

Legislation Details

File #:	17-5056	Version:	1	Name:	
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File created:	8/17/2017	In control:		City Council	
On agenda:	8/24/2017	Final action:		8/24/2017	
Title:	ORDINANCE NO. 3356 AMENDING LMC 2.210 REGARDING PUBLIC RECORDS TO REFLECT RECENT CHANGES IN THE WASHINGTON STATE PUBLIC RECORDS ACT				

COUNCIL STRATEGIC INITIATIVE ADDRESSED:
Council Initiative: Continue effective financial management

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

On May 16, 2017, Governor Inslee signed ESHB 1594 and EHB 1595 amending the Washington State Public Records Act. The proposed Ordinance would amend the Longview Municipal Code to reflect the recent changes in the Washington State Public Records Act.

Agencies are now authorized to charge for copying and producing electronic copies. We have chosen to adopt the default charges rather than calculate the actual costs related to production, file transfer, storage and transmission. These new fees are as follows:

- 10 cents/page for records scanned into electronic format
- 5 cents for every four electronic files or attachments uploaded to an email, cloud storage service, or other electronic delivery system
- 10 cents/gigabyte for transmitting records electronically
- Option to charge a flat fee of \$2.00 for providing any records (not just electronic) if we can reasonably estimate that the cost for producing the records is equal to or more than \$2.00

Additionally, all agencies must now track and log:

- Identity of requestor (if provided)
- Date & text of request
- Description of records produced in response to request
- Description of records redacted or withheld and the reasons for redaction/withholding
- Date of final disposition of the request

Other changes affecting the City of Longview include:

- Agencies may deny requests for "all records" of an agency not relating to a particular topic
- Agencies may deny automatically generated bot requests received from the same requestor within a 24-hour period if the requests cause excessive interference with the other essential functions of the agency
- Definition of public records modified to exclude records not required to be retained by the agency that are held by certain volunteers
- Public Records Act and records retention training currently required for Public Records Officers must now include training on retention, production, and disclosure of electronic documents, including updating and improving technology information systems
- Several new PRA-related assistance programs will be available to local governments
- New five day response option: agencies can request clarification of a request and must provide an estimated response time

Agencies may charge a customized service charge for requests that require the use of information technology expertise to prepare data compilations, or provide customized electronic services when such compilations and customized access services are not used by the city of other city purposes

These are the most significant changes to the Public Records Act - the full text of ESHB 1594 and EHB 1595 are attached.

RECOMMENDED ACTION:
Motion to adopt Ordinance No. 3356.

STAFF CONTACT:
Jim McNamara, City Attorney
Kaylee Cody, City Clerk/Public Records Officer

Sponsors:

Indexes:

Code sections:

Attachments: 1. EHB 1595, 2. ESHB 1594, 3. Revised - Ordinance 3356

Date	Ver.	Action By	Action	Result
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