

Title 120 WAC

COMMUNITY DEVELOPMENT, OFFICE OF

Chapters

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- 120-06** **Public records.**
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Chapter 120-04 WAC

GENERAL PROCEDURES

WAC

- 120-04-010 Office purpose.
- 120-04-030 Office organization.
- 120-04-050 Appearance and practice before office—Who may appear.

WAC 120-04-010 Office purpose. The office of community development, hereinafter referred to as the office, has been established within the office of the governor pursuant to Executive Order No. 73-03, to serve as the principal repository within the office of the governor of various community affairs and community development functions and responsibilities of the governor and agencies within his office. In accordance with that executive order, the planning and community affairs agency, the office of economic opportunity and the governor, on behalf of the drug abuse prevention office, have entered into a joint venture agreement pursuant to the Interlocal Cooperation Act, chapter 39.34 RCW, to realize the potential of coordinating and combining their functions and responsibilities relating to community affairs and community development activities. [Order 73-OCD-01, § 120-04-010, filed 9/12/73.]

WAC 120-04-030 Office organization. (1) The executive head of the office is the director who is appointed by the governor. An assistant director heads each of the office's major operating divisions, community assistance, policy and planning, and program coordination; they are appointed by the director. The office includes an administrative and fiscal services section that provides support services to the operating divisions and the director's office.

(2) The office has been authorized to carry out certain of the community affairs and community development functions and responsibilities of the planning and community affairs agency, the office of economic opportunity, the governor, and the drug abuse prevention office, including the planning and community affairs agency's local planning assistance, model cities/planned variations, special projects, training and education, cooperative area manpower planning systems, community service, comprehensive health planning, law and justice

planning, and the Indian economic and employment assistance programs and activities; the functions and responsibilities of the office of economic opportunity's volunteer, new careers, and community development programs and activities; the functions and responsibilities of the drug abuse prevention office's planning coordinator and staff; and the functions and responsibilities of those agencies' administrative and supporting programs and activities as are necessary and appropriate to accomplish the objectives of the executive order establishing the office and the agreements implementing the executive order.

(3) The principal office of the office shall be at Olympia, Washington, which office shall be open each day for the transaction of business from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays, and legal holidays excepted, and except for business relating to public records, which is affected by WAC 120-06-050). The office also maintains field offices for its various activities at the following locations:

Office of Economic Opportunity:
Suite 212, Arcade Building
Seattle, Washington 98101

HUD Housing Listening Post:
Old Edmonds Elementary School
701 Dayton
Edmonds, Washington 98020

Program for Local Service:
304-1/2 Wells Avenue South
Renton, Washington 98055

New Careers:
Southeast Yakima
Multi-service Center
1211 South 7th Street
Yakima, Washington 98901

Law and Justice Planning Office:
Suite 616
United Pacific Building
1000 Second Avenue
Seattle, Washington 98104

Community Assistance:
309 Great Western Building
Spokane, Washington 99201

Land Use Planning Project:
545 - 108th Avenue N.E.
Bellevue, Washington 98004

Indian Economic & Employment
Assistance Program:
1677 - 2nd Avenue South
Tumwater, Washington 98501

Submissions, requests, and communications shall be sent to the Director, Office of Community Development, 1st Floor, Insurance Building, Olympia, Washington 98504, except for requests for public records which shall be addressed as provided for in WAC 120-06-120. [Order 73-OCD-01, § 120-04-030, filed 9/12/73.]

WAC 120-04-050 Appearance and practice before office—Who may appear. No person may appear in a representative capacity before the office or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state law;

(3) A bona fide officer, partner, or full-time employee of an individual firm, association, partnership, corporation, or municipal corporation. [Order 73-OCD-01, § 120-04-050, filed 9/12/73.]

Chapter 120-06 WAC PUBLIC RECORDS

WAC

120-06-010	Purpose of chapter.
120-06-020	Public records available.
120-06-030	Definitions.
120-06-040	Public records officer.
120-06-050	Office hours.
120-06-060	Requests for public records.
120-06-070	Copying.
120-06-080	Exemptions.
120-06-090	Review of denials of public records requests.
120-06-100	Protection of public records.
120-06-110	Records index.
120-06-120	Address for communications.

WAC 120-06-010 Purpose of chapter. The purpose of this chapter shall be to ensure compliance by the office of community development (hereinafter referred to as the "office"), including its officers and employees, with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with section 25-32 of that act, dealing with public records. [Order 73-OCD-01, § 120-06-010, filed 9/12/73.]

WAC 120-06-020 Public records available. All public records of the office as defined in WAC 365-06-030 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, and WAC 120-06-080. [Order 73-OCD-01, § 120-06-020, filed 9/12/73.]

WAC 120-06-030 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 office 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 73-OCD-01, § 120-06-030, filed 9/12/73.]

WAC 120-06-040 Public records officer. The office's public records shall be in charge of the public records officer designated by the director of 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 office's rules and regulations regarding the release of public records, coordinating the staff of the office in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Order 73-OCD-01, § 120-06-040, filed 9/12/73.]

WAC 120-06-050 Office 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 73-OCD-01, § 120-06-050, filed 9/12/73.]

WAC 120-06-060 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the office, 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 office'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 73-OCD-01, § 120-06-060, filed 9/12/73.]

WAC 120-06-070 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 73-OCD-01, § 120-06-070, filed 9/12/73.]

WAC 120-06-080 Exemptions. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlines in WAC 120-06-060 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the office 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 1, Laws of 1973. The public records officer will fully justify such deletion in writing. A copy of such justification shall be immediately provided the director 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 73-OCD-01, § 120-06-080, filed 9/12/73.]

WAC 120-06-090 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 director of the office or his designee. The director or his designee shall immediately consider the matter and either affirm or reverse such denial. The director 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 director 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 73-OCD-01, § 120-06-090, filed 9/12/73.]

WAC 120-06-100 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 1, Laws of 1973, 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 120-06-080.

(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 office files to gain access to office records for either office business or to respond to a request for a public record.

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

(5) Public inspection of office 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 office 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 office may be copied only on the copying machinery of the office unless other arrangements are authorized by the public records officer. [Order 73-OCD-01, § 120-06-100, filed 9/12/73.]

WAC 120-06-110 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 June 30, 1972:

(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 office;

(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 office relating to any regulatory, supervisory or enforcement responsibilities of the office, whereby the office 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 office 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 73 OCD-03, § 120-06-110, filed 1/30/74; Order 73-OCD-01, § 120-06-110, filed 9/12/73.]

WAC 120-06-120 Address for communications. All communications with the office including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973, and these rules; requests for copies of the office's decisions; and other matters, shall be addressed as follows: Office of Community Development, c/o Public Records Officer, Director's Office, 1st Floor, Insurance Building, Olympia, Washington 98504. [Order 73-OCD-01, § 120-06-120, filed 9/12/73.]

Chapter 120-08 WAC

UNIFORM PROCEDURAL RULES

WAC

120-08-010 Uniform procedural rules.

WAC 120-08-010 Uniform procedural rules. The office of community development, hereinafter designated as the office, adopts as its own rules of practice all those uniform procedural rules promulgated by the code reviser now codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, (excepting WAC 1-08-010 which is adopted as amended by the office as set out in WAC 120-04-050) subject to any additional rules the office may add from time to time. The office reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the office, said determination to be in accordance with the spirit and intent of the law. [Order 73-OCD-01, § 120-08-010, filed 9/12/73.]

Chapter 120-52 WAC

FUNDING OF LEGAL SERVICES PROGRAMS

WAC

120-52-010 General purpose.
120-52-030 Eligibility of applicants.
120-52-050 Application process.
120-52-070 Application requirements.
120-52-090 Funding process.

WAC 120-52-010 General purpose. A procedure is hereby established to provide and distribute state financial assistance to legal services programs throughout the

state pursuant to section 49, chapter 137, Laws of 1973 1st ex. sess. State funds shall be provided to maintain effective legal services programs on an interim basis until additional federal funds are available through the proposed National Legal Services Corporation or other entity designated by the federal government for this purpose. The objective of state financial assistance for legal services programs is to ensure that individuals have access to civil legal assistance through the continuation of existing legal services programs and through the development of a comprehensive state-wide program eligible for full federal funding. [Order 73-OCD-02, § 120-52-010, filed 10/29/73.]

WAC 120-52-030 Eligibility of applicants. To be eligible to receive financial assistance from the state of Washington under this program, an applicant must meet the following criteria:

(1) The applicant must be either a unit of general local government or a nonprofit corporation organized under chapter 24.03 RCW.

(2) The purpose and function of the applicant must be to provide legal assistance in civil matters to low-income individuals in the state of Washington.

(3) The applicant must meet, and continue to meet, the qualifications for legal services offices established by the federal government through the office of economic opportunity or the proposed National Legal Services Corporation or any other federal entity that provides federal funds for legal services programs.

(4) The applicant must participate in the planning, development, support, and operation of a state-wide legal services program for the state of Washington.

(5) The applicant must provide for representation on its advisory body or board of directors for both low-income individuals and members of the local bar association in its geographic area.

(6) The applicant must fulfill the matching fund requirements established within the legislative appropriations of state funds and this chapter for this program.

(7) The applicant must comply with Title VI of the Civil Rights Act of 1964, and all subsequent requirements adopted by the federal and state governments requiring equal opportunity for programs receiving federal or state financial assistance. [Order 73-OCD-02, § 120-52-030, filed 10/29/73.]

WAC 120-52-050 Application process. (1) To receive financial assistance for a legal services program pursuant to this chapter, an applicant shall submit to the office of community development, which acts on behalf of the planning and community affairs agency, in connection with this program, an application completed as specified in WAC 120-52-070 and in accordance with the time schedules and deadlines for applications prescribed by the office of community development.

(2) No formal hearing on the application will be held, but consultation may take place with the applicant regarding its proposed legal services program if deemed necessary by the staff of the office of community development.

(3) Within sixty days of the receipt of an application, the director of the office of community development or his designee shall review the application and notify, in writing, the applicant of the office's action with respect to the application. An application shall be rejected whenever it does not include the information requested in WAC 120-52-070. Whenever an application for financial assistance is approved for funding, the director or his designee shall specify whether the applicant shall be provided all or a portion of the state financial assistance requested in the application.

(4) The decision of the director regarding an application for financial assistance under this program shall be final. [Order 73-OCD-02, § 120-52-050, filed 10/29/73.]

WAC 120-52-070 Application requirements. An application for financial assistance under this program must be submitted to the office of community development in accordance with the rules and regulations herein set forth and supplemental instructions issued by the office. An application may be prepared on a form provided by the office, and shall include, at a minimum, the following data:

(1) Statements and supporting data that substantiate, pursuant to WAC 120-52-030, the eligibility of the applicant for state financial assistance under this program.

(2) A description of the specific effect of requested state financial assistance upon the program and services provided by the applicant.

(3) A description of the staffing and other personnel-related expenses that will be paid from funds received under this program.

(4) A clear explanation of the applicant's total proposed expenditures for the state fiscal year for which state financial assistance is requested. In this section,

(a) Expenditures must be grouped into the following standard categories: Salaries and employee benefits, equipment usage, office supplies, office space, utilities and travel;

(b) Expenditure categories should be broken down into subcategories as appropriate:

(5) A clear documentation as to source and availability of nonstate resources used to match required state funds. For this section,

(a) Nonstate resources may include:

(i) Federal, county, city, and foundation funds as well as funds donated or committed by private individuals and groups; and

(ii) Expenditures for salaries, benefits, equipment, supplies, and other operating costs; provided, only the reasonable value of donated office space and equipment use, and only the specific costs of donated office supplies and office utilities may be used for matching purposes.

(b) Volunteer attorney at staff time may not be assigned a cost and may not be used for matching purposes.

(6) A documented statement of the amount of funds from each funding source to be used to support the total proposed expenditures. For this section,

(a) At least 50% of the applicant's proposed expenditures must be supported by nonstate resources;

(b) Nonstate resources used to support expenditures must conform to the criteria for matching funds specified in WAC 120-52-070(5);

(c) Documented commitments from the federal government, cities, counties, foundations, or other funding sources must be included; and

(d) Certification of funds raised through general donations and commitments from individuals or groups must be kept on file available for audit.

(7) The signature of the executive head of the applicant and documentation that the proposed program and application have been reviewed and approved by the advisory body or board of directors of the applicant. [Order 73-OCD-02, § 120-52-070, filed 10/29/73.]

WAC 120-52-090 Funding process. (1) State financial assistance will be provided to an applicant for a legal services program approved for funding by the office of community development only in accordance with a state contract for services between the applicant and the office of community development.

(2) The terms of the contract shall set forth the obligations and services required of the applicant and shall be consistent with the purposes of providing state financial assistance for legal services programs as specified in WAC 120-52-010.

(3) The contract shall establish reporting and program information requirements appropriate to measure the performance of the applicant. [Order 73-OCD-02, § 120-52-090, filed 10/29/73.]