

RESOLUTION NO. ____

A RESOLUTION RELATING TO PUBLIC RECORDS FEES SCHEDULES AS AUTHORIZED BY MCC 2.72.150 AND MCC 2.72.160; AMENDING AND REPLACING ANY EXISTING FEE SCHEDULES AND ESTABLISHING AN UPDATED FEE SCHEDULE FOR PUBLIC RECORDS PURSUANT TO THE AUTHORITY GRANTED IN RCW 42.56; AND PROVIDING AN EFFECTIVE DATE.

R E C I T A L S:

WHEREAS, Chapter 2.72 of the McCleary Municipal Code (MCC) contains the City's policy and procedures regarding requests for access to or copies of City records; and

WHEREAS, MCC 2.72.150 and MCC 2.72.160 sets out the policy regarding the costs of providing public records, and the process for amending city fee schedules for copying public records; and

WHEREAS, citizens are able to inspect City records and access many City records online, both at no cost; and

WHEREAS, providing copies of public records is a growing expense for taxpayers; and

WHEREAS, local agencies are prohibited from a gift of public funds; and

WHEREAS, citizens pay for many of the services they receive from the city such as water, power, permits, etc; and

WHEREAS, RCW 42.56.070(7), RCW 42.56.240(14), and RCW 42.56.120 prescribe that agencies may be reimbursed for the cost of providing copies; and

WHEREAS, many years have passed since the City Council has amended the current fee schedules; and

WHEREAS, RCW 42.56.070(7) requires a public hearing be held regarding adopting a fee schedule and a fee schedule may be adopted by Resolution, as requested by the City Clerk-Treasurer; and

WHEREAS, a public hearing was held on _____, 2023; NOW THEREFORE,

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCCLEARY, WASHINGTON, AS FOLLOWS:

Section 1. The following fee schedule is established for providing public records as required by Section 2.72.150 of the McCleary Municipal Code:

Fee Schedule for General City Records:

The City has decided to follow statutory default charges in [RCW 42.56.120](#):

- 15 cents/page for photocopies or printed copies of electronic records;
- 10 cents/page for records scanned into electronic format;
- 5 cents for every four electronic files or attachments uploaded to an email, cloud storage service, or other electronic delivery system;
- 10 cents/gigabyte for transmitting records electronically;
- The actual cost of the digital storage media/device, container used to mail the copies, and postage or delivery charges;
- A customized service charge for requests that would require information technology expertise to prepare data or provide customized electronic access.

For administrative convenience and efficiency purposes, the city has the discretion to waive copy charges for records requests valued at one dollar or less.

The City may:

- Require a deposit of up to 10 percent of estimated cost before making copies;
- Provide copies in installments;
- Require advance payment before providing installments; and
- Require a deposit for requests that are copied by a commercial vendor based on the estimated cost before copying.

Fee Schedule for Body Camera Redaction:

[RCW 42.56.240](#)(14) allows agencies to charge for staff time spent redacting body camera video recordings for certain requestors, in addition to the regular costs allowed under [RCW 42.56.070](#)(7).

- An estimated cost of redaction shall be given to the requester. The cost will be calculated by multiplying the hourly rate of pay for the reviewing staff member by one of the following:
 1. 10 minutes per one (1) minute of video redaction:
 - i. Estimated Cost = (10 X min.of video/60)(X hourly rate)
 2. Five (5) minutes per one (1) minute of audio only redaction.
 - i. Estimated Cost = (5 X min.of video/60)(X hourly rate)
- Videos will be rounded to the nearest whole minute for calculations.
- A ten percent deposit is required before staff will begin redactions.
- Remaining balance of actual time spent will be required before releasing the records.
- Records may be released without fees to requestors entitled to copies as allowed by RCW 42.56.240.

Section 2. The fee schedule established by this Resolution shall repeal and replace any prior fee schedules utilized by the City for copying of public records pursuant to MCC 2.72.150.

PASSED THIS ____ DAY OF _____, 2023, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of _____, 2023.

CITY OF McCLEARY:

CHRIS MILLER, Mayor

ATTEST:

JENNA AMSBURY, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney