

Title 342 WAC

OCEANOGRAPHIC COMMISSION

Chapter
342-10 **Commission--Organization--Meetings--**
 Public records.

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COMMISSION--ORGANIZATION--MEETINGS--
PUBLIC RECORDS

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS
CHAPTER

342-10-010 General description—Powers, duties and functions.
 [Order 1-68, § 342-10-010, filed 5/7/68.] Repealed
 by Order 1-76, filed 4/22/76. Later promulgation,
 see WAC 342-10-040.
342-10-020 General description—Operations—Meetings. [Order
 1-68, § 342-20-020, filed 5/7/68.] Repealed by Or-
 der 1-76, filed 4/22/76. Later promulgation, see
 WAC 342-10-190.

WAC 342-10-030 Authority and purpose. These rules are adopted under the authority of RCW 34.04-.020 and for the purpose of complying with the requirements of chapter 42.17 RCW and RCW 34.04.020. [Order 1-76, § 342-10-030, filed 4/22/76.]

WAC 342-10-040 Description of oceanographic commission's central field organization. (1) The oceanographic commission of Washington ("commission" herein) is a permanent organization created by statute to fully exploit the strategic position of the state of Washington as a national base for oceanographic activities, as contemplated by RCW 43.94.010, and to perform those powers, duties and functions set forth in RCW 43.94.040.

(2) The commission is comprised of twelve members (commissioners), an executive secretary and his staff.

(3) The commission's field office is located at 312 First Avenue North, Seattle, Washington. [Order 1-76, § 342-10-040, filed 4/22/76.]

WAC 342-10-050 Public records available. All commission public records, as contemplated by chapter 42.17 RCW and defined in RCW 42.17.020(26) as now or hereafter amended, are deemed to be available for public inspection and copying pursuant to these rules and except as otherwise provided by RCW 42.17.310 as now or hereafter amended. [Order 1-76, § 342-10-050, filed 4/22/76.]

WAC 342-10-060 Public records officer. The executive secretary shall be in charge of the commission's public records as its public records officer and who is located at the commission's field office, 312 First Avenue North, Seattle, Washington 98109. [Order 1-76, § 342-10-060, filed 4/22/76.]

WAC 342-10-070 Office hours. Public records shall be available for inspection and copying during the commission's customary hours, which are from 8:00 a.m. to noon, and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. [Order 1-76, § 342-10-070, filed 4/22/76.]

WAC 342-10-080 Requests for public records. In accordance with the requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasion of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the commission, which shall be made available at its field office.

(2) The request shall include the following information:

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

(3) The completed form shall be presented to the public records officer, or to any member of the commission staff if the public records officer is not available, at the commission's field office during the customary office hours.

(4) In all cases, it shall be the obligation of the public records officer or staff member to whom the request is presented to assist the member of the public in appropriately identifying the public record requested. [Order 1-76, § 342-10-080, filed 4/22/76.]

WAC 342-10-090 Copying. No fee shall be charged for the inspection of public records. The commission shall charge a fee for providing copies of public records and for the use of the commission's copy equipment, such charge to be an amount not to exceed that necessary to reimburse the commission for actual costs incident to such copying. [Order 1-76, § 342-10-090, filed 4/22/76.]

WAC 342-10-110 Exemptions. (1) The commission shall have the authority to determine whether any public record requested in accordance with the procedure set forth in WAC 342-10-080 is exempt from public inspection under the provisions of RCW 42.17.310 as now or hereafter amended.

(2) The commission shall have the authority to delete identifying details when it makes available or publishes any public record, when such deletion is required to prevent an unreasonable invasion of personal privacy as contemplated by RCW 42.17.260(1) as now or hereafter amended.

(3) All denials of requests for public records and deletions pursuant to subsection (2) of this rule must be accompanied by a written statement specifying the reason for the denial and/or deletion, a statement of the specific exemption authorizing the withholding of the record (or part) and/or the deletion from such requested public record, and a statement of how the exemption applies to the record withheld and/or portion deleted. [Order 1-76, § 342-10-110, filed 4/22/76.]

WAC 342-10-120 Review of denials of public records request. (1) Any person who objects to the denial

of a request for and/or a deletion from a requested public record may petition within thirty days from the communication thereof for a prompt review of such denial or deletion decision by tendering a written request for review to the commission's public records officer. The written request for review shall:

(a) Specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial;

(b) Set forth the grounds for the objection.

(2) Immediately upon receiving a written request for review of a decision denying a public record and/or deletion therefrom, the public records officer shall refer such request to the chairman of the commission.

(3) Upon referral to the commission's chairman, the chairman shall immediately review the matter and may either affirm or reverse such denial and/or deletion, or shall call a special meeting of the commission's executive committee as soon as legally possible to review the denial.

(4) In any case, the request for review shall be returned by the chairman with a final written decision within two business days following the original denial.

(5) Administrative remedies shall not be considered exhausted until the commission's chairman has returned the request for review with a decision to the objecting person, or until the close of the second business day following the denial of inspection, whichever occurs first. [Order 1-76, § 342-10-120, filed 4/22/76.]

WAC 342-10-130 Records index. (1) The commission shall maintain and make available for public inspection and copying a current index which provides identifying information as to the following public records issued, adopted or promulgated after January 1, 1973:

(a) Statements of policy and interpretations of policy or statutes;

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

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

(d) 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

(e) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, 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 maintained by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection and/or copying. [Order 1-76, § 342-10-130, filed 4/22/76.]

WAC 342-10-140 Request for public records form. All requests for inspection and/or copying of public records submitted to the commission's public records officer shall be in writing upon the form set out below, entitle "Request For public records."

We have received your request for copies of our public records. Please complete the form on the right and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.

Thank you.

Return to:

Oceanographic Commission of Washington
312 First Avenue North
Seattle, Washington 98109

OCEANOGRAPHIC COMMISSION
REQUEST FOR PUBLIC RECORDS

Date ----- Time -----

Name -----

Address -----

Description of Records (see index):

I certify that the information obtained through this request for public records will not be used for any purpose prohibited by chapter 42.17 RCW.

Signature

Number of copies -----

Number of pages -----

Per page charge \$-----

Total charge \$-----

[Order 1-76, § 342-10-140, filed 4/22/76.]

WAC 342-10-150 Oceanographic commission--Organization and structure--Officers--Staff--Terms of office--Conduct of business. The oceanographic commission of Washington is a state agency created pursuant to chapter 43.94 RCW for the purposes set forth in RCW 43.94.010. [Order 1-76, § 342-10-150, filed 4/22/76.]

WAC 342-10-160 Oceanographic commission--Members--Appointment and terms of office. (1) The commission consists of twelve members (commissioners) who are selected as prescribed by RCW 43.94.020.

(2) Three members are state senators, no more than two of whom are to be members of the same political party, who are appointed by the president of the senate and whose positions are deemed vacated whenever such members cease to be members of the senate.

(3) Three members are state representatives, no more than two of whom shall be members of the same political party, who are appointed by the speaker of the house and whose positions are deemed vacated whenever such members cease to be members of the house of representatives.

(4) Five members are appointed by the governor from the public-at-large, at least one of whom shall be representative of higher education, one representative of private industry, and one representative of labor.

(5) The chairman of the state marine resources and development committee shall be an ex officio member without a vote.

(6) Any vacancies occurring in the membership of the commission shall be filled by the appointive power of the position vacated. [Order 1-76, § 342-10-160, filed 4/22/76.]

WAC 342-10-170 Oceanographic commission--Officers and executive committee--Terms.

(1) The executive committee of the commission shall consist of a chairman, vice chairman, one other member of the commission, all of whom shall be elected by a majority vote of the commission. The fourth member of the executive committee shall be the immediate past chairman.

(a) The members of the executive committee shall hold office from July through June and until their successors be elected and qualified.

(b) Elections of such members shall be conducted in the first meeting held after July 1 of each year.

(c) Vacancies in the executive committee arising from any cause shall be filled at any regular or special meeting of the commission.

(2) The commission's permanent staff shall consist of an executive secretary and other persons, all of whom shall be appointed by the commission as may be necessary to carry out its powers and duties.

(a) The commission shall fix the salaries of each member of the permanent staff, such compensation being subject to the state budget and accounting system.

(b) The executive secretary shall serve at the pleasure of the commission as the executive officer of the commission. [Order 1-76, § 342-10-170, filed 4/22/76.]

WAC 342-10-180 Oceanographic commission--Duties of office.

(1) The chairman shall: (a) Preside at all public meetings and executive sessions of the commission, and at all meetings of the executive committee;

(b) Endorse all resolutions, contracts and instruments on behalf of the commission as authorized by the commission, except where such power is delegated by these rules to the executive secretary;

(c) Perform all such other duties as are incident to his or her office or as are properly required of him or her by the commission.

(2) The vice chairman shall:

(a) Exercise all of the functions of the chairman during the absence or disability of the chairman;

(b) Have such powers and discharge such duties as may be assigned to him or her from time to time by the commission.

(3) The executive committee shall:

(a) Take emergency administrative action in the name of the commission when time precludes deliberations by the commission in full assembly;

(b) Interview and recommend to the commission appointments of personnel to the permanent staff of the commission;

(c) Approve all out-of-state travel and that travel requiring the extended absence of any member of the commission and its staff;

(d) Schedule commission meetings;

(e) Perform such other and further duties as are properly required of them by the commission.

(4) The executive secretary, as chief executive officer of the commission, and with the commission's approval, shall:

(a) Employ such persons and incur such expenditures as are necessary for the accomplishment of the purposes for which the commission has been formed;

(b) Ensure an accurate record of all meetings be maintained in the form of meeting minutes, and maintain a record of all motions and resolutions adopted by the commission which may be so recorded in the form of meeting minutes;

(c) Supervise the maintenance and safekeeping of the commission's books and records;

(d) Publish, at the [discretion] [direction] of the executive committee, all notices of meetings to be held and prepare an agenda for each such meeting, subject to the approval of the commission chairman;

(e) Perform such other and further duties as are incident to his or her office and as are properly required of him by the commission and its executive committee. [Statutory Authority: RCW 43.94.040. 81-12-049 (Order 1-81), § 342-10-180, filed 6/3/81; Order 1-76, § 342-10-180, filed 4/22/76.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 342-10-190 Meetings. (1) Regular commission meetings shall be scheduled by the executive committee which shall fix the location, date and time of each such meeting. At least four regular meetings must be conducted each year.

(2) Special meetings may be called for at any time either by the chairman or a majority of the commission members.

(3) Executive sessions of the commission may be called by the chairman or by any five members of the commission requesting such from the chairman or the executive secretary.

(4) All commission meetings shall be in conformance with chapter 42.30 RCW, the Open Public Meetings Act.

(5) The presence of any two members of the executive committee shall constitute a quorum of the committee, and of any six members of the commission shall constitute a quorum of the commission.

(6) All commission records of proceedings shall be maintained as minutes of the meetings, duly recorded, and shall be maintained as public records at the commission's field office.

(7) Written notice for all meetings shall be given by the executive secretary to each commission member and such other persons as may be required by RCW 42.30-.080, and such notices:

(a) Shall be delivered personally or by posting in the United States mails addressed to such person's address most recently furnished to the executive secretary.

(b) Shall be delivered to the addressee at least twenty-four hours before the time of such meeting as specified in the notice.

(c) Shall specify the time and place of the meeting and the business to be transacted.

(d) May be dispensed with as to any commission member who is actually present at the meeting at the time it convenes, or as to any member who, at or prior to the time the meeting convenes, files with the executive secretary a written waiver of notice.

(e) Place of meetings shall be determined by the executive committee.

(8) The agenda for each meeting shall be furnished to each commission member in the same manner as prescribed for meeting notices in WAC 342-10-190(7). [Order 1-76, § 342-10-190, filed 4/22/76.]

WAC 342-10-200 Order of business. (1) The order of commission meeting business shall be conducted as prescribed by the agenda.

(2) Each meeting's agenda shall be prepared by the executive secretary and subject to chairman's approval.

(3) The minutes of the preceding meeting(s) shall be approved by the commission as the first act of each regular meeting.

(4) A meeting's agenda may receive modifications and changes during the meeting by the chairman or by motion. [Order 1-76, § 342-10-200, filed 4/22/76.]

WAC 342-10-210 Conduct of commission meeting business. (1) All business of commission meetings shall be transacted by motion and resolution which may be made by any member eligible to vote who is in attendance, and shall require a second.

(2) Voting on all motions and resolutions shall be *viva voce* unless a division is called for by any member, in which case the executive secretary or his designated substitute shall call the role in alphabetical order and record the vote of each member present, "yea" or "nay."

(3) A concurrence of the majority of a quorum of voting members at the time shall be necessary for the passage of any motion or resolution.

(4) All matters which in the judgment of the commission are of a legislative character shall be embodied in the form of a resolution.

(5) Minutes of each commission meeting shall be recorded in a book or books kept for such purpose and shall be considered public records, and copies of the minutes of the previous meeting shall be mailed to each commission member as a tab to the agenda of the next meeting for commission approval as the first act of each regular meeting. [Order 1-76, § 342-10-210, filed 4/22/76.]

WAC 342-10-220 Oceanographic institute of Washington. The institute was formed by the commission as a nonprofit corporation pursuant to the commission's authority granted by RCW 43.94.050. [Order 1-76, § 342-10-220, filed 4/22/76.]

WAC 342-10-230 Oceanographic institute of Washington--Institute board of trustees. (1) The commission is directed by RCW 43.94.050 to establish the institute's membership and board of trustees.

(2) Trustees of the institute shall include all commission members and such other trustees as are elected by the commission.

(3) The number of institute trustees shall not exceed or be less than the limits specified in RCW 43.94.050 as now or hereafter amended, and no decrease in number of trustees shall have the effect of shortening the term of any incumbent trustee. [Order 1-76, § 342-10-230, filed 4/22/76.]

WAC 342-10-240 Oceanographic institute of Washington--Term of vacancies of institute trustees. (1) The term for each trustee's office shall be for four years, expiring on January 15 and until his or her successor shall have been elected.

(2) An office of trustee shall be filled when any nominee for that position receives a majority vote of the quorum in his or her favor by the board of trustees.

(3) Election to such position shall be for the unexpired term of his or her predecessor in office or for the next full term associated with that position, as appropriate.

(4) Any trustee then holding a position for which the term of office has expired must declare whether he or she is a candidate for reelection to that position. [Statutory Authority: RCW 43.94.040, 81-12-049 (Order 1-81), § 342-10-240, filed 6/3/81; Order 1-76, § 342-10-240, filed 4/22/76.]

WAC 342-10-250 Use of abbreviations. In this chapter the oceanographic commission of Washington shall be referred to as the "commission"; the executive secretary of the commission shall be referred to as the "secretary"; the State Environmental Policy Act chapter 43.21C RCW, as "SEPA"; chapter 197-10 WAC, effective January 16, 1976, as the "SEPA guidelines"; and environmental impact statement as "EIS." [Order 2-76, § 342-10-250, filed 10/19/76.]

WAC 342-10-260 Purpose and scope. The rules contained in this chapter are to carry out the policy and procedures of SEPA and SEPA guidelines and shall govern the application of SEPA requirements to the commission. These rules are adopted pursuant to the requirement of and authority provided by chapter 43.21C RCW.

From the effective date of this chapter the commission in undertaking nonexempt actions shall conform to those relevant and applicable policies and procedures declared mandatory by the provisions of SEPA or the SEPA guidelines. Such pertinent and mandatory policy and procedures are hereby incorporated by reference and adopted as the policy and procedures of the commission. [Order 2-76, § 342-10-260, filed 10/19/76.]

WAC 342-10-270 Meaning of words and terms. The words and terms in this chapter and in all proceedings of the commission in compliance with SEPA shall be deemed to conform to the mandatory definitions contained in the SEPA guidelines. [Order 2-76, § 342-10-270, filed 10/19/76.]

WAC 342-10-280 Sufficiency of compliance with SEPA guidelines. Compliance with the applicable amendatory SEPA guidelines as supplemented by this chapter shall be deemed to constitute compliance with this chapter. [Order 2-76, § 342-10-280, filed 10/19/76.]

WAC 342-10-290 Designation of responsible official. The secretary shall be the responsible official for the purpose of complying with SEPA. [Order 2-76, § 342-10-290, filed 10/19/76.]

WAC 342-10-300 Commission's SEPA public information center. There is hereby established a commission public information center to carry out the functions contemplated by the SEPA guidelines, WAC 197-10-830, to be located in the field office of the commission at Seattle, Washington. The commission's public records officer shall have charge thereof. [Order 2-76, § 342-10-300, filed 10/19/76.]

WAC 342-10-310 Maintenance of EIS available register. The commission shall maintain an EIS available register at its SEPA public information center. Said register shall be in the charge of the commission's public records officer, and it shall be available for public inspections and copying in compliance with WAC 342-10-090. [Order 2-76, § 342-10-310, filed 10/19/76.]

WAC 342-10-320 Procedure when a consulting agency. The commission, being listed as an agency with environmental expertise (WAC 197-10-465), shall comply with those responsibilities of consulting agencies as set forth in WAC 197-10-520 through 197-10-540. [Order 2-76, § 342-10-320, filed 10/19/76.]

WAC 342-10-330 Exemption for emergency actions. When actions are exempted from the requirements of SEPA or the SEPA guidelines because they are actions which must be taken immediately, or within a time

too short to allow full compliance with SEPA or the SEPA guidelines to avoid an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, the responsible official shall prepare a written statement showing the nature of the action and the reasons for immediate action. Such statement shall be filed in the commission's SEPA public information center. [Order 2-76, § 342-10-330, filed 10/19/76.]

WAC 342-10-340 Chapter to be amended when SEPA guidelines amended. When amendments are adopted to the SEPA guidelines, the commission shall adopt all amendments to this chapter within one hundred twenty days to bring this chapter into conformance with the SEPA guidelines as amended. [Order 2-76, § 342-10-340, filed 10/19/76.]