

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

#### **Chapters:**

- 2.04 Town Council**
- 2.08 Town Treasurer**
- 2.12 Town Clerk/Treasurer**
- 2.16 Town Engineer**
- 2.20 Town Building Official**
- 2.24 Officers' Bonds**
- 2.28 Planning Commission**
- 2.30 Official Newspaper**
- 2.32 Park Commission**
- 2.36 Vehicle Mileage Reimbursement**
- 2.40 *Repealed***
- 2.44 Town Whistleblower Policy and Procedures**
- 2.48 Use of Credit Cards by Town Officials and Employees**
- 2.52 Municipal Court**
- 2.56 Public Records**

**Chapter 2.04**

**Chapter 2.08**

**TOWN COUNCIL**

**TOWN TREASURER\***

Sections:

2.04.010 Meetings – Time and place.

\*Code reviser’s note: Ord. 402 consolidated the offices of town treasurer and clerk.

**2.04.010 Meetings – Time and place.**

The council of the town of Yarrow Point shall hold regular meetings commencing at 7:00 p.m. every second Tuesday of the month at the Yarrow Point Town Hall, 4030 95th Avenue, Yarrow Point, Washington. (Ord. 599 § 1, 2009; Ord. 468 §§ 1, 6, 1997)

**Chapter 2.12****TOWN CLERK/TREASURER\***

## Sections:

- 2.12.010 Established.  
 2.12.020 Designated internal auditor.  
 2.12.030 *Repealed.*

\*Prior legislation: Ord. 246.

**2.12.010 Established.**

A. The office of town treasurer shall be combined with the office of town clerk pursuant to the provisions of RCW 35.27.180 effective on and after February 15, 1993, which is more than three months from the effective date of the ordinance codified in this chapter as required by law.

B. Upon consolidation of the office of treasurer with that of clerk, the office of elected treasurer is abolished and the clerk shall exercise all of the powers and perform all of the duties required by statute or by ordinance to be performed by the treasurer, all as provided for by RCW 35.27.190. (Ord. 599 § 1, 2009; Ord. 402 §§ 1, 2, 1992)

**2.12.020 Designated internal auditor.**

A. The town clerk/treasurer is designated as the internal auditor of the town as directed by the State Auditor's office.

B. Each month the town clerk/treasurer will verify that the total amount of the current invoices equals the total amount of the warrants issued. (Ord. 599 § 1, 2009; Ord. 334 §§ 1, 2, 1989. Formerly 2.08.020)

**2.12.030 Payroll warrants –  
Authorization.**

*Repealed by Ord. 484. (Ord. 395 § 1, 1992)*

**Chapter 2.16****TOWN ENGINEER**

## Sections:

- 2.16.010 Established – Appointment.  
 2.16.020 Duties and responsibilities.

**2.16.010 Established – Appointment.**

A. There is established by the council of the town the position of a town engineer.

B. This is an appointive position of the mayor.

C. His salary shall be established by the town council and mayor and may be changed at their discretion. (Ord. 599 § 1, 2009; Ord. 110 §§ 1, 6, 7, 1966)

**2.16.020 Duties and responsibilities.**

A. The duties of the town engineer shall be to review and approve the technical accuracy of plats, subdivisions and dedications and determine the satisfactory completion of physical improvements of the same.

B. He shall prepare the engineering plans and specifications for street improvements within the town including the establishment of standards and the supervision of work in connection therewith.

C. He shall prepare and maintain for the use of the town officials town drawings including but not limited to the comprehensive plan, zoning map, official street map, street standards, storm drainage system and house address numbering system.

D. He shall perform other duties at the discretion of the mayor and council of the town. (Ord. 599 § 1, 2009; Ord. 110 §§ 2 – 5, 1966)

**Chapter 2.20****TOWN BUILDING OFFICIAL**

## Sections:

- 2.20.010 Established – Appointment.  
 2.20.020 Duties and responsibilities.

**2.20.010 Established – Appointment.**

A. There is established the position of a town building official of the town.

B. This is an appointive position by the mayor.

C. His salary or compensation shall be established by the town council. (Ord. 599 § 1, 2009; Ord. 111 §§ 1, 3, 4, 1966)

**2.20.020 Duties and responsibilities.**

His duties shall include the administration and enforcement of the town building code. (Ord. 599 § 1, 2009; Ord. 111 § 2, 1966)

**Chapter 2.24****OFFICERS' BONDS**

## Sections:

- 2.24.010 Clerk/treasurer.  
 2.24.020 Municipal judge.  
 2.24.030 *Repealed.*  
 2.24.040 *Repealed.*  
 2.24.050 *Repealed.*

**2.24.010 Clerk/treasurer.**

In accordance with the provisions of RCW 35.27.120, the bond executed by the town clerk/treasurer shall be in the penal sum of \$2,000. (Ord. 599 § 1, 2009; Ord. 146 § 1, 1971; Ord. 21 § 1, 1959)

**2.24.020 Municipal judge.**

In accordance with the provisions of RCW 35.27.120, the bond executed by the municipal judge of the town shall be in the penal sum of \$1,000. (Ord. 599 § 1, 2009; Ord. 86 § 4, 1963. Formerly 2.24.060)

**2.24.030 Marshal.**

*Repealed by Ord. 599.* (Ord. 86 § 1, 1963)

**2.24.040 Deputy police marshal.**

*Repealed by Ord. 599.* (Ord. 86 § 2, 1963)

**2.24.050 Deputy water safety marshal.**

*Repealed by Ord. 599.* (Ord. 86 § 3, 1963)

**Chapter 2.28****PLANNING COMMISSION\***

## Sections:

2.28.010 Established.

2.28.020 Term of office.

\*Prior legislation: Ord. 19.

Code reviser's note: Meeting time and place, established by ordinance, are on file in the office of the town clerk/treasurer.

**2.28.010 Established.**

A planning commission is hereby established for the town in accordance with the provisions of Chapter 35.63 RCW consisting of five members who shall be appointed by the mayor and confirmed by the town council. (Ord. 599 § 1, 2009; Ord. 416 § 1, 1993)

**2.28.020 Term of office.**

The term of office for members of the planning commission shall be six years. (Ord. 599 § 1, 2009; Ord. 416 § 1, 1993)

**Chapter 2.30****OFFICIAL NEWSPAPER**

## Sections:

2.30.010 Official newspaper.

**2.30.010 Official newspaper.**

The designated official newspaper of the town of Yarrow Point is the Seattle Times Eastside Edition. (Ord. 599 § 1, 2009)

## Chapter 2.32

### PARK COMMISSION

Sections:

- 2.32.010 Created – Eligibility.
- 2.32.020 Definitions.
- 2.32.030 Vacancies.
- 2.32.040 Ex officio members.
- 2.32.050 Meetings – Rules of procedure.
- 2.32.060 Powers and duties.

#### **2.32.010 Created – Eligibility.**

There is hereby created a board of park commissioners, consisting of six members who shall be appointed by the mayor, with the consent of the town council, from interested and otherwise qualified residents of the town. No commissioner shall receive any compensation for his/her services. (Ord. 599 § 1, 2009; Ord. 473 § 1, 1998; Ord. 180 § 1, 1972)

#### **2.32.020 Definitions.**

“Park” means an area of land developed and used for public recreational purposes including, but not limited to, picnic grounds, playgrounds, athletic fields, recreation centers, foot, bicycle and bridle paths, facilities for bathing, boating, fishing, boat moorage, and other recreational facilities for the use and benefit of the public. (Ord. 599 § 1, 2009; Ord. 180 § 2, 1972)

#### **2.32.030 Vacancies.**

A. Terms. The term of office of each park commissioner shall be three years. Such terms shall begin after appointment has been approved by the town council. The terms shall begin on the first day of April.

B. At the expiration of each commissioner’s term or upon resignation or removal of a commissioner, the mayor shall appoint, with the consent of the town council, new members to fill vacancies thus created. Members of the board may be removed at any time by the

mayor, and appointments to fill vacancies shall be for the remainder of the unexpired term.

C. As of March 1, 1998, the six members of the park commission shall be appointed by the mayor and confirmed by the council to serve for the following terms: two members shall serve for three years; two members shall serve for two years; and two members shall serve for one year. After the initial terms have expired, all new members appointed shall serve for three years. (Ord. 599 § 1, 2009; Ord. 473 §§ 2, 3, 1998; Ord. 180 § 3, 1972)

#### **2.32.040 Ex officio members.**

A. The town council shall select one from among its number to be a member of the board, ex officio, to act as liaison between the town council and the board and with voting powers on the board only where his vote will break a tie.

B. Secretary. The clerk/treasurer of the town is charged with the duty of keeping minutes of all meetings and other proceedings of the board; provided, that the clerk/treasurer may delegate these duties to a member of the board from time to time or, with the consent of the mayor, on a continuing basis. (Ord. 599 § 1, 2009; Ord. 180 §§ 4, 7, 1972)

#### **2.32.050 Meetings – Rules of procedure.**

A. Quorum. Immediately after their appointment, members of the board shall meet and organize by electing from their members a chairman whose duty it shall be to preside at all meetings of the board. In the absence of the chairman, the members of the board attending the meeting shall select a chairman pro tempore to preside. A majority of the board shall constitute a quorum for the transaction of business.

B. Rules for Conduct. The board may adopt such rules for the conduct of its elections and meetings as it may deem appropriate, subject to the power of the town council to create, amend, or revoke any such rules or regula-

tions. The board may delegate specific projects or duties to one or more of its members or to others; provided, that the board shall incur no expenses or enter into any agreements or contracts without the express consent of the town council or beyond the amount of any funds authorized for use by the board and appropriated for board business by the town council.

C. A regular meeting of the board shall be held at time and place set by town ordinance or resolution. (Ord. 599 § 1, 2009; Ord. 473 §§ 4, 5, 1998; Ord. 180 §§ 5, 8, 1972)

### **2.32.060 Powers and duties.**

A. The primary duty of the board shall be to advise the mayor, town council and other town officials regarding the administration, acquisition, general supervision, control, development, personnel, conduct, planning, promotion, management, maintenance, operation, and any other matters concerning park and recreational facilities or programs. In furtherance of such duties, the board shall have power to conduct hearings and studies as the board shall deem necessary and to make recommendations regarding cooperating with or entering into written contracts with the United States, state or any county, city or town, park district, school district, or any other public organization for the purpose of obtaining moneys for park or recreational purposes, for the purpose of conducting joint recreational programs or for the purpose of jointly acquiring, operating or maintaining park land or facilities. Board members in their official capacity shall be entitled to contact officials of other government entities for the above purposes, and the board shall be entitled to consider the operation of programs of acquisition of facilities whether within or without the town limits. The board shall have power to recommend rules and regulations governing the management, supervision and control of town parks and recreational facilities and programs.

B. Upon request of the mayor or town council, the board shall submit an annual estimate of the amount required to carry on park and recreational activities for the ensuing year for the information and guidance of the town council preparing the budget for the tax levy, for the operation and maintenance of the town parks and recreational programs and necessary facilities and the acquisition of land, structures, or facilities needed therefor. (Ord. 599 § 1, 2009; Ord. 180 § 6, 1972)

**Chapter 2.36****VEHICLE MILEAGE  
REIMBURSEMENT**

## Sections:

- 2.36.010 Reimbursement of expenses.
- 2.36.020 Per diem ceiling.
- 2.36.030 Use of private vehicles for town business.

**2.36.010 Reimbursement of expenses.**

A. The actual expenses of elected and appointed officials and the employees of the town incurred while performing official duties away from their usual place of business shall be paid by the town. Actual expenses should include, but are not limited to, the following:

1. Transportation;
2. Meals, including meals at meetings;
3. Lodging;
4. Required fees, tuition, books and other educational supplies;
5. Gratuities (not to exceed 15 percent).

B. Nonreimbursable expenses include, but are not limited to, the following:

1. Alcoholic beverages or tobacco;
2. Expenses of a spouse of other person not authorized to receive reimbursement;
3. Personal telephone calls.

C. Attendance at conferences, meetings and schools must be approved by the mayor in advance. Claims for reimbursement must include receipts for all expenses. A detailed account will be submitted with the receipts. The town clerk/treasurer will ensure that the detailed account and receipts will prove acceptable to the State Auditor. Claims will be paid upon approval by the town council. (Ord. 599 § 1, 2009; Ord. 437 § 1.0, 1995)

**2.36.020 Per diem ceiling.**

The town council shall establish per diem ceilings by resolution. (Ord. 599 § 1, 2009; Ord. 437 § 2.0, 1995)

**2.36.030 Use of private vehicles for town business.**

Employees and/or representatives of the town shall be reimbursed for the use of personal vehicles while in the course of town business in the amount set by resolution. (Ord. 599 § 1, 2009; Ord. 437 § 3.0, 1995)

**Chapter 2.40**

**HOLIDAYS, VACATIONS  
AND SICK LEAVES**

(Repealed by Ord. 460)

**Chapter 2.44**

**TOWN WHISTLEBLOWER POLICY  
AND PROCEDURES**

Sections:

2.44.010 Adoption by reference.

**2.44.010 Adoption by reference.**

Chapter 42.41 RCW et seq., “Local Government Whistleblower Protection,” is hereby adopted by reference as though fully set forth herein. (Ord. 599 § 1, 2009)

**Chapter 2.48****USE OF CREDIT CARDS BY TOWN  
OFFICIALS AND EMPLOYEES**

## Sections:

2.48.010 Use of credit cards by town officials and employees.

**2.48.010 Use of credit cards by town officials and employees.**

The town council hereby adopts the following system for the issuance and control of credit cards by town officials and employees:

A. The clerk/treasurer shall implement the following system for the distribution, authorization and control, credit limits and payment of bills related to the use of credit cards by town officials and employees:

1. Distribution. Credit cards may be distributed to those town officials and employees who, in the opinion of the mayor and clerk/treasurer, have job responsibilities which would be facilitated by the use of a credit card and that such credit card use would benefit the town.

2. Authorization and Control. The clerk/treasurer shall develop and implement guidelines and accounting controls to ensure the proper usage of credit cards and credit card refunds.

3. Credit Limits. The mayor shall set credit limits on each credit card issued. The credit limit shall not exceed \$2,500 without written approval of the council.

4. Payment of Bills. The clerk/treasurer shall establish and implement a written procedure for the payment of all credit card bills.

5. Unauthorized Charges. Any town official or employee using a town-issued credit card for non-town business shall be billed for all charges on the credit card, and the clerk/treasurer or his/her designee is directed and authorized to take all necessary legal actions to recover any unauthorized charges.

B. The mayor and clerk/treasurer are authorized to adopt any additional procedures or policies necessary to implement the provisions of this section. (Ord. 599 § 1, 2009; Ord. 478 § 1, 1998)

## Chapter 2.52

### MUNICIPAL COURT

#### Sections:

- 2.52.010 Creation.
- 2.52.020 General jurisdiction.
- 2.52.030 Exclusive original jurisdiction.
- 2.52.040 Court commencement date.
- 2.52.050 *Repealed.*
- 2.52.060 Disposition of municipal court revenue.
- 2.52.070 Sessions.
- 2.52.080 Municipal judge – Pro tem judge – Judicial vacancies.
- 2.52.090 *Repealed.*
- 2.52.100 Witness fees.
- 2.52.110 Jury trial and fee.
- 2.52.120 Fees for services.
- 2.52.130 Municipal court seal.
- 2.52.140 Case transfers.
- 2.52.150 Sentencing.
- 2.52.160 Criminal process.
- 2.52.170 Complaints.
- 2.52.180 Pleadings, practice and procedure.
- 2.52.190 Adoption of Chapter 3.50 RCW.

#### **2.52.010 Creation.**

There is hereby created an inferior court, to be known and designated as a municipal court, which shall be entitled “the municipal court of Yarrow Point.” (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

#### **2.52.020 General jurisdiction.**

The municipal court of Yarrow Point shall have jurisdiction and shall exercise all powers in accordance with Chapter 3.50 RCW, as it now exists or is hereafter amended, together with such other powers and jurisdiction as are generally conferred upon such court by either common law or express state statute. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

#### **2.52.030 Exclusive original jurisdiction.**

The municipal court of Yarrow Point shall have exclusive original jurisdiction over the following matters:

- A. Traffic infractions arising under town ordinances;
- B. Criminal violations of town ordinances;
- C. Actions brought to enforce or recover license penalties or forfeitures declared or given by town ordinance or state statute.

This exclusive original jurisdiction shall include the power to hear and determine all causes enumerated above arising under town ordinances, and to pronounce judgment thereon. The municipal court of Yarrow Point is also empowered to forfeit cash bail or bail bonds and issue execution thereon. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

#### **2.52.040 Court commencement date.**

The Yarrow Point municipal court shall commence operations and shall have jurisdiction as outlined in YPMC 2.52.020 and 2.52.030 for all actions occurring on or after 12:01 a.m. on January 1, 2000. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

#### **2.52.050 Creation of violations bureau.**

*Repealed by Ord. 599.* (Ord. 488 § 1, 1999)

#### **2.52.060 Disposition of municipal court revenue.**

Costs in criminal actions may be imposed by the municipal court. All fees, costs, fines, forfeitures and other monetary requirements imposed by the municipal court for the violation of town ordinances shall be collected by the court clerk and, together with any revenues received by the clerk, shall be deposited with the town clerk/treasurer as part of the general fund of the town, or deposited in such other funds as may be designated by the laws of the state of Washington. These funds shall be

retained or disbursed in accordance with RCW 3.50.100 and pursuant to town ordinances. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

#### **2.52.070 Sessions.**

The municipal court shall be open for regular sessions consistent with the schedule set by the Kirkland municipal court. The municipal judge shall establish the time for operation of court for regular and special sessions. The municipal judge shall have the authority to establish additional court dates if necessary to provide effective and efficient justice. This section shall not limit the actions of the municipal judge regarding items such as telephonic approval of search warrants, issuance of no contact orders or determinations as to probable cause. (Ord. 599 § 1, 2009; Ord. 517 § 1, 2002; Ord. 488 § 1, 1999)

#### **2.52.080 Municipal judge – Pro tem judge – Judicial vacancies.**

A. Appointment of Judge. Within 30 days of the effective date of the ordinance codified in this chapter and no later than December 1, 1999, the mayor shall appoint a municipal judge who is qualified in accordance with RCW 3.50.040. The appointment shall be made in writing. The municipal judge shall serve a term of four years. On or before December 1st of the year in which the municipal judge's term expires, the mayor shall fill the position of municipal judge by appointment, in accordance with this section.

B. Additional Judges. Additional full-time or part-time municipal judge positions may be filled in accordance with subsection A of this section, when the public interest and the administration of justice make such additional judge or judges necessary.

C. Judges Pro Tem. Within 30 days of the effective date of the ordinance codified in this chapter, the mayor shall appoint a pro tem municipal judge who is qualified in accordance with RCW 3.50.040 to act in the

absence, disability or disqualification of the regular municipal judge(s). The appointment shall be made in writing and shall specify the term of the appointment; however, the term shall not exceed beyond the term of the appointing mayor.

D. Vacancies. Any vacancy in the municipal court due to death, disability, removal or resignation of a judge shall be filled for the remainder of the unexpired term in accordance with the procedure set forth in subsection A of this section. The appointed judge shall be qualified to hold the position of judge in accordance with RCW 3.50.040.

E. Removal. A municipal judge or pro tem judge shall be removed only upon conviction or misconduct or malfeasance in office, removal by the Commission on Judicial Conduct or the Washington Supreme Court, or because of physical or mental disability rendering the judge incapable of performing the duties of the office. The municipal judge is subject to discipline by the Commission on Judicial Conduct and the Washington Supreme Court, as described in Chapter 2.64 RCW.

F. Oath. Every judge of the Yarrow Point municipal court, before entering upon the duties of the office, shall take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the municipal court of the Town of Yarrow Point, according to the best of my ability.

The oath shall be filed in the office of King County records and elections and with the Yarrow Point town clerk/treasurer.

G. Compensation. The salary for said municipal judge and the pro tem municipal judge shall set by ordinance of the town council.

H. Bond. Each municipal judge or pro tem judge shall give such bonds to the state and town for the faithful performance of the judge's duties as required by state law or town ordinance. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

**2.52.090 Court employees.**

*Repealed by Ord. 599.* (Ord. 488 § 1, 1999)

**2.52.100 Witness fees.**

Each witness who appears as directed by subpoena on town cases shall receive a witness fee of \$10.00 plus mileage for each day's attendance at the Yarrow Point municipal court. These fees may be included in the costs that are imposed by the court upon a defendant. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

**2.52.110 Jury trial and fee.**

Jury trials shall be allowed in accordance with RCW 3.50.135 or in accordance with state law applicable to a particular matter. In accordance with RCW 3.50.135, each juror shall receive \$10.00 plus mileage at the rate determined under RCW 43.03.060, as it may be amended from time to time, for each day in attendance upon the Yarrow Point municipal court. These fees may be included in the costs that are imposed by the court upon a defendant. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

**2.52.120 Fees for services.**

The administrator of the court shall collect all fees applicable for reproduction of any documents or tapes as set by court policy, rule or Rules of Appeal for Courts of Limited Jurisdiction. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

**2.52.130 Municipal court seal.**

The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of the Municipal Court of

Yarrow Point, State of Washington" surrounding the vignette. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

**2.52.140 Case transfers.**

A transfer of a case from the municipal court to either another Yarrow Point municipal judge or a judge pro tem shall be allowed as provided by RCW 3.50.125. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

**2.52.150 Sentencing.**

The municipal judge shall have the broadest authority and discretion consistent with the Yarrow Point Municipal Code and state law with respect to sentencing and probation. In matters of execution of sentence, deferral of sentence, continuing jurisdiction after sentencing, and termination of probation, the municipal judge shall follow applicable state law, including RCW 3.50.300 through 3.50.340 and 3.50.440. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

**2.52.160 Criminal process.**

All criminal process issued by the municipal court shall be in the name of the state of Washington and run throughout the state, and be directed to and served by the chief of police, marshal, or other police officer of any town or to any sheriff in the state. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

**2.52.170 Complaints.**

All criminal prosecutions for violation of any town ordinance shall be conducted in the name of the town and may be upon the complaint of any person, subject to the procedures set forth in all applicable ordinances or statutes. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

**2.52.180 Pleadings, practice and procedure.**

Pleadings, practice and procedure in cases not governed by Chapter 3.50 RCW or other statutes or rules specifically applicable to municipal courts shall, insofar as applicable, be governed by the statutes and rules now existing or hereafter adopted governing pleadings, practice and procedure applicable to district courts. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

**2.52.190 Adoption of Chapter 3.50 RCW.**

The town hereby adopts Chapter 3.50 RCW, and any amendments thereto. The town clerk/treasurer is hereby directed to maintain a complete copy of Chapter 3.50 RCW available for public inspection. (Ord. 599 § 1, 2009; Ord. 488 § 1, 1999)

**Chapter 2.56**

**PUBLIC RECORDS**

Sections:

- 2.56.010 Relationship to Public Records Act.
- 2.56.020 Public records officers.
- 2.56.030 Maintenance of records.
- 2.56.040 Index of public records – Findings.
- 2.56.050 Index of public records – Order.
- 2.56.060 Disclosure of public records.
- 2.56.070 Procedure for inspection or copying.
- 2.56.080 Processing public records requests – Review of decision.
- 2.56.090 Exemptions.
- 2.56.100 Reimbursement for copying costs.
- 2.56.110 Model rules and administrative procedures.

**2.56.010 Relationship to Public Records Act.**

This chapter constitutes the town's rules and regulations to carry out and implement the Public Records Act, Chapter 42.56 RCW. (Ord. 627 § 1, 2011)

**2.56.020 Public records officers.**

The town clerk-treasurer shall serve as the public records officer for all town records. Contact information for the town clerk-treasurer will be made available to the public in a manner reasonably calculated to provide notice of to whom members of the public may direct requests, such as posting such contact information at Town Hall or on the town's Internet website. (Ord. 627 § 1, 2011)

**2.56.030 Maintenance of records.**

A. All substantive and procedural rules of general applicability, including but not limited to ordinances and resolutions of the town council, minutes of the regular meetings of the town council, and statements of general pol-

icy, and all public contracts, deeds, easements and leases shall be indexed and maintained by the town clerk-treasurer.

B. All other records of the town relating to the specific function or responsibility of a particular department shall be maintained for the use of the department and the general public in the office of the particular department. Such records shall include, but not be limited to: planning policies and goals, and interim and final planning decisions; factual staff reports and studies; factual consultant's reports and studies; scientific reports and studies; and any other factual information derived from tests, studies, reports or surveys, whether conducted by town employees or others. (Ord. 627 § 1, 2011)

#### **2.56.040 Index of public records – Findings.**

A. The Public Records Act requires all cities and public agencies to maintain and make available a current index of all public records.

B. RCW 42.56.070(4) provides that an agency need not maintain such an index if to do so would be unduly burdensome, but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome or would interfere with agency operations.

C. It would be unduly burdensome for town staff to index each and every record of the many varied town records, given the range of town activities, limited staffing levels maintained, and/or the fact that a number of items referenced in RCW 42.17.260(3) are not generated or rendered by the town.

D. The creation of a single index providing the intricate detail described in RCW 42.17.260 would interfere with town operations in that it would take an inordinate amount of staff time to develop and maintain.

E. Town departments maintain file-maintenance systems that enable staff to operate effi-

ciently and effectively in providing service to the community and the general public.

F. In the event indexes are maintained by particular departments for department use, they shall be available for public inspection and copying. (Ord. 627 § 1, 2011)

#### **2.56.050 Index of public records – Order.**

Based upon the findings set forth in YPMC 2.56.040, and pursuant to RCW 42.56.070(4), the town council orders the following:

A. The town is not required to maintain an all-inclusive index of public records due to the undue burden of maintaining such an index.

B. The town will make available for inspection and/or copying all public records, including any indexes that are maintained by the town as set forth in YPMC 2.56.030, except to the extent that such records are exempt from public disclosure. (Ord. 627 § 1, 2011)

#### **2.56.060 Disclosure of public records.**

Unless exempt from disclosure under this chapter or other law, public records shall be available for inspection and copying in accordance with this chapter. (Ord. 627 § 1, 2011)

#### **2.56.070 Procedure for inspection or copying.**

A. All persons desiring to inspect or obtain a copy of any public record must make their request in writing to the town clerk-treasurer. The town clerk-treasurer shall create and avail for public use a standard form by which a requester may specify particular public records and provide the requester's relevant contact information. Reasonable assistance as may be necessary to help a requestor locate particular records shall be provided either by the town clerk-treasurer or by the town department maintaining the records. However, the provision of such assistance shall not unreasonably disrupt the normal operations of the town clerk-treasurer, the department or the assisting employee.

B. Except to the extent required or authorized by law, the town clerk-treasurer or other town employee shall not distinguish among persons requesting records. Persons requesting records shall not be required to provide information as to the purpose for the request, except to establish whether the inspection or copying would violate Chapter 42.56 RCW or other statute or ordinance that exempts or prohibits disclosure of specific information or records to certain persons. (Ord. 627 § 1, 2011)

**2.56.080 Processing public records requests – Review of decision.**

A. Responses to requests for public records shall be made promptly pursuant to Chapter 42.56 RCW. Within five business days of the date of the receipt by the town of a written request for a record, the town clerk-treasurer shall:

1. Provide the record; or
2. Acknowledge that the town has received the request and (a) provide a reasonable estimate of the time the town will require to respond to the request, or (b) request clarification; or
3. Deny the public record request in whole or in part.

B. Public records may be made available on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for public inspection or copying. Additional time to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt. If a public records request is unclear, the town clerk-treasurer may ask the requestor to clarify what information the requestor is requesting. If the requestor fails to clarify the request, the town is not required to further respond to or process the request.

C. If the town clerk-treasurer 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 be first deleted. If the town clerk-treasurer determines to deny the request, in whole or in part, a written statement of the specific reasons for the denial shall be provided to the requestor. Nothing herein shall be construed as requiring the town to disclose portions of a requested document if the entire document is exempt from disclosure.

D. In the event the town clerk-treasurer denies inspection of all or any part of a request, the town clerk-treasurer may seek review by the town attorney. The town clerk-treasurer will notify the requestor by mail of the decision to grant or deny the request. (Ord. 627 § 1, 2011)

**2.56.090 Exemptions.**

The town adopts by reference the exemptions from public disclosure contained in Chapter 42.56 RCW, including any future amendments thereto or recodification thereof, along with any other exemption or exception to the Public Records Act provided by law, including but not limited to those exemptions set forth in Appendix C to “Public Records Act for Washington Cities and Counties,” Municipal Research and Services Center, Report No. 61, May 2007, as may be amended from time to time. (Ord. 627 § 1, 2011)

**2.56.100 Reimbursement for copying costs.**

A. No fee shall be charged for inspection of public records. Any person who requests a copy of any public record from the town shall pay to the town clerk-treasurer or designee a copying charge. The copying charges for public records, including but not limited to photocopies, maps, photographs, audio recordings

and video tape recordings, shall be included in a fee schedule maintained by the town clerk-treasurer.

B. The town may charge all costs directly incident to shipping such public records, including but not limited to the cost of postage or delivery charges and the cost of any container or envelope, pursuant to RCW 42.56.070(7).

C. The town may, at its discretion, require the requestor to deposit a sum in an amount not to exceed 10 percent of the estimated cost of providing copies for a request. If the records are made available on a partial or installment basis, the town may charge for each part of the request as it is provided. If an installment of a records request is not paid for or reviewed within 20 days after the town provides notice of availability of the installment, the town is not obligated to fulfill the balance of the request. (Ord. 627 § 1, 2011)

#### **2.56.110 Model rules and administrative procedures.**

The town may, in its discretion, follow the Public Records Act Model Rules contained in the Washington Administrative Code. The mayor, upon recommendation of the town clerk-treasurer, may issue additional administrative procedures for the implementation of this chapter. (Ord. 627 § 1, 2011)