

**CITY OF MONROE  
RESOLUTION NO. 007/2019**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MONROE, WASHINGTON, ADOPTING THE CITY OF  
MONROE PUBLIC RECORDS ACT (PRA) POLICY**

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WHEREAS, the City Council approved a Public Records Act Policy and Procedure via Administrative Policy 2004-003, approved December 15, 2004, and amended through Administrative Policy 2006-003, approved September 19, 2006; and

WHEREAS, there have been significant updates to best practices based on amendments to RCW 42.56, Public Records Act, and Washington State case law; and

WHEREAS, the City Council has determined it is in the best interest of the City to review and update the Public Records Act Policy and Procedure to come into compliance with recent state law amendments and case law best practices; and

WHEREAS, the City Council has reviewed and discussed the proposed Public Records Act (PRA) policy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Repeal of Administrative Policies. The Public Records Act Policy and Procedure established through Administrative Policy 2004-003, approved December 15, 2004, and amended through Administrative Policy 2006-003, approved September 19, 2006, are hereby repealed in full.

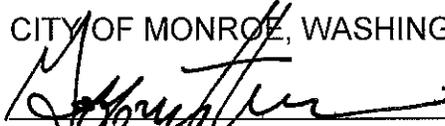
Section 2. Adoption of the City of Monroe Public Records Act Policy. The City of Monroe Public Records Act (PRA) Policy is adopted in its entirety and attached as Exhibit A.

Section 3. Effective Date. The City of Monroe Public Records Act (PRA) Policy will be effective April 9, 2019.

ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this 9th day of April, 2019.

Approved: April 9, 2019  
Effective: April 9, 2019

CITY OF MONROE, WASHINGTON

  
Geomey Thomas, Mayor

ATTEST:

  
Elizabeth M. Adkisson, MMC, City Clerk

APPROVED AS TO FORM:

  
J. Zachary Lell, City Attorney

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The City, in conjunction with Chapter 42.56 RCW (the Public Records Act), adopts and promotes full access to public records. This policy and procedure complies with the requirements of the Public Records Act by providing for consistent and predictable practices for responding to and fulfilling requests for public records in a manner consistent with the Act.

This policy clarifies the City's goals and intent with respect to providing access to public records and describes the process for requesting and fulfilling public records requests in keeping with legal requirements.

These policies include statutory requirements and best practices. Nothing in this policy is intended to impose legal obligations on or create rights in the City beyond those obligations and rights created by statute or other binding laws.

**Section 1. Definitions:** For this policy, the following definitions apply:

- a. **"All records relating to," "all records regarding," or "all records pertaining to"** means those records that directly and fairly address the topics that are reasonably identifiable by the Public Records Officer or Divisional Public Disclosure Liaisons fulfilling the request. These phrases are inherently ambiguous and requestors are encouraged to avoid using such terms when possible to avoid unnecessary delays.
- b. **"City"** means the City of Monroe, Washington. The City of Monroe is a Washington municipal corporation that provides a full range of municipal services allowed by statute. These services include police, street maintenance, building and engineering, planning and zoning, parks and recreation, municipal court, transportation benefit district, and general administrative services. In addition to its general government services, the City operates three enterprises: water utility, sanitary sewer utility, and stormwater management utility.
- c. **"Counter document"** means a frequently requested document retained by the City or its departments that is easily accessible, requires no coordination among departments, and are known to be public information, e.g., copies of current department brochures, zoning maps, etc.
- d. **"Court records request"** means any request for Monroe Municipal Court records. Monroe Municipal Court records are exempt from the Public Records Act and are subject to release directly through the Monroe Municipal Court under General Rule 31.1:  
[http://www.courts.wa.gov/newsinfo/publication/GeneralRule31\\_1.pdf](http://www.courts.wa.gov/newsinfo/publication/GeneralRule31_1.pdf).
- e. **"Divisional Public Disclosure Liaisons"** refers to the person or persons designated by a department director or designee to accept and arrange for fulfillment of requests for disclosure of public records within a City department/division. May also act as the designee for the Public Records Officer.

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- f. **“Electronic record”** includes those public records which are stored on machine-readable file format. If a record is created in an electronic format, the electronic record is the primary record and is subject to provisions of RCW 42.56, the Public Records Act. Electronic records must be retained in electronic format and remain usable, searchable, retrievable and authentic for the length of the designated retention period. Printing and retaining a hard copy is not a substitute for the electronic version. Responses to public record requests for electronic records other than those in common file formats such as .pdf or similar formats will be coordinated through the Public Records Officer or designee.
- g. **“Exempt record”** means records or portions of records that are exempt from public disclosure. Exemptions include those identified in the Public Records Act or in other statutes incorporated by RCW 42.56.070. Exemption from disclosure of a portion of a record does not automatically exempt the remainder of the record from disclosure. Exempt portions of records may be subject to redaction.
- h. **“Identifiable record”** means a record that is in existence at the time the records request is made and that City staff can locate after an objectively reasonable search. An “identifiable record” is not a request for “information” in general. For example, asking “what policies” the City has for handling discrimination complaints is merely a request for “information.” On the other hand, a request to inspect or copy the City’s policies and procedures for handling discrimination complaints would be a request for an “identifiable record.”
- i. **“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 any state or local agency regardless of physical form or characteristics. Electronic data, including email, that meet this definition shall be considered a public record. Records created or received by employees using non-city devices meet the definition of public record if the employee was acting within the scope of employment when the record was created or received. This definition does not include records that are not otherwise required to be retained by the agency and are held by volunteers who:
1. Do not serve in an administrative capacity;
  2. Have not been appointed by the agency to an agency board, commission, or internship; and
  3. Do not have a supervisory role or delegated agency authority.
- j. **“Public records request”** means a request made to the City of Monroe pursuant to the Public Records Act for disclosure of public records. Requests for public records made pursuant to other statutory rights of access to public records shall not be considered “public records requests,” but may be otherwise handled under this policy.
- k. **“Public Records Officer”** is the central point of contact for public records requests in the City of Monroe, as required under RCW 42.56.580. For general city records, the Public Records Officer is the City Clerk. For records from the

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Police Department, the Public Records Officer is the Police Administrative Manager. For the Court, the Public Records Officer is the Court Administrator.

- I. **“Requestor”** means the individual making the request for public records by submitting an official public records request.

**Section 2. Public Records Officers**

Any person wishing to request access to public records or seeking assistance in making a request should contact one of the City’s Public Records Officers. The City Clerk has been designated by the City Council as the City’s Public Records Officer for all city records, except those maintained by the Monroe Police Department and the Monroe Municipal Court. The Police Administrative Manager shall serve as the Public Records Officer for all records maintained by the Monroe Police Department and the Court Administrator will for the all records maintained by the Monroe Municipal Court.

The Public Records Officers will oversee compliance with the Public Records Act, but will designate other City staff members as Divisional Public Disclosure Liaisons, who may process requests for public records. The Public Records Officers, or their designee(s), will provide the fullest assistance to requestors, ensure that public records are protected from damage or disorganization, and prevent fulfilling public records requests from causing excessive interference with the essential functions of the City.

The Public Records Officers shall maintain a list of department Divisional Public Disclosure Liaisons who are designated by each Department Director, or their designee, to accept and fulfill requests for disclosure of public records on a regular basis. Public Records Officers shall provide advice and instruction to Divisional Public Disclosure Liaisons and other staff members regarding fulfillment of such requests.

The Public Records Officers shall distribute updates on laws, legal precedents, and policy changes affecting fulfillment of records requests, as appropriate, and shall approve all forms for requesting and responding to requests of public records.

- a. **Divisional public disclosure liaisons.** There shall be a network of Divisional Public Disclosure Liaisons with representatives in every department or division of the City to assist the public in obtaining access to public records. Each department director shall designate at least one Divisional Public Disclosure Liaison. Each department will inform the Public Records Officer of all Divisional Public Disclosure Liaisons. Under the oversight of the Public Records Officer, Divisional Public Disclosure Liaisons may accept requests for public records in the possession of their respective departments and may respond to requestors in accordance with the requirements of state statutes and this policy and procedure.

In consultation with the Public Records Officer, Divisional Public Disclosure Liaisons may communicate directly with requestors, compile requested records, and arrange for the supervised public inspection and copying of requested records.

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- b. **Internet access to records.** Many records are also available on the City of Monroe's website at: [www.monroewa.gov](http://www.monroewa.gov).

Previous responses to records requests are available through the City's open public records portal at <https://monroewa.nextrequest.com/>. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

**Section 3. Availability of Public Records**

- a. **Hours for inspection.** Public records are available for inspection and copying during the City's customary office hours: Monday through Friday, 8 a.m. to 4:30 p.m., excluding legal holidays. City staff and the requestor may make mutually agreeable arrangements for times of inspection and copying; however, the City shall have final say regarding hours for inspection.
- b. **Place of inspection.** Records will be made available for inspection as determined by the Public Records Officer or Divisional Public Disclosure Liaisons. A requestor shall not take City records from City offices without the permission of the Public Records Officer.
- c. **Electronic access to records.** A variety of records are available on the City's website at: [www.monroewa.gov](http://www.monroewa.gov). To the extent practical, the City will store, maintain, and make its records available electronically. The City maintains an open public records portal at <https://monroewa.nextrequest.com/> and will respond to most requests through the portal for those seeking responsive records in electronic format. The open public records portal is the functional equivalent of an FTP site and allows the City to share public records request responses more broadly with the public. The City may provide access to public records by providing links to the website containing an electronic copy of the record. All electronic responses are subject to fees as established by this policy and the fee schedule available at <http://monroewa.gov/549/Fees>.
- d. **Records index.** The City has determined that maintaining a central index of City records is unduly burdensome, costly, and would interfere with City operations due to the number and complexity of records generated as a result of the wide range of City activities. See Council Resolution #2004/024. The City Clerk may, however, index and maintain general administrative records. Other records that relate to the specific function or responsibility of a particular department shall be maintained in the offices of the particular department.
- e. **Organization of records.** Records that relate to the specific function or responsibility of a particular department shall be maintained by that department. City departments will maintain records in a reasonably organized manner and the City will take reasonable actions to protect records from damage and disorganization.

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- f. **Retention of records.** The City will retain its records in accordance with retention schedules available at [www.sos.wa.gov](http://www.sos.wa.gov). (Retention schedules vary based on the content of the record). Public records may not be destroyed according to the retention schedule if a public records request or actual or anticipated litigation is pending.

**Section 4. Making a Request for Public Records**

- a. **Where to make a request.** Requests to inspect or copy City records should be made to the Public Records Officer through the Records Request portal at <https://monroewa.nextrequest.com>. However, if there are questions, please contact:

**Public Records Officers:**

*City of Monroe*  
City Clerk  
806 West Main Street, Monroe WA  
98272

Telephone: 360-794-7400  
Fax: 360-794-4007  
Email: [eadkisson@monroewa.gov](mailto:eadkisson@monroewa.gov)

*Monroe Police Department*  
Administrative Manager  
818 West Main Street, Monroe WA  
98272

Telephone: 360-794-6300  
Fax: 360-794-3129  
Email: [pdrecords@ci.monroe.wa.us](mailto:pdrecords@ci.monroe.wa.us)

*Monroe Municipal Court*  
Court Administrator  
806 West Main Street, Monroe, WA  
98272

Telephone: 360-863-4548  
Fax: 360-863-4628  
Email: [court@monroewa.gov](mailto:court@monroewa.gov)

Municipal Court records are not considered public records under the Public Records Act. Accordingly, requestors seeking municipal court records should be directed to the Public Records Request Portal at <https://monroewa.nextrequest.com>. Municipal courts have their own rules relating to access to court records see General Rule 31.1.

- b. **Internet access to records.** Many records are also available on the City of Monroe's website at: [www.monroewagov](http://www.monroewagov).

Previous responses to some records requests are available through the City's open public records portal at <https://monroewa.nextrequest.com>. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

- c. **Form of request.** There is no required form for a valid public records request. It is the requestor's obligation to provide the City with fair notice that a Public Records Act request has been made. When a requestor does not use an official request form, or makes a request to an employee who is not a Divisional Public

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Disclosure Liaison or the Public Records Officer, or includes a request as part of other documents provided to the City for reasons other than making a Public Records Act request, the requestor may not be providing fair notice to the City. To ensure fair notice is provided, requestors are encouraged to use the public records portal, make contact with the Public Records Officers, and/or take other steps to clearly identify their request. For example, when a request is submitted with other documents not related to disclosure of public records, it shall be the responsibility of the requestor to provide reasonable notice that a public records request is included. This notice may be in the form of an entry on a cover or transmittal sheet.

Any person wishing to inspect or copy identifiable public records of the City is encouraged to make the request in writing in one of the following ways:

- Through the open public records portal at <https://monroewa.nextrequest.com>;
- By letter, fax, or e-mail addressed to the Public Records Officer; or
- On the provided request form, in person at Monroe City Hall, Monroe Municipal Court or Monroe Police Department.

The following information should be included in the request:

- Name and address of requestor;
- Other contact information, including telephone number and email address;
- Identification of the requested records adequate for the Public Records Officer or designee to locate the records; and
- The date and time of day of the request.

- d. **Oral requests.** The Public Records Officer or designee may accept requests for public records that contain the above information by telephone or in person. If an oral request is made, the Public Records Officer or designee will transcribe the request along with the requestor's contact information so that the City can respond. If possible, the Public Records Officer or designee should have the requestor read the transcription, then write and sign a note on the transcription confirming that it accurately captures the intent of the request.
- e. **Receipt by staff.** Requests for records may be accepted by any department staff person under the general direction of the Public Records Officer. Such requests shall be date stamped when entered into the portal or if received by hard copy, staff should receipt stamp. All requests shall be entered into the public records portal. If the staff person does not have the immediate capability to enter the request in the portal, the staff member shall inform and provide the supervisor or Divisional Public Disclosure Liaison with the request for immediate entry.

Until the Public Records Officer provides confirmation, the request is the responsibility of the department supervisor or Divisional Public Disclosure Liaison.

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- f. **Social-media-initiated requests.** Because the City's public records personnel do not regularly monitor City social media pages, requests for records submitted via social media do not provide the City reasonable notice of a request under the Public Records Act, Chapter 42.56 RCW. Requests for records submitted via social media will therefore not be processed as requests for public records under the Public Records Act.
- g. **Copies.** If the requestor wishes to have copies of the records made instead of simply inspecting them, they should so indicate and make arrangements to make a deposit or pay for the copies, as further discussed in Section 10 below.
- h. **Counter documents.** The City or its departments may directly respond to requests for counter documents by immediately producing the record, without the need to formalize the records requests.
- i. **Purpose of request.** A requestor need not state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive records, the Public Records Officer or designee may inquire about the nature or scope of the request. If the request is for a list of individuals, the Public Records Officer or designee may ask the requestor if they intend to use the records for a commercial purpose. The City is not authorized to provide lists of individuals for commercial purposes. The Public Records Officer or designee may also seek sufficient information to determine if another statute may prohibit disclosure.
- j. **Overbroad requests.** Public records requests must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by the City is not a valid request for identifiable records, though a request for all records regarding a particular topic or keyword is considered a valid request for public records. The City may not deny a request for identifiable public records solely because the request is broad, but the City may seek clarification, ask the requestor to prioritize the request so that the most important records are provided first, and/or communicate with the requestor to limit the size and complexity of the request. When a request uses an inexact phrase such as "all records relating to," the Public Records Officer or designee may interpret the request to be for records which directly and fairly address the topic. When the requestor has found the records they are seeking, the requestor should advise the Public Records Officer or designee that the requested records have been provided and the remainder of the request may be cancelled.
- k. **Existing records.** Records requests may only encompass existing records. They cannot be used to obtain copies of records not yet in existence or in the possession of the City.
- l. **Bot requests.** If the City receives multiple requests from the same requestor within a 24-hour period and reasonably believes these to be "bot" requests (i.e., automatically generated requests from a computer program or script), the City may deny all but one of the requests if the Public Records Officer or designee

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reasonably believes that responding to all requests would excessively interfere with essential office functions.

**Section 5. Processing Public Records Requests**

- a. **Providing “fullest assistance.”** These rules and related policies and procedures identify how the City will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of the agency, provide fullest assistance to requestors and provide the timeliest possible action on public records requests. All assistance necessary to help requestors locate responsive records shall be provided by the Public Records Officer or designee, provided that the giving of such assistance does not unreasonably disrupt the daily operations of the City Clerk, Police Administrative Manager, Court Administrator or other duties of any assisting employee(s) in other City departments.
- b. **Coordination between City, Police and Court Public Records Officers and Divisional Public Disclosure Liaisons.** If the Court or Police Department Public Records Officer, or designee, receives a request for documents that involve other city departments, they shall coordinate responding to and processing the request. Likewise, if the City Hall Public Records Officer (City Clerk) or any other city employee receives a request for documents that involve police or court records, the City Clerk, or designee, shall coordinate with the Police or Court Public Records Officer or designee. Requests that encompass the City, Court and/or Police Department shall be treated as separate requests but may fall under one request in the records portal. Each department shall respond to the requestor but one department shall take the lead on managing the request and then subsequently closing the request upon its completion.
- c. **Order for processing multiple requests by the same requestor.** The Public Records Officer or designee will process requests in the order allowing the highest number of requests to be processed in the most efficient manner. When the same requestor simultaneously submits multiple, separate requests, or makes one or more additional requests when previous requests are open, staff may queue the requests in the order in which they were received. Staff is not required to work on an additional requests until the initial request is completed and closed. Requestors are responsible for informing the Public Records Officer, or designee, if they want to reprioritize the fulfillment of their requests.
- d. **Records request log.** Under RCW 40.14.0001(4), the City must maintain a log of all Public Records Act requests, which must contain: the requestor’s name; (2) the date of the request; (3) the text of the original request; (4) a description of records redacted or withheld and the reason for redacting/withholding; and (5) the date of the final disposition of the requests. The log is itself a public record, and must be retained in accordance with the relevant retention schedule. If, in a given year, the City spends more than \$100,000 (including actual staff and legal costs) on public records requests in a fiscal year, the City must maintain more

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detailed log information during the following fiscal year, in accordance with RCW 40.14.0001(5).

- e. **Acknowledging receipt and fulfilling requests.** Within five business days of receipt of the request, the Public Records Officer or designee will:
1. Make the record available for inspection or copying, or, if adequate payments or arrangements for payment are made, by providing the requestor with a copy of the request;
  2. Providing an internet address and link on the City's website to the specific records requested, except that if the requester notifies the agency that they cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer;
  3. Acknowledge receipt of the request and provide a reasonable estimate of the time the City will require to respond to the request;
  4. If the request is unclear, acknowledge receipt of the request and ask the requestor to clarify the request and provide, to the greatest extent possible, a reasonable estimate of the time the City will require to respond to the request if it is not clarified; or
  5. Deny the request with a brief explanation of the basis for denial.
- f. **After-hours requests.** For purposes of calculating the five-day response period identified in subsection (e) above, requests submitted after the close of the City's usual business hours (i.e., after 5 p.m., Monday through Friday, excluding holidays), will be treated as having been received by the City on the following business day.
- g. **Additional time.** Additional time needed to respond to the request may be based on the need to clarify the scope of the request, locate and assemble the records, redact confidential information, prepare a withholding index, notify third parties or agencies affected by the request and/or consult with the City Attorney about whether the records are exempt from disclosure. The Public Records Officer or designee should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the Public Records Officer or designee will provide a revised estimate and explain the changed circumstances that make it necessary.
- h. **Notification that records are available.** If the requestor has sought to inspect the records, the Public Records Officer or designee will notify them that the entire response or an installment is available for inspection and ask the requestor to contact the City to arrange a mutually agreeable time for inspection. If the requestor seeks copies, the Public Records Officer or designee should notify

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them of the projected costs and whether a deposit is required before making the copies.

- i. **Installments.** If appropriate, records requests may be fulfilled in partial installments to provide the fullest assistance to requestors. Installments are subject to the same deadlines for claiming and inspecting records described in this section. If an installment is not claimed, or if arrangements for inspection of an installment are not made prior to 30 calendar days from notification of availability, the City may discontinue compiling subsequent installments of the same disclosure request. The Public Records Officer or designee may attempt to contact the requestor prior to deeming an installment request abandoned, but is not required to make such contact when a requestor has been previously made aware of this possible outcome.
- j. **City's failure to respond.** If the City does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the Public Records Officer to determine the reason for failure to respond.
- k. **Failure to clarify a request.** If an entire request is unclear, and if the requestor does not respond to the City's request for clarification within 30 days of the City's request, the Public Records Officer may consider the request abandoned, send a letter closing the response to the requestor, and re-file the records. If only portions of a request are unclear and a requestor fails to respond to a request for clarification, the City must respond to the parts of the request that are clear.
- l. **Consequences of disclosing a record in error.** The City and its officials or employees are not liable for loss or damage based on release of a public record if the City, official, or employee acted in good faith in attempting to comply with the Public Records Act.
- m. **Searching for records.** Staff shall make a reasonable effort to identify and locate any and all responsive records. When identifying records, the Divisional Public Disclosure Liaison or Public Records Officer may ask the requestor for clarification or refinement of the request. Such clarifications may be verbal or in writing. In the case of verbal clarification, staff involved in the conversation is required to document the clarification in writing and include the information in the request file. Staff shall not conclude that a request does not adequately identify the records requested without attempting to obtain clarification from the requestor.

Public Records Officers, Divisional Public Disclosure Liaisons, and all City Staff are not required to create new records in response to a request for public records, but may, when deemed feasible, tailor existing informational databases or indexes to provide a report responsive to a request that otherwise would not be produced in the normal course of business. The determination of the feasibility of creating such reports shall take into account the ability to redact or

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withhold exempt information. When the production of a tailored report requires additional resources such as customized programming or fact-specific analysis, or would otherwise interfere with other essential functions, the City will not produce such tailored reports but should instead consult with the requestor.

The City is only required to provide records that exist at the time a request is made. The City cannot fulfill "standing" requests or requests for records that may be created at a future date.

Fulfillment of requests shall be processed in the order that provides the timeliest response. Requests may be fulfilled in the order of receipt as long as easily fulfilled requests are not postponed behind larger or more complicated requests strictly because they were received later.

- n. **Preserving requested records.** If a requested record is responsive to an active request, or active lawsuit, and is scheduled shortly for destruction under the City's records retention schedule, the record cannot be destroyed until the public disclosure request, and/or lawsuit, has been resolved. Once a request has been closed, the Public Records Officer, or designee, can destroy the record in accordance with the retention schedule.
- o. **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part (see Section 7). If the City believes that a record is exempt from disclosure and should be withheld, the Public Records Officer or designee will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of the record is determined to be exempt, the Public Records Officer or designee will redact the exempt portions and provide the non-exempt portions.
- p. **Protecting the rights of others/third-party notification.** If the requested records contain information that may be exempt from disclosure and affect the rights of others, prior to disclosing the records, the Public Records Officer, or designee, may give notice to those whose rights may be affected by the disclosure. Generally, two weeks' notice will be given in order to make it possible to contact the requestor and ask them to revise the request or, if necessary, allow affected individuals to seek an order from a court to prevent or limit the disclosure. The notice to the affected person(s) will include a copy of the request. The notice should also either include a copy of the records the City intends to produce (including any redactions), or should provide the third party the opportunity to inspect the records that the City intends to produce (including any redactions).
- q. **Redactions.** If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer, or designee, will redact the exempt portions, disclose the non-exempt portions, and indicate to the requestor why portions of the record are being redacted. In each case, the justification for the deletion shall be explained in writing.

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- r. **Inspection of records.** To the extent possible due to other demands, the Public Records Officer, or designee, shall provide space to inspect public records. The requestor must claim, or review, the assembled records within thirty days of the Public Records Officer, or designee's, notification that the records are available for inspection or copying. The Public Records Officer, or designee, will notify the requestor in writing of this requirement and suggest that they contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period, or make other arrangements, the Public Records Officer or designee may close the request and re-file the assembled records. Other public records requests can be processed before a subsequent request by the same person for the same or almost identical records, which will be processed as a new request. The Act does not allow a requestor to search through the City's files for records that cannot be identified or described to the City. Members of the public may not remove documents from the viewing area or disassemble or alter any document.
- s. **Providing copies of records.** The requestor shall indicate which documents they wish to have copied using a mutually agreed upon non-permanent method of marking the desired records. After inspection is complete, the Public Records Officer or designee will arrange for copying. Making a copy of an electronic record is considered copying and not creation of a new record.
- t. **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer or designee will indicate that the City has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
- u. **Closing withdrawn or abandoned requests.** If the requestor withdraws the request, fails to fulfill their obligations to inspect the records, or to pay the deposit or final payment for the requested copies, the Public Records Officer or designee will close the request and notify the requestor that the City has closed the request. The Public Records Officer or designee will document closure of the request and the conditions that led to closure.
- v. **Later-discovered documents.** If, after the Public Records Officer or designee has informed the requestor that the City has provided all available records, the City becomes aware of additional responsive documents that existed on the date of the request, the Public Records Officer or designee will promptly inform the requestor of the additional documents and provide them on an expedited basis.
- w. **Requests for information.** Requests for information are not public records requests. An agency is not required to conduct research for a requestor.

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- x. **Requestor responsibility.** Requestors shall arrange to inspect records or claim copies of requested records within thirty calendar days following notification by the City that responsive records are available for inspection or copying. The thirty calendar days begins on the business day immediately following the City's notice that the records are available and includes weekends and City holidays. The Public Records Officer or designee may extend this time period as appropriate to ensure fullest assistance to requestors. Requestors must respond to requests for clarification within thirty calendar days of being contacted or a request will be deemed abandoned and closed.

If a requestor fails to claim or arrange for inspection of requested records after the expiration of the thirty calendar days, the request shall be deemed abandoned and closed; and the Public Records Officer, or designee, will notify the requestor accordingly.

**Section 6. Processing Requests for Electronic Records**

When a request is made for records in electronic format, the City should provide the documents in electronic format if reasonably and technically feasible. The preservation of electronic records requirements are outlined in WAC 434-662.

**Section 7. Exempt and Prohibited Disclosure of Public Records**

Certain records and information are exempt from disclosure under the Public Records Act. The City is required to maintain a list of exemptions to disclosure other than those enumerated in the Public Records Act. The City adopts, as a nonexclusive list, the list of exemptions published by Municipal Research Service Center as Appendix C to the report, "Public Records Act for Washington Cities, Counties and Special Purpose Districts," available at <http://mrsc.org/getmedia/796a2402-9ad4-4bde-a221-0d6814ef6edc/publicrecordsact.pdf.aspx>. The Public Records Officer will provide a copy of this list upon request. The City's failure to list an exemption shall not affect the effectiveness of the exemption.

**Section 8. Categories of Requests.**

The City receives a significant number of public records requests annually, and must allocate staff resources in a manner that responds to each request thoroughly, correctly, and within required deadlines. In order to do so and maintain the City's ongoing regular service and functions, it is necessary to differentiate public records requests according to their complexity and the estimated staff time involved in completing the request. When a public records request is received, the Public Records Officer and/or the designated department will categorize the request according to the nature, volume, and availability of the requested records as follows:

- a. **Category 1** records requests are routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments. Examples include requests to review a permit file or requests for collision reports.

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- b. **Category 2** records requests are routine requests that involve:
  - 1. more than one record or file, and/or
  - 2. records not easily identified, located and accessible, and/or
  - 3. records that require some coordination between departments.
- c. **Category 3** records requests are complex requests which involve:
  - 1. a large number of records, and/or
  - 2. research by City staff or an email search, and/or
  - 3. review by Public Records Officer or designee to determine whether any of the records are exempt from production.
- d. **Category 4** records requests are complex requests that may be especially broad or vague which may involve:
  - 1. a large number of records that are not easily identified, located or accessible, requiring coordination between multiple departments, and/or
  - 2. research by City staff who are not primarily responsible for public disclosure, and/or
  - 3. legal review and creation of an exemption log. These requests may require additional assistance from third parties.

After initial categorization, records requests may be re-categorized in response to unanticipated circumstances or additional information.

**Section 9. Standard Time Periods for Response**

Mindful of the requirements of RCW 42.56.100 to provide the fullest assistance, to the extent reasonably possible, the Public Records Officer or designee will process requests in the order allowing the highest number of requests to be processed in the most efficient manner. The following standard periods for response to all categories of records requests are established as goals.

- a. **Category 1 records requests.** Generally, the City will respond to Category 1 records requests within five business days. If records cannot be made available within five business days, the City may extend the time to respond as described above.
- b. **Category 2 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available and a request for clarification, if

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applicable. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 2 requests usually require between five and thirty business days.

- c. **Category 3 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available and a request for clarification, if applicable. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 3 requests usually require between several weeks and several months.
- d. **Category 4 records requests.** The City will provide a written response to the requestor within five business days with a reasonable estimate of the time necessary to make the records available and a request for clarification, if applicable. The estimate is made on a case-by-case basis. Depending on the nature and scope of the request, Category 4 requests usually require several weeks to a year or more. In some instances, an estimate of the total amount of time needed to fulfill the request cannot be made until research is performed to identify the responsive records. The Public Records Officer or designee will communicate with the requestor in those instances to keep them informed of the progress on the request on a monthly basis.

**Section 10. Costs of Providing Copies of Public Records**

As outlined by state law, the City is not allowed to charge for staff time involved in locating a public record or for making records available for review or inspection. The City may charge, however, for the costs of copying, producing, and transmitting public records, including the staff time spent making the copies. This provision includes responses to public records requests for electronic records.

- a. **Fee schedule.** The City will assess charges for providing copies of public records in accordance with its Master Fee Schedule, as adopted and amended as needed through City Council Resolution. The Master Fee Schedule may be found online at <http://www.monroewa.gov/549/Fees>.
- b. **Use of other copying services.** The City is not required to copy records at its own facilities and may determine to use a commercial copying center. In this case, the City will bill the requestor for the amount charged by the vendor.
- c. **Customized service charge.** In addition to other charges for production of records, the City may impose a customized service charge for production if records if responding to a request will require the use of information technology expertise to prepare data compilations or provide customized electronic access services, so long as the compilation or customized access services would not be used by the City for other purposes. Before imposing a customized service charge, the City must notify the requestor that it intends to impose the charge (including an explanation of why it applies, what expertise the request requires,

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and how much the charge will be), and must give the requestor an opportunity to modify his or her request to reduce or avoid the charge.

- d. **Sales tax.** The City will not charge sales tax on charges for copies of records.
- e. **Deposit or payment by installments.** Before beginning to copy records, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying the records selected by a requestor. The Public Records Officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.
- f. **Requests for cost estimates.** Before any copies are made, a requestor may ask for (and, if asked, the City will provide) an estimate of charges applicable to a request. The City will give requestors who have requested an estimate an opportunity to revise their request to reduce or avoid applicable charges.
- g. **Waiver of copying charges.** In accordance with the City's Master Fee Schedule, fees for copies will be waived when the total amount due is under a specified threshold amount, as determined by the City's Master Fee Schedule. The City will also waive any fees for copies for case reports when the request is the victim of a crime documented in the requested report. Such costs will not be waived, however, when the Public Records Officer, or designee, determines the request has been tailored to take advantage of this waiver. The City has discretion to waive any other costs it deems appropriate.
- h. **Alternative fee arrangements.** The City may, in its discretion, enter into a contract, memorandum of understanding, or other agreement with a requestor that provides for alternative fee arrangements.
- i. **Method of payment.** Payment may be made by cash, check, credit/debit card, or money order to the City of Monroe. Payment by credit and debit card may incur a separate servicing charge, as determined by the Master Fee Schedule.
- j. **Failure to pay.** If payment arrangements are not made within thirty calendar days of notice that records are available, the entire request may be deemed abandoned and closed. A reasonable attempt shall be made by the Public Records Officer or designee to contact the requestor prior to deeming a request abandoned and closed.

**Section 11. Internal administrative review of denial of access.**

- a. **Petition for internal review.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including by email) to the City Clerk for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request.

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- b. **Consideration of petition for review.** The City Clerk shall promptly provide the petition and any other relevant information to the Risk Manager or his or her designee to conduct the review. The Risk Manager or his or her designee will promptly consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time to which the City and the requestor mutually agree.

*Adopted by Resolution No. 007/2019 of the Monroe City Council, on April 9, 2019*