



**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on Proposed Ordinance No. 517, Amending the Burien Municipal Code Relating to the Disclosure of Public Records		Meeting Date: August 17, 2009
Department: City Manager	Attachments: Proposed Ordinance No. 517	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Monica Lusk, City Clerk		
Telephone: (206) 248-5517		
Adopted Initiative: Yes No <input checked="" type="checkbox"/>	Initiative Description:	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to discuss proposed Ordinance No. 517, amending the City's municipal code relating to the disclosure of public records.		
BACKGROUND (Include prior Council action & discussion): The proposed changes will amend the City's code to more closely resemble the model rules drafted and adopted by the Attorney General in 2007 at the direction of the State Legislature. The proposed amendments removes the exemptions because they are listed in Washington's code and will keep the City's code in line with the changes in State law.		
OPTIONS (Including fiscal impacts): N/A		
Administrative Recommendation: Hold discussion and consider placing proposed Ordinance No. 517 on the September 14, 2009, Consent Agenda for approval.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Monica Lusk Administration 	City Manager	Mike Martin 
Today's Date: August 11, 2009	File Code: R:/CC/AgendaBill2009/081709cm-2 public records	

DRAFT

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 517

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,
RELATING TO PUBLIC RECORDS; AMENDING CHAPTER 2.40 OF
THE BURIEN MUNICIPAL CODE, PROVIDING FOR
SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the State public disclosure laws require the City to adopt and enforce reasonable rules and regulations to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the City while ensuring that the rules and regulations provide for the fullest assistance to inquirers and the most timely possible action on requests for information; and

WHEREAS, the City desires now to update rules and regulations relating to disclosure of public records previously adopted by the City and codified at Chapter 2.40 of the Burien Municipal Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Repeal and Re-adoption of Section 2.40.100 BMC (Provision of Public Access.)

Section 2.40.100 of the Burien Municipal Code is hereby repealed in its entirety and re-adopted to read as follows:

2.40.100 Provision of Public Access.

~~2.40.100 Provision of public access.~~

~~(1) Requests for access to public records shall be accepted by phone, fax, mail or in person. Upon receiving a request to inspect a copy of public record, the department shall grant the request unless it determines that the record requested is or may be exempt from disclosure in whole or in part or that uncertainty exists as to whether the record is exempt from disclosure in whole or in part, in which case the department shall ask that a written request (or written request form) for public records be submitted by the requester.~~

(1) The City Clerk is hereby designated as the public records officer of the City of Burien. The public records officer serves as the "point of contact" for members of the public seeking public records and has responsibility to oversee compliance with the public disclosure act. The public records officer is not required to personally fulfill requests for public records. A request can be processed by a City employee other than the public records officer.

(2) (a) Any person wishing to inspect or copy public records of the City should make the request in writing on the City's public disclosure request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit.

(c) A form is available for use by requestors at the office of the public records officer and on-line at www.burienwa.gov.

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

(3) Any completed written request for a City of Burien public record received by a City employee, shall ~~immediately~~ upon such receipt ~~by the department,~~ be promptly delivered ~~by the department~~ to the city clerk.

(34) Upon receiving a completed written request for records (or written request form) the city clerk shall determine whether the record requested is exempt by law from inspection and copying in whole or in part. The city clerk shall consult with the city attorney in making such determination.

~~(4) Within five business days of receiving a public record request, the city must respond by:~~

~~(a) Either providing the record;~~

~~(b) Acknowledging that the city has received the request and providing a reasonable estimate of the time the city will require to respond to the request; or~~

~~(c) Denying the public record request.~~

~~(5) If the city clerk determines that the document is exempt in part but can be made available after deletion of exempt portions, the request shall be granted; provided, that such exempt portions shall first be deleted.~~

~~(6) 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 agency need not respond to it.~~

~~(7) If the city clerk determines to deny the request, in whole or in part, a written statement of the specific reasons for the denial shall be provided the requester. __~~

Section 2. Repeal of Section 2.40.110 BMC (Exemptions). Section 2.40.100 of the Burien Municipal Code is hereby repealed in its entirety.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS _____ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher D. Bacha, Interim City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: August 10, 2009

Passed by the City Council:

Ordinance No. 517

Date of Publication: