PORT OF CENTRALIA
Established 1986

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# RESOLUTION 2025-03

## A RESOLUTION OF THE COMMISSION OF THE PORT OF CENTRALIA LEWIS COUNTY, WASHINGTON ADOPTING POLICIES AND PROCEDURES IN COMPLIANCE WITH CHAPTER 42.56 RCW, THE PUBLIC RECORDS ACT, AND SUPERSEDING ALL PRIOR RESOLUTIONS DEALING WITH PUBLIC RECORDS AND DISCLOSURE

The Commission of the Port of Centralia, in Public Session, does hereby find and declare:

WHEREAS, the Port of Centralia is required to make identifiable, non-exempt public records available for inspection and copying upon request and to publish procedures to inform the public how to access public records pursuant to the Public Records Act, RCW Chapter 42.56; and

WHEREAS, this Resolution adopts policies and procedures for responding to and fulfilling requests for disclosure of public records in accordance with the Public Records Act; and

WHEREAS, the Port of Centralia desires to outline for the public the most efficient and effective manner in which to request public records; and

WHEREAS, the Port of Centralia is a small public agency with only three full-time employees, which does not include a full-time Public Records Officer; and

WHEREAS, under the Public Records Act, chapter 42.56.100 RCW, the Port of Centralia may adopt and enforce reasonable rules to avoid excessive interference with the essential functions of the Port, establish the process for responding to public records requests, and make certain findings concerning unduly burdensome procedures; and

WHEREAS, the Commission of the Port of Centralia has determined it is necessary to adopt rules allocating the resources that the Port can devote to processing public records requests so as not to interfere excessively with the Port's essential functions or funds available to pay for essential services, and to make certain findings concerning the same; and

NOW, THEREFORE, BE IT RESOLVED BY THE PORT COMMISSION OF THE PORT OF CENTRALIA AS FOLLOWS:

1. This resolution shall replace and supersede Resolution 2005-15.

2. The Port of Centralia Public Records Disclosure Policy is hereby adopted and attached to this Resolution (Attachment A).

3. Port of Centralia shall make identifiable, non-exempt public records available for inspection and copying upon a request made in accordance with the Public Records Act, RCW Chapter 42.56. The Port shall provide the public full and timely access to such records while remaining mindful of individuals' privacy rights and the desirability of the efficient administration of Port business.

4. The Commission finds that maintaining an index of all public records would be unduly burdensome in as much as doing so would consume limited Port resources and compromise essential Port functions. Upon this finding the Port is not lawfully required to maintain such index and shall not maintain an index of all of its public records pursuant to RCW Chapter 42.56.070(4). To the extent indexes are prepared for use by the Port of Centralia, those indexes shall be made available for public inspection and copying.

5. The Commission finds that it would be unduly burdensome to calculate the actual costs for providing copies of public records as the actual cost of paper varies, it is impractical to calculate the per-page cost for the use of Port copying equipment in copying public records, and it is difficult to calculate the actual cost of the electronic production or file transfer of the record and the use of any cloud-based data storage and processing service, given the limited resources of the Port. Accordingly, the Port adopts use of statutory fee schedule pursuant to RCW 42.56.120(2)(b)(i)-(iv) for providing copies of public records.

PASSED by the Port of Centralia this 5th of February, 2025.

KYLE MARKSTROM, President

PETER LAHMANN, Vice-President

JULIE SHAFFLEY, Secretary

Attested to:

KYLE W. HEATON, Executive Director

EXHIBIT A
RESOLUTION 2025-03

# PORT OF CENTRALIA
# PUBLIC RECORDS POLICY

*Revised: February 5, 2025*

## I. POLICY AND FUTURE AMENDMENTS

It is the policy of the Port of Centralia ("Port") to make identifiable, non-exempt public records available for inspection and copying in a manner that is timely and transparent in compliance with the Washington Public Records Act, Chapter 42.56 RCW ("Act"). The following policies and procedures will govern the compliance of the Port with respect to provisions of the Act. To the extent that the following policies and procedures are in any way inconsistent with the referenced RCW, the RCW will prevail.

## II. DEFINITIONS

The following definitions will apply to this policy:

A. **Public Record:** A writing, regardless of physical form, containing information relating to the conduct of government or the performance of any governmental or proprietary function, prepared, owned, used, or retained by the Port, pursuant to RCW 42.56.010(3).

B. **Writing:** Handwriting, typewriting, printing, photostating, photographing, and any other means of recording any form of communication, including, but not limited to, letters, words, pictures, sounds or symbols or their combinations; papers, maps, magnetic or paper tapes, photographic film and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated, pursuant to RCW 42.56.010(4).

C. **Office of Record:** The office designated to maintain the record or official copy of a particular record for the Port and located at 3508 Galvin Road, Centralia, WA 98531.

D. **Identifiable Public Record:** A public record in existence at the time the records request is made, and that Port staff can reasonably locate, pursuant to RCW 42.56.080.

E. **Exempt Public Record:** All Port records exempt from disclosure pursuant to chapter RCW 42.56 or other statutes. The Municipal Research and Services Center maintains an up-to-date list of current exemptions and prohibitions on their website, available at https://mrsc.org/getmedia/796a2402-9ad4-4bde-a221-0d6814ef6edc/Public-Records-Act.pdf?ext=.pdf (scroll to Appendix C) as does the Public Records Exemptions Accountability Committee ("Sunshine Committee") as published by the Office of the Code Reviser, available at https://www.atg.wa.gov/sunshine-committee (scroll to Public Disclosure Exemptions).

**F. Business Day:** The Port of Centralia business day is from 8 a.m. to 5 p.m. Monday through Friday, excluding Port-observed holidays.

## III. PROCEDURE

### A. Public Records Officer

Any person wishing to request access to public records or seeking assistance in making a request should contact the Port's Public Records Officer. The Executive Director shall designate the Port's Public Records Officer, who shall oversee compliance with the Act, and may further designate other Port staff members to assist the Public Records Officer and/or fulfill serve such duties in their absence. The Public Records Officer shall be responsible for implementing the Port's rules and regulations regarding the release of public records, coordinating with Port staff to respond to requests, and generally ensure compliance by staff with the requirements of the Act. To ensure that public records request processing does not excessively interfere with the essential functions of the Port, which does not include a full-time Public Records Officer, the designated Public Records Officer for the Port will spend a maximum of 8 hours per month responding to public records requests.

### B. Public Records Index

Pursuant to Resolution 2025-03, the Port Commission has found that maintaining an index of public records pursuant to RCW 42.56.070(3) would be unduly burdensome due to fiscal and personnel limitations and would interfere with Port operations given the high volume, various locations, and types of public records received, generated, and otherwise acquired by the Port. Notwithstanding the foregoing, the Port will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization and will make available for public inspection and copying any index that is maintained by the Port for Port use.

### C. Public Records Log.

Pursuant to RCW 40.14.026(4), the Port shall retain a log of all public records requests submitted to and processed by the Port. This log shall include for each request the identity and contact information of the requestor; the date the request was received; the text of the original request; a description of the records produced in response to the request; a description of the records redacted or withheld, and the reasons for redaction or withholding; and the date of the final disposition of the request. The log shall be a record subject to public disclosure, including the personal contact information of the requestor.

### D. Public Records Procedures.

1. **Provide "Fullest Assistance":** These procedures identify how the Port will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of the agency, provide fullest assistance to requestors and provide the timeliest response possible to public records

requests.

2. **Request for Public Records:** In accordance with the requirements of the Act, 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. Requests to inspect or copy any records maintained by the Port must be made in writing to the Public Records Officer at:

   Public Records Officer
   Port of Centralia
   3508 Galvin Road
   Centralia, WA 98531
   E-mail: info@portofcentralia.com
   Website Submission: https://portofcentralia.com/contact/

   A form for requesting records shall be available on request. If the Public Records Officer is not available during business hours, the completed form(s) shall be presented to the receptionist. Any request must include the following information:

   - Name of requestor;
   - Other contact information, including mailing address, email address and/or telephone number;
   - Identification of the requested records adequate for the Public Records Officer to locate the records;
   - If the request is for a list of individuals, a statement that the list will not be used for commercial purposes;
   - Whether the person making the request would like to inspect the requested records or have copies provided; and
   - The date and time of day of the request.

   Requests made for Port records that are solely directed to persons who are not employees of the Port of Centralia (including, but not limited to, the Port's consultants and outside counsel) shall not be considered valid requests for public records.

   Many records are also available on the Port of Centralia's online Document Center at: www.portofcentralia.com/documents-center. Requestors are encouraged to view the documents available online prior to submitting a public records request.

3. **Response to Request for Records:** Pursuant to the requirements of RCW 42.56.520, the Port shall respond to all requests for public records within five (5) business days by:

   a. Providing the requested record(s);
   b. Providing an internet link to the requested records online;
   c. Acknowledging the request and providing an estimate of the time necessary to respond and/or requesting clarification from the requestor; or,
   d. Denying, the request with a stated reason pursuant to RCW 42.56.520(4).

Requests received after the time defined herein as a "Business Day" are considered received on the next business day.

4. **Requests for Clarification:** If the Port receives a request for public records that is unclear, the Port will request clarification from the requestor as to the records sought, pursuant to RCW 42.56.520(3)(a). If the requestor fails to respond within thirty (30) days of the Port's request for clarification, the Public Records Officer may consider the request abandoned, and send a letter to the requestor closing the response, pursuant to RCW 42.56.520(3)(b).

5. **Records Exempt from Disclosure:** Some records are exempt from disclosure, in whole or in part. See definition of "Exempt Public Record" herein.

   If the Port believes a record is exempt from disclosure and should be withheld, the Public Records Officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld, pursuant to RCW 42.56.520(4).

   If only a part of the record is determined to be exempt, the Public Records Officer will redact the exempt portions and provide the non-exempt portions to the requestor.

6. **Copying of Records:** The Port shall not charge any fee for the inspection or locating of public records. The Port finds it is unduly burdensome to charge the actual costs for providing copies of public records as the actual cost of paper varies, it is impractical to calculate the per-page cost for the use of Port copying equipment in copying public records, and it is difficult to calculate the actual cost of the electronic production or file transfer of the record and the use of any cloud-based data storage and processing service, given the limited resources of the Port.

   Accordingly, the Port adopts the following statutory fee schedule pursuant to RCW 42.56.120(2)(b)(i)-(iv):

   **a.** Fifteen cents ($0.15) per page for photocopies of public records, printed copies of electronic public records.
   **b.** Ten cents ($0.10) per page for public records scanned into an electronic format.
   **c.** Five cents ($0.05) per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and
   **d.** Ten cents ($0.10) per gigabyte for the transmission of public records in an electronic format.

   Additionally, the Port shall charge the actual cost of any digital storage media or device, such as a CD or thumb drive, or any container or envelope used to deliver the copies to the requestor, and any postage or delivery charges incurred, pursuant to RCW 42.56.120(b)(v).

7. **Inspection of Records:** If a requestor requests to inspect the records, the Public Records Officer will identify the date and time when the records will be available for viewing at

the Port offices. At that time, the requestor can identify records to be copied. If the request for copies is minimal, staff will make the copies at that time. If the request is more than five (5) copies of individual records, the Port staff will make the copies within five (5) business days, unless otherwise notified. The Public Records Officer will notify the requestor when the copies are ready to be picked up. The Public Records Officer must be present during the requestor's inspection of the records. The Public Records Officer role during the requestor's inspection is not to answer questions or clarifications regarding the record.

8. **Protection of Public Records:** No records shall be removed from Port property to fulfill a public records request. No record may be marked, folded, or damaged in any way, nor may any record be removed from any file to which it is attached, nor may the records filing order be altered in any way.

9. **Providing Records in Installments:** When the request is for a large number of records, the Public Records Officer will provide access for inspection and copying in installments if it is reasonably determined that it would be practical to provide the records in that way. If an order of preference for receiving records in installments is indicated by the requestor, the Port will reasonably attempt to accommodate the stated preference. If the requestor fails to inspect the entire set of records or one or more of the installments within thirty (30) days, the Port will deem the request abandoned.

10. **Order of processing requests**: The Public Records Officer will process requests in the order that allows the most requests to be processed in the most efficient manner.

11. **Closing Withdrawn or Abandoned Requests:** If the requestor withdraws the request, fails to fulfill their obligations to inspect the records (or an installment of records) within thirty (30) days, or fails to pay the deposit or final payment for the requested copies, the Public Records Officer will notify the requestor in writing that the Port has deemed the request abandoned and has closed the request. The Public Records Officer will document closure of the request and the conditions that led to the closure.

12. **No Duty to Create Records:** The Port is under no obligation to create a new record to satisfy a request.

13. **No Duty to Supplement Response:** The Port is not obligated to hold current records requests open to respond to requests for records that may be created in the future. Public records that are created or come into possession of the Port after the date that a request is received by the Port is not responsive to the request and will not be provided. Requestors must submit a new request to obtain public records that are created or come into the possession of the Port after the date of a prior records request.

14. **Notification of Affected Persons:** The Port may notify persons to whom the record pertains that release of the record has been requested. The Port, or a person to whom the record applies, may ask a court of competent jurisdiction to prevent an inspection of the record pursuant to RCW 42.56.540. If a court order preventing disclosure is sought, the

processing of the records request shall be tolled until further order of a court of competent jurisdiction.

15. **Closing Requests for Records and Statute of Limitations:** The Port shall provide a notice of closure of the request for public records to the requestor. The one-year statute of limitations for a requestor to seek judicial review pursuant to RCW 42.56.550 shall commence from the date of notice of closure of the request. Unless the notice of closure specifies otherwise, the requestor shall have fifteen (15) business days from the date of the notice to submit questions or seek further clarification from the Port. The Port shall respond to timely submitted questions or clarification requests, although the Port reserves the right to determine that the request remains closed as of the date of the notice of closure.

**E. Disclaimer of Liability**

Neither the Port nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy. This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Nothing in this policy is intended to impose mandatory duties on the Port beyond those duties imposed by state and federal law.