

Title 465 WAC

TOBACCO SETTLEMENT AUTHORITY

Chapters	
465-10	Description of organization—Public records policy.
465-20	Public meetings policy—Rules of procedure.
465-30	Environmental policy.
465-40	Ethics policy.

Chapter 465-10 WAC

DESCRIPTION OF ORGANIZATION—PUBLIC RECORDS POLICY

WAC

465-10-010	Purpose.
465-10-020	Definitions.
465-10-030	Description of organization and operations.
465-10-040	Where and when public records may be obtained.
465-10-050	Public records available.
465-10-060	Public records officer.
465-10-070	Requests for public records.
465-10-080	Copying and fees.
465-10-090	Disclosure procedure.
465-10-100	Review of denials of requests for public records.
465-10-110	Records index.

WAC 465-10-010 Purpose. The purpose of this chapter is to implement the rule-making requirements of RCW 34.05.220 (1)(b) and the public records provisions of chapter 42.17 RCW.

[Statutory Authority: RCW 43.340.030 [(1)](h) and 34.05.220 (1)(b). 02-20-024, § 465-10-010, filed 9/23/02, effective 10/24/02.]

WAC 465-10-020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

- (1) "Act" means chapter 365, Laws of 2002.
- (2) "Authority" means the tobacco settlement authority established pursuant to the act. Where appropriate, the term "authority" also refers to the staff and employees of the authority.
- (3) "Public Records Act" means chapter 42.17 RCW.
- (4) "State" means the state of Washington.
- (5) The terms defined in the act and the Public Records Act shall have the same meaning when used in these rules.

[Statutory Authority: RCW 43.340.030 [(1)](h) and 34.05.220 (1)(b). 02-20-024, § 465-10-020, filed 9/23/02, effective 10/24/02.]

WAC 465-10-030 Description of organization and operations. The following is a description of the authority's organization and the general course and method by which the authority's operations are conducted.

- (1) The authority is a state agency and public instrumentality created by the act.
- (2) The authority is created to assist in securitizing the revenue stream from the master settlement agreement between the state and tobacco product manufacturers in order

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to provide a current and reliable source of revenue for the state. To this end, the authority is authorized to enter into sales agreements with the state for purchase of a portion of the amounts due under the master settlement agreement and to issue bonds secured by revenues derived under any sales agreement.

(3) The authority's powers and duties are described in the act.

(4) Pursuant to the act, the staff of the Washington state housing finance commission under chapter 43.180 RCW provides administrative and staff support to the authority.

(5) The authority's office is located at the offices of the Washington state housing finance commission at 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046.

(6) The authority's telephone number is (206) 464-7139.

(7) The authority's fax number is (206) 587-5113.

(8) The authority's website is at www.tsa-wa.org and e-mails may be sent to the authority by accessing that site. The authority shall accept public records requests only at the locations and through the means described in WAC 465-10-040.

(9) The executive director of the authority is the executive director of the Washington state housing finance commission. As the chief administrative officer of the authority, the executive director is delegated authority over matters affecting the operation of the authority.

(10) The authority conducts its meetings in compliance with the Open Public Meetings Act, chapter 42.30 RCW and chapter 465-20 WAC.

(11) The authority's generally applicable statements of procedure are adopted as authorized by the act and contained in chapter 465-20 WAC.

[Statutory Authority: RCW 43.340.030 [(1)](h) and 34.05.220 (1)(b). 02-20-024, § 465-10-030, filed 9/23/02, effective 10/24/02.]

WAC 465-10-040 Where and when public records may be obtained. (1) The authority's hours of operation are from 9:00 a.m. until 12:00 noon, and from 1:00 p.m. until 4:00 p.m., Monday through Friday, excluding legal holidays.

(2) The public may obtain public records during these hours of operation, as follows:

(a) Mail. The public may mail public records requests to the authority at any time. Requests by mail shall be addressed to the authority's mailing address: Tobacco Settlement Authority, c/o Public Records Officer, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046. The front of the envelope shall conspicuously state: "Public Records Request."

(b) Fax. The authority will accept public disclosure requests by fax. Fax requests shall be addressed to the "Tobacco Settlement Authority, c/o Public Records Officer" with the subject line "Public Records Request" and sent to (206) 587-5113.

[Title 465 WAC—p. 1]

(c) In person. In person requests shall be made during the authority's hours of operation, at the authority's office.

(d) Telephone. Requests may not be made by telephone.

(e) E-mail. Requests may not be made by e-mail.

[Statutory Authority: RCW 43.340.030 [(1)](h) and 34.05.220 (1)(b). 02-20-024, § 465-10-040, filed 9/23/02, effective 10/24/02.]

WAC 465-10-050 Public records available. (1) The public may obtain public records of the authority under these rules, in accordance with chapter 42.17 RCW, and except as otherwise provided by law.

(2) Public records are available for public inspection and copying during the hours of operation of the authority (unless the requesting party and the authority agree on a different time) at the authority's offices in accordance with the procedures set forth herein.

[Statutory Authority: RCW 43.340.030 [(1)](h) and 34.05.220 (1)(b). 02-20-024, § 465-10-050, filed 9/23/02, effective 10/24/02.]

WAC 465-10-060 Public records officer. The authority shall designate a public records officer to have charge of its public records. The public records officer shall be responsible for implementing the authority's public disclosure rules and for coordinating staff and employees in this regard. The public records officer may choose such designees as may be appropriate.

[Statutory Authority: RCW 43.340.030 [(1)](h) and 34.05.220 (1)(b). 02-20-024, § 465-10-060, filed 9/23/02, effective 10/24/02.]

WAC 465-10-070 Requests for public records. Chapter 42.17 RCW requires the authority to prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions and unreasonable disruptions of operations. Accordingly, the public may inspect, copy, or obtain copies of public records upon compliance with the following procedures:

(1) A member of the public who seeks a public record shall make a written request. No particular form of writing is required so long as the request contains the following information:

(a) The name, mailing address, and telephone number of the person requesting the record.

(b) The calendar date on which the request is made.

(c) Identification of the record requested with sufficient particularity that the authority can identify the requested record and make it available. Such identifying information might 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 other use prohibited by law.

(2) To facilitate processing the request, the person requesting the record may also include:

(a) A fax number.

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

(3) The public may make written public records requests to the authority, by mail or fax in accordance with WAC 465-10-040. Members of the public making public records requests in person who have not reduced their request to writ-

ing shall be asked to complete a short form with the needed information. The purpose of requiring written requests is to assist the authority in tracking, managing, and responding to requests in a timely and orderly fashion.

(4) The authority shall assist persons making public records requests to appropriately identify the public records being sought. The authority may ask the requesting party to clarify what information is being sought.

[Statutory Authority: RCW 43.340.030 [(1)](h) and 34.05.220 (1)(b). 02-20-024, § 465-10-070, filed 9/23/02, effective 10/24/02.]

WAC 465-10-080 Copying and fees. (1) Copying.

(a) The authority shall make copies on the authority's copy equipment when doing so will not unreasonably disrupt the operations of the authority or cause excessive interference with other essential functions.

(b) Persons requesting public records may use their own copying equipment and paper without charge when the use of such equipment does not cause damage or disorganization to the public records, unreasonably impede the operations of the authority or cause excessive interference with other essential functions. The authority may supervise such copying at all times.

(2) Fees.

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

(b) The authority will charge a fee of twenty-five cents per page for providing copies of public records and for use of the authority's equipment. The authority may impose a reasonable fee for mailing costs, postage, delivery costs, and other costs directly incident to copying the records. The authority shall not charge fees that exceed the amount necessary to reimburse the authority for its actual costs.

(c) The authority shall not provide copies to requesting parties unless associated fees have been paid in full by cash, check, or money order. To ensure that copies requested and made are actually paid for, the authority may require payment prior to making the copies.

(d) The authority may agree to provide copies without fee to federal, state, local, or tribal governments, or to others, when doing so is in the best interest of the authority.

[Statutory Authority: RCW 43.340.030 [(1)](h) and 34.05.220 (1)(b). 02-20-024, § 465-10-080, filed 9/23/02, effective 10/24/02.]

WAC 465-10-090 Disclosure procedure. (1) The authority shall review the requested public records prior to disclosure.

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

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

[Statutory Authority: RCW 43.340.030 [(1)](h) and 34.05.220 (1)(b). 02-20-024, § 465-10-090, filed 9/23/02, effective 10/24/02.]

WAC 465-10-100 Review of denials of requests for public records. 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 receives notification of a denial of inspection.

[Statutory Authority: RCW 43.340.030 [(1)](h) and 34.05.220 (1)(b). 02-20-024, § 465-10-100, filed 9/23/02, effective 10/24/02.]

WAC 465-10-110 Records index. (1) Availability. The authority shall maintain and make available for public inspection and copying an index that provides identifying information for public records falling within the requirements of RCW 42.17.260.

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

(3) 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.

(4) Schedule for revisions and updates. The authority will revise and update the index biennially.

[Statutory Authority: RCW 43.340.030 [(1)](h) and 34.05.220 (1)(b). 02-20-024, § 465-10-110, filed 9/23/02, effective 10/24/02.]

Chapter 465-20 WAC

PUBLIC MEETINGS POLICY—RULES OF PROCEDURE

WAC

465-20-010	Definitions.
465-20-020	Meetings.
465-20-030	Conduct of meetings and order of business.

WAC 465-20-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Chair" means the chair of the authority.

(2) "Authority" means the tobacco settlement authority established pursuant to chapter 365, Laws of 2002. Where appropriate, the term "authority" also refers to the staff and employees of the authority.

[Statutory Authority: RCW 43.340.030 [(1)](h). 02-20-025, § 465-20-010, filed 9/23/02, effective 10/24/02.]

WAC 465-20-020 Meetings. (1) Other than executive sessions, the authority's meetings are open to the general public.

(2) Meetings. The meetings of the authority shall be "special meetings" as defined in chapter 42.30 RCW, the Open Public Meetings Act.

(3) Notice of meetings. The chair or a majority of authority board members may call a special meeting at any time in accordance with RCW 42.30.080. The authority shall maintain a public notice mailing list and provide notice of its meetings by mail to those parties on such list. Any party may have its name placed on such list by request to the authority in writing, delivered by mail or fax.

(4) Executive sessions. The chair or a majority of authority board members may call an executive session at any time in accordance with RCW 42.30.110.

(5) Meetings of the authority board may be held at any location within or out of the state, and members of the authority board may participate in a meeting of the board by means of a conference telephone or similar communication equipment under RCW 23B.08.200.

(6) The authority shall maintain records of proceedings as minutes of the meetings, duly recorded, and maintained at the authority's office.

[Statutory Authority: RCW 43.340.030 [(1)](h). 02-20-025, § 465-20-020, filed 9/23/02, effective 10/24/02.]

WAC 465-20-030 Conduct of meetings and order of business. (1) All authority meeting business shall be transacted by motion. Motions may be made by any authority board member and shall require a second.

(2) Voting on all motions shall be by voice vote unless a division is called for in which case the executive director shall call the roll in alphabetical order and record the vote of each member present, "yea" or "nay."

(3) The order of authority board meeting business shall be conducted as prescribed by the agenda.

(4) The executive director shall prepare each meeting's agenda in consultation with the chair.

(5) The authority board shall approve the minutes of the preceding meeting as the first act of each meeting.

(6) The chair or any authority board member may modify a meeting's agenda by motion.

(7) Public hearings. The authority seeks to foster public comment on its operations through its public hearing process. The authority will, whenever possible, allow any person an opportunity to present written or oral testimony at its public hearings, upon compliance with reasonable procedures. Such procedures include, but may not be limited to, the following:

(a) Those wishing to present oral testimony shall sign the public testimony roster. The authority will call for public comments in the order appearing on the roster. Elected officials and expert witnesses may be scheduled first because their testimony may help answer pending questions from the public.

(b) To ensure that everyone attending the hearing can hear all oral testimony and questions, commenters shall speak using the microphone, if any, provided for the public, after being recognized by the presiding member of the authority board. The presiding member of the authority board is generally the chair.

(c) Oral testimony and questions should be addressed to the presiding member of the authority board.

(d) Because the authority wants to hear from as many people as possible, the authority board may place reasonable limits on the time allowed for oral testimony. Time for testimony is generally limited to five minutes per person. Answers to questions from the authority board is generally limited to three minutes.

(e) Persons testifying, whether orally or in writing, shall state their name and identify whether they represent an organization. If they represent an organization, they shall identify the organization. At their option, they may also state their address.

(f) Commenters shall briefly describe the identity and nature of any documents referenced in their comments, and indicating where the document can be reviewed or obtained.

[Statutory Authority: RCW 43.340.030 [(1)](h), 02-20-025, § 465-20-030, filed 9/23/02, effective 10/24/02.]

Chapter 465-30 WAC ENVIRONMENTAL POLICY

WAC

465-30-010 Environmental policy.

WAC 465-30-010 Environmental policy. (1) The authority recognizes its responsibilities to adopt rules pertaining to the State Environmental Policy Act (SEPA). The authority has reviewed SEPA and its own operations. The authority concludes that all actions that the authority is authorized to undertake under chapter 365, Laws of 2002 are exempt from SEPA pursuant to WAC 197-11-904(4). The authority is an administrative agency created to issue bonds securitizing revenues from the master settlement agreement between the state and tobacco product manufacturers. The authority's operations will consist of activities in support of and related to this bond issuance responsibility. The issuance of bonds and activities with respect to related financing agreements and approvals constitute administrative, fiscal or personnel activities exempt under WAC 197-11-800 (15)(d).

(2) In accordance with WAC 197-11-904(4), the authority adopts this statement regarding the adoption of rules in compliance with SEPA.

[Statutory Authority: RCW 43.340.030 [(1)](h), 02-20-026, § 465-30-010, filed 9/23/02, effective 10/24/02.]

Chapter 465-40 WAC ETHICS POLICY

WAC

465-40-010 Ethics policy.

WAC 465-40-010 Ethics policy. The authority hereby adopts the declaration of the legislature found in RCW 42.52.900 that ethics in government are the foundation on which the structure of government rests and that state officials and employees of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the responsibilities to which they are appointed. Paramount in that trust is the principal that public office may not be used for personal gain or private advantage. The authority acknowledges that it is an agency as defined in RCW 42.52.010(1) and its members and employees are subject to the applicable terms and conditions of chapter 42.52 RCW with respect to ethics in public service.

[Statutory Authority: RCW 43.340.030 [(1)](h), 02-20-027, § 465-40-010, filed 9/23/02, effective 10/24/02.]