

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDINANCE \_\_\_\_\_**

AN ORDINANCE adding new sections to Seattle Municipal Code Chapter 3.104, City Records and Books, to provide specific rules and requirements related to local implementation of the Public Records Act for the State of Washington.

WHEREAS, Title 42, Chapter 56, of the Revised Code of Washington (RCW 42.56) requires all cities and public agencies to maintain and make available a current index of public records with limited exceptions; and,

WHEREAS, RCW 42.56.070 requires the City to maintain and make available a current index of the City's public records; and,

WHEREAS, RCW 42.56.070 provides that if maintaining such an index is unduly burdensome or would interfere with city operations, a city is not required to maintain such an index; and,

WHEREAS, RCW 42.56.070 also provides that if a city finds that it does not maintain such an index because it would be unduly burdensome or would interfere with city operations, that city must issue and publish a formal Order specifying the reasons why and the extent to which compliance would be unduly burdensome or interfere with city operations; and,

WHEREAS, RCW 42.56.070 further provides that in spite of such an Order, any index that is maintained by a city must be made available for public inspection and/or copying; and,

WHEREAS, the City of Seattle is comprised of three distinct branches of government, numerous departments as well as several boards and commissions that independently receive and maintain numerous complex and separate record keeping and filings systems, that may include indexing of records and information; and,

WHEREAS, the City produces or receives such a significant amount of records each day that the development and maintenance of a City index would be costly and burdensome and would provide little benefit to the public compared to the expense associated with its creation and maintenance; and,

WHEREAS, the City has a policy and practice of assisting people with public records requests, producing records in a variety of formats and providing records promptly in response to requests; and,

1 WHEREAS, the City seeks to explicitly state how it intends to show how it is consistent with  
2 RCW 42.56, concerning the provision of public records, through adoption of rules that  
3 indicate how each City department will effectively implement requirements of this Act;  
and,

4 WHEREAS, the City is fully committed to a ‘culture of compliance’ where public records that  
5 can be provided to the public are provided in as timely, open, efficient and effective way  
6 as possible,

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

8 Section 1. A new section 3.104.030 is hereby added to the Seattle Municipal Code, as  
9 follows:

10 3.104.030 - Findings.

11 A. RCW 42.56 requires all cities and public agencies to maintain and make available a  
12 current index of various public records.

13 B. RCW 42.56.070 provides that if maintaining such an index would be unduly  
14 burdensome, or would interfere with city operations, a city need not maintain such an index but  
15 it must issue and publish a formal order specifying the reasons why and the extent to which  
16 compliance would be unduly burdensome or would interfere with operations.

17 C. The City of Seattle (City) is comprised of three distinct branches of government, more  
18 than 30 departments, including several boards and commissions, all of which maintain separate  
19 databases and/or record keeping systems for the indexing of records and information.

20 D. Because the City has records which are diverse, complex, and stored in multiple  
21 locations and in multiple computer systems and databases, it is unduly burdensome, if not  
22 physically impossible, to maintain a central index of records.

23 E. The City produces or receives an uncountable number of records each day, and  
24 maintains an uncountable number of records in numerous City files.

1 F. The development and maintenance of a City index would be extremely costly, and  
2 would provide little benefit to the public compared to the expense in maintaining the index.

3 G. The City's operations do not allow for the addition, revision, or reassignment of duties  
4 of existing personnel so that an index may be developed and maintained.

5 H. Pursuant to RCW 42.56, the City will disclose all public records including all indexes  
6 that are maintained by the City, to the extent such records or indexes are available and not  
7 exempt from disclosure pursuant to State law or any other applicable law.

8  
9 Section 2. A new section 3.104.040 is hereby added to the Seattle Municipal Code, as  
10 follows:

11 3.104.040 Public records index – Order – Maintenance not required.

12 A. The City of Seattle (City) is not required to maintain a current index of public records  
13 due to findings of the City Council that the requirement is unduly burdensome and would  
14 interfere with City operations and such a list is nearly impossible to create and/or maintain.

15 B. The City shall make available all public records and any indexes created for internal  
16 use upon request by any citizen to the extent not exempt from disclosure pursuant to State law or  
17 any other applicable law.

18  
19 Section 3. A new section 3.104.050 is hereby added to the Seattle Municipal Code, as  
20 follows

21  
22 3.104.050 Public records disclosure – Department Policy.

23 A. By November 1, 2009, each City Department will, by rulemaking, adopt  
24 administrative procedures for providing access to public records in accordance with the  
25 provisions of RCW 42.56. Departments may work together to adopt similar or identical rules to  
26

1 comply with this provision. Any such rulemaking will include, but not be limited to, the  
2 following provisions:

3 1. A process to respond promptly to all records requests as required by RCW 42.56.520;

4 2. Assigning a central point of contact;

5 3. A system that informs a requesting party of the amount of time needed to respond to  
6 the request, a reasonable estimate of when responsive records would be available and a brief  
7 explanation of why a request has been denied;

8 4. To the extent practicable, an internet-based approach that allows for

9 a. a single step on each website to access the process to submit a request for  
10 public records;

11 b. submittal of frequently-requested records and for those records to be made  
12 available online to requesters; and

13 c. records to be provided in electronic format;

14 5. How an appeal of a denial of a records request is submitted;

15 6. Tracking of all staff time and expenditures related to responses to records requests;

16 7. A list of applicable exemptions;

17 8. Charges for providing copies of responsive documents or records that includes waiver  
18 or reduced charges for small requests

19 9. The hours and dates when public records are available for inspection and reproduction;

20 10. Applicable records retention policies; and

21 11. Adoption of a form for submitting records requests.

22 B. Following the adoption of any such rule, each Department shall submit a written  
23 report to the Council within 30 days of its adoption and provide an overview of how the rule  
24 complies with requirements for access to public records under RCW 42.56. Departments with  
25  
26  
27  
28

1 substantially similar rules may submit a unified report. The rule shall also be filed with the City  
2 Clerk's office pursuant to Seattle Municipal Code 3.02.060.

3  
4 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after  
5 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
6 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

7 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2009, and  
8 signed by me in open session in authentication of its passage this  
9 \_\_\_\_ day of \_\_\_\_\_, 2009.

10  
11  
12 \_\_\_\_\_  
13 President \_\_\_\_\_ of the City Council

14 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2009.

15  
16  
17 \_\_\_\_\_  
18 Gregory J. Nickels, Mayor

19 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2009.

20  
21  
22 \_\_\_\_\_  
23 City Clerk

24 (Seal)

25  
26  
27  
28