

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2011-11

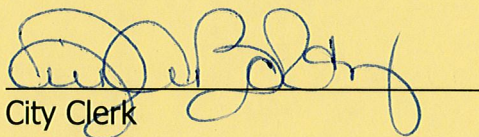
SUBJECT: Public Records

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 06/28/2011
- (X) Passed by the City Council: 07/06/2011
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 07/22/2011
- (X) Effective: 07/27/2011
- () Recorded: N/A

DISTRIBUTED COPIES AS FOLLOWS:

- (X) NK Herald: Emailed by jb
- (X) Code Publishing - via email if in electronic format
- () City Attorney
- () Civil Service Commission and/or Sec/Chief Examiner
- () Clerk's Department:
- () City Council
- () Finance:
- (X) Posted to Library Drive and Website


City Clerk

July 25, 2011
Date

ORDINANCE NO. 2011-11

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, REPEALING CHAPTER 2.98 OF THE POULSBO MUNICIPAL CODE AND ENACTING A NEW CHAPTER 2.98 REGARDING PUBLIC RECORDS IN ORDER TO REFLECT CURRENT STATE LAW; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 2.98 of the Poulsbo Municipal Code establishes procedures for the maintenance and access to public records in accordance with Chapter 42.56 RCW, the Public Records Act; and

WHEREAS, the Poulsbo City Council desires to revise and update Chapter 2.98 of the Poulsbo Municipal Code such that it will conform with the state Public Records Act and current practices by the City of Poulsbo, now, therefore,

**THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. Repealed and Reenacted. Chapter 2.98 of the Poulsbo Municipal Code is hereby repealed in its entirety and a new Chapter 2.98 of the Poulsbo Municipal Code is hereby enacted to read as follows:

2.98.010 Public Records Officer.

The city clerk is hereby designated as the city's public records officer. Contact information for the city clerk shall be made available in a manner reasonably calculated to provide the public with notice of this information, such as posting at Poulsbo City Hall or on the city's Internet site.

2.98.020 Indices of Records.

Pursuant to RCW 42.56.070, the City Council of the City of Poulsbo has declared that the indexing and maintenance of an index of all public records obtained by the city would be unduly burdensome and would interfere with the operations of the city. A current index as described in RCW 42.56.070 will therefore not be maintained by the city. The City Clerk shall continue to make available for public inspection and copying all existing indexes maintained for use by the City of Poulsbo.

2.98.030 Exemptions.

The City hereby adopts by reference those exemptions from public inspection and copying described in Chapter 42.56 RCW, as the same may be amended from time to time. In addition, records that are exempt from public inspection or copying under any other applicable state or federal law shall be exempt from public inspection and copying, including but not limited to, those exemptions set forth in Appendix C of "Public Records Act for Washington Cities, Counties, and Special Purpose Districts," Municipal Research and Services Center, Report No. 61, November 2009, as may be amended from time to time, a copy of which shall be maintained in the office of the City Clerk.

2.98.040 Procedure for inspection and copying.

A. Persons wishing to inspect or copy city public records should make such requests during the customary office hours of Poulsbo City Hall from 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays. Unless the requested public record is clearly disclosable and readily accessible, every requestor must complete a "request for public records" form and accompanying affidavit. Pursuant to RCW 42.56.520, the city shall respond to the request for public records within five business days of receipt and shall either (1) provide the record, (2) provide an internet address and link on the city's web site 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 must provide copies of the record or allow the requestor to view copies using a city computer, (3) acknowledge receipt of the request and provide a reasonable estimate of the time the city will require to respond to the request, or (4) deny the request. Additional time to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt. In acknowledging receipt of a public records request that is unclear, the city may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the city need not respond to it.

B. Public records may be provided on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for public disclosure. If an installment of a records request is not claimed or reviewed, the city is not obligated to fulfill the balance of the request.

C. Pursuant to RCW 42.56.120, the city may impose a reasonable charge for providing copies and for the use of city equipment, which charges shall not exceed the amount necessary to reimburse the city for its actual costs incident to such copying. In determining the cost of such copies, all costs incident to such reproduction shall be includable factors, including labor and mailing costs. If a request is made for records to be provided in electronic format, and the records exist in paper-only form, the city may charge a fee necessary to reimburse the city for actual costs associated with scanning the records. The city may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. If public records are made available on a partial or installment basis, the applicable fees shall be due and payable for each part of the request as it is provided.

D. No fee shall be charged for the inspection of public records. Copies of records (including minutes, agenda packets, ordinances and resolutions, and published documents, such as the budget, the annual report, environmental impact statements, programs, and plans) can be reviewed at City Hall. A packet for each city council meeting will be available at City Hall for audience information. Requests for duplicates of council or commission meeting recordings should be made two days in advance. The fee for such recordings shall be as provided in the costs schedule and a deposit may be charged as provided above. Information regarding the fee schedule is set out in Section 2.98.050.

E. The city council agenda sheet shall be available upon request and without charge after four p.m. on the Friday preceding each meeting. If there is a request for an agenda for each meeting over a period of time, the requestor may opt to be added to an e-distribution list for council agendas.

F. No provision of this chapter shall be construed to require dissemination of any confidential communication from the city attorney or any department head which is not subject to the disclosure requirements of Chapter 42.56 RCW.

G. The city shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose of the request, except to establish whether inspection and copying would violate RCW 42.56.070(9) or other statute or ordinance which exempts or prohibits disclosure of specific information or records to certain persons.

2.98.050 Maintenance of cost schedule.

The city clerk is authorized to establish a cost schedule for copying public records as provided in Section 3.12.040(C).

2.98.060 Procedure for review of decision.

A. If the city clerk determines that a document is exempt in part but can be made available after deletion of exempt portions, the request shall be granted; provided, that such exempt portions shall first be deleted. If the city clerk determines to deny the request, in whole or in part, a written statement of the specific reasons for the denial shall be provided to the requestor; provided, that nothing herein shall be construed as requiring the city to disclose portions of a requested document if the entire document is exempt from disclosure.

B. If the decision is to deny access, the party challenging the city's decision shall be advised that recourse is available through Kitsap County superior court, and that there is no other appeal procedure within the city. All such challenges shall be brought within the statute of limitations prescribed in RCW 42.56.550(6). Inspection or copying of any specific records exempt under the provisions of this chapter may be permitted if the Kitsap County superior court, after a hearing with notice thereof to every person in interest and the city

agency, finds that the exemption is clearly unnecessary to protect any individual's right to privacy or any vital governmental function.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

ADOPTED by the Poulsbo City Council this 6th day of July, 2011.

APPROVED:



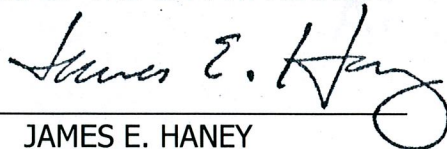
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:



CITY CLERK JILL A. BOLTZ CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

JAMES E. HANEY

FILED WITH THE CITY CLERK: 06/28/2011
PASSED BY THE CITY COUNCIL: 07/06/2011
PUBLISHED: 07/22/2011
EFFECTIVE DATE: 07/27/2011
ORDINANCE NO. 2011-11

SUMMARY OF ORDINANCE NO. 2011-11
of the City of Poulsbo, Washington

On July 6, 2011, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2011-11, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, REPEALING CHAPTER 2.98 OF THE POULSBO MUNICIPAL CODE AND ENACTING A NEW CHAPTER 2.98 REGARDING PUBLIC RECORDS IN ORDER TO REFLECT CURRENT STATE LAW; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be mailed upon request.

DATED this 6th day of July, 2011.



CITY CLERK, JILL A. BOLTZ, CMC