

TRANSMITTAL OF RULES ADOPTED

FROM: Office of Community Development
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules Emergency rules , being order No. 73-OCD-01
relating to (Name of rules or description of subject matter)

WAC 120-04 General Procedures

WAC 120-06 Public Records

WAC 120-08 Uniform Procedural Rules

(ALTERNATIVE A. Use only for adoption of permanent rules)

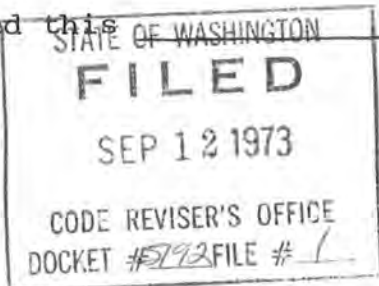
pursuant to Notice No. 4219 ^① filed with the code reviser
on Aug. 21, 1973 ^② were regularly adopted as permanent rules of this
(date)
agency at Olympia on Sept. 11, 1973 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be Oct. 11, 1973. ^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this _____ 11th day of September 1973.



Office of Community Development
(AGENCY)

Richard W. Stewart
By

Director
Title

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING;
RCW 34.04.040. LEAVE THIS SPEACE BLANK EXCEPT IN SUCH SPECIAL CASES.
FORM REVISED, EFFECTIVE 8/9/71 [FORM CR-2]

STATE OF WASHINGTON

OFFICE OF COMMUNITY DEVELOPMENT

ADMINISTRATIVE ORDER No. 73-OCD-01

(1) I, Richard W. Hemstad, director of the Office of Community Development of the state of Washington, by virtue of the authority vested in me under chapter 34.04 RCW and chapter 42.17 RCW, after due notice and in meeting open to the public, held at Olympia, Washington on September 11, 1973, as required by chapters 34.04 and 42.32 RCW, do promulgate and adopt the annexed rules and regulations, to wit:

WAC 120-04 General Procedures

WAC 120-06 Public Records

WAC 120-08 Uniform Procedural Rules

as permanent rules of this agency.

(2) This order after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED September 11, 1973.

By Richard W. Hemstad
Director

Chapter 120-04

GENERAL PROCEDURES

NEW

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, Ch. 39.34 RCW, to realize the potential of coordinating and combining their functions and responsibilities relating to community affairs and community development activities.

NEW

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 & Employ-
ment 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 120-06-12s.

NEW

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.

Chapter 120-06

PUBLIC RECORDS

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 Ch. 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.

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, Ch. 1, Laws of 1973, and WAC 120-06-080.

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.

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 Ch. 1, Laws of 1973.

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.

WAC 120-06-060 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of Ch. 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.

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.

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, Ch. 1, Laws of 1973.

(2) In addition, pursuant to Section 26, Ch., 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 Ch. 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.

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.

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 Ch. 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.

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 and with the Office relating to 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.

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 Ch. 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.

Chapter 120-08

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 WAC 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.