

Title 474 WAC

STATE TREASURER'S OFFICE

Chapters

- 474-01** Regulations assuring compliance by the state treasurer's office with the provisions of chapter 1, Laws of 1973, subchapter IV—Public records.
- 474-02** Newly incorporated city or town—Procedures for reimbursement of moneys borrowed from municipal sales and use tax equalization account.

Chapter 474-01 WAC

REGULATIONS ASSURING COMPLIANCE BY THE STATE TREASURER'S OFFICE WITH THE PROVISIONS OF CHAPTER 1, LAWS OF 1973, SUBCHAPTER IV—PUBLIC RECORDS

WAC

474-01-010	Purpose.
474-01-020	Definitions.
474-01-030	Description of central and field organization of the Washington state treasurer's office.
474-01-040	Operations and procedures.
474-01-050	Public records available.
474-01-060	Public records officer.
474-01-070	Office hours.
474-01-080	Requests for public records.
474-01-090	Copying.
474-01-100	Exemptions.
474-01-110	Review of denials of public records requests.
474-01-120	Mailing address.
474-01-130	Adoption of form.
474-01-990	Form—Request for public records.

WAC 474-01-010 Purpose. The purpose of this chapter shall be to ensure compliance by the state treasurer's office with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25 - 32 of that act, dealing with public records.

[Order 2, § 474-01-010, filed 7/30/74.]

WAC 474-01-020 Definitions. (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **Writing.** "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 paper, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) **State treasurer's office.** The state treasurer's office is established by section 1, Article III of the Washington state constitution. The state treasurer's office shall hereinafter be referred to as the "office." Where appropriate, the term state

(1999 Ed.)

treasurer's office also refers to the staff and employees of the office.

[Order 2, § 474-01-020, filed 7/30/74.]

WAC 474-01-030 Description of central and field organization of the Washington state treasurer's office.

(1) **State treasurer's office.** The state treasurer's office is a state office headed by an elected official and is empowered to perform all duties prescribed by law. The administrative offices of the state treasurer's office and its staff are located in the state treasurer's office in the Legislative Building, Olympia, Washington.

[Order 2, § 474-01-030, filed 7/30/74.]

WAC 474-01-040 Operations and procedures. The state treasurer is by statute designated as the fiscal agent of the state of Washington and is charged with the responsibility of performing all statutorily assigned duties commensurate with that designation.

[Order 2, § 474-01-040, filed 7/30/74.]

WAC 474-01-050 Public records available. All public records of the state treasurer's office as defined in WAC 474-01-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, Laws of 1973, and WAC 474-01-020.

[Order 2, § 474-01-050, filed 7/30/74.]

WAC 474-01-060 Public records officer. The public records of the state treasurer's office shall be in the charge of the public records officer designated by the agency. The person so designated shall be located in the administrative office of the agency. The public records officer shall be responsible for the following: The implementation of the office's rules and regulations regarding 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 2, § 474-01-060, filed 7/30/74.]

WAC 474-01-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the state treasurer's office. For the purpose 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 2, § 474-01-070, filed 7/30/74.]

WAC 474-01-080 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect

[Title 474 WAC—p. 1]

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 upon a form prescribed by the state treasurer's 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 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 with an index maintained by the records officer, a reference to the requested record as it is described in such index;

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

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Order 2, § 474-01-080, filed 7/30/74.]

WAC 474-01-090 Copying. No fee shall be charged for the inspection of public records. The office shall charge a fee of 2¢ per page for providing public records and 5¢ for use of the office's copy equipment, a total of 7¢ per copy. This charge is the amount necessary to reimburse the office for its actual costs incident to such service.

[Order 2, § 474-01-090, filed 7/30/74.]

WAC 474-01-100 Exemptions. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 474-01-080 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.

(3) All denials of requests 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 record withheld.

[Order 2, § 474-01-100, filed 7/30/74.]

WAC 474-01-110 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

[Title 474 WAC—p. 2]

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 state treasurer, or his designee, who shall consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the system has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 2, § 474-01-110, filed 7/30/74.]

WAC 474-01-120 Mailing address. 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 State Treasurer, Legislative Building, Olympia, Washington 98504.

[Order 2, § 474-01-120, filed 7/30/74.]

WAC 474-01-130 Adoption of form. The treasurer hereby designates for use by persons requesting inspection and/or copying or copies of the records, the form entitled "Request for public record."

[Order 2, § 474-01-130, filed 7/30/74.]

WAC 474-01-990 Form—Request for public records.

OFFICE OF STATE TREASURER
REQUEST FOR PUBLIC RECORDS

Date
Time

REQUESTED BY:

Name Title
Address
Telephone No. Representing

NATURE OF REQUEST:

.....
.....

DETAILED DESCRIPTION OF DOCUMENT:

.....
.....

.....
(Signature)

— FOR OFFICE USE ONLY —

INTERGOVERNMENTAL AGREEMENT

- (1) Request Granted Record Withheld Record Withheld in Part
- (2) If withheld, name the exemption contained in section 31, chapter 1, Laws of 1973, which authorizes the withholding of the record or part of the record: Sub-section (1)(___).
- (3) If withheld, briefly explain how the exemption applies to the record withheld.
- (4) If request granted, time, date

Reviewed: Public Records Officer
 (Initial)
 Deputy or Assistant
 (Initial) State Treasurer

[Order 2, Form (codified as WAC 474-01-990), filed 7/30/74.]

Chapter 474-02 WAC

NEWLY INCORPORATED CITY OR TOWN—
PROCEDURES FOR REIMBURSEMENT OF
MONEYS BORROWED FROM MUNICIPAL SALES
AND USE TAX EQUALIZATION ACCOUNT

WAC

- 474-02-010 New cities and towns—Standards for borrowing from municipal sales and use tax equalization account.
- 474-02-020 Appendix to WAC 474-02-010—Sample intergovernmental agreement.

WAC 474-02-010 New cities and towns—Standards for borrowing from municipal sales and use tax equalization account. (1) To borrow money from the municipal sales and use tax equalization account a new city or town must furnish a copy of the governing board's resolution establishing the official date of incorporation, declaring the population of the city or town, and stating the amount to be borrowed.

(2) Loans shall be repaid with interest, according to the terms of a loan agreement acceptable to the state treasurer, over a maximum period of three years. Each loan shall bear interest for the duration of the loan at the closing offering yield of the then current three-year treasury note, as quoted by the *Wall Street Journal*, on the day prior to loan disbursement.

(3) Loans shall be repayable by the treasurer withholding moneys from the funds otherwise payable to the borrowing city or town, either from the municipal sales and use tax equalization account or from sales and use tax entitlements otherwise distributable to the borrowing city or town, so that the municipal sales and use tax equalization account is fully reimbursed over the period of the loan. Payments are to be made monthly until the borrowing city or town has paid all of the principal and interest owed under the loan agreement.

[Statutory Authority: RCW 35.02.135. 95-19-029, § 474-02-010, filed 9/11/95, effective 10/12/95.]

WAC 474-02-020 Appendix to WAC 474-02-010—
Sample intergovernmental agreement.

(1999 Ed.)

The _____ of _____ (City/Town) has submitted a request to the Washington State Treasurer (Treasurer) to borrow _____ from the Municipal Sales and Use Tax Equalization Account pursuant to RCW 35.02.135.

The City/Town and Treasurer have entered into this agreement, by which the City, as authorized by legally sufficient resolution of its governing body, shall borrow from the municipal sales and use tax equalization account the sum stated below and shall repay said sum according to the repayment terms and conditions stated herein:

1. Amount of loan _____.

2. Interest. Interest will be charged on unpaid principal until the full amount has been paid. Interest will be calculated on the average daily loan balance and will accrue monthly. The loan shall bear interest for the duration of the loan at the closing offering yield of the then current three-year Treasury Note, as quoted by the *Wall Street Journal*, on the day prior to loan disbursement repayable as set forth in Section 3.

3. Repayment.

(A) Time of Payments.

City/Town will pay principal and interest by the Treasurer withholding moneys from the funds otherwise payable to City/Town, either from the municipal sales and use tax equalization account or from sales and use tax entitlements otherwise distributable to City/Town, so that the municipal sales and use tax equalization account is fully reimbursed over the period of the loan. Payments will be due on the last business day of each month beginning on _____. Payments will be made monthly until the City/Town has paid all of the principal and interest owed under this loan agreement. Monthly payments will be applied to interest before principal. Final payment of principal and interest owed is due on _____.

(B) Amount of City's/Town's Monthly Payments.

Each of City's/Town's monthly payments will be in the amount of _____, except for the last payment, due on _____, which will be in the amount of U.S. _____.

4. City's/Town's Right to Prepay.

City/Town has the right to make payments of principal at any time before they are due. City/Town may make a full prepayment or partial prepayments without paying any prepayment charge. Treasurer will use all of City's/Town's prepayments to reduce the amount of principal City/Town owes under this intergovernmental agreement. If City/Town makes a partial prepayment, there will be no changes in the due dates of City's/Town's monthly payments unless Treasurer agrees in writing to those changes. City's/Town's partial prepayments may reduce the amount of its monthly payments beginning with the first payment date following its partial prepayment.

5. Treasurer's Authority to Withdraw Moneys.

The City/Town acknowledges and agrees that Treasurer is authorized by the City/Town pursuant to RCW 35.02.135 and this agreement to withdraw from future tax distributions to the City/Town on the basis stated above. City/Town also

agrees not to challenge or contest Treasurer's authority to withdraw moneys for the purposes of this loan.

6. Impact of Rules.

City/Town agrees that the terms and conditions of this agreement are subject to rules adopted by Treasurer pursuant to RCW 35.02.135, and that this agreement may be modified to reflect any changes to such rules effective following the execution of this intergovernmental agreement.

7. Scope of Agreement.

This agreement comprises the entire agreement of the parties with respect to the matters covered herein, and no agreement, statement, or promise made by any party which is not included herein shall be binding or valid.

8. Modification.

This agreement may be modified or amended only pursuant to Section 6 of this agreement or by a written agreement duly executed by all parties hereto.

9. Applicable Law.

This agreement shall be governed by the laws of the State of Washington, and any questions arising under this agreement shall be construed or determined according to such law. City/Town consents to the venue of any action brought under this agreement in any superior court in Thurston County, Washington.

The undersigned persons do hereby stipulate to the following:

I have the authority to sign this intergovernmental agreement, on behalf of the City/Town and the Treasurer.

For the City/Town:

Name	Title	Date
For the Treasurer:		

Name	Title	Date
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[Statutory Authority: RCW 35.02.135. 95-19-029, § 474-02-020, filed 9/11/95, effective 10/12/95.]