

Ordinance No.1551

AN ORDINANCE OF THE CITY OF LYNDEN,
CITY OF WHATCOM RELATING TO CHARGING
FEES FOR PUBLIC RECORDS CHAPTER 42.56.120 RCW

WHEREAS, Sections 42.56.040 and 42.56.100 of the Revised Code of Washington (RCW) require the City to make nonexempt public records available for inspection and copying; and

WHEREAS, the Washington State Legislature adopted new legislation affecting the way the City is required to administer chapter 42.56 RCW; and

WHEREAS, the Washington State Legislature amended RCW 42.56.120 to require that effective July 23, 2017, an agency need not calculate the actual costs it charges for providing public records if the agency has rules or regulations declaring the reasons for doing so would be unduly burdensome; and

WHEREAS, funds were not appropriated for performing a study to determine actual copying costs; the City lacks the necessary funds and staff resources to conduct a comprehensive study to determine its actual copying costs based upon all the different staff salaries it employs; and to conduct such a study would interfere with the City's other essential functions; and

WHEREAS, the City may use the statutory default copy fee schedule set forth in RCW 42.56.120; and

WHEREAS, the City desires incorporate these changes into the City's existing rules and policies relating to the public Records Act and;

WHEREAS, the City held a public hearing on this ordinance on February 20, 2018.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON DOES ORDAIN THAT:

Section 1. The fee schedule attached hereto as Exhibit A is adopted.

Section 2. Any conflict between City Policy AD 31 and the fee schedule adopted herewith shall be resolved in favor of the fee schedule adopted herewith.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 4. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, 7 IN FAVOR
0 AGAINST, AND SIGNED BY THE MAYOR THIS 20TH DAY OF FEBRUARY 2018.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

Exhibit A

PRA Fee Schedule

Type of Record	Fee(s)
Paper copies	15 cents per page
Scanned copies	10 cents per page
Records uploaded to email, cloud based storage, CD/DVD or flash drive	5 cents each per every 4 electronic files or attachments
Records transmitted in electronic format	10 cents per gigabyte (GB)
Digital Storage Media Device (CD/DVD, flash drive)	Actual Cost
Envelopes & Postage or Delivery	Actual Cost
Nonstandard copies (oversized copies, photographs, plans, etc.)	Actual Cost
Customized Service Charge	When the request would require the use of IT expertise to prepare data compilations or when such customized access services are not used by the City for other business purposes, the City may charge the actual cost. The City must notify the requester that it will be doing a customized service and can require a 10% deposit.
Any other record not described above	Actual Cost

Additional Information Regarding Fees and Payment

There is no cost for inspection of public records, however, the City does charge fees for copying, scanning and mailing records to the Requester in accordance with the above fee schedule. Payment for responsive records and delivery costs must be received before the records are provided. If payment is not received within 30 days of the date the records are made available, the request will be deemed abandoned and will be administratively closed without further communication to the Requester. The City will remind the Requester of these time frames when the records are available.

The City offers two methods for delivery of responsive paper records to a public records request. Paper records are available via in-person pick up or by postal mail. The Public Records Officer may require a 10% deposit for large records requests which require multiple installments.

Installments which have a volume of electronic records that exceeds 25 mb will be delivered via CD/DVD or USB memory device. Digital Storage media/devices are charged the actual cost of material (such as a CD/DVD, flash drive, etc.). CD/DVD and USB memory devices can be either picked up in person or sent by postal mail. For electronic records requests which have a very low volume of responsive records, the records may be sent through email as an attachment and the appropriate costs will be charged.

No charges will be assessed if the cost of responsive records is less than \$10.00.

The City does **not** provide customized access to its databases or computer systems such as personal use of its databases or computer systems. However, the City will allow a Requester to view public records which are responsive to their request on a City computer system if necessary.