

BURTON WATER COOPERATIVE
POLICY AND PROCEDURES FOR MEMBER ACCESS TO RECORDS

ADOPTED November 7, 2023

1. **Books and records.** Pursuant to RCW 24.06.160, Burton Water Cooperative (“Cooperative”) keeps books and records of account and minutes of the proceedings of its members and Board of Directors (Board). Upon proper request, certain Cooperative records (“Records”) as provided herein may be inspected by any Cooperative member (“Member”) or its agent or attorney for any proper purpose at reasonable times at the Cooperative’s principal office on Vashon Island, Washington. Records may include documents that are in tangible or electronic form.

The Cooperative is a privately owned, non-profit corporation and, therefore, Ch. 42.56 RCW, known as the Public Records Act, does not apply to the Cooperative.

2. **Request Form.** A Member’s request for Records must be in writing, identify the Records requested, identify the purpose of the request, and state the Member’s agreement that the Records will only be used for the specified purpose and will not otherwise be disclosed. The request must be on the Cooperative’s Record request form (Exhibit No. 1).

3. **Records Generally Authorized for Inspection.** The following records are generally authorized for inspection by Members:
 1. The Cooperative’s articles of incorporation, bylaws, schedule of rates and its adopted rules and policies.
 2. Any publications the Cooperative may have for general distribution to members or to the public.
 3. The Cooperative’s year-end financial statements and formal audit reports, if any, rendered by independent auditors for the previous three fiscal years.
 4. The minutes of any Board meeting and Member Advisory Committee meeting for the previous seven years. Requests may not include notes from executive sessions.
 5. The Cooperative’s adopted operations and capital improvements budgets for the previous three years.
 6. Current year monthly operating and financial reports submitted by management to the Board.

 8. The Cooperative’s annual Form 990 for the three previous years.

4. **Other Records.** Requests for inspection of Cooperative records that are not listed in the section above but with respect to which RCW 24.06.160 may apply are subject to the determination process as set forth below.

5. Membership list. The Cooperative maintains a list of the names and addresses of each Member. In order to protect Member privacy, the list is not available for inspection or copying. A Member may request that the Cooperative mail, at the Member's expense, materials for the purpose of soliciting Member votes on any matter that may be properly voted on by Members at a Member meeting or soliciting Member signatures on a petition authorized by the Cooperative's bylaws. Such requests are for a proper purpose and shall be approved except for good and sufficient cause. The Board may determine what is a proper purpose and a proper use of the membership list.

6. Review Process/Redaction. For requests not governed by Sections 3 and 5 above, the Cooperative's President or other Board designee may make an initial determination concerning the propriety of a Member's request to inspect Records. The President or designee may redact portions of Records to ensure compliance with this policy. The President or designee shall use reasonable efforts to respond to a request for Records under this policy within 10 days of receipt of the request. The response may consist of an initial decision, a deferral of the decision with an estimated time frame for issuance of a decision, or an estimated time frame for when the Records will be available for inspection if the Request is approved. Cooperative response times may be reasonably extended to obtain Board or legal review; to locate, assemble, review, evaluate and redact Records; to prepare responses; and to make available all or parts of the Records requested for inspection.

7. Denials. A request for Records shall be denied if:

1. The Member fails or refuses to complete, sign and submit the attached Records request form.
2. If the request is for a purpose that is not reasonably related to the business of Cooperative or the membership interest of the Member that makes the request.
3. If the request is for a commercial or dishonest purpose or is harmful to the lawful interests of the Cooperative.
4. If the Records sought are of such a nature that if disclosed, such disclosure would:
 - a. violate a person's right to privacy, violate any agreement with third parties, adversely affect Cooperative in its negotiations with third parties, includes trade secrets, intellectual property, property acquisition plans, collective bargaining strategies or negotiations, or information about claims or litigation that would adversely impact the Cooperative.
 - b. violate the privilege of confidential communication between the Cooperative and its counsel.
5. Includes names or addresses of employees, employee personnel files and any other personal or private information about employees.
6. Includes names, addresses, contact information and account information of the Cooperative's Members, whether past or current.
7. Includes Records that would in the judgment of the Cooperative's management or the Board be unduly burdensome to produce.

If a member's request is denied in whole or part, the Member may appeal, in writing, to the Board. The Board shall make a final determination concerning the Member's request at its next regularly scheduled meeting as long as at least ten days' notice is provided. In the event that suit is filed in

court by the Cooperative or a member to challenge, defend or seek a ruling regarding a partial or full denial of a records request or a redaction, each party shall bear its own legal fees and costs.

8. **Copies.** The President will determine whether a Record that is authorized for inspection may be copied. This determination shall also be appealable to the Board. When so permitted, copying fees shall apply. The Cooperative may adopt a standard copy charge for 8/12x11 inch documents. The charge for maps and other large documents and files may be based on the Cooperative's out of pocket cost of reproduction.

9. **Reimbursement of Cooperative Costs.** Members shall be required to reimburse the Cooperative for the fully allocated cost of employee time (i.e. including benefits and overhead) beyond 15 minutes required to retrieve, compile and copy, if applicable, the Records requested. The President may require an advance deposit to cover this cost.

EXHIBIT 1

MEMBER REQUEST FOR RECORDS

BURTON WATER COOPERATIVE

TO: Burton Water Cooperative
Vashon Island, WA

In accordance with the Policy and Procedures for Member Access to Records (“Records Policy”) of Burton Water Cooperative (“Cooperative”), I hereby submit my request to inspect certain records believed to be maintained by the Cooperative. I hereby represent and certify that:

1. I am a member of the Cooperative. My full name, address, telephone number and member account number is as follows:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Member Account Number: _____

2. Identify the records that are requested: _____

.
.

3. State why you want the records and for what purpose you will use it:

4. If you are represented by an attorney in this request, please state your attorney’s name, business address and telephone number:

(Name)

(City)

(State)

(Zip Code)

(Telephone Number)

5. I understand that by executing this request for records, I agree to:

(a) Abide by the Records Policy to which this request form is Exhibit 1.

(b) Not use such records for any purposes other than those specified herein, and

(c) Not disclose, deliver or otherwise distribute such records to persons, organizations or other parties who are not members of the Cooperative or who are not my counsel.

6. I agree not to use the Cooperative's records for any purpose prohibited by the Records Policy or for any other purpose other than the purposes specified above. I understand that this agreement is a binding on me and that Cooperative may enforce its terms including the terms of the Records Policy through legal or equitable relief.

7. I agree to reimburse the Cooperative for copying charges and all employee time, beyond 15 minutes required to retrieve the requested records.

Dated this _____ day of _____, 20__.

Member's Signature: _____

Printed Name: _____