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Valderrama v. City of Sammamish

Court of Appeals of Washington, Division 1 - December 16, 2024 - P.3d - 2024 WL 5116865

Requester, a former city council member, brought action alleging city violated Public Records Act (PRA) by failing to adequately search for and produce records of communications between certain current and former council members and city residents stored on council members' personal electronic devices.

City brought motion for summary judgment and requester brought motion for partial summary judgment. The Superior Court, King County, Paul M. Crisalli, J., granted city's motion and denied requester's motion. Requester appealed.

The Court of Appeals held that:

- City conducted adequate search for records;
- Council member's alleged delay in responding to city's request to search for responsive records on his personal devices did not amount to bad faith in executing his affidavit describing nature and scope of his search;
- Requester failed to show council member executed in bad faith his affidavit describing nature and scope of his search where there was no evidence council member used certain application for city business;
- Allegation that council member told former colleague he could feign a lack of member to manipulate depositions in connection with requester's action alleging city violated PRA did not amount to bad faith;
- Allegation that council member intentionally used encrypted digital messenger application to communicate with city residents did not amount to bad faith;
- Requester failed to show council member intentionally deleted responsive records;
- Requester failed to show fact dispute as to whether council member sought to delete responsive information was material to issue of whether city conducted adequate search;
- Message from city manager directing council member to delete emails was not evidence of bad faith; and
- Requester was not entitled to attorney fees on appeal.