

Discussion and Review of Ordinance No. 742 – Public Records Policy

April 4, 2016



Background

- RCW 42.56 - Public Records Act
 - Make public records available
 - Adopt rules
 - Provide full access
 - Protect from damage and disorganization
 - Prevent excessive interference with other essential functions
 - Provide “fullest assistance” and “most timely possible action”



Background

- WAC 44-14 - Attorney General Model Rules
 - provide best practices for complying with the Public Records Act
 - Establish culture of compliance among agencies and cooperation among requestors by standardizing throughout state

Background

- SMC 2.35 - Public Records
 - City rules adopted in 1995
 - Provide basic direction on how requests should be made and how City should process
 - Last amended in 2006
 - Rules are outdated and should be amended

Shoreline PRR Program

- Public disclosure is one of the City's essential functions
- Responsibility of every employee
- City Clerk is Public Records Officer
- All requests coordinated in Clerk's Office



Shoreline PRR Program Data

Year	2009	2010	2011	2012	2013	2014	2015
# Requests Received	95	132	161	174	179	217	307

- Year-over-year increases are the trend
- Rate of increase in 2015 highest (41%)
- Rate of increase from 2009 is 223%
- 92 requests received to-date in 2016

Shoreline PRR Program Data

- Clerk's Office total monthly available staff hours devoted towards public disclosure:
 - Prior to 2015 approximately 13% (.5 FTE)
 - 2015 approximately 21% (.85 FTE)
 - 2016 extra help was added to process public records requests

Shoreline PRR Program Data

# Days to Close Requests	2015	2016 as of 3/22/16
Same Day or Next	17%	12%
2-5 Days	54%	69%
6-20 Days (two to four weeks)	10%	14%
21-60 Days (two to three months)	16%	5%
61-120 Days (four to six months)	2%	-
120+ Days (more than six months)	1%	-
Requests still open and being processed	2	13



Proposed Ordinance No. 742

- Amends City's rules in SMC 2.35
- Affirms City's requirement and commitment to complying with PRA
- Authorizes the City Manager to issue Administrative Rules
- Allows for a request category system and standard response times for each category

Proposed Ordinance No. 742

- Allows for copy/scanning fees
- Provides for statutorily-authorized exemptions
- Updates PRA Records Index requirements
- Moves rules out of SMC 2.35 and into an Administrative Policy

Public Records Policy

- Rules moved over from SMC and updated
- Consistent with the PRA and Model Rules
- Provides more detailed information to requestors and City employees
- Enhances transparency of process

Policy Consideration

Should the City place requests into categories and process in separate queues?

Request Categories

- **“Routine” Requests**
 - small number of records
 - records easy to identify and locate
 - typically no exemptions
 - aim to fulfil within 5-days
- **“Complex” Requests**
 - large number of records
 - stored in several locations
 - require research, interdepartmental coordination
 - contain exemptions
 - take several weeks/months to fulfill

Policy Consideration

Should complex requests be processed one at a time from start to finish in the order they are received?

OR

Should multiple complex requests be processed at the same time?

Other cities that categorize

- Bainbridge Island
- Kirkland
- Pasco
- Port Orchard

Future Policy Considerations

- Rising number of requests and limited resources
- Provide “most timely action” while “preventing excessive interference”
- Options are adding resources or limiting time devoted to public disclosure
- No need to implement time limitations at this time
- Staff will monitor and report back

Questions/Feedback

