

## ORDINANCE NO. 652

**AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, RELATING TO DISCLOSURE OF PUBLIC RECORDS; AMENDING CHAPTER 2.21 OF THE WOODINVILLE MUNICIPAL CODE AND ORDINANCE NO. 442; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AND SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.**

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**WHEREAS**, Chapter 2.21 of the Woodinville Municipal Code constitutes the City's rules and regulations to carry out and implement the Public Records Act, Chapter 42.56 RCW; and

**WHEREAS**, Engrossed Substitute House Bill 1594 and Engrossed House Bill 1595 made a number of changes to the Public Records Act ("PRA"), Chapter 42.56 RCW, and Washington's laws regarding preservation and destruction of public records, Chapter 40.14 RCW effective July 23, 2017; and

**WHEREAS**, the City Attorney and City Clerk have recommended that certain amendments be made to the Woodinville Municipal Code to update policies on public records and to update the city's practices in processing requests;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1).** Woodinville Municipal Code section 2.21 and the corresponding portions of Ordinance No. 442 § 1 are hereby amended to read as follows (new text is shown by underline; deletions of text are shown by ~~strikethrough~~); all other provisions of this section shall remain unchanged and in full force:

### Chapter 2.21

#### **2.21.070 Procedure for inspection or copying.**

(1) All persons desiring to inspect or obtain a copy of any public record ~~must~~ should make their request in writing to the City Clerk. The City Clerk shall create and avail for public use a standard form by which a requester may specify particular public records and provide the requester's relevant contact information. Reasonable assistance as may be necessary to help a requestor locate particular records shall be provided either by the City Clerk or by the City department maintaining the records; provided, that the provision of such assistance shall not unreasonably disrupt the normal operations of the City Clerk, the department, or the assisting employee.

(2) Except to the extent required or authorized by law, the City Clerk or other City employee shall not distinguish among persons requesting records. Persons requesting records shall not be required to provide information as to the purpose for the request, except to establish whether the inspection or

copying would violate Chapter 42.56 RCW or other statute or ordinance that exempts or prohibits disclosure of specific information or records to certain persons.

**2.21.080 Processing public records requests – Review of decision.**

(1) Responses to requests for public records shall be made promptly pursuant to Chapter 42.56 RCW. Within five business days of the date of receipt by the City of a written request for a record, the City Clerk shall:

(a) Provide the record; or

(b) Provide an internet address and link on the City's web site to the specific records requested, except that if the requester notifies the City that he or she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using a City computer; or

~~(bc) Acknowledge that the City has received the request and (i) provide a reasonable estimate of the time the City will require to respond to the request; or (ii) request clarification; or~~

(d) Acknowledge that the City has received the request and ask the requestor to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of the time the City will require to respond to the request if it is not clarified; or

~~(ee) Deny the public record request in whole or in part.~~

(2) Public records may be made available on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for public inspection or copying. Additional time to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt. If a public records request is unclear, the City Clerk may ask the requestor to clarify what information the requestor is requesting. If the requester fails to clarify the request, the city need not further respond to or process the request. If the requestor fails to respond to a request to clarify the request, and the entire request is unclear, the City need not respond to it. Otherwise, the agency must respond to those portions of the request that are clear.

(3) If the City Clerk determines that the ~~document~~ record is exempt in part but can be made available after deletion of exempt portions, the request shall be granted; provided, that such exempt portions shall first be deleted. If the City Clerk determines to deny the request, in whole or in part, a written statement of the specific reasons for the denial shall be provided to the requestor; provided, that nothing herein shall

be construed as requiring the City to disclose portions of a requested document record if the entire document record is exempt from disclosure.

~~(4) In the event the City Clerk denies inspection of all or any part of a request, the City Clerk may seek review by the City Attorney. The City Clerk will notify the requestor by mail of the decision to grant or deny the request. A requestor who objects to the denial or partial denial of a records request may petition in writing to the City Clerk for a review of that decision. The petition shall include a copy of or identify the written statement by the City Clerk denying the request. The City Clerk shall have two business days to review the requestor's petition, or such other time period as the City and the requestor mutually agree to. If the City Clerk does not reverse the denial within two business days or a mutually-agreed to time period, the denial shall be considered final action by the City.~~

#### **2.21.090 Exemptions.**

The City adopts by reference the exemptions from public disclosure contained in Chapter 42.56 RCW, including any future amendments thereto or recodification thereof, along with any other exemption or exception to the Public Records Act provided by law, including but not limited to those exemptions set forth in Appendix C to "Public Records Act for Washington Cities, and Counties, and Special Purpose Districts" Municipal Research and Services Center, ~~Report No. 64 July~~ September 20016, a copy of which shall be maintained in the office of the City Clerk, and those exemptions set forth at the Attorney General's Sunshine Committee webpage, <http://www.atg.wa.gov/sunshine-committee>.

#### **2.21.100 Reimbursement for copying costs.**

(1) No fee shall be charged for the inspection of public records. Any person who requests a copy of any public record from the City Clerk shall pay to the City Clerk or designee a copying charge. Per RCW 42.56.120(2)(b), the City is not calculating actual costs for copying its records because to do so would be unduly burdensome for the following reasons: the City does not have the resources to conduct a study to determine actual copying costs for all 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 the City to adopt a fee schedule which calls for charges not to exceed those authorized in RCW 42.56.120. The fee schedule for copying charges for public records, including but not limited to photocopies, maps, photographs including slides, audio tape recordings, video tape recordings and diskettes, shall be established by City Council resolution.

(2) The City may charge all costs directly incident to shipping and transmitting such public records, including but not limited to the cost of postage or delivery charges and the cost of any container or envelope pursuant to RCW 42.56.070(7), and including the cost of any electronic transmission charge and the cost of any digital storage media or device provided by the City.

(3) The City may, at its discretion, require the requestor to deposit a sum in an amount not to exceed 10 percent of the estimated cost of providing copies for a request, including any customized service charge referred to in WMC 2.21.100(5). If the records are made available on a partial or installment basis, the City may charge for each part of the request as it is provided. If an installment of a records request is not paid for or reviewed within 20 days after the City provides notice of availability of the installment, the City is not obligated to fulfill the balance of the request.

(4) Where the request is for a certified copy, there shall be an additional charge in the amount established by City Council resolution to cover the additional expense and time required for certification.


(5) The City may charge for the actual cost of customized services where the City estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized service access services are not used by the City for other City purposes. The City may not assess a customized service charge unless it has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimated cost of the charge. The notice also must provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

(6) The City is not required to print and copy records at its own facilities. The City can send records projects to an outside vendor and bill the requestor for the actual amount charged by the vendor. The City can arrange with the requestor for him or her to pay the vendor directly. The City cannot charge a requestor more than the actual cost charged by the vendor.

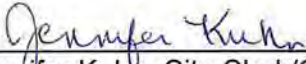
**Section 2). Severability.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this Ordinance.

**Section 3). Effective Date/Summary Publication.** The adoption of this Ordinance, which is a power specifically delegated to the City legislative body, is not subject to referendum. This Ordinance or a summary thereof consisting of the Ordinance Title shall be published in the official newspaper of the City, and shall take effect and be in full force five days after publication.


ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE  
THIS 17<sup>th</sup> DAY OF OCTOBER, 2017.

  
\_\_\_\_\_  
Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Jennifer Kuhn, City Clerk/CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

  
\_\_\_\_\_  
Jeffrey Ganson, City Attorney

PASSED BY THE CITY COUNCIL: 10-17-2017  
PUBLISHED: 10-23-2017  
EFFECTIVE DATE: 10-30-2017  
ORDINANCE NO. 652