

Title 255 WAC

WASHINGTON STATE HISTORICAL SOCIETY

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Chapter 255-01 WAC

PUBLIC RECORDS

WAC

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WAC 255-01-010 Purpose. The purpose of this chapter is to ensure compliance by the Washington state historical society with the provisions of chapter 27.34 RCW and RCW 42.17.250 through 42.17.348.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-010, filed 3/17/98, effective 4/17/98.]

WAC 255-01-020 Authority. The Washington state historical society is authorized by chapter 27.34 RCW to adopt rules under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-020, filed 3/17/98, effective 4/17/98.]

WAC 255-01-030 Description of society's purpose. The society is a state-wide membership organization that provides leadership in public historical education. It collects, preserves, and interprets materials exemplifying the history of the state. The society's mission guides its acquisitions, collections management, exhibitions and publications. To serve the citizens of Washington, the geographic emphasis for the society is the entire state, but for contextual purposes, the history of the northern American West and north Pacific regions, broadly conceived, fall within the scope of the society's concerns. Chronologically, the full sweep of human history in Washington is the society's arena, from initial habitation by the native peoples to the modern era.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-030, filed 3/17/98, effective 4/17/98.]

WAC 255-01-040 Organization. The governing board of the society is its board of trustees which consists of offic-

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ers, trustees and ex-officio members. The elective officers of the society shall be president, vice-president for eastern Washington, vice-president for western Washington, and treasurer. The director of the society serves as the secretary to the board of trustees. The trustees number not less than twenty and no more than thirty. The governor, secretary of state, superintendent of public instruction and legislators representing each of the four caucuses of the state legislature are ex-officio voting members of the board of trustees.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-040, filed 3/17/98, effective 4/17/98.]

WAC 255-01-050 Election of officers. Election shall be by mail ballot to all qualified members of the society. Officers and trustees are elected to serve for three years, no more than ten to be elected annually. Trustees shall serve no more than three consecutive three-year terms. A majority of all ballots cast shall be necessary to elect.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-050, filed 3/17/98, effective 4/17/98.]

WAC 255-01-060 Office hours and location. The administrative headquarters of the Washington state historical society is located at the Washington State History Museum, 1911 Pacific Avenue, Tacoma, WA 98402 (253) 272-3500. The office is open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-060, filed 3/17/98, effective 4/17/98.]

WAC 255-01-070 Public records available. All public records of the society are available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-070, filed 3/17/98, effective 4/17/98.]

WAC 255-01-080 Public records officer. The society's public records shall be in the charge of the public records officer designated by the executive director. The person so designated shall be located in the office. The public records officer shall be responsible for the following: The implementation of society policy in regard to the release of public records, coordinating the staff in this regard and generally insuring staff compliance with the public disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-080, filed 3/17/98, effective 4/17/98.]

WAC 255-01-090 Inspection and copying. Public records shall be available for inspection and copying from 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-090, filed 3/17/98, effective 4/17/98.]

WAC 255-01-100 Requests for public records. In accordance with the requirements of chapter 42.17 RCW, stipulating 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, by members of the public upon compliance with the following procedures.

(1) A request shall be made in writing and shall be presented to the public records officer, or to another designated member of the staff if the public records officer is not available at the Washington State History Museum, 1911 Pacific Avenue, Tacoma, WA 98402. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time and 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 records as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) The public records officer, or staff person assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as defined in RCW 42.17.310.

(3) 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.

(4) In all cases, it shall be the obligation of the public records officer, or staff person to whom the request is made, to:

(a) Locate the specific document(s) request by the member of the public in the most timely manner possible;

(b) Assist the member of the public in appropriately identifying the public record requested;

(c) Protect and otherwise prevent damage to the public record being inspected and copied;

(d) Prevent disorganization of file folders or document containers;

(e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;

(f) Prevent excessive interference with the other essential functions of the agency.

(5) Only the staff and trustees of the society may open files to gain access to society records.

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

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(7) Public inspection of society records shall be done only in such locations as are approved by the public records officer, which locations must provide an opportunity for staff to ensure that no public record of the society is damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.

(8) Public records of the society may be copied only on the copying machine of the society unless other arrangements are authorized by the public records officer.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-100, filed 3/17/98, effective 4/17/98.]

WAC 255-01-110 Copying. No fee shall be charged for inspection of public records. The society shall charge a fee of ten cents per page for copies of public records and the use of society copy equipment. This charge is the amount necessary to reimburse the society for its actual cost incident to such copying. In the event copies are requested of documents that are oversized or require special handling, the society may increase the per page cost for copying and shall provide a statement of the factors and the manner used to determine the increased cost. If the public records officer deems it more efficient to have the copying done outside of the society, the charges will be based on the actual costs of such outside copying service. For all copying service charges incurred, an invoice will be sent to the requester. Reimbursement is payable within fifteen days of receipt of invoice payable to the Washington state historical society.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-110, filed 3/17/98, effective 4/17/98.]

WAC 255-01-120 Exemptions. (1) The society reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 255-01-100 is exempt under the provisions of RCW 42.17.310.

(2) Pursuant to RCW 42.17.260, the society reserves the right to delete identifying details when it makes available or publishes any public record in any cases where 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 justify such deletion in writing.

(3) All denials of request for public records must be accompanied by a written statement specifying the reason for the 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 withheld record.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-120, filed 3/17/98, effective 4/17/98.]

WAC 255-01-130 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 rendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff person which constituted or accompanied the denial.

(2) Immediately after receiving a written request or review of a decision denying a public record, the public records officer or other staff person denying the request shall refer it to the executive director or designee. The executive

director shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two days following the written request for review of the original denial. Whenever possible, the executive director or designee shall first consult with the office of the attorney general.

(3) Administrative remedies shall not be considered exhausted until the executive director has returned the petition with a decision or until the close of the second business day following the request for review, whichever occurs first.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-130, filed 3/17/98, effective 4/17/98.]

WAC 255-01-140 Protection of public records.

Unless approved by the executive director, records shall not be removed from the place designated for their inspection. The public records officer may make reasonable arrangements for ensuring the security of the record(s) during inspections.

[Statutory Authority: RCW 43.17.250. 98-07-071, § 255-01-140, filed 3/17/98, effective 4/17/98.]

**Chapter 255-02 WAC
CAPITAL PROJECTS FUND**

WAC

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WAC 255-02-010 Purpose. The purpose of the capital projects fund is to support capital needs and facilities of heritage organizations, tribal governments, public development authorities, and local government agencies that interpret and preserve Washington's history and heritage.

[Statutory Authority: RCW 27.34.330. 98-11-005, § 255-02-010, filed 5/7/98, effective 6/7/98.]

WAC 255-02-020 Authority. The capital projects fund is authorized by RCW 27.34.330.

[Statutory Authority: RCW 27.34.330. 98-11-005, § 255-02-020, filed 5/7/98, effective 6/7/98.]

WAC 255-02-030 Organization. The fund is administered by the heritage resource center, which is an outreach program of the Washington state historical society.

(1) The director of the heritage resource center shall be the administrator of the fund.

(2) The director of the Washington state historical society and the director of the heritage resource center shall be the authorizing officials for the agency.

(3) There shall be an advisory panel, appointed by the authorizing officials, to determine grant guidelines and review grant applications. The panel shall be comprised of individuals whose expertise can address specific issues.

(a) The panel will meet at least two times per year to review procedures and to evaluate grant applications.

(b) Panel members may be reimbursed for travel expenses.

(c) The advisory panel shall have at least one representative from the Washington museum association, the eastern Washington state historical society, the office of the secretary of state, and the office of archaeology and historic preservation.

(d) Panel members shall refrain from making recommendations if there is a conflict of interest involving an applicant or specific application.

(4) The panel will make recommendations and provide a ranked list of these recommendations to the office of financial management, the office of the governor, and state legislature.

(5) The capital projects fund shall be housed at the Heritage Resource Center, Washington State Historical Society, at 211 West 21st Ave., Olympia WA 98501.

[Statutory Authority: RCW 27.34.330. 98-11-005, § 255-02-030, filed 5/7/98, effective 6/7/98.]

WAC 255-02-040 Definitions. The following definitions shall apply throughout this title:

(1) "Agency" means the Washington state historical society.

(2) "Applicant" means any nonprofit organization, local government agency, public development authority, or tribe that submits an application to the Fund.

(3) "Cash match" is money from the applicant organization or from other sources, which can include grants from foundations, non-state governmental agencies, individuals, corporations and others.

(4) "Cost share" are those costs, including cash and in-kind, that the applicant will incur from its own resources or from other cooperating organizations to complete the project described in the proposal.

(5) "Heritage organization" is a group whose purpose is to collect, preserve, or interpret history, heritage, and culture.

(6) "Capital heritage project" is any project that involves the physical plant of an organization or the acquisition of property by an organization. (See eligible projects)

(7) "In-kind contributions" are those contributions to a project that are not part of the cash match. They may include contributions of materials and supplies, professional consultation, legal and accounting services, architectural design fees, volunteer time, labor.

(8) "Local government agency" is any city or county agency, or port district. State and federal agencies are not eligible to apply.

(9) "Nonprofit organization" is an organization which has a 501 (c)(3) IRS tax determination by the Internal Revenue Service (IRS) and is incorporated under the nonprofit laws of the state of Washington.

(10) "Total project costs" include the amount sought from the fund and what the applicant will provide as cost-share.

[Statutory Authority: RCW 27.34.330. 98-11-005, § 255-02-040, filed 5/7/98, effective 6/7/98.]

WAC 255-02-050 Eligible projects. Funds may assist in, but will not be limited to, the following types of projects;

(1) Construction of new facilities or improvements to existing facilities.

(2) Purchase, restoration and/or preservation of such fixed assets as historic buildings and structures, historic ships, locomotives, airplanes and other transportation conveyances.

(3) Acquisition of unimproved property for the purpose of construction of a new facility that will have a heritage mission.

(4) Acquisition, protection, stabilization, and/or development of historic or archaeological sites that are culturally or historically significant [significant].

(5) Physical improvement of interior facility spaces for exhibitions, programs, and/or preservation activities. The program does not provide funds for any part of an exhibition or education program.

(6) Construction-related design, architectural, and engineering expenses.

(7) Purchase of equipment when necessary to accomplish the project. Documentation will be required.

(8) Bridge loans, or financing, but only if the loan is obtained after the application is approved for funding by the legislature.

[Statutory Authority: RCW 27.34.330. 98-11-005, § 255-02-050, filed 5/7/98, effective 6/7/98.]

WAC 255-02-060 Ineligible projects. Ineligible projects and costs include:

(1) General facility maintenance, routine repairs, consumable supplies, operating expenses, salaries, or programs.

(2) Equipment not directly related to the project.

(3) Leasing of equipment of automotive vehicles.

(4) Indirect cost reimbursement for administrative functions. The fund also does not allow indirect cost rates to be used as part of a cost-share.

(5) Fund-raising expenses

(6) Projects completed prior to the start of the biennium for which funding is made.

(7) Retirement of operational debts nor for construction, facility improvement, or purchase loans that are incurred prior to award date of grant or date of legislative approval.

[Statutory Authority: RCW 27.34.330. 98-11-005, § 255-02-060, filed 5/7/98, effective 6/7/98.]

WAC 255-02-070 Application form. Application forms shall be available from the agency. Applications shall be sent by direct mail to those who have requested placement on the capital projects fund mail list or to those who request an application. All applications must be completed and submitted in the format prescribed by the agency and must be submitted by the deadline established by the agency.

[Statutory Authority: RCW 27.34.330. 98-11-005, § 255-02-070, filed 5/7/98, effective 6/7/98.]

WAC 255-02-080 Application review process. The evaluation and review of applications shall be based on the written response and support materials provided in the application. Applications are reviewed initially by the staff of the

heritage resource center for eligibility. Once eligibility is determined, applications are then reviewed by a panel that makes funding recommendations.

[Statutory Authority: RCW 27.34.330. 98-11-005, § 255-02-080, filed 5/7/98, effective 6/7/98.]

WAC 255-02-090 Contracting. Applicants who have been approved for funding will be issued contracts based on a fiscal biennium beginning July 1 and ending June 30.

[Statutory Authority: RCW 27.34.330. 98-11-005, § 255-02-090, filed 5/7/98, effective 6/7/98.]

WAC 255-02-100 Disbursement of funds. Applicants should be prepared to finance their projects until reimbursed by the agency. Requests for payment shall be made on invoice vouchers provided by the agency.

[Statutory Authority: RCW 27.34.330. 98-11-005, § 255-02-100, filed 5/7/98, effective 6/7/98.]

WAC 255-02-110 Appeal procedure. There shall be a procedure for applicants to appeal the panel's decisions when there is evidence that information available at the time of the panel's action was, in the opinion of the appellant, either not included in the review or was not clearly understood.

(1) Appeals may not be made based on new information not available at the time of the original decision.

(2) Appeals must be presented in writing to the director of the heritage resource center, outlining the nature of the appeal.

(3) The director, in consultation with the director of the Washington state historical society and the chairperson of the panel, shall reject or accept the appeal.

(4) Upon acceptance of the appeal the director shall notify the panel and arrange a special meeting. The appeal may be presented by the applicant at that time. The appeal must be presented in its entirety at that time and shall be considered final.

(5) The panel shall have 5 business work days to make a decision on the appeal.

(6) After final panel action on the appeal, the director shall notify the applicant of the decision in writing, within five working days after the date of the decision.

[Statutory Authority: RCW 27.34.330. 98-11-005, § 255-02-110, filed 5/7/98, effective 6/7/98.]