



# Public Records

A balancing act for cities

Cities support open and transparent government, and Washington's Public Records Act is a powerful law that protects citizens' rights to know how their taxpayer dollars are spent. The vast majority of requesters make narrow, focused requests or are willing to work with agencies to get the exact information they need. There are, however, a growing number of requesters who monopolize resources with broad requests that do not provide a public benefit proportionate to the costs to the public to fulfill the requests.

As cities are forced to make tough economic choices, such as reducing public safety and infrastructure spending, it makes less and less sense to devote a substantial amount of city staff time to fulfill the requests of one or two individuals, who are sometimes acting in bad faith. Cities throughout the state, large and small, are struggling to balance providing essential services to all citizens with Public Records Act compliance. Here are some of their stories.

## Bellingham

In 2008, the City of Bellingham received 46 public records requests from one individual; one of the requests was 13 pages long. The city has spent over \$100,000 in staff time to fulfill just 10% of what the individual has requested and expects the cost of the entire request to top one million dollars. One request sought eight years of "All records to, from, or in any way relating to or referencing any of the following, including, but not limited to all records to, from, or in any way relating to or referencing any employees, appointees, elected officials, individuals, participants, tribunals, committees, affiliations, commissions, affiliations, groups and members thereof and other persons specified..."

## Gold Bar

Due to a rapid increase in large public records requests in 2009, the City of Gold Bar assigned two additional staff people to help respond. In 2010, the city expended approximately \$70,000 responding to requests - 12% of its income of \$575,000. Due to financial constraints, the city is eliminating or reducing essential services such as public safety, street maintenance, stormwater, and parks and cannot continue funding two full-time public records positions.

## Prosser

Two years ago, the City of Prosser was forced to separate one position into two as a result of the volume and complexity of requests from one individual. To date, the cumulative general fund cost of that staffing change is in excess of \$150,000. In addition, the city settled a public records lawsuit with that same individual for \$175,000 last year. Despite the settlement and the city's good faith effort to respond to the requests, the individual continues a pattern of large, broad requests followed by lawsuits. Overall, the city has spent \$325,000 in direct costs responding to this one requestor. This represents nearly 4% of the city's general fund. At the same time, the city has had a 12% reduction in staff and lost its largest private sector employer.

## Sumner

The City of Sumner is dealing with two major public records requests: one asking for all records about sidewalks and one asking for all e-mails, cell phone records, voicemails, and computer records of two city officials. The first request yielded roughly 8,000 pages, and the second more than 13,000. More than 17 city employees have been studying the documents for about two months, ensuring none of the documents contain sensitive information protected by attorney-client privilege or pertaining to pending litigation. The city estimates it will take until the end of the year to finish processing the requests but can only charge the requestors 15 cents per page.

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