

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 02/26/2018

AGENDA ITEM:	
Resolution adopting the City of Marysville Records and Information Management Program/Public Record Act Rules	
PREPARED BY:	DIRECTOR APPROVAL:
Jan Berg, City Clerk	
DEPARTMENT:	
City Clerk	
ATTACHMENTS:	
Resolution Records and Information Management Program	
BUDGET CODE:	AMOUNT:
SUMMARY: Public Records Act, chapter 42.56 RCW requires cities to adopt rules of procedure consistent with the Public Records Act Rules. Effective July 23, 2017, revisions to the Public Records Laws and Model Rules went into effect. The attached City of Marysville Records and Information Management Program fulfill these requirements and were developed using the Attorney General's Office advisory Model Rules for disclosure of public records.	

RECOMMENDED ACTION: Staff recommends that Council authorize the Mayor to sign and execute the Resolution adopting the City of Marysville Records and Information Management Program/Public Record Act Rules including updating the public record fee schedule.
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CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO PUBLIC RECORDS; ADOPTING PUBLIC RECORDS ACT RULES; ISSUING A FORMAL ORDER THAT MAINTAINING AN INDEX WOULD BE UNDULY BURDENSOME, ORDERING PUBLICATION OF THIS RESOLUTION AND THE PUBLIC RECORDS ACT RULES AND APPOINTING THE CITY CLERK AS THE PUBLIC RECORDS OFFICER.

WHEREAS, the Public Records Act, chapter 42.56 RCW (PRA), requires cities to adopt rules of procedure consistent with the intent of the Public Records Act, to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with essential City functions; and

WHEREAS, the Public Records Act requires the City to make public records available for inspection and copying, subject to certain exemptions; and

WHEREAS, the City Council supports the policy of the Public Records Act, to provide citizens with broad access to public records; and

WHEREAS, the City Council desires to update its current public records regulations in order to conform with changes to state law; and

WHEREAS, the attached City of Marysville Records and Information Management Program/ Public Records Act Rules ("PRA Rules") fulfill these requirements and were developed using the Attorney General's Office advisory Model Rules for disclosure of public records; and

WHEREAS, RCW 42.56.070 requires all cities and public agencies to maintain and make available a current index of public records; and

WHEREAS, RCW 42.56.070(4) provides that if maintaining such an index would be unduly burdensome or interfere with agency operation, a city must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome; and

WHEREAS, RCW 42.56.120 permits a city to impose actual costs of responding to public records requests or to use the statutory costs where calculating the actual costs is too burdensome; and

WHEREAS, costs vary significantly from request to request depending on the size, complexity, level of legal review required, number of redactions required, format of records and salary of personnel required to respond to the request and, accordingly, it is unduly burdensome to calculate actual costs except for certain non-standard formats or media and the Public Records Officer shall calculate these costs and make them available; and

WHEREAS, RCW 42.56.580 requires that each agency appoint and publicly identify a Public Records Officer and a provide contact information for that Officer; and

WHEREAS, resolutions dealing with the same subject matter previously adopted by the City Council should be repealed, to wit: Resolution No. 1468, Resolution No. 2150, and Resolution No. 2364. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE AS FOLLOWS:

Section 1. The attached City of Marysville Records and Information Management Program/Public Records Act Rules ("PRA Rules") are hereby adopted and incorporated by reference as the PRA Rules of the City regarding public records requests.

Section 2. The City serves over 65,000 residents. It is comprised of eight departments, with divisions and subdivisions many if not all of which maintain separate databases and/or systems for the indexing of records and information. Because the City has records which are diverse, complex, and stored in multiple locations and in multiple computer systems, formats, and/or databases, it is unduly burdensome, if not physically impossible, to maintain a current index of all records. In addition, given the wide range of City activities, and the limited staffing levels maintained in each City department, the maintenance of a central index of records would be unduly burdensome. Therefore, the Council finds that maintaining the index required by RCW 42.56.070(3) would be unduly burdensome and formally orders that such an index does not have to be maintained as permitted by RCW 42.56.070(4). However, all other City indexes are to be available for public inspection and copying in conformity with applicable law.

Section 3. The City Clerk is appointed as the City's Public Records Officer. The City's Public Records Officer will oversee compliance with the Public Records Act. The City's Public Records Officer may delegate the responsibilities of processing requests to other staff. The City Clerk's/Public Records Officer's contact information is provided in the attached PRA Rules.

Section 4. The Clerk is directed to publish this Resolution and the availability of the PRA Rules, post and maintain the PRA Rules on the City's website and make the PRA Rules available for inspection and copying at City Hall.

Section 5. Resolution No. 1468, Resolution No. 2150, and Resolution No. 2364 are repealed.

Section 6. If any section, subsection, sentence, clause, phrase, or work of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or work of this Resolution.

ADOPTED by the City Council at an open public meeting this _____ day of _____, 2018.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

City of Marysville

Records and Information Management Program

The following records and information management program applies to records activity in the City of Marysville (the “City”) with the exception of municipal court activity. Court records are governed under Washington State Court General Rules as identified in Section 11.

PUBLIC RECORDS ACT RULES

The Public Records Act (Act), RCW 42.56, 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. The City hereby establishes the following rules for responding to public records/disclosure requests.

The purpose of these rules is to provide the public 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 specifies that providing public records should not “unreasonably disrupt the operations of the” City and some of these rules are intended to prevent a requestor from being unreasonably disruptive or disrespectful to City staff. 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. Failure to comply with any provision of these rules shall not result in any liability imposed upon the City other than that required in the Act.

Section 1. Definitions/Explanations.¹

- a. **Public record.** A writing, regardless of physical form, containing information relating to the conduct of government or the performance of any governmental or proprietary function, prepared, owned, used or retained by the City.
- b. **Writing.** Broadly defined, a writing means handwriting, typewriting, printing, Photostatting, photographing, and any other means of recording any form of communication, including, but not limited to, letters, words, pictures, sounds or symbols or their combinations; 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 data compilations from which information may be obtained or translated. An email is a writing.

¹ Definitions are provided for the public’s understanding. In all cases, the City shall process requests under the Act in accordance with the definitions contained in State law as those terms have been interpreted in relevant court cases.

- c. **Identifiable record.** An identifiable record is one in existence at the time the records request is made and that City staff can reasonably locate.
- d. **Exempt record.** All City records are available for review by the public unless they are specifically exempted or prohibited from disclosure by law or case law, either in RCW 42.56 or other laws and statutes. The Municipal Research and Services Center maintains an up-to-date list of current exemptions and prohibitions on their website at www.mrsc.org search for publication titled “Public Records Act for Washington Cities, Counties and Special Purpose Districts.”
- e. **Counter document.** A frequently requested document retained within a department that is known to be public information and may be released without need to file a written public disclosure request.

Section 2. Description of City Services and Central Office.

The City of Marysville 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 Clerk’s Office shall maintain descriptions of the City’s organization (Appendix A) and the process through which the public may obtain information from the City.

The City Clerk’s Office is located at Marysville City Hall, 1049 State Ave. Marysville, WA, 98270. In addition to a City Hall, the City has several satellite offices located throughout the City.

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 has been designated by the City Council as the City’s public records officer.

The Public Records Officer will oversee compliance with the Public Records Act, but may designate other City staff members who may process requests for public records. For Police records, the Public Records Officer has designated the Program Specialist.

The Public Records Officer or his or her designees 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 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.

- a. **Requests for records other than Police records:** Requests to inspect or copy any of the City's public record, other than Police records, should be made to the Public Records Officer at:

Office of City Clerk
Marysville City Hall - Public Records Officer
1049 State Ave.
Marysville, WA 98270

Telephone: 360-363-8000
FAX: 360-363-8042
Email: cityclerk@marysvillewa.gov

- b. **Requests for Police records:** Requests to inspect or copy records maintained by the City's Police Department should be made to the Police Program Specialist at:

Police Records
Marysville Police Department
1635 Grove St.
Marysville, WA 98270

Telephone: 360-363-8300
FAX: 360-659-7667
Email: records@marysvillewa.gov

- c. **Online requests:** The City also accepts public records requests through its website (both Police records and general requests) and provides information and an online form. Please visit: www.marysvillewa.gov/94/Public-Records-Request
- d. **Internet access to records.** Many records are also available on the City of Marysville website at: www.marysvillewa.gov. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.
- e. **Requests for Court records:** Please see Section 11 regarding Marysville Municipal Court records.

Section 4. Availability of public records.

- a. **Hours for inspection.** Public records are available for inspection and copying during the City's normal business hours: Monday through Friday, 8:00 a.m. to 5:00 p.m. (hours may vary by department), excluding legal holidays. City staff and the requestor may make mutually agreeable arrangements for times of inspection and copying.
- b. **Place of inspection.** Records will be made available for inspection as determined by the Public Records Officer. City staff and the requestor may make mutually agreeable

arrangements for inspection if the particular records being sought are maintained at satellite offices of the City.

A requestor shall not take City records from City offices.

- c. **Electronic access to records.** A variety of records are available on the City's website at: www.marysvillewa.gov.

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 website containing an electronic copy of the record, provide records on disk, or transmit the responsive record via email. The City can arrange for a computer terminal for viewing records and information at City Hall or City satellite office for those without access to the internet. 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.** The City Council has determined that maintaining a central index of City records is unduly burdensome, costly, and would interfere with City operations due to the number and complexity of records generated as a result of the wide range of City activities.

The City Clerk will, however, index and maintain the general administrative records in the Marysville Information Retrieval System (MIRS) to make them available for public inspection and copying.

Other records that relate to the specific function or responsibility of a particular department shall be maintained in the offices of the particular department. The Public Records Officer will coordinate responses to public records requests with the departments, and responsive records shall be made available for public inspection and copying at the City Hall or City satellite offices in accordance with chapter 42.56 RCW.

- e. **Organization of records.** City departments will 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 will retain its records in accordance with state law. The City will not destroy public records per a retention schedule if a public records request or actual or anticipated litigation is pending.

Retention schedules vary based on the content of the record.

Section 5. Making a request for public records.

- a. **Cooperation.** Both requestors and the City have responsibilities under the Act. The public records process can function properly only when both parties perform their respective responsibilities. A city has a duty to promptly provide access to all nonexempt public records. A requestor has a duty to give fair notice that he or she is making a records request, request identifiable records, follow the City's rules, inspect the assembled records or pay for the copies, and be respectful to City staff. Both the City and the requestor have a responsibility to communicate with each other when issues arise concerning a request.
- b. **Reasonable notice that the request is for public records.** A requestor must provide the City with reasonable notice that the request being made is for public records. There is no required format for a valid public records request, however, requestors are encouraged to use the City's form. If a request is contained in a larger document unrelated to a public records request, the requestor should point out the public records request by labeling the front page of the document as containing a public records request or otherwise calling the request to the attention of the Public Records Officer to facilitate timely response to the request.
- c. **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:
 - on the provided request form (available at City Hall, Public Works, Police
 - by letter, fax, or email addressed to the Public Records Officer, or
 - online at www.marysvillewa.gov

The following information should be included in the request:

- Name and address of requestor;
 - Other contact information, including telephone number and email address;
 - Identification of the requested records adequate for the Public Records Officer to locate the records (Including the dates and title or types of records requested if known); and
 - The date and time of day of the request.
- d. **Prioritization of records.** The Public Records Officer may ask a requester to clarify and prioritize the records he or she is requesting so that the most important records may be provided first however a requestor is not required to prioritize a request.
 - 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 9 below. Costs for copies are set out on the fee scheduled published periodically by the City Clerk and made available at City Hall and on the City's website.

- f. **Oral Requests.** The Public Records Officer may accept requests for public records that contain the above information by telephone or in person. If an oral request is made, the Public Records Officer will confirm receipt of the information and the substance of the request in writing.
- g. **Requests made directly to City departments.** Requests must be made to the City’s Public Records Officer or designee. Requests for public records that are made directly to departments may be fulfilled by the department or may be delivered to the Public Records Officer for coordinated processing. When the request is fulfilled by a City department, the final disposition will be provided to the Public Records Officer, who will maintain an index of requests as set forth in the records retention schedule. Alternatively, a City staff person may instruct the requestor on the proper method to make a request to the City’s Public Records Officer
- h. **Purpose of request.** Generally, a requestor need not state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive records, the Public Records Officer may inquire about the nature or scope of the request. If the request is for a list of individuals, the Public Records Officer may require the requestor to indicate if he or she intends to use the records for a commercial purpose. The City is not authorized to provide lists of individuals for commercial purposes.

The Public Records Officer may also seek sufficient information to determine if another statute may prohibit disclosure.

- 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 the most important records are provided first, and/or communicate with the requestor to limit the size and complexity of the request. The City may also provide the responsive records in installments over time.

When a request uses an inexact phrase such as “all records relating to” a topic, the Public Records Officer may interpret the request to be for records which directly and fairly address the topic.

When the requestor has found the records he or she is seeking, the requestor should advise the Public Records Officer that the requested records have been provided and the remainder of the request may be cancelled.

- j. **Inquires.** The Act, chapter 42.56 RCW, requires Public Records Requests to be for existing, identifiable, public records. Requests asking for explanations or asking questions are not requests for existing, identifiable public records under the Act.

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 City, provide fullest assistance to requestors and provide the most timely possible action on public records requests.

All assistance necessary to help requestors locate particular responsive records shall be provided by the Public Records Officer, provided that the giving of such assistance does not disrupt the operations of the Public Records Officer 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 that the Public Records Officer believes will allow the most requests to be processed in the most efficient manner.

- c. **Acknowledging receipt and fulfilling requests.** Within five business days of receipt of the request, the Public Records Officer will do one or more of the following:

1. Provide the record;
2. Provide an internet address and link on the City’s website to the specific records requested, except that if the requestor notifies the City that he or she cannot access the records through the internet, then the City will allow the requestor to view records using a City computer. In the alternative, the requestor may modify the request to be for records in a different format and pay any associated fees.
3. Acknowledge that the City has received the request and provide a reasonable estimate of time the City anticipates responding to the request;
4. Acknowledge that the City has received the request and ask the requestor to provide clarification for a request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of time the City anticipates responding to the request for any portion that is clear or if the request is not clarified or
5. Deny the public record request.

- d. **Communication Encouraged.** Requestors are encouraged to contact the Public Records Officer with any questions or concerns regarding their request.

- e. **Reasonable estimate of time to fully respond.** If the City is not able to provide the responsive records 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 records, redact confidential information, prepare an Exemption/Redaction log for

exempt or redacted records, notify third party persons or agencies affected by the request and/or consult with the City Attorney about whether the records are exempt from disclosure.

The Public Records Officer should briefly explain the basis for the time estimated to respond. The time estimated to respond is not binding on the City, but should an extension of time be necessary to fulfill the request, the Public Records Officer will notify the requestor and provide a revised estimate and the basis for the time estimated to respond.

- f. **Notification that records are available.** If the requestor has sought to inspect the records, the Public Records Officer will notify him or her that the entire response or an installment is available for inspection and ask the requestor to contact the City to arrange a mutually agreeable time for inspection. If the requestor seeks copies, the Public Records Officer should notify him or her of the projected costs and whether a deposit is required before making the copies.
- g. **Consequences of failure to clarify a request.** If the requestor does not respond to the City's request for clarification within thirty days of the City's request or other specified time, the Public Records Officer may consider the request abandoned, send a letter closing the request to the requestor, and re-file the records.
- h. **Consequences of disclosing a record in error.** The City, and its officers, officials, and employees are not liable for loss or damage based on release of a public record if the City, its officers, officials, or employees acted in good faith in attempting to comply with the Act.
- i. **Searching for records.** The City must conduct an objectively reasonable search for responsive records. The Public Records Officer will determine what departments are likely to have responsive records and involve other departments, as needed, to assemble the records.

After the records are located, the Public Records Officer should take reasonable steps to narrow down the number of records assembled to those that are responsive. The City will not "bury" a requestor with non-responsive documents. However, the Public Records Officer is allowed to provide arguably, but not clearly, responsive records to allow the requestor to select the ones he or she wants, particularly if the requestor is unable or unwilling to help narrow the scope of the documents being sought.

- j. **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 records request has been resolved. Once a request has been closed, the Public

Records Officer or proper City representative can destroy the record in accordance with the retention schedule.

- k. **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part (see Section 8).

If the City believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will provide an Exemption /Redaction log. The Exemption/Redaction log will include a written statement that identifies the record, states the specific exemption, and provides a brief explanation as to how the exemption applies to the record.

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 subject to an Exemption/Redaction log. (See Section 6(m) below).

- l. **Protecting the rights of others.** When a request seeks disclosure of a particular record containing information regarding other persons, the City may, in its sole discretion, notify said persons in writing and inform them of their right to seek an injunction from the Superior Court enjoining the disclosure. In such circumstances, production of the requested record may be postponed for a reasonable period in order to provide the affected parties with a reasonable opportunity to seek injunctive relief to prevent or limit disclosure. The City shall honor any order enjoining disclosure of a particular record issued from a court of competent jurisdiction. The City will notify affected parties of the need to name the requestor in any action filed to seek injunctive relieve to prevent or limit disclosure.
- m. **Redactions.** If the Public Records Officer determines that the record is exempt in part but can be made available after redaction of exempt portions, the request shall be granted; provided, that such exempt portions shall first be redacted subject to an Exemption/Redaction log. Nothing herein shall be construed as requiring the City to disclose portions of a requested document if the entire document is exempt from disclosure.
- n. **Inspection of records.** To the extent possible due to other demands, the Public Records Officer shall promptly provide space to inspect public records at an appropriate City facility. 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 Public Records Officer 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 Public Records Officer may close the request and re-file the assembled records. If the same requestor makes a subsequent records request for the same or very similar records, the request will be processed as new requests and other public records requests can be processed before the new request in the most efficient manner determined by the Public Records Officer.

The Act does not allow a requester to search through the City's files for records which cannot be identified or described to the City.

Members of the public may not remove documents from the viewing area or disassemble or alter any document.

- o. **Providing copies of 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 City personnel will remain physically present with the requestor during the record inspection process. 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.
- p. **Providing records in installments.** When the request is for a large number of records, or requires an extensive or complicated search or review of responsive records, the Public Records Officer will provide for inspection and copying of responsive records 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 fifteen days, the Public Records Officer may stop searching for or processing the remaining records and close the request.

Sometimes a requestor finds the records he or she is seeking at the beginning of a request. If so, the requestor should communicate with the City that the requested records have been provided and that he or she is canceling the remainder of the request.

- q. **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.
- r. **Closing withdrawn or abandoned requests.** If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records, or fails to 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. The Public Records Officer will document closure of the request and the conditions that led to closure.

- s. **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.
- t. **No duty to create records.** The City is not obligated to create a new record to satisfy a records request; however, the City may, in its discretion, 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,
- u. **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 or comes into the possession of the City 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.

Section 7. Processing requests for electronic records.

An “electronic record” includes those public records which are stored on machine readable file format. If a record is created in an electronic format, the electronic record is the primary record and is subject to provisions of chapter 42.56 RCW, the Public Records Act. Electronic records must be retained in electronic format and remain usable, searchable, retrievable and authentic for the length of the designated retention period. Printing and retaining a hard copy is not a substitute for the electronic version. Responses to public record requests for electronic records other than those in common file formats such as pdf or similar formats will be coordinated through the Public Records Officer.

Section 8. Exempt and prohibited disclosure of public records.

The City is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted, or limited by state or federal statute or regulation.

- a. The City is prohibited by statute from disclosing lists of individuals for commercial purposes.
- b. The Public Records Act, chapter 42.56 RCW, provides that a number of document types and information are prohibited from being disclosed or are exempt from public inspection and copying. A current list of these prohibitions and exemptions will be provided upon request by the Public Records Officer and is available on the Municipal Research and Services Center web site at www.mrsc.org search for publication titled “Public Records

Act for Washington Cities, Counties and Special Purpose Districts”
(<http://mrsc.org/getmedia/796a2402-9ad4-4bde-a221-0d6814ef6edc/publicrecord.pdf.aspx>).

- c. In addition, other statutes may exempt or prohibit disclosure of other documents and information. A current list of these prohibitions and exemptions will be provided upon request by the Public Records Officer. Alternatively, the requestor may review a list of other statutes outside the Public Records Act that may prohibit or exempt disclosure of certain information from the Municipal Research and Services Center web site at www.mrsc.org search for publication titled “Public Records Act for Washington Cities, Counties and Special Purpose Districts.”
- d. The City’s failure to list an exemption shall not affect the effectiveness of the exemption.

Section 9. Costs of providing copies of public records.

Per state law, the City is not allowed to charge for locating a public record or for making records available for review or inspection. The City may charge, however, for the actual costs of copying public records, including the staff time spent making the copies. This provision includes responses to public records requests for electronic records.

- a. **Fee schedule.** The charge for standard black-and-white photocopies is fifteen cents per page. The charge for standard scanned copies is ten cents per page. The charges for providing electronic records are five cents for every four electronic attachments uploaded to an electronic delivery system and ten cents per gigabyte of data transferred.

The City Council authorizes the City Clerk to periodically update and post a fee schedule for various other non-standard public records or those in other formats or media. The fee schedule may be found online at www.marysvillewa.gov on the City Clerk’s webpage. A statement of the factors and manner used to determine the specific fees will be provided upon request to the Public Records Officer.

If the City has to pay an outside firm for duplicating records in non-routine formats such as photographs, blueprints, maps or tape recordings, the actual cost will be passed along to the requestor.

- b. **Estimate of costs for requestor.** If a requestor asks, the City must provide a summary of the applicable charges before copies are made and the requestor may revise the request to reduce the number of copies to be made, and thus the applicable charges.
- c. **Faxing and mailing charges.** The City may also charge actual costs of long distance facsimile transmission and/or mailing, including the cost of the shipping container.
- d. **Sales tax.** The City will not charge sales tax on copies of records.

- e. **Use of other copying services.** The City reserves the right to use an outside vendor for large-scale requests and odd-sized or larger color copies, and to charge the requestor for those costs.
- f. **Deposit or payment by installments.** Before beginning to copy records, the Public Records Officer may require a deposit of up to ten percent of the estimated costs of copying the records 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.
- g. **Method of payment.** Payment may be made by cash, check, or money order to the City of Marysville or other City approved payment method.
- h. **Waiver of copying charges.** The Public Records Officer has the discretion to waive copying charges for small requests, or for individuals or government agencies doing business with the City if the Public Records Officer determines that this action is in the best interest of the City.

Section 10. 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 email) 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 (Public Records Officer's supervisor or other City official designated by the City to conduct the review). That person 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 the City and the requestor mutually agree to; and notify the requestor in writing of the decision. The written decision shall constitute final agency action for the purposes of judicial review.
- c. **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 after the initial denial regardless of any internal administrative appeal.

Section 11. Requests for Court Records.

Court records do not fall under the Public Records Act (chapter 42.56 RCW).
 Court Records are governed by the following WA State Court General Rules:

- a) GR 31 for the access to court records;

- b) GR 31.1 for the access to administrative records; and
- c) Other General Rules in effect or adopted in the future that are applicable to the JIS statewide information and processing.
- d) GR 15 for the destruction, sealing, and redaction of court records;

Please make Court records requests online (www.marysvillewa.gov/94/Public-Records-Request) or by completing the Court Records Request Form (available online) and sending to:

Marysville Municipal Court
Attention: Records
1015 State Avenue
Marysville, WA 98270

Telephone: 360-363-8050
Fax: 360-657-2960

You will be notified of the cost of your request. Prepayment may be required.

Appendix A – City of Marysville Organizational Chart

