

**RESOLUTION \_\_\_\_\_**

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2 A RESOLUTION documenting the work of the Special Committee on Open Government and stating  
3 priorities for further efforts to support open and transparent City government and increase citizen  
4 engagement with City government.

5 WHEREAS, the Special Committee on Open Government (Committee) was created to improve citizens'  
6 access to public records, ensure open City Council decision making and improve communication  
7 between citizens and the Council about potential Council actions; and

8 WHEREAS, the Committee invited, obtained and considered a wide variety of suggestions from  
9 community organizations with longstanding interest in open government; and

10 WHEREAS, on the recommendation of the Committee, the Council passed and the Mayor signed  
11 Ordinance 122969 in April 2009; and

12 WHEREAS, Ordinance 122969 requires each City Department to adopt procedures by November 2009  
13 for providing access to public records, including but not limited to responding promptly to  
14 records requests, assigning a central point of contact to receive records requests, informing  
15 requesting parties of the time required to respond to a given request and any applicable reasons  
16 for not making the requested records available, providing reasonable online access to records,  
17 informing requesting parties how to appeal the denial of a request, tracking the time and resources  
18 related to records requests, providing lists of applicable exemptions, charging reasonable amounts  
19 for responding to requests and reducing or waiving charges for small requests, establishing the  
20 hours and dates when records are available for inspection, identifying applicable records retention  
21 policies, and adopting a form for submitting records requests; and

22 WHEREAS, Ordinance 122969 also requires each City Department to submit a written report to the  
23 Council on these procedures within 30 days of their adoption; and

24 WHEREAS, also on the recommendation of the Committee, the Council Finance Committee is  
25 considering legislation to refine the standard operating procedure for notice and hearings on  
26 major capital projects that was endorsed in Resolution 30096 in December 1999, which  
27 refinements would require special public hearings for large public-private projects, including  
28 utility and voter-approved projects, and establish guidelines for highlighting other capital projects  
in the Council's annual deliberations and hearings on the six-year Capital Improvement Program;  
and

WHEREAS, the mission of the City's Customer Service Bureau includes serving as an ombudsperson for  
public records requests, namely, by helping citizens determine where and how to make public  
records requests, helping requestors frame requests so that departments can respond quickly and  
accurately, helping requestors who wish to pursue administrative appeals of decisions by public  
records officers to not release records, and encouraging departments to respond to such appeals  
quickly, but this part of the Bureau's mission is not well understood within City government or  
by the public; and

WHEREAS, the Council is on record for favoring the audio taping of its executive sessions, but  
inconsistencies in the exemptions of the Washington Open Public Meetings Act and the  
Washington Public Records Act make such taping problematic; and

1 WHEREAS, a variety of other issues related to public records, open meetings and citizen engagement  
2 deserve continued discussion and deliberation by the Committee and the Council as a whole;  
3 NOW, THEREFORE,

4 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

5 Section 1. In the first quarter of 2010, the Special Committee on Open Government or another  
6 Council Committee should:

7 A. Review the Departmental procedures developed pursuant to Ordinance 122969 for  
8 compliance with the Washington Public Records Act (PRA; RCW 42.56) and consistency with the  
9 Council's intent in the ordinance.

10 B. Review the technical challenges and costs associated with audio and/or video podcasting the  
11 meetings of Boards and Commissions.

12 C. Review the potential costs and benefits of providing closed captions for Seattle Channel  
13 broadcasts of Council proceedings, including as part of this assessment input from members of Seattle's  
14 hearing impaired community.

15 D. Consider an ordinance that would clarify and define the circumstances under which the  
16 Council or Mayor have the authority to waive the City's attorney-client privilege on legal advice the City  
17 has received, and, when the Council has this authority, the number of Councilmembers who must agree in  
18 order to waive the privilege.  
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21 Section 2. In the next update of the Council Rules and Procedures adopted by Resolution 31027  
22 in December 2007, the Council should consider adopting the following rules:

23 A. Materials that are to be presented in public Council Committee meetings generally will be  
24 made available online at least 48 hours in advance of the Committee meeting, and copies generally will be  
25 made available to those attending the meeting. The Committee Chair may waive these requirements in  
26 exceptional circumstances.  
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1 B. An attorney from the Law Department, or outside counsel if appropriate, will be present  
2 during all Council Executive Sessions to advise Councilmembers on compliance with the Washington  
3 Open Public Meetings Act (OPMA; RCW 42.30).

4 C. Audio tapes will be made of all Council Executive Sessions, except those dealing with (1)  
5 collective bargaining or (2) the evaluation of candidates for appointment to elective office as soon as the  
6 Washington State Legislature amends the Revised Code of Washington to bring the Open Public  
7 Meetings Act and Public Records Act into conformity. The Council will revisit this issue if the  
8 Legislature does not act on this question in 2010.

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10 Section 3. The Council requests the Mayor and all City Departments to publicize the role of the  
11 Customer Service Bureau in assisting members of the public who make records requests, and to give the  
12 Bureau their full cooperation in this role. In particular, Council requests that all individuals who submit a  
13 public records request be provided information about the role of the Customer Service Bureau in such  
14 matters and contact information for the appropriate individual or office within the Customer Service  
15 Bureau.  
16 Bureau.

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18 Section 4. The Council intends to include in the City's state legislative agenda a request that the  
19 Legislature resolve the inconsistencies in the exemptions in the OPMA and the PRA, and to make this a  
20 high priority in the legislative agenda.

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22 Section 5. The Council shall draft and approve a work plan for implementation of those steps  
23 enumerated in Resolution 31162 and future resolutions passed by the Special Committee on Open  
24 Government in addition to new Council Rules, the Public Engagement Plan, and other actions identified  
25 by the Committee.  
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Adopted by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2009, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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President \_\_\_\_\_ of the City Council

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
City Clerk

(Seal)