

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adopting Ordinance No. 784: Amending the Shoreline Municipal Code Chapter 3.01 Fee Schedule in Relationship to Public Records in Response to Engrossed House Bill 1595
DEPARTMENT:	CMO/CCK Administrative Services
PRESENTED BY:	Jessica Simulcik Smith, City Clerk Rick Kirkwood, Budget Supervisor
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

In 2015, the Washington State Legislature directed the State Auditor’s Office to “develop a methodology and conduct a study to establish an accurate cost estimate for providing paper and electronic copies of records in response to requests under the Public Records Act.” Based on the study and 12 months of stakeholder group work, in 2017, the Legislature passed Engrossed House Bill (EHB) 1595 related to costs associated with responding to public records requests. This Bill authorizes agencies to charge a small fee for providing electronically produced copies of records, and authorizes a customized service charge for requests that require staff with information technology expertise to prepare data compilations or provide customized electronic assess. The effective date of EHB 1595 is July 23, 2017.

The City’s fees for public records are codified in 3.01.220 of the Shoreline Municipal Code (SMC). SMC Chapter 3.01 *Fee Schedule* must be amended to allow for assessment of fees for electronically produced copies of records and other housekeeping items in relation to the new fee. Proposed Ordinance No. 784 provides for this amendment. On June 5, the City Council held a required public hearing and discussed proposed Ordinance No. 784. Council directed staff to bring back this proposed ordinance for adoption.

RESOURCE/FINANCIAL IMPACT:

There is no financial impact associated with this action; however, the estimated revenue that would be generated annually from fees for electronically produced copies is approximately \$250.

RECOMMENDATION

Staff recommends that the City Council adopt proposed Ordinance No. 784.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

Washington's Public Records Act, Chapter 42.56 RCW (PRA), requires public agencies to make public records available for inspection and copying upon request. The PRA was enacted in 1972 by initiative to provide the people with broad rights of access to public records in order to promote the public policy of open government and accountability to the public. The City of Shoreline places a high value on openness and accountability, and is fully committed to complying with the PRA.

In 2015, the Washington State Legislature directed the State Auditor's Office to "develop a methodology and conduct a study to establish an accurate cost estimate for providing paper and electronic copies of records in response to requests under the Public Records Act." Based on the Study and 12 months of stakeholder group work, in 2017, the Legislature passed Engrossed House Bill 1595 related to costs associated with responding to public records requests. This Bill authorizes agencies to charge a small fee for electronically produced copies of records, and authorizes a customized service charge for requests that require staff with information technology expertise to prepare data compilations or provide customized electronic access. The effective date of EHB 1595 is July 23, 2017.

The City's fees for public records are codified in Shoreline Municipal Code section 3.01.220. Currently the City charges \$0.15 per page to copy or scan paper up to 11 by 17 inches in size; \$0.25 per page to color copy paper up to 11 by 17 inches in size; and \$3.50 per page to copy paper 24 by 36 inches in size (i.e., plans). Fees are waived if five or fewer pages (up to 11 by 17 inches) are requested. The City charges for the actual cost of a CD, DVD, or flash drive, but does not charge a fee for copying electronic records. In 2016, about 20% of all the requests were assessed fees, and the City collected slightly under \$1,000.

DISCUSSION

On June 5, the City Council held a required public hearing and discussed proposed Ordinance No. 784 (Attachment A). The staff report for this Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2017/staffreport060517-8a.pdf>.

During this discussion, Council voiced their support of assessing fees for electronically produced copies of records as authorized by EHB 1595, and was also supportive of using the 'Actual Cost' methodology as proposed by staff. Exhibit A to proposed Ordinance No. 784 includes these staff recommended changes to the City's Fee Schedule for public records.

RESOURCE/FINANCIAL IMPACT

There is no financial impact associated with this action; however, the estimated revenue that would be generated annually from fees for copying electronic records is approximately \$250.

RECOMMENDATION

Staff recommends that the City Council adopt proposed Ordinance No. 784.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 784

Attachment A – Exhibit A: Proposed Shoreline Municipal Code section 3.01.220 –
Public Records

ORDINANCE NO. 784

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING SECTION 3.01.220 TO THE SHORELINE MUNICIPAL CODE TO PROVIDE FOR A FEE FOR THE PROVISION OF PUBLIC RECORDS IN AN ELECTRONIC FORMAT AND NOMINAL HOUSEKEEPING AMENDMENTS IN RELATIONSHIP TO THE NEW FEE.

WHEREAS, RCW 42.56, Washington’s Public Records Act (“Act”) allows the public to request public records from the City; and

WHEREAS, while the Act precludes the City from charging a fee for inspecting or locating public records, it does allow the City to charge a reasonable fee for the copying of records; and

WHEREAS, since the Act’s adoption in 1972, the use of technology has resulted in many public records stored in an electronic format for which a copying fee was not 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, to impose a statutorily-authorized default cost, or to adopt a one-time flat fee of up to \$2.00; and

WHEREAS, the City has prepared a cost study so as to determine the actual costs of providing public records; and

WHEREAS, EHB 1595, Section 1, codified at RCW 42.56.070, states that a city seeking to impose actual costs must provide notice and a public hearing; and

WHEREAS, appropriate public notice was given for a public hearing held on June 5, 2017; and

WHEREAS, RCW 42.56.120 requires any fee that the City charge be published; and

WHEREAS, Shoreline Municipal Code (SMC) 3.01.220 contains the published rates the City currently charges for the provision of public records but does not include a fee for the provision of records in an electronic format or for a customized service charge; and

WHEREAS, an amendment is needed to add these fees to chapter SMC 3.01.220 and to make nominal housekeeping amendments based on this amendment;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment to SMC 3.01.220. SMC 3.01.220 is amended as set forth in Exhibit A to this Ordinance.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect August 1, 2017.

PASSED BY THE CITY COUNCIL ON JUNE 19, 2017

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Margaret King
City Attorney

Date of Publication: _____, 2017
Effective Date: August 1, 2017

**City of Shoreline
Fee Schedules**

3.01.220 Public Records

	2017 Fee Schedule
1. Photocopying paper records	
a. Black and white photocopies of paper up to 11 by 17 inches - if more than five pages	\$0.15 Per Page
b. Black and white photocopies of paper larger than 11 by 17 inches - City Produced	\$3.50 Per Page
c. Color photocopies up to 11 by 17 inches - if more than three pages	\$0.25 Per Page
2. Scanning paper records	
a. Scans of paper up to 11 by 17 inches - if more than five pages	\$0.15 Per Page
3. Copying electronic records	
a. Copies of electronic records to file sharing site - 2 minute minimum for first installment only	\$0.62 Per Minute (2 Minute Minimum)
b. Copies of electronic records onto other storage media	Cost incurred by City for hardware plus \$0.62/minute
4. Other fees	
a. Photocopies - vendor produced	Cost charged by vendor, depending on size and process
b. Convert electronic records (in native format) into PDF format – if more than 15 minutes	\$37.08 Per hour
c. Service charge to prepare data compilations or provide customized electronic access services	Actual staff cost
d. Photographic prints and slides	Cost charged by vendor, depending on size and process
e. Clerk certification	\$1.10 Per document
5. Geographic Information Systems (GIS) services	
a. GIS maps smaller than 11 by 17 inches	\$0.50 Per Page
b. GIS maps larger than 11 by 17 inches	\$1.70 Per Square Foot
c. Custom GIS Mapping and Data Requests	\$92.00 Per Hour (1 Hour Minimum)

[Ord. 784 § 1, 2017; Ord. 778 § 1, 2017; Ord. 758 § 3 (Exh. A), 2016; Ord. 738 § 1, 2016; Ord. 728 § 3 (Exh. A), 2015; Ord. 699 § 3 (Exh. A), 2014; Ord. 678 § 1, 2013 (Exh. A); Ord. 650 § 3 (Exh. A), 2012; Ord. 622 § 3 (Exh. A), 2011; Ord. 585 §§ 3(a), 3(b) (Exh. B), 2010; Ord. 563 § 3 (Exh. B), 2009; Ord. 528 § 3 (Exh. A), 2008; Ord. 486 § 3, 2007; Ord. 451 § 6, 2006; Ord. 435 § 7, 2006; Ord. 404, 2005; Ord. 366, 2004; Ord. 342, 2003; Ord. 315, 2002; Ord. 294 § 1, 2001; Ord. 285 § 3, 2001; Ord. 256 § 3, 2000]