



Lake Whatcom Water & Sewer District

1220 Lakeway Dr
Bellingham, WA 98229

Office Hours: Mon-Thu
8 am - 5 pm
360-734-9224

www.lwwsd.org

November 3, 2025

Hon. Nick Brown
Attorney General
Office of the Attorney General
1125 Washington Street SE
P.O. Box 40100
Olympia, WA 98504-0100

Sent via email to: agorulemaking@atg.wa.gov

RE: Comments on Proposed Updates to the Public Records Act Model Rules (WAC 44-14)

Dear Attorney General Brown,

On behalf of Lake Whatcom Water & Sewer District, which serves almost 4,200 customers in Bellingham, Washington, we appreciate the opportunity to provide comments on the proposed updates to the Public Records Act (PRA) Model Rules. As a water-sewer district, we fully support the goals of transparency, accountability, and public trust that underpin the PRA.

However, several elements of the proposed rule revisions could unintentionally create significant administrative and financial burdens for our district. These added requirements could divert scarce resources away from essential utility operations and customer service functions that directly benefit ratepayers. Additionally, these costs place a disproportionate burden on low-income customers and conflict with the State's ongoing efforts to reduce affordability challenges for essential utility services.

Maintain Practicality and Proportionality

At small Special Purpose Districts like ours, most employees manage multiple responsibilities such as billing, budgeting, customer service, and board support. The model rules must reflect this diversity and ensure that compliance expectations remain scalable to agency capacity. Encouraging "best practices" is appropriate—but rigid expectations such as "one-day fulfillment" or "sufficient staffing" risk becoming de facto mandates that small agencies cannot meet.



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Similarly, any implication that agencies should maintain centralized, enterprise-wide electronic records systems is concerning. These systems can be expensive to acquire, operate, and maintain, and many small districts lack both the staff and the technical capacity to implement such systems. Even for Districts who are able to obtain ERM systems, implementation can take years. A one-size-fits-all approach would place small agencies at a serious disadvantage, diverting ratepayer funds from essential infrastructure and operations.

Avoid Unrealistic or Ambiguous Timelines

We recommend replacing language implying a one-day response or “time-is-of-the-essence” standards with clear, achievable expectations consistent with RCW 42.56.520. Districts already acknowledge requests within five business days and strive for prompt fulfillment. A prescriptive timeline would reduce efficiency and increase legal exposure without measurably improving transparency. Moreover, proposed language regarding “urgent” or “time-sensitive” requests appears inconsistent with RCW 42.56.080(2), which prohibits agencies from requiring requesters to disclose the purpose of a request.

Preserve Privacy and Third-Party Notification Protections

The ability to provide notice when a disclosure may affect private or proprietary information remains a critical due-process safeguard. Under RCW 42.56.270, certain financial, commercial, and proprietary information is exempt from disclosure, as is specific employee information protected under ESHB 1533 (amending RCW 42.56.250). While we support discouraging unnecessary notices, the rule should not narrow this discretion or undermine statutory privacy protections.

Support Compliance Through Training, Not Enforcement

The updates should remain advisory, consistent with RCW 42.56.570. Rather than establishing new grounds for litigation, the Attorney General’s Office can most effectively improve transparency by offering model forms, checklists, and training resources. These tools help agencies achieve uniform compliance without new unfunded mandates. We encourage collaboration with the Municipal Research and Services Center (MRSC), the State Auditor’s Office, and local government associations to develop accessible guidance and implementation materials.

Recognize Fiscal and Operational Realities

Public records compliance competes with essential utility functions that protect public health, safety, and environmental quality. New administrative expectations, especially those implying additional staffing or technology investments, should include fiscal-impact analysis and realistic phase-in schedules to avoid diverting limited ratepayer funds from



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infrastructure needs. Agencies must also retain the flexibility to close inactive or abandoned requests after a reasonable period, such as 30 days, to manage workloads efficiently.

Clarify that the Model Rules Are Guidance, Not Mandates

Many districts already follow the 2018 Model Rules and MRSC best practices. The AGO should affirm that agencies acting in good faith continue to be protected under RCW 42.56.060, and that the revised model rules are interpretive guidance intended to promote consistent—not compulsory—practices. This clarity will prevent confusion and avoid unnecessary litigation over nonbinding guidance.

Conclusion

As the Public Records Officer for Lake Whatcom Water & Sewer District, I strongly support the principles of open government and the responsible administration of the Public Records Act. I respectfully urge the AGO to finalize rules that are flexible, scalable, and supportive of small-agency realities—balancing transparency with operational practicality. Our District welcomes the opportunity to collaborate with AGO staff and partner organizations to develop training and implementation materials that advance these shared goals.

Sincerely,

A handwritten signature in black ink, appearing to read "RH", with a long horizontal line extending to the right.

Rachael Hope
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