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**ORDINANCE NO. 3641**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON RELATING TO PUBLIC RECORDS; AMENDING SECTIONS 1.20.010 THROUGH 1.20.040 OF THE EDMONDS CITY CODE; ADDING A NEW SECTION 1.20.045 DECLARING THE MAINTENANCE OF AN ALL-INCLUSIVE INDEX OF EVERY PUBLIC RECORD TO BE UNDULY BURDENSOME, AS REQUIRED BY CHAPTER 42.56 RCW; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, the state legislature amended the public records statutes during the 2005 legislative session and subsequently recodified the Public Disclosure Act at chapter 42.56 RCW, now referred to as the Public Records Act (the “Act”); and

WHEREAS, the City desires to update its public records procedures for consistency with the Act; and

WHEREAS, the Act 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 the City finds it is necessary to issue such order; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Amendment of chapter 1.20 ECC. Sections 1.20.010 through

1.20.040 of the Edmonds City Code are hereby amended to read as follows:

1.20.010 City clerk as public records officer - Form for request.

A. The city clerk is hereby designated as the public records officer of the city. Contact information for the city clerk is to be made available to the public in a manner reasonably calculated to provide notice of whom to request public records from, such as posting such contact information at City Hall or on the city's internet website.

B. All persons desiring to inspect or receive a copy of any public record of the city must make their request to the city clerk, or designee, on forms specified by the city clerk.

1.20.020 Response or denial of request.

A. Responses to requests for public records shall be made promptly and pursuant to guidelines established in chapter 42.56 RCW. Within five business days of receiving a written public record request, the city must respond by either:

1. Providing the record;
2. Acknowledging that the city has received the request and providing a reasonable estimate of the time the city will require to respond to the request; or
3. Deny the public record request. Denials must be accompanied by a written statement of specific reasons therefor.

B. Public records may be made available 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 inspection or disclosure. Additional time required to respond to a request may be based on the need to clarify the intent of the request, to locate and assemble the information request, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. 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.

1.20.030 Certain personnel and other records exempt.

The city adopts by reference the exemptions from public disclosure contained in chapter 42.56 RCW, including any future amendments thereto or recodification thereof, along with any other exemption provided by law, including but not

limited to those exemptions set forth in Exhibit C to “Public Records Act for Washington Cities and Counties,” Municipal Research and Services Center, Report No. 61, July 2006, a copy of which shall be maintained in the office of the City Clerk..

1.20.040 Copying fees.

A. No fee shall be charged for the inspection of public records. Any person who requests a copy of any public record from the city clerk shall pay to the city clerk or a designee of the city clerk a photocopying charge. The charges for copying shall be established by the city clerk and approved by resolution of the city council. Nothing herein shall be construed to apply to charges for accident reports pursuant to RCW 46.52.085.

B. The city clerk 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. If an installment of a records request is not claimed or reviewed, the city shall not be obligated to fulfill the balance of the request.

Section 2. New Section Added to chapter 1.20 ECC. A new section 1.20.045 is added to the Edmonds City Code to read as follows:

1.20.045 – Index of Public Records – Findings and Order.

A. Findings.

1. The Public Records Act requires all cities and public agencies to maintain and make available a current index of all public records.

2. RCW 42.56.070(4) provides that an agency need not maintain such an index if to do so would be unduly burdensome, but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome or would interfere with agency operations.

3. The City is comprised of numerous departments, their divisions and subdivisions, many if not all of which maintain separate databases and/or systems for the indexing of records and information.

4. 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.

B. Order. Based upon the findings set forth in ECC 1.20.045A, and pursuant to RCW 42.56.070(4), the City Council orders the following:

1. The City is not required to maintain an all-inclusive index of public records due to the undue burden and near-impossibility of maintaining such an index.

2. The City will make available for inspection and/or copying all public records, including any indexes that are maintained by the City, except to the extent that such records are exempt from public disclosure.

Section 3. 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 or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect thirty (30) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

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MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:

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CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
W. SCOTT SNYDER

FILED WITH THE CITY CLERK: 04/27/2007  
PASSED BY THE CITY COUNCIL: 05/08/2007  
PUBLISHED: 05/13/2007  
EFFECTIVE DATE: 05/18/2007  
ORDINANCE NO. 3641

**SUMMARY OF ORDINANCE NO. 3641**

of the City of Edmonds, Washington

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On the 8th day of May, 2007, the City Council of the City of Edmonds, passed Ordinance No. 3641. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON RELATING TO PUBLIC RECORDS; AMENDING SECTIONS 1.20.010 THROUGH 1.20.040 OF THE EDMONDS CITY CODE; ADDING A NEW SECTION 1.20.045 DECLARING THE MAINTENANCE OF AN ALL-INCLUSIVE INDEX OF EVERY PUBLIC RECORD TO BE UNDULY BURDENSOME, AS REQUIRED BY CHAPTER 42.56 RCW; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 9th day of May, 2007.

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CITY CLERK, SANDRA S. CHASE