NO. _____



(Court of Appeals No. 59242-8-II)
(Clark County Superior Court No. 23-2-01464-06)

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

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ERIC HOOD,

Plaintiff/Respondent,

vs.

CITY OF VANCOUVER,

Defendant/Petitioner.

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# PETITION FOR REVIEW

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## I. IDENTITY OF PETITIONER

Petitioner is the City of Vancouver ("Vancouver"), defendant in the trial court and respondent at the Court of Appeals.

## II. COURT OF APPEALS DECISION

Vancouver seeks review of the Court of Appeals' opinion dated March 4, 2025. *See Hood v. City of Vancouver*, 564 P.3d 1009 (Wash. Ct. App. 2025), *reproduced in* Appendix A. The court denied reconsideration on April 15, 2025. A copy of that order is reproduced in Appendix B.

## III. ISSUES PRESENTED FOR REVIEW

(1) Whether a Court of Appeals commits reversible error by expressly considering materials filed after a trial court entered summary judgment to determine, on de novo review, whether the trial court properly decided summary judgment.

(2) Whether an agency complies with the Public Records Act when it provides all records it believes are requested, withholds and redacts nothing, follows the Attorney General's guidance as embraced by this Court last year and asks

for clarification if the scope of the request was misinterpreted, and takes no further action when the requester refuses to clarify.

## IV. STATEMENT OF THE CASE

To properly understand this case's context, it is necessary to explain the State Auditor's Office's ("SAO") audit process in conjunction with the distinction between two separate government entities: the City of Vancouver ("Vancouver") and the Vancouver Downtown Redevelopment Authority ("DRA").

### A. Background of State Audit Process & Distinction between Vancouver and DRA.

The SAO "examin[es] … the financial affairs of all local governments." RCW 43.09.260(1). The term "local governments" encompasses cities like Vancouver and any other municipal corporation, "however denominated." RCW 43.09.260(3). Through audits, the SAO determines whether local governments have, in any way, failed to comply with state law when managing their finances. RCW 43.09.260(5); *see also* CP 428. If the SAO finds noncompliance—called a "finding" for short—the entity can respond, which enables the SAO to reconsider through "Auditor's Remarks." CP 428. This

colloquy—findings, response, remarks—appears in a single report maintained publicly on the SAO's website. *Id.*; *see* http://sao.wa.gov/reports-data/audit-reports (last visited May 15, 2025). Vancouver's website provides a direct link to this public database to enable direct access to all "[a]udit reports issued after 2014." *See* https://www.cityofvancouver.us/government/department/financial-and-management-services/financial-reports (last visited May 15, 2025); *see also* CP 428-29. Vancouver's Internal Auditor, Jordan Sherman, uses this same link to access all audit reports, responses, and/or remarks. CP 430.

Two separate government entities are germane to this case: Vancouver and the DRA. In 1997 Vancouver exercised its power conferred by RCW 35.21.730(5), creating the DRA to develop and own "the Vancouver Hotel and Convention Center Project." VANCOUVER MUNICIPAL CODE (VMC) 2.73.010(A).[1] By code, the DRA "is an independent legal entity exclusively responsible for its own debts, obligations and liabilities." VMC

[1] Pertinent sections of chapter 2.73 VMC appear in Appendix E. *See* RAP 13.4(c)(9).

2.73.010(B). Though the DRA has no paid employees, Vancouver's Chief Financial Officer, Natasha Ramras, also serves as the DRA's Executive Director. CP 21, 430. While Vancouver monitors the DRA's finances and prepares financial statements, the SAO audits the DRA independently and separately from Vancouver. CP 430.

### B. Hood's Request & Vancouver's Response

On May 27, 2022, Respondent Eric Hood sent the following email to Ramras:

> I understand that your organization was recently audited by the state auditor and a report was published. May I have all records it got from the auditor and all records of its response to the audit or to the audit report, including any changes to policy or practices? Please provide records electronically by email or file share.

CP 16. Ramras and Sherman both believed "your organization" referred to Vancouver, CP 21, 430, given that the most recent audit report included a finding that Vancouver's "internal controls were not adequate to ensure accurate financial reporting," STATE AUDITOR, Report 1027245 (City of Vancouver) (Oct. 29, 2020) (available via embedded hyperlink),

at 6. Accordingly, on May 31, 2022, Sherman sent Hood a hyperlink to access the report, CP 430, 436, which contained Vancouver's response to the audit and any auditor remarks, CP 428, 436.[2] Sherman also explained the audit process and how the SAO website was "the best place to get the most current audit results," going so far as to provide Hood with the information to "sign up for notifications to be emailed to you letting you know when a new report is published." CP 436.

Vancouver's Public Records Officer Raelyn McJilton registered Hood's request in Vancouver's cloud-based public records management software, which sent an automated message to Hood to track the request and response. Hood emailed later that day, stating "I made a request to the Downtown Redevelopment Authority on 5/27." CP 34. This prompted an email from Vancouver's Public Records Officer Raelyn McJilton the following day (June 1), advising Hood "to type in 'Downtown Redevelopment Authority'" on the SAO website. CP 33. The DRA's most recent audit as of Hood's request was

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[2] Hood admitted that Vancouver complied with the PRA by supplying him a link to access the SAO reports. CP 321.

"for fiscal year 2020" and had no findings of noncompliance, which meant "there was never any response." CP 430. McJilton followed up an hour later, stating that Hood's "request require[d] clarification," providing the link once again. CP 32. McJilton further asked, "Can you please tell me what else are you seeking?" CP 32. Hood responded:

> Regarding the most recent state audit, I seek all records the Downtown Redevelopment Authority got from the auditor and all records of its response to the audit or to the audit report, including any changes to policy or practices.

CP 31 (emphasis added). Hood's "clarification" was verbatim to his original request, except: (1) the phrase "recently audited" was amended to "the most recent state audit," and (2) "your organization" was changed to "Downtown Redevelopment Authority." *Compare* CP 31 *to* 436. McJilton interpreted Hood's "clarification" as "essentially repeat[ing] his earlier request." CP 26.

On Ramras's direction, McJilton consulted with Sherman to determine "the best locations where to find responsive records," utilizing the search terms "audit" and "state audit." CP 26. McJilton looked exactly where Sherman advised and found

46 pages of records containing those terms. CP 26. No record referenced the DRA, CP 40-85, but McJilton "believed [them] to be responsive" anyway and produced them without redaction on June 21, 2022. CP 26, 40-85. In so doing, McJilton wrote: "If you feel that there are any missing documents *or additional types of materials that your request sought*, which are not included in the enclosed response, *please contact me so your request may be clarified*." CP 29 (emphasis added). Hood never responded. CP 27. Because Hood never advised "that the City's production or interpretation was deficient in any way" and never offered "clarification after [she] submitted the city's production," McJilton deemed the request closed. CP 27. McJilton confirmed that "[h]ad [Hood] provided clarification that his request was intended to encompass any record other than what was produced, the City would have produced it." *Id.*

What neither McJilton nor anyone else knew was that Hood had been sending the exact request to other Washington agencies and suing them for their responses. *See*, *e.g.*, *Hood v. City of Prescott*, No. 39618-5-III (Wash. Ct. App. Apr. 30, 2024), slip op. at 2; *Hood v. Centralia Coll.*, No. 56213-8-II (Wash. Ct.

App. Aug. 2, 2022), slip op. at 2; *Hood v. Columbia County*, 21 Wn. App. 2d 245, 247, 505 P.3d 554 (2022); *Hood v. City of Nooksack*, No. 82081-8-I (Wash. Ct. App. Aug. 2, 2021), slip op. at 1. And contrary to the position Hood advanced in this litigation, he argued in at least one other case that the identically worded request encompassed records other than emails. *Nooksack*, slip op. at 4.

### C. Procedural history

Hood waited 360 days after McJilton's June email to sue Vancouver. CP 3-8. Vancouver moved for summary judgment, scheduling the hearing 28 days later. CP 87. The motion was supported by declarations from Ramras, McJilton, and Sherman. CP 20-86, 425-37.[3] Through counsel, Hood filed two documents: a declaration and response brief. CP 106-313, 314-25. In his declaration, Hood quoted from the materials submitted in support of summary judgment, CP 107-10, argued with those statements, *id.*, and supplied correspondence of a supplemental production

[3] The original filing of Sherman's declaration inadvertently omitted the signature. CP 9-19. The error was corrected by way of praecipe. CP 425-37. Hood never objected to consideration of the corrected declaration.

of records postdating Hood's May 27, 2022 request, CP 111. His declaration further asserted "[u]pon information and belief [that] the City continues, in bad faith, to withhold records responsive to Hood's June 2, 2023 [sic] clarified public records request to the city." CP 112. But while acknowledging that his request sought only "records the *Downtown Redevelopment Authority* got from the auditor," Hood asserted his "belief" that that the request encompassed records sent and received "by *the City*," speculating that "Sherman considers the DRA to be part of the City, not a distinct entity." CP 112-13. Seeking to validate his belief that records were withheld, his declaration advised the trial court that he had submitted a separate records request to the SAO in September 2023. CP 312-13. But unlike his request in this case seeking "all records the *Downtown Redevelopment Authority* got from the Auditor," CP 31, his September 2023 request to the SAO sought "all records *the City of Vancouver* got from the SAO," CP 312-13 (emphasis added). Additionally, with respect to the DRA, Hood limited his SAO request to Report Number 1031704. CP 312. That report, which appears in the record, was not published until December 29, 2022—seven months *after*

Hood's May 2022 request. CP 261-86. In other words, Hood sought from the SAO a different scope of records than what he requested from the DRA.

Hood never filed a CR 56(f) motion or CR 56(f) declaration or affidavit. Due to the original judge's recusal and unavailability of counsel, the hearing was continued two months. CP 338-39. At no time prior to the December 1, 2023, summary judgment hearing did Hood file anything else.

The trial court granted Vancouver's motion and dismissed Hood's complaint. *Id.* Ten days later, Hood moved for reconsideration under CR 59(a)(4), supplying the trial court for the first time an "index" of emails received from the SAO in response to his request for "records the City of Vancouver got" in relation to the SAO's audit of the DRA resulting in the December 2022 audit report. CP 346-51. Notably, Hood received this index (and presumably the emails) more than 11 days prior to the summary judgment hearing. CP 338-39, 346. The record does not disclose the substance of those emails, though the index suggests four predated Hood's May 2022 request. CP 351. The trial court denied reconsideration. CP 398-99.

The Court of Appeals reversed applying exclusively a de novo standard of review. *Hood*, 546 P.3d at 1016-19. It held the phrase "records the Downtown Redevelopment Authority got from the auditor" clearly encompassed emails received by Vancouver because "there [wa]s some evidence that related emails existed." *Id.* at 1019. That "evidence" consisted entirely of what Hood filed *after* summary judgment was entered. *Id.* at 1015, 1019. Moreover, the court held that Vancouver could not seek clarification in its production letter to confirm that it adequately interpreted the scope of Hood's request. *Id.* at 1017-18.[4]

[4] The appellate court mistakenly cited RAP 2.4(b) as permitting review of the underlying summary judgment order despite Hood failing to properly attach that order to his notice of appeal. *Hood*, 546 P.3d at 1015 n.1. The correct rule is RAP 2.4(c), which permits review of "a final judgment not designated in the notice of appeal if the notice designates an order deciding a timely … motion for reconsideration." *Davies v. Holy Family Hosp.*, 144 Wn. App. 483, 492, 183 P.3d 283 (2008). Should the Court grant review, it should correct the appellate court's misstatement.

## V. ARGUMENT

Supreme Court review is warranted whenever a Court of Appeals opinion "is in conflict with a decision of the Supreme Court [or] another decision of the Court of Appeals," or "the petition involves an issue of substantial public interest that should be determined by the Supreme Court." RAP 13.4(b)(1), (b)(2), (b)(4). All three criteria present themselves here.

First, the lower court's expansion of the summary judgment record beyond that which the trial court considered conflicts with multiple published decisions of this Court and the Court of Appeals applying RAP 9.12's plain language.

Second, the court's analysis conflicts with precedent in two serious and material ways. First, it wrongfully undermines an agency's ability, right, and duty to continuously seek clarification from a requester after an initial five-day response, an approach wholly inconsistent with this Court's decision last year adopting and embracing WAC 44-14-04006(1). *See Cousins v. State*, 3 Wn.3d 19, 48, 546 P.3d 415 (2024). Second, the opinion wrongfully asserts the scope of a records request is clear under RCW 42.56.520(3) when one interpretation is

possible. *Hood*, 564 P.3d at 1016-17. This precedent, if left uncorrected, promotes continued use of the bait-and-switch tactic utilized by Hood to manufacture a PRA lawsuit when agencies seek to discern what records are requested and the requester remains silent.

### A. The opinion wrongfully authorizes appellate courts to expand the summary judgment record beyond that which the trial court considered.

Washington courts have long reaffirmed that appellate courts "stands in the same position as the trial court" when reviewing summary judgment orders. *Tran v. State Farm Fire & Cas. Co.*, 136 Wn.2d 214, 224, 961 P.2d 358 (1998); *see also Billings v. Town of Steilacoom*, 2 Wn. App. 2d 1, 31-32, 408 P.3d 1124 (2017). RAP 9.12 implements this policy, confining review to "only *evidence and issues* called to the attention of the trial court." (Emphasis added). The rule is "simple [and] mandatory," ensuring the "reviewing court [has] *the exact composition of the record before the superior court at the time the summary judgment ruling was rendered.*" *Green v. Community Club*, 137 Wn. App. 665, 679, 151 P.3d 1038 (2007) (emphasis added); *accord Riojas v. Grant County PUD*, 117 Wn. App. 694, 696 n.1,

72 P.3d 1093 (2003) (refusing to consider declaration filed after summary judgment order).

Illustrating the rule's importance, this Court summarily reversed a decision overturning a summary judgment order without knowing what the trial court considered. *LeBeuf v. Atkins*, 93 Wn.2d 34, 37, 604 P.2d 1287 (1980). In *LeBeuf* a defendant obtained summary judgment dismissal of a medical malpractice suit, but the trial court's order merely stated it "reviewed the files and records herein." *Id.* at 36. The Court of Appeals reversed the dismissal, but this Court reversed, *id.* at 37., remanding so that the trial court could "certify the *precise evidence* it considered in granting defendant's motion for summary judgment." *Id.* at 35 (emphasis added).

Parties retain the ability to present new evidence after an adverse summary judgment ruling, but their right to do so is limited. *See* CR 59(a)(4). That rule vests trial courts with considerable discretion to reject evidence that could have been obtained earlier with reasonable diligence. *In re Recall of Fortney*, 196 Wn.2d 766, 784, 478 P.3d 1061 (2021); *Go2net, Inc. v. C I Host, Inc.*, 115 Wn. App. 73, 88, 60 P.3d 1245 (2003).

Conversely, a trial court is *required* to consider evidence filed before the summary judgment hearing—even if filed outside of CR 56(c)'s timelines—absent a proper balancing of the *Burnet*[5] factors. *Keck v. Collins*, 184 Wn.2d 358, 368-69, 357 P.3d 1080 (2015).

Here, the Court of Appeals' opinion squarely conflicts with this precedent by hinging its conclusion that a genuine issue of fact existed on "evidence that related emails existed," specifically "four … emails [that] were dated before … Hood made his initial public records request to the City," *Hood*, 564 P.3d at 1015, 1019. The substance of these emails is absent from the record, and their existence was irrefutably withheld until ten days *after* summary judgment. CP 342-60. The trial court properly rejected the evidence because Hood could have obtained the records long before the summary judgment hearing through reasonable diligence. *Accord Jones v. City of Seattle*, 179 Wn.2d 322, 367, 314 P.3d 380 (2013) (applying analogous CR 60(b)(3), holding trial court had discretion to conclude

[5] *Burnet v. Spokane Ambulance*, 131 Wn.2d 484, 933 P.2d 1036 (1997).

defendant failed to sufficiently investigate issue and therefore new "evidence" did not justify new trial). In fact, the records *were obtained* prior to the hearing. CP 338-39, 346. While the trial court's rejection of the evidence was reviewable, the appellate court was required to afford deference to the decision. *Fortney*, 196 Wn.2d at 784. This published authority now permits appellate courts to review de novo evidence submitted after summary judgment. *Contra* RAP 9.12.

More fundamentally, the summary judgment record confirmed Hood sought records from the State that were *different* from what he requested from Vancouver. His request to Vancouver was for records "*the Downtown Redevelopment Authority* got from the auditor" regarding the audit completed as of May 27, 2022. CP 38. Conversely, Hood submitted two requests to the SAO in September 2023. CP 312-13. Both sought "records *the City of Vancouver got from the SAO*," one relating to the SAO's audit of the DRA and the other relating to the SAO's audit of the City. CP 312-13. Additionally, his September 2023 request referencing the DRA sought what "*the City of Vancouver* got from the auditor" regarding a different audit,

namely the one completed on December 29, 2022. CP 261, 312 (emphasis added). In short, neither request sought what his request underlying this lawsuit sought, namely "records *the Downtown Redevelopment Authority* got from the SAO" that were "[r]egarding the most recent state audit" as of May 27, 2022. CP 31 (emphasis added).

Contrary to Hood's speculation to the contrary, the DRA is an independent municipal corporation legally distinct from the City of Vancouver. VMC 2.73.010(B). To conclude responsive records exist from Hood's September 2023 declaration—which is all that should have been considered, RAP 9.12—a court must presume missing facts. Case law squarely forbids that approach. *Lujan v. Nat'l Wildlife Fed'n*, 497 U.S. 871, 889, 110 S. Ct. 3177, 111 L. Ed. 2d 695 (1990).[6]

In sum, the Court of Appeals' analysis irreconcilably conflicts with published precedent applying RAP 9.12. Review is necessary to correct this error. RAP 13.4(b)(1), (2).

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[6] Washington follows the United States Supreme Court's interpretations of CR 56's federal counterpart. *Young v. Key Pharm., Inc.*, 112 Wn.2d 216, 226, 770 P.2d 182 (1989).

### B. The analysis below cannot be reconciled with this Court's adoption of the Attorney General's model rules governing production letters.

In addition to disregarding RAP 9.12, the court couched its reversal on two other conclusions. First, it held the statutory right of an agency to seek clarification does not apply when an agency produces records in response to a request, and in so doing asks whether the records produced are what the requester sought. Second, it held the portion of Hood's request seeking "all records [the DRA] got from the auditor" was "clear" under RCW 42.56.520(3). *Hood*, 564 P.3d at 1017-18. Both conclusions are wrong and warrant review.

#### 1. An agency is not only authorized but encouraged to seek clarification from a requester when it produces records to ensure the scope of the request was properly interpreted.

The Court of Appeals held that McJilton could not seek clarification and/or confirmation in her June 21, 2022, email that what Vancouver produced was the "type[] of materials that [Hood] sought," CP 29, asserting that "RCW 42.56.520(3) … does not contemplate clarification *after* a responding agency closes the request." *Hood*, 564 P.3d at 1017 (italics in original).

Contrary to this view, this Court made clear that "there are many other ways an agency may respond, whether permitted under the statute or not, to a public records request." *Belenski v. Jefferson County*, 186 Wn.2d 452, 459, 378 P.3d 176 (2016). *Cousins* took that principle further, confirming not only that closing letters are appropriate despite the absence of any express PRA language permitting them, but also that closing letters should follow "the attorney general's Advisory Model Rules." *Cousins*, 3 Wn.3d at 52. In fact, *Cousins* endorsed the very letter written by McJilton and condemned by the court below:

> When a request is fulfilled, the agency "should provide a closing letter *stating the scope of the request and memorializing the outcome*," including an explanation of how the request was fulfilled (inspection, providing copies, etc.). *Id*. "The closing letter *should also ask the requester to promptly contact the agency if [they] believe[ ] additional responsive records have not been provided*." *Id*. When the closure process is complete, "[a]n agency has no obligation to search for records," although the agency should provide any "later-discovered records to the requester."

*Cousins*, 3 Wn.3d at 47-48 (quoting WAC 44-14-04006(1) & WAC 44-14-04007). Here, McJilton did just that—she produced records in unredacted form and invited Hood to promptly contact

her if Vancouver had misinterpreted the scope of his request in any way, including an offer to produce "*additional types of materials*" if Hood's original request encompassed them. CP 29 (emphasis added). Yet the Court of Appeals nullified McJilton's compliance with the very guidance *Cousins* mandated.

Washington agencies process more than 400,000 public records requests annually. *See* G. Johnston, et al., *2023 Public Records Reporting*, JOINT LEGIS. AUDIT & REVIEW CMTE. (Jan. 2025), at 5. Inevitably, the scope of what requesters seek will be misinterpreted, especially if the request broadly seeks any record "relating to" a topic. Through the same rules to which "this [C]ourt has repeatedly cited … when interpreting provisions of the PRA," *Kilduff v. San Juan County*, 194 Wn.2d 859, 873, 453 P.3d 719 (2019), the Attorney General advises that "[w]hen an agency receives a 'relating to' or similar request, it *should seek clarification of the request from the requester or explain how the agency is interpreting the requester's request*." WAC 44-14-04002(2) (emphasis added). But this guidance makes little sense if an agency is forbidden from "explain[ing] how [it] interpret[ed] the requester's request" through production of

records. *Id.* Yet the opinion below condemned McJilton for doing just that. Vancouver undisputedly produced records beyond just the audit report, response, and remarks. CP 40-85. McJilton "explain[ed] how [Vancouver] [wa]s interpreting [Hood's] request," WAC 44-14-04002(2), by producing records in unredacted form, CP 29. She sought to engage with Hood and ensure he received any "additional types of materials" beyond what was produced. CP 29. But with this Court of Appeals opinion, requesters have a precedential blessing to dupe agencies into believing a request was properly interpreted only to file suit 11 months later claiming a failure to produce records never explicitly requested. *Hood*, 564 P.3d at 1017-18.

Indeed, "closing" letters do no such thing unless the agency clearly states it will no longer produce records, *Cousins*, 3 Wn.3d at 57, meaning McJilton's June 2022 email could be construed as fully "closing" Hood's request only if Hood did not "feel that there [we]re any missing documents or additional types of materials that [his] request sought." CP 29. Vancouver reasonably interpreted Hood's silence as acquiescence that his request sought nothing more than what Vancouver produced.

The opinion's suggestion without citation that Hood had no obligation to respond to Vancouver's clarification request, *Hood*, 564 P.3d at 1018, stands in stark contrast to not only WAC 44-14-04003(4) ("the requestor should periodically communicate with the agency and promptly answer any clarification questions"), but also *Hobbs v. Wash. State Auditor's Office*, 183 Wn. App. 925, 335 P.3d 1004 (2014), which aptly held that "the purpose of the PRA is best served by communication *between agencies and requesters, not by playing 'gotcha' with litigation*." *Id.* at 941 n.12 (emphasis added). When agencies "ma[ke] every effort to cooperate [and] provide the requested records," the PRA does not condone requesters remaining silent to deceive agencies into believing they have produced what was requested. *Id.*; *accord Bd. of Regents v. City of Seattle*, 108 Wn.2d 545, 552-54, 741 P.2d 11 (1987) (equitable estoppel precludes party from asserting claim inconsistent with silence). The Court of Appeals' conclusion to the contrary undermines the very policy that *Hobbs* sought to promote, thereby creating the very conflict warranting Supreme Court review. RAP 13.4(b)(2).

### 2. Where, as here, the scope of a request can reasonably be interpreted to mean two different things, it is by definition "unclear," thereby requiring meaningful clarification before an agency can be faulted for its response.

The PRA provides that agencies "may ask the requester to clarify what information the requester is seeking." RCW 42.56.520(3)(a). Agencies need not respond when a requester refuses to clarify any unclear portion, but a 2017 amendment requires agencies to still "respond … to those portions of the request that are clear." LAWS OF 2017, ch. 303, § 3, *codified at* RCW 42.56.520(3)(b). The Court of Appeals concluded the portion of Hood's request seeking "all records [the DRA] got from the auditor" was sufficiently "clear" under RCW 42.56.520(3) that Vancouver was obligated to search for an undefined scope of emails. *Hood*, 564 P.3d at 1018. This was error.

No court has interpreted the 2017 amendment defining when a "portion[] of [a] request is clear." Courts regularly turn to dictionary definitions to define statutory terms. *Schrom v. Bd. for Volunteer Firefighters*, 153 Wn.2d 19, 28, 100 P.3d 814 (2004). The dictionary defines "clear" as "easily understood:

without obscurity or ambiguity." WEBSTER'S THIRD NEW INT'L DICTIONARY 419 (1966). This definition can be analogized to how courts analyze statutes and contracts. Whereas "[l]anguage is unambiguous when it is not susceptible to two or more interpretations," *State v. Delgado*, 148 Wn.2d 723, 726, 63 P.3d 792 (2003), language becomes ambiguous when it is "fairly susceptible to two or more reasonable interpretations," *First Student, Inc. v. Dep't of Revenue*, 194 Wn.2d 707, 710, 451 P.3d 1094 (2019); *see also Quadrant Corp. v. Am. States Ins. Co*., 154 Wn.2d 165, 180, 110 P.3d 733 (2005) (contract interpretation). Thus, when a PRA request can reasonably be interpreted to encompass some record types and not others, the request is ambiguous and therefore not "without … ambiguity." WEBSTERS, *supra* at 419. In those cases, the agency is "required to seek clarification." *Neigh. All. v. Spokane County*, 172 Wn.2d 702, 727, 261 P.3d 119 (2011).

The court below concluded Hood's request "clearly" encompassed City emails because (1) Sherman mentioned when construing Hood's original request that "'[t]here are lots of back and forth emails' between the City and the state auditor," and (2)

"McJilton opined that Hood was seeking something more than the final report," namely "'records sent/received; to/from; state auditor's office.'" *Hood*, 564 P.3d at 1019 (quoting CP 37, 433). But Sherman referenced "lots of back and forth emails" only when everyone believed Hood was seeking records related to the SAO's audit of *Vancouver*, not the DRA. CP 22, 26, 430, 433. Additionally, the record confirms that the SAO has direct access to all agency records, nullifying the need to submit email requests. CP 26. And—undisputedly—McJilton searched all "locations [that] Mr. Sherman advised would be the best locations where to find responsive records." *Id*. Notably, Sherman is the same person cited as identifying Vancouver's email database as where McJilton should have looked for DRA-specific emails from the SAO. *Hood*, 564 P.3d at 1019. Yet the undisputed record reveals that Sherman did *not* identify email servers as the best location for responsive DRA records. CP 26.

While "all records" could reasonably be construed to include emails, it is also reasonable to conclude the request did not encompass emails. Proving the point: Hood had previously argued that his identical request to another jurisdiction

encompassed records *other* than emails. *Nooksack*, slip op. at 4. It is not uncommon for requesters to start broadly but then narrow the scope to a fraction of what was originally requested. *E.g.*, *Zabala v. Okanogan County*, 5 Wn. App. 2d 517, 520, 428 P.3d 124 (2018). To be sure, Hood took this exact approach after a different agency supplied him with an "exemplar" production. *Hood v. S. Whidbey Sch. Dist.*, No. 73165-3-I (Wash. Ct. App. Sept. 6, 2016), slip op. at 32. Thus, it was not only reasonable for McJilton to seek clarification from Hood, she was required to do so. *Neigh. All.*, 172 Wn.2d at 727. The opinion below undermined Vancouver's efforts to provide "the fullest assistance to" Hood by endorsing his bait-and-switch. RCW 42.56.100. Particularly when Washington agencies process roughly 1,200 requests *daily*,[7] the propriety of seeking a requester's clarification alongside a production is "an issue of substantial public interest that should be determined by the Supreme Court." RAP 13.4(b)(4).

[7] *See* G. Johnson, *supra* at 5 (noting 437,813 requests in 2023, which divided by 365 equals 1,199).

## VI. CONCLUSION

Proper review of summary judgment orders occurs only when "'the appellate court engages in the same inquiry as the trial court.'" *Ellis v. City of Seattle*, 142 Wn.2d 450, 458, 13 P.3d 1065 (2000) (quoting *Trimble v. Wash. St. Univ.*, 140 Wn.2d 88, 92, 993 P.2d 259 (2000)). The Court of Appeals' express consideration of evidence Hood suppressed from the trial court's summary judgment review cannot be reconciled with this policy.

As Chief Justice Stephens adroitly noted, "[c]lear communication between agencies *and public records requesters* is essential to fulfilling the objectives of the PRA," *Gipson v. Snohomish County*, 194 Wn.2d 365, 389, 449 P.3d 1055 (2019) (Stephens, J., dissenting) (emphasis added). Eroding these objectives, the published opinion encourages requesters to lull an agency into believing their request has been satisfied, all the while lurking until the statute of limitations nearly expires to file suit and disclose for the first time unstated categories of records that should have been—and would have been—produced. If left intact, the opinion will wrongly undermine the PRA's goal of

transparency by discouraging open communication between requesters and agencies.

Vancouver respectfully requests this Court grant review and reinstate the trial court's summary judgment order.

*The undersigned certifies that this brief contains 4,990 words, exclusive of words contained in any appendices, the title sheet, the table of contents, the table of authorities, the certificate of compliance, the certificate of service, signature blocks, and any pictorial images. The word count was computed using the word count function in Microsoft Word.*

RESPECTFULLY SUBMITTED on May 15, 2025.

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## CERTIFICATE OF SERVICE

I certify that on May 15, 2025, I electronically filed the foregoing document and the Appendices that follow with the Clerk of the Court using the electronic filing system which will send notification of such filing to the electronic filing system participants listed below:

Hannah Marcley (diogeneslawpllc@gmail.com)

DATED on May 15, 2025.

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**APPENDIX 30**
***Hood v. City of Vancouver*,**
**564 P.3d 1009 (Wash. Ct. App. 2025)**

# *Hood v. City of Vancouver*

Court of Appeals of Washington, Division Two

March 4, 2025, Filed

No. 59242-8-II

**Reporter**

564 P.3d 1009 *; 2025 Wash. App. LEXIS 376 **; 2025 LX 72155; 2025 WL 683303

ERIC HOOD, *Appellant*, v. THE CITY OF VANCOUVER, *Respondent*.

**Prior History: [**1]** Appeal from Clark Superior Court. Docket No: 23-2-01464-06. Judge signing: Honorable Derek Vanderwood. Judgment or order under review. Date filed: 01/11/2024.

**Counsel:** *Hannah S.S. Marcley* (of *Diogenes Law PLLC*), for appellant.

*Nena Cook, City Attorney*, and *Sara E. Baynard-Cooke, Assistant*, for respondent.

**Judges:** Authored by Rebecca Glasgow. Concurring: Erik Price, Linda Lee.

**Opinion by:** Rebecca Glasgow

## Opinion

¶1 **[*1012]** GLASGOW, J. — Eric Hood emailed a City of Vancouver employee, asking for records from the most recent audit of the Downtown Redevelopment Authority (DRA), a local entity created by the City. City employees responded to the request and were initially confused about the extent of the records Hood sought. At first, the City sent Hood only a link to access the official audit report. After asking for clarification from Hood, the City understood that he wanted "records sent/received; to/from; state auditor's office." Clerk's Papers (CP) at 37. The City searched for responsive records in its document management database and its website and provided those records to Hood. It is not clear whether the City searched email accounts.

¶2 Hood sued the City for violating the *Public Records Act (PRA), ch. 42.56 RCW*, by withholding records responsive to his request. The **[**2]** trial court granted summary judgment to the City and dismissed Hood's complaint. Hood appeals.

¶3 We conclude that while Hood's request was ambiguous in some respects, it plainly encompassed emails that the DRA got from the state auditor related to the DRA's most recent audit. Because it is not clear from this record whether the City searched for emails responsive to Hood's request, there is a genuine issue of fact as to whether the City conducted an adequate search under the PRA. Thus, we reverse the summary judgment for the City and remand for further proceedings consistent with this opinion.

FACTS

I. BACKGROUND

A. Hood's Initial Public Records Request

¶4 On May 27, 2022, Hood emailed Natasha Ramras, an employee of the City, intending to request records from the 2020 audit of the DRA. The DRA is an entity created by the City that is audited by the state auditor. Hood's public records request read:

> I understand that your organization was recently audited by the state auditor and a report was published. May I have all records it got from the auditor and all records of its response to the audit or to the audit report, including any changes to policy or practices?

CP at 434. Ramras was the chief **[**3]** financial officer of the City and the director of the City's finance department. She was also the executive director of the DRA.

¶5 That same day, Ramras forwarded Hood's email to Jordan Sherman, the City's internal auditor. Because the request did not specify, both Ramras and Sherman apparently read the request to refer to the City's most recent audit, rather than the DRA's. Ramras asked Sherman to register Hood's public records request with Raelyn McJilton, the City's public records officer, and send Hood "a link to the audit report." *Id.* As public records officer, McJilton acted as the City's point of contact for public records requests.

¶6 Sherman then emailed McJilton, asking for guidance on how to respond to Hood's request:

> Should I reach out to [Hood] to have him fill out the public records request on our website? I can certainly send him a link to the [state auditor's] website which has all **[*1013]** of our reports (any official response to the audit/audit report would be included in the audit report, but this is only done for findings). *There are lots of back and forth emails, and* [*the state auditor*] *has made other recommendations not included in our audit reports*. None of this is prescriptive **[**4]** so it is sometimes hard to say if any policy or practice changes should be considered a "response to the audit or to the audit report", plus many times changes in practices are not documented.
>
> I certainly don't want to be the cause of any non-compliance related to public records requests, so I appreciate whatever guidance you have on this matter.

CP at 433 (emphasis added). McJilton told Sherman that Sherman should give Hood the link to the state auditor's website, and McJilton would work with Hood "on the remainder of his request." *Id.* As a result, that same day Sherman emailed Hood, explaining:

> The Auditor's Office conducts several audits of the City of Vancouver every year. In addition they make all the audit reports they publish available on their website as soon as they are published, making it the best place to get the most current audit results. …

> Below is a link to the State Auditor's Website where you can search for exactly the report you would like to review. Simply put "City of Vancouver" in the search "BY GOVERNMENT NAME" search box and you will see all the most current audit reports for us.

CP at 436. In the meantime, McJilton registered Hood's request in the government's **[**5]** online public records system, which sent Hood an automated email repeating his initial request. Hood replied to this automated email: "I made a request to the Downtown Redevelopment Authority on 5/27." CP at 34.

B. The Downtown Redevelopment Authority

¶7 The City created the DRA in 1997 to manage the construction and maintenance of the Vancouver Convention Center Hotel project. *RCW 35.21.730(5)*; VANCOUVER MUN. CODE 2.73.010(A). The DRA is a "component unit" of the City, and the City has authority over the DRA. CP at 278. The DRA does not have any employees; it has a board of seven members appointed by the City. Ramras served as the executive director of the DRA. Because the DRA did not have any employees, she worked with city staff on financial, administrative, and legal support for the DRA. On the DRA's website, the only contacts listed are three city employees, including Ramras, with their city email addresses.

¶8 Because the DRA's "services do not exclusively or almost exclusively benefit the City," the state auditor audits the DRA separately from the City. CP at 278. Generally, the state auditor examines the "financial affairs of all local governments," including cities and municipal corporations like the DRA. *RCW 43.09.260(1)*, *(3)*. If the state auditor **[**6]** finds noncompliance, it includes that finding in its audit report. The audited entity then can prepare a response to the finding of noncompliance, which is included in the final audit report. Finally, replying to the audited entity's response, the state auditor prepares "remarks," which are also included in the final audit report. CP at 428.

¶9 As the director of the City's finance department and because the DRA had no employees, Ramras worked with the state auditor on audits of the DRA. At the time of Hood's request, the DRA's most recent audit was published in 2020.

C. Hood's DRA Public Records Request

¶10 On June 1, 2022, in response to Hood's specific request for DRA audit records, Sherman emailed Hood with the same link to the state auditor's website and instructed Hood to type, "Downtown Redevelopment Authority" into the appropriate search box. CP at 33.

¶11 Also on June 1, 2022, McJilton emailed Hood:

> Your request requires clarification before the City may respond pursuant to *RCW 42.56.520*.
> We have previously provided you a link to the State Auditor[']s office which has both the City of Vancouver and

> Downtown Redevelopment Authority Auditor[']s reports and findings. …
>
> **[*1014]** Can you please tell me what else **[**7]** you are seeking?

CP at 32.

¶12 Hood replied to McJilton:

> Regarding the most recent state audit, I seek all records the Downtown Redevelopment Authority got from the auditor and all records of its response to the audit or to the audit report, including any changes to policy or practices.

CP at 31. McJilton emailed Ramras, asking who to work with for Hood's updated request. Ramras told McJilton to cooperate with Sherman because Hood "was asking for the same information for the City last week." CP at 37. In an email exchange, Sherman asked McJilton if Sherman should just send Hood the link to the state auditor's website again. McJilton replied, "I did that already. *Now he wants records sent/received; to/from; state auditor's office*." *Id.* (emphasis added).

¶13 On June 6, 2022, McJilton emailed Hood that the City needed more time to respond to his public records request. To find responsive records, McJilton searched the City's document database with search terms "audit" and "state audit." CP at 26. McJilton also searched the City's website.

¶14 On June 21, 2022 McJilton emailed Hood:

> The enclosed records are comprised of 46 pages which includes the City's response letter. We did not make any formal policy **[**8]** changes.
>
> If you feel that there are any missing documents or additional types of materials that your request sought, which are not included in the enclosed response, please contact me so your request may be clarified.
>
> This concludes the City's response to the above-mentioned request. If you have any questions, please feel free to contact me.

CP at 29. The documents attached to this email included some records related to a 2019 audit of the City. The response did not include any additional documents related to the latest audit of the DRA, nor did it include any emails. Hood did not reply to McJilton's final June 21 email.

## II. PROCEDURAL HISTORY

¶15 Hood filed a complaint against the City almost a year after he received the final email from McJilton. At the time, Hood was not represented by counsel. He claimed that the City violated the PRA by withholding and failing to search for and produce responsive records.

¶16 The City moved for summary judgment. The City argued that it was an improper defendant because Hood should have sued the DRA. And even if the City was the proper defendant, the City sufficiently responded to Hood's public records request by attempting to clarify what records he sought **[**9]** and providing responsive records. The City included declarations from Ramras, Sherman, and McJilton, with accompanying exhibits.

¶17 In her declaration, McJilton explained her search for responsive records:

> I searched the City's document management software/database (eDOCS) using the search terms "audit" and "state audit." I also searched the City's website. These were the locations Mr. Sherman advised would be the best locations where to find responsive records.

CP at 26. Sherman's declaration explained that there was no response to the state auditor from the DRA for the two most recent audits of the DRA because the auditor did not make any findings requiring a response.

¶18 Our record does not show whether city emails would have been included in the City's eDOCS database search, nor is there evidence that McJilton or another city employee separately searched email accounts.

¶19 Ten days after the City's summary judgment motion was filed, Hood made a separate public records request to the state auditor:

> Regarding your audit of the Downtown Redevelopment Authority (see attached), please produce all records the City of Vancouver got from the [state auditor] and all records of its response to the audit **[**10]** or to the audit report, including any changes to policy or practices.

**[*1015]** CP at 344. The state auditor responded to Hood's request with over 100 emails, many of which were exchanged between its office and city employees mentioning the DRA. However, only four of those emails were dated before May 27, 2021, which is when Hood made his initial public records request to the City. It is unclear whether the City also retained copies of these emails and, if so, whether they would have been responsive to Hood's request to the City. The remaining emails exchanged after the date of Hood's request to the City would not have been responsive because an agency does not have a continuing obligation to produce records created after the date of the request. *Gipson v. Snohomish County, 194 Wn.2d 365, 373, 449 P.3d 1055 (2019)*.

¶20 After the City filed its summary judgment motion, Hood acquired counsel. Hood's counsel filed a response to the City's summary judgment motion, along with a declaration from Hood. Hood's response suggested that the City's failure to disclose some "communications" could have been the result of an inadequate search. CP at 323.

¶21 For various reasons related to the unavailability of each party's counsel, the summary judgment hearing was delayed to almost three **[**11]** months after the City filed its original summary judgment motion. At the summary judgment hearing, Hood's counsel argued that further discovery was necessary to determine whether the City was acting on behalf of the DRA when responding to Hood's request. Hood's counsel then verbally requested the opportunity to conduct further discovery.

¶22 The trial court denied any continuance

under *CR 56(f)* because the summary judgment motion had been pending for almost three months, which was "more than enough opportunity" for Hood to conduct discovery and make a more formal, written *CR 56(f)* request if he needed additional time. Verbatim Rep. of Proc. (VRP) at 18. The trial court found that there were "some factual issues" about whether the City, rather than the DRA, was the proper defendant in this case. VRP at 20. However, the trial court concluded that even if the City was the proper defendant, there was not a genuine issue of material fact as to whether the City's responses to Hood's public records request were sufficient; they were. The trial court granted the City's summary judgment motion.

¶23 Hood then brought a *CR 59* motion to reconsider and vacate the trial court's summary judgment order. Hood claimed that he had **[**12]** newly discovered evidence that the City withheld records. To demonstrate this, he attached the state auditor's response to his September public records request. Hood argued that though these records were generated after his public records request to the City, they showed that the City normally had email exchanges with the state auditor regarding audit reports. And the City sent no emails to him in response to his request. He also argued that the trial court misinterpreted the law about public records requests and it erred when it stated that Hood's request was unclear and that the City appropriately asked for clarification. The trial court considered this new evidence and denied Hood's *CR 59* motion.

¶24 Hood appeals.

## ANALYSIS[1]

### I. The City's Search for Records in Response to Hood's Public Records Request

¶25 Hood argues that there was a genuine issue of material fact about whether the **[*1016]** City's response to his public records request was sufficient under the PRA.

[1-5] ¶26 The PRA is a "'strongly worded mandate for broad disclosure of public records.'" *O'Dea v. City of Tacoma, 19 Wn. App. 2d 67, 78, 493 P.3d 1245 (2021)* (internal quotation marks omitted) (quoting *Serv. Emps. Int'l Union Loc. 925 v. Univ. of Wash., 193 Wn.2d 860, 866-67, 447 P.3d 534 (2019)*). Under the PRA, a government agency must disclose responsive records to a requester unless a specific exemption applies. **[**13]** *Id. at 79*; *RCW 42.56.070(1)*. We liberally construe the terms of the PRA in favor of the requester.

---

[1] In his notice of appeal, Hood only designates the trial court's denial of his ***CR 59*** motion to reconsider summary judgment; he does not mention the underlying grant of summary judgment. In its brief, the City notes this omission. The City does not argue that Hood failed to properly appeal the summary judgment order.

We will review an order that was not designated in the notice of appeal if it "prejudicially affects the decision designated in the notice." *RAP 2.4(b)*. "An order 'prejudicially affects' the decision designated in the notice of appeal where its designated decision would not have occurred in the absence of the undesignated ruling or order." *Anaya Gomez v. Sauerwein, 172 Wn. App. 370, 376, 289 P.3d 755 (2012)*.

Here, the trial court could not have ruled on Hood's ***CR 59*** motion to reopen the summary judgment order without the existence of the underlying summary judgment order. Thus, the summary judgment order prejudicially affects the trial court's ***CR 59*** decision and this court may consider the summary judgment order on appeal.

RCW 42.56.030. The PRA "establishes a strong presumption in favor of full disclosure of public records." Zink v. City of Mesa, 140 Wn. App. 328, 337, 166 P.3d 738 (2007). "Given the strong presumption in favor of full disclosure, an agency should not unreasonably assume a narrow interpretation of a request." Cantu v. Yakima Sch. Dist. No. 7, 23 Wn. App. 2d 57, 99, 514 P.3d 661 (2022).

[6, 7] ¶27 "A trial court reviews agency actions under the PRA de novo and 'may conduct a [PRA] hearing based solely on affidavits.'" O'Dea, 19 Wn. App. 2d at 79 (alteration in original) (quoting RCW 42.56.550(3)). We review both the agency's actions and the trial court's conclusions of law de novo. *Id.*; *see also* RCW 42.56.550(3).

¶28 We apply the same standard as the trial court when reviewing a summary judgment decision. O'Dea, 19 Wn. App. 2d at 79. Under this standard, summary judgment is appropriate if, viewing all evidence in the light most favorable to the nonmoving party, there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Id.*; *CR 56(c)*. "We review the trial court's conclusions of law de novo and may affirm on any basis supported by the record." O'Dea, 19 Wn. App. 2d at 79; *RAP 2.5(a)*.

A. Hood's Public Records Request and Clarification

¶29 Hood argues that his public records request was clear and required no clarification. He claims that even if parts of his request were **[**14]** ambiguous, the City should have known that just sending a link to the DRA final audit report was not sufficient.

[8] ¶30 RCW 42.56.080(1)(a) provides, "A public records request must be for identifiable records." A record is identifiable when the requester gives "a reasonable description enabling the government employee to locate the requested record." Beal v. City of Seattle, 150 Wn. App. 865, 872, 209 P.3d 872 (2009).

[9] ¶31 Under RCW 42.56.520(3)(a) and (b), an agency is required to seek clarification for an unclear request. Neigh. All. of Spokane County v. Spokane County, 172 Wn.2d 702, 727, 261 P.3d 119 (2011). The PRA does not "require public agencies to be mind readers." Bonamy v. City of Seattle, 92 Wn. App. 403, 409, 960 P.2d 447 (1998). However, the agency must respond to the parts of a request that are clear. RCW 42.56.520(3)(b).

¶32 Hood initially requested "all records [your organization] got from the auditor and all records of its response to the audit or to the audit report, including any changes to policy or practices." CP at 434. Hood argues that his public records request clearly indicated that the City should provide (1) all records the DRA got from the auditor about the audit, (2) all records the DRA sent to the state auditor in response to the audit process, and (3) all records the DRA created in response to the audit report.

¶33 Hood's initial request left open several

points of ambiguity. First, he requested records from "your organization," which Ramras and other **[**15]** city employees reasonably interpreted to mean the City instead of the DRA. *Id.* And because official responses to an audit are included in the final audit report, Hood's initial request did not necessarily indicate **[*1017]** that he wanted records about the response beyond the final audit report itself.[2]

¶34 The City initially complied with *RCW 42.56.520(3)*: after directing Hood to the state auditor's final reports for both the City and the DRA's most recent audits, the City expressly asked Hood to clarify which records he sought. Hood responded that he wanted records from the DRA's most recent audit, but otherwise recited the same request: "Regarding the most recent state audit, I seek all records the Downtown Redevelopment Authority got from the auditor and all records of its response to the audit or to the audit report, including any changes to policy or practices." CP at 31. This clarified only the organization Hood wanted records from, not the scope of the request.

¶35 In an email with Sherman, McJilton expressed her understanding from the broader context of the request that Hood wanted "records sent/received; to/from; state auditor's office" regarding the DRA's most recent audit. **[**16]** CP at 37. Thus, at least a portion of the request was clear to the City, and the City was required to search for and produce responsive records to that portion.

¶36 We conclude that the request for all records the DRA "got from the auditor" regarding its most recent audit was clear. CP at 31. The plain language of this portion of the request extends beyond just the final audit report that the auditor sent to the DRA.

¶37 However, the portion of the request for the DRA's "response to the audit or to the audit report" was ambiguous to some degree. *Id.* It was unclear whether this portion of the request encompassed responses or communications to the state auditor related to stages of the audit before the final audit report containing the DRA's final response to audit findings.

---

[2] Hood also claims that the state auditor's response to his September request demonstrates that his original public records request to the City was clear.

However, there are several other Court of Appeals cases where Hood sent public records requests with almost identical language and agencies struggled to interpret exactly which documents Hood sought. *See, e.g.*, *Hood v. Centralia Coll.*, No. 56213-8-II, slip op. at 1-2 (Wash. Ct. App. Aug. 2, 2022) (unpublished), *https://www.courts.wa.gov/opinions/pdf/D2%2056213-8-II%20Unpublished%20Opinion.pdf*, *review denied*, ***200 Wn.2d 1032, 525 P.3d 151 (2023)***; *Hood v. City of Prescott*, No. 39618-5-III, slip op. at 1 (Wash. Ct. App. Apr. 30, 2024) (unpublished), *https://www.courts.wa.gov/opinions/pdf/396185_unp.pdf*; *Hood v. City of Nooksack*, No. 82081-8-I, slip op. at 1 (Wash. Ct. App. Aug. 2, 2021) (unpublished), *https://www.courts.wa.gov/opinions/pdf/820818.pdf*; *Hood v. Columbia County, 21 Wn. App. 2d 245, 247, 505 P.3d 554 (2022)*.

In one of these unpublished cases, we concluded that Hood's request was ambiguous to some degree. *Centralia Coll., No. 56213-8-II, slip op. at 8*. Though Hood's request pointed to identifiable records regarding a specific topic, the college's 2018 audit, it did not sufficiently describe those records to help the college locate them. *Id.* Although the college was able to determine some records relating to the audit that were responsive, the ambiguity of Hood's request left open multiple interpretations about whether records related to the early stages of the audit, rather than just records related to the final audit results, were responsive. *Id.* Notably, the request was clear enough that the college searched the email accounts of employees who were involved in the audit process and disclosed some responsive emails. *Id.* at 11.

B. Alleged Request for Clarification in the City's Final Letter

¶38 The City claims that it further sought clarification of the request in its last email to Hood, which enclosed some additional records from City audits and stated in part,

> If you feel that there are any missing documents or additional types of materials that your request sought, which are not included in the enclosed response, please contact me so your request may **[**17]** be clarified.
> This concludes the City's response to the above-mentioned request.

CP at 29. This is not a further request for clarification of Hood's request under *RCW 42.56.520(3)*, which does not contemplate clarification *after* a responding agency closes the request. Moreover, *RCW 42.56.520(3)(b)* plainly requires that the agency must respond to the portions of a request that are clear.

¶39 Here, the City stated that it had concluded its response to Hood's request. Thus, **[*1018]** its offer that Hood could reach out if he believed any records were missing was an option for Hood to alert the City if he was unsatisfied with the City's final response; it was not a proper request for clarification under *RCW 42.56.520(3)*. Though a requester who is genuinely seeking records would likely have exercised this option and further clarified that he was also seeking email communications, Hood was not required to do so. And the City was required to search for records responsive to the portion of Hood's request that was clear—*all* records related to the most recent DRA audit that the DRA "got from the auditor." CP at 31.

[10] ¶40 An agency responding to a public records request cannot insulate itself from liability by requiring the requester to identify missing records. Requesters **[**18]** may not be sufficiently familiar with the agency's records to identify missing records.[3] As a result, we conclude that the language recited above was not a sufficient request for clarification such that it could prevent liability for an inadequate search if Hood did not respond.

C. Adequacy of Search

¶41 Hood argues that the City did not adequately search for responsive records to his request. We agree that there is a genuine issue of material fact as to whether the search was adequate.

[11] ¶42 Under the PRA, agencies must adequately search for responsive records to a request, and "an inadequate search is treated as a PRA violation." *O'Dea, 19 Wn. App. 2d at 79*. An agency does not per se violate the PRA by failing to locate and disclose a record that is eventually found. *Cantu, 23 Wn. App. 2d at 83*. The adequacy of the search itself is what matters. *Id. at 84*.

[12] ¶43 Whether an agency adequately searched for responsive records depends on the specific facts of the case. *Neigh. All., 172 Wn.2d at 720*. An adequate search is "reasonably calculated to uncover all

[3] Of course, whether a requester has engaged in gamesmanship can be considered at the penalty stage.

relevant documents." *Id.* "[A]gencies are required to make more than a perfunctory search and to follow obvious leads as they are uncovered." *Id.* An agency need not "search *every* possible place a record may conceivably be stored, but only those **[**19]** places where it is *reasonably likely* to be found." *Id.* An agency is required to provide only records that existed at the time of the PRA request. *Gipson, 194 Wn.2d at 373*.

[13] ¶44 On summary judgment, an agency must show the search was adequate beyond material doubt. *Neigh. All., 172 Wn.2d at 720-21*. Courts may rely on reasonably detailed and nonconclusory affidavits from the agency about the search terms used, the type of search performed, and whether the places searched were likely to contain all responsive records. *Id. at 721*. Agency affidavits are given a presumption of good faith, and they outweigh "speculative claims about the existence and discoverability of other documents." *Forbes v. City of Gold Bar, 171 Wn. App. 857, 867, 288 P.3d 384 (2012)*. Courts consider "the scope of the agency's search as a whole and whether that search was reasonable, not whether the requester has presented alternatives that [they] believe[ ] would have more accurately produced the records [they] requested." *West v. City of Tacoma, 12 Wn. App. 2d 45, 79, 456 P.3d 894 (2020)*.

¶45 Hood asserts that McJilton's statement acknowledging that Hood sought "records sent/received; to/from; state auditor's office" demonstrated that the City knew it should have searched for email records responsive to Hood's request. CP at 37. Thus, because the City did not search for responsive email records, it failed to conduct an adequate **[**20]** search. We agree there is a genuine issue of material fact on this point.

¶46 Initially, emails between Sherman and McJilton indicated that they believed the state auditor's final report, including the City's responses and the state auditor's accompanying remarks, satisfied Hood's request. **[*1019]** However, when Hood repeated his request almost verbatim after the City sent him a link to the state auditor's final report for the DRA's most recent audit, McJilton opined that Hood was seeking something more than the final report: "Now he wants records sent/received; to/from; state auditor's office." *Id.* In addition, Sherman emailed McJilton that "[t]here are lots of back and forth emails" between the City and the state auditor. CP at 433. But according to her declaration, McJilton searched only the City's eDOCS document database and website for responsive documents; she did not claim to search any emails or other communications.

¶47 Though McJilton was not required to search every place a responsive record could be stored, it was reasonably likely that records "sent/received" and "to/from" the state auditor would be found in city or DRA employee email accounts, especially because Sherman told McJilton there **[**21]** were lots of emails between the state auditor and city staff. CP at 37. The City employees' declarations do not provide any explanation stating that emails were included in the databases searched and, if

not, why email accounts were not searched. The failure to show a search for responsive records in email accounts when there is some evidence that related emails existed creates at least a genuine issue of material fact as to whether the City failed to conduct an adequate search that was reasonably calculated to uncover all relevant documents responsive to the portion of Hood's request that was clear—"I seek all records the Downtown Redevelopment Authority got from the auditor" "[r]egarding the most recent state audit." CP at 31. We reverse and remand for further proceedings consistent with this opinion.

II. HOOD'S OTHER ARGUMENTS

¶48 Because we reverse the trial court's grant of summary judgment and conclude that there is a genuine issue of material fact about whether the City adequately searched for emails responsive to Hood's public records request, we need not address the trial court's denial of Hood's *CR 56(f)* motion for a continuance or his *CR 59* motion for reconsideration. We also do not address **[**22]** the issue raised below about whether the City is the proper defendant in this case.

CONCLUSION

¶49 We conclude that there is a genuine issue of material fact regarding whether the City adequately searched for records the DRA got from the auditor regarding the most recent state audit. We reverse and remand for further proceedings consistent with this opinion. We leave it for the trial court to determine what further proceedings are necessary.

LEE and PRICE, JJ., concur.

## References

LexisNexis Practice Guide: Washington Pretrial Civil Procedure

Washington Rules of Court Annotated (LexisNexis ed.)

Annotated Revised Code of Washington by LexisNexis

End of Document

**APPENDIX B**
***Hood v. City of Vancouver*, No. 59242-8-II**
**Order Denying Reconsideration (Apr. 15, 2025)**

Filed
Washington State
Court of Appeals
Division Two

April 15, 2025

# IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

## DIVISION II

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| ERIC HOOD,<br><br>Appellant,<br><br>v.<br><br>THE CITY OF VANCOUVER,<br><br>Respondent. | No. 59242-8-II<br><br><br><br><br><br>ORDER DENYING MOTION FOR RECONSIDERATION |

The published opinion in this matter was filed on March 4, 2025. Respondent, the City of Vancouver, moves for reconsideration. After consideration, it is hereby

**ORDERED** that respondent's motion for reconsideration is denied.

**PANEL:** Jj. Lee, Glasgow, Price.

**FOR THE COURT**

GLASGOW, J.

## APPENDIX C

**RCW 42.56.520 – Prompt responses required.**

(1) Responses to requests for public records shall be made promptly by agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives. Within five business days of receiving a public record request, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives must respond in one of the ways provided in this subsection (1):

(a) Providing the record;

(b) Providing an internet address and link on the agency's website to the specific records requested, except that if the requester notifies the agency that he or she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer;

(c) Acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and providing a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request;

(d) Acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and asking the requestor to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of

the chief clerk of the house of representatives will require to respond to the request if it is not clarified; or

(e) Denying the public record request.

(2) Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3)

(a) In acknowledging receipt of a public record request that is unclear, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives may ask the requestor to clarify what information the requestor is seeking.

(b) If the requestor fails to respond to an agency request to clarify the request, and the entire request is unclear, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives need not respond to it. Otherwise, the agency must respond, pursuant to this section, to those portions of the request that are clear.

(4) Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action or final action by the office of the

secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review

## APPENDIX D

**WAC 44-14-04002 – Obligations of requestors**

(1) **Fair notice that request is for public records.** A requestor must give an agency fair notice that the request is being made pursuant to the act. Requestors are encouraged to cite or name the act but are not required to do so. A request using the agency's request form or online request form or portal, or using the terms "public records," "public disclosure," "FOIA," or "Freedom of Information Act" (the terms commonly used for federal records requests), especially in the subject line of an email or letter, is recommended. The request should be directed to the agency-designated person to receive requests (such as the public records officer) or the agency-designated address or submitted through the agency-designated portal for public records requests, which should provide an agency with fair notice in most cases. A requestor should not submit a "stealth" request, which is buried in another document in an attempt to trick the agency into not responding.

(2) **Identifiable record**. A requestor must request an "identifiable record" or "class of records" before an agency must respond to it. RCW 42.56.080 and 42.56.550(1).
An "identifiable record" is one that is existing at the time of the request and which agency staff can reasonably locate. The act does not require agencies to be "mind readers" and to guess what records are being requested. The act does not allow a requestor to make "future" or "standing" (ongoing) requests for records not in existence; nonexistent records are not "identifiable."

A request for all or substantially all records prepared, owned, used or retained by an agency is not a valid request for identifiable records, provided that a request for all records regarding a particular topic or containing a particular keyword

or name shall not be considered a request for all of an agency's records. RCW 42.56.080(1). A "keyword" must have some meaning that reduces a request from all or substantially all of an agency's records. For example, a request seeking any and all records from the department of ecology which contain the word "ecology" is not a request containing a keyword. The word "ecology" is likely on every agency letterhead, email signature block, notice, order, brochure, form, pleading and virtually every other agency document. A request for all of an agency's emails can encompass substantially all of an agency's records, and such a request contains no keywords. The act does not allow a requestor nor require an agency to search through agency files for records which cannot be reasonably identified or described to the agency. It benefits both the requestor and the agency when the request includes terms that are for identifiable records actually sought by the requestor, and which produce meaningful search results by the agency.

However, a requestor is not required to identify the exact record he or she seeks. For example, if a requestor requested an agency's "2001 budget," but the agency only had a 2000-2002 budget, the requestor made a request for an identifiable record.

An "identifiable record" is not a request for "information" in general. For example, asking "what policies" an agency has for handling discrimination complaints is merely a request for "information." A request to inspect or copy an agency's policies and procedures for handling discrimination complaints would be a request for an "identifiable record."

Public records requests are not interrogatories (questions). An agency is not required to answer questions about records, or conduct legal research for a requestor. A request for "any law that allows the county to impose taxes on me" is not a request for an identifiable record. Conversely, a request for "all records discussing the passage of this year's tax increase on real property" is a request for an "identifiable record."

When a request uses an inexact phrase such as all records "relating to" a topic (such as "all records relating to the property tax increase"), the agency may interpret the request to be for records which directly and fairly address the topic. When an agency receives a "relating to" or similar request, it should seek clarification of the request from the requestor or explain how the agency is interpreting the requestor's request.

(3) **"Overbroad" requests**. An agency cannot "deny a request for identifiable public records based solely on the basis that the request is overbroad." RCW 42.56.080. However, if such a request is not for identifiable records or otherwise is not proper, the request can still be denied. When confronted with a request that is unclear, an agency should seek clarification.

**WAC 44-14-04003 – Responsibilities of agencies in processing requests**

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(3) **Provide "fullest assistance" and "most timely possible action."** The act requires agencies to adopt and enforce reasonable rules to provide for the "fullest assistance" to a requestor. RCW 42.56.100. The "fullest assistance" principle should guide agencies when processing requests. In general, an agency should devote sufficient staff time to processing records requests, consistent with the act's requirement that fulfilling requests should not be an "excessive interference" with the agency's "other essential functions." RCW 42.56.100. The agency should recognize that fulfilling public records requests is one of the agency's duties, along with its others.

The act also requires agencies to adopt and enforce rules to provide for the "most timely possible action on requests." RCW 42.56.100. This principle should guide agencies when

processing requests. It should be noted that this provision requires the most timely "possible" action on requests. This recognizes that an agency is not always capable of fulfilling a request as quickly as the requestor would like.

(4) **Communicate with requestor.** Communication is usually the key to a smooth public records process for both requestors and agencies. Clear requests for a small number of records usually do not require predelivery communication with the requestor. However, when an agency receives a large or unclear request, the agency should communicate with the requestor to clarify the request. If a requestor asks for a summary of applicable charges before any copies are made, an agency must provide it. RCW 42.56.120(2)(f). The requestor may then revise the request to reduce the number of requested copies. If the request is clarified or modified orally, the public records officer or designee should memorialize the communication in writing.

For large requests, the agency may ask the requestor to prioritize the request so that he or she receives the most important records first. If feasible, the agency should provide periodic updates to the requestor of the progress of the request. Similarly, the requestor should periodically communicate with the agency and promptly answer any clarification questions. Sometimes a requestor finds the records he or she is seeking at the beginning of a request. If so, the requestor should communicate with the agency that the requested records have been provided and that he or she is canceling the remainder of the request. If the requestor's cancellation communication is not in writing, the agency should confirm it in writing.

(5) **Failure to provide initial response within five business days.** Within five business days of receiving a request, an agency must provide an initial response to requestor. The initial response must do one of four things:

(a) Provide the record;

(b) Acknowledge that the agency has received the request and provide a reasonable estimate of the time it will require to further respond;

(c) Seek a clarification of the request and if unclear, provide to the greatest extent possible a reasonable estimate of time the agency will require to respond to the request if it is not clarified; or

(d) Deny the request. RCW 42.56.520. An agency's failure to provide an initial response is arguably a violation of the act.

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(8) **Seek clarification of a request or additional time.** An agency may seek a clarification of an "unclear" or partially unclear request. RCW 42.56.520. An agency can only seek a clarification when the request is objectively "unclear." Seeking a "clarification" of an objectively clear request delays access to public records.

If the requestor fails to clarify an entirely unclear request, the agency need not respond to it further. RCW 42.56.520. However, an agency must respond to those parts of a request that are clear. If the requestor does not respond to the agency's request for a clarification within thirty days of the agency's request or other specified time, the agency may consider the request abandoned. If the agency considers the request abandoned, it should send a closing letter to the requestor if it has not already explained when it will close a request due to lack of response by the requestor.

An agency may take additional time to provide the records or deny the request if it is awaiting a clarification. RCW 42.56.520. After providing the initial response and perhaps even beginning to assemble the records, an agency might discover it needs to clarify a request and is allowed to do so. A clarification could also affect a reasonable estimate.

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(10) **Searching for records.** An agency must conduct an objectively reasonable search for responsive records. The adequacy of a search is judged by the standard of reasonableness. A requestor is not required to "ferret out" records on his or her own. A reasonable agency search usually begins with the public records officer for the agency or a records coordinator for a department of the agency deciding where the records are likely to be and who is likely to know where they are. One of the most important parts of an adequate search is to decide how wide the search will be. If the agency is small, it might be appropriate to initially ask all agency employees and officials if they have responsive records. If the agency is larger, the agency may choose to initially ask only the staff of the department or departments of an agency most likely to have the records. For example, a request for records showing or discussing payments on a public works project might initially be directed to all staff in the finance and public works departments if those departments are deemed most likely to have the responsive documents, even though other departments may have copies or alternative versions of the same documents. Meanwhile, other departments that may have documents should be instructed to preserve their records in case they are later deemed to be necessary to respond to the request. The agency could notify the requestor which departments are being surveyed for the documents so the requestor may suggest other departments.

If agency employees or officials are using home computers, personal devices, or personal accounts to conduct agency business, those devices and accounts also need to be searched by the employees or officials who are using them when those devices and accounts may have responsive records. If an agency's contractors performing agency work have responsive public records of an agency as a consequence of the agency's contract, they should also be notified of the records request. It is better to be over inclusive rather than

under inclusive when deciding which staff or others should be contacted, but not everyone in an agency needs to be asked if there is no reason to believe he or she has responsive records. An email to staff or agency officials selected as most likely to have responsive records is usually sufficient. Such an email also allows an agency to document whom it asked for records. Documentation of searches is recommended. The courts can consider the reasonableness of an agency's search when considering assessing penalties for an agency's failure to produce records.

Agency policies should require staff and officials to promptly respond to inquiries about responsive records from the public records officer.

After records which are deemed potentially responsive are located, an agency should take reasonable steps to narrow down the number of records to those which are responsive. In some cases, an agency might find it helpful to consult with the requestor on the scope of the documents to be assembled. An agency cannot "bury" a requestor with nonresponsive documents. However, an agency is allowed to provide arguably, but not clearly, responsive records to allow the requestor to select the ones he or she wants, particularly if the requestor is unable or unwilling to help narrow the scope of the documents. If an agency does not find responsive documents, it should explain, in at least general terms, the places searched.

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**WAC 44-14-04006 – Closing request and documenting compliance**

(1) **Fulfilling request and closing letter.** A records request has been fulfilled and can be closed when a requestor has inspected all the requested records, all copies have been provided, a web link has been provided (with assistance from the agency in finding it, if necessary), an entirely unclear

request has not been clarified, a request or installment has not been claimed or reviewed, or the requestor cancels the request. An agency should provide a closing letter stating the scope of the request and memorializing the outcome of the request. A closing letter may not be necessary for smaller requests, or where the last communication with the requestor established that the request would be closed on a date certain. The outcome described in the closing letter might be that the requestor inspected records, copies were provided (with the number range of the stamped or labeled records, if applicable), the agency sent the requestor the web link, the requestor failed to clarify the request, the requestor failed to claim or review the records within thirty days, or the requestor canceled the request. The closing letter should also ask the requestor to promptly contact the agency if he or she believes additional responsive records have not been provided.

(2) **Returning assembled records.** An agency is not required to keep assembled records set aside indefinitely. This would "unreasonably disrupt" the operations of the agency. RCW 42.56.080. After a request has been closed, an agency should return the assembled records to their original locations. Once returned, the records are no longer subject to the prohibition on destroying records scheduled for destruction under the agency's retention schedule. RCW 42.56.100.

(3) **Retain copy of records provided.** In some cases, particularly for commonly requested records, it may be wise for the agency to keep a separate copy of the records it copied and provided in response to a request. A growing number of requests are for a copy of the records provided to another requestor, which can easily be fulfilled if the agency retains a copy of the records provided to the first requestor. The copy of the records provided should be retained for the period of time consistent with the agency's retention schedules for records related to disclosure of documents

# APPENDIX E

## VANCOUVER MUNICIPAL CODE
## Chapter 2.73
## DOWNTOWN REDEVELOPMENT AUTHORITY ("DRA")

### 2.73.010 Authority created - City liability limited.

A. *Authority Created*. A public authority is created to plan, design, finance, acquire, construct, equip, own, maintain, operate, repair, remodel, expand, or promote the Vancouver Hotel and Convention Center Project.

B. *City Liability Limited*. The authority is an independent legal entity exclusively responsible for its own debts, obligations and liabilities. All liabilities incurred by the authority shall be satisfied exclusively from the assets and properties of the authority and no creditor or other person shall have right of action against the city, town, or county creating the authority on account of any debts, obligations, or liabilities of the authority. (Ord. M-3738 §2, 2006; Ord. M-3302, 1997)

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### 2.73.040 Powers – Generally

Except as otherwise limited by the State Constitution, state statute, the Charter for the City of Vancouver, this chapter or the Charter of the authority, or the Indenture and other financing documents executed in connection with the Vancouver Hotel and Convention Center, the authority shall have and may exercise all lawful powers necessary or convenient to effect the purposes for which the authority is

organized and to perform authorized corporate functions, including, without limitations, the power to:

A. Own and sell real and personal property;

B. Contact for any corporate purpose with the United States, a state and any political subdivision or agency of either, and with individuals, associations and corporations;

C. Sue and be sued in its name;

D. Lend and borrow funds;

E. Do anything a natural person may do;

F. Perform all manner and type of community services and activities;

G. Provide and implement such municipal and community services and functions as the City Council may by ordinance direct;

H. Transfer any funds, real or personal property, property interests or services;

I. Receive and administer federal or private funds, goods or services for any lawful public purpose;

J. Purchase, lease, exchange, mortgage, encumber, improve, use or otherwise transfer or grant security interests in real or personal property or any interests therein; grant or acquire options on real and personal property; and contract regarding the income and receipts from real and personal property;

K. Issue negotiable bonds and notes in conformity with applicable provisions of state law in such principal amounts as in the direction of the public authority shall be necessary or appropriate to provide sufficient funds for achieving any

corporate purposes; provided, however, that all bonds and notes or liabilities occurring there under shall be satisfied exclusively from the assets, properties or credit of such public authority, and no creditor or other person shall have any recourse to the assets, credit or services of the city thereby, unless the City Council shall by resolution expressly guarantee such bonds or notes;

L. Contract for, lease and accept transfers, gifts or loans of funds or property from the United States, a state and any municipality or political subdivision or agency of either, including property acquired by any such governmental unit through the exercise of its power of eminent domain, and from corporations, associations, individuals or any other source, and to comply with the terms and conditions therefore;

M. Manage, on behalf of the United States, a state and any municipality or political subdivision or agency of either, any property acquired by such entity through gift, purchase, construction, lease, assignment, default or exercise of the power of eminent domain;

N. Recommend to appropriate governmental authorities public improvements and expenditures in areas of the city in which the public authority by its Charter has a particular responsibility;

O. Recommend to the United States, a state and any municipality or political subdivision or agency of either, the transfer or commitment of any property which, if committed or transferred to the public authority, would materially advance the public purposes for which the public authority is chartered;

P. Initiate, carry out and complete such improvements of benefit to the public consistent with its Charter as the United States, a state and any municipality or political subdivision or agency of either may request;

Q. Recommend to the United States, a state and any municipality or political subdivision or agency of either such tax, financing and security measures as the public authority may deem appropriate to maximize the public interest in activities in which the public authority by its Charter has a particular responsibility;

R. Lend its funds, property, credit or services for corporate purposes, or act as a surety or guarantor for corporate purposes;

S. Provide advisory, consultative, training, educational and community services or advice to individuals, associations, corporations or governmental agencies, with or without charge;

T. Control the use and disposition of corporate property, assets and credit;

U. Invest and reinvest its funds;

V. Fix and collect charges for services rendered or to be rendered, and establish the consideration (if any) for property transferred;

W. Maintain books and records as appropriate for the conduct of its affairs;

X. Conduct corporate affairs, carry on its operations, and use its property as allowed by law and consistent with the Act, this chapter, its Charter and its bylaws; name corporate officials, designate agents and engage employees, prescribing their duties, qualifications and compensation; and secure the services of consultants for professional services, technical assistance or advice;

Y. Identify and recommend to the United States, a state and any municipality or political subdivision or agency of either, the acquisition by the appropriate governmental entity, for

transfer to or use by the public authority, of property and property rights, which, if so acquired, whether through purchase or the exercise of eminent domain, and so transferred or used, would materially advance the purposes for which the public authority is chartered;

Z. Hire staff and contract with lawyers, accountants and others to provide services;

AA. Exercise and enjoy such other powers as may be authorized by law. (Ord. M-3738 §2, 2006; Ord. M-3302, 1997)

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**2.73.230 Audits and inspections**

The authority shall, at any time during normal business hours and as often as the City Council or the state auditor deem necessary, make available to the City Council and the state auditor for examination all of its financial records, and shall permit the City Council and state auditor to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all the aforesaid matters. The City Council and state auditor shall have no right, power or duty to supervise the daily operations of the authority, but shall oversee such operations only through their powers to audit, modify the Charter and bylaws and to remove board members all as set forth in this chapter, all for the sole purpose of correcting any deficiency and assuring that the purposes of the authority are reasonably accomplished. (Ord. M-3302, 1997)

## VANCOUVER CITY ATTORNEY'S OFFICE

## May 15, 2025 - 10:25 AM

## Transmittal Information

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|---|---|
| **Filed with Court:** | Court of Appeals Division II |
| **Appellate Court Case Number:** | 59242-8 |
| **Appellate Court Case Title:** | Eric Hood, Appellant v City of Vancouver, Respondent |
| **Superior Court Case Number:** | 23-2-01464-6 |

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