



The city is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at City Hall (Council Chambers), or virtually by using the meeting access link below.

<https://sumnerwa-gov.zoom.us/j/82038318699>

One tap mobile: +12532158782,,82038318699# US (Tacoma)

Telephone:+1 253 215 8782 US (Tacoma)

Webinar ID: 820 3831 8699

CALL TO ORDER

Pledge of Allegiance

Invocation

Roll Call: Bitetto, Bowman, Brown, Clerget, Cole, Elfers and Reinke

The following items are distributed to Councilmembers in advance for study and review, and the recommended actions will be accepted in a single motion. Any item may be removed for further discussion if requested by a Councilmember.

CONSENT AGENDA

1. Approval of the minutes from the July 15, 2024 regular council meeting and the July 22, 2024 study session.
2. Resolution No. 1694 - Washington Auto Theft Prevention Authority Grant Acceptance
3. Approval of checks and electronic payments in the amount of \$2,286,307.42.

PUBLIC HEARING

REGULAR BUSINESS

1. **Unfinished Business**
2. **Public Comment (Limit 3 minutes)**
Members of the community who wish to give public comment are strongly encouraged to join the meeting via the ZOOM link or by telephone. If you are unable to join the meeting, please submit your public comment in writing via email to the City Clerk at Michellec@sumnerwa.gov no later than 5:30pm on the day of the meeting. Any written comments received will be provided to the City Council and attached to the meeting minutes. Please contact the City Clerk at 253-299-5590 with any questions.
3. **New Business**
 - a. Ordinance No. 2896 - Amending Sumner Municipal Code 1.18, City's Public Records
4. **Reports**
 - a. Council
 - b. City Administrator
 - c. Mayor

5. Executive Session

6. Adjournment

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact the City Clerk at (253) 299-5590, 24 hours in advance.

SUBJECT: Approval of the minutes from the July 15, 2024 regular council meeting and the July 22, 2024 study session.

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Minutes - Regular Meeting
2. Minutes - Study Session

STAFF CONTACT: Michelle Converse, City Clerk

SUMMARY BACKGROUND:

Minutes from the previous council meetings.

COUNCIL COMMITTEE/STUDY SESSION:
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MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Motion to approve meeting minutes from 7/15/24 and 7/22/24 council meetings.



Staff present: Wilson, Marquez, Windish, Kosa, Moericke, Palmer, Steffens, Raymond, Beagle, Naill and Converse

CALL TO ORDER

Mayor Hayden called the meeting to order at 6pm.

Pledge of Allegiance

Invocation by Pastor David Barnes, Eikon Church

Roll Call: Bitetto, Bowman, Brown, Clerget, Cole, Elfers and Reinke

COUNCILMEMBERS BOWMAN AND ELFERS WERE BOTH ABSENT.

MOTION TO EXCUSE BOWMAN WAS MADE BY COLE, SECONDED BY CLERGET.
PASSED BY VOICE VOTE.

MOTION TO EXCUSE ELFERS WAS MADE BY REINKE, SECONDED BY BITETTO.
PASSED BY VOICE VOTE.

CONSENT AGENDA

MOVED BY COLE, SECONDED BY REINKE TO APPROVE THE CONSENT AGENDA
CONSISTING OF:

1. Resolution No 1692 - Interlocal Agreement with Pierce County for Updating the Commute Trip Reduction Plan
2. Lift Stations 2 and 6 Control Panels - Construction Contract Award
3. Microsoft 365 Annual Software License
4. CIP 21-08 Salmon Creek Channel Realignment - Change Order 2
5. Approval of the regular council meeting minutes from July 1, 2024 and the 8th of July 2024 study session.
6. Approval of checks and electronic payments in the amount of [\\$1,201,567.48.](#)
7. Resolution No. 1693 - Accepting Community Court Funding

PASSED BY VOICE VOTE.

PUBLIC HEARING

There was none tonight.

REGULAR BUSINESS

1. Unfinished Business

2. Public Comment

Randall Adams, 63rd Street Court East. Thanked City Administrator Jason Wilson and City Attorney Andrea Marquez for the opportunity to meet. He ended his three-minutes by talking about the Ryan House.

3. New Business

a. Ordinance No. 2892 – Updating Sumner Municipal Code Chapter 15, Buildings and Construction

MOVED BY CLERGET SECONDED BY BITETTO TO ADOPT ORDINANCE NO. 2892 UPDATING SUMNER MUNICIPAL CODE CHAPTER 15, BUILDING AND CONSTRUCTION

Building Official George Naill addressed the Council.

PASSED BY ROLL CALL VOTE.

b. Ordinance No. 2893 – Amending the 2023/2024 Biennial Budget

MOVED BY BITETTO SECONDED BY REINKE TO APPROVE ORDINANCE NO. 2893 - AMENDING THE 2023/2024 BIENNIAL BUDGET

Chief Financial Officer Kassandra Raymond addressed the Council.

PASSED BY ROLL CALL VOTE.

4. Reports

a. Council

Councilmember Reinke had a pleasant Fourth of July. He attended the first of the Music Off Main concerts and said he enjoyed seeing the large turnout.

Councilmembers Bitetto, Clerget, Brown and Deputy Mayor Cole had nothing to report.

b. Mayor

Mayor Hayden attended the first Music off Main concert and really enjoyed it. This Friday, the 19th there will be a night market on Main Street as well as the concert in Heritage Park.

Later this month, Sumner's own Loretta Shumake will celebrate her 100th birthday. Loretta retired from the City as our City Clerk. We wish her a very happy birthday, filled with friends and family.

c. City Administrator

City Administrator Jason Wilson reported on the following:

Upcoming Policy Issues:

- July 22nd – Study Session
 - Heritage Park remediation update
 - Flock Public Safety Cameras
 - Council Rules and Procedures Update
- July 29th – 5th Monday, no meeting
- August 2nd – Regular Council Meeting
 - Rivergrove Pedestrian Bridge - Consultant Supplement for Design
 - Resolution adopting the Council Rules and Procedures Update
 - Ordinance amending our public records code

Policy Follow-Up:

- Opioid Settlements: The City is a party to the class action suits against opioid manufacturers, distributors and pharmacies. There have been a few settlements already, that are paid to the city under the One Washington MOU. Recently we were notified of two more settlements with Johnson and Johnson and Kroger. The City received \$59,500 in a one time payment from Johnson and Johnson. The Kroger settlement amount and payment time period are still being finalized. These settlement funds are restricted for the purpose of responding to the opioid epidemic. As a reminder the city has allocated our settlement funds received through 2023 to Pierce County to award through a regional competitive process. Future funding allocations will occur as part of the budget process.

Miscellaneous:

- The Police Department recently acquired emergency rescue throw bags for each officer's vehicle. These throw bags enhance our ability to respond to emergencies in or around our rivers.
- The YMCA provided data about their recent cooling center activity on July 7-9th. Over the three days 186 individuals used the cooling center services, which included full access to all the YMCA amenities. The YMCA plans to open as a cooling center whenever high temperatures are forecasted to exceed 90 degrees.

5. Executive Session

There was none tonight.

6. Adjournment

With no additional business before the Council, Mayor Hayden adjourned the regular meeting at 6:20pm. Councilmembers concurred.

ATTEST:

Kathy Hayden, Mayor

Michelle Converse, CMC City Clerk



The city conducted this public meeting using a hybrid model, in-person and Zoom.

Staff present: Wilson, Marquez, Kosa, Beagle, Steffens, Moericke, O’Haver-Ayala, McCurdy, Ruth

Mayor Hayden called to order the Study Session, at 6:00pm.

CALL TO ORDER

Roll Call: Bitetto, Bowman, Brown, Clerget, Cole, Elfers and Reinke

STUDY SESSION BUSINESS

1. Resolution No. 1694 – Washington Auto Theft Prevention Authority Grant & Flock Safety Cameras *(Police Chief Moericke)*
2. Heritage Park Remediation Update *(Deputy PW Director Alisa O’Haver-Ayala)*
3. Resolution No. 1695 -City Council Rules of Procedure *(City Administrator Jason Wilson and City Attorney Andrea Marquez)*

ADJOURNMENT

With no additional business, Mayor Hayden adjourned the meeting at 7:57pm.

Attest:

Kathy Hayden, Mayor

Michelle Converse, City Clerk

SUBJECT: Resolution No. 1694 - Washington Auto Theft Prevention Authority Grant
Acceptance

CATEGORY: Resolution

BUDGET IMPACT:

Expenditure Required: \$45,000

Within Budget Allocation: 100% of costs covered by grant

ATTACHMENTS:

1. Resolution No. 1694 - Washington Auto Theft Prevention Authority Grant

STAFF CONTACT: Brad Moericke, Police Chief

SUMMARY BACKGROUND:

The police department applied for and received a \$50,000 equipment and technology grant from the Washington Auto Theft Prevention Authority (WATPA). The purpose of the grant is to provide Flock Safety cameras in the city of Sumner as an auto theft deterrent and investigative aid. Passing Resolution No. 1694 will accept the grant and allow the city to proceed with executing the grant deliverables (Flock Safety cameras).

COUNCIL COMMITTEE/STUDY SESSION: Study session reviewed the grant terms and deliverables.

MEETING/STUDY SESSION DATE: 7/22/2024

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Approve Resolution No. 1694 - accepting the WATPA grant and allowing the city to implement a Flock Safety camera program.

**RESOLUTION NO. 1694
CITY OF SUMNER, WASHINGTON**

**A RESOLUTION OF THE CITY OF SUMNER, WASHINGTON, ACCEPTING A GRANT
FROM THE WASHINGTON AUTO THEFT PREVENTION AUTHORITY**

WHEREAS, the City of Sumner desires to implement Flock public safety cameras to enhance our ability to solve, deter, and reduce crime in our community; and

WHEREAS, to help accomplish and fund the initial set up and installation of Flock Safety cameras, the City of Sumner applied for an equipment and technology grant through the Washington Auto Theft Prevention Authority; and

WHEREAS, in July 2024 the City of Sumner was awarded full funding for the installation, set up, and initial 12-month lease of Flock Safety cameras in an amount of up to \$50,000; and

WHEREAS, City Councils' acceptance of the grant funds and authorization for the Mayor or designee to execute any grant agreements or necessary agreements regarding the same is required by ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON:

Section 1. That the City Council of the City of Sumner, Washington, does hereby accept the Washington Auto Theft Prevention Authority's grant and authorizes the Mayor or designee to execute any necessary funding agreements, and any and all documents necessary to carry out and effectuate the grant's acceptance or performance.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this resolution, including but not limited to the correction of clerical errors; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 3. Effective Date. This resolution shall take effect and be in full force immediately upon passage by the City Council.

ADOPTED AND APPROVED this ____ day of _____ 2024.

Kathy Hayden, Mayor

Attest:

Approved as to form:

Michelle Converse, City Clerk

Andrea J. Marquez, City Attorney

WASHINGTON AUTO THEFT PREVENTION AUTHORITY

WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS

July 9, 2024

Sumner Police Department
1104 Maple St
Sumner, WA 98390

I am pleased to inform you that Washington Auto Theft Prevention Authority (WATPA) Board of Directors has approved the **Sumner Police Department** grant application for funding of **Equipment & Technology**. The award is in the amount of **\$50,000.00**. The grant award is effective **June 1, 2024 and expires on June 30, 2025**. This award is a one-time event and does not imply or promise availability of funds for replacement or continuation of funding after June 30, 2025.

Enclosed is an award agreement. This agreement is to be signed and returned to WATPA. No funds will be reimbursed until the signed agreement is received. Expenditures prior to the award effective date or after the grant expiration date are not authorized and will not be reimbursed. All grant awards are subject to Grant Policies and Procedures of the Washington Auto Theft Prevention Authority. Costs will be paid on a reimbursement basis. Your agency will be reimbursed for actual expenses only up to the limit of the award categories. All grantees must sign the attached non-supplanting agreement before reimbursement can begin. Also, please note that reimbursement requests by grant recipients will only be processed upon receipt of current semi-annual reports by the WATPA office. The semi-annual report form is available on the WATPA website, www.WaAutoTheftPreventionAuthority.org

If you have any questions, please contact me at Phone: 253-677-8576 E-mail: bjeter@waspc.org

Sincerely,



Bryan Jeter, Executive Director
Washington Auto Theft Prevention Authority

**AGREEMENT BETWEEN SUMNER POLICE DEPARTMENT AND THE
WASHINGTON AUTO THEFT PREVENTION AUTHORITY**

AUTO THEFT PREVENTION GRANT PROGRAM AWARD AGREEMENT

Award Recipient Name and Address:

**Sumner Police Department
1104 Maple St
Sumner, WA 98390**

Award Period:

06/1/2024 - 06/30/25

Amount Approved

\$50,000.00

Funding Authority:

**WASHINGTON AUTO THEFT
PREVENTION AUTHORITY**

Requests for reimbursement under this agreement are subject to the following Budget:

EQUIPMENT & TECHNOLOGY

\$50,000.00

IN WITNESS WHEREOF, the WATPA and RECIPIENT acknowledge and accept the terms of this AGREEMENT and attachments hereto, and in witness whereof have executed this AGREEMENT as of the date and year last written below. The rights and obligations of both parties to this AGREEMENT are governed by the information on this Award Sheet and other document incorporated herein by reference: Non-Supplanting Declaration.

WATPA

RECIPIENT

Name

/ Bryan Jeter

Title: WATPA, Executive Director

Date:

Name

/

Title:

Date:

SUBJECT: Approval of checks and electronic payments in the amount of \$2,286,307.42.

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Voucher Approval Page

STAFF CONTACT: Jeff Steffens, Administrative Services Director

SUMMARY BACKGROUND:

Approval of the checks and electronic payments.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Approve as presented.



CLAIMS VOUCHER APPROVAL
City of Sumner
Finance Department

The following check/electronic payments are approved for payment:

Accounts Payable Check #:	From: 34138	To: 34258	\$1,163,234.27
Use Tax (paid to WA State Department of Revenue)	n/a	n/a	\$228.80
Voided Check(s)	34117	34117	-\$229.95
Voided EFT(s)	-	-	-
Voided Wire(s)	-	-	-
AP Electronic (EFTs) Payments:	From: 794	To: 798	\$225,551.45
AP Wire(s):	From: 15371	To: 15372	\$1,480.62
Payroll & Benefits Electronic Payments	From: 6/28/2024	To: 7/11/2024	\$884,432.23
Payroll & Benefits Checks	From: 10042	To: 10043	11,610.00
		TOTAL	\$2,286,307.42

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the service rendered, or the labor performed as described herein, and that the claim is a just, due, and unpaid obligation against the City of Sumner and I am authorized to authenticate and certify to said claim.

Kassandra Raymond

Chief Financial Officer

7/15/2024 | 3:47 PM PDT

Date

We, the undersigned Finance and Personnel Committee of the City of Sumner City Council, do hereby certify that the check numbers and electronic payments listed above are approved for payment in the amount of:

\$2,286,307.42

DocuSigned by:

Patricia Cole

City of Sumner

7/15/2024 | 2:15 PM PDT

Date

Barbara Bitetto

Committee Member

7/15/2024 | 11:45 AM PDT

Date

Carla Bowman

Committee Member

7/19/2024 | 10:47 AM PDT

Date

SUBJECT: Ordinance No. 2896 - Amending Sumner Municipal Code 1.18, City's Public Records

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Ordinance No. 2896 - Amending Sumner Municipal Code 1.18, City's Public Records

STAFF CONTACT: Michelle Converse, City Clerk

SUMMARY BACKGROUND:

Ordinance 2896 updates the City's Public Records process, incorporating court rulings and new processes.

Significant changes are: fees for police body worn camera processing and fees for collision (accident) reports. After a review of our process/fees with neighbor jurisdictions, it was determined the fee previously charged for body worn camera processing was significantly less than other cities are charging (.60 per minute). We will now be charging \$52 per hour and \$7.00 per collision (accident reports). These fees are one way to help the City recoup the significant costs associated with records requests.

COUNCIL COMMITTEE/STUDY SESSION: Finance & Personnel Committee

MEETING/STUDY SESSION DATE: 7/11/2024

COMMITTEE RECOMMENDATION: Do Pass

STAFF RECOMMENDATIONS/MOTION:

Approve Ordinance No. 2896 - Amending Sumner Municipal Code 1.18, City's Public Records

**ORDINANCE NO. 2896
CITY OF SUMNER, WASHINGTON**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SUMNER, WASHINGTON, AMENDING SUMNER MUNICIPAL CODE
SECTIONS 1.18.040; 060; 100 AND 110 RELATED TO THE CITY'S
PUBLIC RECORDS.**

WHEREAS, in 2022, the City updated its Public Records code provisions in an effort to improve efficiencies in the way the City processes Public Records Requests; and

WHEREAS, from time to time, it is necessary to update code provisions in order to incorporate new technology, industry trends, court rulings, and new processes.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Adoption. Sumner Municipal Code Chapter 1.18.040, 1.18.060, 1.18.100
are hereby amended as follows,**

...

1.18.40 Public records officer.

A. The city clerk, ~~shall hold the position of the Public Records Officer, who is the records-~~
~~management officer for the city, is hereby designated as the city's public records officer.~~ **Except for**
the Police Department, which has its own department records clerks, the Public Records Officer shall
serve as the point of contact for the public when requesting disclosure of public records from the City.
The Public Records Officer shall generally oversee the City's compliance with the disclosure
requirements of the Public Records Act, RCW 42.56. The City Administrator is authorized to
establish and implement policies and procedures for responding to requests for public records to be
consistent with this chapter.

B. ~~Any person requesting public records of the city should contact the public records officer at:~~

Any person requesting access to public records of the City, or seeking assistance [in making a request](#)
should contact the Public Records Officer:

City Clerk
City of Sumner
1104 Maple Street, Suite 200
Sumner, WA 98390
253-299-8300
253-299-5509 (Fax)

Information is also available at the City's website at www.sumnerwa.gov. (Ord. 2809 § 1, 2022; Ord. 2607 § 1 (part), 2017; Ord. 2228 § 1 (part), 2007)

...

1.18.060 Requests for public records.

A. In order to track and promptly respond to all requests for public records, such requests shall be made in writing and delivered in person, by fax, by mail or through the City's records request portal located on the City's website, explained in Section B below. The city encourages requestors to send formal requests for public records by means other than general email because of the risk that the email will be misdelivered or screened out and the city cannot guarantee that an email request for records will be received and processed properly.

B. A variety of records are available on the city's website at: www.sumnerwa.gov. To the extent practical, the city will store, maintain, and make its commonly requested records available electronically on its website. The city maintains an open public record portal at <https://sumnerwa.nextrequest.com> and will respond to most requests through the portal for those seeking responsive records in electronic format. The public records officer will work with the requestor to determine the most appropriate method for providing electronic copies of responsive records and may provide records through other means (i.e., via email).

C. In lieu of submitting the request for public records on the city's website the request may also be submitted in other written format but must contain the following information:

1. The date of the request;
2. The name of the requestor;
3. The full address of the requestor;
4. The telephone number of the requestor or email address;
5. A complete description of the requested record;
6. The title and date of the requested record, if known;
7. The location of the requested record, if known; and
8. Whether the requestor intends to inspect the records or to obtain a copy of the records, at the costs set forth in SMC 1.18.100.

D. Requests for public records shall be submitted to the Public Records Officer, or to a designated city employee pursuant to subsection (E) of this section. The Public Records Officer may authorize other city employees to make the initial response pursuant to SMC 1.18.070 to a request for public records. All requests shall comply with subsections (A) and (C) of this section.

E. The following designated city employees may receive public record requests directly for the specific records identified in this subsection for each designated employee.

1. The records clerk of the police department, if the request is to inspect and/or copy records prepared and/or retained by the Sumner police department.
2. The records clerk of the Sumner municipal court if the request is to inspect and/or copy documents contained in a particular Sumner municipal court case file or other records prepared and/or retained by the court.

If the record requested is not identified in subsections (E)(1) and (E)(2) of this section, or the requestor is unsure of where to file the request, the request shall be filed with the Public Records Officer. If a request for a police or municipal court document is made to the Public Records Officer, it will be redirected to the applicable department for processing.

F. Over the Counter Records. Each city department may designate within its own department certain “over the counter” records available to the public for immediate inspection without the requirement of a formal public records request as set forth in this section. Routine requests include requests for adopted Ordinances, Resolutions or meeting minutes; the city’s budget or comprehensive plans; building or development permits, public notices, etc. City staff may answer routine requests by providing an electronic link. In the event a copy of such “over the counter” record is requested, and if the requested record is an eight-and-one-half-by-14-inch page or smaller, the department may provide the first 25 pages free of charge. If the requested routine record(s) exceed 25 pages, a public disclosure request will be required, and fees may apply.

Records requiring a search for more than one identifiable record are not considered routine and the request should be submitted in written format.

(Ord. 2809 § 1, 2022; Ord. 2607 § 1 (part), 2017; Ord. 2350 § 2, 2011; Ord. 2228 § 1 (part), 2007)

...

...

1.18.100 Fees.

There shall be no fee for inspecting public records or locating public documents and making them available for copying, except as follows, with such fees being required to be paid in advance of the City’s obligation to fulfil the request:

A. Paper Copies. If the request exceeds 25 pages, the city may charge up to \$0.15 per page (per side, if double-sided). If, at the city’s discretion, materials need to be copied by an outside source either due to volume, current workload of city staff, or for any other reason, or if agency equipment must be used to fulfill the request, the requestor will be charged the actual amount incurred and/or invoiced to the city in fulfilling such request.

B. Scanned Documents. The city may charge up to \$0.10 per page for all requests wherein public records are scanned into an electronic format, or for the use of agency equipment to scan the records into electronic format.

C. Emailed Documents. The city may charge up to \$0.05 per every four electronic files or attachments uploaded to email, cloud-based data storage services, or other means of electronic delivery, except as explicitly described in subsection (D) of this section.

D. Electronic Records. The city may charge up to \$0.10 per gigabyte for the transmission of public records in an electronic format or for the use of city equipment to send the records electronically. Fees under this section shall also include the actual cost of materials used to transmit the electronic records (CD, USBs, etc.).

E. Customized Service Charge. The city may charge requestor a customized service charge if the city estimates that the request will require the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations and customized access services are not used by the city for other city purposes. The customized service charge may reimburse the agency up to the actual cost of providing the services described in this section. Before assessing a customized service charge, the Public Records

Officer or designated public records officer shall notify the requestor of the customized service charge to be applied to the request, with an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate of the cost of the charge, and must provide the requestor with an opportunity to amend the request in order to avoid or reduce the cost of the customized service charge.

F. Body worn camera recordings/footage (as defined by RCW 42.56.240(14)(g)(i)) – ~~redactions \$0.60 per minute if video is to be provided. The city may~~ **will charge \$52.00 per hour (pro-rated if less than an hour of redaction time)** ~~for the reasonable costs of staff time incurred~~ redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure to the extent necessary to comply with the exemptions in this chapter or any applicable law. ~~Based on the costs associated with redaction, including the software and staff time, the charge levied will be \$0.60 per minute of recording requested. The city shall charge the actual cost of digital storage media or device for transmitting the requested recordings.~~

However, if a request for body camera footage pursuant to RCW 42.56.240(14) is made by:

1. A person directly involved in an incident recorded by the requested body worn camera recording; or
2. An attorney representing a person directly involved in an incident recorded by the requested body worn camera recording; or
3. A person or their attorney who requests a body worn camera recording relevant to a criminal case involving that person; or
4. The executive director from either the Washington State Commission on African American Affairs, Asian Pacific American Affairs, or Hispanic Affairs; or
5. An attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the Federal or State Constitution, or a violation of a United States Department of Justice settlement agreement (subject to an explanation as to the relevancy of the requested body worn camera recording to the cause of action); then, the requestor shall not be subject to paying redaction costs.

G. Traffic Accident Report. ~~The City will charge a flat rate of \$7.00 per report for each requested traffic accident report, (also known as collision reports and defined by RCW 46.52.080 and .085.~~

~~G.~~**H. Alternative Charge.** The city may charge a flat fee of up to \$2.00 for any request where the city reasonably estimates and documents that the costs outlined above are clearly equal to or more than two dollars. If the city elects to charge the flat fee for an initial installment of a request produced in installments, the city shall not charge any additional fee(s) for subsequent installments on the same request.

H.I. Deposit Required. In the event that it is estimated that the copying or redaction fees applicable to a particular records request exceed \$25.00, or if the request requires the use of information technology expertise to prepare data compilations or provide customized electronic access services the city, at its discretion, may require the requestor to deposit a sum equal to 10 percent of the estimated cost prior to copying or redaction of the records.

In the event the city makes a response to a request available on a partial or installment basis, the city may charge for each part of the response as it is provided to the requestor. If an installment response to a records request is not claimed or paid for within 30 calendar days, the city is not obligated to fulfill the balance of the request **or refund the deposit, and the request may be closed.**

I.J. Postage and Mailing Supplies. Postage is charged at the actual postage costs of such postage, and envelopes and/or packaging are charged at the actual costs of those supplies.

J.K. Accepted Payments. All payments shall be made by cash, debit or credit card, money order, or check payable to the city of Sumner or through the city's records portal, located on the city's website. The city has the authority to waive copying fees as described in this section.

...

1.18.110 Review of public records request denials.

A. Any person who objects to the initial denial or partial denial of a records request may petition in writing to the public records officer for review of that decision. The petition shall include a copy or reasonably identify the written statement by the public records officer or designee denying the request.

B. The public records officer, in conjunction with the city administrator and city attorney, will consider the petition and will either affirm or reverse the denial of the public records request.

C. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 within a year of original request. (Ord. 2809 § 1, 2022; Ord. 2607 § 1 (part), 2017; Ord. 2228 § 1 (part), 2007)

Section 2. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the ordinance or the validity of its application to other person's circumstances.

Section 3. Effective date. This ordinance shall be effective January 1, 2025, following publication as provided by law.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the Public Records Officer and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Passed by the City Council and approved by the Mayor of the city of Sumner, Washington, at a regular meeting thereof this 5th day of August. 2024.

Mayor Kathy Hayden

ATTEST:

APPROVED AS TO FORM:

Michelle Converse, City Clerk

City Attorney Andrea Marquez