

ORDINANCE NO. 18-005

AN ORDINANCE of the Council of the City of Camas authorizing the adoption of rules associated with charges for providing public records pursuant to RCW 42.56.120(2)(b).

WHEREAS, Revised Code of Washington (RCW) 42.56, Washington's Public Records Act (Act) allows the public to request nonexempt 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 (EHB) 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, in 2017 the Washington State Legislature amended Chapter 42.56 of the Revised Code of Washington adding new requirements for agencies using the statutory default copy fee schedule and for agencies determining the actual cost for providing copies of public records; and

WHEREAS, the Washington State Legislature amended RCW 42.56.120 at Chap. 304, 2017 Laws, Sec. 3 to require that effective July 23, 2017, an agency need not calculate the actual

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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, to the extent an agency has not determined the actual cost of copying public records, an agency may use the statutory default copy fee schedule set forth in RCW 42.56.120; 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; and to conduct such a study would interfere with the City's other essential agency functions; and

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

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Pursuant to RCW 42.56.120(2)(b), the City Council of the City of Camas makes the following findings:

Findings. The City finds as facts that calculating the actual cost of providing public records would be unduly burdensome because funds were not allocated 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; and to conduct such a study would interfere with the City's other essential agency functions. The City further finds as a fact that this ordinance is necessary for the support of the City of Camas and that it is in the public interest to adopt this ordinance in order to preserve and update fees in accordance with the legislatively adopted schedule.

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Section II

Pursuant to the findings as set forth herein, and as provided under RCW 42.56.120(1)(b), the City shall not calculate the actual cost for the copying of public records, which charges shall be reflected in the City of Camas fee schedule, consistent with the charges as set forth within RCW 42.56.120(2)(b)(i-v), as may be amended.

Section III

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 5th day of March, 2018.

SIGNED: _____
Mayor

ATTEST: _____
Clerk

APPROVED as to form:

City Attorney