

West Richland Municipal Code



Chapter 1.30

Public Records Disclosure

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1.30.010 Purpose. The purpose of this chapter is to establish the process for requesting public records and responding to requests for public records as required by Washington's Public Records Act, currently codified in chapter 42.56 RCW (previously 42.17 RCW). Failure of the city to fully comply with any provision of this chapter shall not result in any liability imposed upon the city other than as provided in the Public Records Act. This chapter shall be posted on the city's website at www.westrichland.org. (Ord.47-06 §1, 2006)

1.30.020 Definitions.

A. For the purposes of this chapter, the following terms shall be defined as follows:

1. **Public Records Act** shall mean that portion of the Revised Code of Washington codified in chapter 42.56 RCW relating to the disclosure of public records.
2. **Copies** shall mean any duplicated version of any record regardless of the original form of the record.

B. Except as provided in subsection A of this section, all terms used in this chapter shall

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have the same meaning as set forth in the Public Records Act. (Ord. 47-06 §1, 2006)

1.30.030 Records subject to disclosure. The city need only disclose records or portions of records to the extent required by the Public Records Act and nothing in this chapter shall be interpreted as requiring the disclosure of any record that is not subject to disclosure by the Public Records Act or other applicable law. Records or portions of records may be withheld or redacted to the extent necessary or permissible by law. The city shall not be required to create records or documents in response to a request for public records that do not exist at the time the request is made. A public records request is not continuing in nature, and will not be treated as such even if requested. In the event additional records are created after the date of the requester's original public records request, the requester will be required to submit a new request for the later created records. (Ord. 47-06 §1, 2006)

1.30.040 Index of public records not maintained.

- A. In General. The Public Records Act requires all cities and public agencies to maintain and make available a current index of certain public records. However, the Public Records Act also provides that if maintaining such an index would be unduly burdensome, or would interfere with agency operation, a city need not maintain such an index but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome.
- B. Findings. The City of West Richland is comprised of six (6) departments, and each department consists of subdivisions. Each individual subdivision of the city performs a unique public service. Each subdivision may also utilize and produce various forms of "writings" as that term is defined in the Public Records Act, and thousands of writings are produced or utilized each day by these subdivisions. These writings may be maintained in several formats, including but not limited to: paper records, computer files, photographs, audio recordings, video recordings, etc. Filing systems vary from division to division due to different paper filing systems and the various computer programs used by each subdivision. Also, subdivisions of the city are physically located at various places within the city. As such, it is unduly burdensome, if not impossible, and would detract from the purpose of providing essential services to the citizens of West Richland, to provide a current index of public records.
- C. Order. The City orders that it is not required to maintain a current index of public records based upon the findings set forth in subsection B of this section. (Ord. 47-06 §1, 2006)

1.30.050. Form and manner of request for public records.

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- A. All requests for public records shall be made in writing and delivered in person, by mail, by fax or by email.
- B. The city will provide a public records request form that may be used by those requesting public records. The public records request may be submitted on the form provided by the city, or in another written format that contains the following information:
 - 1. The date of the request
 - 2. The name of the requester
 - 3. The full address of the requester
 - 4. The telephone number of the requester
 - 5. A complete description of the requested record
 - 6. The title and date of the requested record, if known (Ord. 47-06 §1, 2006)

1.30.060 Submittal of a request for public records – Designation of public records officer.

- A. The West Richland City Clerk shall be the City's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the city's compliance with public records disclosure requirements.
- B. In order to provide for a more efficient response to requests for public records, the city has designated various records coordinators throughout the city as described in subsections (1) through (3) of this subsection who may receive and respond to public record requests directly. If the record requested is not identified in subsections (1) through (3), or the requester is unsure of where to file the request, the request shall be filed with the records administrator located in the city clerk's office.
 - 1. The records coordinators of the police department may receive and respond to a request to inspect and/or photocopy police reports. The request shall be delivered to the police department, 3805 West Van Giesen Street, West Richland, Washington 99353.
 - 2. The records coordinators of the community development department may receive and respond to a request to inspect and/or photocopy planning files.
 - 3. The records coordinator of the public works department may receive and respond to a request to inspect and/or photocopy public works files. (Ord. 47-06 §1, 2006)

1.30.070 Initial response to request. The city shall make an initial response to the request for public records within five (5) business days of receipt of the request. In the event a request for public records is received after 5:00 p.m., the request shall be deemed to have been received on the next business day. Depending upon the nature of request, the city may respond initially by:

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- A. Providing the record, or the disclosable portions of the record, after the payment of applicable fees;
- B. Acknowledging the city's receipt of the request accompanied by a reasonable estimate of the time necessary for further response; or
- C. Denying the request. (Ord. 47-06 §1, 2006)

1.30.080 Supplemental response to Request – Additional Time – Clarification

- A. From time to time, the city will need additional time to respond to a request for records in order to locate and assemble records, notify third persons or agencies affected by the request, determine whether any records or portions of records are exempt from disclosure, or determine whether denial should be made to the disclosure of all or a part of the requested records. In the event additional time is needed, the city will take reasonable steps to advise the requester of the additional time necessary.
- B. At the time of the city's initial response, or subsequent to the city's initial response, the city may require the requester to clarify his or her request in order to provide the city with information sufficient to allow the city to determine which records are being requested and whether such records relating to the request exist. In the event the requester fails to clarify the request within twenty-one (21) calendar days of the date the request for clarification is delivered to the requester, the request may be denied. (Ord. 47-06 §1, 2006)

1.30.090 Disclosure of records - Process.

- A. Copies of records. In the event a requester requests copies of records, the records shall be copied pursuant to the terms of this chapter.
- B. Review of records. In the event a requester chooses to review records, the city shall notify the requester once the records which respond to the request are available for review. The records will be available for review at reasonable dates and times as determined by the records administrator after consultation with the requester. Appointments to review records may be broken into intervals so as to not excessively interfere with the city's provision of other essential services. Records that have been retrieved for review shall be made available to the requester for an initial period of twenty-one (21) calendar days. This period may be extended upon agreement of the records administrator and the requester in order to provide a reasonable amount of time to inspect the records. In the event a requester fails to contact the records administrator to arrange to review the records within twenty-one (21) calendar days of

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being notified that the records are available for review, the records request shall be deemed satisfied, the records shall be returned to the originating department, and if the requester wishes to review the records, he or she will be required to submit a new request for the records and the process will begin anew.

- C. Partial or installment basis. If the city determines that records responsive to a public records request are voluminous, the city may make the records available for review or copying on a partial or installment basis as the records are assembled and become available for review or duplication. An installment of records that has been copied shall be made available for retrieval for a period of twenty-one (21) calendar days. An installment of records that has been retrieved for review shall be made available to the requester for an initial period of twenty-one (21) calendar days. This period may be extended upon agreement of the records administrator and the requester in order to provide a reasonable amount of time to inspect the records. In the event a requester fails to retrieve an installment of copied records, or to contact the records administrator to arrange to review an installment of records within twenty-one (21) calendar days of being notified that the records are available for review, the records request shall be deemed satisfied, the records shall be returned to the originating department, and if the requester wishes to obtain the records, he or she will be required to submit a new request for the records and the process will begin anew.
- D. Format of records. Any records or portions of records disclosed by the city will be provided to the requester in the same format as they are retained; provided, that any disclosable records contained on a computer or other electronic or mechanical device shall, at the discretion of the city, be provided in printed form, on disk, or in another format. If the requester specifies a format in which the records should be disclosed, the city will disclose the records in the requested format if: (1) it is determined that disclosable records exist, (2) the city is capable of providing the records in the format requested, (3) the format requested is reasonable, and (4) the requester pays all costs associated with providing the records in the format requested. The costs associated with providing records in the format requested by the requester shall not be constrained by costs allowed by state law for providing photocopies, as requesting records in a special format shall be deemed an additional service provided by the city that is not constrained by the limitations set forth in state law. (Ord. 47-06 §1, 2006)

1.30.100 Final response to request. The city's response to a request for records shall be deemed complete and final upon: (1) requester's inspection of the records; or (2) in the event copies were requested, upon notification to the requester that the copies requested are available for payment and pick-up; or (3) in the event no records exist which are responsive to the request, upon such notification to the requester. (Ord. 47-06 §1, 2006)

1.30.110 Copying and delivering—Costs.

- A. In the event a requester requests copies of records, prior to the disclosure of any public

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record, copying costs shall be collected. The city's records administrator shall establish, update, and post applicable copying costs as appropriate. The city clerk shall have the department's cost schedule available for inspection upon request. If copied records are provided on an installment basis, the city may charge the requester for those copying costs as they accrue in making each installment available.

- B. The requester shall pay all costs associated with the cost of delivering records.
- C. Payment of copying and delivery fees shall be made prior to the disclosure of public records. When required pursuant to WRMC 1.30.120, the payment of a deposit shall be made prior to the copying of any records. (Ord. 47-06 §1, 2006)

1.30.120 Deposit for copying. The city may, in its discretion, require the requester to deposit a sum equal to ten (10) percent of the estimated copying cost prior to duplication of the records. In the event a deposit is required, the city will notify the requester of the necessity of the deposit. Any deposit shall be made in accordance with WRMC 1.30.130. In the event the actual copying costs are less than the amount deposited by the requester, the city will return the sum in excess of the actual amount to the requester. (Ord. 47-06 §1, 2006)

1.30.130 Payment of required fees. The payment of all costs associated with this chapter shall be made by cash, money order, or check payable to the city of West Richland. Payment shall be made in person at the customer service desk located in the City Administration Building 3801 West Van Giesen Street, West Richland, Washington 99353, or by mail to the City Clerk's office, 3801 West Van Giesen Street, West Richland, WA 99353. (Ord. 47-06 §1, 2006)

1.30.140 Failure to pay required costs. In the event a requester fails to pay for costs incurred within thirty (30) calendar days of notification of those costs, the city shall require the requester to pay in full the past due amount owed, before it will begin processing a new request, a pending request, or a subsequent installment of a request from the delinquent requester. In addition, for any future requests, the city may require advance payment of the full amount of the estimated costs before the city begins to process a new request or a pending request from that requester. Any copied records associated with a request for copies for which payment of copying costs has not been received within thirty (30) calendar days of receiving notice may be destroyed in order to avoid storage costs. The requester shall be responsible for any costs associated with this chapter, and the city may take any steps available by law to collect the outstanding costs. (Ord. 47-06 §1, 2006)

1.30.150 Denial of request – Appeal. In the event the records administrator denies a request, or any portion of a request for public records, the requester shall appeal the denial to the City Administrator. In the event no response to the appeal is delivered to the requester within seven (7) calendar days of the city's receipt of the appeal, the denial may be deemed final. (Ord. 47-06 §1, 2006)