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Board of Commissioners

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November 10, 2025

Hon. Nick Brown

Attorney General
Office of the Attorney General
1125 Washington Street SE
P.O. Box 40100
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Sent via email: agorulemaking@atg.wa.gov

RE: Comments on Proposed Updates to the Public Records Act Model Rules

Dear Attorney General Brown,

On behalf of **Olympic View Water & Sewer District**, which serves water and sewer customers in southwest Snohomish County, thank you for the opportunity to comment on the proposed updates to the Public Records Act (PRA) Model Rules. As a small public utility, we believe in openness, honesty, and transparency. We already make every effort to provide records quickly and completely while balancing the day-to-day responsibilities of running a public utility.

While we support the goal of keeping the PRA efficient and responsive, several of the proposed rule changes would place added strain on small districts like ours. With only a few employees handling everything from billing and compliance to emergency response, new expectations for faster responses or more digital systems would be difficult to meet without shifting staff time or funds away from critical public services.

Keep the Rules Practical and Realistic

The current requirements already give agencies clear expectations for acknowledging and responding to records requests. That framework is still challenging at times to fulfill but works for small agencies that take their responsibilities seriously. Pushing for one-day responses or suggesting additional staffing or new technology systems would add cost without improving transparency. Any guidance should allow flexibility based on the size and staffing of each agency.

Understand the Cost to the Public

Every records request comes with a real cost that is paid by the people who use our services. When a single large or repetitive request takes days to process, that cost must be recovered through utility rates. In a small district, that can mean maintenance or improvement projects are delayed. The result isn't more transparency—it's fewer resources for the public we serve.

We encourage the Attorney General's Office to include a financial impact review and consider funding or technical assistance for agencies before asking small districts to take on additional costs.

Protect Privacy and Use Common Sense with Notifications

The ability to notify a third party when a record may include personal, employee, or proprietary information is a basic safeguard. We agree that notices should not cause unnecessary delay, but agencies must be able to use discretion when a record might affect someone's privacy or create liability.

Focus on Training, Not Penalties

The PRA works best when agencies understand how to apply it. The current approach of providing templates, forms, and training through partner organizations has been helpful and fair. We recommend continuing that approach rather than creating new rules that could open the door to more legal disputes or confusion.

Require Requests to Follow a Defined Process

One of the biggest challenges for small agencies is when requests come in through random employees instead of the official Public Records Officer. The response timeline should only start once a request is received through the agency's designated PRA contact or portal.

We believe the model rules should include clear language requiring that all PRA requests be made formally to the agency's designated **Public Records Officer**, not to other staff. This ensures that requests are logged, tracked, and handled consistently and efficiently, and prevents misuse or confusion by individuals sending demands to multiple employees. A single point of contact protects both the public and the agency.

Reduce Non-Productive or Abusive Requests

We hear from other agencies that they are facing a growing number of **serial, harassing, or non-productive records requests** that appear designed to create workload rather than public benefit. These requests take time and money from the people who actually fund and depend on essential services.

We encourage the AGO to consider improvements such as:

- **Allowing agencies to recover the actual cost of staff time** for large or complex requests so that the requester understands the real cost of their request, and ratepayers are not left paying for it.
- **Setting tools to manage repetitive or harassing requests**, including deposits or combining duplicates.
- **Reaffirming that all requesters are treated equally**, without priority for any particular group.

These kinds of updates would keep the PRA fair and focused on its purpose—helping the public understand government, not draining public resources for personal gain.

Clarify That the Rules Are Guidance, Not Requirements

The model rules should make clear that they are guidance meant to help agencies improve, not binding rules that could be used against them. Most small agencies already follow established best practices in good faith, and that good faith should continue to be recognized.

Conclusion

Olympic View Water & Sewer District supports transparency and public access to information. But it's important that any changes to the PRA model rules recognize the limits and realities of small agencies and protect the ratepayers who ultimately bear the cost.

We ask that the final model rules remain practical, flexible, and fair—focusing on improving the process for real public benefit while reducing wasteful or abusive use of the PRA.

Sincerely,

Bob Danson

General Manager

Olympic View Water & Sewer District

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