

Whatcom Council of Governments Policies & Procedures Manual



Whatcom Council of Governments
314 E Champion Street
Bellingham WA 98225

Phone: (360) 676-6974
Fax: (360) 738-6232
Email: wcog@wcog.org

Table of Contents

Table of Contents	2
1. Notices / Notificaciones	6
1.1 Title VI Notice to Public	6
1.1 Americans with Disabilities Act (ADA) information	6
1.2 Notificación de Título VI al Público	6
1.3 Información de la Ley sobre Estadounidenses con Discapacidades (ADA)	6
2. Purpose	7
3. Administrative and Financial Policies and Procedures	8
3.1 Accounting	8
3.2 Accounts Payable	8
3.3 Accounts Receivable	8
3.4 Budget	9
3.5 Cash Management Procedures	10
3.6 Conflict of Interest	11
3.7 Cost Allocation	11
3.8 Ethics	12
3.9 General Ledger	12
3.10 Internal Controls	13
3.11 Investment Policy	15
3.12 Management Reports	16
3.13 Payroll	16
3.14 Personnel	16
3.15 Records Retention	16
4. Americans with Disabilities Act (ADA) Policy	18
4.1 Acronyms and abbreviations	18
4.2 Applicability	18
4.3 Definitions	18
4.4 ADA policy introduction	18
4.5 Complaint process	19
4.6 Service animals	19
4.7 Denial of service	20

4.8	Reasonable modification	20
4.9	Training	21
5.	Assets Policy	22
5.1	Policy	22
5.2	Purpose.....	22
5.3	Definitions.....	22
5.4	Real Property.....	22
5.5	Equipment.....	22
5.6	Procedures.....	23
5.7	Disposition	24
5.8	Supplies	24
5.9	Copyrights.....	24
5.10	Inventory	24
5.11	Surplus Equipment	25
5.12	Donated Assets	25
5.13	Improvements/Repair and Maintenance Expenditures	25
6.	Complaint Policy	26
6.1	Introduction	26
6.2	Contacting WCOG	26
6.3	Feedback Review Process.....	26
6.4	Feedback Acknowledgement	26
6.5	Appeals Process	27
6.6	Tracking	27
6.7	Protection from Retribution.....	27
7.	Credit Card Program	28
7.1	Introduction	28
7.2	Distribution	28
7.3	Authorization & Control.....	28
7.4	Federal, State and Local Compliance	29
7.5	Annual Control & Disclosure	29
7.6	Approved Uses for Credit Card Purchases	29
7.7	Disallowed Charges.....	30
7.8	Credit Limits.....	30

7.9	Receipt of Goods & Services	30
7.10	Payment of Bills.....	31
7.11	Card Security.....	31
7.12	Renewal of an Existing Credit Card	31
7.13	Extended Absence	31
7.14	Audits & Enforcement	32
7.15	WCOG Credit Card User Agreement	33
8.	Discrimination & Harassment Policy	35
8.1	Introduction	35
8.2	Anti-Discrimination.....	35
8.3	Anti-Sexual Harassment	35
8.4	Employee’s Response to Misconduct	35
8.5	WCOG Investigation	36
8.6	Non-Retaliation	36
9.	Electronic Funds Transfers	37
10.	Electronic Signatures and Records	39
11.	Language Access Plan.....	40
12.	Petty Cash Policy	41
12.1	Purpose.....	41
12.2	Opening an Account	41
12.3	Controls	41
13.	Procurement Policy	42
13.1	GENERAL	42
13.2	Determining Total Purchase Cost	44
13.3	Procurement Methods	44
13.4	State & Federal Funded Contracts.....	47
13.5	Appeal and Protest Procedures	47
13.6	Compliance with Policy	48
13.7	Glossary.....	48
14.	Public Participation Plan.....	50
15.	Public Records Policy	51
15.1	Purpose.....	51
15.2	Definitions.....	51

15.3	Policy	52
15.4	Office Hours	53
15.5	Public Records Officer	54
15.6	Procedures.....	54
15.7	Responsibilities	56
15.8	Retention of Records	56
15.9	Exhibits and Supporting Documents.....	57
15.10	Sample Five Day Letter.....	58
15.11	Fee Schedule	60
16.	Title VI Plan.....	61
17.	Unfair Competition Procedure	62

1. Notices / Notificaciones

1.1 Title VI Notice to Public

The Whatcom Council of Governments (WCOG) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which WCOG receives federal financial assistance.

Any person who believes they have been aggrieved by unlawful discriminatory practice under Title VI has a right to file a formal complaint with WCOG. Any such complaint must be in writing and filed with the WCOG Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from WCOG at no cost and are available on WCOG's website.

1.1 Americans with Disabilities Act (ADA) information

This material can be made available in an alternate format by emailing the Whatcom Council of Governments at: wcog@wcog.org or by calling 360-676-6974. Persons who are deaf or hard of hearing may make a request by calling the WA State Relay at 711.

1.2 Notificación de Título VI al Público

Por medio de la presente, el WCOG notifica de manera pública que la política del organismo es garantizar el pleno cumplimiento del Título VI de la Ley de Derechos Civiles de 1964, la Ley de Restauración de Derechos Civiles de 1987, el Decreto Ejecutivo 12898 sobre Justicia Ambiental, el Decreto Ejecutivo 13166 sobre el Dominio Limitado del Idioma Inglés, así como los estatutos y reglamentos relacionados en todos los programas y actividades. De acuerdo con lo estipulado en el Título VI, ningún individuo de los Estados Unidos de América deberá, con fundamento en su raza, color o nacionalidad, ser excluido de participar en, que se le nieguen los beneficios de, o ser víctima de discriminación en virtud de cualquier programa o actividad por el cual el WCOG reciba fondos federales.

Toda persona que se considere agraviada por una práctica discriminatoria e ilícita en virtud del Título VI tiene derecho a presentar una denuncia formal ante el WCOG. Cualquier denuncia de este tipo debe presentarse por escrito ante el coordinador del Título VI del WCOG dentro de un plazo de 180 días naturales a partir de la fecha de la presunta discriminación. El WCOG pone a disposición del público los formularios de denuncia del Título VI de manera gratuita en su página web.

1.3 Información de la Ley sobre Estadounidenses con Discapacidades (ADA)

Este material puede ser disponible en formato alternativo enviando un correo electrónico a Whatcom Council of Governments al espanol@wcog.org o llamando al número gratuito 360-676-6974. Las personas sordas o con dificultades auditivas pueden solicitarlo llamando a Washington State Relay al 833-6399 TTY/877-833-6398

2. Purpose

This policy manual shall be used as a procedural framework for employees to make sound defensible decisions of the highest ethical standards.

The intent of this policy and procedure manual is to provide purchasing, budgeting, and accounting guidance for accountability, consistency and standards of operational procedures and processes for all financial transactions.

This policy manual is a guide to policies and procedures and does not give anyone the authority to revise or manipulate the adopted budget. The adopted budget shall be adhered to as adopted by the WCOG Council Board.

The policies in this manual cannot provide for every possible financial transaction situation. The content is guidance in everyday, ordinary transactions. When out of the ordinary situations arise, the Executive Director will determine the proper processing method to be used.

The Executive Director shall review these policies and procedures annually with the Deputy Director and update them as necessary. Any additions or modifications shall be presented to the Council Board for approval. Any modifications shall be noted with the date that it became effective.

3. Administrative and Financial Policies and Procedures

3.1 Accounting

WCOG records transactions using the cash basis of accounting. Revenues are recognized when cash is received, and expenditures are recognized when paid.

All policies and procedure guidelines are designed to comply with federal and state accounting and administrative standards. WCOG's financial records are audited by the Washington State Auditor's Office (SAO) on a schedule determined by SAO. Copies of the annual audit are provided to the Council Board and when applicable the Federal Audit Clearinghouse.

3.2 Accounts Payable

The Whatcom Council of Governments (WCOG) pays vendors once per month. Typically invoices received by the 5th of the month are paid within two weeks. Employee expense reimbursements are paid at the same time as vendors.

All invoices and credit card receipts are coded by the employee that incurred the expense. The following documentation should be on each invoice or receipt:

1. Vendor or Merchant name
2. Date of transaction or date range for service provided
3. Clear description of service received or item purchased
4. A total on the invoice or receipt
5. Employee's name or initials
6. Program or Project to be charged for the expense (i.e. UPWP-Planning, WST, WCOG, etc.)
7. Nature of the expense if it's not obvious (i.e. supplies, web services, repairs, etc.)
8. If travel related - The purpose of travel including event names & dates

The invoices and receipts are entered into the Accounts Payable system by the Deputy Director. A list of the vendors to be paid and copies of the invoices and receipts are sent to the Executive Director and one Board Officer for review and approval.

The Deputy Director prints the approved vendor checks. The checks and a list of the pending Electronic Funds Transfer (EFT) vendor payments are provided to the Senior Planner along with the list of payments approved by the Executive Director. Once the Senior Planner confirms the checks and pending EFT payments are on the approved list, the Deputy Director mails the checks and initiates the EFT payments.

In accordance with Council Board resolution 2002-01, the Council Board reviews and considers for retroactive approval the disbursements that have taken place since its last meeting.

3.3 Accounts Receivable

Most of the Whatcom Council of Governments' revenue is received in response to invoices it sends for payment of previously agreed-to-costs. Revenue received where the

payor determines the amount is not invoiced. Examples include investment interest and credit card rebates.

Membership dues are invoiced in early January. Reimbursement grants are invoiced per schedules outlined in the grant agreements (typically monthly or quarterly). Partner funding for specific programs is invoiced per the schedule outlined in the interlocal agreement.

Checks received are processed in accordance with the procedures listed under the Cash Management Procedures section below.

3.4 Budget

WCOG receives its revenues from member contributions and various granting agencies that contract with WCOG for specified work programs. Each year WCOG staff prepare a budget for the next fiscal year that begins on January 1.

For member dues and staff wages, the draft budget will use the June Consumer Price Index for All Urban Consumers (CPI-U) of West US Cities Size Class B/C published by the US Bureau of Labor Statistics.

3.4.1 Estimate

A budget estimate (preliminary budget) for the next calendar year shall be prepared by the staff not later than August 15 of each year.

3.4.2 Preliminary

Along with a listing of expected revenue and expenditures approved for the current year, the preliminary budget shall present estimated revenues and expenditures on projects to be undertaken in the following year. Expenditures shall be divided into the major classifications of salaries and benefits, items of maintenance and operation, and capital outlays. The revenue section of the budget shall indicate by source the expected contribution of each participating member agency and all other revenue.

3.4.3 Review

Each member entity shall review this estimate, making additional recommendations it deems appropriate no later than October 31 of each year.

3.4.4 Approval

At its regular December meeting, the Council shall review the preliminary budget, make such additional changes as may be necessary, and adopt as the final budget.

3.4.5 Amendment

The Council may amend its budget from time-to-time, provided that at no time may its budget expenditures exceed funds reasonably expected to be available.

3.5 Cash Management Procedures

3.5.1 Purpose

Cash management procedures are put in place to ensure that Public Funds received by WCOG employees are properly recorded, secured, and transmitted to the WCOG's authorized bank account. These procedures provide WCOG employees responsible for handling funds the tools to minimize risk and losses, increase awareness of responsibility, and ensure compliance with the SAO. For the purposes of these procedures, "funds" refers to checks and electronic bank transfers received by the WCOG.

3.5.2 Segregation of Duties

The cash management roles are spread among 3 employees - the Executive Director, Deputy Director and Senior Planner.

3.5.3 Receiving Funds

3.5.3.1 Electronic Funds Transfer (EFT) Deposits

The majority of WCOG's funds are received as EFTs directly to the Whatcom County Treasurer's bank account. When notification of a pending deposit is received, a copy is sent to the Treasurer's Office to ensure the funds are properly credited to WCOG.

In the less frequent cases when WCOG has a direct contract with the US Government, , the US Treasury sends EFT deposits to the bank account the Whatcom County Treasurer's Office set up for WCOG at the county's bank.

The Deputy Director records the EFT receipts in the accounting system.

3.5.3.2 Checks

Checks mailed to the WCOG office are dropped into a locked mailbox by the US Postal Service. The Executive Director and Deputy Director have keys to the mailbox.

Checks are recorded in a pre-numbered receipt book, endorsed using the stamp provided by the Whatcom County Treasurer's Office and placed in the locked, fireproof cabinet. Only the Executive Director and Deputy Director have keys to the fireproof cabinet. A photocopy of the check is given to the Deputy Director.

The Senior Planner deposits the checks at the Whatcom County Treasurer's Office as soon as feasible but no less frequently than weekly. The Whatcom County Treasurer's Office has issued WCOG a one-week waiver in accordance with RCW 43.09.240. The treasurer's receipt is given to the Deputy Director who records receipt of the check and subsequent deposit in the accounting system.

3.5.3.3 Cash

WCOG does not accept cash.

3.5.3.4 Credit or Debit Cards

WCOG does not accept credit or debit card payments.

3.5.4 Receipting Locations

The WCOG only receives funds at its office location: 314 E Champion St, Bellingham WA 98225

3.5.5 Reconciliation

The Senior Planner reconciles the 4 bank accounts in the accounting system: General Account (Whatcom County), Investment Account (Whatcom County), Accounts Payable Account (KeyBank) and Petty Cash Checking Account (KeyBank). The Executive Director reviews the reconciliations.

3.6 Conflict of Interest

Whatcom Council of Governments' (WCOG) employees, officers and agents have a responsibility to be entirely free of any influence which might conflict, or appear to conflict, with the interests of WCOG. Areas where a conflict of interest might exist include, but are not limited to, the following situations:

1. Staff members or their immediate family members a substantial financial interest in or are involved directly or indirectly in the management of an organization which deals directly with WCOG as a supplier, contractor, purchaser or distributor of WCOG's products.
2. Staff members are employed outside WCOG, and such employment interferes with the proper and efficient performance of your duties for WCOG.
3. Staff members or their immediate family members buy, sell, or lease any kind of property, facility or equipment from or to WCOG or renders service to WCOG other than as an employee.
4. Staff members provide services as an employee or consultant of an organization doing or seeking to do business with WCOG or competing with WCOG or its members.
5. Staff members use confidential information about WCOG or its customers to derive personal financial gain.
6. A staff member is romantically involved with another WCOG staff member they supervise.

In addition, WCOG prohibits staff from working for other employers (including self-employment) using time that they are expected to use to work for WCOG. It is the employees' responsibility to recognize and avoid these or other situations which may pose an actual or perceived conflict of interest.

3.7 Cost Allocation

When a cost can be determined to benefit a specific program, it is expensed directly to that program. Travel expenses are expensed per WCOG's personnel policy using Washington State and US General Services Administration rates when applicable. Every effort is made to assign costs accurately and fairly to each program. Those shared expenses that benefit several programs are accounted for as indirect expenses and allocated to each program based on hours worked each month.

Each employee keeps a timesheet that records the time spent on each work item. All time worked is accounted for on the timesheet. Timesheets are signed by the employee and

submitted to the Executive Director monthly for review and signature and are then given to the Deputy Director for payroll cost allocation. Using the timesheets, the accounting software allocates the cost per employee to the various work programs.

Indirect expenses and employee benefits costs are expensed using rates applied to employee salaries. Each calendar year, the Deputy Director prepares a Cost Allocation Plan that is reviewed by the Executive Director and submitted to the Council Board. WCOG uses the fixed-rate with carry-forward method to allocate indirect costs and employee benefits. During the budgeting process, rates are established by estimating indirect costs as a percentage of direct labor costs and the employee benefits as a percentage of direct + excluded + indirect labor costs. The rates are used to allocate indirect and benefit costs each month regardless of actual costs incurred. After the close of each calendar year, the indirect and benefit costs recovered are compared to the actual costs to determine the amount to carry forward as an adjustment to the following year's rates.

3.8 Ethics

WCOG is dedicated to maintaining the highest standard of public accountability. This standard depends on board members and employees conducting themselves in a manner suitable for abundant public scrutiny. Each board member and employee should strive to meet this responsibility as a routine approach to their role as a public servant and shall avoid any activity which conflicts with these ethical obligations or creates, or has the potential to create, the appearance of impropriety.

The following are guidelines for conduct:

- Ensure that our interactions and communications with each other, community partners and the general public are professional and caring.
- Demonstrate mutual respect toward co-workers, colleagues, community partners, clients, and the public.
- Recognize that each work assignment is important and worthy of our best efforts.
- Accomplish work in a timely, accurate, and professional manner.
- Exercise good judgment by limiting personal calls, texting, conversations, and visiting to non-working hours.
- Adhere to policies, procedures, safety rules and safe working practices.
- Comply with directions from supervisors.
- Preserve and protect WCOG's equipment, grounds, facilities, and resources.
- Follow WCOG's ethics and conflict of interest standards.

3.9 General Ledger

The general ledger documents all of WCOG's transactions over the course of a year for all accounts. The account balances are the basis for all reporting activity. Access to the general ledger is limited to the Executive Director and Deputy Director. Most transactions are posted automatically through revenue and payables modules.

General journal entries are used to modify account balances and should rarely be used. All general journal entries are reviewed by the Executive Director before being entered by the Deputy Director. Supporting documentation for general journal entries is maintained.

3.10 Internal Controls

3.10.1 Definition of Internal Control

Internal control is a process that is developed by WCOG to provide reasonable assurance that the following categories of objectives will be achieved:

1. WCOG's financial reporting will be reliable
2. WCOG will be operated effectively and efficiently
3. WCOG will comply with applicable laws, regulations, contracts, and grant agreements

A good internal control structure is essential to providing reasonable assurance that WCOG is achieving its objectives. Such objectives include, but are not limited to, utilizing public resources in compliance with laws, regulations, and budgetary limitations. An adequate control structure will provide information that helps detect errors and fraud and provides reasonable assurance that financial reports are accurate. It will limit the opportunity for theft or unauthorized use of assets, including cash, inventory, and capital assets.

These internal controls guide compliance and management within WCOG. Developing an adequate internal control system requires continual analysis and modification to address changing circumstances. Management should identify and address additional objectives that are relevant to their operations.

These objectives are often stated as goals and should address all significant activities of WCOG. There is the need to identify these activities and place relevant risks and related control procedures to them.

The internal control plan includes these five components:

1. Control environment
2. Risk assessment
3. Control activity
4. Information and communication
5. Monitoring

3.10.2 Control Environment

The control environment is the foundation for all the other components. It "sets the tone at the top". That is, if management (the Council Board and Executive Director) view internal control as important, the rest of the organization will likely follow that same path. Control environment factors include integrity, ethical values, management's philosophy and operating style, organizational structure, assignment of authority and responsibility, and human resource policies and practices.

The control environment involves more than setting standards, policies, and structures; it involves communicating and enforcing those standards, policies, and structures.

3.10.3 Risk Assessment

WCOG should have processes in place to identify potential risks due to changing circumstances. Technological developments, employee turnover, new programs, new accounting standards, new laws and regulations, economic growth and decline, and many other factors impact the adequacy of an internal control structure.

WCOG needs to consider the potential for fraud by assessing incentives, pressures, and opportunities. Each will present different risks that must be identified and analyzed for their significance and each risk needs a determination of the level for response.

3.10.3.1 Operations

- Ensure that WCOG's resources are adequately safeguarded.
- Provide taxpayer services efficiently and effectively.
- Consider tolerances for risk.
- Provide for the long-term stability of WCOG.
- Provide a stable and rewarding environment for employees.

3.10.3.2 Financial Reporting

- Provide timely internal financial reports and schedules for evaluating operations.
- Provide timely external financial and non-financial reporting.
- Issue timely financial reports that comply with generally accepted accounting principles and the additional applicable requirements of GASB (Government Accounting Standards Board).

3.10.3.3 Compliance

- Comply with all relevant laws, regulations, contracts, and grant agreements.

3.10.4 Control Activities

Control activities are management's specific policies and procedures that help ensure that the risks to WCOG's objectives are addressed.

Management should at a minimum:

- Develop an employee manual that addresses management's expectations regarding business practices and ethical behavior (including pay scales, promotions, probationary period, evaluations, conflict of interest issues, etc.); job skills requirements (job descriptions, lines of authority and responsibility, certifications, education, training, etc.); employee benefits (leave, flex plans, health insurance, pension, PTO, etc.); and disciplinary policies and procedures.
- Establish a simple and flexible organizational plan that clearly places responsibility for specific activities upon specified individuals/job titles. Control over the accounting function should be centralized under one official who is responsible for all recordkeeping and reporting and who has the authority to supervise the entire financial operation. Centralizing the accounting function does not eliminate the approval and custodial functions. It allows for consistent

application of accounting rules and a general overall review of all activities of the organization.

- Separate duties of employees so that no one person has control over a complete transaction from beginning to end. Workflow should be established so that one employee's work is automatically verified by another employee working independently. When possible, different persons should be responsible for the authorization, recordkeeping (posting), custodial (cash and materials handling), and review procedures, to prevent manipulation of records and minimize the possibility of collusion. When adequate segregation of duties is not possible, management oversight should be increased to provide reasonable assurance that errors, irregularities, or fraud are prevented or detected and corrected in a timely manner. Such oversight would include, but not be limited to, the review of bank statements, cash receipts and cash disbursements summaries as well as the related supporting documentation, and analysis of monthly reports.
- Retain records to substantiate transactions.
- Ensure that qualified individuals are hired, and that appropriate training is provided.
- Establish information technology controls for processing a) security b) passwords c) change management.
- Use tangible (cameras, locks, barriers) and intangible (collateral insurance on financial resources, institutional knowledge) safeguards to secure the organization's resources.

3.10.5 Information and Communication

Information and communication systems should provide reliable reports for both internal and external purposes. The means of communicating information within the organization will significantly impact whether objectives are achieved.

3.10.6 Monitoring

Monitoring the internal control system provides assurance to management that: policies and procedures are being followed; information is being communicated accurately and timely; and risks are being identified and appropriately addressed. In addition, it ensures that internal control continues to operate effectively, since processes, goals, and circumstances are not static and changes in those areas will necessitate changes in internal control.

During the periodic external audit, performed by SAO, internal controls will also be analyzed and measured for their effectiveness. They shall issue a report on internal controls and compliance, offering information regarding laws and regulations and internal controls related to financial reporting.

3.11 Investment Policy

It is WCOG's policy to invest all temporary cash surpluses in the Whatcom County Investment Pool (WCIP). The WCIP is an investment pool consisting of public funds. The

WCIP was established to provide county departments as well as eligible government entities within Whatcom County a mechanism whereby they may utilize the resources of the County Treasurer to maximize the potential of their surplus public funds, in a manner that optimizes safety, liquidity and return on such funds. The WCIP portfolio is a combination of high quality investments with varying maturities designed to control investment risk and maximize earnings. The WCIP seeks to provide current income by investing in fixed income securities that meet defined standards for credit quality and maturity.

3.12 Management Reports

A report that compares year-to-date expenditures with the approved budget and includes a balance sheet is provided to the Executive Director and Council Board prior to their regularly scheduled meetings. Project reports are provided to staff upon request.

3.13 Payroll

WCOG pays employees on the last working weekday of each month. The Executive Director approves the amount to be paid each month. Salaries are set at the time of hire and adjusted for annual step increases, board approved cost-of-living-adjustments, and position adjustments. Any salary changes are documented by the Executive Director and kept in the personnel files.

The Deputy Director enters payroll into the payroll system. The Senior Planner compares what has been entered to what the Executive Director has approved. The Deputy Director then processes the payroll for direct deposit and pays the various payroll taxes and employee benefit premiums.

Each employee records their time on a monthly timesheet. Once the timesheet is complete, it is reviewed by the Deputy Director before the Executive Director signs. The time is then entered into the payroll system so the wages can be allocated to the various projects and paid leave categories.

3.14 Personnel

Personnel policies are established by the Council Board and kept in a separate document. The Executive Director is responsible for administering the personnel policies and making them available to all employees. Changes to personnel policy require Council Board approval.

3.15 Records Retention

WCOG is committed to proper maintenance and retention of records. The State of Washington's Public Records Act (PRA) requires effective management of government records (Revised Code of Washington 42.56).

Falsifying records, deliberately concealing records, destroying records in bad faith, exploiting confidential information, or otherwise mishandling records is not acceptable. Employees must take steps to ensure potentially relevant information is not inadvertently

Administrative and Financial Policies and Procedures

destroyed pursuant to document retention schedules or by routine computer operations or common computer settings, such as the automated deletion of emails.

As an intergovernmental organization authorized in RCW 36.64.080, WCOG adheres to the Local Government Common Records Retention Schedule (CORE). It can be found on the Washington State Secretary of State's website.

<https://www.sos.wa.gov/archives/help-government-agencies/records-retention-schedules>

WCOG will, at a minimum:

1. establish and maintain a records management system on a continuing and active basis;
2. create and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions, designed to furnish information to any agency or person affected by the activities of WCOG;
3. identify and take adequate steps to protect confidential and vital records;
4. ensure that all information potentially relevant to any Washington State Public Records Act request, internal or government investigation or lawsuit filed or reasonably anticipated to be filed against WCOG is preserved and provided upon request in a timely manner.

4. Americans with Disabilities Act (ADA) Policy

4.1 Acronyms and abbreviations

ADA	Americans with Disabilities Act
RCW	Revised Code of Washington
WCOG	Whatcom Council of Governments
WLAD	Washington's Law Against Discrimination

4.2 Applicability

Last updated October 14, 2026

This policy replaces all previous versions of the same policy.

This policy will be reviewed triennially to ensure the Whatcom Council of Governments (WCOG) complies with ADA standards and has applicable ADA-compliant policies and procedures.

4.3 Definitions

- **Disability:** With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.
- **Service Animal:** Any guide dog, signal dog, or other animal individually currently trained or in training to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

4.4 ADA policy introduction

WCOG is committed to compliance with Section 504 of the Rehabilitation Act of 1973, as amended; Americans with Disabilities Act (ADA), signed into law on July 26, 1990; and RCW 49.60, Washington's Law Against Discrimination (WLAD).

These civil rights laws prohibit discrimination based on disability and require transportation service options be provided to persons with disabilities comparable to those available to people without disabilities.

It is the policy of WCOG that, when viewed in its entirety, services, programs, facilities, website and communications provided by WCOG, directly or by a contracted service provider, are readily accessible to and usable by individuals with disabilities to the maximum extent possible.

Facility alterations completed by WCOG will be ADA compliant. If full ADA compliance is unfeasible due to structural impracticability, facility alterations will be ADA compliant to the maximum extent feasible.

4.5 Complaint process

WCOG is committed to providing safe, reliable, and accessible transportation services and welcomes customer feedback. ADA complaints and questions about WCOG's ADA complaint process may be submitted to WCOG's ADA Coordinator, the Executive Director, using the following methods:

- Email: ADA@wcog.org
- Call: 360-676-6974
- Send mail to: Executive Director
Whatcom Council of Governments
314 E Champion St; Bellingham WA 98225

WCOG will respond promptly to all complaints that have valid contact information.

WCOG will retain copies of complaints, investigation and resolution documentation; and Whatcom Council of Government's response to the complainant in accordance with the complaint record retention requirements of the ADA, Washington State Archives Office, and Washington State Department of Transportation (WSDOT) Consolidated Grant Program.

To share information about its ADA complaint process, WCOG will use the same means it uses to inform the general public about its policies and procedures. This includes WCOG's website.

4.6 Service animals

A service animal is any guide dog, signal dog, miniature horse, or other animal individually currently trained or in training to work or perform tasks for a person with a disability. WCOG allows service animals to accompany people with disabilities in all organization vehicles and facilities. Individuals may use more than one service animal.

If a service animal causes damage to WCOG facilities, the user of the service animal may be charged for those damages.

When accompanying users of WCOG services, vehicles or facilities, service animals:

- Must be on a leash, tether, or harness unless use of such a device would interfere with the task the service animal performs, or the person's disability prevents use of such devices. In these cases, the handler must use voice, signal, or other effective means to maintain control of the service animal.
- Must not be aggressive toward or pose a direct threat to the health or safety of others in the facility or vehicle, WCOG staff or other animals.
- Must be potty-trained.

WCOG staff will not request written certification that a individual's animal is a service animal or request demonstration of service animal's task(s). However, WCOG staff may ask users of service animals the following questions:

- Is your animal a service animal?
- Is the service animal required because of a disability?

- What work or task has the animal been trained to perform?

WCOG may deny a service animal service if the animal is out of control of the handler, posing a direct threat, not potty-trained, or if its handler refuses to answer the questions about the animal noted above.

If WCOG decides the service animal should not be in the facility or vehicle, the handler/person with a disability may still use WCOG services. WCOG staff will provide the handler/person with information on how to appeal WCOG's decision and, if applicable, options to remedy the situation so the service animal can be allowed to use WCOG facilities, vehicles or services in the future.

4.7 Denial of service

WCOG may deny, suspend, or exclude any individual from its facilities and/or services for engaging in conduct that is violent, seriously disruptive, illegal or considered a direct threat to others.

A direct threat is a significant risk to the health or safety of others that cannot be eliminated by a reasonable modification to WCOG policies, practices, procedures, or by the provision of auxiliary aides or services, such as being accompanied by a personal care attendant. A direct threat does not occur when a person's disability causes an appearance or involuntary behavior that may offend, annoy, or inconvenience others.

Individuals suspended or excluded from WCOG property and/or services may request an appeal of this decision using the complaint process described above with WCOG's contact information.

4.8 Reasonable modification

Requests for modifications of WCOG policies, practices, or procedures to accommodate a person with a disability may be made either in advance or at the time of service. WCOG is best able to address and accommodate requests when made in advance.

Advance requests for reasonable modifications may be made to WCOG by emailing wcog@wcog.org or calling 360-676-6974. The request should contain an explanation of the modification needed.

For requests at the time of service, WCOG staff will determine if the modification can be provided. Staff may consult with WCOG management before deciding to grant or deny the request.

WCOG will only deny requests based on one or more of the following:

- Granting the request would fundamentally alter the nature of WCOG's services, programs, or activities.
- Granting the request would create a direct threat to the health or safety of others.
- Without the requested modification, the person with a disability can fully use WCOG's services, programs, or activities for their intended purpose.

Americans with Disabilities Act (ADA) Policy

When WCOG denies a request for a reasonable modification, the organization will take other actions to ensure that the person with a disability receives the services provided by WCOG, to the maximum extent possible.

WCOG commits to sharing information with the public about its ADA reasonable modification request procedures using the same means used to inform the public about other organization policies and procedures, including on WCOG's website.

4.9 Training

WCOG provides ADA related training to staff on an as-needed basis to ensure they are proficient in assisting people with disabilities and do so in a respectful and courteous way.

5. ~~Fixed~~ Assets Policy

5.1 Policy

The Whatcom Council of Governments (WCOG) will maintain an accounting system and accountability of all equipment purchased, constructed, donated, transferred, sold, junked or surplused. WCOG will also maintain a listing theft sensitive assets and accountability of all theft sensitive assets purchased, constructed, donated, transferred, sold, junked or surplused.

5.2 Purpose

To establish the policies and procedures under which the WCOG's equipment and theft sensitive assets will be recorded and maintained in a database and to provide current data required for:

- Preparation of financial reports
- Adequate insurance coverage
- Compliance with the WA State Auditor's Office

5.3 Definitions

Equipment: Assets costing more than \$5,000, including shipping, tax and installation, with a life expectancy of more than one year is equipment. All equipment is tagged and added to the equipment database.

Theft Sensitive Assets: Items where the unit cost is between \$~~250~~-500 and \$5,000 and the useful life is greater than two years ~~and the item is theft sensitive~~. Theft sensitive items can easily be moved – laptop computers, portable projectors, cameras, etc. Determination of theft sensitive assets may be at the discretion of the Executive Director or a designee. All theft sensitive assets are tagged and added to the equipment database.

Software: Software purchases are considered fixed assets due to required licensing agreements for initial and upgrade versions. It will be the responsibility of the Executive Director or a designee to document and monitor software location and installation.

5.4 Real Property

The WCOG does not own any real property. Upon occasion they may make leasehold improvements to property leased or rented from others. Title to leasehold improvements transfers to the real property owner upon expiration of leasing/renting period.

5.5 Equipment

5.5.1 Title

Subject to the obligations and conditions set forth in this section, title to equipment acquired with federal or state funds will vest upon acquisition in the WCOG.

5.5.2 Use

Equipment may be used by WCOG in the program or project for which it is acquired as long as needed, whether or not the program continues to be supported by federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a federal agency.

- WCOG shall also make equipment available for use on projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to programs or projects supported by the original awarding agency.
- WCOG must not use equipment acquired with grant funds to provide services for a fee to compete unfairly with private sector companies that provide equivalent services, unless specifically permitted by federal statute.
- When acquiring replacement equipment, WCOG may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency if the current per unit fair market value of the trade-in property is \$5,000 or more.

5.6 Procedures

Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:

a. Purchasing/Receiving/Disposal: The Executive Director and Deputy Executive Director are the personnel authorized to purchase, receive and dispose of items that will be tagged and added to the equipment database.

b. Property records must be maintained in a database by an employee other than Executive Director and Deputy Executive Director that include:

- A description of the property
- A serial number or other identification number, if available
- The funding source(s) of the property
- Who holds title
- The acquisition date and cost of the property
- The location, use and condition of the property
- Any ultimate disposition data including the type and date of disposal and value of the property at disposition.

A physical inventory of the property must be taken and the results reconciled with the property records at least every year. (See Section 10 Inventory)

5.7 Disposition

When original or replacement equipment acquired under a grant or subgrant is no longer needed for the original project or program or for other activities currently or previously supported by federal or state funds, disposition of the equipment will be as follows:

- Items of equipment with a current per-unit fair market value of less than \$5,000 may be disposed of with no further obligation to the awarding agency.
- Items of equipment with a current per-unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the fair market value or proceeds from sale by the awarding agency's share of the equipment.

5.8 Supplies

5.8.1 Title

Title to supplies acquired under a grant or subgrant will vest, upon acquisition, in WCOG.

5.8.2 Disposition

If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other federal or state sponsored programs or projects, WCOG shall compensate the awarding agency for its share.

5.9 Copyrights

The federal or state awarding agency reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal or State Government purposes:

- The copyright in any work developed under a grant or subgrant
- Any rights of a copyright to which WCOG purchases ownership with grant support

5.10 Inventory

The Executive Director or a designee will conduct a complete physical inventory of its equipment every [other](#) year. The inventory will be supervised by the staff member responsible for maintaining the equipment database.

The Executive Director or a designee other than the staff member responsible for maintaining the equipment database will perform reconciliations between actual counts and entity records, determine how variances should be resolved and establish how to evaluate and record observations about the physical condition of assets.

5.11 Surplus Equipment

When WCOG determines that items with remaining useful life are no longer needed for use within WCOG, the items will be sold to another government entity for fair market value or sold at public auction.

Revenues generated from disposal of surplus equipment will be used to support on-going WCOG programs.

5.12 Donated Assets

Assets donated to the WCOG are to be handled the same as new purchases. All new acquisitions are to be tagged and information entered into the equipment database before items are delivered to final location.

5.13 Improvements/Repair and Maintenance Expenditures

Routine repair and maintenance costs are to be expensed as they are incurred. Major repairs which would extend the life of listed equipment are to be reflected in the equipment database.

Information which identifies the type of repair, date of repair, total cost and funding sources must be added to the equipment database.

6. Complaint Policy

6.1 Introduction

Public within the service area of the Whatcom Council of Governments (WCOG) are a fundamental aspect of our agency and their feedback is crucial to the operation of the agency.

The WCOG Complaint Policy has been established to ensure that the public has an easy and accessible way to provide feedback. WCOG is open to hearing any feedback including complaints, comments, suggestions, or concerns.

6.2 Contacting WCOG

The WCOG Executive Director is the employee responsible for receiving, reviewing, and acting upon feedback. The WCOG Executive Director can be contacted in the following ways:

- U.S. mail: feedback can be mailed to the WCOG Executive Director at 314 E. Champion Street, Bellingham, WA 98225
- Phone: The public can contact the WCOG Executive Director at (360) 676-6974. This line is available 24 hours a day, seven days per week.
- Email: The public can contact the WCOG Executive Director by email at: wcog@wcog.org
- Fax: The public can send written feedback by fax to (360) 738-6232.

6.3 Feedback Review Process

All feedback from the public is valued and will be reviewed by the Executive Director. After review, the Executive Director will distribute the communication to the appropriate WCOG representative(s).

- Public concerns, complaints, or employee commendations will be forwarded to the appropriate supervisor.
- Recommendations or comments for service will be sent to the planning and mobility management departments.
- Questions regarding discrimination or bias will be handled by the Executive Director.

6.4 Feedback Acknowledgement

Anyone who submits a comment or complaint to WCOG shall receive a response provided they give legible contact information.

- Feedback will receive a response within seven business days after receipt.

6.5 Appeals Process

Any person who is dissatisfied with the response they receive from WCOG may appeal the decision to the WCOG Executive Committee.

Information About the Policy

Information about the WCOG Complaint Policy, including how to submit a complaint, will be made available on the WCOG website at www.wcog.org.

6.6 Tracking

WCOG shall maintain a tracking system for complaints that provides a unique identification of each customer communication and allows ready access to information on the status of the complaint at any time.

6.7 Protection from Retribution

The public should be able to submit feedback without fear of retribution from WCOG. If a person feels like they are being treated unfairly in response to the feedback that they provided, they should contact the Executive Director of the WCOG or in the case of the Executive Director they should contact the WCOG Executive Committee.

7. Credit Card Program

7.1 Introduction

The implementation of a Whatcom Council of Governments (WCOG) credit card program is recognized by the State of Washington as usual and customary for official government purchases as provided in RCW 43.09.2855. The State of Washington WSCA-NASPO Program, administered by the State Department of Enterprise Services, contracts with US Bank to provide local governments a Purchase Card program. The US Bank credit card is this current product and operates much as a commercial credit card with the exception that no debt balance may accrue as the outstanding balance must be paid monthly in total.

WCOG recognizes the use of credit cards is a customary and economical business practice to improve cash management, reduce costs, and increase efficiency. WCOG also recognizes the use of credit cards to be an appropriate and useful means of making payment for various types of purchases; some examples may include travel expenses, agency supplies, subscriptions, online purchases and recurring vendor payments (where appropriate).

The Executive Director shall implement and administer the following procedures and processes related to the use of credit cards by WCOG employees.

7.2 Distribution

The Executive Director will determine which WCOG employees will be issued credit cards.

7.3 Authorization & Control

7.3.1 Issuing Bank

US Bank is the issuer of the WCOG credit card.

7.3.2 Executive Director

The Executive Director or his/her designee will be the responsible authority acting as the WCOG Credit Card Administrator (The Administrator). The Executive Director shall be responsible to perform the audit required under RCW 42.24.080.

7.3.3 WCOG Credit Card Administrator

The Administrator will be responsible for the overall administration of the credit card program by reviewing, reporting and coordinating all aspects of the program. The Administrator will act as the liaison between US Bank and the individual WCOG credit cardholders.

7.3.4 Employee (Cardholder)

Before being issued a WCOG US Bank Credit Card, each employee will be required to sign the WCOG Credit Card User Agreement acknowledging that they have read and understand this policy, that they understand violation of the policy will subject them to

disciplinary action including termination of employment, and that in the event they make any unauthorized charges they expressly authorize WCOG to deduct the amount of unauthorized charges from any wages or other sums due or to become due to the employee from WCOG.

7.4 Federal, State and Local Compliance

The use of purchase cards shall fully comply with all applicable federal, state and local requirements governing the purchase of good and services, specifically including without limitation WCOG's adopted Procurement Policy.

7.5 Annual Control & Disclosure

The Executive Director will conduct an annual physical card inventory test to verify all WCOG issued cards have been accounted for.

7.6 Approved Uses for Credit Card Purchases

The use of the WCOG US Bank Credit Cards is for facilitating purchases pursuant to the WCOG Procurement and Personnel Policies. All credit card purchases shall only be made for budgeted expenditures authorized by the WCOG Council Board at the time of the purchase (current year budget).

Examples of allowable purchases may include advance payment of airline fares, lodging, registration fees, tuition, conferences, online training, internet purchases and emergency purchases in the field. Authorized users may use their card for pre-approved one-time or recurring purchases from vendors. The use of the card for these purchases will be for timeliness and/or online access to goods and services not available through existing purchase policy processes (checks).

Employees may not use the credit card to purchase meals while in travel status. Travel status meals are handled through a per diem process.

The following shall be considered when using the WCOG credit card:

1. Identify goods and services required to perform job-related task.
2. Determine if purchase is within your credit card limits.
3. Ensure that the items are not on the disallowed charges list in the following section.
4. Obtain pricing and in-stock availability and only order items that are immediately available.
5. Ensure that the vendor immediately processes the purchase and provides you a detailed copy of the credit card purchase receipt.
6. Retain all receipts, packing lists and backup authorizing documents and turn them into the Administrator as soon as available.

It is required that all credit card receipts and/or other documents identifying the credit card expenditures be in complete detail including the program or project to be charged for the expenditure.

Employees are responsible to act in the best interest of the WCOG and actions must not show, or appear to show, personal favoritism to a vendor at the expense of WCOG.

7.7 Disallowed Charges

7.7.1 Types of Disallowed Charges

The following uses are not authorized credit card purchases:

- Capital equipment (unless approved by the Executive Director)
- Personal items and services
- Cash advances of any kind
- Alcoholic beverages
- Money orders/travelers checks/gift cards
- Charges made without pre-approval

7.7.2 Disallowed Charges Procedure

Any charges against the credit card that are not properly identified as required by this Policy on the expense voucher/invoice, or not allowed following the audit of the invoice by the Administrator, shall be paid by the employee by check, U.S. currency or salary deduction. If, for any reason, disallowed charges are not repaid before the charge card billing is due and payable, WCOG has a right to withhold any and all funds payable or to become payable to the official or employee, in an amount up to the amount of the disallowed charges plus interest as charged by the credit card company.

Any employee who has been issued a credit card by WCOG shall not use the card if any disallowed charges are outstanding and shall surrender the card upon demand by the Administrator. WCOG shall have unlimited authority, as provided in RCW 42.24.115(3), to revoke the use of any issued credit card, and once notice of this revocation has been delivered to the credit card company, WCOG shall not be liable for any costs.

Any employee with a demonstrated history of credit card defaults may be barred by the Executive Director from using any WCOG credit cards.

7.8 Credit Limits

Credit limits are set to match field needs and are generally set at \$5,000 for directors and \$3,000 for non-directors. Card limits can be temporarily raised for travel or a specific authorized purchase.

If an increase or decrease to these transaction limits is deemed necessary by the Executive Director, the request must be submitted in writing to the Administrator, specifying whether this is a temporary or permanent request.

There also may be limitations on acceptable merchant category codes (MCC). Some vendors may be disallowed and thus will cause a decline of any attempted purchase with them (allowable or not). If after adhering to the proper guidelines and limits stated above a purchase has been mistakenly declined, contact the Administrator for assistance.

7.9 Receipt of Goods & Services

The cardholder is responsible for ensuring the receipt of the goods and services as ordered and any follow-up with the vendor to resolve any delivery problems,

discrepancies or damaged goods. Should any item(s) need to be returned to the vendor, the cardholder will follow the vendors return policy and also be responsible to ensure that proper credit is posted for said returned item(s). In most cases, returns and errors can be resolved directly between the cardholder and the vendor.

If for any reason the cardholder is unable to reach agreement with the vendor, the cardholder must contact US Bank and explain the dispute and the reason behind it. In addition to contacting US Bank, the reporting cardholder will also contact the Administrator and apprise them of the situation. They will follow US Bank procedures in relation to the dispute and its process.

7.10 Payment of Bills

The Administrator shall be responsible for reconciling the complete combined WCOG credit card statement each month. WCOG will not pay interest and/or penalties on any credit card. WCOG assumes responsibility WCOG is responsible for the credit card payment and liability for failure to timely remit payment.

7.11 Card Security

WCOG credit cards should always be treated with great care and should be kept in a secured location. The cardholder is the only one authorized to use the card and it should not be lent to another person.

It is the responsibility of the cardholder to immediately report a lost or stolen WCOG credit card. WCOG is liable for all transactions until the card is reported lost or stolen to, but only to the extent expressly required by law. A cardholder must report a lost or stolen credit card by phone directly to US Bank Customer Service at 1-800-344-5696 and also to the Administrator. Verbal reports of lost or stolen credit cards must be followed up in writing to the Administrator. A replacement card will be sent within 10 days after a report is filed.

[Cardholders are required to set up specific fraud, event, purchase and location notifications on their credit card account. The Administrator will provide a list of the required notifications.](#)

7.12 Renewal of an Existing Credit Card

A renewal credit card will be sent automatically to the Administrator by the issuing bank approximately 30 days prior to the expiration date of the card. This renewed card will in turn be forwarded to the cardholder.

7.13 Extended Absence

If a cardholder will be absent from WCOG for an extended period, the Administrator will determine the best options to cover the individual's credit card procurement responsibilities.

7.14 Audits & Enforcement

To ensure the continued success of the WCOG Credit Card Program, as well as adherence to the policies as outlined, all individual credit card accounts will be open to internal audit requirements.

Personal use and disallowed charges (see Section 5) will not be tolerated and may result in:

- Disciplinary measures that may include termination and/or legal action
- Permanent or temporary revocation of the card
- Direct payroll deductions for any disallowed, unauthorized or personal charges made on the WCOG credit card

A cardholder must return his/her credit card to the Administrator at termination of employment.

7.15 WCOG Credit Card User Agreement

Your signature below verifies that you have read and understand the WCOG Credit Card Program guidelines listed below and agree to comply with them.

1. I understand the WCOG Credit Card is intended to facilitate the purchase of business-related goods and services for the conduct of WCOG business and is not for my personal use.
2. I understand that my card may be revoked at any time based on change of assignment or location and that use of this card is not an entitlement nor reflective of title or position.
3. I understand that if I am issued a card with my name specifically, I am the only person authorized to use the card and I am responsible for all charges made against the card.
4. I understand that improper use of the card can be considered misappropriation of WCOG funds, which may result in disciplinary action, up to and including termination.
5. I understand that all charges are billed directly to and paid directly by WCOG and any personal charges on the card could be considered misappropriation of funds since US Bank cannot accept any payment from me directly.
6. I understand that I will be required to provide detailed receipts and to comply with internal control procedures designed to protect WCOG assets. This may include being asked to produce the credit card to verify its existence and providing assistance in an audit review of its use.
7. I understand that I am responsible for resolving any discrepancies that may occur by contacting the vendor and/or US Bank directly.
8. I will safeguard use of the issued credit card and use appropriate security whenever and wherever I use the card. If my card is lost or stolen, I agree to immediately notify US Bank as well as the Administrator.
9. I understand that the credit card is the property of WCOG and it must be surrendered upon termination of employment or demand of surrender by the Administrator and/or the Executive Director. At that point, no further use of the account will be authorized.
10. [I understand that I am required to setup fraud, event, purchase and location alerts on my account at US Bank. The details will be provided the Administrator.](#)

I hereby acknowledge receipt of the WCOG Credit Card. As a Cardholder, I agree to comply with the WCOG Credit Card Program.

Credit Card Program

I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS.

Cardholder Printed Name

Cardholder Signature

Date

8. Discrimination & Harassment Policy

8.1 Introduction

The Whatcom Council of Governments (WCOG) has earned a reputation for ethical business practices in addition to providing its members with the highest quality product. WCOG therefore expects its employees to treat each other, its members, and the public with the utmost respect. Along these lines, WCOG prohibits unlawful discrimination in the workplace and will strictly enforce the following rules.

8.2 Anti-Discrimination

WCOG believes that every employee has the right to work in surroundings that are free from unlawful discrimination. WCOG therefore strictly prohibits unlawful discrimination based on race, color, religion, national origin, age, sex, marital status, pregnancy, disability, sexual orientation (including gender identity), military or veteran status, genetics/genetic markers or any other legally-protected classifications. WCOG also prohibits the harassment of any individual based on these protected classifications. WCOG requires its employees to abide by this policy in practice and in spirit. WCOG encourages its employees to address any questions or concerns about this policy directly to the Executive Director. Employees may do so without fear of reprisal.

8.3 Anti-Sexual Harassment

WCOG does not tolerate sexual harassment in the workplace. WCOG notes that sexual harassment may include unwelcome sexual advances, requests for sexual favors, other verbal, visual or physical conduct of a sexual nature, sexually suggestive objects or pictures, sexually explicit or offensive jokes or objects, or engaging in any sexually-oriented conduct which unreasonably interferes with another's work performance or creates a work environment that is intimidating, hostile or offensive. WCOG specifically prohibits any employee, male or female, from harassing another employee by taking any of the following actions:

- Making unwelcome sexual advances or requests for sexual favors; or other verbal or physical conduct of a sexual nature, a condition of an employee's continued employment
- Making submission to or rejection of such conduct the basis for employment decisions affecting the employee
- Creating an intimidating, hostile, or offensive working environment by such a conduct

8.4 Employee's Response to Misconduct

WCOG requires any employee who feels that he, she, they or others may have been subject to discrimination or sexual harassment, to bring the matter to the immediate attention of the Executive Director who will initiate an investigation. To assist in the prompt resolution of the complaint, employees should provide any supporting documents and identify any person who may have knowledge regarding the allegations. Allegations

for harassment will be promptly investigated, and appropriate corrective action will be taken. In the case of allegations that involve the Executive Director the Chair of the WCOG should be notified and he/she will initiate an investigation.

8.5 WCOG Investigation

WCOG will take all reports seriously and conduct an appropriate investigation. WCOG will require that employees cooperate in any investigation, whether or not you are directly involved. WCOG will attempt to keep the facts and results of its investigation confidential, although that is not always possible. Additionally, employees are expected to refrain from discussing investigatory matters with other individuals. WCOG may take appropriate disciplinary action against an employee found to have violated the policy, up to and including termination of employment.

8.6 Non-Retaliation

WCOG prohibits retaliation because of an employee's good faith report of discrimination or harassment or participation in an investigation of such a claim. Any individual who is found to have engaged in retaliatory conduct will be subject to appropriate corrective action, up to and including termination of employment. Employees who believe that they have experienced such retaliation should notify the Executive Director or the Chair of the WCOG if the Executive Director is involved.

9. Electronic Funds Transfers

The Whatcom Council of Governments (WCOG) recognizes various electronic payment methods as safe and efficient ways to process certain disbursements. The WCOG is committed to establishing controls and procedures for making electronic funds transfers (EFTs). Accordingly, WCOG has developed this policy to ensure that proper protocols are followed, and that applicable oversight is in place for the use of EFTs.

The primary goal of this policy is to ensure EFTs are initiated, executed, and approved in a secure manner. This policy establishes general guidelines for using EFTs for payables and receivables. The procedures outline which electronic funds transactions WCOG may engage in and the accounting procedures to be followed in accordance with Washington State Auditor's Office requirements and RCW 39.58.750. The Executive Director shall implement and administer the following procedures and processes related to the use of EFTs.

1. The procedure to initiate, approve, and record an EFT payment is subject to the same financial policies, procedures, and controls that govern disbursements made by any other means.
 - Review of transfers by a Council Board Officer and the Executive Director.
 - Review and approval of the transfers by the Council Board retroactively.
 - Reconciliations of bank activity to the General Ledger performed in a timely manner with all exceptions resolved.
2. A list of payees that may be paid via electronic transfers and payors that may pay WCOG via EFTs will be maintained by the Executive Director.
3. EFT transactions will not be made without proper authorization of affected parties in accordance with federal and state statutes and accepted business practices.
4. All EFT payments should be initiated on secure computer-based systems that use duo security authentication.
5. The Executive Director shall serve as primary administrator to manage and control access to the systems used to process EFT transactions. The administrator shall ensure that adequate separation of duties exists in accordance with accepted internal control standards. In addition, the administrator shall ensure approval and maintenance of user system IDs, user permissions, including authorized representatives and their associated transfer limits. The Deputy Director shall serve as backup administrator.
6. Because EFTs between WCOG bank accounts have reduced risk, the Executive Director may use EFTs on a routine basis to concentrate funds for payment and investment purposes. Although the risks are minimal for transfers between WCOG accounts, reasonable controls should exist with regard to authorization, reconciliation, and review of these transactions.
7. EFT payments are limited to employee expense reimbursement, payroll, payroll benefits, and vendor claims, transfers between WCOG bank accounts, and receipt of incoming payments.
8. Employees must submit a hard copy of the completed Direct Deposit Authorization Form to the Executive Director. No electronic signatures will be accepted. Any change

Electronic Funds Transfers

to banking information will require a newly completed form. If an employee submits a change request without enough time for authorization and entry prior to payroll, payment will be made by check until such time as the information can be verified and entered into the payroll system.

9. Vendors wanting to be paid by direct deposit transfer must submit a completed Vendor Direct Deposit Form or equivalent authorization to the Executive Director.

10. Electronic Signatures and Records

WHEREAS, Pursuant to Chapter 19-360.020 RCW and as amended by Substitute Senate Bill 6028 Uniform Electronic Transactions Act, effective June 11, 2020, unless specifically provided otherwise by law or agency rule, whenever the use of a written signature is authorized or required by this code with a state or local agency, an electronic signature may be used with the same force and effect as the use of a signature affixed by hand, as long as the electronic signature conforms to the definition in RCW 19-360.030 and the writing conforms to RCW 19-360.040; and

WHEREAS, Each local agency may determine whether, and to what extent, the agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. RCW 19-360.020 (2); and

WHEREAS, The method and process for electronic submissions and the use of electronic signatures must be established by ordinance, resolution, policy, or rule. RCW 19-360.020 (5)

NOW, THEREFORE, BY THIS RESOLUTION the Whatcom Council of Governments does hereby authorize the use of electronic signatures and records for WCOG business transactions. Unless specifically provided by law or agency rule, whenever the use of a written signature is required, an electronic signature may be used with the same force and effect as the use of a written signature affixed by hand.

11. Language Access Plan

<https://wcog.org/library/2026-lap>

12. Petty Cash Policy

12.1 Purpose

The Whatcom Council of Governments (WCOG) Petty Cash Checking Account is established for employee travel advances and minor disbursements for which the issuance of an accounts payable check would be impractical.

12.2 Opening an Account

Authorization to open an account at a depository authorized by the Washington State Treasurer to receive public funds shall be done by resolution of the WCOG Council Board. Establishment of the imprest amount to be held in the account and subsequent increases or decreases to that amount shall be enacted by WCOG Council Board resolution.

12.3 Controls

The Executive Director shall implement and administer the following procedures and processes related to the use of the petty cash account.

- The Executive Director and one Council Board officer shall be authorized signers on the account.
- The Executive Director approves all petty cash disbursements in advance.
- The petty cash checks shall be kept in a locked safe place.
- The Executive Director or their designee shall ensure that the petty cash account is reconciled monthly.
- The petty cash account shall be replenished to the imprest amount monthly. The replenishment process is subject to the same review and approval processes as other payment requests.
- All petty cash disbursements must be supported by documentation showing the date, recipient, purpose and amount.
- The Executive Director shall approve all requests for advance travel funds.
- Petty cash funds advanced for employee travel must be reconciled on or before the 10th day following the close of the travel period. Advanced funds in excess of total expenses must be reimbursed at that time.
- The petty cash account may not be used for personal loans or expenditures.

13. Procurement Policy

13.1 GENERAL

13.1.1 Purpose

This document is intended to direct WCOG's purchases of goods and services. The process is intended to be an open, fair, well documented, and competitive process.

Objectives

The objectives of the WCOG's purchasing policy are as follows:

- A uniform system to obtain supplies, materials, equipment and services in an efficient and timely manner;
- Responsibility and accountability of public funds used by WCOG;
- Ensure equal opportunity and competition among vendors and consultants;
- Effective relationships and clear communication between the WCOG and its vendors and consultants;
- Compliance with the comprehensive state procurement statutes which govern expenditures of public funds;
- To promote use of recycled materials and products, and to dispose of surplus and scrap materials in a cost efficient and environmentally-responsible manner.

13.1.2 Scope

These guidelines apply to purchases of:

- Supplies, materials and equipment
- Non-professional services
- Professional services

The guidelines do not apply to the acquisition, sale, or lease of real property.

If grant funding is involved in the proposed purchase, applicable requirements should be obtained from the funding agency. Such requirements may be more restrictive than the WCOG's policy.

13.1.3 Controlling Laws

All purchases shall comply with appropriate and relevant federal, state and local laws as well as WCOG's policies. When federal, state or local laws, regulations, grants or requirements are more restrictive than these guidelines, such laws, regulations, grants or requirements shall be followed.

13.1.4 Code of Ethics

No employee, officer or agent of WCOG shall participate in the selection, award or administration of a contract or authorization of a purchase if a conflict of interest, real or apparent, would be involved. Disciplinary actions resulting from violation of this policy are

listed in the Whatcom Council of Governments' Personnel Manual, Section 9.2 Disciplinary Guidelines.

13.1.5 Credit Cards

WCOG recognizes the use of credit cards to be an appropriate and useful means of making payment for a variety of purchase types, including travel expenses, supplies, online purchases and recurring vendor payments (where appropriate). [See the Credit Card Program in WCOG's Administrative and Financial Policies and Procedures.](#)

~~The Executive Director is responsible for determining which employees are authorized to use credit cards and for designating a Credit Card Administrator who will setup and maintain credit card account(s) with the credit card financial institution.~~

~~The Credit Card Administrator is responsible for the overall administration of the credit card program by reviewing, reporting and coordinating all aspects of the program. The Credit Card Administrator will act as the liaison between the financial institution and the employee.~~

~~The employee is responsible for providing all credit card receipts and/or other documents identifying the credit card expenditures to the Credit Card Administrator no later than the workday following the day the purchase was made, except when the employee is traveling on business; in such case, the employee shall provide all receipts on his/her first day back in the office.~~

~~Issuance, Use and Control:~~

- ~~• Issuance and Use. Credit cards may be issued to WCOG and used by authorized employees for purchasing goods, services, supplies and other items from vendors, or in incurring registration, training or travel expenses in connection with the performance of their duties on behalf of WCOG.~~
- ~~• Authorization and Control. Upon authorization from the Executive Director, employees may obtain a credit card from the Credit Card Administrator who shall maintain a record of individuals issued credit cards. The Credit Card Administrator shall implement accounting controls to promote the proper use of credit cards and reduce the risk of loss or misuse.~~
- ~~• Credit Limits. Card limits will be set administratively for each card, reflecting among other things purchases expected to be made during a typical billing cycle and additional credit capacity needed in an emergency or other contingency.~~
- ~~• Payment of Bills. The Credit Card Administrator shall establish a procedure for the prompt payment of all credit card bills on or before the due date.~~
- ~~• Unauthorized Charges. Credit cards issued to employees shall be used only for bona fide WCOG business purposes. Any employee using a WCOG credit card for unauthorized purposes, including personal purchases, may be subject to disciplinary action up to and including termination, civil action to recover unauthorized credit card charges plus court costs, and criminal prosecution.~~
- ~~• Prohibited Uses. Cash advances on credit cards are prohibited.~~

13.1.6 Responsibilities

The Executive Director has primary responsibility and oversight for purchasing activities of WCOG and has the authority to delegate purchasing responsibilities as appropriate. The Executive Director will periodically review and evaluate the procurement procedures to ensure the best internal controls possible and will recommend changes as necessary.

13.2 Determining Total Purchase Cost

13.2.1 Use Anticipated Cost

The anticipated annual need for a good or service (when it can reasonably be projected) shall be used to determine the cost of that good or service, and thus which procurement method and related purchasing requirements shall apply.

13.2.2 No "Splitting"

Procurements shall not be divided to artificially create a lower total cost to avoid procurement method or competition requirements. If one item being purchased requires another item to "make a whole", the total accumulated costs of the two items (when they can reasonably be projected) should be considered together to determine which procurement method is applicable, unless the two items are not available from a single supplier.

Example: Replacement carpeting is being purchased for a conference room. The total cost of the carpet and the pad (and installation, if applicable) should be used when determining which procurement method should be applied.

13.2.3 Costs to Include

Include costs such as taxes, freight, and installation charges when determining which cost threshold applies. Do not include the value of a trade-in. (Trade-in value should be considered, however, to determine the lowest price when the small purchase method is used.)

13.2.4 Include Total Quantity Needed

The total quantity of a needed item (when it can reasonably be projected) should be considered when determining which cost threshold and related purchasing requirements apply.

13.2.5 Multiphase Programs

If a project is to be completed in phases, the total accumulated cost for all phases should be considered when determining which cost threshold applies.

13.3 Procurement Methods

Procurements must be covered by budget appropriations approved by the WCOG's Council Board. Procurements requiring additional appropriations must also be approved by the Council Board. One of the following methods of procurement must be used. The thresholds listed are more restrictive than those authorized in state law for member jurisdictions and outlined in the Uniform Administrative Requirements, Cost Principles,

and Audit Requirements for Federal Awards (2 CFR 200, Uniform Guidance) issued by the federal government for the use of federal grant funding.

13.3.1 Micro Purchase – Less than \$5,000

Micro purchases cover the acquisition of supplies or services, when the aggregate annual dollar amount does is less than \$5,000. To the extent practicable, micro-purchases must be distributed equitably among qualified vendors. Micro-purchases do not require soliciting competitive bids, but employees should still make reasonable efforts to receive the best price possible. All employees are authorized to make micro-purchases.

13.3.2 Small Purchase - \$5,000 to \$100,000

Small purchases shall be processed through a competitive solicitation process whereby a minimum of three (3) price or rate quotes are solicited from vendors who can reasonably be expected to provide the required goods and/or services. The quotes must be documented on a Purchase Request Form which then must be signed by the Executive Director prior to execution of the procurement. The procurement shall be awarded to the most responsive, responsible offeror who provides the lowest quote, or if criteria other than price are to be considered, whose proposal achieves the highest score when evaluated. Criteria may include experience, expertise, price, product availability, functionality, quality or suitability for a particular purpose.

13.3.3 Competitive Proposals – Greater Than \$100,000

Supplies and services greater than \$100,000 shall be procured using one of the following methods:

13.3.4 Request for Proposals (RFP)

RFPs are used when the specific requirements and/or technical specifications of a project are unclear and evaluation criteria are needed in addition to pricing. RFPs are evaluated by an evaluation committee based upon the evaluation criteria identified in the RFP. This method provides for negotiation of all terms and conditions of the proposal, including price before award. The RFP process may be used with competitive negotiation, multi-step and best and final offers. Award is made to the vendor whose proposal is determined to be the most advantageous to WCOG.

13.3.5 Request for Qualifications (RFQ)

RFQs are used when seeking professional services. RFQs are evaluated by an evaluation committee based upon the evaluation criteria identified in the RFQ. Evaluations consider only technical factors and qualifications in the evaluation process, which may include description of their education, experience, management and other applicable criteria called for in the RFQ. This method provides for negotiation of all terms and conditions of the proposal, including price before award. Award is made to the consultant deemed to be the best qualified.

The following requirements apply:

- All RFP/Q's must be approved by the Executive Director;
- The RFP/Q must be publicized and should identify all evaluation factors and their relative importance, and all complete and timely submittals will be considered;

- Proposals or qualifications must be solicited from at least 2 qualified sources;
- A method shall be established for conducting technical evaluations of the proposals and qualifications received as part of the development of the RFP/Q;
- For RFPs, the proposal most advantageous to the program will be selected, even when the preferred proposal is not the lowest-priced;
- For RFQs, competitors' qualifications will be evaluated and the most qualified competitor will be selected, subject to negotiation of fair and reasonable compensation;
- The Executive Director signs all contracts; and
- Contracts greater than \$100,000 require approval by the WCOG's Executive Board or Council Board.

13.3.6 Noncompetitive Proposal

Procurement through solicitation of only one source (sole source) may be used when at least one of the following applies:

- The item is available only from a single source;
- Exigent circumstances (e.g., significant damage to the building requiring immediate attention) will not permit a delay resulting from competitive solicitation;
- The granting agency authorizes noncompetitive negotiations;
- After solicitation of at least two (2) sources, competition is determined to be infeasible.

The Executive Director must review all noncompetitive proposals, and all noncompetitive proposals over \$100,000 shall require Executive Board or Council Board approval.

13.3.7 Other Government or Cooperative Contracts

Competition is not required when purchases of supplies, services or equipment are made through competitively secured contracts executed by other government agencies or bonafide cooperative purchasing agreements, such as purchases of telephone service, software and computer equipment through vendor contracts negotiated by the State of Washington.

13.3.8 Intergovernmental Purchasing

Services provided by qualified public-sector agencies through intergovernmental agreements with any governmental entity, whether federal, state or local, shall be exempt from the competitive solicitation requirements.

13.3.9 Architectural and Engineering Services

The requirements outlined in RCW 39.80 must be followed to procure professional architectural or engineering services.

13.4 State & Federal Funded Contracts

Contracts funded directly with state or federal funds must adhere to the state and federal statutory and regulatory requirements.

- The Executive Director shall sign all contracts and contract amendments
- The direct or pass-through funding agreement shall be incorporated by reference and attached to the consultant contract
- The consultant shall be required to comply with the relevant provisions of the funding agreement
- Washington State Department of Transportation (WSDOT) shall be invited to approve the final contract prior to the signing of any consultant contracts to be paid directly with WSDOT managed funds
- The granting agency shall be invited to approve contracts funded directly with grant funds
- Contracts and amendments in an amount or cumulative amount greater than the Executive Director's signing authority require prior approval by the WCOG Council Board
- Documentation in the contract file must include:
 - The method of procurement
 - The evaluation and selection process
 - The basis for the contract price
 - Final labor, overhead and profit rates as applicable
 - Record of consultant's suspension and debarment history available by search at Sam.gov to verify the contractor is eligible to receive federal funding when applicable

~~13.4~~13.5 Appeal and Protest Procedures

Any bidder, contractor or vendor who is aggrieved in connection with the solicitation or award of a bid or contracted products and services may file an appeal with Whatcom Council of Governments. Bidders, contractors or vendors may submit an appeal of an award to the Executive Director in accordance with the following procedure:

- Bidder, contractor or vendor shall submit an appeal no later than five (5) business days after notification of the bid award. Such appeals must be received by the Executive Director no later than 5:00 p.m. within five (5) days of notice of award postmark date.
- All appeals must be in writing and signed by the bidder or an authorized agent of the bidder.
- The appeal shall include the name and address of the bidder, contractor or vendor.

- The appeal shall include a detailed description of the facts and disagreement that form the basis of the bidder's, contractor's or vendor's appeal and supporting documentation and the specific decision requested. The bidder, contractor or vendor shall also promptly provide any additional documentation related to the appeal upon request from the Executive Director.
- The Executive Director or authorized representative of Whatcom Council of Governments will provide the allegedly aggrieved bidder, contractor or vendor with a written decision within five (5) business days after receipt of the appeal. The decision by the Executive Director of Whatcom Council of Governments is final. If additional time is mutually agreed on, the Executive Director shall notify the bidder, contractor or vendor of any delay.
- Failure to comply with the appeal procedure shall render an appeal untimely or inadequate and result in rejection by Whatcom Council of Governments.

In the case of WSDOT grant funded operation, the vendor may further file a protest of the decision that resulted in the appeal process to WSDOT. The protest to WSDOT shall include a detailed description of the facts and disagreement that form the basis of the bidder's, contractor's or vendor's protest and supporting documentation and the specific decision requested.

~~13.5~~13.6 Compliance with Policy

Willful violation of any of the provisions of this policy may result in disciplinary action under WCOG's personnel policies.

~~13.6~~13.7 Glossary

~~13.6.1~~13.7.1 Appropriation

WCOG Board authorization to expend funds for a specific purpose.

~~13.6.2~~13.7.2 Competitive Bidding

The submission of prices by individuals or firms competing for a contract, privilege, or right to supply merchandise or services.

~~13.6.3~~13.7.3 Exigent

An urgent circumstance requiring immediate action.

~~13.6.4~~13.7.4 Professional Services

Services which provide professional or technical expertise to accomplish a specific study, project, task, or other work statement.

~~13.6.5~~13.7.5 Quote

A statement of price, terms of sale, and description of goods or services offered by a prospective seller to a prospective purchaser, usually for purchases below the amount requiring formal bidding. For professional service contracts, quotes would typically include the qualifications of the provider and may or may not include pricing information depending upon the situation.

~~13.6.6~~ 13.7.6 Request for Proposal (RFP)

All documents, whether attached or incorporated by reference, utilized for soliciting competitive proposals. The RFP procedure permits negotiation of proposals and prices, as distinguished from competitive bidding and a notice inviting bids. The procedure allows changes to be made after proposals are opened and contemplates that the nature of the proposals and/or prices offered will be negotiated prior to award.

~~13.6.7~~ 13.7.7 Request for Qualification (RFQ)

A document generally used for obtaining a summary of qualifications from prospective providers of professional services.

14. Public Participation Plan

<https://wcog.org/library/procurement-policy>

15. Public Records Policy

15.1 Purpose

The Whatcom Council of Governments (WCOG) is committed to providing the public full access to public records in accordance with Chapter 44-14 WAC and the Public Records Act Chapter 42.56 Revised Code of Washington (RCW). The following policy will govern the compliance of the Council in respect to the provisions of RCW 42.56.

1. WCOG is committed to conducting its business in a transparent way, and to making information about the Council's business and operations readily available to the public.
2. WCOG is a special-purpose local government that was created to provide regional planning and economic development services within Whatcom County. The Council is committed to public accountability. The Council complies with:
 - 2.1 Washington State Public Records Act ~ Chapter 42.56 Revised Code of Washington
 - 2.2 Public Records Act – Model Rules Chapter 44-14 Washington Administrative Code (WAC)
 - 2.3 Washington State Archives – Local Government Common Records Retention Schedule
 - 2.4 Public Records Policies and Procedures contained herein.

This policy describes the standard systems and procedures for responding to public records requests.

15.2 Definitions

- "Exempt" means that the law allows or requires the withholding of a public record, or a portion thereof, from public disclosure.
- "Five Day Letter" refers to WCOG's initial written response to a person or entity who has made a public records request pursuant to RCW 42.56.520. The "Five Day Letter" also includes an email response. This letter is required by statute to be postmarked and/or the email must be transmitted, no later than five business days after the receipt of the original request.
- "Fullest Assistance" means a timely and thorough action and response to a public records request.
- "Identifiable Public Records" refers to a request that contains a reasonable description enabling the Council's staff to identify and locate the requested records. RCW 42.56.080
- "Public Record" means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
- "Public Records Officer" is the individual responsible for: receiving on behalf of WCOG and coordinating the response to public records requests; establishing public records response protocols for the Council; assisting with unusually large

or complex public records requests; developing training protocols for all WCOG staff; and developing other guidance resources such as on-line public records request information. For WCOG, that person is identified as the Executive Director. The Executive Director and/or the Board may redesignate the Public Records Officer and shall give notice thereof.

- "Public Records Request" is defined as a request to inspect or receive a copy of a public record.
- "Public Records On-Line Request" describes the web-based Online Public Records Request Form that provides the general public with the ability to request public records electronically.
- "Redaction" refers to the method of protecting from public viewing a portion of a record that is exempt from public disclosure.
- "Shall" and "shall not" are legal terms to express mandatory and prohibited actions for WCOG staff.
- "Writing" means handwriting, typewriting, printing, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punch cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

15.3 Policy

- 15.3.1** Pursuant to the Washington State Public Disclosure Act, RCW Chapter 42.56 Public Records Act and the Washington Administrative Code (WAC), Model Rules Chapter 44-14, WCOG is required to make available for inspection and copying, identifiable, non-exempt public records as defined by the Act and WAC. The following policy will govern the compliance of the Council with respect to the provisions of the Act and WAC.
- 15.3.2** To the extent that this policy is in any way inconsistent with the RCW, the RCW will be deemed to prevail.
- 15.3.3** WCOG staff shall make all non-exempt records available for inspection and copying in accordance with the Washington State Public Records Act. The Council shall provide to the public the fullest assistance to ensure access to records containing information about the conduct of government at all levels, while also being mindful of individuals' privacy rights (as defined by RCW 42.56.050) and the desirability of the efficient administration of government.
- 15.3.4** Questions about public disclosure that require legal interpretation beyond those addressed in the policy will be referred to, and notice of public records requests and responses will be copied to, WCOG's legal counsel at the discretion of the Executive Director.

- 15.3.5 Public record requests shall be reviewed by the Executive Director, and at the discretion of the Executive Director, legal counsel.
- 15.3.6 WCOG may not deny a request for being “overbroad” (RCW 42.56.080) However, when a request is for a large number of records, the Public Records Officer shall provide access for inspection and copying in installments if that officer reasonably determines that it would be practical to provide responsive records in such a manner. If, within thirty (30) days (WAC 44-14-040), the requestor fails to inspect the entire set of records in one or more installments, the Public Records Officer may stop searching for records and close the request. The Public Records Officer shall promptly notify the requestor in writing when a request is closed.
- 15.3.7 If, after the Public Records Officer has informed the requestor that all available records have been provided, and then becomes aware (WAC 44-14-04003) of responsive material that was not initially disclosed, he/she will promptly inform the requestor of the additional documents and provide them on an expedited basis.
- 15.3.8 WCOG shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose of the request, unless it must be determined whether a request for a list of names is intended for commercial purposes, or information is needed to determine whether another statute prohibits disclosure. If the requestor fails to clarify an unclear request with thirty (30) days, the Public Records Officer will treat the request as having been withdrawn and close the request (RCW 42.56.520).
- 15.3.9 WCOG is not obligated to create new records or to compile data or information in order to respond to a public records request. (WAC 44-14-04003)
- 15.3.10 An example of a request for information versus a request for records is distinguished by the following examples: “How many employees used sick days in the year 2006?” versus “Provide all time sheets or other documents that show how many sick days were used by employees in the year 2006.” Specifically, WCOG is not obligated to respond to requests for information. However, when it is in the best interest of the Council’s community outreach and communication efforts to do so, and if collecting the information requires a manageable time investment, then the Council may choose to do so.
- 15.3.11 [WCOG adopts all WA State exemptions as per Chapter 42.56 RCW.](#)

15.4 Office Hours

Public records shall be available for inspection and copying during the customary office hours of WCOG. For purposes of this policy, the customary hours shall be from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

15.5 Public Records Officer

The Public Records Officer (WAC 44-14-02002) shall serve as the point of contact for members of the public requesting disclosure of public records and oversee the agency's compliance with the public records disclosure requirements.

Specified staff members will be trained appropriately to handle and facilitate a public records request in the absence of the Public Records Officer.

The name and contact information of the Public Records Officer will be posted at WCOG's office in a highly visible location and on the Council's website for accessibility by the public. (RCW 42.56.580)

Duties include the following:

1. Receiving on behalf of the Council all public records requests, and providing timely and complete Five Day Letter (see attached sample letter marked as Exhibit A); or
2. If the request is unclear or does not sufficiently identify the requested records, the Five Day Letter shall contain a written request for clarification to the requestor; or
3. Making requested records available for inspection and copying; or
4. Denying the request in writing in accordance with Washington law when appropriate.
5. Assist staff with unusually large or complex public record requests.
6. Develop training protocols for all specified WCOG staff.
7. Coordinate a public records web presence.
8. Assist staff in properly documenting their records series and managing the public records request status.
9. Assist all staff members in documenting and managing email correspondence to remain available for public record.
10. Along with the Executive Director, serve as liaison between the Council and outside legal counsel.

15.6 Procedures

Citizens interested in making a public record request must do so in a written, mailed (USPS) document addressed to the Public Records Officer or by submission of WCOG's electronic form (Exhibit B) which is available through the Council's website at www.WCOG.org. Requestors may deliver the record request in person to WCOG's office. Public records requests will be accepted electronically via the Council's website, in writing, or email addressed to the Public Records Officer. WAC 44-14-04002

- Public Records Officer email address is:
publicdisclosure@wcog.org
- Whatcom Council of Governments address for requesting records is:
Attn: Public Records Officer
314 E Champion Street
Bellingham WA 98225

Public Records Policy

A variety of records are available on WCOG's website at www.WCOG.org. Requestors are encouraged to view records available on the website prior to submitting a request for records. Only requests submitted as required above shall be deemed received by WCOG.

Upon receipt of a properly submitted request for public records, a copy will be promptly provided to the Public Records Officer.

The Public Records Officer will date stamp, assign a tracking number and log in the Public Records Requests Tracking System (to ensure WCOG has a record of each request and the specific records being requested) and review with the Executive Director, and at the discretion of the latter, legal counsel.

The Public Records Officer shall respond to the request in writing within five (5) business days by making the records available for inspection and copying or by taking one of the other actions detailed in section 5.0 of the policy or as set forth in RCW 42.56.520.

In the event that the requested records contain information that may affect the rights of others and is arguably exempt from disclosure, the Public Records Officer may, prior to providing the records, give notice to such other person or entity whose rights may be affected by the disclosure. Such notice shall be given so as to make it possible for those other persons or entities to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit disclosure. The notice to the affected persons or entities will include a copy of the request. Before any such notification is sent to affected parties, the Public Records Officer shall coordinate with legal counsel.

If WCOG cannot provide the requestor with access to or copies of the requested records that are subject to disclosure within the appropriate estimated timeframe, the requestor shall be informed in writing of the additional time that it will take to produce the records and/or whether the records may be provided in installments. In addition, the Public Records Officer shall determine how much additional time to respond is appropriate only where it is reasonable in light of the circumstances, e.g., while gathering the requested records, it is determined that they are more voluminous or less readily accessible than originally believed.

If a denial or partial denial occurs, the Public Records Officer, after consultation with legal counsel, shall remove the records or partial records from the disclosable materials. All denials or partial denials shall be documented in writing to the requestor.

For records exempt or partially exempt from disclosure, the Public Records Officer, in coordination with legal counsel shall state the statutory exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of the record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer shall redact (WAC 44-14-01004) the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted.

If the requestor protests an exemption decision or a redaction, the Public Records Officer, Executive Director and WCOG's legal counsel will confer on the appropriate resolution.

Inspection shall occur at a time mutually agreed upon by the requestor and the Public Records Officer. WCOG shall not limit times of inspection to times during which the requestor is unavailable. Requestors cannot dictate unusual times for inspection. WCOG

is only obligated to offer inspection during customary office hours. Typically, the records are produced for inspection in a conference room or other office area at 314 E Champion Street, Bellingham WA 98225. The inspection of records cannot create excessive interference with the essential office functions. WCOG shall have an employee observe the inspection of records by the requestor to ensure that the records are not altered or destroyed. WCOG's copy machine will be operated by WCOG staff persons only, as public use of the machine would unreasonably disrupt the operations of the Council. No original record may be removed from WCOG's offices under any circumstances.

Records may be provided in installments when they are part of a large set of records that must be identified, located and/or assembled for disclosure.

Whenever possible, records will be provided in an electronic format which will not allow alteration of the record or copy. There is no fee for inspecting public records. The fee schedule for copies and processing is available at www.WCOG.org and at WCOG's offices located at 314 E Champion Street, Bellingham WA 98225.

WCOG is not calculating actual costs for copying its records because to do so would be unduly burdensome for the following reasons: WCOG does not have the resources to conduct a study to determine actual copying costs for all of its records; to conduct such a study would interfere with other essential agency functions; and, through the legislative process, the public and requestors have commented on and been informed of authorized fees and costs provided in the Public Records Act, including RCW 42.56.120 and other laws. Therefore, in order to timely implement a fee schedule consistent with the Public Records Act, it is more cost efficient, expeditious and in the public interest for WCOG to adopt the state legislature's approved fees and costs for most of the Council's records, as authorized in RCW 42.56.120 and as published in WCOG's fee schedule.

15.7 Responsibilities

WCOG will follow the procedures outlined in this policy. Public records are public property. Their precise legal status varies depending on whether they are currently in the offices of the originating agency, or have been sent into the archives as historical records.

WCOG has determined that maintaining an index as provided in RCW 42.56.070 for use by the public would be unduly burdensome and would interfere with agency operations given the types of public records received, generated and otherwise acquired by WCOG. Notwithstanding the foregoing, WCOG will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.

WCOG will "protect public records from damage or disorganization" (RCW 42.56.100). Therefore, requestors shall not be allowed to take original records out of WCOG's office. Extremely large copying requests may be completed by an outside vendor under WCOG's control. The Public Records Officer will manage the transfer of original records between the office and the vendor and ensure their prompt return.

15.8 Retention of Records

WCOG is not required to retain every record it ever created or used.

As defined in WAC 44-14-03005, state and local records committees approve a general retention schedule for state and local agency records that applies to records that are common to most agencies. WCOG shall follow the Washington State Archives – Local

15.9 Exhibits and Supporting Documents

Exhibit A: Sample “Five Day Letter” response acknowledging receipt of a public record request and providing a reasonable estimate of the time when the records will be available.

Exhibit B: Sample Public Records Request Form to be used for appropriate submission by individual requestors.

Exhibit C: Whatcom Council of Governments Fee Schedule

Washington State Archives – Local Government Common Records Retention Schedule (<https://www.sos.wa.gov/archives/help-government-agencies/records-retention-schedules>)

Washington State Public Records Act - Chapter 42.56 Revised Code of Washington (<https://apps.leg.wa.gov/rcw/default.aspx?cite=42.56>)

Public Records Act – Model Rules Chapter 44-14 Washington Administrative Code (<https://apps.leg.wa.gov/wac/default.aspx?cite=44-14>)

15.10 Sample Five Day Letter

DATE

NAME OF REQUESTOR

MAILING ADDRESS

RE: DATE PUBLIC RECORDS REQUEST WAS RECEIVED
SPECIFIC REQUEST

Dear (NAME OF REQUESTOR):

Thank you for your public records request, which was received by this office on RECEIVING DATE. This letter is written pursuant to RCW 42.56.520. In your request, you asked for all Whatcom Council of Governments records pertaining to XXXX (or "as follows," with a list).

The Whatcom Council of Governments staff is currently seeking and collecting the public records responsive to your request. We will contact you within the next XX days to provide copies or provide a date on which you may review these responsive records. Charges at the rates listed in WCOG's Fee Schedule apply and a deposit may be required.

Alternative: Due to the volume (or age) of the records requested, we estimate that it will take approximately XX days (or weeks) to locate and collect the records requested. If we can, we will provide the records in installments.

Alternative: The Washington Public Records Act does not require WCOG to respond to requests for information or to create data compilations or new records. Your request for "_____" is for _____ and therefore not a public records request. If you submit a request for an identifiable public record, we will produce the record.

Alternative: The Washington Public Records Act requires that persons seeking records submit requests for identifiable public records. Your request for _____ does not request an identifiable public record. Please feel free to submit a new request for an identifiable public record.

None of the alternatives shown above should be used without legal counsel review.

Public Records Policy

You must claim or review the assembled records within thirty (30) days of WCOG's notification that the records are available for inspection, copying or pick up. If you or your representative fail to claim or review the records within the thirty-day period or make other arrangements, WCOG may close the request and refile the assembled records.

Once you have received copies of the records requested or reviewed the same, your request for information will be closed. If you need further information a new request will be opened at that time. You may reach me by email to publicdisclosure@WCOG.org.

Sincerely,

Hugh Conroy

Executive Director / Public Records Officer

15.11 Fee Schedule

Effective: January 15, 2020

Records Inspection:	
No Fee	Inspection of agency records on agency public internet web site or scheduled at agency office.
No Fee	Accessing or downloading records the agency routinely posts on its public internet web site, unless the requestor asks the agency for records to be provided through other means. (The following copy charges below then apply.)
Copies:	Copy charges below may be combined to the extent more than one type of charge applies to copies responsive to a particular request.
15 cents/page	Photocopies, printed copies of electronic records when requested by the requestor.
10 cents/page	Scanned records
5 cents/ each for electronic files or attachment	Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery.
10 cents/gigabyte	Records transmitted in electronic format
Actual Cost	Digital Storage media or devices: CD, DVD, Thumb Drive, Other
Actual Cost	Postage or delivery charges. Specific amount based upon postage/delivery charges for specific mailings or deliveries.
Customized Service:	
Actual Cost	Data compilations prepared or accessed as a customized service. (Cost is in addition to above fees for copies.)

16. Title VI Plan

<https://wcog.org/title-vi>

17. Unfair Competition Procedure

Following are the procedures for handling complaints by a private sector transportation provider that alleges unfair competition due to Whatcom Council of Governments' (WCOG) FTA funded projects.

1. The WCOG Deputy Director shall be responsible for receiving and investigating any complaints of unfair competition.
2. The WCOG Executive Director shall be responsible for reviewing and analyzing the findings from the investigation.
3. The WCOG Executive Director shall respond to the complaint with a written determination to the Complainant within ten (10) business days of receipt of the complaint. The determination shall include instructions for appeal(s) in steps 4 & 5.
4. Written appeals to the WCOG Executive Director's determination must be received by WCOG within ten (10) business days of the determination receipt. The WCOG Board will hear the appeal.
5. If the Complainant is not satisfied with the WCOG Board's decision, they may appeal the decision to Washington State Department of Transportation's Public Transportation Division. Appeals must be filed with the Public Transportation Office's Manager within thirty (30) days of the Board's decision and include the following:
 - a. An original signature of the chief executive officer of the entity filing the appeal.
 - b. The grounds under which the appeal is being filed.
 - c. A copy of the WCOG Board's decision.

A copy of the appeal must be sent by the entity filing the appeal to the other party involved. Once the Public Transportation Office receives the appeal, it will review the decision and the procedures followed from the time the initial complaint was received by WCOG. The Public Transportation Office will review the procedures that were followed and issue a determination on the appeal.

The determination of the Public Transportation Office shall constitute the final appeal and decision.

6. A Complaints of Unfair Competition file or binder shall be maintained by the WCOG Deputy Director and include all correspondence regarding any complaints.