

Title 133 WAC

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF (COMMUNITY ECONOMIC REVITALIZATION BOARD)

Chapters

133-10	General provisions.
133-20	Public records.
133-40	Public facility loans and grants.
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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 133-30 RULES OF PRACTICE AND PROCEDURE

133-30-010	Purpose and scope of rules—Adoption of uniform rules. [Statutory Authority: RCW 43.116.050(8) [43.160.-050(8)]. 83-10-041 (Order 83-1), § 133-30-010, filed 5/2/83.] Repealed by 95-24-087, filed 12/5/95, effective 1/5/96. Statutory Authority: Chapter 43.160 RCW.
133-30-020	Definitions. [Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-30-020, filed 5/2/83.] Repealed by 95-24-087, filed 12/5/95, effective 1/5/96. Statutory Authority: Chapter 43.160 RCW.
133-30-030	Hearings, examination and investigations—Generally. [Statutory Authority: RCW 43.116.050(8) [43.160.-050(8)]. 83-10-041 (Order 83-1), § 133-30-030, filed 5/2/83.] Repealed by 95-24-087, filed 12/5/95, effective 1/5/96. Statutory Authority: Chapter 43.160 RCW.
133-30-040	Requesting oral hearings—Substantive rule-making proceedings. [Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-30-040, filed 5/2/83.] Repealed by 95-24-087, filed 12/5/95, effective 1/5/96. Statutory Authority: Chapter 43.160 RCW.
133-30-050	Subpoenas. [Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-30-050, filed 5/2/83.] Repealed by 95-24-087, filed 12/5/95, effective 1/5/96. Statutory Authority: Chapter 43.160 RCW.
133-30-060	Petitions for rule-making action. [Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-30-060, filed 5/2/83.] Repealed by 95-24-087, filed 12/5/95, effective 1/5/96. Statutory Authority: Chapter 43.160 RCW.
133-30-070	Petitions for declaratory rulings. [Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-30-070, filed 5/2/83.] Repealed by 95-24-087, filed 12/5/95, effective 1/5/96. Statutory Authority: Chapter 43.160 RCW.
133-30-080	Requests for reconsideration. [Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-30-080, filed 5/2/83.] Repealed by 95-24-087, filed 12/5/95, effective 1/5/96. Statutory Authority: Chapter 43.160 RCW.

Chapter 133-10 WAC GENERAL PROVISIONS

WAC	
133-10-010	Organization and operation of the community economic revitalization board.
133-10-020	Board meetings.
133-10-030	Communications with the board.

(2009 Ed.)

WAC 133-10-010 Organization and operation of the community economic revitalization board. (1) The community economic revitalization board, hereinafter referred to as the board, is a nineteen member board created pursuant to section 3, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.030.

(2) The board consists of eleven persons appointed by the governor, as well as the director of community, trade, and economic development, the director of revenue, the commissioner of employment security, the secretary of transportation and the chair and one minority member of the committee on trade and economic development of the house of representatives and the committee on commerce and trade of the senate, or the equivalent standing committees. The state agency heads shall serve as nonvoting advisory members of the board. The appointive members are as follows: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of small businesses each from: (a) The area west of Puget Sound or the Interstate 5 corridor, (b) the area east of the Cascade range and west of the Columbia River; and (c) the area east of the Columbia River; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members are initially appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms, which includes the chair. Thereafter each succeeding term shall be for three years.

(3) The chair of the board shall be appointed by the governor. The board may elect such other officers for such terms as it may from time to time deem necessary, in accordance with the board's bylaws.

(4) The board's staff support and office space is provided by the department of community, trade, and economic development, P.O. Box 48300, Olympia, Washington 98504-8300; phone (360) 753-2200.

(5) The overall purpose of the board is to aid the development of economic opportunities in the state of Washington. The board's general objectives include: (a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies; (b) encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment; and (c) providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(6) In order to carry out its objectives, the board is authorized to make direct loans to political subdivisions of the state

for the purposes of assisting the political subdivisions in financing the cost of public facilities, including the development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. Grants may also be authorized for such purposes, but only when grants are uniquely required. Additional powers and duties of the board are as set forth in chapter 40, Laws of 1982 1st ex. sess. and chapter 43.160 RCW, and in particular section 5 thereof, and RCW 43.160.050.

[Statutory Authority: Chapter 43.160 RCW. 95-24-089, § 133-10-010, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-10-010, filed 5/2/83.]

WAC 133-10-020 Board meetings. (1) Regular meetings of the board are held on the third Thursday of January, March, May, July, September and November commencing at 9:00 a.m. Notice of the times and places of the regular meetings will be published annually in a January edition of the Washington State Register. A copy of the schedule of regular meetings may also be obtained upon request from the board.

(2) Special meetings of the board may be called at any time by the chair of the board or by a majority of the board members. Notice of such meetings will be as provided by law.

(3) In addition to the meeting notices specified above, the board will also notify all persons, organizations or agencies whose business is scheduled to come before the board at any regular or special meeting.

[Statutory Authority: Chapter 43.160 RCW. 95-24-089, § 133-10-020, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-10-020, filed 5/2/83.]

WAC 133-10-030 Communications with the board. Any and all written communications with the board, including but not limited to requests for information or copies of agency records, or submittals of any nature, shall be addressed to the community economic revitalization board, in care of the chair, at the address which appears in WAC 133-10-010(4). Telephonic communications may be initiated by calling the phone number also listed in WAC 133-10-010(4).

[Statutory Authority: Chapter 43.160 RCW. 95-24-089, § 133-10-030, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-10-030, filed 5/2/83.]

Chapter 133-20 WAC PUBLIC RECORDS

WAC

133-20-010	Purpose.
133-20-020	Definitions.
133-20-030	Public records available.
133-20-040	Public records officer.
133-20-050	Records index.
133-20-060	Office hours.
133-20-070	Requests for public records.
133-20-080	Copying.
133-20-090	Exemptions.
133-20-100	Review of denials of public records requests.
133-20-110	Protection of public records.
133-20-120	Adoption of form.

WAC 133-20-010 Purpose. The purpose of this chapter shall be to insure the compliance by the community economic revitalization board with state public records law RCW 42.17.250 et seq.

[Statutory Authority: Chapter 43.160 RCW. 95-24-086, § 133-20-010, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-20-010, filed 5/2/83.]

WAC 133-20-020 Definitions. The following definitions shall apply to this chapter:

(1) "Board" means the community economic revitalization board, created pursuant to chapter 43.160 RCW, and shall also refer to the board's officers and staff, where appropriate.

(2) "Department" means the department of community, trade, and economic development, and shall also refer to the department's staff, where appropriate.

[Statutory Authority: Chapter 43.160 RCW. 95-24-086, § 133-20-020, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-20-020, filed 5/2/83.]

WAC 133-20-030 Public records available. All public records of the board are deemed to be available for public inspection and copying, except as otherwise provided by RCW 42.17.260 and 42.17.310, as now or may hereafter be amended, and by WAC 133-20-090.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-20-030, filed 5/2/83.]

WAC 133-20-040 Public records officer. The board chair shall appoint the public records officer for the board. The public records officer shall be responsible for implementation of the board's rules and regulations regarding inspection and copying of public records, and for insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: Chapter 43.160 RCW. 95-24-086, § 133-20-040, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-20-040, filed 5/2/83.]

WAC 133-20-050 Records index. The board will make available to any person upon request a current index which provides identifying information as to the following records:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statutes and regulations which have been adopted by the board;

(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 board relating to any regulatory, supervisory or enforcement responsibilities of the board, whereby the board 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 board 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 copying.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-20-050, filed 5/2/83.]

WAC 133-20-060 Office hours. Public records shall be available for inspection and copying during the department's normal office hours. For purposes of this chapter, normal office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: Chapter 43.160 RCW. 95-24-086, § 133-20-060, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-20-060, filed 5/2/83.]

WAC 133-20-070 Requests for public records. In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, and to protect public records from damage or disorganization, and to prevent excessive interference with essential functions of the board, 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 board which shall be available at the board's offices, or by writing or calling the board. The form shall be presented or mailed to the public records officer, or to any member of the board's staff, if the public records officer is not available, at the board's offices during normal office hours. The request shall include the following information:

(a) The name, address, and organization represented, if any, of the person requesting the record;

(b) The calendar date on which the request was made, and, when presented in person, the time of day;

(c) The nature of the request;

(d) If the matter requested is referred to 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 requested matter is not identifiable by reference to the board's current 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 assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-20-070, filed 5/2/83.]

WAC 133-20-080 Copying. No fee shall be charged for the inspection of public records. The board may charge a fee of \$.10 per page for providing copies of public records, when copies of more than ten pages are provided, and for use of the department's copy equipment. This charge is the amount necessary to reimburse the department for its actual costs incident to such copying.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-20-080, filed 5/2/83.]

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WAC 133-20-090 Exemptions. (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 133-20-070 is exempt from disclosure under the provisions of RCW 42.17.260 and 42.17.310.

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

(3) All denials of requests for public records shall be accompanied by a written statement specifying the reason for the denial.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-20-090, filed 5/2/83.]

WAC 133-20-100 Review of denials of public records requests. (1) Any person who objects to the denial of a request for public records may petition for prompt review of such decision by submitting 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) Following receipt of a written request for review of a decision denying a request for public records, the public records officer or other authorized staff member denying the request shall refer it to the chair of the board. The chair or designee shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with the final decision, within two business days following receipt of the request for review.

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

[Statutory Authority: Chapter 43.160 RCW. 95-24-086, § 133-20-100, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-20-100, filed 5/2/83.]

WAC 133-20-110 Protection of public records. In order to properly protect the public records in the custody of the board, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the offices of the board;

(2) Inspection of any public records shall be conducted in the presence of a designated board or department employee;

(3) No public records may be marked or defaced in any manner during inspection;

(4) Public records which are maintained in a file jacket, or in a chronological order, may not be dismantled except for purposes of copying and then only by a designated employee of the board or department.

(5) Access to file cabinets, shelves, vaults, etc., is restricted to board or department personnel.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-20-110, filed 5/2/83.]

WAC 133-20-120 Adoption of form. The board hereby adopts for use by all persons requesting inspection or copying of its records, the form set out below, entitled "Request for public records."

In order to request copies of our public records, please complete the attached form and return it with the proper payment to the address below. We will forward to you those requested copies which are not exempt from disclosure when we receive this form. Thank you.

Return to:
Community Economic Revitalization Board
c/o Public Records Officer
P.O. Box 48300
Olympia, WA 98504-8300

REQUEST FOR PUBLIC RECORDS

Date Time (In person requests only)

Name

Address

Description of Records

.....

.....

.....

I certify that the information obtained through this request for public records will not be used for profit making.

.....

Signature

(FOR BOARD USE ONLY)

Number of copies

Number of pages

Per page charge for in excess of ten pages \$.15

Total charge \$

[Statutory Authority: Chapter 43.160 RCW. 95-24-086, § 133-20-120, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-20-120, filed 5/2/83.]

Chapter 133-40 WAC

PUBLIC FACILITY LOANS AND GRANTS

WAC

133-40-010	Purpose.
133-40-020	Definitions.
133-40-030	Loan and grant applications.
133-40-040	Board deliberations.
133-40-050	Loan and grant contracts—Terms.
133-40-060	Requests for reconsideration.

WAC 133-40-010 Purpose. (1) Pursuant to chapter 43.160 RCW, the community economic revitalization board may, in its discretion, make direct loans to political subdivisions of the state of Washington for the purposes of assisting the political subdivisions in financing the cost of public facilities, when such facilities will serve to improve opportunities for the successful maintenance, establishment, or expansion of industrial facilities or will otherwise assist in the creation or retention of long-term economic opportunities, or assist in alleviating unemployment. The board may also make grants for such purposes, when every feasible effort has been made by the board to provide loans and loans are not possible, and when the board finds that unique circumstances exist which require making a grant.

(2) The purpose of this chapter is to prescribe the form and manner in which political subdivisions may make application to the board for financial assistance, and to provide for the consideration and disposition of such applications.

[Statutory Authority: Chapter 43.160 RCW. 95-24-088, § 133-40-010, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-40-010, filed 5/2/83.]

WAC 133-40-020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Public facility" or "facility" means any facility for public purposes financed in whole or in part by any port district, county, city, town, or special utility district of the state of Washington, including, but not limited to, sewer or other waste disposal facilities, arterials, bridges, access roads, port facilities, or water distribution and purification facilities.

(3) "Public facility costs" means any direct or indirect cost incurred or to be incurred by a political subdivision in financing any public facility, including the cost of acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities.

(4) "Responsible official" means the person so designated in the resolution of the legislative body of the political subdivision authorizing or approving submittal of the application.

[Statutory Authority: Chapter 43.160 RCW. 95-24-088, § 133-40-020, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-40-020, filed 5/2/83.]

WAC 133-40-030 Loan and grant applications. (1) Applications for loans and/or grants to assist in financing public facility costs may be made by any political subdivision of the state of Washington.

(2) Applications shall be submitted to the board in writing, on such forms as may be prescribed by and obtained from the board, and shall contain the following information:

(a) Name and address of the political subdivision making the application for financial assistance.

(b) Complete description of the public facility for which financing assistance is sought.

(c) A full and detailed assessment of how the facility or project will improve the opportunities for the successful maintenance, establishment, or expansion of industrial facilities or will otherwise assist in the creation or retention of long-term economic opportunities, or assist in alleviating unemployment.

(d) Specific amount and description of the public facility costs for which the loan and/or grant application is being made.

(e) If application is being made for a loan, the applicant's proposed repayment schedule.

(f) If application is being made for a grant in addition to or in lieu of a loan, a complete explanation as to why the applicant feels a loan would not be feasible and the supporting reasons or circumstances therefor.

(3) Any application for financial assistance submitted to the board shall be signed and verified by a responsible official. Such official shall also provide the board with any addi-

tional materials or information in support of the application which the board or its staff may request, either prior to or at the board's deliberations on the application.

(4) Applications for public works funding must be submitted at least forty-five calendar days prior to regular meeting dates. Exceptions to this deadline will be determined by decision of the chair (or the vice-chair, when acting as chair) or a majority of CERB members.

[Statutory Authority: Chapter 43.160 RCW. 95-24-088, § 133-40-030, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 84-21-124 (Order 84-1), § 133-40-030, filed 10/24/84; 83-10-041 (Order 83-1), § 133-40-030, filed 5/2/83.]

WAC 133-40-040 Board deliberations. (1) The board will consider and approve, in whole or in part, or disapprove, all applications for loans or grants at such regular or special meetings of the board as it may determine, and the applicant will be notified accordingly. The board is directed to prioritize each proposed project according to relative benefit (RCW 43.160.060(3)). As long as there is more demand for loans or grants than funds available, projects are funded according to priority established in board policy. A responsible official of the applicant political subdivision shall be present during all board deliberations on the application, and shall provide all information regarding the public facility or application for financial assistance which the board may request.

(2) Applicants will be formally notified in writing regarding any board decision on whether or not to authorize a public facility loan or grant.

[Statutory Authority: Chapter 43.160 RCW. 95-24-088, § 133-40-040, filed 12/5/95, effective 1/5/96. Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-40-040, filed 5/2/83.]

WAC 133-40-050 Loan and grant contracts—Terms.

(1) If a public facility loan or grant is authorized by the board, the funds will be disbursed to the applicant political subdivision pursuant to a contract therefor, which will be offered to the political subdivision upon such reasonable terms and conditions as the board may determine: Provided, That the interest rate for loans shall not exceed ten percent per annum: Provided further, That loans shall not exceed twenty years in duration.

(2) Public facility loan and/or grant contracts offered to political subdivisions shall be executed by the political subdivision and the original thereof returned to the board prior to the disbursement of any funds thereunder.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-40-050, filed 5/2/83.]

WAC 133-40-060 Requests for reconsideration. (1)

Any political subdivision whose governing body takes exception to the terms and conditions of the public facility loan and/or grant contract offered by the board upon authorization of such loan and/or grant may request the board in writing to reconsider, amend or modify its offer. Any such request shall propose specific amendments or modifications, and shall fully substantiate the reasons therefor.

(2) Any political subdivision whose application for financial assistance was denied in whole or in part by the board, within fifteen days of notification thereof may petition

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the board in writing to reconsider its decision. Such requests for reconsideration shall only be submitted with new or additional information in support of the application not available to the board during its initial deliberations.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-40-060, filed 5/2/83.]

Chapter 133-50 WAC

COMPLIANCE WITH STATE ENVIRONMENTAL POLICY ACT

WAC

133-50-010	Purpose.
133-50-020	Statement.

WAC 133-50-010 Purpose. The purpose of this chapter is to comply with RCW 43.21C.120, which requires all agencies of government in the state of Washington, consistent with the rules and guidelines adopted under RCW 43.21C.-110, to adopt rules pertaining to the integration of policies and procedures of the State Environmental Policy Act of 1971, into the various programs under their jurisdiction for implementation.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-50-010, filed 5/2/83.]

WAC 133-50-020 Statement. Pursuant to WAC 197-10-800, the community economic revitalization board has reviewed its authorized activities and has found them all to be exempt under the provisions of chapter 197-10 WAC.

[Statutory Authority: RCW 43.116.050(8) [43.160.050(8)]. 83-10-041 (Order 83-1), § 133-50-020, filed 5/2/83.]