Sammamish Plateau Water

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Office of the Attorney General
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Re: Comments on the Proposed Amendments to the Model Public Records Act Rules

To the Attorney General's Rule Making Team:

Sammamish Plateau Water and Sewer District is a special purpose district serving a population of approximately 64,000 in the areas of Sammamish, Issaquah, and unincorporated King County. We appreciate the opportunity to provide comments on the proposed amendments to the Public Records Act (PRA) Model Rules, as we fully support the goals of transparency, accountability, and public trust.

However, several proposed revisions would unintentionally create administrative and financial burdens, introduce legal ambiguities, and impose operational expectations that are not scalable to agencies of varying size and capacity. Therefore, we respectfully request additional revisions to ensure the rules remain practical, equitable, and consistent with RCW 42.56.

Maintain Practicality and Proportionality
The Model Rules should continue to reflect the diversity of Washington's public agencies. Many special-purpose districts operate with limited administrative staff who fulfill multiple roles beyond public records management. Phrasing that implies mandated timeframes or "sufficient" staffing levels risk becoming de facto requirements beyond agency resources and statutory obligations.

Additionally, language suggesting that agencies adopt enterprise-wide electronic records systems risks imposing significant financial and technological burdens. These investments may be neither feasible nor necessary for small agencies, and could divert limited ratepayer funds from essential infrastructure and public health functions.

Avoid Unrealistic or Ambiguous Timelines
We recommend revising or removing language that could be interpreted as requiring expedited timelines or prioritizing requests. Such references to "time-sensitive," "urgent," or "simple" requests conflict with RCW 42.56.080, which provides "[a]gencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request...". As we are prohibited by RCW 42.56.080 from prioritizing one request over another, the model rules should not have agencies distinguish between requestors on those bases.

Beyond the legal conflict, the proposed method of prioritization injects subjectivity into objective processes that may lead to inconsistent application and increased administrative burden. Introducing a "time-is-of-the-essence" clause and codifying triage requirements or the "simple vs. complex" classification adds ambiguity and invites subjective determinations about the importance of a request and could lead to disputes with requestors, undermines fairness, and create legal liability for public agencies.

Additionally, we support clarifying language around inspection and closing requests that have been fulfilled or abandoned. However, allowing repeat requests for the same records to receive implicit priority could be unfair to other requestors and resource-intensive for agencies. The time it may take to process a resubmitted request is not determined by how recently the request was closed or the number of records that are left to process, but the amount of resources it would require to re-process the request and how that impacts other public records requests in the queue.

WAC 44-14-040 already requires agencies to "process requests in the order allowing the most requests to be processed in the most efficient manner". This guidance is sufficient and provides the flexibility necessary for public agencies to utilize their available resources to provide the most prompt and timely response possible to public records requests.

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.

The proposed change to limit third-party notice to situations causing "substantial and irreparable harm" conflicts with statutory notice requirements, such as RCW 42.56.250(2) and 42.56.540, which mandate notice in certain cases regardless of subjective agency belief. Retaining the option for third-party notifications without this vague threshold requirement ensures a balanced, fair process that protects all interests.

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, training resources and implementation guidance. 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
Many small and mid-sized agencies — particularly special-purpose districts — operate with limited administrative staff and must balance PRA compliance with core public health, safety, and environmental responsibilities. Imposing new timelines, staffing expectations, or implied technology mandates could create unfunded burdens without improving transparency outcomes. To ensure equitable implementation across all agencies, any new administrative expectations should be accompanied by a fiscal-impact analysis and realistic phase-in periods. Without such consideration, agencies risk diverting limited ratepayer funds from essential infrastructure and utility services that directly protect public health and support daily operations.

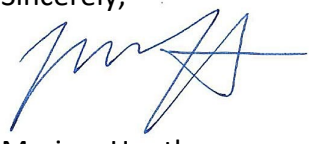
Clarify that the Model Rules Are Guidance, Not Mandates
The AGO should affirm that agencies acting in good faith continue to be protected under RCW 42.56.060, and that the revised model rules are interpretive guidance intended to promote consistent—not compulsory—practices. This clarity will prevent confusion and avoid unnecessary litigation over nonbinding guidance.

Conclusion
Sammamish Plateau Water and Sewer District supports the principles of open government and the responsible administration of the Public Records Act. The AGO's model rules serve as guidance, but their influence in litigation and audits makes it essential that they remain realistic, consistent with statute, and adaptable for agencies of all sizes.

We respectfully urge the AGO to refine the proposed revisions and finalize rules that are flexible, scalable, and supportive of small-agency realities—balancing transparency with operational practicality.

Thank you for considering these comments.

Sincerely,



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