

**RESOLUTION NO. 2019-05**

**A RESOLUTION OF THE CITY OF OKANOGAN,  
WASHINGTON, ADOPTING A REVISED PUBLIC  
RECORDS DISCLOSURE POLICY.**

**WHEREAS**, the City of Okanogan is required pursuant to the Washington Public Records Act, RCW Chapter 42.56, to provide the public full access to public records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government; and

**WHEREAS**, WAC 44-14 provides model rules for the adoption of a policy concerning the disclosure of public records by the City; and

**WHEREAS**, the City has previously adopted a policy which addresses the receipt and processing of public disclosure requests pursuant to RCW 42.56 and WAC 44-14; and

**WHEREAS**, the City desires to adopt a revised Public Records Disclosure Policy to comply with recent changes to the Public Records Act.

**NOW, THEREFORE**, the City Council of the City of Okanogan, Washington, does hereby resolve as follows:

1. Adoption. The Public Records Disclosure Policy attached hereto as **Exhibit A** and incorporated herein as though fully set forth shall be adopted as the official revised Public Records Disclosure Policy of the City.

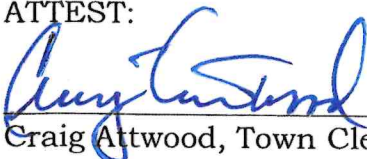
2. Effective Date. The attached Policy shall become effective as of the date of passage of this Resolution.

3. Publication on Website. Upon adoption of this Resolution, the City shall publish a copy of the Policy on the City's website.


DATED this 16<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
Jon Culp, Mayor

ATTEST:

  
\_\_\_\_\_  
Craig Attwood, Town Clerk-Treasurer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
W. Scott DeTro, Town Attorney

**CITY OF OKANOGAN  
EXECUTIVE ORDER**

**WHEREAS**, RCW 42.56.070 requires all municipalities to maintain or make available a current index of all public records; and

**WHEREAS**, RCW 42.56.070(4) provides that if maintaining such an index would be unduly burdensome, or would interfere with agency operation, then the municipality need not maintain such an index, but it must issue and publish a formal order specifying the reasons why and to the extent to which compliance would be unduly burdensome; and

**WHEREAS**, when such an order is made, all indexes maintained by Okanogan must be made available to provide identifying information on those records which are available for inspection and/or copying; and

**WHEREAS**, the City of Okanogan is composed of numerous departments which maintain recordkeeping systems for indexing of records and information; and

**WHEREAS**, the development and maintenance of the City index would be extremely costly, and would provide little benefit to the public compared to the expense of maintaining the index; and

**WHEREAS**, the City's operations do not allow for the addition, revision, or reassignment of duties of existing personnel so that an index may be developed and maintained; and, anticipated City revenues do not allow for additional staff for the purpose of creating and maintaining such an index; and

**WHEREAS**, as the City has records which are diverse, complex and stored in different computer systems and databases, it is unduly burdensome, if not physically impossible, to maintain a central index of records; and

**WHEREAS**, the requirement to maintain a public records index would interfere with the City's operations in the following ways: (1) the volume of records produced by various departments precludes any attempt to maintain a comprehensive and current index of records; (2) the need to constantly update the index to be current would be very difficult; and (3) the City does not have a central repository for all of its public records and, therefore, would have to have multiple indexes and certain employees charged with constant update of these indexes; and

**NOW, THEREFORE**, I, Jon Culp, Mayor, based on the findings set forth above and pursuant to RCW 42.56.070(4), do hereby order and direct the following:

- A.** The City of Okanogan is not required to maintain a current index of public records due to the above findings that the requirement is unduly burdensome and such a list is very difficult to create and/or maintain; and
- B.** Pursuant to RCW 42.56, the City of Okanogan shall make available for public inspection and/or copying all public records and any indexes of public records maintained by the City to the extent not exempt from inspection and/or copying pursuant to RCW 42.56 or other applicable laws.

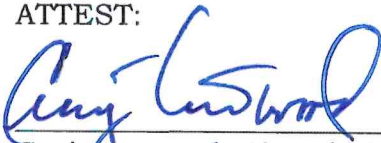
DATED and effective this 16<sup>th</sup> day of July, 2019.

CITY OF OKANOGAN

By \_\_\_\_\_

Jon Culp, Mayor

ATTEST:

  
\_\_\_\_\_

Craig Attwood, City Clerk-Treasurer



PUBLIC RECORDS DISCLOSURE POLICY  
Revised July 16, 2019

\* \* \* \* \*

THE CITY OF OKANOGAN, WASHINGTON, provides the public full access to public records in accordance with the Washington Public Records Act as set forth in RCW Chapter 42.56 and the Model Rules set forth in WAC 44-14. This Public Records Disclosure Policy, hereinafter "Policy," establishes the procedures that the City of Okanogan, hereinafter "Okanogan", will follow to provide for the assistance to requestors, including the most timely possible action on requests, while protecting public records from damage and from preventing excessive interference with other essential agency functions.

Except where the guidelines established in this Policy are mandated by statute, the guidelines in this Policy are discretionary and advisory only and shall not impose any affirmative duty on Okanogan. Okanogan reserves the right to apply and interpret this Policy as it sees fit, and to revise or change this Policy at any time.

1. Definitions.

a. "Okanogan" includes any office, department, board, commission or agency of the City of Okanogan as required by RCW 42.56.010(1).

b. "Public record" includes 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 Okanogan regardless of physical form or characteristics as set forth in RCW 42.56.010(2).

c. "Writing" means handwriting, typewriting, printing, photostatting, 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 a combination thereof, or papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and radio recordings, magnetic or punched cards, disks, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or transmitted as set forth in RCW 42.56.010(3).

2. Person Responsible to Implement Policy. The City Clerk serves as Okanogan's public records officer. The public records officer is responsible for insuring that Okanogan's records are protected and is ultimately responsible

for the implementation of this Policy. Other Okanogan staff members may also process public records requests, as needs require.

The City Attorney shall provide legal advice to the public records officer or designee on those occasions when such advice is sought. Additionally, the City Attorney will provide a timely written response to a written request for explanation of a denial of the release of public information as provided in Section 19 of this Policy.

Okanogan's Office for requesting records is City Hall, 120 3<sup>rd</sup> Avenue North, P.O. Box 752, Okanogan, Washington 98840. The normal business hours for the City Hall are 8:30 a.m. to 4:30 p.m., Monday through Friday, and closed on holidays.

3. Procedure for Making Requests. Any person requesting access to public records of Okanogan or seeking assistance in making such a request must contact the City Clerk located at the City Clerk/Public Records Office, 120 3<sup>rd</sup> Avenue North, P.O. Box 752, Okanogan, Washington 98840. Phone: (509) 422-3600. Fax: (509) 422-0747. Email: [cityclerk@okanogancity.com](mailto:cityclerk@okanogancity.com). Hours: 8:30 a.m. to 4:30 p.m., Monday through Friday.

Any person requesting police, fire or municipal court records shall make such request to the public records officer as set forth above and the public records officer shall coordinate the request with the appropriate department. Requests for police-related information are treated differently than other public record requests. Access to or copies of criminal history record information will be pursuant to RCW 10.97, as well as RCW 42.56.

4. Request Format. To avoid delay, Okanogan encourages that all requests for public records be made in writing on a Request for Access to Public Records form, which is available at the City Clerk's Office and Okanogan's website at: [www.okanogancity.com](http://www.okanogancity.com). Requests may be submitted in person, orally, by mail, fax or email. Mail, email and faxes will be considered received on the date the form is stamped, "received," not on the date sent. Requests should include the following information:

- a. Requestor's name, mailing address and contact phone number; and
- b. Date of the request; and
- c. Nature of the request, including a detailed description of the public records adequate for Okanogan personnel to be able to locate the records; and
- d. A statement regarding whether the records are being requested for a commercial purpose; and
- e. Signature of the requestor.

Requests for public records made orally must be made only to the public records officer during the business hours listed for the public records officer.

Some of the records are available on Okanogan's website at: [www.okanogancity.com](http://www.okanogancity.com). Requestors are encouraged to view records available on the website prior to submitting a records request.

5. Response to Requests. Okanogan will process requests in the most efficient manner as the public records officer or designee deems appropriate. Within five (5) business days of receiving a request, Okanogan will either (a) provide the records; (b) acknowledge that the request has been received and provide a reasonable time estimate it will need to respond to the request; (c) acknowledge the request, and ask the requestor to provide clarification for a request that is unclear, and provide a reasonable estimate of time Okanogan will require to respond to the request if it is not clarified; or (d) deny the request. 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 parties or agencies affected by the request and provide such party/agency 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 the requestor fails to respond to a request to clarify an unclear request within fifteen (15) days of request for clarification by Okanogan, Okanogan will not respond to the request pursuant to RCW 42.56.520.

6. Providing Records in Installments. When a request is for a large number of records, Okanogan may provide access for inspection and copying in partial installments if reasonably determined 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 (15) days, the public records officer may stop searching for the remaining records and close the request pursuant to RCW 42.56.120.

7. No Duty to Create Records. This Policy does not require Okanogan to answer written questions, create public records, or provide information in a format that is different from the original public records; however, Okanogan may in its discretion, create such new record to fulfill a request if it may be easier for Okanogan 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 pursuant to WAC 44-14-04003(6).

8. Identifiable Records. A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used or retained by Okanogan is not a valid request for identifiable



records; *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. Okanogan may deny a bot request that is one of multiple requests from the requestor to Okanogan within a twenty-four (24) hour period, if Okanogan establishes that responding to the multiple requests would cause excessive interference with other essential functions of Okanogan. For purposes of this subsection, "bot request" means a request for public records that Okanogan reasonably believes was automatically generated by a computer program or script.

9. Request for Proprietary Information. Certain information that Okanogan receives as part of a permit process from wireless communication providers is proprietary in nature, such as service area maps and plans. When Okanogan receives a request for these types of records, Okanogan will notify the wireless communication provider that a request for potentially proprietary information has been received and provide the wireless communication provider an opportunity to bring an action to prevent the disclosure. If the wireless communication provider does not bring an action to prevent disclosure within one (1) week, Okanogan will disclose the records.

10. Audio Recordings. Tapes or CDs of meetings will be available for listening at City Hall without charge. Requests for duplicates of audiotapes or CDs include a fee of Fifteen Dollars (\$15.00) for each tape or CD requested. Due to consistency problems with equipment, Okanogan will supply the tape or CD as part of the above fee.

11. No Duty to Supplement Responses. Okanogan is not obligated to hold current records requests open to respond to requests for records that may be created in the future. A new request must be made to obtain later created public records.

12. Charges. Okanogan finds that calculating the actual costs it charges for providing public records would be unduly burdensome for the following reasons:

- a. The development and maintenance of calculating the actual costs would be very costly to produce; and
- b. Okanogan does not have additional staff for the purposes of developing and maintaining actual costs; and
- c. Okanogan does not receive sufficient records requests through the year to have a basis for developing and maintaining actual costs; and,

therefore, pursuant to RCW 42.56.120(2)(b) the following charges shall apply:

(i) The charge for photocopies or printed copies of electronic public records is Fifteen Cents (15¢) per page. When public records are mailed to a requestor, a charge for postage or delivery, and the cost of the envelope or container used may be added.

(ii) The charge for public records scanned into electronic format or for the use of Okanogan's equipment to scan the records is Ten Cents (10¢) per page.

(iii) The charge for each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery is Five Cents (5¢).

(iv) The charge for the transmission of public records in an electronic format or for the use of Okanogan's equipment to send the records electronically is Ten Cents (10¢) per gigabyte.

(v) When digital storage media or device is provided by Okanogan, the actual cost of such shall be charged to the requester.

(vi) No fee is charged for inspection of a public record or for locating a record.

(vii) Documents that are already scanned and that do not require rescanning may be sent to the requestor at their request, and without charge.

(viii) Charges may be waived due to the number of copies made or other circumstances.

(ix) Payment of charges is required prior to release of records unless other arrangements have been made pursuant to RCW 42.56.120.

The charges in this section may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

13. Deposit. Okanogan may require a deposit of up to ten percent (10%) of the estimated cost of copying records prior to copying any records for a requestor.



14. Availability of Public Records. Public records are available for inspection and copying at City Hall on Monday through Friday, from 8:30 a.m. to 4:30 p.m., excluding the lunch hour (12:00 p.m. – 1:00 p.m.) and excluding legal holidays. Okanogan personnel and the requestor may make mutually agreeable arrangements for the time and copying. No member of the public may remove a public record from a viewing area, disassemble, or alter any public record.

15. Organization of Public Records and Index. Okanogan has determined pursuant to Executive Order 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 volume, and types of public records received, generated or otherwise acquired by Okanogan. Notwithstanding the foregoing, Okanogan will maintain its records in a reasonably organized manner, take reasonable actions to protect records from damage and disorganization, and make available for public inspection and copying all indices maintained for Okanogan's use.

16. Closing Abandoned Requests. If a requestor withdraws a request, fails to fulfill his or her obligations to inspect the records within fifteen (15) days of notice that the records are available for inspection, or fails to pay the deposit or final payment for the requested copies, Okanogan personnel will close the request. Okanogan personnel will document closure of the request and the conditions that led to closure.

17. Records and Information Exempt from Public Disclosure. Okanogan 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. Okanogan is prohibited by statute from disclosing lists of individuals for commercial purposes pursuant to RCW 42.56.070(9). RCW 42.56 provides that a number of types of documents are exempt from public inspection and copying. Other statutes outside of RCW 42.56 will prohibit and exempt disclosure of certain documents or information. Okanogan's failure to list an exemption shall not affect the effectiveness of the exemption.

18. Denial of Request Due to Exemption. All denials of requests for public records will be accompanied by a written statement 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 as required by RCW 42.56.210(3).

19. Review of Denial. Any person who objects to the denial of a public records request may petition in writing to the City Clerk for review by the City

Attorney of that decision. The petition shall include a copy of or reasonably identify the written statement denying the request. The City Attorney shall perform a review of the denial as promptly as possible. Pursuant to state law, the review shall be deemed concluded at the end of the second business day following the denial to represent final action for the purposes of judicial review.

20. Retention of Records. Okanogan is not required to retain all records it creates or uses. Okanogan will follow RCW Chapter 40.14, *Preservation and Destruction of Public Records*, in their retention and destruction of public records, and will follow the retention schedule for local agencies as available on the Washington Secretary of State website.

21. Disclaimer of Liability. Neither Okanogan, nor any officer, employee, official or custodian shall be liable, or shall a cause of action exist, for any loss or damage based upon the release of public records if the person releasing the records acted in good faith in attempting to comply with this Policy. This Policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Nothing in this Policy is intended to impose mandatory duties on Okanogan beyond those imposed by state or federal law.

22. List of Exemptions. Pursuant to RCW 42.56.070, Okanogan is required to publish and maintain a current list containing every law that Okanogan believes exempts or prohibits disclosure of specific records of Okanogan. Okanogan adopts by reference the exemptions from public disclosure contained in RCW 42.56, including any future amendments thereto or recodification thereof, along with any other exemption or exception to RCW 42.56 provided by law, including but not limited to those exemptions set forth in Appendix C to "Public Records Act for Washington Cities and Counties," Municipal Research and Services Center, Report No. 61, May 2007, as may be amended from time to time, a copy of which shall be maintained in the Office of the City Clerk.

23. Tracking. For each public records request, Okanogan shall log for tracking purposes the following:

- a. The identity of the requestor;
- b. The date and text of the request;
- c. A description of the records produced in response to a request;
- d. A description of the records redacted or withheld and the reasons for redaction/withholding; and
- e. The final disposition of the request.