

Title 51 WAC

BUILDING CODE ADVISORY COUNCIL, WA. STATE

Chapter

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- 51-06 Public records.
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Chapter 51-04 WAC GENERAL PROCEDURES

WAC

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WAC 51-04-010 Council purpose. The State Building Code Advisory Council, hereinafter referred to as the Council, has been established by the Legislature to report annually to the Governor and the legislature on the operation and administration of chapter 19.27 RCW, the State Building Code Act; and to adopt rules and regulations establishing barrier free design standards pursuant to RCW 19.27.030(5). [Order 76-02, § 51-04-010, filed 9/1/76.]

WAC 51-04-020 Council membership and organization. (1) The membership of the Council, is appointed by the Governor, and includes a designee from the Department of Labor and Industries, a designee from the Insurance Commissioner, and thirteen additional members broadly representative of the general public, local government, industries and professions concerned with building design and construction.

(2) At the request of the Governor, staff support to the Council is provided by the Office of Community Development, hereinafter referred to as the Office.

(3) The principal office of the Council shall be in Olympia, Washington at the Office, 400 Capitol Center Building, Olympia, 98504. The Office shall be open each day from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays, and legal holidays excepted). Submissions, requests, and communications shall be sent to the State Building Code Advisory Council, c/o Office of Community Development, 400 Capitol Center Building, Olympia, Washington 98504. [Order 76-02, § 51-04-020, filed 9/1/76.]

Chapter 51-06 WAC PUBLIC RECORDS

WAC

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WAC 51-06-010 Purpose of chapter. The purpose of this chapter shall be to ensure compliance by the State Building Code Advisory Council (hereinafter referred to as the "Council", including its members and staff, with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with RCW 42.17.250—42.17.320 dealing with public records. [Order 76-02, § 51-06-010, filed 9/1/76.]

WAC 51-06-020 Public records available. All public records of the Council as defined in WAC 51-06-030 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 51-06-080. [Order 76-02, § 51-06-020, filed 9/1/76.]

WAC 51-06-030 Definitions. (1) "Public record", as used in this chapter means any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by the Council regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. [Order 76-02, § 51-06-030, filed 9/1/76.]

WAC 51-06-040 Public records officer. The Council's public records shall be on file with the Public Records Officer designated by the chairman of the Council with the concurrence of the Director of the Office of Community Development (hereinafter referred to as the "Office"). The person so designated shall be located in

the Administrative Office of the Office. The Public Records Officer shall be responsible for implementing the Council's rules and regulations regarding the release of public records, coordinating the staff of the Office in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW. [Order 76-02, § 51-06-040, filed 9/1/76.]

WAC 51-06-050 Officer hours. Public records shall be available for inspection and copying during the customary office hours of the Office. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. [Order 76-02, § 51-06-050, filed 9/1/76.]

WAC 51-06-060 Requests for public records. In accordance with requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the Office or the Council, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the Office which shall be available at its Administrative Office. The form shall be presented to the Public Records Officer; or to any member of the Office's staff, if the Public Records Officer is not available, at the Administrative Office of the Office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the Public Records Officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the Council's current index, an appropriately specific description of the record requested.

(2) In all cases in which a member of the public is making a request, the Public Records Officer or staff member to whom the request is made will assist the member of the public in appropriately identifying the public record requested. [Order 76-02, § 51-06-060, filed 9/1/76.]

WAC 51-06-070 Copying. No fee shall be charged for the inspection of public records. The Office shall charge a fee of twenty-five cents per page for providing copies of public records and for use of the Office's copy equipment. This charge is the amount necessary to reimburse the Office for its costs incident to such copying. [Order 76-02, § 51-06-070, filed 9/1/76.]

WAC 51-06-080 Exemptions. (1) The Council reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 51-06-060 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the Council reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The Public Records Officer will fully justify such deletion in writing. A copy of such justification shall be immediately provided the Chairman and also will be provided the person requesting the remainder of the public record.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order 76-02, § 51-06-080, filed 9/1/76.]

WAC 51-06-090 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the Public Records Officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the Public Records Officer or other staff member denying the request shall refer it to the Chairman of the Council or his designee. The Chairman or his designee shall immediately consider the matter and either affirm or reverse such denial. The Chairman or his designee shall return the request with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the Chairman or his designee has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order 76-02, § 51-06-090, filed 9/1/76.]

WAC 51-06-100 Protection of public records. In order that public records maintained on the premises of the Office may be protected from damage or disorganization as required by chapter 42.17 RCW, the following procedures and practices are hereby instituted:

(1) Upon receipt of a request by a member of the public for a public record, the Public Records Officer or the staff member in the Office's Administrative Office receiving the request together with an appropriate office or division administrator shall review the request for a public record and the requested public record to determine whether deletions from such record should be made or the request for such record should be denied pursuant to WAC 51-06-080.

(2) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected, shall such public record or portion thereof be made available for inspection by a member of the public.

(3) Only staff members of the Office may open Council files to gain access to Council records for either Council business or to respond to a request for a public record.

(4) No public record of the Council may be taken from the premises of the Office by a member of the public.

(5) Public inspection of Council records shall be done only in such locations as are approved by the Public Records Officer, which locations must provide an opportunity for Office staff members to insure no public record of the Council is damaged, destroyed, or unreasonably disorganized or removed from its proper location or order by a member of the public.

(6) Public records of the Council may be copied only on the copying machinery of the Office unless other arrangements are authorized by the Public Records Officer. [Order 76-02, § 51-06-100, filed 9/1/76.]

WAC 51-06-110 Records index. (1) The Office has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since the formation of the Council:

(a) Final opinions, including concurring and dissenting opinions, as well as others, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statutes, and the Constitution which have been adopted by the Council;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence and materials referred to therein, by and with the Council relating to any regulatory, supervisory or enforcement responsibilities of the Council, whereby the Council determines or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index promulgated by the Council shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 76-02, § 51-06-110, filed 9/1/76.]

WAC 51-06-120 Address for communications. All communications with the Council including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW, and these rules; requests for copies

of the Council's rules; and other matters, shall be addressed as follows: The State Building Code Advisory Council, c/o Office of Community Development, 400 Capitol Center Building, Olympia, Washington 98504. [Order 76-02, § 51-06-120, filed 9/1/76.]

Chapter 51-08 WAC UNIFORM PROCEDURAL RULES

WAC
51-08-010 Uniform procedural rules.

WAC 51-08-010 Uniform procedural rules. The State Building Code Advisory Council, hereinafter referred to as the Council, adopts as its own rules of practice all those Uniform Procedural Rules promulgated by the Code Reviser now codified in the Washington Administrative Code, as WAC 1-08-005 through WAC 1-08-590, as now or hereinafter amended, subject to any additional rules the Council may add from time to time. The Council reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the Council, said determination to be in accordance with the spirit and intent of the law. [Order 76-02, § 51-08-010, filed 9/1/76.]

Chapter 51-10 WAC SETTING OF BARRIER FREE DESIGN STANDARDS MAKING BUILDINGS AND FACILITIES ACCESSIBLE TO PHYSICALLY DISABLED PERSONS

Reviser's note: This chapter has been exempted from the publication, style, and format requirements of the Washington Administrative Code. Copies may be obtained from the Office of Community Development, Housing section, third floor, Capitol Center Building, Olympia, Washington 98504. The Office of Community Development provides staff support to the state Building Code Advisory Council.