



DEPARTMENT: Administration/City Clerk

AUTHORIZED BY: City Manager/City Clerk

EFFECTIVE DATE: 08/21/2018

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SUPERSEDES: 09/02/2014

POLICY: PUBLIC RECORDS DISCLOSURE

PURPOSE

The City of Yakima is committed to providing full access to public records in accordance with the Washington State Public Records Act (RCW Chapter 42.56). The purpose of the Act is to provide the public with full access to records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government. This administrative regulation is adopted to establish the procedures the City of Yakima will follow to provide for the fullest assistance to requestors and the timeliest possible action on requests while protecting public records from damage and preventing “excessive interference with other essential functions of the agency.” RCW 42.56.100. This regulation supersedes prior versions of ADM 1500 and is subject to revision at any time.

Central and Field Offices. The City of Yakima’s central office is City Hall, located at 129 North Second Street in Yakima, Washington 98901. The City has offices in various locations for departments such as the Police Department, the Fire Department, SunComm and Yakima Municipal Court. More information regarding the City of Yakima and its offices may be obtained through the City’s website www.yakimawa.gov.

Public Records Officer. The City of Yakima has publicly identified a Public Records Officer (PRO) whose responsibility is to serve as a point of contact for Public Records Act requests. The Public Records Officer oversees compliance with the Washington State Public Records Act, although other city staff members may process public records requests.

How to Request Records. Any person wishing to request access to public records¹ or seeking assistance in making such a request should direct their request to the Public Records Officer. The Public Records Officer is located at:

¹ Public records are defined as “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 any state or local agency regardless of physical form or characteristics.” RCW 42.56.010(3). “Writing” means “handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation,

including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.” RCW 42.56.010(4).

Public Records Officer
City Clerks Office
129 North 2nd Street
Yakima, Washington 98901

Phone: (509) 575-6037
Email: public.records@yakimawa.gov

The City Clerk’s office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. A variety of records are available on the City’s website at www.yakimawa.gov. Requestors are encouraged to view records available on the website prior to submitting a records request.

Requestors who are seeking records specific to the departments listed below may contact the appropriate department directly, Monday through Friday, excluding holidays:

Yakima Police Department
Attn: Records
200 South Third Street
Yakima, WA 98901
Phone: 509-575-6220
Fax: 509-575-3032
Email: ypd@yakimawa.gov
Office Hours: 8 a.m. to 5 p.m.

Yakima Fire Department
Attn: Records
401 North Front Street
Yakima, WA 98901
Phone: 509-575-6060
Fax: 509-576-6356
Office Hours: 8 a.m. to 5 p.m.

SunComm (Public Safety Comm/911)
Attn: Records
2403 South 18th Street, Suite 400
Union Gap, WA 98903
Phone: 509-575-3536
Fax: 509-576-6555
Office Hours: 8 a.m. to 5 p.m.

Yakima Municipal Court
Attn: Records
200 South Third Street
Yakima, WA 98901
Phone: 509-575-3050
Fax: 509-575-3020
Office Hours: 9 - 11 a.m. and 1:30 - 3:30 p.m.

Release of Yakima Municipal Court files and Court records are governed by Washington Court General Rules (“GR”) GR 31, GR 31.1 and GR22. Access to these records may be sought by contacting Yakima Municipal Court. If you have questions about how to request records, please contact the City Clerk’s office or a department listed above.

Form of the Request. Requests for records should be in writing. Requests made through social media websites are not accepted. Requestors are encouraged to use the online submission form or the forms prescribed by the City Clerk, which are available on the City of Yakima website and at the City Clerk’s Office. Requests may be submitted online, in person, by email or mail. Requests are considered received on the date the message is received, not on the date sent. Requestors seeking records from individual departments should use the forms provided by those departments. Requests should include the following information:

1. The name, email address, mailing address, and daytime phone number of

- the person making the request;
2. The date of the request; and
3. The nature of the request, including an identification of the public records adequate for the Public Records Officer or designee to be able to locate the records.

A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by an agency is not a valid request for identifiable records under RCW 42.56, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of an agency's records.

Requests for public records that are reasonably believed to have been automatically generated by a computer program or script may be denied.

Unclear requests. Requesters may be asked to clarify all or portions of a request. If the requester fails to respond, the City will respond only to the portions of the request that are clear. If the entire request is unclear, and no clarification is received, then the City's response will be to close the request.

Unnoticed Requests. It is the requestor's obligation to provide the City with fair notice that a Public Records Act request has been made. When a requestor does not use an official request form or a specified address, or makes a request to an employee who is not a Records Liaison or the Public Records Officer, or includes a request as part of another document provided to the City for reasons other than making a Public Records Act request, the requestor may not be providing fair notice to the City. To ensure fair notice is provided, requestors are encouraged to use official forms and the specified addresses, to make the request to the Clerk's office, and/or take other steps to clearly identify their records request. Any request that does not use any of the processes outlined here and thus does not provide fair notice to the City, will not be considered as a request subject to the Public Records Act, but will be processed as a request for information by the City Department that received the request.

Response to Requests. The City will process requests in the order allowing the most requests to be processed in the most efficient manner. Within 5 business days of receiving a request, the City will either (1) provide the record; (2) acknowledge that it has received the request and provide a reasonable estimate of the time it will require to respond to the request; or (3) deny the request. RCW 42.56.520. Additional time to respond may be based on the need to clarify the intent of the request, to locate and assemble the records, to notify third persons or agencies affected by the request and provide such persons with the opportunity to seek a court order preventing disclosure where appropriate, and/or to determine whether any of the information requested is exempt from disclosure. If a requestor fails to clarify an unclear request, the City will treat the request as having been withdrawn.

Requested records may be made available on a partial or installment basis. A deposit in an amount not to exceed ten percent of the estimated cost of providing documents may be charged in advance of providing documents and the City may charge for each part of the request as it is provided. If an installment is not claimed or reviewed, the City is not obligated to fulfill the balance of the request. RCW 42.56.120.

All denials of requests for public records will be accompanied by a written statement (such as a letter or email) specifying the reason(s) for the denial, including a statement of the specific

exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. RCW 42.56.210(3).

This policy does not require the City to answer written questions, create new public records, or provide information in a format that is different from original public records.

Preservation of Public Records. No member of the public may remove a public record from a viewing area or disassemble or alter any public record.

Mechanism for Review of Denial. Any person who objects to the denial of a public records request may petition in writing to the City Clerk 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. The City Clerk shall perform a review of the denial as promptly as possible. Judicial review of a denial of an opportunity to inspect or copy a public records is discussed in RCW 42.56.550, entitled "Judicial review of agency actions."

Fees. The fees for copies of public records are established by ordinance which adopts RCW 42.56.120 by reference (see Attachment A to ADM 1-1400). When public records are mailed to a requestor, a charge for actual postage and the cost of the envelope or container used may be added. No fee is charged for inspection of a public record or for locating a record. RCW 42.56.120. Fees may be waived due to the few number of copies made or other circumstances. When a change in the established cost schedule is required, the City Clerk, in consultation with appropriate Department(s), shall change the schedule by filing a new Fee Schedule. Payment of fees is required prior to release of records unless other arrangements have been made.

Any request for more than twenty-five (25) pages of documents, oversized documents, photographs, recorded images or sounds and computer disks or any other record that cannot be copied or duplicated with the City's equipment may be sent by the City to a private copy shop for copying, in which case the fee shall be the actual charge imposed for copying, plus applicable taxes and shipping costs. The City may require that all charges be paid in advance of the release of the copies. WAC 44-14-07001(5).

A customized service charge may be imposed if a request requires the use of information technology expertise to prepare data compilations and customized electronic access services when such compilations and customized access services are not used for other City purposes.

Deposit. The City may require a deposit of up to 10% of the estimated cost of copying records prior to copying any records for a requestor. The City may also require payment of the remainder of the cost before providing all of the records, or the payment of the costs of copying an installment before providing that installment. RCW 42.56.120.

PRA Training Requirements. Every local elected official and the City of Yakima's Public Records Officer will receive records training (PRA training concerning chapter 42.56 RCW and records retention training concerning chapter 40.14 RCW) pursuant to the Open Government Training Act.

Organization of Public Records. The City finds that maintaining an index as provided in RCW 42.56.070(3) for use by the public would be unduly burdensome and would interfere with agency operations given the high volume, various locations, and types of public records received, generated, and otherwise acquired by the City. RCW 42.56.070(4). Notwithstanding the

foregoing, the City will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.

Records and Information Exempt from Public Disclosure. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. RCW 42.56.230 through 42.56.630 contain a large number of exemptions from public inspection and copying. RCW 42.56.070(9) specifically prohibits the City from disclosing lists of individuals for commercial purposes.

“For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency’s failure to list an exemption shall not affect the efficacy of any exemption.” RCW 42.56.070(2). The City of Yakima incorporates by reference the Public Records Exemptions Accountability Committee (Sunshine Committee) list of exemptions which is updated annually by the Code Reviser’s Office, (see Attachment B to ADM. 1-1400). The current list is also available online at <http://www.atq.wa.gov/sunshine-committee>.

ATTACHMENT A TO ADM 1-1400

CITY OF YAKIMA PUBLIC RECORD REQUEST FEE SCHEDULE

Cities are not allowed to charge for staff time spent in locating a public record, or for making a record available for inspection. A city can, however, charge for the actual costs connected with copying public records, including the staff time spent making the copies. RCW 42.56.120. Actual costs for mailing can be included, including the cost of the envelope or shipping container. WAC 44-14-070(3). A city can use an outside vendor to copy records, including photographs, blueprints, or tape recordings, and bill the requestor for the amount charged by the vendor. WAC 44-14-07001(5).

Standard photocopies letter or legal, per page (RCW 42.56.120)	\$0.15
Digital images (photocopier scans) of paper records, per page/side	\$0.10
For each four files or attachments	\$0.05
For each gigabyte of data uploaded	\$0.10
Alternative flat fee when the costs are estimated to be \$2.00 or more.....	\$2.00
Y-PAC video recording DVD/VHS..... Recording fee is based on 15 minutes recording time. Actual cost may be more depending upon copying time.	\$5.00
Maps--zoning, land use, traffic, Boundary Maps:	
44" x 6' large format wall map	\$20.00
42" x 24" small format wall map	\$10.00

CITY OF YAKIMA FIRE DEPARTMENT

Standard photocopies letter or legal, per page.....	\$0.15
Digital images (photocopier scans) of paper records, per page/side	\$0.10
Photo/video recording DVD/VHS	\$6.00
Photo/video recording fee is based on 15 minutes recording time. Actual cost may be more depending upon copying time.	

CITY OF YAKIMA SUNCOMM 9-1-1

Standard photocopies letter or legal, per page.....	\$0.15
Digital images (photocopier scans) of paper records, per page/side	\$0.10
CD recording/copy	\$5.00
CD copying fee is based on 15 minutes recording time. Actual cost may be more depending upon copying time.	

(Ord. 2018-027)

**CITY OF YAKIMA POLICE
DEPARTMENT**

Public record and other fees schedule

	Service	Unit	Fee
1.	Fingerprint cards (not classified—not including applicants for concealed weapon permits)	Per card YPD Supplied card Additional per card	\$ 5.00 \$ 3.00
2.	Verification report of lost or stolen property and crimes against persons	Per report	\$ 10.00
3.	Traffic accident report (including witness statements if requested by the victim or victim's representative). (RCW 42.56.120) Accident reports beginning 2016 are also available at www.buycrash.com .	Per page BuyCrash	\$.15 \$ 12.00
4.	Standard photocopies, letter or legal, per page (RCW 42.56.120)	Per page	\$.15
5.	COBAN video on DVD (per DVD) and digital photos on CD-ROM 9per CD	Per DVD or CD	\$ 8.00
6.	Local record check plus clearance letter for visa, passport, etc.	Per letter	\$ 10.00
7.	Notary service	Per page	\$ 10.00
8.	<u>CPL (Concealed Pistol Permit)</u> New Permit – application fee FBI fee for New Permit (FBI fee subject to change) Renew (prior to expiration) Renew (within 90 days of Expiration) Replacement		\$ 36.00 \$ 12.00 \$ 32.00 \$ 42.00 \$ 10.00

(Ord. 2017-008 § 1, 2017; Ord. 97-10 § 1, 1997; Ord. 3182 § 1, 1989; Ord. 2604 § 1, 1982)

**Exemptions from Public Records Disclosure and Confidential Records
Prepared by the Code Reviser's Office July 2017**