

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5746

AN ORDINANCE relating to public records repealing Chapter 2.26 and replacing it with a new Chapter; and amending Chapter 3.68 to add a new provision that was previously BCC 2.26.100 relating to preparation of verbatim transcripts of Hearing Examiner matters.

WHEREAS, the citizens of Washington should have full access to public records relating to the conduct of government as provided for in RCW 42.56 – the Public Records Act (Act); and

WHEREAS, the State has recently reorganized the Act and published suggested rules government agencies may use as guidance in administering the Act; and

WHEREAS, the City's public records officer has expertise in the administration of the Act; and

WHEREAS, the intent of this Ordinance is to recognize the authority of the City Manager, or his/her designee, to administer the Act, including but not limited to establishing, publishing, and amending rules relating to the administration of the Act (Bellevue Public Records Act Rules) as necessary or appropriate, and consistent with law, and

WHEREAS, the City Manager has delegated the administration of the Act to the City Clerk; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.26 provides as follows:

2.26.005 Authority and purpose.

- A. The Act requires public agencies such as Bellevue to make non-exempt "public records" available for inspection and copying in accordance with published rules. The Act defines "public records" to include 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 agency.
- B. The City Clerk is authorized to establish and publish Bellevue Public Records Act Rules to provide the public with full access to public records consistent with the Act.

2.26.010 Scope of Rules Authorized:

A. As required by law or to the extent deemed necessary or appropriate, the Bellevue Public Records Act Rules will contain:

1.. A description of Bellevue City services, the designation of a Public Records Officer (Officer), the Officer's contact information, the hours and location for inspection of public records and the Officer's responsibilities under the Public Records Act;

2. The procedure for making, responding to, inspecting and copying records requests; protecting records from damage or disorganization; preventing excess interference with Bellevue's other essential functions; protecting the rights of others; providing "fullest assistance" to requestors and timely action on public records requests;

3. For informational purposes, a list of laws in addition to the Act that exempts or prohibits the disclosure of public records held by Bellevue;

4. Definitions as necessary or appropriate related to the Act.

2.26.020. Authority to Amend Rules:

The City Clerk shall have the authority to amend the Bellevue Public Records Act Rules as necessary or appropriate to conform to laws or, as appropriate, to enhance services to the public, protect privacy, and/or increase efficiency in administering the Act to the fullest extent permitted by law.

2.26.030. Authority to Publish Rules

The Public Records Officer shall make the Bellevue Public Records Act Rules readily available to the public in electronic and paper mediums.

2.26.040. Costs of Providing Public Records:

The City Clerk shall have the authority to establish and/or change the costs of copying or the costs of otherwise providing a requestor with public records in any format or medium to the fullest extent permitted by law. There is no fee for merely inspecting public records.

2.26.050 Interpretation of Rules:

The Act and the Rules will be interpreted consistent the Act's intent and case law, including in favor of disclosure as provided by law.

2.26.060. Review of Denial of Request:

The Bellevue Public Records Act Rules shall provide for obtaining internal administrative review of denials, in whole or in part, of public records requests as required by law.

2.26.070. Judicial review.

Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

2.26.080 Opt out of index of records:

The City finds that creating and maintaining a central city index of records is unduly burdensome and would interfere with city operations. The City Clerk's Office shall maintain and make available to the public indexes of ordinances, resolutions, and policies adopted by City Council, minutes of regular meetings of the City Council and amendments, revisions, and repeals thereof and all public contracts, deeds and leases. These and all other indexes maintained for City use will be made available for review by the public upon request to the Public Records Officer, unless exempted by state law.

Section 2: Chapter 3.68 is amended to add a new section 3.68.270 that provides as follows:

3.68.270 Payment of cost of transcription of verbatim written transcript.

Whenever the city is required to prepare a verbatim written transcript of any proceedings of the city in response to a writ of review or other action filed in the superior court or any other state or federal court the cost of preparing the same shall be borne by the party filing the action. Within 10 days of the service of such writ of review or other action on the city, the city clerk shall notify the party filing the action that it will be necessary for the city to prepare a verbatim written transcript of the proceedings involved. In such notice the city clerk shall state the date and subject matter of the public meeting(s) and/or hearing(s) involved and the estimated cost of the preparation of the transcript, including copying costs. Within 10 days of the receipt of such notification the party filing such action shall pay said estimated cost to the city clerk and the city clerk shall thereafter make provision for the preparation of the transcript.

Should the actual cost incurred by the city in preparation of the transcript exceed the amount deposited with the city clerk, the party making such deposit shall be required to reimburse the city for such additional amount within 10 days of notification that such amount is due. Should the actual cost incurred by the city be less than the estimated cost deposited, such credit due shall be reimbursed by the city to the party making the deposit.

If transcripts have previously been prepared by the city clerk as provided for under Resolution No. 5097 with regard to appeals to the city council, then there shall be no additional charge to the party filing the action, except for copying costs, and such previously prepared transcripts shall be filed with the court by the city at no additional expense to the party appealing, except for copying costs.

Any party filing an action may request waiver of the payment of cost of transcription in accordance with the requirements set forth in Section 4 of Resolution No. 5097.

Section 3 This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 25th day of June, 2007
and signed in authentication of its passage this 25th day of June, 2007.

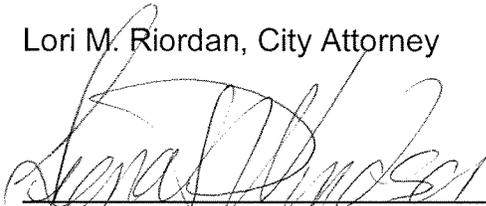
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Grant S. Degginger, Mayor

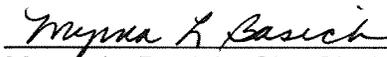
Approved as to form:

Lori M. Riordan, City Attorney



Siona D. Windsor, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

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