

## CITY OF NORTH BONNEVILLE RESOLUTION NUMBER 577

**A RESOLUTION OF THE CITY OF NORTH BONNEVILLE, WASHINGTON ADOPTING RULES PERTAINING TO FEES FOR PUBLIC RECORDS REQUESTS SUBMITTED PURSUANT TO THE PUBLIC RECORDS ACT, CHAPTER 42.56 RCW PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, Chapter 42.56 of the Revised Code of Washington is known as the “Public Records Act” or “PRA”; and

**WHEREAS**, the stated intent of the PRA is to provide public access to public records pertaining to the conduct of government, respect individuals’ privacy rights, protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the government agency holding the records; and

**WHEREAS**, other “essential City functions” are determined by state law and by the City Council and include, but are not limited to, providing public safety, financial stability, balanced transportation, dependable infrastructure, environmental protection, housing and human services, neighborhood services, economic development, parks, recreation and open space, and the administrative systems necessary to provide effective government services; and

**WHEREAS**, the PRA generally requires that each state and local agency shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of the PRA or other statute which exempts or prohibits disclosure of specific information or records; and

**WHEREAS**, RCW 42.56.100 requires local agencies such as the City of North Bonneville to “adopt and enforce reasonable rules and regulations. . .consonant with the [PRA’s] intent” as described above; and

**WHEREAS**, RCW 42.56.100 also requires that such rules and regulations “shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information;” and

**WHEREAS**, the City of North Bonneville previously adopted and codified rules related to public records requests in 1998 and amendment in 2008; and

**WHEREAS**, since that time, the Washington State Legislature has adopted new provisions regarding the charges an agency may impose for production of paper as well as electronic records; and

**WHEREAS**, in 2018, the Washington Attorney General issued comprehensive new “Model Rules” concerning public records compliance, to advise state and local agencies about “best practices” for complying with the PRA; and

**WHEREAS**, since 2008 the City of North Bonneville has received significant increases in the volume and complexity of public records requests since the last amendment of the public records laws adopted by the City; and

**WHEREAS**, while the Public Records Act generally precludes the City from charging a fee for inspecting or locating public records, it does allow the City to charge a reasonable fee for copying public records per RCW 42.56.070(7); and

**WHEREAS**, since the PRA's adoption in 1972, the use of technology has resulted in numerous public records requests stored in an electronic format for which a copying fee was not previously expressly authorized; and

**WHEREAS**, with the passage of Engrossed House Bill 1595 during the 2017 regular session, the Washington State Legislature authorized the imposition of a fee for the provision of records in an electronic format and a customized service charge when expertise is required to compile data or when customized access is necessary to provide requested records; and

**WHEREAS**, EHB 1595, Section 3, codified at RCW 42.56.120, permits the City to impose the actual cost of providing records (including staff time to copy and send public records), to impose a range of statutorily-authorized default costs, or adopt a one-time flat fee of up to two dollars (\$2.00) when calculating the actual costs would be unduly burdensome and the City has adopted rules and regulations to that effect; and

**WHEREAS**, RCW 42.56.240(14) allows agencies to charge for staff time spent redacting body camera videos in addition to regular costs under RCW 42.56.070(7); and

**WHEREAS**, the City has determined that calculating actual costs would be unduly burdensome because of limited staff availability and time and therefore desires to impose statutorily-authorized default costs as authorized by RCW 42.56.120;

**WHEREAS**, the City of North Bonneville's existing, adopted rules, codified in Chapter 2.44 of the North Bonneville Municipal Code allow the City clerk to establish costs for copying; and

**WHEREAS**, The City Council is the appropriate venue for establishing reasonable fees and the legislature has directed that the City first established it would be unduly burdensome to calculate actual costs; and

**WHEREAS**, the City Council desires to adopt a fee schedule and other rules for imposing such charges as allowed by law for the cost of providing requested public records;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of North Bonneville, Washington, as follows:

**Section 1:** Public Records Fee Schedule Adopted. The Public Records Fee Schedule attached hereto as Exhibit A is hereby adopted for the City of North Bonneville pursuant to Chapter 42.56 RCW.

**Section 2:** Effective Date. This Resolution shall be effective immediately upon its passage.

**Section 3:** Severability. If any portion of this Resolution or the Fee Schedule adopted herein is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this Resolution or Fee Schedule adopted herein.

**Section 4:** Corrections by the City Clerk or Code Revisor. Upon approval of the City Attorney, the City Clerk or Code Revisor is authorized to make necessary corrections to the Public Records Act Fee Schedule adopted by this Resolution, including the correction of clerical errors,



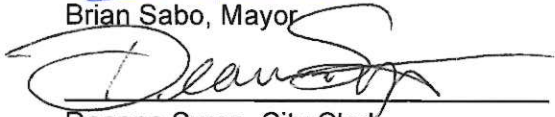
references to other local, state or federal laws, codes, rules, or regulations, or resolution numbering and section/subsection numbering.

**PASSED IN REGULAR SESSION BY THE CITY COUNCIL ON JUNE 25, 2024**

**ATTEST:**



\_\_\_\_\_  
Brian Sabo, Mayor



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Deanna Syron, City Clerk

**APPROVED AS TO FORM:**



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Emily Guildner, City Attorney

EXHIBIT A