

ORDINANCE NO. 3509

AN ORDINANCE of the City of Port Angeles, Washington making changes to Chapter 2.74 and Chapter 3.70 of the Port Angeles Municipal Code relating to fees and costs to public records.

THE CITY COUNCIL OF THE CITY OF PORT ANGELES DO HEREBY
ORDAIN AS FOLLOWS:

Section 1. Ordinance 2754 as amended and Chapter 2.74 of the Port Angeles Municipal Code relating to City Hall fees and costs for public records are hereby amended by amending Sections 2.74.030 and 2.74.065 to read as follows:

CHAPTER 2.74 INSPECTION OF PUBLIC RECORDS

2.74.005 References.
2.74.010 Purpose and policy.
2.74.015 Interpretation and construction of provisions.
2.74.017 Preservation and retention of records.
2.74.020 Definitions.
2.74.025 Public Record Officer.
2.74.027 City staff training program.
2.74.030 Procedures for requests and response to requests.
2.74.035 Request for lists of individuals—Affidavit required.
2.74.040 Index of public records—Findings.
2.74.050 Records exempt from public inspection.
2.74.060 No duty to create records.
2.74.065 Costs of providing copies of public records
2.74.070 Record copying payment.
2.74.080 Administrative process for review of exemptions and privileges.
2.74.090 Failure of City.
2.74.095 Records Manager.

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2.74.030 Procedures for requests and response to requests.

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~~17. *Costs.* Costs associated with producing public records are specified in Chapter 3.70 of the Port Angeles Municipal Code, as may be amended from time to time. The City may collect a deposit of up to ten percent of the projected cost before creating customized access.~~

18 7. Exemptions.

After the City has gathered responsive records, the City shall determine whether an exemption applies to all or part of a record. The City need not make available for inspection and copying records exempt from public inspection and copying under Chapter 42.56 RCW and/or other provisions of State or Federal law, statute, or regulation.

The exemptions found outside the Public Records Act that are most likely to potentially exempt records held by the City include:

RCW 4.24.550	Information on sex offenders to public
RCW 5.60.060	Privileged communications
RCW 5.60.070	Court-ordered mediation records
RCW 7.68.140	Victims' compensation claims
RCW 7.69A.030(4)	Child victims and witnesses - protection of identity
RCW 7.69A.050	Rights of child victims and witnesses - addresses
RCW 10.52.100	Records identifying child victim of sexual assault
RCW 10.97.040	Criminal history information released must include disposition
RCW 10.97.050	Conviction and criminal history information
RCW 10.97.070	Disclosure of identity of suspect to victim
RCW 10.97.080	Inspection of criminal record by subject
RCW 13.60.020	Missing children information
RCW 19.215.020	Destruction of personal health and financial information
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 6.44.020(19)	Unfounded allegations of child abuse or neglect
RCW 26.44.030	Reports of child abuse/neglect
RCW 26.44.125	Right to review and amend abuse finding - confidentiality
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 29A.08.720	Voter registration records - place of registration confidential
RCW 29A.08.710	Voter registration records - certain information exempt

Chapter 40.14 CW	Preservation and destruction of public records
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.14.030(7)	Identity of local government whistleblower
RCW 42.14.045	Non-disclosure of protected information (whistleblower)
RCW 46.52.080	Traffic accident reports - confidentiality
RCW 46.52.083	Traffic accident reports - available to interested parties
RCW 46.52.120	Traffic crimes and infractions - confidential use by police and courts
RCW 46.52.130(2)	Abstract of driving record
RCW 48.62.101	Local government insurance transactions - access to information
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of non-identifiable information or with consent
RCW 51.28.070	Worker's compensation records
RCW 51.36.060	Physician information on injured workers
RCW 60.70.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports
Chapter 70.02 RCW	Medical records - access and disclosure - entire chapter (HC providers)
RCW 70.48.100	Jail records and booking photos
RCW 71.24.035(5)(g)	Mental health information system - state, county and regional support networks - confidentiality of client records
RCW 71.34.200	Mental health treatment of minors - records confidential
RCW 71.34.210	Court records for minors related to mental health treatment
RCW 71.34.225	Release of mental health services information
RCW 72.09.585(3)	Disclosure of inmate records to local agencies - confidentiality
RCW 82.32.330	Disclosure of tax information
42USC405(c)(2)(vii)(I)	Limits on Use and Disclosure of Social Security Numbers
42 FRpart2.12.67)	Confidentiality of Alcohol and Drug Abuse Patient Records
45 CRF 160—164	HIPAA Privacy Rule

This list is provided for information. The City is not bound by or limited to these exemptions.

19 ~~8~~. *Additional procedures for exemptions.*

- a. When exempt portions of public records can be redacted, the remainder thereof shall be open to public inspection and copying.
- b. Exemption log. If the City determines that all or part of a record is subject to an exemption, the City shall so inform the requester in writing, including:
 - i. A description of the exemption;
 - ii. The type of record being withheld;
 - iii. If necessary, a short explanation of why it applies to the record (or part) being withheld;
 - iv. The date the record was created;
 - v. The number of pages; and
 - vi. The author, or other means of sufficiently identifying particular records without disclosing protected contents.
- c. Where the use of any identifying features would reveal protected contents, the City may designate the record with a numbered sequence.
- d. Pursuant to the Act, the City reserves the right to seek to enjoin the examination of any specific record, the examination of which the City determines would clearly not be in the public interest and would substantially damage any person or would substantially damage vital governmental functions.

~~20~~ 19. *Inspection of records.*

- a. *Notice of availability.* When the records responsive to the request (or the first installment) are available for inspection, the Public Records Officer shall send the requester a "notice of availability" letter. If the requester fails to contact the City within 15 days of the mailing of this letter, the City may treat the request as abandoned. When the City is producing in installments, this letter shall also provide an estimate of when the next installment will be available.
- b. *Response by requester.* If the requester does not review the records at the time scheduled with the Public Records Officer, does not contact the Public Records Officer to arrange for payment, or does not request additional time to review the records within 15 days after the notice of availability letter was sent, the City may consider the records request abandoned.
- c. *Protection of records.* In order that public records maintained on the premises of the City may be protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:
 - i. No Public Records shall be removed from City Hall without the Public Records Officer's permission;

- ii. Inspection of any public records shall be conducted in the presence of the Public Records Officer or designated staff;
- iii. No public record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;
- iv. Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by City staff; and
- v. Public records of the City may be copied only on the copying machines of the City unless other arrangements are made by the Public Records Officer.

~~21~~ 0. *Loss of right to inspect.*

Inspection shall be denied and the records withdrawn by the Public Records Officer if the requester, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the City.

~~22~~ 1. *Deposits for copying public records.*

When determining whether to request a deposit, the City shall consider the cost of making the requested copies and any payment history of the requester, as well as the administrative burden of seeking a deposit.

~~23~~ 2. *Closing the file.*

Once all copies of requested records have been provided to the requester, or the request has been abandoned, the Public Records Officer shall mail the requester a "closing letter" informing the requester that the City has fully responded to the records request. Upon receipt of the closing letter, the requester should immediately inform the Public Records Officer if the requester does not think the City has fully complied, or needs additional time to review the records. If the requester does not respond within ten business days after the closing letter was sent, the City may treat the matter as closed.

~~24~~ 3. *Review of asserted exemptions.*

- a. A requester who objects to the initial denial or partial denial of a records request may ask the Public Records Officer to review the decision. Such a request shall be made in writing, should reasonably identify the written denial to which the requester objects, and should state in general terms the reason for the objection. Such reasons include, but are not be limited to, a claim that an exemption does not apply, or if an exemption does apply, a request to waive the exemption.
- b. Within five business days, or within such other time as the City and the requester mutually agree to, the Public Records Officer shall review the objection and shall either meet with the requester or reply in writing to the requester. The Public Records Officer shall either affirm or reverse the denial.

c. If the requester is not satisfied with the decision of the Public Records Officer after the review provided in the preceding paragraph, the requester shall so notify the Public Records Officer in writing. The Public Records Officer then shall promptly provide the requester's objection and any other relevant information to the City Manager. The City Manager, within five business days, or within such other time as the City and the requester mutually agree to, will consider the objection and either affirm or reverse the denial. That concludes the administrative review process.

25 4. *Disclaimer.*

This ordinance is not intended to expand or restrict the rights of disclosure or privacy as they exist under State and Federal law. Nothing in this ordinance is intended to impose mandatory duties on the City beyond those imposed by State and Federal law. Except where these guidelines are mandated by statute, the guidelines in this policy are advisory only and shall not impose any affirmative duty on the City. The City reserves the right to revise or change the ordinance from time to time.

Section 2. A new section, 2.74.065 Costs of providing copies of public records, is added to Chapter 2.74 to read as follows:

(1) Costs for copies. A requestor may obtain copies or scans as provided under RCW 42.56.070(8), 42.56.120 and WAC 44-14-07003; the City may charge for those copies or scans according to the fee schedule below, provided, that if the total charge for copies would be less than \$5.00 no fee shall be charged or collected. For records in other forms, the City may charge the actual cost it pays for the medium used to record the record or records provided. Those mediums include, but are not limited to, tapes, USB Drives, CDs, DVDs and paper that costs more than \$.15 per page. The statements providing those costs are the invoices paid to obtain them and are available for public inspection and copying.

<u>Document Type/Size</u>	<u>Per Scan Charge</u>	<u>Per Copy Charge</u>
<u>Standard black and white (8.5" x 11")</u>	<u>.14</u>	<u>.15</u>
<u>Standard color (8.5" x 11")</u>	<u>.14</u>	<u>.17</u>
<u>Black and white (8.5" x 14")</u>	<u>.14</u>	<u>.17</u>
<u>Color (8.5" x 14")</u>	<u>.14</u>	<u>.21</u>
<u>Black and white (11" x 17")</u>	<u>.14</u>	<u>.17</u>
<u>Color (11" x 17")</u>	<u>.14</u>	<u>.26</u>

Before beginning to make copies, the Public Records Officer may require a deposit of up to ten percent of the estimated costs of copying or scanning all the records selected by the requestor. The Public Records Officer may also require the payment of the remainder of the copying/scanning costs before providing all the records, or the payment of the costs of copying/scanning an installment before providing

that installment. The Public Records Officer will not charge sales tax when it makes copies or scans of public records but if the records are sent to a third party for copying/scanning, that third party may charge sales tax and the requestor will be responsible for payment of that tax as well as the third party's actual charges for copies or scans.

(2) **Costs of mailing.** The City may also charge actual costs of mailing, including the cost of the shipping container.

(3) **Payment.** Payment may be made by cash, check, debit card, credit card, or money order made payable to the City.

(4) **Other copying charges.** The Act generally governs copying charges for public records, but several specific statutes govern charges for particular kinds of records. The following nonexhaustive list provides some examples: RCW 46.52.085 (charges for traffic accident reports); RCW 10.97.100 (copies of criminal histories) and RCW 70.58.107 (charges for birth certificates). The City will charge the amount authorized pursuant to these other statutes rather than as provided under the Act.

(5) **Use of outside vendor.** The City is not required to copy/scan records at its own facilities. The City can send the project to a commercial copying/scanning center and bill the requestor for the amount charged by the vendor. The City can arrange with the requestor to pay the vendor directly. The City cannot charge the default per page copying/scanning charge when its cost at a vendor is less.

Section 3. Ordinance 2932 as amended and Chapter 3.70 of the Port Angeles Municipal Code relating to fees and costs for public records are hereby amended by amending Section 3.70.090 to read as follows:

3.70.090 Fire Department fees.

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B. *Medical records.* ~~Duplicating and/or searching. In accordance with RCW 7.02.010(12), the charges for duplicating and/or searching for medical records shall be as follows:~~

~~1. Duplication charges
page for first 30 pages\$0.74~~

~~page all other pages\$0.57~~

~~2. Clerical fee for searching and handling\$17.00~~

Charges for copies shall be as outlined in Chapter 2.74.065.

Section 4. Ordinance 2932 as amended and Chapter 3.70 of the Port Angeles Municipal Code relating to fees and costs for public records are hereby amended by amending Section 3.70.120 to read as follows:

3.70.120 Police Department fees.

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F. *Various Police Department service fees.* Fees for the various Police Department services shall be as follows, provided that the Chief of Police or his designee may provide copies of appropriate documents to victims of crimes without charging for such copies in consideration of their cooperation with the Police Department's investigation and related activities; and that if the total charge would be less than \$5.00, no fee shall be collected:

Accident report copy	No Charge
Alarm monitoring fees	\$50.00/annual
—additional for each added zone	\$10.00
Application for transfer of firearm	No Charge
Bicycle license	No Charge
Case file photographs	
First photograph	\$0.25 <u>See charge for color copies-Section 2.74.065</u>
Each additional photo	\$0.25 <u>See charge for color copies-Section 2.74.065</u>
Concealed weapon permits—Original permit	\$36.00
Plus FBI charge	\$19.25 <u>16.50</u>
On-time renewal	\$32.00
Late renewal	\$42.00
Replacement fee	\$10.00
(State allows NO grace period)	

Crime report copy	
Victim	No Charge
All others	See PAMC 2.74.065
Dispatch tape copies	See PAMC 2.74.065
CD of recording	\$1.00
Fingerprints	\$25.00
Housemove	\$15.00
(Police escort fee extra)	
Lamination	\$2.00
Police services— Regular	\$80.00/hr.
Police reserve details	\$40.00/hr.
Record check	No Charge
(PAPD adult conviction data only)	
Finder's Fees:	10% of appraised value plus sales tax (require personal check or money order for exact amount).

Section 5 - Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of the scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6 - Severability. If any provisions of this Ordinance, or its application to any person or circumstances, are held invalid, the remainder of the Ordinance, or application of the provisions of the Ordinance to other persons or circumstances, is not affected.

Section 7 - Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance shall take effect five

(5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council of the City of Port Angeles at a regular meeting of said Council held on the 1st day of July, 2014.



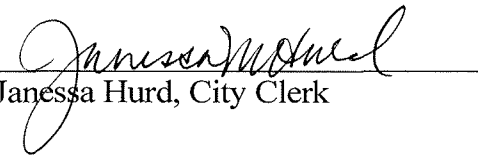
Dan Di Guilio, Mayor

APPROVED AS TO FORM:



William E. Bloor, City Attorney

ATTEST:



Janessa Hurd, City Clerk

PUBLISHED: July 10, 2014
By Summary

Summary of Ordinance Adopted by the
Port Angeles City Council
On July 1, 2014

Ordinance No. 3509

THIS ORDINANCE of the City of Port Angeles, Washington, makes changes to Chapter 2.74 and Chapter 3.70 of the Port Angeles Municipal Code relating to fees and costs to public records.

The full texts of the Ordinances are available at City Hall in the City Clerk's office, on the City's website at www.cityofpa.us, or will be mailed upon request. Office hours are Monday through Friday 8:00 a.m. to 5:00 p.m. This Ordinance shall take effect five days after passage and publication of summary.

Janessa Hurd, CMC
City Clerk

Publish: July 10, 2014