

RESOLUTION NO. 2304

December 9, 2014

A RESOLUTION PROVIDING FOR BENTON PUD'S ORGANIZATIONAL STATEMENT AND ESTABLISHING RULES FOR INSPECTION AND COPYING OF PUBLIC RECORDS

BE IT HEREBY RESOLVED By the Commission of Public Utility District No. 1 of Benton County that the following be adopted:

ORGANIZATIONAL STATEMENT

The Public Utility District No. 1 of Benton County ("Benton PUD") is engaged in the transmission and distribution of electric energy throughout Benton County. Benton PUD is further engaged in the construction, development, operation and maintenance of wholesale telecommunications service. Field crews are maintained out of two offices located in both Kennewick and Prosser, Washington. Benton PUD's main administration office is located at 2721 West 10th Avenue, Kennewick, Washington. A branch office of Benton PUD is located at 250 North Gap Road, Prosser, Washington.

Benton PUD is a municipal corporation organized under the laws of the State of Washington, Title 54 RCW. The powers of Benton PUD are exercised through a Commission, consisting of three elected Commissioners. Each Commissioner serves for a six-year term, with a Commissioner position on the electoral ballot every two years in even numbered years.

The Commission establishes policy of Benton PUD, and appoints a General Manager who is charged with the responsibility of operating the District within established policy. The Commission meets regularly twice a month, and rules of procedure are established by resolution at these meetings. All proceedings of the Commission are by motion or resolution and are recorded in its Minute Books.

The Minute Books are the official record of the Commission wherein the following items may be found: final opinions of the Commission, statements of policy, administrative staff instructions, and planning policies and goals, including long-range system plans, reports and studies, all of which are retained in Benton PUD's files in accordance with the laws of the State of Washington.

The General Manager will, from time to time, establish and maintain an organizational chart which shall be available to the public.

Benton PUD will maintain its records in a reasonably organized manner and will take reasonable actions to protect records from damage and disorganization and prevent excessive interference with other essential functions of the District.

The Commission supports open government and public transparency, and will make available for the public indexes of general departmental records which will be available during normal business hours.

All policies adopted by the Commission will be maintained by Index and that Index will also be available to the public.

The Commission by separate policy has determined that keeping a centralized public records index is unduly burdensome due to multiple departments keeping electronic databases and recordkeeping systems for indexing and information.

The Benton PUD Commission meets regularly on the second and fourth Tuesday of each month at 9:00 a.m. at the Kennewick Administration Office. These meetings are open to the public.

The customary office hours for the Kennewick and Prosser Administration Offices are 8:30 a.m. to 5:00 p.m.

PUBLIC RECORDS REQUESTS

The Commission of Benton PUD recognizes that full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to sound governance.

The Commission of Benton PUD further recognizes, to the extent allowed by law, that full access to public records is necessary to assure continuing public confidence and to assure that public interest will be fully protected.

Benton PUD shall respond promptly to requests for inspection and copying of its public records, and shall not make any distinctions in releasing or not releasing records based on the identity of the person or agency requesting the public records, absent statutory provisions or other law to the contrary.

Benton PUD will not be required to fabricate, construct, reconstruct or manufacture records that do not already exist.

Public records retained by Benton PUD are considered valuable administrative and/or historical documents. In determining the format of public records provided to the public, consideration shall be given to providing the documents in the most expedient and efficient manner, while ensuring the validity and integrity of the public record.

Upon receipt of a public records request, any responsive records scheduled for destruction in accordance with the District's records retention schedules will be maintained and not destroyed until conclusion of the public records request.

Public Records Officer

The established place where public records are available is the District's main office in Kennewick, Washington. The General Manager shall designate a Public Records Officer, knowledgeable and trained on the requirements of the Washington Public Records Act, whose responsibility it will be to serve as a point of contact for members of the public requesting public records, and whose responsibility it will be to oversee Benton PUD's compliance with the Washington Public Records Act.

The Public Records Officer, or designee, will review and schedule all inspections and/or requests for identifiable public records to ensure compliance with public records laws and to ensure the least disruption possible to the operations of the District during such inspection/copying. Copies of public records will not be furnished nor inspection allowed when and to the extent that it would unreasonably disrupt the operations of Benton PUD.

Rules for Inspection and Copying of Public Records

Public records may be inspected and/or copies obtained upon compliance with the following:

- 1) All requests for public records shall be made to the Public Records Officer, in writing, upon a form prescribed by Benton PUD. Such form shall be made available to the public at both the Kennewick and Prosser offices.
- 2) Requests for public records received via mail/e-mail in an alternate format may be recognized as a public records request provided the document includes the name and contact information of the requestor, is reasonably identified or labeled as a public records request, and provides an adequate description of the public record(s) being requested.
3. Upon receipt of a public records request, the District shall respond to the requestor within five business days as follows:
 - a) Provide the record(s); inform the requestor the records are available for inspection and/or copying.

b) Acknowledge receipt of the request, and provide the requestor with a reasonable estimate of time when the records will be available. Clarification of a request may be asked for if a request is objectively unclear.

c) Deny the request. The request can only be denied if it is not an actual request for public records, a record does not exist, or if the record in its entirety is legally exempt from disclosure.

4) Public records shall be made available for inspection and/or copying during the customary office hours of Benton PUD.

5) The Public Records Officer, or designee, will oversee public review of any public records in order to ensure the integrity and security of the District's records.

6) The Public Records Officer, or designee, will provide the utmost cooperation to the public in responding to requests for public records, and ensure records are provided in an expedient and efficient manner.

7) Public records will normally be provided in hard copy format, or in the currently held record format. Consideration for disclosure of electronic information not held in hard copy format shall be contingent upon the ability to obtain valid information with existing proven search criteria and ensuring record integrity.

8) Copying public records may be referred to outside copying facilities, at the discretion of the District.

9) Large public records requests (identified as 500 or more possible responsive pages of documents) may be provided to the requestor on a partial or installment basis to expedite fulfilling the request. If a request is fulfilled on a partial or installment basis and is not reviewed, picked up or payment provided within 30 days of notification of availability, the remainder of the request will not be fulfilled.

Copy Fee Schedule

Inspection of public records, including the assembling and gathering of public records for review, is provided free of charge.

The following fee schedule will apply for copies of public records:

Copy Cost, black and white, single-sided	\$.15 per page (all pages when count exceeds 50 pages) (8-1/2 x 11 and 11 x 14 paper)
Paper copies requested in electronic format Scanned (PDF)	\$.15 per page (all pages when count exceeds 50 pages)

Microfilm Copies	\$.25 per page
Large Paper Printing	\$.67 per square foot

Actual costs: All costs incurred when utilizing outside copying facilities shall be paid by the requestor at the actual costs incurred by the District, including any required mailing media, shipping costs, and sales tax.

Non-standard letter envelopes, storage media, and special mailing requests will be charged at the actual cost incurred by the District.

A statement of the factors and the manner used to determine District copy charges shall be available from the Public Records Officer. No sales tax will be charged for copies of public records processed in-house.

- 1) All copy fees are payable at the time the records are provided to the requestor.
- 2) Copies of large public records requests, estimated to be 500 pages or more, may require a deposit from the requestor of 10% of the estimated cost to copy the documents. When a deposit is requested, copies of public records will not be fulfilled absent a required deposit.
- 3) Copies of large public records requests provided on an installment basis must be paid for within 30 days of when copies are available, and the requestor has been notified. If payment is not provided, the remainder of the installment will not be fulfilled until receipt of payment.
- 4) At the discretion of the District, copying of large public records requests may be sent to outside vendors capable of large document production, at which time actual costs will apply.

Statutory Exemptions - General

The Washington Public Records Act identifies types of records that may be exempt or partially exempt from public disclosure.

To the extent required to prevent disclosure of statutorily protected information, or to protect information within a document that partially meets an exemption under federal or state law, such exempt information shall be deleted in a manner consistent with legal requirements prior to being made available under a public records request. In each case, the justification for the deletion shall be explained fully to the requestor in writing.

The following records of Benton PUD may be exempt in whole or in part, from disclosure. The District reserves the right to determine whether any other requested public record, or portion thereof, is exempt from inspection under state or federal law:

- Attorney-Client privilege documents
- Local Government Whistleblower Protection documents
- Self-Insurance Program reserves document
- The content of real estate appraisals obtained by Benton PUD until the prospective sale is abandoned or until such property has been acquired.
- Valuable formula, designs, drawings and research data obtained by the District within five (5) years of the request for disclosure when disclosure would produce private gain and public loss.
- Preliminary drafts, notes, recommendations and intra-agency memoranda in which opinions are expressed or policies are formulated or recommended.
- Employee records protected by the Health Insurance Portability and Accountability Act.
- Personal information contained in personnel files to the extent that disclosure could violate an employee's right to privacy.
- Test questions, scoring keys and other examination data used to administer pre-employment examinations.
- Applications for public employment, including names of applicants, resumes and related materials submitted with respect to an applicant.
- Employee residential addresses, residential telephone numbers, personal e-mail addresses, and personal cell phone numbers.
- Customer residential addresses, residential telephone numbers, electronic contact information, and other related contact and personal account and bank information.
- Individual residential customer usage information in increments less than monthly usage.

Statutory Exemptions – Law Enforcement

In accordance with the Washington Public Records Act, law enforcement authorities may not request inspection or copying of public records held by Benton PUD that would normally be exempted from public disclosure under state law unless an official law enforcement authority provides identification and signature stating the requested public information would be used by such authority pursuant to the requirements of the Public Records Act for law enforcement agencies.

Additionally, due to state and federal requirements for privacy, identity theft and HIPAA, Benton PUD will require a subpoena for disclosure of information within public records that

contain the following (not intended to be all inclusive): banking information, including routing numbers, social security numbers, credit card numbers.

Statutory Exemptions – Commercial Purposes

The District will not provide or sell public records for private gain or commercial purposes. A requestor will not be asked to disclose the purpose of the request with two exceptions:

a) If the request is for a list of individuals, the requestor may be asked if he or she intends to use the records for a commercial purpose. The District, by law, is not allowed to disclose public records lists for individuals where their intent is to use the information for commercial purposes.

b) A requestor may be asked the purpose of the request only if such information will sufficiently allow a determination if another statute prohibits disclosure.

Denial of Public Records

A customer may petition in writing for an internal review of the District's denial of a public records request. Petitions for review shall be submitted to the District Auditor or General Manager. Within two (2) days of petition receipt, a written response will be provided to the customer either affirming or reversing the decision. Petitions for review may not be accepted if submitted more than 24 months after the District's last response or production of records.


The requestor has the right to seek judicial review in the appropriate legal venue after two (2) business days following the initial denial of the right to inspect a record.

Staff Procedure

The General Manager shall develop subordinate procedures for processing of public records requests to ensure compliance with the Washington Public Records Act, RCW 42.56, and this policy.

This Resolution supersedes all previous resolutions regarding copying of public records and Organizational Statement.

ADOPTED By the Commission of Public Utility District No. 1 of Benton County at an open meeting, with notice of such meeting being given as required by law, this 13th day of January, 2015.


Lori Kays-Sanders, President

ATTEST:


Jeff Hall, Secretary