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November 4, 2025

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

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

Dear Attorney General Brown,

On behalf of Lakewood Water District, which serves over 66,000 residents in Lakewood, WA, we appreciate the opportunity to provide comments on the proposed updates to the Public Records Act (PRA) Model Rules. As a water district, we fully support the goals of transparency, accountability, and public trust that underpin the PRA.

However, we have concerns with several elements of the proposed rule revisions that could unintentionally create significant administrative and financial burdens for our district. These added requirements could divert limited 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

Many districts like ours have a limited number of employees that manage multiple responsibilities such as billing, budgeting, customer service, and board support. The model rules should reflect this range of duties 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.

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. Rather than adding additional conditions on entities that are already working to provide prompt responses, we would ask that the attention and efforts be focused on those specific entities that are not being responsive.

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 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

Lakewood Water District strongly supports the principles of open government and the responsible administration of the Public Records Act. We respectfully urge the AGO to finalize rules that are flexible, scalable, and supportive of small-agency realities—balancing transparency with operational practicality. We welcome the opportunity to collaborate with AGO staff and partner organizations to develop training and implementation materials that advance these shared goals.

Sincerely,



Marshall Meyer, General Manager

Lakewood Water District

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