

**CITY OF REDMOND
RESOLUTION NO. 1486**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, ADOPTING AS REGULATION THE STATUTORY DEFAULT RECORDS FEE SCHEDULE OF THE STATE OF WASHINGTON AS ITS OWN, PER RCW 42.56 AND WAC 44-14; AND FURTHER AFFECTING THE ABILITY TO CHARGE ACTUAL COSTS OF MATERIALS AND STAFF TIME IN COPYING FOR THE PRODUCTION OF RECORDS

WHEREAS, Ordinance No. 1480, adopted by the Redmond City Council on April 4, 1989, prescribed all fees of the City to be adopted by resolution; and

WHEREAS, the existing General Records Fee Schedule was adopted per Resolution No. 1423, and the existing Police Department Records Fee Schedule was adopted per Resolution No. 1401; and

WHEREAS, recent legislative changes in allowable cost recovery through RCW 42.56 and WAC 44-14 from EHB 1595 were put into effect on July 23, 2017; and

WHEREAS, these recent changes in law have required the City to review its fee schedules with respect to public records disclosure; and

WHEREAS, the City Clerk's Office and the Police Records Division agree that consolidation of the two fee schedules into one will facilitate ease to the staff, as well as to the citizens, with respect to access to one records fee schedule; and

WHEREAS, EHB 1595 requires that adoption of the State's statutory default fees, allowed to be assessed under RCW 42.56.120, be declared under rule or regulation of the City the reasons why calculation of all actual costs would be unduly burdensome to the City; and

WHEREAS, EHB 1595 further requires that a public hearing be held to establish fees for other actual costs that are quantifiable; and

WHEREAS, this resolution establishes both the regulation for assessing the statutory default fees and the calculations of those actual costs that can be quantified as follows:

RCW 42.56.120, Charges for copying.

(1) No fee shall be charged for the inspection of public records or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14) and subsection (3) of this section. A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or

the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. When calculating any fees authorized under this section, an agency shall use the most reasonable cost-efficient method available to the agency as part of its normal operations. If any agency translates a record into an alternative electronic format at the request of a requestor, the copy created does not constitute a new public record for purposes of this chapter. Scanning paper records to make electronic copies of such records is a method of copying paper records and does not amount to the creation of a new public record.

(2)(a) Agency charges for actual costs may only be imposed in accordance with the costs established and published by the agency pursuant to RCW 42.56.070(7), and in accordance with the statement of factors and manner used to determine the actual costs. In no event may an agency charge a per page cost greater than the actual cost as established and published by the agency.

(b) An agency need not calculate the actual costs it charges for providing public records if it has rules or regulations declaring the reasons doing so would be

unduly burdensome. To the extent the agency has not determined the actual costs of copying public records, the agency may not charge in excess of:

(i) Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of agency equipment to photocopy public records;

(ii) Ten cents per page for public records scanned into an electronic format or for the use of agency equipment to scan the records;

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

(iv) Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically. The agency shall take reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations; and

(v) The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

(c) The charges in (b) of this subsection may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

(d) An agency may charge a flat fee of up to two dollars for any request as an alternative to fees authorized under (a) or (b) of this subsection when the agency reasonably estimates and documents that the costs allowed under this subsection are clearly equal to or more than two dollars. An additional flat fee shall not be charged for any installment after the first installment of a request produced in installments. An agency that has elected to charge the flat fee in this subsection for an initial installment may not charge the fees authorized under (a) or (b) of this subsection on subsequent installments.

(e) An agency shall not impose copying charges under this section for access to or downloading of records that the agency routinely posts on its public internet web site prior to receipt of a request unless the requestor has specifically requested that the agency provide copies of such records through other means.

(f) A requestor may ask an agency to provide, and if requested an agency shall provide, a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

(3)(a)(i) In addition to the charge imposed for providing copies of public records and for the use by any person of agency equipment copying costs, an agency may include a customized service charge. A customized service charge may only be imposed if the agency 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 agency for other agency purposes.

(ii) The customized service charge may reimburse the agency up to the actual cost of providing the services in this subsection.

(b) An agency may not assess a customized service charge unless the agency has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized

service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice also must provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

(4) An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request, including a customized service charge. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request. An agency may waive any charge assessed for a request pursuant to agency rules and regulations. An agency may enter into any contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement to the charges authorized in this section, or in response to a voluminous or frequently occurring request.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Statement of Unduly Burdensome Calculation for Actual Costs.

(A) Pursuant to RCW 42.56.120(2)(b), the City of Redmond is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(1) The City does not have the resources to conduct a study to determine all actual copying costs for every actual cost type; and

(2) To conduct such a study would interfere with other essential agency functions; and

(3) Through the 2017 legislative process, the public and requesters have commented on and have been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120(2)(b) and (c), (3) and (4).

(B) Actual costs may be charged in accordance with RCW 42.56 upon provision of a statement of factors and manner used to determine actual costs.

Section 2. Establishment of Regulation. Through adoption of this resolution, the City hereby establishes a regulation for the use of statutory default fees provided by the State of Washington per RCW 42.56.120.

Section 3. Charge for Customized Services. Through adoption of this resolution, the City hereby establishes that it may charge for customized services pursuant to RCW 42.56.120.

Section 4. Alternative Fee Agreements. The City may enter into alternative fee agreements with a requester under RCW 42.56.120(4) at its discretion.

Section 5. Fee Waivers. The City may waive any charge assessed for a request pursuant to agency rules and regulations. A public records officer may waive the fee for copies when the expense of processing the payment exceeds the cost of providing the copies. Fees shall not be waived unless a business purpose for the waiver is documented and waiver of fees is approved at a supervisory level.

Section 6. Consolidation of Fee Schedules. Through adoption of this resolution, the Police Department Records Fee Schedule previously established under Resolution No. 1401 is hereby repealed. Police Department records fees shall now be incorporated into the General Records Fee Schedule.

Section 7. Continuity of Services. The General Fee Schedule established through this resolution is retroactive to the date of enactment of EHB 1595, July 23, 2017. No additional assessment of costs shall be applied to requests processed from the time of EHB 1595 adoption through the time of Council adoption of

this resolution. The fees established by this resolution shall be assessed beginning November 22, 2017, as shown in Exhibit A.

Section 8. Severability. Should any fee schedule of the City conflict with the General Fee Schedule, the General Fee Schedule shall govern.

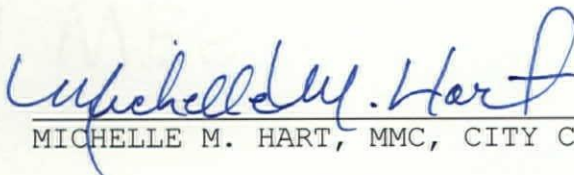
Section 9. Effective Date. This resolution shall become effective upon adoption by the Redmond City Council.

ADOPTED by the Redmond City Council this 21st day of November, 2017.

APPROVED:


JOHN MARCHIONE, MAYOR

ATTEST:


MICHELLE M. HART, MMC, CITY CLERK

(SEAL)

FILED WITH THE CITY CLERK: November 7, 2017
PASSED BY THE CITY COUNCIL: November 21, 2017
RESOLUTION NO: 1486

YES: BIRNEY, CARSON, MARGESON, MYERS, STILIN

GENERAL RECORDS FEE SCHEDULE

2017 - 2018 FEE SCHEDULE AND COST ANALYSIS

(RCW 42.56.120)

STATUTORY DEFAULT FEES	
15 cents per page	Photocopy of paper records, or printed (paper) copies of electronic records (applies if requester asks for paper copies)
10 cents per page	Electronic copies of scanned paper records (applies if paper copies must be scanned in order to produce in electronic format)
5 cents for each 4 electronic files or attachments (1 email is considered 1 attachment)	Files and attachments loaded and delivered on a digital storage media (CD, DVD, or thumb drive)
10 cents per gigabyte	Files and attachments loaded and delivered on a digital storage media (CD, DVD, or thumb drive)
No Fee	Inspection by requester at agency office in Redmond
No Fee	Requester accessing or downloading records the office routinely posted on website unless requestor asks for copies through other means

ACTUAL COSTS OFFICE SUPPLIES		
ITEM	PRICE PER PKG	TOTAL EACH
Thumb Drives:		
8GB Staples USB 2.0	5 pk/33.99 + tax	\$ 7.48
16GB Staples USB 2.0	1 pk/11.49 + tax	\$ 12.64
32GB Staples USB 2.0	1 pk/11.89 + tax	\$ 13.08
64GB Staples USB 2.0	2 pk/39.99 + tax	\$ 22.00

ACTUAL COSTS OFFICE SUPPLIES (Continued)		
CD-R Staples 10365 700 MB	50 pk/14.12 + tax	\$ 0.31
DVD-R Staples 4.7 GB Spindle	50 pk/15.82 + tax	\$ 0.35
Jewel Case for CD/DVD Staples Slim Line	100 pk/19.99+ tax	\$ 0.22
Audio Cassette Tape Maxell 108562 UR Type I 90 mins.	5 pk/8.39 + tax	\$ 1.85
Mailing Supplies:		
Small Manila Envelope 6x9 Staples Brown Kraft Clasp	100 pk / 5.44 + tax	\$ 0.06
Large Padded Envelope 9.5 x 13.5 Staples Easy-Close Bubble Cushion Mailers #4	25 pk / 11.67 + tax	\$ 0.52
Dymo Labels	700 pk/\$13.01 + tax	\$ 0.02
Avery Mailing Labels No. 5160	3000bx/\$21.01	\$0.01
CD/DVD Mailing Labels	40pk/\$16.39	\$0.45

ADDITIONAL ACTUAL COSTS
POSTAGE
For Example: Add any mailing materials (see Actual Cost list) to weight in postage for the contents of mailing (Stamp(s)/postage/USPS or other delivery service rates for mailing, CD/DVD case (if applicable), cost of media (thumb drive, CD/DVD, paper), mailing labels, envelope)

COPY CHARGES – OTHER RECORDS	
Cost varies – per other statutes	Records for which other costs are authorized pursuant to laws outside RCW 42.56. RCW 42.56.130
Cost varies – Actual cost (based upon vendor cost to office)	Records sent to an outside vendor due to their unusual size or format, or other factors making copying by office unfeasible. Mailing/delivery and container also apply.
Staff Time to Copy and Send Records – Actual Costs	This cost is calculated as the average cost of an Administrative Assistant position (\$43.42 salary/benefits for 2018) at mid-range level
Staff Time to Transfer Microfilm to Scan Image or Print Copy	- 3 mins per scan/print transfer x the average cost of Administrative Assistant position at mid-range level
Customized Service	
Cost varies – Actual cost (based upon request)	Data compilations prepared or accessed as a customized service. Cost is in addition to above fees for copies, including mailing/delivery and container costs. RCW 42.56.120(3)
Deposits	
10 percent of estimated cost to fulfill request	When the estimated copying cost for fulfilling an entire request or an installment, or when providing a customized service

POLICE FEES ONLY – Administrative Records Processing Fees		
Clearance/Citizen Letter (<i>Valid Photo ID Required</i>)	\$15.00	
Concealed Pistol Licenses (<i>City of Redmond residents only/valid photo ID required/all fees are non-refundable</i>)	Original Application	\$48.00
	Renewal	\$32.00
	Late Renewal (within 90days)	\$42.00
	Replacement	\$10.00
	Firearm Dealers License	\$125.00

*Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.

* Copy charges are assessed for each installment of records provided to the requester.

*Copy charges above may be waived in limited circumstances as set forth in WAC 44-06-090. The public records officer may waive the fee for copies when the expense of processing the payment exceeds the cost of providing the copies. Any waiver of payment of fees must be documented as to rationale and must be approved by a supervisor.

* Where any other fee schedules for documents/records exist, this fee schedule shall govern the costs associated with the production of public records