

CITY OF KENNEWICK  
RESOLUTION NO.21-15

A RESOLUTION AMENDING THE PUBLIC RECORDS FEE SCHEDULE

WHEREAS, Chapter 1.40 of the Kennewick Municipal Code, contains the City of Kennewick's policy and procedures regarding requests for access to or copies of City records; and

WHEREAS, KMC 1.40.090 sets out the policy regarding costs of providing copies of 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 sewer, water, permits, etc.; and

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

WHEREAS, the City Council adopted the current fee schedule on August 15, 2017; and

WHEREAS, a statement of factors and manner used to determine the actual costs is described in Exhibit A; and

WHEREAS, the fee schedule shall be automatically updated annually using the factors described in Exhibit A; and

WHEREAS, RCW 42.56.070(7) requires a public hearing be held regarding adopting a fee schedule and the City's Public Records Policy, KMC 1.40.090 requires that the fee schedule be adopted by resolution; and

WHEREAS, a public hearing was held on December 21, 2021; NOW, THEREFORE,

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

**Section 1.** The following fee schedule is established for providing public records as required by Section 1.40.090 of the Kennewick Municipal Code:

**OPTION 2 – EMPLOYEE HOURLY RATE PLUS OVERHEAD**

<b>FEE TYPE</b>	<b>COST</b>	<b>METHOD</b>
<b>I. RECORDS AVAILABLE AT NO COST</b>		
Inspection of Records	None	Please arrange an in-person appointment Monday – Thursday between 8:30 a.m. to 4:00 p.m. (excluding holidays).
Links to records on Go2Kennewick.com	None	You will receive a link to a specific page on the agency’s website at no cost.
<b>II. ELECTRONIC COPIES</b>		
<b>Transfer of Electronic Files</b>	<b>Transmission charge (including 15 files); plus</b> <ul style="list-style-type: none"> <li>• file flat rate (for 16 or more files); and</li> <li>• per gigabyte fee*;</li> <li>• and scanning fee**</li> </ul>	Please refer to Exhibit A.
<b>File Flat Rate</b> The cost to copy each electronic file.	For Jan. 1 through July 31, 2022, the rate is \$.54 per file. The rate is adjusted annually on August 1.	Please refer to Exhibit A.
<b>*Gigabyte Fee</b> – For requests with one gigabyte or more of data.	\$.10 per gigabyte for the transmission of public records in an electronic format.	Please refer to Exhibit A. This is an added fee for larger requests. Requests with less than one gigabyte are not charged this fee.
<b>**Scanning Fee</b> – For records which do not exist in electronic format.	The actual staff time.	Please refer to Exhibit A. This is an added fee. Requests without scanned records are not charged this fee.
<b>III. VIDEO RECORDINGS</b>		
<b>Duplicate Copies</b> – When the exact recording has been previously requested and the circumstances requiring/waiving redactions are identical and the recording is available as an existing copy		Please refer to Electronic Copies – Section II.
<b>Traffic Camera Video</b> – When the recording requested is exclusively located at the intersection cabinet and no other place.	<b>Transmission charge; plus</b> <ul style="list-style-type: none"> <li>• the actual cost of staff time to copy the files; and</li> <li>• per gigabyte fee*.</li> </ul>	Please refer to Exhibit A.
<b>Police Body/Dash Camera Video</b> – Request made by party directly involved.	<b>Transmission charge; plus</b> <ul style="list-style-type: none"> <li>• the actual cost of staff time to copy the files; and</li> <li>• per gigabyte fee*.</li> </ul>	Please refer to Exhibit A.
<b>Police Body/Dash Camera Video</b> – Request made by party NOT directly involved.	<b>Transmission charge; plus</b> the actual cost of staff time to copy the files; and <ul style="list-style-type: none"> <li>• the cost of staff time to redact any portion of the recording; and</li> <li>• per gigabyte fee*.</li> </ul>	Please refer to Exhibit A.
<b>Miscellaneous Videos</b>	<b>Transmission charge; plus</b> <ul style="list-style-type: none"> <li>• the actual staff time to copy the files; and</li> <li>• per gigabyte fee*.</li> </ul>	

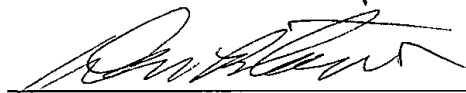
IV. PHYSICAL COPIES		
Letter, Legal & Executive sized pages from physical format:	<b>Actual staff time, plus:</b> • cost per page. • postage (if necessary)	Please refer to Exhibit A.
Letter, Legal & Executive sized pages from electronic format:	<b>Actual staff time, plus:</b> • cost per page. • postage (if necessary)	
Large format copies (greater than 11 x 17).	<b>Actual staff time, plus:</b> • cost per page. • postage (if necessary)	
V. POSTAGE – ADDED TO THE COST OF PHYSICAL RECORDS		
Postage	<b>Actual staff time, plus:</b> • postage; and • the cost of shipping materials	Please refer to Exhibit A.
VI. MEDIA – ADDED TO THE COST OF ELECTRONIC RECORDS		
Flash Drives	Actual cost of flash drive.	Please refer to Exhibit A.
External Hard Drives	Actual cost of hard drive.	
VII. CUSTOMIZED ACCESS FEE		
A customized service charge may be imposed if the City of Kennewick estimates the request will 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.		
VIII. DEPOSIT		
The City of Kennewick may require a deposit in an amount <i>not to exceed</i> ten percent of the estimated cost of providing copies for a request, including a customized service charge.		

**Section 2.** Resolution No. 17-18 is hereby repealed.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 21<sup>st</sup> day of December, 2021, and signed in authentication of its passage this 21<sup>st</sup> day of December, 2021.

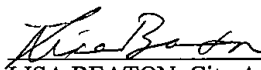
Attest:

  
TERRI L. WRIGHT, City Clerk

  
DON BRITAIN, Mayor

RESOLUTION NO. 21-15 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington, this 22<sup>nd</sup> day of December, 2021.

Approved as to Form:

  
LISA BEATON, City Attorney

  
TERRI L. WRIGHT, City Clerk

### OPTION TWO Exhibit A

#### Statement of Factors and Manner Used to Determine Actual Costs for Producing Copies

*This schedule is automatically updated August 1 of each year using the following factors.*

I. RECORDS AVAILABLE AT NO COST
<p>The City of Kennewick is committed to providing citizens with free access to <i>inspection</i>* of public records:</p> <p><b>IN PERSON REVIEW:</b> Requestors shall be provided an appointment or appointments during regular office hours to inspect documents compiled in response to their public records request. (RCW 42.56.120). Each appointment may not exceed 90 minutes and must conclude on or before 4:30 p.m. <i>*Inspection does not include the cost of copies.</i></p> <p><b>LINKS TO SPECIFIC PAGES ON THE CITY'S WEBSITE.</b> The City has made many records available at <a href="http://www.Go2Kennewick.com">www.Go2Kennewick.com</a>. Staff will provide a specific link in response to a request for existing, identifiable records on our website. (RCW 42.56.520)</p>
II. ELECTRONIC COPIES
<p><b>TRANSMISSION CHARGE:</b> The City utilizes a public records portal to receive and manage public records requests, to store responsive records and to provide electronic copies of records to our customers. RCW 42.56.070 provides that agencies may recover the actual cost of the electronic production or file transfer of the record and the use of any cloud-based data storage and processing service. The per capita "transmission charge" is calculated annually using the following method:</p> <p>The annual cost of the public records portal for the prior fiscal year divided by the number of requests received during that period for which records were transmitted to the customer.</p> <p><b>EXAMPLE:</b> In 2020 the annual base cost of the portal was \$11,300. Records were transmitted for 1,635 requests: <math>11,300 \div 1,635 = \\$6.91</math>.</p>
<p><b>TIME PER FILE: Our calculations determined it takes .46 minutes to e-copy one electronic record.</b></p> <p>City staff performed a timed case study to determine the time it takes to make electronic copies of 10 files. For consistency, staff used the same original 10 files, the same mock request, and identical procedures for e-printing, re-naming, organizing for transmittal, zipping, uploading, publishing to customer account and giving the customer instructions for accessing the copies on the request portal (a cloud-based data storage and processing service).</p> <p><b>Test No. 1:</b> 4.58 minutes <b>Test No. 2:</b> 4.56 minutes <b>Average:</b> 4.57 minutes  <b>Actual Time Per File (TPF):</b> 4.57 minutes divided by 10 files equals .46 minutes.</p>
<p><b>FILE FLAT RATE: Our calculation will be updated annually using the per-minute average employee cost from the salaries reported to JLARC multiplied by .46 (the Time Per File). The JLARC report is submitted annually on or before July 1 and the new fee schedule will take effect August 1. For copies made between January 1 and July 31, 2022, the fee will be set at \$.54 per file.</b></p> <p><b>A flat rate fee is overall less expensive for customers than itemizing actual fees. It is more efficient for staff to rely upon a flat fee whenever possible. This efficiency is a cost savings for taxpayers.</b></p> <p>Each year, the City of Kennewick details various public records request metrics via a report to the Joint Legislative Audit Review Committee (JLARC). A significant element of this reporting is the cost of actual staff time spent during the reporting period. Excluded are the salaries of anyone who did not perform work on public records requests.</p> <p>Our fee schedule incorporates this average plus the overhead rate to determine the total hourly employee cost. This cost is divided by 60 to determine the Per-Minute Cost (PMC). To calculate the File Flat Rate, we multiply the PMC by the TPF.</p> <p><b>FOR INSTANCE:</b> In 2021, the average staff hourly rate for the reporting period (01/01/2020 – 12/31/2020).</p> <p><b>EXAMPLE:</b> On November 1, 2021, Mary is asked to copy 37 electronic files. For the most recent JLARC reporting period (January 1, 2020 through December 31, 2020), the City experienced an average employee cost of \$70.16 per hour (\$39.78 average per hour plus \$30.38 overhead). We've established it takes .46 minutes to copy one file.</p> <p style="text-align: center;"><math>\\$70.16 \div 60 = \\$1.17</math> (Per Minute Cost - PMC)  <math>\\$1.17 \times .46 = \\$.54</math> (Cost Per File - CPF)  <b>The cost for Mary to copy 37 electronic files is \$19.98 (\$.54 x 37).</b></p>

**GIGABYTE FEE:** The base transmission cost is calculated upon the flat annual cost of the portal. The cost of the City's public records portal is based upon limited storage. A surplus is charged if we exceed the plan limits. Therefore, it is necessary to pass along excess storage fees for large requests which exceed 1 gigabyte.

Pursuant to RCW 42.56.120(2)(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 . . .*

The city has established it is unduly burdensome to determine the per gigabyte fee for excess data storage costs per request. Therefore, the City is electing to use the standard rate established by RCW 42.56.120(2)(b)(iv) of \$.10 per gigabyte.

**SCANNING FEE:** Due to the inconsistent characteristics of physical records, it is not possible to determine a flat rate for scanning. Therefore, the City will charge the actual staff time to convert a standard-size scanned record to an electronic file. Prior to making a scanned copy, qualified personnel will start a timer and calculate the time it takes to:

- Remove the physical record from its original location (excluding any time spent locating the record).
- Remove paper clips, binder clips, staples, etc.
- Count the number of originals.
- Determine duplex or simplex originals.
- Repair any torn or partial pages for scanning.
- Make the scan using agency equipment.
- Compare the original versus scanned copies for quality (page count, legibility, skewed pages, blurred images, etc.).
- Rename the scans.
- Return the originals to their proper location (including binding and stapling).
- Upload the scan to the records portal.
- Calculate fees for the time spent making the copy.
- Transmit the records to the customer.
- Prepare instructions and transmittal letter.

*Staff cost per minute: Divide current hourly salary plus overhead by 60.*

*Scan cost: Multiply staff cost per minute by the number of minutes it took to scan and transmit the records.*

The cost of staff time to copy electronic files for a request will be based upon the current salary of the employee making the copies. Copies are typically made by administrative support staff but in some instances may be made by the person who prepared and/or retains the original records. Only the Public Records Officer/Specialist may release records to the customer and prepare instructions and correspondence.

### III. VIDEO RECORDS

**If the exact recording has been previously requested and the circumstances requiring/waiving redactions are identical and the recording is available as an existing copy, this fee schedule will not apply. Instead, the standard electronic fees from Section II shall be applied.**

The cost of staff time to copy electronic files for a request will be based upon the current salary and overhead of the qualified employee making the copies.

*Staff cost per minute: Divide current hourly salary plus overhead by 60.*

*Copy cost: Multiply staff cost per minute by the number of minutes it took to copy and transmit the records.*

**TRAFFIC CAMERA TRANSMISSION CHARGE:** Prior to making a copy, qualified personnel will start a timer and calculate the time it takes to:

- Travel to the intersection(s).
- Program the DVR to extract the video (excludes the time to locate the video).
- Run the extraction.
- Verify the accuracy of the copy.

<ul style="list-style-type: none"> <li>• Return the DVR to the proper settings for recording.</li> <li>• Travel to the office.</li> <li>• Upload the recording file(s) to the records portal.</li> <li>• Calculate fees for the time spent making the copy.</li> <li>• Transmit the records to the customer.</li> </ul> <p>Prepare instructions and transmittal letter.</p>
<p><b>POLICE BODY/DASH CAMERA VIDEO:</b> Prior to making a copy, qualified personnel will start a timer and calculate the time it takes to:</p> <ul style="list-style-type: none"> <li>• Program the equipment to extract the video (excludes the time to locate the video).</li> <li>• Run the extraction.</li> <li>• Verify the accuracy of the copy.</li> <li>• Return the equipment to the proper settings for recording.</li> <li>• Upload the recording file(s) to the records portal.</li> <li>• Calculate fees for the time spent making the copy.</li> <li>• Transmit the records to the customer.</li> <li>• Prepare instructions and transmittal letter.</li> </ul> <p><b>If the requestor is not a directly involved party to the incident, the following charges will also apply:</b></p> <ul style="list-style-type: none"> <li>• Actual time spent applying redactions to the video.</li> </ul>
<p><b>MISCELLANEOUS VIDEOS</b> Prior to making a copy, qualified personnel will start a timer and calculate the time it takes to:</p> <ul style="list-style-type: none"> <li>• Program the equipment to extract the video (excludes the time to locate the video).</li> <li>• Run the extraction.</li> <li>• Verify the accuracy of the copy.</li> <li>• Return the equipment to the proper settings for recording.</li> <li>• Upload the recording file(s) to the records portal.</li> <li>• Calculate fees for the time spent making the copy.</li> <li>• Transmit the records to the customer.</li> <li>• Prepare instructions and transmittal letter.</li> </ul>
<p align="center"><b>IV. PHYSICAL COPIES</b> <i>(records provided in physical format to the requestor).</i></p>
<p>Due to the inconsistent characteristics of physical records and the numerous formats of electronic records it is not possible to determine a flat rate for copying/printing. Therefore, the City will charge the actual staff time (hourly salary plus overhead) to duplicate records in physical format (plus equipment charges).</p> <p>In addition to the actual staff time, customers must pay the actual per page cost for the agency's copying equipment. The rate is set by contracts with equipment vendors.</p> <p><b>FOR INSTANCE:</b> The 2021 the equipment contract rates have been set at:</p> <p align="center"><i>Standard-Size Black &amp; White Copies: \$.04/page</i></p> <p align="center"><i>Standard-Size Color Copies: \$.10/page</i></p> <p align="center"><i>Large-Format Equipment Rate (greater than 11x17): \$1.81/square foot</i></p>
<p><b>LETTER, LEGAL &amp; EXECUTIVE SIZES FROM PHYSICAL FORMAT:</b> Prior to making a copy, qualified personnel will start a timer and calculate the time it takes to:</p> <ul style="list-style-type: none"> <li>• Remove the physical record from its original location (excluding any time spent locating the record).</li> <li>• Remove paper clips, binder clips, staples, etc.</li> <li>• Count the number of originals.</li> <li>• Determine duplex or simplex originals.</li> </ul>

<ul style="list-style-type: none"> <li>• Repair any torn or partial pages.</li> <li>• Make the copy using agency equipment.</li> <li>• Compare the original versus copied copies for quality (page count, legibility, skewed pages, blurred images, etc.).</li> <li>• Staple, bind, and/or clip the copies to match the original records.</li> <li>• Return the originals to their proper location (including binding and stapling).</li> <li>• Calculate fees for the time spent making the copy.</li> <li>• Transmit the records to the customer.</li> <li>• Prepare instructions and transmittal letter.</li> </ul>
<p><b>LETTER, LEGAL &amp; EXECUTIVE SIZES FROM ELECTRONIC FORMAT COPY:</b> Prior to making a copy, qualified personnel will start a timer and calculate the time it takes to:</p> <ul style="list-style-type: none"> <li>• Copy electronic records into one central location.</li> <li>• Count the number of originals.</li> <li>• Reformat/resize to print (if necessary).</li> <li>• Print the copy using agency equipment.</li> <li>• Compare the original versus copied copies for quality (page count, legibility, skewed pages, blurred images, etc.).</li> <li>• Calculate fees for the time spent making the copy.</li> <li>• Transmit the records to the customer.</li> <li>• Prepare instructions and transmittal letter.</li> </ul>
<p><b>V. POSTAGE – <i>actual staff time plus the cost of mailing materials</i></b></p> <p><b>ACTUAL STAFF TIME:</b> Prior to preparing the mailing, qualified personnel will start a timer and calculate the time it takes to:</p> <ul style="list-style-type: none"> <li>• Prepare, print and apply the mailing label/envelope.</li> <li>• Weigh the parcel/envelope.</li> <li>• Calculate postage.</li> </ul> <p>If the parcel/envelope requires special handling, staff shall estimate the time it will take to deliver the item to the postal carrier (i.e. FedEx, UPS, physical USPS office, etc.). Staff shall not include the time it takes to place the item in the outgoing mail bin for standard mailing.</p>
<p><b>MAILING MATERIALS:</b></p> <ul style="list-style-type: none"> <li>• <b>Standard envelopes (10 x 12 and smaller):</b> The City will charge a flat rate of \$1.00 to cover the cost of the envelope, shipping label, postage label/equipment and tape.</li> <li>• <b>Boxes, padded envelopes, large envelopes, bubble wrap, packing material, cardboard mailers:</b> Actual cost. For specialized packages, the City will utilize the services of mailing professionals (i.e. FedEx, UPS, USPS, etc.). The requestor shall pay the actual costs associated with these services.</li> </ul>
<p><b>VI. EXTERNAL MEDIA DEVICES (FLASH DRIVES &amp; HARD DRIVES)</b></p> <p><b>Reminder:</b> <i>Electronic records are available on the agency’s public records portal at significant cost saving over external media devices.</i></p> <p>To prevent viruses or corrupt files from entering the City’s networks, external media devices are not permitted under any circumstance. Whenever a requestor asks that their information be provided on an external media device, the City will purchase and furnish the device(s). The requestor must pay the actual cost of the device(s).</p> <ul style="list-style-type: none"> <li>• When records are provided in installments, a new media device is required for each installment.</li> <li>• If the records requested exceed the storage capacity of a flash drive, an external hard drive will be utilized.</li> <li>• Records will not be broken into smaller installments simply to accommodate a flash drive rather than an external hard drive.</li> </ul>

**VII. CUSTOMIZED ACCESS FEE**

A customized service charge may be imposed if the City of Kennewick estimates the request will 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.

**VIII. DEPOSIT**

The City of Kennewick 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.