



Regular City Council Meeting Agenda
City Council Chambers & Zoom
February 8, 2022 - 6:00 p.m.

A. Virtual Participation

In response to Governor Inslee's proclamation 20-28.15 regarding Open Public Meetings during the COVID-19 pandemic, the City Council will meet in the Council Chambers and the public is encouraged to attend the meeting by clicking the link or calling the phone number below. If you have technical difficulties, please call 509-498-9255.

Join Zoom Meeting

[HTTPS://US02WEB.ZOOM.US/J/88254219427?](https://us02web.zoom.us/j/88254219427?pwd=QXZJcXm5RdeVVeXJvLHksgWZmU1TDZ09)

[PWD=QXZJcXm5RdeVVeXJvLHksgWZmU1TDZ09](https://us02web.zoom.us/j/88254219427?pwd=QXZJcXm5RdeVVeXJvLHksgWZmU1TDZ09)

Meeting ID: 882 5421 9427

Passcode: 077464

Dial by your location

+1 253 215 8782

B. Call To Order - Pledge Of Allegiance

C. Roll Call - Excused Absences

D. Minutes

Minutes Of The Special City Council Meeting Of January 10, 2022

Documents:

[1-10-22 SPECIAL.PDF](#)

Minutes Of The Regular City Council Meeting Of January 25, 2022

Documents:

[1-25-22.PDF](#)

E. Vouchers/Payroll

2021 Voucher Total = \$638,794.17

2022 Voucher Total = \$359,715.68

F. Claims For Damages

G. Small Contracts (Less Than \$10,000) - Approved By Mayor

H. Information Items

I. Appointments

J. Citizen Comments: Open To Public (Two Minute Limit)

Council comments may be submitted via email to COUNCILCOMMENTS@CITYOFCHENEY.ORG or by dropping off written comments in the drop box at Cheney City Hall, 609 2nd St. All comments must be received by 5:00 p.m. the day of the meeting. If you wish to provide verbal comments at the meeting, please email COUNCILCOMMENTS@CITYOFCHENEY.ORG by 5:00 p.m. the day of the meeting and provide the topic you would like to speak about.

K. Action Items

Public Hearings

Resolutions

1. 22-018 - Resolution E-993 - COVID-19 Vaccination As A Condition Of Employment For New Employees And A \$50 Vaccination Incentive For Full-Time Employees
A resolution of the city council approving a COVID-19 vaccination as a condition of employment for new employees and \$50 vaccination incentive for full-time employees.

Documents:

[RESOLUTION E-993 - VACCINATION AS CONDITION OF EMPLOYMENT CA FORM.PDF](#)
[RESOLUTION E-993 - VACCINATION AS CONDITION OF EMPLOYMENT.PDF](#)

2. 22-019 - Resolution E-994 - Revised Public Records Policy
RCW 42.56 requires cities to adopt and maintain public records policies. This revision adds language allowing us to charge for records requests related to police worn body camera recordings and other minor language edits after legal review.

Documents:

[REVISED PUBLIC RECORDS POLICY 2-2022.PDF](#)
[E-994 - REVISED PUBLIC RECORDS POLICY.PDF](#)
[REVISED PUBLIC RECORDS POLICY 2022.PDF](#)

Ordinances

1. 22-012 - Ordinance Y-23 - SR 904 Speed Limit Reduction Ordinance - 2nd Reading
WSDOT conducted a traffic study and has given preliminary approval to reduce the speed limit on SR 904 from 45 mph to 35 mph from mile post 9.41 (west of Presley Drive) to mile post 10.66 (existing 35 mph zone. Since the speed limit reduction is within the City of Cheney, passage of an ordinance or resolution is required to move forward with the reduction of speed limit.

Documents:

[CCAR 22-012 - SPEED LIMIT REDUCTION ORDINANCE.PDF](#)
[ORDINANCE Y-23 - SR 904 SPEED REDUCTION.PDF](#)

Other Business

L. Staff Reports

M. Mayor's Report

N. Council Reports

O. Executive Session

P. Adjournment

SPECIAL CITY COUNCIL MEETING

January 10, 2022

A. Call to Order – Pledge of Allegiance Mayor Grover called the Regular City Council meeting to order at 6:00 p.m.

B. Roll Call – Excused Absences Councilmembers present included Councilmember Overhauser, Councilmember Schmidt, Councilmember Barthels, Councilmember Weiszmann, Councilmember Gaard, Councilmember Hilton, and Councilmember Posthuma. Staff members present included Mr. Schuller, Ms. Niemeier, Mr. Kapaun, Ms. MacDonald, Mr. Hensley, Mr. Ableman, Mr. Jenkins, Mr. Marx, Ms. Cooper, Ms. Bassen, Ms. Furfaro, Mr. Conley, Mr. Billigmeier, Mr. Roy, Ms. Snider, Mr. Fraley, and Mr. Hoppe.

C. Citizen Comments Steve Grime, Scott Enright, and Julia Furfaro spoke about the vaccination policy.

D. Action Items

1. 21-110 - Resolution E-959 - COVID-19 ETS Compliant Vaccination Policy Approval Mr. Schuller stated the policy has been reviewed by two labor law specialists at Witherspoon Kelley. Councilmember Schmidt moved for approval Resolution E-959 as edited with direction for Mayor Grover to sign the resolution tonight. Councilmember Barthels seconded. Carried with Councilmember Weiszmann voting nay.

E. Adjournment Councilmember Barthels moved to adjourn the meeting. Councilmember Schmidt seconded. Carried unanimously. The meeting was adjourned at 7:57 p.m.

City Clerk

Mayor

REGULAR CITY COUNCIL MEETING

January 25, 2022

A. Call to Order – Pledge of Allegiance Mayor Grover called the Regular City Council meeting to order at 6:00 p.m.

B. Roll Call – Excused Absences Councilmembers present included Councilmember Overhauser, Councilmember Schmidt, Councilmember Barthels, Councilmember Weiszmann, Councilmember Gaard, Councilmember Hilton, and Councilmember Posthuma. Staff members present included Mr. Schuller, Ms. Niemeier, Mr. Kapaun, Ms. MacDonald, Mr. Hensley, Mr. Ableman, Mr. Jenkins, Mr. Marx, Ms. Snider, Mr. Hoppe, Mr. Birrenkott, Mr. Lucas, Ms. Bassen, Mr. Conley, and Ms. Cooper.

C. Minutes of the Regular City Council meeting of January 11, 2022 were approved as distributed.

D. Claims and Vouchers nos. 159951 through 159992 in the amount of \$179,651.66 for 2021 and 159993 through 160042 in the amount of \$92,719.19 for 2022 were approved as read.

E. Claims for Damages None

F. Small Contracts None

G. Information Items Mr. Schuller stated that the Supreme Court halted the OSHA ETS. Councilmember Barthels moved to rescind Resolution E-959. Councilmember Weiszmann seconded. Councilmember Schmidt moved to amend the motion to retain the \$50 incentive for vaccination and requiring future employees to be vaccinated. Motion failed for lack of a second. Original motion carried with Councilmember Schmidt voting nay.

H. Appointments None

I. Citizen Comments Rachel Buck thanked Council for the reasonable discussion on vaccination.

J. Action Items

1. 22-010 – Resolution E-987 – AMI Meter Purchase Mr. Marx stated that this is a sole source purchase of AMI Itron meters. Councilmember Barthels moved for approval of Resolution E-987. Councilmember Hilton seconded. Carried unanimously.

2. 22-011 – Resolution E-988 – 2022 Arterial Street Project TIB Consultant Agreement Mr. Ableman stated that we received grant funding for street preservation. This is an agreement with Parametrix for preliminary engineering. Councilmember Weiszmann moved for approval of Resolution E-988. Councilmember Gaard seconded. Carried unanimously.

3. 22-013 – Resolution E-989 – 2022-2025 IBEW Local #77 Labor Contract Mr. Schuller explained the contract and stated that it is a four year agreement. Councilmember Hilton moved for approval of Resolution E-989. Councilmember Gaard seconded. Carried unanimously.

4. 22-015 – Resolution E-990 – Washington St SR 904 to W 6th Project – Consultant Agreement Mr. Ableman stated that Parametrix was selected to do the preliminary engineering. Councilmember Barthels moved for approval of Resolution E-990. Councilmember Weiszmann seconded. Carried unanimously.

5. 22-016 – Resolution E-991 – Washington SR 904 to W 6th Project – Local Agency Federal Aid Project Prospectus Mr. Ableman stated that this is required by WSDOT. There is no financial commitment. Councilmember Hilton moved for passage of Resolution E-991. Councilmember Gaard seconded. Carried unanimously.

6. 22-017 – Resolution E-992 – Washington SR 904 to W 6th Project – Local Agency Agreement Mr. Ableman stated that this is for preliminary engineering. Councilmember Hilton moved for approval of Resolution E-992. Councilmember Weiszmann seconded. Carried unanimously.

7. 22-009 – Ordinance Y-9 – BP & I-1 Zone Text Amendment Mr. Ableman stated that the Planning Commission sent this to Council for consideration. Councilmember Overhauser moved for the first reading of Ordinance Y-9 in title and summary form only and to deferred it to a subsequent meeting. Councilmember Barthels seconded. Carried with Councilmember Hilton voting nay.

8. 22-012 – Ordinance Y-23 – SR 904 Speed Limit Reduction Ordinance Mr. Ableman explained the ordinance. Councilmember Overhauser moved for the first reading of Ordinance Y-23 in title and summary form only and to defer it to a subsequent meeting. Councilmember Barthels seconded. Carried unanimously.

9. 22-024 – Ordinance Y-24 – 2022 Salary Ordinance Mr. Schuller stated that this changes the IBEW salaries due to approval of the labor contract. Councilmember Overhauser moved for the first reading of Ordinance Y-24 in title and summary form only, that reading considered the second and third, and that it be placed before Council for final passage. Councilmember Barthels seconded. Carried unanimously. Yes votes: Councilmember Overhauser, Councilmember Schmidt, Councilmember Barthels, Councilmember Weiszmann, Councilmember Gaard, Councilmember Hilton, Councilmember Posthuma. Ordinance Y-24 passed.

K. Staff Reports Mr. Schuller reported on the legislative session and meetings with representatives and senators.

L. Mayor’s Report None

M. Council Reports Councilmember Barthels will attend the Public Works Committee meeting on Thursday. Councilmember Hilton stated that Mr. Schuller was in an article in the Spokesman this weekend. Councilmember Posthuma also reported on the article in the Spokesman. He stated that he would like to have the public back at meetings.

N. Executive Session None

O. Adjournment Councilmember Schmidt moved to adjourn the meeting. Councilmember Barthels seconded. Carried unanimously. The meeting was adjourned at 7:20 p.m.

City Clerk

Mayor

CITY OF CHENEY
CITY COUNCIL ACTION REQUEST

ISSUE Resolution E-993 - COVID-19 Vaccination as a condition of employment for new employees and \$50 Vaccination Incentive for full-time employees **AGENDA ITEM# 22-018**

DEPT. OF ORIGIN: Administration **DATE** 2/8/2022

EXHIBITS ATTACHED OR REFERENCED: Resolution E-993

Council Committee Recommendation Yes No None

DEPT/DEPT HEAD INITIALS	APPROVE	DO NOT APPROVE	NO COMMENT	COMMENTS
MAS				

FISCAL IMPACT EXPENDITURE REQUIRED \$ TBD AMOUNT BUDGETED \$ 0
 APPROPRIATION REQUESTED \$ TBD

SUMMARY: A resolution of the city council approving a COVID-19 vaccination as a condition of employment for new employees and \$50 vaccination incentive for full-time employees.

COUNCIL ACTION REQUESTED: Passage of Resolution E-993

_____ **APPROVED FOR AGENDA**

_____ **DISAPPROVED**

2/8/2022

_____ **COUNCIL MEETING DATE**

_____ **MAYOR/CITY ADMINISTRATOR**

**CITY OF CHENEY
SPOKANE COUNTY, WASHINGTON**

RESOLUTION NO. E-993

**A RESOLUTION OF THE CITY COUNCIL APPROVING A
COVID-19 VACCINATION AS A CONDITION OF EMPLOYMENT FOR NEW
EMPLOYEES AND \$50 VACCINATION INCENTIVE FOR FULL-TIME EMPLOYEES**

WHEREAS, COVID-19 infection and exposure among the City of Cheney employees and the related isolation periods could put public health and safety at risk due to the potential unavailability of essential personnel including law enforcement, emergency medical services personnel, certified water or sewer operators, journeymen linemen; and

WHEREAS, COVID-19 vaccinations are a proven means to reduce the risk of contracting and transmitting the virus, eliminate the need to quarantine asymptomatic employees exposed to the virus, and reduce the likelihood of excessive overtime and staffing challenges within City departments; AND

WHEREAS, the City desires to retain current employees unable or unwilling to receive the vaccine without a mandatory vaccination or testing policy for existing staff; AND

WHEREAS, the City desires to reduce the administrative burden of COVID-19 exposure reporting, contact tracing, last-minute employee work schedule or shift changes; AND

WHEREAS, City Council requested the Mayor and staff approach increasing vaccinations amongst City employees with incentives rather than penalties; AND

WHEREAS, City Administration is proposing a \$50/month reduction in employee medical benefit premiums for vaccinated City employees or those receiving a medical or religious exemption from vaccination terminating with the end of the pandemic or at the discretion of the City Council;

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Cheney hereby approves of COVID-19 Vaccination as a condition of employment for all new employees hired after passage of the resolution and the provision of a \$50/month reduction in medical benefit premiums for all vaccinated/exempted employees retroactive to the beginning of the February payroll period.

ADOPTED on this **8th day of February, 2022**, by the Cheney City Council at their regularly scheduled meeting at the Cheney Council Chambers, 609 Second Street, Cheney, WA 99004.

Mayor, Chris Grover

ATTEST:

City Clerk, Cynthia L. Niemeier

CITY OF CHENEY
CITY COUNCIL ACTION REQUEST

ISSUE Revised Public Records Policy **AGENDA ITEM#** 22-019

DEPT. OF ORIGIN: Mayor's Office **DATE** 2-8-22

EXHIBITS ATTACHED OR REFERENCED: Resolution E-994

Council Committee Recommendation Yes No None

DEPT/DEPT HEAD INITIALS	APPROVE	DO NOT APPROVE	NO COMMENT	COMMENTS

FISCAL IMPACT	EXPENDITURE REQUIRED \$	AMOUNT BUDGETED \$
	APPROPRIATION REQUESTED \$	

SUMMARY: RCW 42.56 requires cities to adopt and maintain public records policies. This revision adds language allowing us to charge for records requests related to police worn body camera recordings.

COUNCIL ACTION REQUESTED: Passage of Resolution E-994

_____ **APPROVED FOR AGENDA**

_____ **DISAPPROVED**

February 8, 2022

_____ **COUNCIL MEETING DATE**

_____ **MAYOR/CITY ADMINISTRATOR**

City of Cheney
609 2nd Street
Cheney, WA 99004

**CITY OF CHENEY, WASHINGTON
RESOLUTION E-994**

A RESOLUTION REPEALING RESOLUTION E-895 AND ADOPTING A REVISED PUBLIC RECORDS POLICY INCORPORATING CHARGES FOR RECORDS REQUESTS RELATED TO POLICE WORN BODY CAMERA RECORDS AND OTHER MINOR LANGUAGE EDITS.

WHEREAS, the City of Cheney adopted a revised Public Records Policy on February 23, 2021 through adoption of Resolution E-895; and

WHEREAS, the City of Cheney must comply with rules in RCW 42.56 and case law that affect the way the City processes public records requests; and

WHEREAS, the City of Cheney proposes to incorporate fees for records requests related to police worn body camera records and making minor edits to the language of the current Public Records Policy after legal review; and

WHEREAS, Resolution E-895 must be repealed and a revised Public Records Policy adopted in order to incorporate the updates.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Cheney:

Section 1. Resolution E-895 is hereby repealed.

Section 2. The revised Public Records Policy specifying the procedures the City will follow when processing public records requests is hereby adopted.

ADOPTED, by the City Council of the City of Cheney this 8th day of February, 2022 at a regular meeting at the Cheney City Council Chambers, 609 Second St, Cheney, WA 99004.

Chris Grover, Mayor

Attest:

Cynthia L. Niemeier, City Clerk

CITY OF CHENEY

PUBLIC RECORDS POLICY

It is the policy of the City of Cheney, (the “City”) to release records of the City in compliance with the Public Records Act (the “Act”) and any other applicable provisions of federal or state law.

I. PURPOSE

The City is required by the Public Records Act (“PRA”), Chapter 42.56 RCW, to adopt and enforce reasonable rules and regulations to provide full public access to public records. This policy complies with the requirements of the PRA by providing for straight-forward, predictable practices for responding to and fulfilling requests for disclosure of public records in a manner consistent with the PRA.

This policy includes both statutory requirements and best practices. Except where these provisions are mandated by statute, any duties identified in this policy are discretionary and advisory only and shall not impose any affirmative duty on the City. The City reserves the right to apply, interpret, modify, or suspend this policy at any time.

This policy shall be available at the City Clerk’s Office, the Mayor’s Office, and posted on the City’s Website.

II. DEFINITIONS

A. Incorporation of Definitions

This policy incorporates the definitions in RCW 42.56.010 and any relevant definitions in RCW 42.17A.005.

B. Additional Definitions

1. “Act” refers to the Public Records Act, at Chapter 42.56 RCW.
2. “Bot Request” means a request for public records that the City reasonably believes was automatically generated by a computer program or script.
3. “City” refers to the City of Cheney.
4. “Mayor’s Office” is defined in Section II.C of this Policy.
5. “Exemption” refers to any statute that allows or requires the City to withhold information or records in response to a PRA request.
6. “Policy” refers to this policy for the Public Records Act.

7. "Public Record" means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function, prepared, owned, used, or retained by the City regardless of physical form or characteristics. Records created or received by employees using privately owned devices only qualify as public records if the employee was acting within the scope of employment when the record was created or received, or when the record is subsequently used for a City purpose.

8. "Public Records Officer" or PRO is the person identified in Section III.A.1 of this Policy.

9. "PRA Request" means a request for Public Records made to the City pursuant to the Act.

10. "Requestor" means the person or entity that has made a Records Request to the City.

11. "Withholding" means non-disclosure of exempt records, either all or in part.

12. "Records Portal" means the public records portal located on the City of Cheney website where a citizen may create a secure account within which records may be requested, received, and all communications can occur.

C. Organization of the City

The Mayor's Office is located at:

Cheney City Hall
609 2nd Street
Cheney, WA 99004

All Record Requests shall be inspected at the Mayor's Office by appointment only. The Mayor's Office is open 8 a.m. to 5 p.m., Monday through Friday, except legal holidays.

The City consists of the following departments: Finance/City Clerk, Administration/Mayor's Office, Municipal Court, Police, Fire, Parks & Recreation, Public Works, and Light. Each department is supervised by a director or manager. The location of departments is available through the Mayor's Office or through the City's website.

The Mayor is the chief administrative officer with governance through a seven member City Council.

III. GUIDELINES

A. Public Records Request

1. Public Records Officer.

The Records Manager shall serve as the Public Records Officer of the City of Cheney. All requests must be directed to the PRO. The PRO may be contacted in person at the Mayor's Office, via first class mail addressed to the PRO at the Mayor's Office, by phone at (509) 498-9283, via email at publicrecords@cityofcheney.org, or preferably via the Public Records Portal on the City of Cheney website at www.cityofcheney.org.

The Public Records Officer shall:

- (a) Be responsible for implementing the City's process regarding disclosure of public records;
- (b) Serve as the principal contact point with any Requestor who has made a Records Request to the City, unless the PRO has delegated these responsibilities to a specific staff member;
- (c) Coordinate City staff in this regard, generally ensuring the compliance of the staff with public records disclosure requirements;
- (d) Make the final decision in cooperation with a legal advisor regarding disclosure and application of exemptions;
- (e) Maintain the agency's indices, if any;
- (f) Maintain a log of public records requests; and
- (g) Undergo training required of Public Records Officers by Washington State law.

2. How to Make a PRA Request.

Public records may be inspected or copies of public records may be obtained by the public at the Mayor's Office upon compliance with the following procedures:

(a) All requests must be directed to the Public Records Officer. The City encourages that all requests be made through the online [Records Portal](#) located on the city website. Additionally, requests may be mailed, emailed, faxed to 509-498-9206, or delivered in person to the Mayor's Office. In-person requests must be made during the Mayor's Office hours. The request should include the following information:

- (i) An indication that the request is being made for access to a public record pursuant to the PRA;

- (ii) The requestor's name, address, and convenient means of contact, such as email address, phone number, etc.;
- (iii) The date of the request;
- (iv) A description of the public record requested that includes sufficient details to allow the City to identify responsive records;
- (v) Whether the Requestor wants to inspect records or wants copies. If the requestor wants copies, the requestor should indicate if they want the copies mailed, emailed, or if they want to pick them up;
- (vi) Requests for bodyworn camera recordings must contain the identity of the requestor and the following:
 - Specifically identify a name of a person or persons involved in the incident;
 - Provide the incident or case number;
 - Provide the date, time, and location of the incident or incidents; or
 - Identify a law enforcement or corrections officer involved in the incident or incidents.

(b) The Washington Courts have recognized that oral requests for public records can be problematic and therefore Requestors are strongly encouraged to make written requests using the Records Portal. When a Records Request is made orally, the PRO shall document the request by creating a request in the online Records Portal and if an email address is provided a confirmation will be sent to the requestor. Any oral request must be made during the Mayor's Office hours.

(c) It is the requestor's obligation to provide the City with fair notice that a PRA request has been made.

B. Procedure for Response to Request

1. Initial Five-Day Response. The City shall respond promptly to PRA requests. Within five (5) business days of receiving a Records Request, the City shall acknowledge receipt of the request and take one or more of the following actions:

- (a) Provide the records or provide notice that the records are available. If the record requested is available on the City's website, the response may include a specific link to the document;
- (b) Seek clarification or refinement of the request if needed to identify the record requested. When clarification or refinement is sought, the City will

provide a reasonable estimate of the time the City will require to respond to the request if it is not clarified;

- (c) Indicate that the City does not have any responsive records;
- (d) Indicate that any responsive records are exempt from disclosure; or
- (e) Provide a reasonable estimate of when the request can be fulfilled. For large requests that will be filled in installments, the response will also indicate when the first installment will be made. When providing a reasonable estimate of time required to fulfill a public records request, the PRO may take into account the time required to refine or clarify a request, locate or retrieve requested records, redact or withhold exempt records and create associated documentation, consult with appropriate staff or legal advisor regarding potential exemptions, and notify third parties or other agencies of requests for records of a sensitive nature consistent with the provisions of RCW 42.56.540.

2. Large Requests. When receiving a request that appears to be broad in nature, the Public Records Officer may request clarification from the requestor to ensure that the appropriate records are identified and to determine if the request can be narrowed. Clarification shall focus on information needed to identify responsive records. Any information provided about the purpose of the request shall not be used as a basis for denying the request.

When appropriate, as part of the clarification process, the PRO may work with the requestor to find ways to narrow the request. When a requestor agrees to narrow a request, nothing prevents the requestor from later expanding the request back to its original scope.

When a Records Request is for a large volume of records, the City may elect to provide records on an installment basis. If a Requestor does not review, claim, or pay for the records requested within thirty (30) days of being made available, the City may deem the request abandoned and stop fulfilling the remainder of the request.

3. Requests for “All Records.” A public records request must be for identifiable records. A request for all or substantially all City records is not a valid request for identifiable records.

4. Requests for List of Names. The PRA prohibits the City from producing a list of names to a requestor who intends to use the list for commercial purposes. When a requestor requests a list of names, the requestor must explain the intended use of the list and will be asked to sign a declaration providing that the list will not be used for commercial purposes. The PRO must conduct research to confirm that the request is not for commercial purposes.

5. Bot Requests. The City may deny a bot request if it is established that responding to the request would cause excessive interference with other essential functions.

6. Notice to Third Parties. If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the

City may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. The City may take this into account when providing an estimate for when the records will be available. The City should also review any contracts with third parties that may contain special notice provisions. Nothing in this policy is intended to create any right to such notice.

If a request seeks information located exclusively in an employee's personnel, payroll, supervisor, or training file, the City **must** provide notice to the employee, to any union representing the employee, and to the requestor. The notice must state:

- (a) The date of the request;
- (b) The nature of the requested record relating to the employee;
- (c) That the City will release any information in the record not exempt from disclosure at least ten days from the date the notice is made; and
- (d) That the employee may seek to enjoin release of the records under RCW 42.56.540.

7. Creating Records. A PRA request only applies to records that exist at the time of the request. The PRA does not apply to requests for information or require the City to create a new record. Requestors cannot make “standing” PRA requests.

C. City Actions After a Request is Received

1. Order of Response. Fulfillment of requests shall be processed in the order that provides the timeliest response. Requests may be fulfilled in the order of receipt as long as easily fulfilled requests are not postponed behind larger or more complicated requests strictly because they were received later.

2. Locating Responsive Records. After receiving a request, the PRO shall identify locations and City Departments where records are reasonably likely to be located. The PRO will then coordinate with the appropriate Department Heads and other City staff as needed. City staff and officials will be prompt in searching for responsive records and providing them to the PRO in accordance with the timeline established by the PRO and providing documentation of their search efforts. If City employees or officials are using home computers, personal devices, or personal accounts to conduct City business, those devices and accounts also need to be searched by the employees or officials who are using them when those devices and accounts are reasonably likely to contain responsive records. If the City’s contractors performing City work have responsive public records as a consequence of the contract, they should also be notified of the records request. If Department Heads or other staff cannot provide the records by the date established by the PRO, a reasonable estimate of how long it will take to provide the records must be provided.

3. Identifying Potentially Exempt Records. The PRO is responsible for identifying records that are potentially exempt or contain potentially exempt information for all departments. The PRO may work with Law Enforcement officials and a legal advisor to determine if any exemption applies.

D. Exemptions

1. Exemptions. The PRA and other statutes exempt from or prohibit disclosure of certain public records. It is the policy of the City to provide prompt and helpful access to all public records in the City's custody that are not exempt or prohibited from disclosure. Requested records may only be withheld or redacted consistent with the law, which shall be documented for the requestor in accordance with the requirements of RCW 42.56.210.

Some public records that are otherwise subject to disclosure may contain specific content that is exempt from disclosure. The presence of exempt information does not necessarily exempt an entire record from disclosure. Exempt portions of an otherwise disclosable record shall be redacted prior to inspection or copying and such redactions shall be documented. The requestor shall be notified of the redaction in accordance with the requirements of RCW 42.56.210.

Appendix A contains a list of statutory exemptions and prohibitions that are not included in the PRA. The City reserves the right to assert any exemptions permitted by law when the City determines non-disclosure serves the public interest and is not limited to the exemptions listed in Appendix A.

2. Withholding Logs and Redaction Logs. When records are withheld or redacted, the requestor shall be informed in writing the statutory citation for the exemption and a brief explanation of how the exemption applies. For withheld records, the City will also provide basic identifying information for each withheld record including the type of record, the date the record was created, the author, and recipients, if any.

E. Charges for Copying Public Records

The fees set forth in this section are default fees set pursuant to RCW 42.56.120. The City finds that calculating the actual cost of providing public records would be unduly burdensome given the limited staff resources and funding to dedicate to a comprehensive study to determine actual copying costs and that conducting such a study would interfere with the City's other essential agency functions.

No fee shall be charged for the inspection of Public Records.

No fee shall be charged when the request is made by a federal, state, or local agency.

No fee shall be charged for a records request that would not exceed a total cost of \$1.00.

1. Copies. The City will charge one or more of the following charges for copies:

(a) Fifteen cents per page for photocopies of public records or printed copies of electronic public records when requested by the person requesting records;

(b) Ten cents per page for any paper documents that are scanned so they can be produced in electronic format;

(c) Five cents per each four electronic files or attachments uploaded to email, cloud-based data storage service, or other means of electronic delivery;

(d) Ten cents per gigabyte for the transmission of public records in an electronic format;

(e) The actual cost of any digital storage media or device provided by the City;

(f) Cost, including taxes, actually charged by any third-party vendor used to make copies;

(g) Postage and shipping costs, including the cost of any containers used in shipping;

(h) Up to a \$2.00 flat fee as an alternative to other authorized fees when the City reasonably estimates and documents that the costs allowed are clearly equal to or more than \$2.00;

(i) A customized service charge if the City estimates that the request would require the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations or customized access services are not used for any other City purposes. The customized service charge may reimburse the City up to the actual cost of providing the services; and

(j) Redaction costs for the production of body worn camera recordings, including the actual cost of redaction software technology and the PRO's time spent on redaction of the records.

2. Deposits. Before copying any record, the City may require a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, the City may charge for each installment. The decision not to request a deposit shall not serve to waive the City's right to request a deposit for future requests. If an installment is not claimed and paid for within thirty (30) days of having been notified the records are available or if the Requestor has not contacted the PRO within this thirty (30) day period to make arrangements to pay for the records outside of this thirty (30) day period, the City is not obligated to fulfill the balance of the Records Request.

3. Copies of Electronic Records. Records available in electronic format that do not require redaction may be provided in native format unless the requestor specifically asks that they be provided in paper or other form. Electronic records that require redaction usually cannot be produced in a native format and will be converted to paper or PDF. When requested and deemed feasible, electronic records may be converted from one format to another provided such conversion is not unduly burdensome.

F. Inspection of Records

1. Notice. Once the PRO has collected all responsive records (or the first installment if the records are being produced on an installment basis), has reviewed the responsive records to remove exempt records, and has prepared an exemption log, the PRO shall notify the Requestor that the records are available.

2. Response by Requestor. If the Requestor does not contact the PRO to arrange for payment of the copies or for review of the records within thirty (30) days after the date of the notice, the City may consider the Records Request abandoned, unless the Requestor seeks an additional amount of time within thirty (30) days to review the records.

3. Protection of Records. In order for Public Records to be protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:

(a) No Public Records shall be removed from the Mayor's Office without the PRO's permission;

(b) Inspection of any Public Records shall be conducted in the presence of the PRO or designated staff;

(c) No public record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;

(d) Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by City staff; and

(e) Public records of the City may be copied only on the copying machines of the City unless other arrangements are made by the PRO.

4. Loss of Right to Inspect. Inspection shall be denied and the records withdrawn by the PRO if the Requestor, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the City.

5. Closing the File. Once all copies of requested records have been provided to the Requestor, the Requestor has reviewed the requested records, or thirty (30) days have passed since the Requestor was notified that the records were available and the Requestor has failed to claim, review, or pay for the records, the PRO shall close the request.

G. Administrative Review of Denial. A Requestor may ask for review of a decision to withhold or redact exempt records by submitting a written petition to the PRO that includes a copy of the redaction or exemption log or detailed description of the City's statement of withholding. The request for review and any relevant information shall be forwarded immediately to the City's Public Records Attorney, who shall consider the petition and either

reverse or affirm the denial within two days of the City’s receipt of the petition. The City and the Requestor may mutually agree to a longer period of time for consideration of a petition for review. If the withholding or redaction is affirmed, the decision shall be considered the City’s final action for the purposes of judicial review. If the decision to withhold or redact is reversed, the PRO shall proceed to make the subject records available to the requestor for inspection in accordance with the provisions of this policy and procedure.

H. Index of Public Records

For the reasons stated in Resolution D-960, incorporated herein by reference, the City finds that it would be unduly burdensome and would interfere with City operations to maintain an index of records. The City will make available for public disclosure all indices which may at a future time be developed for City use.

I. Disclaimer of Liability

Neither the City nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as “shall,” nothing in this policy is intended to impose mandatory duties on the City beyond those imposed by state and federal law.

Appendix A

See the [Attorney General's Sunshine Committee](#) webpage for the most up-to-date list of public disclosure exemptions. It is created annually by the Code Reviser's Office.

Washington State Statutes

RCW 2.64.111	Judicial conduct commission investigations of judges and initial proceedings
RCW 4.24.550	Information on sex offenders
RCW 4.24.601 and .611	Trade secrets and confidential research, development or commercial information re products or business methods
RCW 5.60.060	Privileged communications
RCW 5.60.070; RCW 7.07.070	Mediation records
RCW 7.68.140	Victims’ compensation claims
RCW 7.69A.030(4)	Name, address and photograph of child victim or child witness
RCW 7.69A.050	Child victims and witnesses of certain crimes – protection of address
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.02.100	Reproductive privacy

RCW 9.41.097(2)	Mental health information re persons
RCW 9.41.129	buying pistols or applying for CPLs
RCW 9.73.230	Concealed pistol license applications
RCW 9.51.050	Name of confidential informants in written
RCW 9.51.060	report on wire tapping
RCW 9.73.090(1)(c)	Disclosing transaction of grand jury
	Disclosure of grand jury deposition
	Prohibition on disclosure of law
	enforcement dash cam videos until final
	disposition of litigation
RCW 9A.44.138	Offender registration information given to
	high school or institution of higher
	education re an employee or student
RCW 9A.82.170	Financial institution records re criminal
	profiteering act
RCW 10.27.090	Grand jury testimony/evidence
RCW 10.27.160	Grand jury reports – release to public only
	by judicial order
RCW 10.52.100	Records identifying child victims of sexual
	assault
RCW 10.77.205	Information re victims, next of kin, or
	witnesses requesting notice of release of
	person found not guilty of a sex, violent, or
	felony harassment offense by reason of
	criminal insanity and the notice itself
RCW 10.52.100	Records identifying child victim of sexual
	assault
RCW 10.77.210	Records of persons committed for criminal
	insanity
RCW 10.97.040	Criminal history information released must
	include disposition, with some exceptions
RCW 10.97.050	Conviction and criminal history information
RCW 10.97.060	Deletion of certain criminal history record
	information, conditions
RCW 10.97.070	Disclosure of identity of suspect to victim
RCW 10.97.080	Inspection of criminal record by subject
RCW 10.97.130	Information about victims of sexual assault
	under age eighteen
RCW 10.101.020(3)	Information given by an accused regarding
	determination for indigent defense
RCW 13.34.115	Court dependency proceedings
RCW 13.40.217	Juveniles adjudicated of sex offenses –
	release of information
RCW 13.50.010	Maintenance of and access to juvenile
	records
RCW 13.50.050	Juvenile offender records

RCW 13.50.100	Juvenile/children records not relating to offenses
RCW 13.60.020	Missing children or endangered person information
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 18.19.060	Notification to clients by counselors
RCW 18.19.180	Confidential communications with counselors
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.34.240(3)	Private digital signature keys
RCW 19.215.030	Compliance with federal rules
RCW 26.04.175	Name and address of domestic violence victim in marriage records
RCW 26.12.170	Reports of child abuse/neglect with courts
RCW 26.23.050	Child support orders
RCW 26.23.120	Child support records
RCW 26.26.041	Uniform Parentage Act – protection of participants
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.33.330	Sealed court adoption records
RCW 26.33.340	Agency adoption records
RCW 26.33.343	Access to adoption records by confidential intermediary
RCW 26.33.380	Adoption – identity of birth parents confidential
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.031	Information related to reports of child abuse or neglect
RCW 26.44.125	Reports, reviews and hearings related to a review of abuse finding
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 29A.08.720	Voter registration records – place of registration and any decision not to register to vote confidential
RCW 29A.08.710	Voter registration records – certain information exempt
RCW 35.102.145	Municipal business and occupation tax – local ordinance can protect return or tax information
RCW 36.28A.060(8)	Tactical and intelligence information provided to WASPC

RCW 39.10.470(2)	Alternative public works - trade secrets or other proprietary information submitted by bidder in connection with an alternative public works transaction if data identified and reasons stated in writing
RCW 39.10.470(3)	Alternative public works – proposals submitted by design-build finalists until notification of highest scoring finalist is made
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 43.43.762	Contents of statewide criminal street gang database
RCW 46.52.065	State toxicologist records relating to analyses of blood samples
RCW 46.52.080	Traffic accident reports – confidentiality
RCW 46.52.083	Traffic accident reports – available to interested parties
RCW 46.52.120	Traffic crimes and infractions – confidential use by police and courts
RCW 46.52.130(2)	Abstract of driving record – limited disclosure
RCW 48.62.101	Local government insurance/risk management liability reserve funds established to settle claims
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of confidential employment security records allowed if identifying information deleted or with consent
RCW 51.28.070	Worker’s compensation records confidential – limited disclosure
RCW 51.36.060	Physician information on injured workers
RCW 60.70.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports – confidential – limited disclosure
RCW 68.50.320	Dental identification records – available to law enforcement agencies
Ch. 70.02 RCW	Medical records – access and disclosure – entire chapter (information from HC providers)

RCW 70.05.170	Child mortality reviews by local health departments
RCW 70.24.022	Public health agency information regarding sexually transmitted disease investigations - confidential
RCW 70.24.024	Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.28.020	Local health department TB records – confidential
RCW 70.41.200	Hospital quality improvement committee records and accreditation reports
RCW 70.48.100	Jail records and booking photos
RCW 70.58.055	Birth certificates – certain information confidential
RCW 70.58.104	Vital records, research confidentiality safeguards
RCW 70.94.205	Washington Clean Air Act – confidentiality of data.
RCW 70.96A.150	Registration and other records of alcohol and drug abuse treatment programs
RCW 70.123.075	Client records of domestic violence programs
RCW 70.125.065	Records of community sexual assault program and underserved populations provider in discovery
RCW 71.05.425	Notice of release or transfer of committed person after offense dismissal
RCW 71.05.445	Release of mental health information to Dept. of Corrections
RCW 71.05.620	Access to court records related to mental health cases under chapter 71.05 RCW
RCW 71.24.035(5)(g)	Mental health information system – state, county and regional support networks – confidentiality of client records
RCW 71.34.335	Mental health treatment of minors – records confidential
RCW 71A.14.070	Records regarding developmental disability – confidentiality
RCW 72.09.345	Notice to public about sex offenders – department of corrections access to information
RCW 72.09.585	Disclosure of inmate records to local agencies – confidentiality
RCW 73.04.030	Veterans discharge papers exemption (see related RCW 42.56.440)

RCW 74.04.060	Applicants and recipients of public assistance
RCW 74.04.520	Food stamp program confidentiality
RCW 74.13.075(5)	Juvenile's status as a sexually aggressive youth and related info
RCW 74.13.280	Children in out-of-home placements - confidentiality
RCW 74.20.280	Child support enforcement – local agency cooperation, information
RCW 74.34.095	Abuse of vulnerable adults - confidentiality of investigations and reports
RCW 82.32.330	Disclosure of tax information
RCW 84.36.389	Confidential income data in property tax records held by assessor
RCW 84.40.020	Confidential income data supplied to assessor regarding real property

Selected Federal Confidentiality Statutes and Rules

18 USC § 2721 - 2725	Driver and License Plate Information
18 USC § 923(g); Public Law 112-55, div. B, title II, 125 STAT. 609	Firearms trace data provided to local law enforcement by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
20 USC § 1232g	Family Education Rights and Privacy Act
23 USC § 409	Evidence of certain accident reports
42 USC 290dd-2	Confidentiality of Substance Abuse Records
42 USC § 405(c)(2)(C)(viii) (I)	Limits on Use and Disclosure of Social Security Numbers.
42 USC 654(26)	State Plans for Child Support
42 USC 671(a)(8)	State Plans for Foster Care and Adoption Assistance
42 USC 1396a(7)	State Plans for Medical Assistance
42 USC § 5106a	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
7 CFR 272.1(c)	Food Stamp Applicants and Recipients
34 CFR 361.38	State Vocational Rehabilitation Services Programs
42 CFR Part 2 (2.1 - 2.67)	Confidentiality of Alcohol and Drug Abuse Patient Records
42 CFR 431.300 - 307	Safeguarding Information on Applicants and Recipients of Medical Assistance
42 CFR 483.420	Client Protections for Intermediate Care Facilities for the Mentally Retarded
42 CFR 5106a	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160-164	HIPAA Privacy Rule
46 CFR 40.321	USCG regulations regarding confidentiality

CITY OF CHENEY
CITY COUNCIL ACTION REQUEST

ISSUE:	SR 904 Speed Limit Reduction Ordinance	AGENDA ITEM #:	22-012
DEPT. OF ORIGIN:		DATE:	1/18/2022

EXHIBITS ATTACHED OR REFERENCED:	(1) Ordinance Y-23
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Council Committee Recommendation	Yes		No		None
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DEPT/DEPT HEAD INITIALS	APPROVE	DO NOT APPROVE	NO COMMENT	COMMENTS
Public Works/TA	TA			

	EXPENDITURE REQUIRED:		AMOUNT BUDGETED
FISCAL IMPACT	APPROPRIATION REQUESTED:		

SUMMARY:	WSDOT conducted a traffic study and has given preliminary approval to reduce the speed limit on SR 904 from 45 mph to 35 mph from mile post 9.41 (west of Presley Drive) to mile post 10.66 (existing 35 mph zone. Since the speed limit reduction is within the City of Cheney, passage of an ordinance or resolution is required to move forward with the reduction of speed limit.
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COUNCIL ACTION REQUESTED:	2 nd Reading of Ordinance Y-23
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APPROVED FOR AGENDA

DISAPPROVED

January 25, 2022

COUNCIL MEETING DATE

MAYOR/CITY ADMINISTRATOR

City of Cheney
609 Second Street
Cheney, WA 99004

CITY OF CHENEY, WASHINGTON

ORDINANCE NO. Y-23 (Decrease of speed limit on SR 904)

AN ORDINANCE AMENDING TITLE 11 ENTITLED “TRAFFIC” OF THE CHENEY MUNICIPAL CODE AND PROVIDING FOR OTHER MATTERS RELATED THERETO

WHEREAS, The Washington State Department of Transportation (WSDOT) conducted a traffic study on SR 904 from MP 9.41 to MP 10.66 and is recommending a speed limit reduction from 45 MPH to 35 MPH; and

WHEREAS, in order to change the speed limit on SR 904 from MP 9.41 to MP 10.66 to 35 MPH, the City of Cheney must pass an Ordinance or Resolution.

NOW, THEREFORE, the City Council of the City of Cheney, Washington, do ordain as follows:

Chapter 11.16 – Speed Limits

Section 1. Amendment. Section 11.16.020 - Decrease of speed limit on SR 904 and Cheney-Spokane Road.

It is hereby determined upon the basis of engineer and traffic investigation that the speed permitted by state law on the following highways within the corporate limits is greater than is reasonable under the conditions found to exist on the highways, and it is hereby declared that a reasonable and safe speed limit is:

- (a) The existing 55 mph speed limit on SR 904 from mile post 9.10 to mile post 9.97 be decreased and signed accordingly to 45 mph; and
- (b) The existing 55 mph speed limit on SR 904 from mile post 12.22 to mile post 12.50 be decreased and signed accordingly to 45 mph; and
- (c) The existing 45 mph speed limit on Cheney-Spokane Road from P.R.C.C. Railroad to east city limit be decreased and signed accordingly to 35 mph.
- (d) The existing 45 mph speed limit on SR 904 from mile post 9.41 to mile post 10.66 be decreased and signed accordingly to 35 mph

(Ord. No. R-48, § 1, 1998)