Director

Mary Perry, Director

Richard Teals, Director

Kris Dexter, Director

Attest: _____, Secretary of the District
Chris Overland

(Seal)