

**TRAILS END WATER DISTRICT #2
MASON COUNTY, WASHINGTON**

RESOLUTION NO. 2025-3

A RESOLUTION of the Board of Commissioners of Trails End Water District, Mason County, Washington, adopting an updated Public Records Policy and Public Records Fee Schedule, and ordering publication of the Public Records Act Rules.

WHEREAS, Trails End Water District (District) finds a need to have a resolution regarding Public Records, and

WHEREAS, the Public Records Act (PRA) codified at RCW 42.56, requires the District to establish and display rules to facilitate the disclosure of public records; and

WHEREAS, RCW 42.56 requires the District to maintain and make available a current index of all its public records; and

WHEREAS, RCW 42.56.070(4) provides that the District need not maintain such an index if to do so would be unduly burdensome, but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome or would interfere with District obligation, and

WHEREAS, the District utilizes outside consultants who maintain separate databases and systems for records created by the consultants, and upon review of in house staff, does also find that to maintain such an index would require additional employee hours not currently available, the financial impact of which would have substantial impact on the 2025 budget and future financial impact on the ratepayers of the District to support such a position; and

WHEREAS, RCW 42.56.070(7), RCW 42.56.240(14) and RCW 42.56.120 prescribes that the District, being such identified agency, may be reimbursed for the cost of providing copies of records; and

WHEREAS, certain public records may be inspected in person or electronically at no cost; and

WHEREAS, the District Board of Commissioners wish to adopt the statutory fee schedule in RCW 42.56.120 as the Public Records Request Fee Schedule attached hereto as Exhibit A, and

PUBLIC RECORDS REQUEST FEE SCHEDULE

Effective June 9, 2015

Paper copies

(Includes copies scanned from paper to electronic format)

| | |
|-----------------------------------------------|-----------------------------|
| Black and white copies: 8.5 x 11 and 8.5 x 14 | \$0.15 per page (all pages) |
| Double sided black and white copies | \$0.15 per side |

May need to be produced by outside source:

| | |
|---------------------------------------------|-------------|
| Color Copies, any size | Actual cost |
| Black and white copies larger than 8.5 x 14 | Actual cost |

Other Media

| | |
|-----------------------------|---------------------------|
| CD Rom * | Actual cost |
| Audio tape * | Actual cost |
| Black and white photographs | \$2.00 per 8.5 x 11 sheet |
| Color photographs * | Actual cost |

*These items may need to be produced by an outside source.

Additional Costs

| | |
|------------------------|------------------|
| Packaging and postage | Actual cost |
| Staff time for copying | \$15.00 per hour |

Trails End Water District

Public Records Policy

1. PURPOSE AND SCOPE

1.1. *Public Records Act*

The purpose of the Public Records Act (PRA), Chapter 42.56. RCW, is to provide the public with full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of efficient administration of government. The Public Records Act provides a statutory framework by which to administer access to public records.

1.2. *Policy and Procedure*

The purpose of establishing the following policy and procedure is to provide a method by which Trails End Water District (TEWD) will review and respond to requests for public records within the Public Records Act framework. The information contained in this document is designed to aid both those requesting public records and those responding to records requests. The policy and procedure should assist in guiding expectations of requesters and providing notice of a mechanism by which to appeal a records decision, if necessary.

TEWD will provide TEWD records requested by the public as provided in this policy, unless such records are exempt from disclosure under RCW 42.56 or other law under which disclosure is regulated.

This policy will be posted on the Trails End Water District website.

1.3. *Interpretation and Conflicts*

This policy includes both statutory requirements and best practices. Except where these provisions are mandated by statute, any procedures identified in this policy are discretionary and advisory only and must not impose any affirmative duty on TEWD. In the event of any conflict between this policy and the PRA, the PRA must govern. TEWD reserves the right to apply, interpret, modify, or suspend this policy at any time.

1.4. *Liability*

Neither TEWD nor any officer, employee, official, or custodian will be liable, nor will a cause of action exist, for any loss or damage based upon a release of public records if the person releasing the records acted in good faith in attempting to comply with this policy. This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms, nothing in this policy is intended to impose mandatory duties on TEWD beyond those imposed by state and federal law.

2. RESPONSIBILITY/AUTHORITY

2.1. *Public Records Officer*

The TEWD Office Supervisor will serve as the Public Records Officer (PRO) of Trails End Water District and will oversee compliance with the Public Records Act and these procedures. The PRO will serve as the point of contact for members of the public in requesting disclosure of public records. All requests must be facilitated by the PRO. For purposes of this policy, "Public Records Officer" or "PRO" will mean the PRO and/or their designee.

- a. The PRO shall maintain a log of all public records requests submitted to and processed by TEWD, and, at a minimum, shall record the information required in RCW 40.14.026(4) as it now exists or may hereafter be modified.
- b. The PRO shall be responsible for meeting the Washington State Joint Legislative Audit & Review Committee (JLARC) reporting requirements set forth in RCW 40.14.026(5), including the following:

Determining whether actual staff and legal costs associated with fulfilling public records requests for the prior fiscal year were \$100,000 or greater for the purposes of RCW 40.14.026(5) and reporting that information to JLARC;

Tracking and reporting to JLARC the metrics set forth in RCW 40.14.026(5) if Agency staff and legal costs for the prior fiscal year are \$100,000 or more;

Reporting to the Agency governing body, or its designee, on staffing, technology and any additional needs for the purpose of fulfilling JLARC reporting requirements;

Recommending to the Agency governing body, or its designee, whether the Agency should voluntarily report the metrics set forth in RCW 40.14.026(5) if the Agency's staff and legal costs associated with fulfilling public records requests for the prior fiscal year were less than \$100,000.

- c. The PRO will complete training regarding the provisions of the Public Records Act and records retention no later than ninety days after assuming responsibilities as PRO and complete refresher training at intervals of no more than four years as long as they maintain the designation.

2.2. *Requesters*

Requestors must give reasonable notice that they are requesting access to a public record pursuant to the PRA. Requesters must request identifiable records or classes of records that TEWD can reasonably locate even though they are not required to specifically state the exact record sought. For example, using inexact phrases such as "relating to" a topic (such as "all records relating to the rate increase") will need clarification from the requester to determine what records fairly and directly address the topic. Requesters wishing to submit a public records request should do so by submitting a request through the TEWD website at: <https://www.trailsendwater.org> For more information on how to submit requests see Section 3.2 "Making a Request for Public Records."

3. PUBLIC RECORDS PROCEDURES

3.1. *Availability of Public Records on the TEWD Website*

Some records are available on the TEWD website at <https://www.trailsendwater.org>. Requesters are encouraged to view records available on the website prior to submitting a records request.

3.2. *Making a Request for Public Records*

- a. Any person wishing to submit a public records request may do so via one of the following methods:

1. Online via TEWD's submission form at <https://www.trailsendwater.org>
2. By email or written letter by mail to TEWD's Designated Public Records Officer. The contact information for TEWD's Public Records Officer is as follows:

Trails End Water District – Public Records Officer
2411 E. Trails End Dr

Belfair, WA 98528
tewd2@outlook.com

- b. Public Record Requests which are not submitted via one of the methods described in section “a” may not be recognized as a public records request. As a result, requests for records that are not submitted as provided in section “a” are not subject to the requirements of the Public Records Act.

It is the duty of the Requester to provide the Public Record Request to the designated Public Records Officer via one of the methods described in section “a”.

- c. Public records requests should include the following information:

1. Name of requester;
2. Date of request;
3. Phone, email, and/or address or other contact information of requester;
4. An indication that the request is being made for access to a Public Record pursuant to the PRA;
5. Identification of the public records adequate for the PRO to locate the records (title and date, if known); and
6. Whether the Requester wants to inspect records or wants copies. If the Requester wants copies, the Requester should indicate if they want the copies mailed, emailed, or if they want to pick them up.

- d. The PRO will confirm receipt of the information and the substance of the request in writing by entering the request information into TEWD's Public Records Request Log.
- e. Requests for "All Records." A Public Records request must be for identifiable records. A request for all or substantially all TEWD records is not a valid request for identifiable records.
- f. TEWD may deny a "bot" request that is one of multiple requests from a requester to TEWD within a twenty-four hour period, if TEWD determines that responding to the multiple requests would cause excessive interference with essential TEWD functions. A "bot" request is a records request that an agency reasonably believes was automatically generated by a computer program or script.
- g. A requester is not typically required to state the purpose of the request. However, in instances where additional information is required by law or to clarify or prioritize a request and provide responsive records, the PRO may inquire about the nature or scope of the request.
- h. Requests for a List of Names. The PRA prohibits TEWD from producing a list of names to a Requester who intends to use the list for commercial purposes. When a Requester requests a list of names, the Requester will be asked to provide information as to the purpose of the request to establish whether release would be a violation of this prohibition.

3.3. *Processing Public Records Requests*

- a. The PRO will process requests in the order allowing the most requests to be processed in the most efficient manner. Multiple requests from a single requester may be processed consecutively if the request is for a large number of records or if the request requires significant staff time. If a requester wants a subsequent request prioritized, the requester may either withdraw the earlier request(s) or request in writing that the later request be responded to first.
- b. Within five (5) business days of receipt of the request, the PRO will do one or more of the following:
 - 1. Make the records available; or
 - 2. Identify an internet location where the record can be accessed. Requesters who cannot access the internet may obtain hard copies for a fee based on the TEWD's fee schedule.; or
 - 3. Acknowledge receipt of request and provide a reasonable estimate of when records will be available; or
 - 4. If the request is unclear, acknowledge receipt of the request, ask the requester to provide clarification and provide a reasonable estimate of when records will be available; or

5. Deny the request.

c. If TEWD does not respond in writing within five business days of receipt of the request for disclosure, the requester should consider contacting the public records officer to verify TEWD received the request.

d. In calculating five (5) business days, the following are not counted: The day TEWD receives the request, Fridays, Saturdays, Sundays and holidays. Requests received after 5:00 PM are considered as received on the following business day.

3.4. *Inspection of Records*

a. TEWD will provide a space for persons to inspect public records. Public records will generally be available for inspection and copying during normal business hours of Monday through Thursday, 7:30 a.m. to 4:45 p.m., excluding legal holidays. No member of the public may remove a record from the viewing area or disassemble or alter any record. If copies of records are desired, the requester must indicate which records should be copied by TEWD.

b. The requester must make arrangements to retrieve or review the assembled records within twenty (20) calendar days of notification that the records are available or contact TEWD to make alternative arrangements to do so.

c. If the requester fails to retrieve or review the records within the twenty-day period or make other arrangements to do so, TEWD may close the request and re-file the assembled records. In the event the requester submits a new request for the same or almost identical records, the process will begin anew.

3.5. *Notice to Third Parties.*

a. If a Public Record contains personal information that identifies an individual or organization other than the subject of the requested Public Record, TEWD may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. If TEWD intends on issuing notice, pursuant to RCW 42.56.540, the PRO and/or TEWD's legal counsel should be consulted. TEWD may take this into account when providing an estimate for when the records will be available. TEWD should also review any contracts with third parties that may contain special notice provisions. Nothing in this policy is intended to create any right to such notice.

b. If a request seeks information located exclusively in an employee's personnel, payroll, supervisor, or training file, TEWD must provide notice to the employee and to the requester. The notice must state:

1. The date of the request;
2. The nature of the requested record relating to the employee;
3. That TEWD will release any information in the record not exempt from disclosure at least ten business days from the date the notice is made; and
4. That the employee may seek to enjoin release of the records under RCW 42.56.540.

3.6. *Providing Records In Installments*

- a. When the request is for a large number of records or when a portion of responsive records is more readily available than others, the PRO may provide records in installments.
- b. If the requester fails to pay for, download or inspect available installments in the required timeline, the PRO will consider the request abandoned, discontinue the search for the remaining records and close the request.

3.7. *Closing Withdrawn or Abandoned Requests*

When the Requester withdraws their request, fails to fulfill the obligation to inspect or download the records in the required timeline, or fails to pay the required amount due for requested copies, the PRO will close the request. If the Requester fails to clarify a request that is unclear after TEWD seeks clarification on the request pursuant to RCW 42.56.520(1)(d) and the entire request is unclear, the request is deemed abandoned. Unless a different amount of time is specified by the PRO, the Requesters must fulfill their obligations to inspect, download, pay for, or clarify requests within twenty (20) calendar days of notification by TEWD.

3.8. *Later Discovered Records*

After TEWD has closed the request, if TEWD becomes aware of additional responsive records existing at the time of the request, it will promptly inform the Requester of the additional records and provide them as soon as possible. Nothing in this section creates a duty on TEWD to continue searching for or providing records after a request is properly closed, imposes liability on TEWD for failing to provide a later discovered record, or extends the statute of limitations that would otherwise apply to a challenge under the PRA.

A public records request is not continuing in nature. Requesters cannot make "standing" PRA requests. If a Requester desires additional records created or obtained by TEWD after the date of the original request, the Requester must submit a new request.

3.9. *Completion of Request*

Once all copies of requested records have been provided to the Requester, the Requester has inspected the requested records, upon notification that no responsive records were located, or twenty (20) calendar days have passed since the Requester was notified that the records were available and the Requester has failed to retrieve, review, or pay for the records, the PRO will close the request. Upon closing the request, the PRO should provide a closing letter stating the scope of the request and memorializing the outcome of the request.

3.10. *No Duty to Create New Records*

A PRA request only applies to records that exist at the time of the request. TEWD is not obligated to create new records to satisfy a records request; however, TEWD may, at its discretion, create such new records to fulfill the request where TEWD deems that method of response to be more expedient. A request for information, contained in electronic databases, may be considered a valid request for records, if the information can be reasonably extracted to produce a record that is fully or partially responsive to the request.

3.11. Exemptions

- a. The Public Records Act and other statutes exempt or prohibit disclosure of certain TEWD records. Requesters should take note that there are many exemptions contained outside of the Public Records Act that may restrict the availability of some records.
- b. If TEWD deems that a record or portion of a record is exempt from disclosure and should be withheld, the PRO will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld in an exemption log.

TEWD adopts by reference the exemptions from public disclosure contained in Chapter 42.56 RCW, including any future amendments thereto or recodification thereof, along with any other exemption or exception to the Public Records Act provided by law. This includes, but is not limited to, those exemptions set forth on the Public Records Exemptions Accountability Committee's ("Sunshine Committee") Public Disclosure Exemption list available at [Sunshine Committee | Washington State](#) and in "Appendix C to Public Records Act for Washington Cities and Counties," Municipal Research and Services Center (last updated March 2019). These may be amended in the future and the most current versions will be considered adopted by reference. Both lists are included in Appendix A.

However, note that these exemption lists are not exhaustive. Exemptions may be revised throughout the year at any time through legislative action or decisions made on cases which create new case law. Redactions or denials of records will be applied to requested records based on the exemptions that exist at the time a record is prepared for disclosure.

Any questions about exemptions should be directed to the PRO. TEWD reserves the right to assert any exemptions permitted by law when TEWD determines nondisclosure serves the public interest and is not limited to the exemptions listed in Appendix A.

3.12. Public Records Request Fees

- a. Copies. See current TEWD Fee Schedule, attached as Exhibit A.
- b. Deposits. Before copying any record, TEWD may require a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, TEWD may charge for each installment. The decision not to request a deposit will not serve to waive TEWD's right to request a deposit for future requests. If an installment is not claimed and paid for within twenty (20) calendar days of having been notified the records are available or if the Requester has not contacted the PRO within this twenty (20) calendar day period to make arrangements to pay for the records outside of this twenty (20) calendar day period, TEWD is not obligated to fulfill the balance of the records request.
- c. Copies of Electronic Records. Records available in electronic format that do not require redaction may be provided in native format unless the Requestor specifically asks that they be provided in paper or other form. Electronic records that require redaction usually cannot be produced in a native format and will be converted to paper or PDF. When requested and deemed feasible, electronic records may be

converted from one format to another provided such conversion is not unduly burdensome.

3.13. Administrative Review of Denials of Public Records

- a. Any person who objects to the initial denial or partial denial of a records request may petition in writing to the PRO for a review of that decision. The petition must include a copy of the written statement by the PRO denying the request.
- b. The PRO will immediately consider the petition and either affirm or reverse the denial within two business days following the PRO's receipt of the petition, or within such time as TEWD and the Requester mutually agree (RCW 42.56.520). If the withholding or redaction is affirmed, the decision will be considered TEWD's final action for the purposes of judicial review. If the decision to withhold or redact is reversed, the PRO will proceed to make the subject records available to the Requestor for inspection in accordance with the provisions of this policy and procedure.

3.14. Index of Public Records

Trails End Water District determined by **Resolution No. 2025-3** that maintaining an index is unduly burdensome, costly, and would interfere with agency operations due to staffing concerns and the need to hire additional staff to create and maintain an index, and in addition, any consultant services utilized by the District maintain separate databases and/or systems for indexing of records and information created by them.

4. RECORDS MAINTENANCE AND RETENTION

4.1. TEWD Records

Records will be retained and managed in compliance with the records retention schedules established and maintained by the Washington State Archives.

4.2. Protection of Records

In order for Public Records to be protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:

- a. Original, physical public records are to remain at TEWD facilities. If remote or off-site access of physical records is needed, the records should be copied into either physical or digital format;
- b. For in-person inspection of digital records, either copies of the records or read-only versions of the original records will be made available electronically. Access to edit, alter, modify, or delete original digital records will not be made available to the public.
- c. Inspection of any Public Record will be conducted in the presence of the PRO or designated staff;
- d. No Public Record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;

- e. Physical Public Records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying or scanning, and then only by TEWD staff or a vendor contracted to do such work on behalf of TEWD; and
- f. Digital Public Records of TEWD may be copied only by TEWD staff or vendors contracted to do so on behalf of TEWD. If the records will be copied to an external media device to provide to a member of the public, (e.g. USB drive, external hard drive), the media device must be purchased and/or furnished by TEWD. For security purposes, no member of the public is allowed to bring in their own media device and insert it into a TEWD computer.

Appendix A

Public Records Exemptions Accountability Committee's ("Sunshine Committee") Public Disclosure Exemption list available at [Sunshine Committee | Washington State](#)

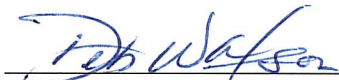
WHEREAS, the Board of Commissioners wish to adopt the Public Records Policy attached hereto as Exhibit B;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Trails End Water District, Mason County, Washington as follows:

1. Trails End Water District shall adopt the Public Records Fee Schedule attached hereto as Exhibit A.
2. Trails End Water District shall adopt the Public Records Policy as attached hereto as Exhibit B.
3. Pursuant to RCW 42.56.070(4), Trails End Water District adopts the above "whereas" clauses as findings and has determined that maintaining a records index at this time is unduly burdensome, costly, and would interfere with the District's ability to efficiently and effectively operate with current staff and budget constraints. The District shall continue to evaluate the efficacy of instituting the production and maintenance of such an index.
4. The District's Public Records Officer is hereby directed to publish and maintain the Rules as set forth on the District's website.

Exhibits: A: Public Records Fee Schedule
B: Public Records Policy

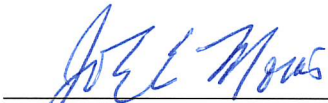
ADOPTED by the Board of Commissioners of the Trails End Water District at the regular scheduled meeting on this 08th day of July, 2025



CHAIRMAN-COMMISSIONER



COMMISSIONER



COMMISSIONER