

RESOLUTION NO. 3460

**A RESOLUTION OF THE CITY OF PASCO, WASHINGTON,
AMENDING RESOLUTION NO. 3446 REGARDING PUBLIC RECORDS
REQUESTS**

WHEREAS, the City of Pasco previously adopted the Washington State Attorney General's advisory rules as Resolution No. 3267, and subsequently amended those rules including the most recent amendments pursuant to Resolution No. 3446; and

WHEREAS, RCW 42.56.520 requires the City to promptly respond to all public record requests, and further requires the City to make a reasonable estimate of time required to produce public records 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 and that a denial should be made as to all or part of the request; and

WHEREAS, RCW 42.56.100 requires the City to take the most timely action possible in fulfilling requests and provide the fullest assistance to requestors in such a manner that prevents excessive interference with other essential functions of the agency; and

WHEREAS, pursuant to WAC 44-14-04003, an agency should try to fulfill all requests in the most efficient manner including the processing of relatively routine requests prior to the fulfillment of much larger or complex, time consuming requests; and

WHEREAS, in recent years the City has experienced an increase in the volume of public record requests, particularly an increase in the number of large or complex requests which require significant staff time, research, review, clarification with requestors, notification to third parties, and which otherwise consume a significant amount of City time and resources often causing delays in fulfilling other routine requests and carrying out other City functions; and

WHEREAS, the City Council having considered the recommendations of staff, the availability of City resources, the requirements of law, and the current demand for public records, has determined that the most efficient and fair way to process public record requests on behalf of residents and nonresidents alike and to provide the fullest assistance, is to create a two-tier system whereby, routine requests are handled in the normal course of business in the order they are received, and large or complex requests are handled together in the order in which they are received. NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF PASCO, WASHINGTON, DOES RESOLVE
AS FOLLOWS:

Section 1. Resolution No. 3446 is hereby amended to read as follows:

AGENCY DESCRIPTION - CONTACT INFORMATION - PUBLIC RECORDS OFFICER.

A) The City of Pasco is a Washington Municipal Corporation providing municipal services. The City's central office is located at the Pasco City Hall, located at 525 North 3rd, Pasco, WA.

B) 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 has been designated by the City Manager as the City's Public Records Officer pursuant to RCW 42.56.580. While the public records officer may offer help and guidance relating to any public records request, requests for police records incident reports, fire and emergency medical services incident records and municipal court records should be directed to the designated records officer within those departments at the contact information listed below.

1) Requests for records other than Police, Fire and Emergency Medical Services Incidents and Municipal Court records. Requests to inspect or copy any records maintained by the City, other than Police incident reports, Fire and Emergency Medical Services Incidents and Municipal Court records, should be made to the Public Records Officer at:

Office of the City Clerk
City of Pasco
525 North 3rd, Pasco WA 99301
(509) 545-3402 - telephone
(509) 543-5727 - facsimile
Email address: cityclerkinfo@Pasco-wa.gov

2) Requests for Police records. Requests to inspect or copy ~~records~~ Police incident reports maintained by the City's Police Department should be made to the Police Records Officer at:

Records Office
City of Pasco Police Department
525 North 3rd, Pasco WA 99301
(509) 545-3421 - telephone
(509) 545-3423 - facsimile

3) Requests for Fire and Emergency Medical Services Incident records. Requests to inspect or copy records for fire and emergency medical services incidents, maintained by the City's Fire Department should be made to the department at:

Fire Administration
City of Pasco
310 North Oregon Ave., Pasco WA 99301
(509) 545-3426 - telephone
(509) 545-3439 - facsimile

4) Requests for Municipal Court records. Requests to inspect or copy records maintained by the Pasco Municipal Court, should be made to the Court Administrator at:

Court Administration
City of Pasco
1016 North 4th, Pasco WA 99301
(509) 545-3491 - telephone
(509) 543-2912- facsimile

5) Internet access to records. Many records are also available on the City's web site at www.pasco-wa.gov. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

C) The public records officer will oversee compliance with the act but another City staff member may process a request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and the City will provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the City.

Section 2. AVAILABILITY OF PUBLIC RECORDS.

A) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of the City.

1) The City Clerk hours are Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. ~~Records must be inspected at the office of the City Clerk at City Hall.~~

2) The City's Police Department hours are Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays.

3) The City's Fire Department hours are Monday through Friday, 8:00 a.m. to 12:00 p.m., and 1:00 p.m. to 4:30 p.m., excluding legal holidays.

4) The Municipal Court hours are Monday through Friday, 8:30 a.m. to 12:30 p.m., and 1:30 p.m. to 4:00 p.m., excluding legal holidays.

B) Records Index.

The City finds that maintaining an index is unduly burdensome and would interfere with City operations. The requirement would unduly burden or interfere with City operations in the following ways:

1) Given the number of different departments/divisions in the City, the maintenance of a single index is impractical; and

2) Due to activity levels in the City, the type and number of records is constantly changing.

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 shall not take City records from City offices, or that location designated for the inspection of public records, without the permission of the public records officer or designee. A variety of records are available on the City's web site at www.pasco-wa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

D) Making a request for public records.

1) Any person wishing to inspect or copy public records of the City should make the request in writing on the City's request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:

a) Name of requestor;

b) Address of requestor;

c) Other contact information, including telephone number and/or e-mail address;

d) Identification of the public records adequate for the public records officer or designee to locate the records; and

e) The date, and if presented at City Hall, the time of day of the request.

2) 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 pay for copies of the records or a deposit. Standard photocopies will be provided at 15 cents (15¢) per page.

3) A form is available for use by requestor at the office of the public records officer and online at www.pasco-wa.gov.

4) The public records officer or designee may accept requests for public records that contain the above information by telephone, facsimile, email, or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

5) In the event the records requested in any department are readily available, of a routine common nature, and do not involve the interest of any other person, the public records officer or the department head may authorize the immediate inspection and/or copying of such record without the necessity of filing the request as provided in subsection (1) above.

Section 3. PROCESSING OF PUBLIC RECORDS REQUEST - GENERAL.

A) Providing "fullest assistance." The City is charged by statute with adopting rules which provide 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 "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

1) In order to accomplish the policy that requests be processed in the order allowing the most requests to be processed in the most efficient manner, requests will be categorized as "Immediate," "Routine" or "Complex" as set forth below. Complex requests will be processed separate from Routine requests and will be processed together with other Complex requests in the order such requests were received.

The public records officer or designee shall use the method and criteria enumerated below for identifying large or complex requests, which criteria and method may be amended from time to time as the demand for records and the availability of resources change; provided, however, no such amendment shall remain in effect more than thirty (30) days unless said amendment is ratified by resolution of the City Council.

The public records officer or designee shall consider the following criteria when identifying large or Complex requests: (1) the general, expansive, or all inclusive nature of the request; (2) the number of departments involved; (3) the location of records and available method of searching records; (4) the potential number of records implicated; (5) the rights of third parties; (6) the need for clarification of the request; (7) administrative tasks necessary to process the request; (8) the amount of time needed to review documents for applicable exemptions; (9) the need for legal review of the public records request; (10) the format of relevant records; and (11) other relevant circumstances.

The method for applying the criteria in reviewing the requests shall be the use of the Public Records Request Evaluation Sheet, attached hereto as Exhibit A. The public records officer or designee shall score those requests which appear to be potentially large or Complex by using the Public Records Request Evaluation Sheet. A request that scores 8 points or less shall be considered a Routine request, and will be processed together with other Routine requests in the order such requests were received. A request that scores 9 points or greater shall be considered a Complex request and will be processed together with other Complex requests in the order such requests were received. In the event the records requested in any department are readily available, of a common nature, and do not involve the interest of any other person, the public records officer or the department

head may authorize the immediate inspection and/or copying of such record without the necessity of filing the request as provided in subsection (1) above.

2) Requestors are encouraged to narrow or clarify large or complex requests. A request that is narrowed or clarified will be rescored to determine if the request qualifies as routine and can otherwise be processed with the other pending routine requests. Requestors are encouraged to consider the needs of others and utilize the public records request process responsibly.

3) A requestor may appeal the determination that a request is large or complex to the City Manager or designee by providing a written request for review of the determination to the City Manager's office within ten (10) business days of the determination. A written decision shall be issued by the City Manager or designee within five (5) business days from receipt of the appeal unless extended or waived by mutual written agreement.

B) Acknowledging receipt of request. Within five (5) business days of receipt of the request, the public records officer will do one or more of the following:

- 1) Make the records 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 the requestor;
- 3) Provide a reasonable estimate of when records will be available;
- 4) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee 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 (5) business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

D) Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, 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 make it possible for those other persons 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 the disclosure. The notice to the affected persons will include a copy of the request.

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 the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

F) Privilege Log. If the City determines that a record is exempt and should be withheld, the City will maintain a privilege log of those withheld records. The privilege log will identify:

- 1) Type of record withheld.
- 2) Date of record.
- 3) Number of pages.
- 4) Author or recipient.
- 5) The exemption invoked.

A copy of the privilege log will be produced to the records requestor.

G) Inspection of records.

1) Consistent with other demands, the City shall promptly provide a location to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any documents. The requestor shall indicate which documents, if any, he or she wishes the City to copy.

2) The requestor must claim or review the assembled records within thirty (30) days of the City's notification to him or her that the records are available for inspection or copying. The City will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the City to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the City may close the request and refile the assembled records. 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.

H) Providing copies of records. After inspection is complete, the public records officer or designee shall make any requested copies or arrange for copying.

I) Providing records in installments. When the request is for a large number of records, the public records officer or designee 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 (30) days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

J) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the City has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

K) Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the City has closed the request.

L) Later discovered documents. If, after the City has informed the 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 the requestor of the additional documents and provide them on an expedited basis.

Section 4. EXEMPTIONS.

A) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of other exemptions, outside the Public Records Act, that restrict the availability of some documents held by the City for inspection and copying. A list of such laws is available at the office of the City Clerk and may be available at the City's website.

B) The City is prohibited by statute from disclosing lists of individuals for commercial purposes.

Section 5. COSTS OF PROVIDING COPIES OF PUBLIC RECORDS.

A) Costs for paper copies. There is no fee for inspecting public records. A requestor may obtain copies for the following costs:

- 1) Standard black and white photocopies - 15 cents (15¢) per page;
- 2) Standard color photocopies - 15 cents (15¢) per page;
- 3) Scanned copies (if records are not already in electronic format) 10 cents (10¢) per page.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated cost of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying cost before providing all the records, or the payment of the cost of copying an installment before providing that installment. The City will not charge sales tax when it makes copies of public records.

B) Costs for electronic records. The costs of electronic copies of records shall be One Dollar (\$1.00) for information on a floppy disk and One Dollar (\$1.00) for information on a CD-ROM or DVD.

C) Costs for specialized services. In the event the City is required due to the size of the request or there is a need for specialized copying equipment (i.e., photographs, blueprints, taped or video recordings) to use the services of an outside source designated by the City, the requestor shall be required to pay the actual costs of such service, including delivery and return of public records for the purpose of copying.

D) Costs of mailing. The City may also charge actual costs of mailing (including the costs of the shipping container) and the actual costs of long distance facsimile transmission.

E) Payment. Payment may be made by cash, check or money order to the City.

Section 6. REVIEW OF DENIALS OF 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 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.

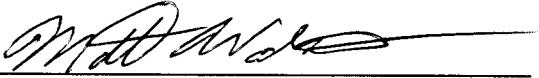
B) Consideration of petition for review. The public records officer shall promptly provide the petition and any other relevant information to the City Attorney. The City Attorney will immediately consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time as City and the requestor shall mutually agree. The comments incorporated in Chapter WAC 44-14 may be relied upon as authority for determinations made by the City in applying or interpreting this Resolution.

C) Alternative Dispute Resolution. In the event of a dispute regarding the inspection or copying of public records, the parties shall first meet in a good-faith attempt to resolve the dispute by agreement of the parties or by mediation. In the event the dispute remains, the dispute shall be resolved by arbitration pursuant to RCW 7.04A, the Mandatory Rules of Arbitration, and venue being placed in Franklin County, Washington. The mediators and arbitrators will be selected from an approved list maintained by the City and available upon request. The party wishing to seek mediation or arbitration shall provide fifteen (15) days written notice to the City.

D) 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.

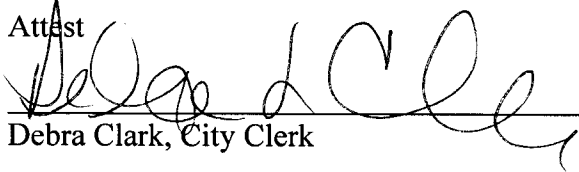
Section 7. The City Manager is hereby authorized and directed to institute such administrative policies and practices as necessary and appropriate to fully affect this policy. This Resolution shall be retroactively effective upon all pending public record requests.

PASSED by the City Council of the City of Pasco, Washington, at its regular meeting on the 4th day of March, 2013.



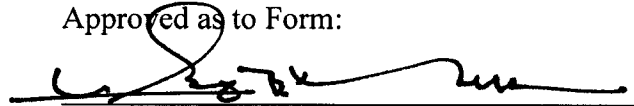
Matt Watkins, Mayor

Attest



Debra Clark, City Clerk

Approved as to Form:



Leland B. Kerr, City Attorney

Public Records Request Evaluation Sheet

<u>Score</u>	<u>Weight</u>	<u>Measurement Criteria</u>
		(1) General, expansive or all inclusive nature of request
0		Specific documents, records identified
1		Records generally identified
2		Records Unidentified
		(2) Number of departments involved
0		Records in one Department or Division
1		Records in two or three Departments or Divisions
2		Records in more than three Departments or Divisions
		(3) Location of available/ relevant records
0		Records in active files
1		Records in archive files
0		Records in searchable database
1		Records must be searched in individual locations
		(4) Potential number of records implicated
0		Less than 10 documents (not pages)
1		More than 10, less than 50 documents
3		more than 50 less than 500 documents
5		Greater than 500 documents
		(5) Third party notifications
0		No notifications
1		Notifications
		(6) Need for clarification
0		No clarification needed
1		Clarification needed
		(7) Administrative tasks needed to process request
1		Interpretation
1		Search Hard Copy
0		Search electronic copy
2		Metadata
1		Search other
1		File prep for photocopy, scan
1		Burning CD/DVD or Outsourcing Production
0		File prep for electronic production
		(8) Time needed for review for exemptions
0		No review time
1		Review time less than 2 hours
2		Greater than 2 hours, less than 10 hours
3		Greater than 10 hours
		(9) Legal review required
0		No legal required
1		Legal required
		(10) Other Relevent Factors

Total Score