

## 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,

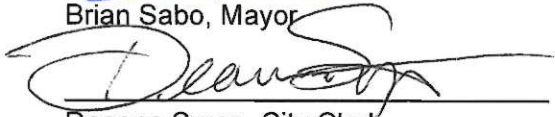
references to other local, state or federal laws, codes, rules, or regulations, or resolution numbering and section/subsection numbering.

**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

Public Records Fees

**2.44.090 Costs of providing public records.**

- A. **Costs for records, generally.** Fees for copies and scanning of public requests shall be charged according to the fee schedule below. Payment of fees is required prior to release of records, unless other arrangements have been made with the Public Records Officer. If requested by a requestor, the City shall provide a summary of the applicable charges before any copies are made and the requestor may revise a public records request to reduce the number of copies to be made and reduce the applicable charges.

No fee is charged for locating records, inspecting records in person, or for accessing records routinely made available on the City’s website prior to receipt of a request, unless the requestor has specifically requested the City provide copies of such records through other means.

The City declares that it would be unduly burdensome to calculate the actual costs of providing copies of certain public records, due to variations in copy charges for leased copiers and variations in staff time for manual copying and mailing, or uploading or electronically transmitting, responsive records. Therefore, except as otherwise indicated below, the table below incorporates the standard fees prescribed in RCW 42.56.120(2)(b) for providing public records (other than outsourced copies or copies of large-format plans and maps).

<b>METHOD OF RELEASE OF RECORDS</b>	<b>FEE</b>
<b>Inspection of Records</b>	
Inspection of agency records on agency public internet website or scheduled at agency office.	No fee.
Access or downloading records posted on City’s public internet website.	No fee.
<b>Standard Copies of Physical Records</b>	
8.5 x 11 black and white or color	\$0.15 per printed page
8.5 x 14 black and white or color	\$0.15 per printed page
11 x 17 black and white or color	\$0.15 per printed page
Outsource copies – any size	Vendor invoice
Large Format Plans and Maps	\$0.15 per printed page; Vendor invoice if outsourced (recommended for over 5 copies)
<b>Electronic Records</b>	
Use of FTP or Cloud drive service or e-mailing records	\$0.05 for every four electronic files or attachments uploaded to an email, cloud storage device, or other electronic delivery system. \$0.10 per gigabyte for electronic transmission of records.
Scanning physical records to electronic	\$0.10 for records scanned into electronic

format	format.
USB, CD, DVD, or other storage device	Actual cost of storage device*.
<b>Mailing Physical Records or Storage Devices</b>	
Mailing of physical records or electronic records on storage device	Cost of electronic records storage device plus the actual cost of envelope or container and postage and/or delivery charge.
<b>Customized Service</b>	
Data compilations prepared or access as a customized service (cost is in addition to copy fees above)	Actual Cost, including hourly rate for information technology staff involved in preparation of data compilation or customized electronic access.
<b>The copy charges above may be combined to the extent more than one type of charge applies to copies released in response to a particular records request.</b>	

\* Actual cost of storage devices may fluctuate based on current purchase price. The City will retain an updated list of actual costs for electronic storage devices, which will be available upon request.

- B. **Customized Service Charge.** In addition to any charges noted on the City's Fee Resolution, the City may include a customized service charge if the City estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the City for other purposes. Such charge shall be the actual cost of providing the customized access service. The City must notify the requestor in advance of the customized service charge to be applied, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge, and the City must provide the requestor the opportunity to amend the public records request in order to avoid or reduce the cost of a customized service charge.
- C. **Other copying charges.** The Act generally governs copying charges for public records, but several specific statutes govern charges for particular kinds of records. The following non-exhaustive list provides some examples: RCW 46.52.085 (charges for traffic accident reports); RCW 10.97.100 (copies of criminal histories); and RCW 70.58.107 (charges for birth certificates). The City will charge the amount authorized pursuant to these other statutes rather than as provided under the Act or these rules.
- D. **Use of other copying services.** The City is not required to copy records at its own facilities and may determine to use a commercial copying center for duplicating voluminous records or records in non-routine formats such as photographs, blueprints, or tape recordings. The City will bill the requestor for the amount charged by the vendor.
- E. **Deposit or payment by installments.** Prior to copying records, the City may require a

deposit of up to ten percent (10%) of the estimated costs of copying the records, including service charges, selected by a requestor. The City may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.

- F. **Method of payment.** Payments may be made by cash, check, money order, or credit or debit card to the City of North Bonneville. There is a 3% service charges with any payments made by credit or debit card.