

City of East Wenatchee, Washington

Ordinance No. 2016-02

An Ordinance of the City of East Wenatchee adopting a Public Records Act Policy.

Una Ordenanza de la Ciudad de East Wenatchee adoptar una política Ley de Registros Públicos.

1. Alternate format.

- 1.1. Para leer este documento en otro formato (español, Braille, leer en voz alta, etc.), póngase en contacto con el vendedor de la ciudad al alternatformat@east-wenatchee.com, al (509) 884-9515 o al 711 (TTY).
- 1.2. To read this document in an alternate format (Spanish, Braille, read aloud, etc.), please contact the City Clerk at alternateformat@east-wenatchee.com, at (509) 884-9515, or at 711 (TTY).

2. Recitals.

- 2.1. The City of East Wenatchee (“City”) is a non-charter code City duly incorporated and operating under the laws of the State of Washington

3. **Authority.** RCW 35A.11.020 and RCW 35A.12.190 authorize the City Council to adopt ordinances of all kinds to regulate its municipal affairs and appropriate to the good government of the City.

THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE DO
ORDAIN AS FOLLOWS:

4. **Purpose.** With this Ordinance, the City Council establishes a process for requesting public records and responding to requests for public records as required by Washington’s Public Records Act (Chapter 42.56 RCW). If the City fails to fully comply with a provision of this chapter shall not result in any liability imposed upon the city other than as provided in the Public Records Act.
5. **Repeal.** The City Council repeals Section 1 of Ordinance 06-11.

6. **Model Rules.** The City Council adopts the following City of East Wenatchee Public Records Act Policy:

The City of East Wenatchee Public Records Act Policy

- PRA-010 Authority and purpose.
- PRA-020 Description--Contact information--Public records officer.
- PRA-030 Availability of public records.
- PRA-040 Processing of public records requests--General.
- PRA-050 Processing of public records requests--Electronic records.
- PRA-060 Exemptions.
- PRA-070 Costs of providing copies of public records.
- PRA-080 Review of denials of public records

PRA-010 Authority and purpose.

- A. RCW 42.56.070(1) requires the City to make available for inspection and copying nonexempt “public records” in accordance with published rules. The Public Records Act (“Act”) defines “public record” to include 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 the City.
- B. RCW 42.56.070(2) requires the City to set forth “for informational purposes” every law, in addition to the Act, that exempts or prohibits the disclosure of public records held by that agency.
- C. The purpose of these rules is to establish the procedures the City will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the City and establish processes for both requestors and the City staff that are designed to best assist members of the public in obtaining such access.
- D. The purpose of the Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The Act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the City will be guided by the provisions of the Act describing its purposes and interpretation.

PRA-020 Description--Contact information--Public records officer.

- A. The City of East Wenatchee is a municipal corporation. The City's' central office is located at 271 9th St. N.E., East Wenatchee, WA 98802.

- B. A person wishing to request access to a public record of the City should go to the City's website at www.east-wenatchee.com and fill out an online request. If a person needs assistance in making a request, he or she should contact the City's public records officer of the City:

Public Records Officer
Dana Barnard
City Clerk
271 9th St. N.E.
East Wenatchee, WA 98802
(509) 884-9515
dbarnard@east-wenatchee.com

If a person needs assistance in making a request for police records, he or she should contact the Police Department's Records Specialist:

Records Specialist
Andi Sharp
271 9th St. N.E.
East Wenatchee, WA 98802
(509) 884-9511
asharp@eastwenatcheepolice.com

- C. The public records officer oversees compliance with the Act but another staff member may process the request. Thus, a reference to the public records officer includes a reference the public records officer or "designee." The public records officer and the City will provide the "fullest assistance" to a requestor; ensure that the City protects public records from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the City.

PRA-030 Availability of public records.

- A. Hours for inspection of records.** A public records is available for inspection and copying during normal business hours of the City.
- B. Records index.** The City finds that maintaining an index is unduly burdensome and would interfere with its operations (See EWMC 1.28.010).
- C. Organization of records.** The City will maintain its records in a reasonably organized manner. The City will take reasonable actions to protect records from damage and disorganization. A requestor may not take the City records from the City offices without the permission of the public records officer. A variety of records are available on the City website [at www.east-wenatchee.com](http://www.east-wenatchee.com). The City encourages a requestor to view the records available on the web site prior to submitting a record request.
- D. Making a request for public records.**
 - 1. A person wishing to inspect or copy a public record of the City should fill out an online request form on the City's website: www.east-wenatchee.com. In the alternative, a person may fill out a public-record request form and email it, fax it, or mail it to the City's public records officer. The request should include the following information: Name of requestor; a telephone number; an e-mail address; a mailing address; a description of the record requested specific enough to allow the public records officer to locate the records; and the date and time of day of the request.
 - 2. If a requestor wishes to have copies of a record made instead of simply inspecting it, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. As allowed by RCW 42.56.120, the City charges fifteen cents to photocopy a page.

3. A requestor may find a form to make a public records request at www.east-wenatchee.com and at the office of the public records officer.
4. The City discourages verbal requests. The public records officer, however, may accept requests for public records that contain the above information by telephone or in person. If the public records officer accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

PRA-040 Processing of public records requests--General.

- A. **Providing “fullest assistance.”** The City must adopt rules which provide for how it will “provide full access to public records,” “protect records from damage or disorganization,” “prevent excessive interference with other essential functions of the City,” provide the “fullest assistance” to requestors, and provide the “most timely possible action” on a public records request. The public records officer will process requests in the order allowing the most requests to be processed in the most efficient manner.
- B. **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:
 1. Make the requested record available for inspection or copying;
 2. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to a requestor;
 3. Provide a reasonable estimate of when a requested record will be available;
 4. If the request is unclear or does not sufficiently identify the requested records, request clarification from a requestor. Such clarification may be requested and provided by telephone. The public records officer

may revise the estimate of when records will be available; or

5. Deny the request.
- C. **Consequences of failure to respond.** If the City does not respond in writing within five business days of receipt of a request for product, a requestor should contact the public records officer to determine the reason for the failure to respond.
 - D. **Protecting rights of others.** If a requested record contains information that may affect the rights of another individual and may be exempt from production, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to allow an affected individual to contact a requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit production of the requested record. The notice to the affected individual should invite the individual to come to City Hall to inspect the requested record.
 - E. **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the City believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why a record is being withheld. If only a portion of a record is exempt from production, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to a requestor why portions of the record were redacted.
 - F. **Inspection of a record.**
 1. Consistent with other demands, the City will promptly provide space to inspect a public record. No one may remove a record from the viewing area, disassemble a record, or alter a record. A requestor must indicate which records he or she wishes the City to copy.
 2. A requestor must claim or review an assembled record

within thirty days of the City notifying him or her that the record is available for inspection or copying. The City will notify a requestor in writing of this requirement and inform a requestor that he or she should contact the City to make arrangements to claim or review a record. If a requestor or a representative of a requestor fails to claim or review a record within the thirty-day period or make other arrangements, the City will close the request and refile the assembled record. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

3. **Providing copies of a record.** After inspection is complete, the public records officer will make the requested copies or arrange for copying.
4. **Providing records in installments.** If a request is for a large number of records, the public records officer will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, a requestor fails to inspect the entire set of records or one or more of the installments, the public records officer may stop searching for the remaining records and close the request.
5. **Completion of inspection.** When the inspection of a requested record is complete and the city has provide all the requested copies, the public records officer will indicate that the City has completed a diligent search for the requested records and made any located nonexempt records available for inspection.
6. **Closing withdrawn or abandoned request.** If a requestor either withdraws a request or fails to fulfill his or her obligations to inspect a requested record or pay the deposit or final payment for requested copies, the public records officer will close the request and indicate to a requestor that the City has closed the

request.

7. **Later discovered documents.** If, after the City has informed a requestor that it has provided all available records, the City becomes aware of additional responsive documents existing at the time of the request, it will promptly inform a requestor of the additional records and provide them on an expedited basis.

PRA-050 Processing of public records requests--Electronic records.

- A. **Requesting electronic records.** The process for requesting an electronic public record is the same as for requesting a paper public record.
- B. **Providing electronic records.** If a requestor requests a record in an electronic format, the public records officer will provide the nonexempt record or portions of such record that are reasonably locatable in an electronic format that is used by the City and is generally commercially available, or in a format that is reasonably translatable from the format in which the City keeps the record. Costs for providing electronic records are governed by WAC 44-14-07003 (as enacted or as amended).
- C. **Customized access to data bases.** With the consent of a requestor, the City may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. The City may charge a fee consistent with RCW 43.105.280 for such customized access

PRA-060 Exemptions.

- A. The Act identifies a number of types of records that are exempt from public inspection and copying. Additionally, a record is exempt from production if any "other statute" exempts or prohibits production. At the first City Council meeting of each year, the public records officer will file

an informational list of exemptions, outside the Act, that restrict the availability of a record held by the City for inspection and copying. The public records officer will also publish this list on the City's website.

- B. The law prohibits the City from disclosing lists of individuals for commercial purposes.

PRA-070 Costs of providing copies of public records.

- A. **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain a standard photocopy of a record for fifteen cents per page. Before beginning to copy a record, the public records officer may require a deposit of up to ten percent of the estimated costs of copying a record selected by a requestor. The public records officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The City will not charge sales tax for copying a public record.
- B. **Costs for electronic records.** The City will charge the actual cost of making an electronic copy of a record to a DVD or to a flash drive. The cost of scanning a paper record or a nonelectronic record is one cent per page. The City will not charge a fee for e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee.
- C. **Costs of mailing.** The City may also charge actual costs of mailing, including the cost of the shipping container.
- D. **Payment.** Payment may be made by cash, check, or money order to the City.

PRA-080 Review of denials of public records.

- A. **Petition for internal administrative review of denial of access.** A person who objects to the initial denial or partial denial of a records request may petition in writing

(including e-mail) to the public records officer for a review of that decision. The petition must include a copy of or reasonably identify the written statement by the public records officer denying the request.

- B. **Consideration of petition for review.** The public records officer must promptly provide the petition and any other relevant information to the Mayor. The Mayor will immediately consider the petition and either affirm or reverse the denial within five business days following the City's receipt of the petition, or within such other time as the City and a requestor mutually agree to.
- C. **Judicial review.** A person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.
- D. **Statute of limitations.** The statute of limitations for an action under the Act is one year after the City's claim of exemption or the last production of a record on a partial or installment basis. RCW 42.56.550(6).

7. Severability. If a court of competent jurisdiction declares any provision in this Ordinance to be contrary to law, such declaration shall not affect the validity of the other provisions of this Ordinance.

8. Publication. The City Council directs the City Clerk to publish a summary of this Ordinance. The summary shall consist of the title of this Ordinance.

9. Effective Date. This Ordinance becomes effective five days after the date its summary is published.

Passed by the City Council of East Wenatchee, at a regular meeting thereof on this 20th day of April, 2016.

The City of East Wenatchee,
Washington

By 
Steven C. Lacy, Mayor

Authenticated:


Dana Barnard, City Clerk

Approved as to form only:


Devin Poulson, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Published:
Effective Date:

4/20/16
4/26/16
4/29/16
5/4/16

Summary of Ordinance No. 2016-02
Of the City of East Wenatchee, Washington

On the 26th day of April, 2016, the City Council of the City of East Wenatchee, Washington approved Ordinance No. 2016-02, the main point of which may be summarized by its title as follows:

An Ordinance of the City of East Wenatchee adopting a Public Records Act Policy.

Una Ordenanza de la Ciudad de East Wenatchee adoptar una política Ley de Registros Públicos. Upon request, the City will mail a full text of this Ordinance.

Dated this 26th day of April, 2013.

Dana Barnard
Dana Barnard, City Clerk