

RESOLUTION NO. 1501

A RESOLUTION OF THE CITY COUNCIL OF CITY OF SNOQUALMIE, WASHINGTON ADOPTING RULES PERTAINING TO REQUESTS FOR PUBLIC RECORDS SUBMITTED PURSUANT TO THE PUBLIC RECORDS ACT, CHAPTER 42.56 RCW, AND CITY RESPONSES THERETO.

WHEREAS, Chapter 42.56 of the Revised Code of Washington is known as the "Public Records Act," or "PRA"; and

WHEREAS, the stated intent of the PRA is to provide full public access to public records pertaining to the conduct of government, respect individuals' privacy rights, protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the government agency holding the records; and

WHEREAS, other "essential City functions" are determined by state law and by the City Council and include, but are not limited to, providing public safety, financial stability, balanced transportation, dependable infrastructure, environmental protection, housing, human services, neighborhood services, economic development, parks, recreation and open space and the administrative systems necessary to provide effective government services; and

WHEREAS, the PRA generally requires that each state and local agency shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of the PRA or other statute which exempts or prohibits disclosure of specific information or records; and

WHEREAS, RCW 42.56.100, requires local agencies such as the City of Snoqualmie to “adopt and enforce reasonable rules and regulations. . .consonant with the [PRA’s] intent” as described above; and

WHEREAS, RCW 42.56.100 also requires that such rules and regulations “shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information”

WHEREAS, the City of Snoqualmie’s existing, adopted rules, codified in Chapter 2.50 of the Snoqualmie Municipal Code, were last amended in 2004; and

WHEREAS, since that time, the Legislature has re-codified Public Records Act into a different chapter of the RCW, modified the statutory exemptions from disclosure contained in the Act, and adopted new provisions regarding the charges an agency may impose for production of paper as well as electronic records; and

WHEREAS, in 2018 the Washington Attorney General issued comprehensive new “Model Rules” concerning public records compliance, to advise state and local agencies about “best practices” for complying with the PRA; and

WHEREAS, since 2017, the City of Snoqualmie has experienced a significant increase in the volume and complexity of public records requests; and

WHEREAS, to prevent excessive interference with the other essential functions of the City, it is necessary to determine a reasonable level of effort to devote to responding to requests for public records commensurate with the available resources and staffing; and

WHEREAS, while the Act generally precludes the City from charging a fee for inspecting or locating public records, it does allow the City to charge a reasonable fee for copying and sending public records; and

WHEREAS, since the Act's adoption in 1972, the use of technology has resulted in many public records stored in an electronic format for which a copying fee was not previously expressly authorized; and

WHEREAS, with the passage of Engrossed House Bill 1595 during the 2017 regular session, the Washington State Legislature authorized the imposition of a fee for the provision of records in an electronic format and a customized service charge when expertise is required to compile data or when customized access is necessary to provide requested records; and

WHEREAS, EHB 1595, Section 3, codified at RCW 42.56.120, permits the City to impose the actual cost of providing records (including staff time to copy and send public records), to impose a range of statutorily-authorized default costs, or to adopt a one-time flat fee of up to \$2.00; and

WHEREAS, the City has prepared a cost study so as to determine the actual costs of providing public records; and

WHEREAS, EHB 1595, Section 1, codified at RCW 42.56.070, states that a city seeking to impose actual costs must provide notice and a public hearing; and

WHEREAS, a duly-noticed public hearing was held on July 22, 2019 before the Snoqualmie City Council; and

WHEREAS, the City Council desires to adopt new rules governing the process for requesting public records, responding to public records requests, and imposing such charges as allowed by law for the cost of providing requested public records;

NOW, THEREFORE NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Snoqualmie, Washington, as follows:

Section 1. Public Records Rules Adopted. The Public Records Act Rules attached hereto as Exhibit A (the "Rules") are hereby adopted for the City of Snoqualmie pursuant to RCW 42.56.100.

Section 2. Administrative Rules. The Mayor and/or City Administrator is authorized to adopt reasonable administrative rules to further implement the Public Records Rules adopted pursuant to Section 1 of this Resolution. Any administrative rules or changes thereto shall be reported to the City Council and made available on the City's website.

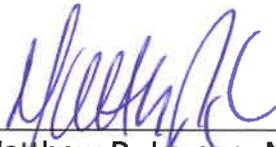
Section 3. Effective Date. This Resolution shall be effective immediately upon its passage.

Section 4. Severability. If any portion of this Resolution or the Rules adopted herein are found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this Resolution or the Rules adopted herein.

Section 5. Corrections by the City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to the

Public Records Act Rules adopted by this Resolution, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations, or resolution numbering and section/subsection numbering.

PASSED by the City Council of the City of Snoqualmie, Washington, this 22nd day of July, 2019.



Matthew R. Larson, Mayor



Jodi Warren, MMC
City Clerk

Approved as to form



Bob C. Sterbank
City Attorney

City of Snoqualmie

PUBLIC RECORDS ACT RULES

July, 2019

Section 1. Authority and Purpose.

The Public Records Act, RCW 42.56 (“The Act” or “PRA”), requires public agencies to make identifiable, non-exempt public records available for inspection and copying upon request and to publish rules of procedure to inform the public how access to public records will be accomplished. Pursuant to Resolution No. 1501 adopted by the City Council on July 22, 2019, the following Rules for responding to public records/disclosure requests are established.

The purpose of these rules is to provide procedures for the full and timely access to information concerning the conduct of government, mindful of individuals’ privacy rights and the desirability of efficient administration of our City 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. Unless otherwise stated herein, the definitions outlined in the Act shall apply. In the case of any conflict between these Rules and the Act, the Act shall apply.

Section 2. Description of City Services and Central Office

The City of Snoqualmie is a Washington municipal corporation that provides the full range of traditional municipal services through its various departments. These functions include, but are not limited to, maintaining public records. The City shall maintain descriptions of the City’s organization and the process through which the public may obtain information from the City.

The City of Snoqualmie’s central office is located at Snoqualmie City Hall, 38624 SE River Street, Snoqualmie, WA, 98065.

Section 3. Public Records Officer

Any person wishing to request access to public records or seeking assistance in making a request should contact the City’s Public Records Officer. The City Clerk is designated as the City’s Public Records Officer.

The Public Records Officer will oversee compliance with the Public Records Act and these Rules. In addition, each city department shall designate a staff member or members to assist the Public Records Officer in implementing these Rules. The department-designated public records staff member(s) will assist the Public Records Officer in communicating with requestors, identifying records responsive to requests pertaining to the department, redacting information that is exempt from production, and providing responsive records to requestors, as appropriate and under the oversight of the Public Records Officer.

The Public Records Officer and/or designees will provide the fullest assistance to requestors, ensure that public records are protected from damage or disorganization, and prevent work

related to public records requests from causing excessive interference with the essential functions of the City.

When using these Rules, references to the Public Records Officer should be interpreted to also include his or her designees and/or the department-designated public records staff members.

Section 4. Availability of public records.

- a. **Hours for inspection.** Public records are generally available for inspection and copying during the City's normal business hours: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. To assure protection of public records, City staff may require that inspection and/or copying of records responsive to a specific request occur at such dates and times as mutually agreed between City staff and a requestor.
- b. **Place of inspection.** Records will generally be made available for inspection at the City's central office. City staff and the requestor may make mutually agreeable arrangements for inspection at other locations if the particular records being sought are maintained at field offices of the City.

A requestor shall not take City records from City offices without the permission of the Public Records Officer.

- c. **Electronic access to records.** A variety of records are available on the City's web site at: <https://www.ci.snoqualmie.wa.us/>.

To the extent practical, the City will store, maintain, and make its records available electronically. For those seeking responsive records in electronic format, the City may provide access to public records by providing links to the web site containing an electronic copy of the record, provide records on a USB Flash Drive, or transmit the responsive record via e-mail. The Public Records Officer will work with the requestor to determine the most appropriate method for providing electronic copies of responsive records.

- d. **Records index.** By adopting Section 2.50.040 of the Snoqualmie Municipal Code, the City Council determined that maintenance of a current index of identifying information for the public records described in RCW 42.56.070(3) would unduly burden and interfere with city operations.
- e. **Organization of records.** City departments will seek to maintain records in a reasonably organized manner and the City will take reasonable actions to protect records from damage and disorganization.
- f. **Retention of records.** The City is not required to retain all records it creates or uses. The State Attorney General's Local Records Committee approves a general retention schedule for local agency records (including cities) that are common to most agencies. Individual agencies may seek approval from the Local Records Committee for retention schedules specific to their agency or that, due to their particular business needs, must be kept longer than provided in the general schedule. The retention schedules for local agencies are

available at <https://www.sos.wa.gov/archives/RecordsManagement/Managing-City-Records.aspx>.

Retention schedules vary based on the content of the record.

Section 5. Making a request for public records.

- a. **Reasonable notice that the request is for public records.** In order to make a request for public records, trigger the City's obligation to respond and facilitate a timely response, a requestor must provide the City with fair notice that a request being made is for public records. To do so, a requestor must request records as set forth in Section 5(b) below and, if the request is made other than via the City website public records form, label the front page of the document as containing a public records request, cite or name the Public Records Act, use the terms "public records" or "public disclosure," or otherwise call the request to the attention of the Public Records Officer. A requestor may not bury a request for public records within a larger document or communication unrelated to a public records request.
- b. **Form.** Any person wishing to inspect or copy identifiable public records of the City should make the request in writing in one of the following ways:
 - i. **Requests for records other than Police records:** Requests to inspect or copy any records maintained by the City, other than Police records, should be made to the Public Records Officer using the online "Request for Public Records – GENERAL" form available at <http://www.ci.snoqualmie.wa.us/FormCenter>. In addition, requests may be made in writing, labeled "Public Records Act request," and delivered to the address below:

Public Records Officer
Snoqualmie City Hall
38624 SE River Street
Snoqualmie, WA 98065
Telephone: 425-888-8016
 - ii. **Requests for Police records:** Requests to inspect or copy records maintained by the City's Police Department should be made using the online "Request for Public Records – POLICE" form available at <http://www.ci.snoqualmie.wa.us/FormCenter>. In addition, requests may be made in writing, labeled "Public Records Act request," and delivered to the address below:

Snoqualmie City Hall -- Police Department

Telephone: 888-3333
 - iii. **Internet access to records.** Many records are also available on the City of Snoqualmie website at: <https://www.ci.snoqualmie.wa.us/>. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

- iv. Regardless of the form of the request, the following information shall be included in the request:
- Name and address of requestor;
 - Other contact information, including telephone number and email address;
 - The fact that the requestor is making a Public Records Act request;
 - Identification of the requested records adequate for the Public Records Officer to locate the records; and
 - The date of the request.

- c. **Identifiable Record.** A requestor must request an "identifiable record" or "class of records" before the City must respond to it. An "identifiable record" is one that is existing at the time of the request and which City staff can reasonably locate. The Act does not require the City to be a "mind reader" or to guess what records are being requested. The Act does not allow a requestor to make "future" or "standing" (ongoing) requests for records not in existence; nonexistent records are not "identifiable."

A request for all or substantially all records prepared, owned, used or retained by the City agency is not a valid request for identifiable records; a request for all records must identify a particular topic or contain a particular keyword or name to not constitute a request for all of the City's records. A "keyword" or name must have some meaning that reduces a request from all or substantially all of the City's records.

An "identifiable record" is not a request for "information" in general. For example, asking "what policies" the City has for handling discrimination complaints is merely a request for "information." A request to inspect or copy the City's policies and procedures for handling discrimination complaints would be a request for an "identifiable record."

Public records requests also are not interrogatories or questions. The City is not required to answer questions about records, City business or City actions, or conduct legal research for a requestor.

When a request uses an inexact phrase such as all records "relating to" a topic (such as "all records relating to the property tax increase"), the Public Records Officer may interpret the request to be for records which directly and reasonably address the topic. The Public Records Officer should inform the requestor of the City's interpretation when responding to a request.

- d. **Prioritization of records.** The Public Records Officer may ask a requestor to prioritize installments of the records he or she is requesting so that particular records may be provided first. A requestor need not prioritize installments for their request; however, if a requestor chooses not to prioritize installments or declines the Public Records Officer's request that the requestor do so, the Public Records Officer will provide records in the order determined by the Public Records Officer or designees.
- e. **Copies.** If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to make a deposit or pay for the copies, as further discussed in Section 10 below. Costs for copies are set

out on the fee schedule published periodically by the City Clerk and made available at the City Hall and on the City's web site.

- f. Oral Requests.** The Public Records Officer may accept oral requests for public records that contain the above information by telephone or in person, provided that the request seeks a particular document identifiable by name, *e.g.*, “current City zoning map,” or “Ordinance No. 1111.” If such an oral request is made, the Public Records Officer will confirm receipt of the information and the substance of the request in writing. If other requests are attempted to be made orally, in order to avoid confusion the Public Records Officer will direct the requestor to submit the online public records request form (Section 5(b)(i) or (ii) above) or to otherwise submit the request in writing.
- g. Requests made directly to City departments.** Requests for public records that are made directly to departments should be delivered to the Public Records Officer immediately upon receipt for coordinated processing.
- h. Purpose of request.** Generally, the City shall not distinguish among persons requesting records. To that end, a requestor need not state the purpose of the request, except that the City may request the requestor to provide information as to the purpose of the request in the following instances:

 1. If the request is for a list of individuals, the City shall investigate whether the requestor intends to use the list for commercial purposes. The City may require the requestor sign a declaration stating that he or she will not use the list for commercial purposes. Unless otherwise required by law, the City shall not give, sell or provide access to lists of individuals requested for commercial purposes.
 2. The City may request information from a requestor about the purpose of the request sufficient to allow a determination as to whether another statute prohibits disclosure of specific information or records to certain persons.
 3. The City may request information from a requestor about the purpose of a request in an effort to better understand the request and provide all responsive records.
- i. Overbroad requests.** The City may not deny a request for identifiable public records solely because the request is overbroad. However, the City may seek clarification, ask the requestor to prioritize the request so that particular records are provided first, and/or communicate with the requestor in an effort to voluntarily limit the size and complexity of the request. The City may also provide the responsive records in installments.

Section 6. Processing public records requests

- a. Providing “fullest assistance”.** These Rules and related policies and procedures identify how the City will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of the agency, provide the fullest assistance to requestors and provide the timeliest possible action on public records requests.

All assistance necessary to help requestors locate particular responsive records shall be provided by the Public Records Officer and/or department-designated staff, provided that the giving of such assistance does not unreasonably disrupt the daily operations of the Public Records Center or other duties of any assisting employee(s) in other City departments.

- b. Order for processing requests.** The Public Records Officer will process requests in the order and manner he or she determines to be the most efficient. If a request involves production of records in installments, and the requestor has prioritized the preferred order of production of those installments, the Public Records Officer will provide the installments according to the requested prioritization.
- c. Acknowledging receipt and fulfilling requests.** Within five business days of receipt of the request, the Public Records Officer will respond in one of the following ways:
 - 1. Make the record available for inspection or copying;
 - 2. Provide a link to the City's web page where the requested records are posted;
 - 3. Acknowledge that the request has been received and provide a reasonable estimate of when records will be available;
 - 4. If the request is unclear or does not sufficiently identify the requested records, the Public Records Officer will acknowledge receipt of the request, request clarification from the requestor and provide a reasonable estimate of time it will take to respond to the request if it is not clarified. Such clarification may be requested and provided by telephone; or
 - 5. Deny the request.
- d. Reasonable estimate of time to fully respond.** If not able to fulfill the request within the five-business-day period, the Public Records Officer will provide a reasonable estimate of the time it will take to fully respond to the request. Additional time may be needed to clarify the scope of the request, locate and assemble the potentially responsive records, notify third parties affected by the request, consult with the City Attorney about whether any portion of the records is exempt from disclosure, redact confidential or otherwise exempt information, and/or prepare an exemption log.

The Public Records Officer should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain any changed circumstances related to the extension.

- e. Categories of Requests.** When a public records request is received, the Public Records Officer will categorize the request according to the nature, volume, and availability of the requested records and complexity of the request using the following categories:
 - 1. Category 1:** Records requests that are routine and/or can be readily filled with little or no coordination between departments. Average processing time: 5 – 30 days.

2. **Category 2:** Records requests that may be routine but require coordination between two or more departments and may need additional time to identify or process exemptions. Requests that require third party notification may be a category 3. Average processing time: 4-5 weeks and may require several months to complete in total and are frequently provided in installments.
3. **Category 3:** Records requests that are complex and/or broad or vague. These requests contain a large number of records that may not be easily identified and may require additional research by City staff who are not primarily responsible for public disclosure, or require legal review and processing for exemptions. Average processing time: 5-6 weeks and may require several months to complete in total and are frequently provided in installments.

After the initial categorization, records requests may be re-categorized due to unanticipated circumstances or additional information.

f. Tracking requests.

1. The City shall maintain a log to track all records requests. The log shall identify the category and status of the requests as "pending," "active," or "completed."
2. Records requests will initially be entered on the log and, within each category, processed in the chronological order in which they are received by the City. However, responding to a records request is not always a sequential process. The City will manage the order in which requests are processed based on the individual circumstances of each request.

g. Multiple requests by the same requestor. In order to provide the fullest assistance to all records requestors and to prevent excessive interference with other essential functions of the City, if the same requestor (or their representative) has submitted multiple unrelated requests categorized by the City as Category 2 or 3 requests, the Public Records Officer may process the requests one at a time and in the order received, in order to allow the Public Records Officer to also process other requestors' later-received requests. Requestors may prioritize the order in which the City processes such multiple requests. If a requestor submits multiple Category 2 or 3 requests that relate to the same subject, project, keyword, *etc.*, the Public Records Officer may consolidate such requests to be processed simultaneously. The City shall endeavor to provide all requestors, and their representatives, with equal assistance and attention, to the extent reasonably and feasibly possible.

h. Failure to respond within 5-day period. If the City does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the Public Records Officer to determine whether the request has been received by the City.

i. Requesting Clarification. In acknowledging receipt of a public record request that is unclear, the City may ask the requestor to clarify what information the requestor is seeking. Additionally, clarification may be sought in circumstances which include (but are not limited to) the following:

1. To determine the specific date or date range of records sought, if known.
2. To ask a requestor to prioritize the records he or she is requesting so that the City is able to provide the most important records first. The City is not required to ask for prioritization, and a requestor is not required to provide it; however, if the City requests prioritization and the requestor declines to provide it, the Public Records Officer will determine the order / priority of records to be produced.
3. To clarify requests for identified in vague terms such as “any and all documents related to,” “all records relating to” or similar language. If the requestor is unable or unwilling to help narrow the scope of the documents being sought in order to expedite the City’s response and/or reduce the volume of potentially responsive documents, the City may err on the side of producing more rather than fewer documents in response to such a broad, general request. City staff shall not be obligated to interpret such a broad, general request in order to decipher which specific documents may be of interest to the requestor and the Act does not allow a requestor to search through the City’s files for records which cannot be identified or described to the City.

Such clarification may be requested and provided by telephone. If the clarification is made by telephone, the PRO will confirm the scope of the clarification in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

If the requestor fails to respond to a City request to clarify the request within 30 days, and the entire request is unclear, the City may consider the request abandoned. Otherwise, the City will respond to those portions of the request that, in the determination of the Public Records Officer, are clear. If the City considers the request abandoned, it will send a closing letter to the requester.

- j. Consequences of disclosing a record in error.** The City, and its officials, agents, employees or custodians shall not be liable, nor shall a cause of action exist, for loss or damage based on release of a public record if the City, official, agent, employee or custodian acted in good faith in attempting to comply with the Public Records Act.
- k. Searching for records.** The City must conduct an objectively reasonable search for responsive records. The Public Records Officer will determine where responsive records are likely to be located and involve records coordinators in other departments, as needed, to assemble the records.

After potentially responsive records are located, the Public Records Officer may take reasonable steps to narrow down the number of records assembled to those that appear directly responsive to the request; provided, however, that in the case of a broad request, the Public Records Officer may provide all documents located by search terms

reasonably related to the breadth of the request, particularly if the requestor is unable or unwilling to help narrow the scope of the documents being sought.

If the City does not locate responsive documents, it will so indicate to the requestor, and will explain in at least general terms the places searched and/or the search terms employed.

l. Preserving requested records. If a requested record is scheduled shortly for destruction under the City's records retention schedule, the record cannot be destroyed until the public disclosure request has been resolved. Once a request has been closed, the Public Records Officer can destroy the record in accordance with the retention schedule.

m. Records exempt from disclosure. Some records or information contained therein are exempt from disclosure, in whole or in part (see Section 9).

If the City believes that a record is exempt from disclosure and should be withheld, in whole or in part, the Public Records Officer will state the specific 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 determined to be exempt, the Public Records Officer will redact the exempt portions and provide the non-exempt portions (See Section 9 below).

n. Court protection of records (Third-party notice). If the requested records contain information that may affect rights of a person who is named in the record or to whom the record specifically pertains and that may be exempt from disclosure, prior to providing the records the Public Records Officer may give notice to such persons. Generally, 14-days' notice will be given in order to make it possible to contact the requestor and ask him or her to revise the request or, if necessary, allow affected individuals to take action seek an order from a court to prevent or limit the disclosure. The notice to the affected person(s) will include a copy of the request. Nothing in this section requires the City to provide such third-party notice, unless otherwise required by law.

o. Inspection of records. To the extent possible, the Public Records Officer shall promptly provide space to inspect public records at the City's central office. The requestor must claim or review the assembled records within thirty days of the Public Records Officer's notification that the records are available for inspection or copying. The Public Records Officer will notify the requestor in writing of this requirement and suggest that he or she contact the agency to make arrangements to claim or review the records. Depending on the number and length of responsive records, the Public Records Officer may require that the records inspection occur at such date and time mutually agreed by the records requestor. Possession of cameras, mobile phones, laptops, tablets or other electronic devices within such room where public records are made available for inspection is prohibited.

If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period, or make other arrangements, the Public Records Officer may

close the request and re-file the assembled records. Other public records requests can be processed before a subsequent request by the same person for the same or almost identical records, which will be processed as a new request.

Members of the public may not remove documents from the viewing area or disassemble or alter any document. City employees may be present during the inspection of records.

- p. Providing copies of records.** If the requester has first inspected paper copies of potentially-responsive records, the requestor shall indicate which documents he or she wishes to have copied using a mutually agreed upon non-permanent method of marking the desired records. After inspection is complete, the Public Records Officer will arrange for copying. Making a copy of an electronic record is considered copying and not creation of a new record.
- q. Providing records in installments.** When the request is for a large number of records, particularly Category 2 or 3, the Public Records Officer will generally 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 the requestor fails to inspect the entire set of records or one or more of the installments within 30 days of the records being made available for inspection, the Public Records Officer may stop searching for the remaining records and close the request.
- r. Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer will indicate that the City has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

If the requestor obtains the records he or she is seeking while the City's response is still ongoing, the requestor should advise the Public Records Officer that the requested records satisfy the request and that the remainder of the request may be cancelled.

- s. Closing withdrawn or abandoned requests.** If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records within thirty (30) days of the date of the City's notification of records availability, or fails to pay the deposit or final payment for the requested copies within ten (10) days of the date of the payment request, the Public Records Officer will close the request and indicate to the requestor that the City has closed the request. The Public Records Officer will document closure of the request and the conditions that led to closure.
- t. Later discovered documents.** If, after the Public Records Officer has informed the requestor that the City has provided all available records, the City becomes aware of additional responsive documents that existed on the date of the request, the Public Records Officer will promptly inform the requestor of the additional documents and provide them on an expedited basis.
- u. No duty to create records.** The City is not obligated to create a new record to satisfy a records request; however, the City may, with the requestor's approval, create such a new record to fulfill the request where it may be easier for the City to create a record

responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request. The City is not required to conduct research for a requestor.

- v. **No duty to supplement responses.** The City is not obligated to hold current records requests open to respond to requests for records that may be created in the future. If a public record is created after a request is received by the City, it is not responsive to the request and will not be provided. A new request must be made to obtain later-created public records.
- w. **No access to City network or systems.** Requestors shall not be permitted to access or “plug into” City networks or systems or copy records using personal devices or equipment, such as USBs or scanners, which must be connected to City equipment in order to copy records.
- x. **Prevention of excessive interference with essential government functions.** To prevent excessive interference with other essential functions of the City, and to allow the Public Records Officer and other designated City staff members to perform their other assigned duties, the Public Records Officer will spend a maximum of 16 hours per month responding to public records requests. Each department-designated staff member assisting the Public Records Officer under Section 3 of these Rules will spend a maximum of 8 hours per month responding to or assisting with responses to public records requests.

Section 7. Processing requests for electronic records.

- a. **Providing electronic records.** If public records are requested in electronic form, the Public Records Officer will provide non-exempt records in a generally commercially available electronic format that is used by the City, as determined by the Public Records Officer in conjunction with the City’s Information Technology Department.
- b. **Access to electronic records.** The Public Records Officer may provide a link to electronic records easily found on the City’s website. Records may also be accessed using an online transfer or sharing site, email, or an external device such as a USB drive. Copying of electronic records are subject to fees listed in the Fee Schedule.
- c. **Paper records provided electronically.** Paper records that are specifically requested to be provided electronically are subject to processing fees listed in the Fee Schedule.

Section 8. Retention of records. The City will retain its records in accordance with retention schedules approved by the State Local Records Committee. Public records may not be destroyed per a retention schedule if a public records request or actual or anticipated litigation is pending.

Section 9. Exempt and prohibited disclosure of public records.

All public records maintained by the City are available for public inspection and copying in accordance with these Rules, unless the records are specifically exempt or prohibited from disclosure by applicable state and federal laws.

- a. The Public Records Act and other statutes provide that a number of document types and information are prohibited from being disclosed or are exempt from public inspection and copying. The City will maintain on its website a current list of disclosure prohibitions / exemptions, other than those listed in the Act, which exempt or prohibit disclosure of specific information or public records.
- b. The City’s failure to list an exemption shall not affect the effectiveness of the exemption.

Section 10. Costs of providing copies of public records

- a. **Costs for records, generally.** Fees for copies and scanning of public records requests shall be charged according to the fee schedule below. Payment of fees is required prior to release of records, unless other arrangements have been made with the Public Records Officer. If requested by a requestor, the City shall provide a summary of the applicable charges before any copies are made and the requestor may revise a public records request to reduce the number of copies to be made and reduce the applicable charges.

No fee is charged for locating records, inspecting records in person or for accessing records routinely made available on the City’s website prior to receipt of a request, unless the requestor has specifically requested that the City provide copies of such records through other means.

The City declares that it would be unduly burdensome to calculate the actual costs of providing copies of certain public records, due to variations in copy charges for leased copiers and variations in staff time for manual copying and mailing, or uploading or electronically transmitting, responsive records. Therefore, except as otherwise indicated below, the table below incorporates the standard fees prescribed in RCW 42.56.120(2)(b) for providing public records (other than outsourced copies or copies of large-format plans and maps).

Method of Release of Records	Fee
Inspection of Records	
Inspection of agency records on agency public internet web site or scheduled at agency officer.	No fee
Access or downloading records posted on City’s public internet web site.	No fee
Standard Copies of Physical Records	
Size	
8.5 x 11 black and white or color	\$0.15 per printed page
8.5 x 14 black and white or color	\$0.15 per printed page
11 x 17 black and white or color	\$0.15 per printed page

Outsourced Copies any size	Vendor Invoice
Large Format Plans and Maps	\$3.50 In-house; Vendor Invoice if outsourced (recommended for over 5 copies)
Electronic Records	
Use of FTP or Cloud drive service or e-mailing records	Actual cost: \$67.57/hr. x number of minutes uploading or emailing records.
Scanning physical records to electronic format	Actual cost: \$67.57/hr. x number of minutes uploading or emailing records.
USB, CD, DVD or other Storage Device	Actual Cost of storage device*
Video or Audio Tape Reproduction	Vendor invoice
Mailing Physical Records or Storage Devices	
Mailing of physical records or electronic records on storage device	Cost of electronic records storage device plus the actual cost of envelope/container and postage/delivery charge.
Customized Service	
Data compilations prepared or access as a customize service (cost is in addition to copy fees above)	Actual Cost, including hourly rate for information technology staff involved in preparation of data compilation or customized electronic access.
Copy charges above may be combined to the extent more than one type of charge applies to copies released in response to a particular records request.	

*Actual cost of storage devices may fluctuate based on purchase current price. The City will retain an updated list of actual costs for electronic storage devices, which will be available upon request.

- b. **Customized Service Charge.** In addition to any charges noted on the City’s Fee Resolution, the City may include a customized service charge if 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 access services are not used by the City for other purposes. Such charge shall be the actual cost of providing the customized access service. The City must notify the requestor in advance of the customized service charge to be applied, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge, and the City must provide the requestor the opportunity to amend the public records request in order to avoid or reduce the cost of a customized service charge.

- c. **Other copying charges.** The Act generally governs copying charges for public records, but several specific statutes govern charges for particular kinds of records. The following nonexhaustive list provides some examples: RCW 46.52.085 (charges for traffic accident reports); RCW 10.97.100 (copies of criminal histories) and RCW 70.58.107 (charges for birth certificates). The City will charge the amount authorized pursuant to these other statutes rather than as provided under the Act or these Rules.

- d. **Use of other copying services.** The City is not required to copy records at its own facilities and may determine to use a commercial copying center for duplicating voluminous records or records in non-routine formats such as photographs, blueprints or tape recordings. The City will bill the requestor for the amount charged by the vendor.
- e. **Deposit or payment by installments.** Prior to copying records, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying the records, including customized service charges, 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.
- f. **Method of payment.** Payment may be made by cash, check, or money order to the City of Snoqualmie.

Section 11. Denials of requests for public records

- a. **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including by e-mail) to the Public Records Officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request and the basis for the requestor's challenge to the denial.
- b. **Consideration of petition for review.** The Public Records Officer shall promptly provide the petition and any other relevant information to the City Attorney or his or her designee to conduct the review. The City Attorney or designee will promptly consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time to which the City and the requestor mutually agree.
- c. **Judicial review.** Any 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.