

# Port of Port Angeles

*Port Angeles, Washington*

## Commissioners' Resolution No. 17-1155

A RESOLUTION OF THE PORT OF PORT ANGELES DEALING WITH THE PORT'S COMPLIANCE WITH CHAPTER 42.56 RCW, THE PUBLIC RECORDS ACT, AND SUPERSEDING PRIOR RESOLUTIONS DEALING WITH PUBLIC RECORDS AND DISCLOSURE.

WHEREAS, pursuant to the Public Records Act, Ch. 42.56 RCW, the Port of Port Angeles is required to make identifiable, non-exempt public records available for inspection and copying upon request and to publish procedures to inform the public how access to public records will be accomplished.

NOW THEREFORE BE IT RESOLVED BY THE PORT COMMISSION OF THE PORT OF PORT ANGELES AS FOLLOWS:

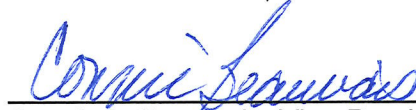
1. It is the policy of the Port of Port Angeles to make identifiable, non-exempt public records available for inspection and copying upon a proper request made in accordance with the Public Records Act, Ch. 42.56 RCW. The Port shall provide the public full and timely access to such records while remaining mindful of individuals' privacy rights and the desirability of the efficient administration of Port business.
2. The Port's Human Resources and Administrative Manager is designated as the Port's Public Records Officer, and is authorized to designate other Port staff members who may process requests for public records.
3. In certain circumstances it is neither cost effective nor the best use of Port resources to charge actual costs for providing copies of public records, as the actual cost of paper varies, it is impractical to calculate the per-page cost for the use of Port copying equipment in copying public records, and it is impractical to calculate the actual cost of the electronic production or file transfer of the record and the use of any cloud-based data storage and processing service. In finding that it would be unduly burdensome to calculate and maintain a schedule of the actual costs to provide copies of public records, the Port may charge such costs as are allowed by statute for providing copies of public records.
4. The Resolution supersedes Resolution No. 14-1080 and all other resolutions dealing with this subject matter.

ADOPTED by the Port Commission of the Port of Port Angeles at a regular meeting thereof held this 2nd day of October, 2017.

PORT OF PORT ANGELES  
BOARD OF COMMISSIONERS



Colleen M. McAleer, President

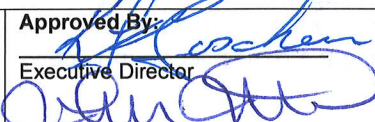



Connie L. Beauvais, Vice-President



Steven D. Burke, Secretary



<b>Approval Required:</b> (check box) <input checked="" type="checkbox"/> Commissioners (Policy) <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Director	<b>Approved By:</b>  Executive Director  Director	<b>Approval Reference:</b> (if applicable) Port Resolution 17-1155  <b>Effective Date:</b> August 29, 2017
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## **I. POLICY; PURPOSE OF PROCEDURE**

It is the policy of the Port of Port Angeles to make identifiable, non-exempt public records available for inspection and copying upon a proper request made in accordance with the Public Records Act, Ch. 42.56 RCW (the "Public Records Act" or the "Act"). The Port shall provide the public full and timely access to such records while remaining mindful of individuals' privacy rights and the desirability of the efficient administration of Port business.

The purpose of this procedure is to guide Port staff in providing the public full and timely access to non-exempt records concerning the conduct of government, while remaining mindful of individuals' privacy rights and the desirability of the efficient administration of Port business. These procedures will be guided by the provision of the Act describing its purposes and interpretation.

## **II. DEFINITIONS**

A. **Public Record:** A writing, regardless of physical form, containing information relating to the conduct of government or the performance of any governmental or proprietary function, prepared, owned, used or retained by the Port of Port Angeles. These include Commission Records.

B. **Writing:** Handwriting, typewriting, printing, photostating, photographing, and any other means of recording any form of communication, including, but not limited to, letters, words, pictures, sounds or symbols or their combinations; papers, maps, magnetic or paper tapes, photographic film and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including data compilations from which information may be obtained or translated. The term "writing" includes, but is not limited to, emails, text messages and voicemail messages.

C. **Office of Record:** The office designated to maintain the record or official copy of a particular record in an organization.

D. **Identifiable Record:** A record in existence at the time the records request is made and that Port staff can reasonably locate. A request for all or substantially all records prepared, owned, used or retained by the Port is not a valid request for identifiable records. However, 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 Port's records, and may be a valid request for identifiable records.

E. **Exempt Record:** All agency records are available for review by the public unless they are specifically exempted or prohibited from disclosure by state law.

F. **E-mail:** Electronic mail in an informational transfer system which uses computers for sending and receiving messages. It is comprised of individual units of information divided into an "envelope" and the message contents. The envelope, or message header, contains the mailing address, routing instructions, transmission and receipt information, and other information the system needs to deliver the mail item correctly.

G. **Text Messages:** Text messaging, or texting, is the act of composing and sending brief, electronic messages between two or more mobile phones, or fixed or portable devices over a phone network.

H. **Voicemail Messages:** Voicemail messages are a centralized system of stored telephone messages that can be retrieved by the recipient at a later time. The term is also used more broadly to denote any system of conveying a stored telecommunications voice message, including using an answering machine.

### **III. PROCEDURE:**

#### **A. PUBLIC RECORDS OFFICER**

Any person wishing to request access to public records or seeking assistance in making a request should contact the Port's Public Records Officer. The Human Resources and Administrative Manager has been designated the Port's Public Records Officer.

The Public Records Officer will oversee compliance with the Public Records Act, but may designate other staff members who may process requests for public records.

The Public Records Officer or his or her designee will provide the fullest assistance to requestors, ensure that public records are protected from damage or disorganization, and prevent fulfilling public records requests from causing excessive interference with the essential functions of the Port.

Requests to inspect or copy any records maintained by the Port should be made to the Public Records Officer at:

Public Records Officer  
Port of Port Angeles  
P.O. Box 1350  
Port Angeles, WA 98362

Phone: (360) 457-8527  
FAX: (360) 452-3959  
E-mail: [publicrecords@portofpa.com](mailto:publicrecords@portofpa.com)

Many records are also available on the Port of Port Angeles web site at: [www.portofpa.com](http://www.portofpa.com). Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

#### **B. AVAILABILITY OF PUBLIC RECORDS**

1. **Hours of inspection:** Public records are available for inspection and copying during the Port of Port Angeles' normal business hours: Monday through Friday, 8:00 a.m. to 5:00 p.m. excluding legal holidays. Port staff and the requestor may make mutually agreeable arrangements for times of inspection and copying.

2. **Place of inspection:** Records will be made available for inspection at Port offices. Staff and the requestor may make mutually agreeable arrangements for inspection if the particular records being sought are maintained in field offices. Port records cannot be removed from Port offices.

3. **Electronic access to Port records:** To the extent practical, the Port will store, maintain, and make its records available electronically. For those seeking responsive records in electronic format, the Port may provide access to public records by providing links to the web site containing an electronic copy of the records, providing records on disk, or transmitting responsive records via e-mail. The Public Records Officer will work with the requestor to determine the most appropriate method for providing electronic copies of responsive records.

#### **C. MAKING A REQUEST FOR PUBLIC RECORDS**

**1. Any person wishing to inspect or copy identifiable public records of the Port of Port Angeles should make the request in writing in one of the following ways:**

- a. On the provided request form available on line at the following link, <http://portofpa.com/FormCenter/Public-Records-3/Public-Records-Request-Form-35> or at the front desk at 338 West 1<sup>st</sup> Street Port Angeles, WA 98362.
- b. By letter, fax or email addressed to the Public Records Officer at the following e-mail address: [publicrecords@portofpa.com](mailto:publicrecords@portofpa.com)

The following information should be included in the request:

1. Name and address of requestor;
2. Other contact information, including telephone number and email address;
3. Identification of the requested records adequate for the Public Records Officer to locate the records; and
4. The date and time of day of the request.

**2. Copies:** If the requestor wishes to have copies of records made instead of simply inspecting them, he or she should so indicate and make arrangements to make a deposit or pay for the copies. The Port will make every reasonable effort to provide electronic copies of requested records.

**3. Requests made directly to Port department:** Requests for public records that are made directly to departments shall be delivered to the Public Records Officer immediately upon receipt for coordinated processing.

**D. PROCESSING PUBLIC RECORDS REQUESTS**

**1. Providing "fullest assistance":** These procedures identify how the Port 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 timeliest response to public records requests.

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

- Make the records available for inspection or copying;
- Acknowledge that the request has been received and provide a reasonable estimate of when records will be available;
- If the request is unclear or does not sufficiently identify the requested records, request clarification in writing from the requestor.
- Deny the request.

The Port may respond to a request to provide access to a public record by providing the requestor with a link to the Port's web site containing an electronic copy of that record if the requestor advises that he/she has internet access.

**3. Reasonable estimate of time to fully respond:** If not able to produce the requested records within the five-business-day period, the Public Records Officer must provide a reasonable estimate of the time it will take to fully respond to the request. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain the changed circumstances that make it necessary.

**4. Consequences of failure to clarify a request:** If the requestor does not respond to the Port's request for clarification with 30 days of the Port's request, the Public Records Officer may consider the request abandoned, send a letter closing the response to the requestor, and re-file the records.

**5. Records exempt from disclosure:** Some records are exempt from disclosure, in whole or in part. If the Port 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 part of the record is determined to be exempt, the Public Records Officer will redact the exempt portions and provide the non-exempt portions.

**6. Inspection of records:** If the requestor has sought to inspect records, the Public Records Officer will provide contact information in order to arrange an appointment for onsite inspection of records. The requestor must review the assembled records within thirty days of the notification that the records are available for inspection. If the requestor or a representative of the requestor fails to review the records within the thirty-day period, or make other arrangements, the request may be closed and the records will be re-filed.

Members of the public may not remove documents from the view area or disassemble or alter any document.

**7. Providing copies of records:** The requestor shall indicate which documents he or she wishes to have copied using a non-permanent method of marking the desired records. After inspection is complete, the office of record will arrange for copying.

**8. Providing records in installments:** When the request is for a large number of records, the Public Records Officer will provide access for inspection and copying in installments if it is reasonably determined that it would be practical to provide the records in that way. If the requestor fails to inspect the entire set of record or one or more of the installments within 30 days, the Public Records Officer will notify the requestor in writing that unless the requestor comes to inspect records within 30 days the Port will deem the request abandoned.

**9. Closing withdrawn or abandoned requests:** If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records, or fails to pay the deposit or final payment for the requested copies, the Public Records Officer will close the request and inform the requestor that the Port has closed the request. The Public Records Officer will document closure of the request and the conditions that led to closure.

**10. Later discovered documents:** If, after the Public Records Officer has informed the requestor that the Port has provided all available records, the Port becomes aware of additional responsive documents that existed on the date of the request, the Public Records Officer will promptly inform the requestor of the additional documents and provide them on an expedited basis.

**11. No duty to create records:** The Port is not obligated to create a new record to satisfy a records request; however, the Port may, in its discretion and with the consent of the requestor, create such a record responsive to the request.

**12. No duty to supplement responses:** The Port is not obligated to hold current records requests open in order to respond to requests for records that may be created in the future.



If a public record is created or comes into the possession of the Port after a request is received by the Port, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.

**13. Prohibited disclosure of public records:** The Port is prohibited by statute from disclosing lists of individuals for commercial purposes.

### E. COST OF PROVIDING COPIES

1. The Port is not allowed to charge for locating public records or for making records available for review or inspection.

2. It is neither cost effective nor the best use of Port resources to charge actual costs for providing copies of public records, except as set forth in Sections 3 through 6 below, as the actual cost of paper varies, it is impractical to calculate the per-page cost for the use of Port copying equipment in copying public records, and it is impractical to calculate the actual cost of the electronic production or file transfer of the record and the use of any cloud-based data storage and processing service. In finding that it would be unduly burdensome to calculate and maintain a schedule of the actual costs to provide copies of public records, the Port shall charge the following costs for providing copies of public records:

- a. Fifteen cents (\$0.15) per page for photocopies of public records, printed copies of electronic public records, or for the use of Port equipment to photocopy public records;
- b. Ten cents (\$0.10) per page for public records scanned into an electronic format or for the use of Port equipment to scan the records;
- c. Five cents (\$0.05) per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and
- d. Ten cents (\$0.10) per gigabyte for the transmission of public records in an electronic format or for the use of Port equipment to send the records electronically.

3. The Port may charge the actual cost of any digital storage media or device provided by the Port, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

4. The Port may, in its discretion, determine to use a commercial copying center for certain records requests, including, but not limited to, those involving large volumes of documents and those involving duplication of records in non-routine formats such as photographs, blueprints or tape recordings. In such event, the actual copy costs will be charged to the requestor.

5. Under certain circumstances, such as, for example and without limitation, large-volume records requests, the Port may charge for staff time to copy and send the requested public records. In such event, staff time will be charged at an hourly rate based upon the staff person's hourly rate of compensation.

6. Where the request is for a certified copy, an additional charge of one dollar (\$1.00) may be applied to cover the additional expense and time required for certification.

7. No sales tax is charged on copies of records.

8. Deposit or payment by installments: Before beginning to copy records, a deposit of up to ten percent (10%) of the estimated cost of copying will be required if the estimated copy cost exceeds twenty-five dollars (\$25.00). An estimate of the copy costs will be provided to the requestor so that

he or she has the opportunity to decline having the copies produced. 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.

9. Payment may be made by cash, check, or money order to the Port of Port Angeles.

10. The Public Records Officer has the discretion to waive charges for small requests, or for individuals or government agencies doing business with the Port, if the Public Records Officer determines that this action is in the best interest of the Port.

11. The Port may charge a customized service charge if the Port estimates that the records request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the Port for other Port purposes. The customized service charge may reimburse the Port only up to the actual cost of providing the required services, and the Port may not assess the charge without first notifying the requestor of the charge to be applied to the request. The notice shall include an explanation of why the customized service charge applies, a description of the specific expertise to be used, and a reasonable estimate of the cost of the charge, and it shall provide the requestor the opportunity to amend the request to avoid or reduce the cost of a customized service charge.

#### **F. DENIAL OF REQUESTS FOR PUBLIC RECORDS**

Any person who objects to the initial denial or partial denial of a records request may petition in writing (including by email) 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. The Public Records Officer shall promptly provide the petition and any other relevant information to the Port's Executive Director, who shall immediately consider the petition and either affirm or reverse the denial within two business days following the Port's receipt of the petition, or within such other time as agreed to by the Port and the requestor.

#### **F. INDUSTRIAL DEVELOPMENT CORPORATION**

As the Industrial Development Corporation (IDC) of the Port of Port Angeles has no direct employees or equipment, the Public Records Officer shall process public disclosure requests relating to the IDC. The Port shall recover from the IDC all reimbursable costs incurred by the Port in responding to requests for records of the IDC.