

Chapter 463-06 WAC

AGENCY OPERATIONS AND PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

463-06-040	Monthly meetings. [Statutory Authority: RCW 80.50-040(1). WSR 92-09-013, § 463-06-040, filed 4/2/92, effective 5/3/92; WSR 84-07-042 (Order 84-1), § 463-06-040, filed 3/21/84; Order 103, § 463-06-040, filed 11/4/76.] Repealed by WSR 04-08-014, filed 3/26/04, effective 4/26/04. Statutory Authority: RCW 80.50.040 (1).
463-06-130	Deletion of identifying details. [Order 103, § 463-06-130, filed 11/4/76. Formerly WAC 463-20-090 (part).] Repealed by WSR 04-21-013, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040 (1) and (12).
463-06-140	Written denials. [Order 103, § 463-06-140, filed 11/4/76. Formerly WAC 463-20-090 (part).] Repealed by WSR 04-21-013, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040 (1) and (12).
463-06-160	Time for completion of review. [Order 103, § 463-06-160, filed 11/4/76. Formerly WAC 463-20-100 (part).] Repealed by WSR 04-21-013, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040 (1) and (12).

WAC 463-06-010 Purpose. The purpose of this chapter is to describe the council and set out general information on agency operations and implementation of the public records provisions of chapter 42.17 RCW.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-06-010, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040(1). WSR 98-01-079, § 463-06-010, filed 12/12/97, effective 1/12/98. Statutory Authority: RCW 80.50.040. WSR 91-03-090, § 463-06-010, filed 1/18/91, effective 2/18/91; Order 103, § 463-06-010, filed 11/4/76.]

WAC 463-06-020 Description of organization. (1) The council is a state agency authorized by chapter 80.50 RCW.

(2) The voting membership of the council consists of directors, administrators, or their designee of the member agencies listed in RCW 80.50.030. In addition, a voting county representative, a voting city representative, and a non-voting port district representative may sit with the council under the circumstances described in RCW 80.50.030.

(3) The chair is the person appointed by the governor with the advice and consent of the senate to a term coextensive with that of the governor pursuant to RCW 80.50.030.

(10/11/04)

(a) The chair has a vote on all matters before the council and has an office at the council's office.

(b) Pursuant to RCW 80.50.030, the chair may designate a member of the council to serve as acting chair. The acting chair shall remain entitled to vote on any proposed council action and shall continue to fulfill his or her responsibilities under RCW 80.50.030 (3) through (5).

(c) The chair or a designee executes all official documents, contracts and other materials on behalf of the council.

(d) The chair or any member of the council may perform such duties as are specifically authorized and directed by the council, not in conflict with RCW 80.50.040.

(4) The department of community, trade, and economic development provides administrative services and staff to the council.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-06-020, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040(1) and 34.05.220 [(1)](b). WSR 98-01-078, § 463-06-020, filed 12/12/97, effective 1/12/98. Statutory Authority: RCW 80.50.040(1). WSR 92-09-013, § 463-06-020, filed 4/2/92, effective 5/3/92; WSR 78-09-077 (Order 78-4), § 463-06-020, filed 8/28/78; Order 103, § 463-06-020, filed 11/4/76.]

WAC 463-06-030 Council office—Business hours.

The council office is currently located at 925 Plum Street S.E., Olympia, Washington. It is open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., Saturdays, Sundays, and legal holidays excepted. Notices, applications, business correspondence, or other communication should be sent to the council office. The council's mailing address is P.O. Box 43172, Olympia, WA 98504-3172.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-06-030, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040(1) and 34.05.220 [(1)](b). WSR 98-01-078, § 463-06-030, filed 12/12/97, effective 1/12/98. Statutory Authority: RCW 80.50.040(1). WSR 92-09-013, § 463-06-030, filed 4/2/92, effective 5/3/92; WSR 81-20-028 (Order 81-4), § 463-06-030, filed 9/30/81; Order 103, § 463-06-030, filed 11/4/76. Formerly WAC 463-20-060.]

WAC 463-06-050 General method by which operations are conducted. (1) In general, the council reaches major policy and operational decisions through formal council action at meetings held pursuant to the Open Public Meetings Act, the state Administrative Procedure Act, or other applicable laws.

(2) In some circumstances, the chair may perform duties which are specifically authorized by the council.

(3) Day-to-day administration is handled by the council manager and staff.

(4) The council manager is responsible for implementing the decisions of the council and for directing the staff that supports the council.

(5) The council staff shall assist applicants in identifying issues presented by the application, review all information submitted, and recommend resolutions to issues in dispute

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that would allow site approval and may make recommendations to the council.

(6) The council staff are not parties to adjudicative proceedings conducted under chapter 34.05 RCW.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-06-050, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040(1). WSR 92-09-013, § 463-06-050, filed 4/2/92, effective 5/3/92; Order 103, § 463-06-050, filed 11/4/76.]

WAC 463-06-060 How to obtain public records. (1)

All public records of the council are available for public inspection and copying at the council office, during regular business hours, in accordance with chapter 42.17 RCW and these rules, except as otherwise provided by law.

(2) The public may request public records through the following mechanisms:

(a) Mail. Requests by mail shall be addressed to the council's mailing address: The Energy Facility Site Evaluation Council, P.O. Box 43172, Olympia, WA 98504-3172. The front of the envelope shall conspicuously state: "Public Records Request."

(b) Email. As of the date these rules are promulgated, the council's email address is: efsec@ep.cted.wa.gov. This email address may change without notice. The subject line of email requests shall state: "Public Records Request."

(c) In person. In-person requests shall be made at the council's office, 925 Plum Street S.E., Olympia, Washington, or as such office may subsequently be relocated, during regular business hours.

(d) Fax. Faxed requests shall be accompanied by a cover sheet that conspicuously states: "Public Records Request."

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-06-060, filed 10/11/04, effective 11/11/04; Order 103, § 463-06-060, filed 11/4/76. Formerly WAC 463-20-040.]

WAC 463-06-070 Public records officer. The council's public records officer is the council manager, or designee, who is responsible for implementation of these and other applicable regulations regarding public records.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-06-070, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040(1). WSR 92-09-013, § 463-06-070, filed 4/2/92, effective 5/3/92; Order 103, § 463-06-070, filed 11/4/76. Formerly WAC 463-20-050.]

WAC 463-06-080 Contents of requests for public records. Chapter 42.17 RCW requires the council to prevent invasions of privacy, protect public records from damage or disorganization, prevent excessive interference with its essential functions, and prevent unreasonable disruptions of operations. Accordingly, the public may inspect and copy public records upon compliance with the following procedures:

(1) A member of the public who seeks a public record shall make a written request. The purpose of requiring written requests is to assist the council in tracking, managing and responding to the request in a timely and orderly fashion.

(2) No particular form of writing is required so long as the request complies with WAC 463-06-060 and contains the following information:

(a) Name, mailing address, and telephone number of the requesting party;

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(b) The date on which the written request is made;

(c) Identification of the record requested with sufficient particularity that the council can identify the record and make it available. Such identifying information should, if possible, include the title, subject matter, and date of the record;

(d) A signed statement that the records will not be used for commercial purposes if a list of individuals is being requested, or for any use prohibited by law; and

(e) A prominent statement that the request is being made pursuant to chapter 42.17 RCW and these regulations.

(3) To facilitate processing the request, the requesting party should also include:

(a) Either a fax number or an email address or both.

(b) A reference to the record as it is described in the current public record index maintained by the council.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-06-080, filed 10/11/04, effective 11/11/04; Order 103, § 463-06-080, filed 11/4/76. Formerly WAC 463-20-070.]

WAC 463-06-090 Staff assistance. The council staff shall provide assistance to help persons requesting records to identify the records they seek. The staff may ask the requesting party to clarify what records are being sought.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-06-090, filed 10/11/04, effective 11/11/04; Order 103, § 463-06-090, filed 11/4/76.]

WAC 463-06-100 Record of requests maintained. A record of requests for public records shall be maintained at the council office which shall reflect the date received and whether or not the request was granted, in addition to other information deemed relevant by the council.

[Order 103, § 463-06-100, filed 11/4/76.]

WAC 463-06-110 Copying and fees. (1) Copying. The council shall make copies on the council's copy equipment when doing so will not unreasonably disrupt the council's operations or cause excessive interference with other essential functions. If it is determined that making copies will disrupt the council's operations, an alternative schedule will be developed, or other arrangements for copying will be made.

(2) Fees.

(a) The council shall not impose a fee for locating documents, for making them available, or for inspection of records by the public.

(b) The council may charge up to fifteen cents per page fee for copies of public records provided.

(c) The council, at its option, shall not provide copies unless the associated fees have been paid in full prior to delivery of documents; provided that this advance payment requirement shall not apply to other government agencies or tribes or to parties or intervenors in proceedings before the council.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-06-110, filed 10/11/04, effective 11/11/04; Order 103, § 463-06-110, filed 11/4/76. Formerly WAC 463-20-080.]

WAC 463-06-120 Disclosure procedure. (1) In accordance with RCW 42.17.320, within five business days of receiving a public records request, the council shall respond by:

(10/11/04)

- (a) Providing the records;
- (b) Acknowledging the council has received the request and providing a reasonable estimate of the time the council will require to respond; or
- (c) Denying the record request, as set out in subsection (4) of this section.

(2) The council shall review the requested public records prior to disclosure.

(3) If the records do not contain materials exempt from public disclosure, the council shall disclose the records.

(4) If the records contain materials exempt from public disclosure, the council shall deny disclosure of the exempt materials and disclose any remaining, nonexempt materials. At the time of denial, the council shall clearly specify in writing the reasons for denial, including a statement of the specific exemptions or reason for denial of disclosure.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-06-120, filed 10/11/04, effective 11/11/04; Order 103, § 463-06-120, filed 11/4/76. Formerly WAC 463-20-090 (part).]

WAC 463-06-150 Review of denials. For the purpose of judicial review, final agency action is deemed to have occurred at the end of the second business day after the requesting party received notification of a denial of inspection.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-06-150, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040(1). WSR 92-09-013, § 463-06-150, filed 4/2/92, effective 5/3/92; Order 103, § 463-06-150, filed 11/4/76. Formerly WAC 463-20-100 (part).]

WAC 463-06-170 Records index. The council shall maintain and make available for public inspection an index of those classes of records described in RCW 42.17.260. The index is available for public inspection and copying.

(1) Form and content. The index shall be maintained in electronic form with copies available on paper. The index shall contain topic headings.

(2) Location and availability. The index shall be available to the public under the same rules and on the same conditions as are applied to other public records.

(3) Schedule for revisions and updates. The council shall revise and update the index annually.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-06-170, filed 10/11/04, effective 11/11/04; Order 103, § 463-06-170, filed 11/4/76. Formerly WAC 463-20-111.]