Chapter 2.50
DISCLOSURE OF PUBLIC RECORDS

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2.50.010 General policy – Procedures to request public records.

A. This chapter constitutes the City of Maple Valley's rules of procedure for compliance with the Public Records Act, Chapter 42.56 RCW, incorporated herein by reference as if fully set forth. The City's rules of procedure may be supplemented from time to time by administrative rules issued by the City Manager.

B. The City's policy is to promptly respond to requests for public records and to provide the fullest assistance to requesters. In order to facilitate a prompt response, requesters should submit a request in writing using the City's form, or via letter, email, or fax. The City cannot guarantee that a verbal request for records will be interpreted as a request for public records. Requesters should make a reasonable effort to identify or describe the records being sought by topic or subject matter, and including, for example, a date (if known), or a date range.

C. Public records are generally available for inspection and copying Monday through Friday, from 8:00 a.m. to 5:00 p.m., excluding legal holidays. A requester that seeks to inspect nonexempt records rather than to receive copies of records will be allowed to do so under supervision, to prevent removal, destruction or disorganization of records. Requesters are prohibited from removing records from City offices. The City shall make its facilities available to any person for the copying of public records except when and to the extent doing so would unreasonably disrupt the operations of the City. Requesters are prohibited from utilizing computers issued to City staff to inspect public records, unless the City determines to provide a designated public computer for that purpose.

1. An unreasonable disruption of the operations of the City occurs if a request for records is large and would require use of City equipment for extended periods of time and thereby disrupt the ability of City staff to utilize that same equipment for the regular conduct of City business. An unreasonable disruption of the operations of the City occurs if a requester would need access to City equipment that is located within City facilities that are otherwise not available to the public. The City Clerk shall have discretion to determine whether providing access to City equipment for copying records would unreasonably disrupt the operations of the City, and, if so, how to reasonably accommodate the requester. Any use of the City's equipment requires payment according to the fees established in this chapter, whether the use of the equipment is by City staff on behalf of a requester, or by the requester.

D. The City is not required by this chapter or the Public Records Act to create records in response to a records request; but, rather, is required to make a good faith and objectively reasonable search for identifiable public records.

E. The City may release records responsive to a request in installments. A decision to release records in installments may be made by the City Clerk if the request is for a large number of documents or when a portion of responsive records is more readily available than others. The City shall require a requester to make payment in full of each installment before City staff continue to process any subsequent installment. The City may require a requester to make payment of a deposit of 10 percent of the estimated cost of the entire response prior to the City beginning a large copying project on behalf of a requester.

F. If, within 30 days, a requester fails to inspect records retrieved in response to a request, or to pick up, inspect, and/or pay for an installment after being notified that an installment is ready for pickup or inspection, the City Clerk may discontinue the search for any remaining responsive records and close the request.

G. When the search for records has been completed, the City Clerk may provide notification to the requester that the search is considered complete and that the City intends to close the request.

H. If, after the City has informed the requester that it has provided responsive records, the City becomes aware of additional responsive records existing at the time of the request, it will promptly inform the requester of the additional documents and provide them as soon as possible. However, a public records request is not continuing in nature. If a requester desires additional records created or obtained by the City after the date of the original request, the requester must submit a new request.

I. The City is prohibited from disclosing a list of individuals for commercial purposes.

J. The City archives records that are inactive but are still within their retention period. Inactive, but archived, records may be stored off site. The City retains active records on site. Records that have met their retention period are destroyed. If the records are determined to be of legal and/or historic value and must permanently retained, such records will be microfilmed and/or digitized and transferred into the keeping of the State Archivist.

K. If the City receives a request for records that are scheduled for destruction the City shall not destroy the record until the request is fulfilled.

L. When a requester requests records in an electronic format, the City Clerk will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the City and is generally commercially available, or in a format that is reasonably translatable from the format in which the City keeps the record. The City is not required to provide redacted records electronically. (Ord. O-12-486 § 1; Ord. O-97-14 § 1).

2.50.015 Public records officer designated – Contact information – Records request form.

A. The City Clerk is the designated public records officer for the City of Maple Valley. The City Clerk will oversee compliance with the Public Records Act and this chapter. The City Clerk may delegate the responsibilities of processing records requests to other staff.

B. The City Clerk may be contacted Monday through Friday, 8:00 a.m. to 5:00 p.m., at 22017 SE Wax Road, Maple Valley, WA 98038, (425) 413-8800.

C. A requester may use the City's form to request public records, located at: http://www.maplevalleywa.gov/Modules/ ShowDocument.aspx?documentid=131 or http://www.maplevalleywa.gov/records.

This request form may be submitted electronically as an email attachment, or may be faxed to: (425) 413-4282, or may be mailed to the address in subsection (B) of this section or may be personally delivered. (Ord. O-12-486 § 1).

2.50.020 Disclosure of public records.

Unless exempt from disclosure in whole or in part, public records shall be available for inspection and copying subject to MVMC 2.50.010(C). The City reserves the right to respond to a request for public records within five business days of receipt of a request. (Ord. O-12-486 § 1; Ord. O-97-14 § 2).

2.50.030 Definitions.

A. "Public record" means 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 the City regardless of physical form or characteristics.

B. "Writing" means handwriting, typewriting, printing, photostating, 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 combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. (Ord. O-12-486 § 1; Ord. O-97-14 § 3).

2.50.040 Maintenance of records by Clerk's Office – Limited index – Findings and order that all-inclusive index is unduly burdensome.

A. All City departments are responsible for maintaining records consistent with the State Archivist's guidelines. The City Clerk maintains a limited index consisting of: ordinances and resolutions of the City Council; City Council agenda materials; minutes of: City Council study sessions, regular and special meetings of the City Council; agenda materials of all City Council appointed advisory boards and commissions; minutes of the regular meetings of advisory boards and commissions; and all contracts, franchises, deeds, easements, and leases.

B. Findings. RCW 42.56.070(4) provides that an agency need not maintain the index required by RCW 42.56.070(3) 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. Because 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 public records, and because each department, its divisions and subdivisions maintain records which are diverse and specific to each department, and because the various departments within the City have not historically maintained the type of index described in RCW 42.56.070(3), the City Council finds it would be unduly burdensome, if not physically impossible, to create or maintain either a historical or a current index of all the City's public records existing since the date of incorporation.

C. Order. Based on the findings in subsection (B) of this section, the City Council orders the following: that except for the records described in subsection (A) of this section, no City department is required to create an all-inclusive index of records as required by RCW 42.56.070(3) because it is unduly burdensome and because the near-impossibility of creating and maintaining such an index would interfere with City operations. To the extent

any department maintains an index of records such indexes shall be made available for inspection and copying. (Ord. O-12-486 § 1; Ord. O-97-14 § 4).

2.50.050 Exemptions.

A. The following shall be exempt from public inspection and copying:

1. All public records that fall within the exemptions set forth in Chapter 42.56 RCW; and

2. Any other public record which is exempt from disclosure under other state or federal law.

B. The exemptions from public disclosure set forth in this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

C. Inspection or copying of any specific records exempt under this section may be permitted if the King County Superior Court finds, after a hearing with notice thereof to every person interested and to the City, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

D. Appendix A* to the ordinance codified in this chapter contains a list of every law the City believes exempts or prohibits disclosure of specific information or records of the City. By providing this list, the City does not represent that every possible state or federal law has been included therein, and the City reserves the right to exempt any record, or part thereof, from disclosure according to any applicable state or federal law whether currently existing and not appearing on Appendix A, or according to any later-enacted state or federal law. (Ord. O-12-486 § 1; Ord. O-97-14 § 5).

* Appendix A to the ordinance codified in this chapter can be obtained from the City Clerk or at http://www.maplevalleywa.gov/index.aspx?page=56.

2.50.060 Response to records request.

A. Persons wishing to inspect or copy City records shall first make such request to the City Clerk or to the City department which maintains the requested records. If the requester does not know which department maintains the records, the request shall be made to the City

Clerk. The fullest assistance shall be provided promptly either by the City Clerk or by the particular department maintaining the records. The provision of such assistance shall not unreasonably disrupt the normal operations of the City Clerk, the department, or the assisting employee.

B. The City Clerk or other City employee shall not distinguish among persons requesting records. Persons requesting records shall not be required to provide information as to the purpose for the request, except to establish whether the inspection or copying would violate RCW 42.56.270(9) or other statute or ordinance which exempts or prohibits disclosure of specific information or records to certain persons.

C. To the extent possible, and consistent with Chapter 42.56 RCW, the City shall promptly respond to a request for records.

D. Within five business days of the date of receipt by the City of a written request for a record, the City Clerk shall:

1. Provide the record; or provide an Internet address and link on the City's website to the specific records requested, except that if the requester notifies the City that he or she cannot access the records through the Internet, the City shall provide copies of the record;

2. Acknowledge that the City has received the request and provide a reasonable estimate of the time the City will require to respond to the request. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requests, to notify third persons or agencies affected by the request, or to determine whether any of the information is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the City may ask the requester to clarify what information the requester is seeking. If the requester fails to clarify the request, the City need not respond to it;

3. Deny the public record request. Denials of requests shall be accompanied by a written statement of the specific reasons for denial.

E. If the City Clerk determines that the document is exempt in part, but can be made available after redaction of exempt portions, the request shall be granted; provided, that such exempt portions shall first be redacted. All documents redacted as exempt shall be accompanied by an exemption log that provides a brief description of the document, and the legal reason justifying redaction of the record. (Ord. O-12-486 § 1; Ord. O-97-14 § 6).

2.50.070 Reimbursement for copying costs.

A. Copies of written records, maps, photographs including slides, audio tape recordings, video tape recordings, and disks shall be made and provided by the City upon request and payment of the actual cost of reproducing the same, including labor and mailing costs. Items that are copied by an outside vendor shall be subject to the vendor cost plus any mailing charges. The City may provide an Internet address and link on the City's website to the specific records requested. If a requester notifies the City that he or she cannot access records through the Internet, the City shall provide copies of records sought by the requester, shall make original records available to the requester, or may allow a requester to view copies of records using a designated public computer.

B. Fees. The following fee schedule shall be applied to the provision and copying of public records:

City Council, Board, Committee, Commission Agendas	No Charge
Preliminary Annual Budget*	No Charge
Materials copied on the copier on letter, legal, or ledger size paper (includes agenda packet materials, ordinances, resolutions, public meeting minutes, contracts, etc.)	$0.15 per page
Audio Recording Tapes	$10.00 per audio tape
CD Disc	$1.50 per disc

DVD Disc	$1.50 per disc
Verbatim Transcripts ($100.00 deposit when ordered)	Actual Cost
Zoning Map (11" x 14")	$1.50
Plat Map (2' x 3')	$2.00
Large City Map (2' x 4')	$6.00
GIS Aerial Mapping (11" x 17")	$6.00
City Clerk Certification of Documents	$1.00 per page

C. Where the request is for a certified copy, there shall be an additional charge as noted in subsection (B) of this section to cover the additional expense and time required for certification.

D. The City Clerk may provide copies of City records at no charge to individuals or government agencies doing business with the City, if the City Clerk determines such action is in the best interest of the City. (Ord. O-12-486 § 1; Ord. O-04-265 § 1; Ord. O-97-14 § 7).

*Code reviser's note: The City now has a biennial budget, as established by Ord. O-16-596. See Chapter 3.01 MVMC.

2.50.080 Decision on public records requests – Procedure for review of decision – Final action for purposes of judicial review.

A decision by the City Clerk denying inspection or copying of records in whole or in part shall be promptly reviewed by the City Attorney. Such review shall be deemed complete at the end of the second business day following the denial of inspection or copying in whole or in part and shall constitute final City action for the purposes of judicial review. The requester shall be notified by mail of the decision to grant or deny the request. (Ord. O-12-486 § 1; Ord. O-97-14 § 8).

2.50.090 Disclosure prohibited by other statutes.

The City shall not be required by this chapter to permit public inspection and copying of any record to the extent public disclosure of the record is prohibited, restricted or limited by any State or federal statute or regulation including or by case law, including but not limited to

Chapter 10.97 RCW, the Washington State Criminal Records Privacy Act, Chapter 13.50 RCW, relating to release of records by juvenile justice or care agencies, or Chapter 46.52 RCW, relating to accident reports and abandoned vehicles. (Ord. O-12-486 § 1; Ord. O-97-14 § 9).

2.50.100 Administrative rules.

The City Manager may issue administrative rules for the implementation of this chapter. (Ord. O-12-486 § 1; Ord. O-97-14 § 10).

The Maple Valley Municipal Code is current through Ordinance O-20-694, passed March 9, 2020.

Disclaimer: The City Clerk's office has the official version of the Maple Valley Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: https://www.maplevalleywa.gov/
City Telephone: (425) 413-8800

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