

RESOLUTION NO. _____

**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