

## CHAPTER 1.40 REQUESTS FOR ACCESS TO OR COPIES OF CITY RECORDS

### 1.40.010: Policy.

- (1) The City of Kennewick is committed to transparency in government. We will provide our customers the fullest assistance possible when requesting access to public records.
- (2) The City is required by RCW 42.56 to adopt and enforce reasonable rules and regulations consistent with the intent of the Public Records Act: to provide access to public records, to protect public records from damage or disorganization, and to prevent interference with other essential City business.
- (3) The City of Kennewick makes all public records available except those that are exempt by state or federal statute.
- (4) Any person wishing to inspect or copy identifiable public records of the City should make the request in writing in one of the following ways:
  - (a) The primary and preferred request method is via the City's online Public Records Request Center. This method is more efficient to administer, maximizes taxpayer resources, and provides a cheaper and more prompt delivery of responsive records to the customer.
  - (b) By letter, fax, or email (see KMC 1.40.030 for the proper email address) addressed to the Public Records Officer. Individual email accounts are not to be used for submitting public records requests. Requests submitted to individual e-mail accounts are not permitted as they are not a reliable method to ensure receipt of a request.
- (5) The following information should be included in the request:
  - (a) Name and address of requestor (optional but encouraged). Please note that anonymous requestors may not have access to records which include sensitive information such as social security numbers, identification numbers, addresses of public safety employees, lists of individuals, etc.);
  - (b) Contact information, including telephone number and email address (when applicable);
  - (c) Identification of the requested records adequate for the Public Records Officer to locate the records; and
  - (d) The date of the request.
- (6) Oral Requests. The Public Records Officer may accept requests for public records that contain the above information by telephone or in person. If an oral request is made, the Public Records Officer will confirm receipt of the information and the substance of the request in writing. The requestor shall immediately notify the Public Records Officer if the City's interpretation of the oral request is incorrect and shall provide clarification. Oral requests to individuals other than the Public Records Officer are not permissible and will not be considered properly delivered to the City of Kennewick.
- (7) Reasonable Notice That a Request is for Public Records. A requestor must give the City reasonable notice that the request is being made pursuant to the Public Records Act and that request should not be buried within another document. In most cases, a request made using the terms "public records," "public disclosure," "Public Records Act," or "Freedom of Information Act" provides reasonable notice. (WAC 44-14-04002(1)). All requests must be submitted pursuant to this policy and are not considered "received" under any other manner of submission.
- (8) Existing, Identifiable Records. A requestor must request an "existing, identifiable record" or "class of records" before the City must respond to it. An "identifiable record" is one that City staff can reasonably locate. Requestors are not allowed to search through City files for records which cannot be

City of Kennewick Public Records Policy  
Adopted and Enforced in Compliance with RCW 42.56.100

---

reasonably identified or described to the City. However, a requestor is not required to identify the exact record he or she seeks. Other information sought from the requestor will be used to determine whether exemptions apply to the request. (WAC 44-14-04002(2)).

- (a) In general, an "identifiable record" is not a request for "information." For example, asking "what policies the City has for handling discrimination complaints" is merely a request for "information." A request to inspect or copy the City's policies and procedures for handling discrimination complaints would be a request for an "identifiable record." Zoning Inquiries are not requests for public record and are subject to the City's Land Use Permit Fee Schedule.
  - (b) Public records requests are not interrogatories. The City is not required to conduct research for a requestor. A request for "any law that allows the City to impose taxes on me" is not a request for an identifiable record. Conversely, a request for "all records discussing the passage of this year's tax increase on real property" is a request for an "identifiable record."
  - (c) Requests are subject to the records which existed as of the date the request was submitted. Requests will not apply to records which come into existence at any time after the request is made including those which may come into existence while the request is open.
- (9) No Obligation to Create Records. The City is not obligated to create a new record to satisfy a records request. However, the City may, at its discretion create a new record to fulfill the request where it may be easier for the City rather than to collect and make available voluminous records that contain small pieces of information responsive to the request. However, the requestor must agree in writing that the new records will satisfy the request.
- (10) No Duty to Supplement Responses. If a public record is created or comes into the possession of the City after a request is received by the City, it is not responsive to the request and will not be provided. A new request must be made to obtain later created public records.
- (11) Counter Documents. Documents retained by the City that are readily available and can be provided without substantial research may be released without filing a written public record request form.

(Ord. 5708 Sec. 1 (part), 2017)

#### **1.40.020: Index of Records.**

The City finds that creating and maintaining a central city index of records is unduly burdensome and would interfere with city operations. The City Clerk's office shall maintain and make available to the public indices of ordinances, resolutions, and policies adopted by the city council, minutes of regular meetings of the city council and amendments, revisions, and repeals thereof and all public contracts, deeds and leases. These and all other indices maintained for City use will be made available for review by the public upon request to the Public Records Officer, unless exempted by state law.

(Res. 04-15; Ord. 5708 Sec. 1 (part), 2017)

#### **1.40.030: Agency Description—Contact Information—Public Records Officer.**

- (1) Any person wishing to request access to public records of the City, or seeking assistance in making such a request, shall contact the City's Public Records Officer.
- (2) The Public Records Officer will oversee compliance with the Act but may designate other City staff members who may process requests for public records. For Police records, the Public Records Officer has designated the Public Records Specialist.
- (3) The Public Records Officer or designee(s) will provide the fullest assistance to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the City.

City of Kennewick Public Records Policy  
Adopted and Enforced in Compliance with RCW 42.56.100

---

- (4) When using these Rules, references to the Public Records Officer should be interpreted to also include his/her designees.
- (5) Requests for records other than Police records. Requests to inspect or copy any records maintained by the City, other than Police records, should be made to the Public Records Officer at:  
  
City of Kennewick  
Public Records Officer - City Clerk's Office  
Public Records Request Center - (as the primary and preferred method)  
210 West 6th Avenue  
P.O. Box 6108  
Kennewick, WA 99336  
Telephone: (509) 585-4578  
Fax: (509) 585-4445  
Email: PRRequest@ci.kennewick.wa.us
- (6) Requests for Police Records. Requests to inspect or copy records maintained by the City's Police Department shall be made to the Public Records Specialist at:  
  
Kennewick Police Department  
Records Specialist – City Clerk's Office  
Public Records Request Center - (as the primary and preferred method)  
211 West 6th Avenue  
P.O. Box 6108  
Kennewick, WA 99336  
Telephone: (509) 585-4507  
Fax: (509) 582-9528  
Email: PolicePDR@ci.kennewick.wa.us
- (7) Internet access to records. Many records are also available on the City of Kennewick website. Requestors are encouraged to preserve taxpayer resources by viewing documents available on the website prior to submitting a public records request. In accordance with RCW 42.56.520(2) the City may satisfy its obligation by providing an internet address and link on the agency's web site to the specific records requested.
- (8) A computer kiosk is located in the lobby of City Hall and provides customers with direct access to the Public Records Request Center. City staff members are available to assist customers with this service.
- (9) The "City" does not include the Kennewick Public Facilities District, the Kennewick Housing Authority, or any other independent body. Requests of those agencies will not be coordinated via the City of Kennewick's Public Records Officer and shall be made directly to those agencies by the requestor.

(Ord. 5961 Sec. 1, 2021, Ord. 5805 Sec. 1, 2019; Ord. 5708 Sec. 1 (part), 2017)

**1.40.040: Certain Personal and Other Records Exempt.**

- (1) The City is subject to the exemptions contained in RCW 42.56 and all other federal/state statutes including those that may be later amended and adopted. An exemption from disclosure will be narrowly construed in favor of disclosure (RCW 42.56.030). An exemption from disclosure must specifically exempt a record or portion of a record from disclosure.
- (2) No provision of this policy shall be construed to require dissemination of any confidential communication from the City Attorney or any department head that is not subject to the disclosure requirements of RCW 42.56 or any communication that may lawfully be transmitted in an executive session pursuant to the State Open Public Meetings Act.

City of Kennewick Public Records Policy  
Adopted and Enforced in Compliance with RCW 42.56.100

---

- (3) The Code Reviser's Office annually provides the State Sunshine Committee with a list of public disclosure exemptions contained in the Revised Code of Washington. This list (as may be later amended) is incorporated into this Policy. However, the City's failure to list an exemption shall not affect the efficacy of any exemption.

(Ord. 5708 Sec. 1 (part), 2017)

**1.40.050: Other Exemptions.**

- (1) Nothing in this policy shall be construed as authorizing the copying of any other document exempt by federal or state law. Police records are subject to RCW 10.97, RCW 42.56, RCW 13.50, RCW 68.50, and RCW 70.48.
- (2) The City is prohibited by statute from disclosing lists of individuals for commercial purposes. (RCW 42.56.070(9)). The Public Records Officer will investigate any requests for individuals (according to industry standards and best practices) to determine whether or not they are being sought for commercial purposes. If it is determined the lists are for commercial purposes the request will be denied.

(Ord. 5708 Sec. 1 (part), 2017)

**1.40.060: Procedures for Exemptions and Redactions.**

- (1) The City reserves the right to redact identifying details when disclosing the public record if there is reason to believe that disclosure of such details would be an invasion of personal privacy or involves exempt material as noted above in 1.40.040. When exempt portions of Public Records can be redacted, the remainder thereof shall be open to public inspection and copying.
- (2) Exemption Log. If the City determines that a record is subject to an exemption and is withholding the record in its entirety, the City shall prepare an exemption log that contains the following information:
  - (a) A description of the exemption including the statutory reference;
  - (b) The type of record being withheld;
  - (c) A short explanation of how the exemption applies to the record (or part) being withheld;
  - (d) The date the record was created;
  - (e) The number of pages;
  - (f) The author and recipient, or if otherwise protected, other means of sufficiently identifying particular records without disclosing protected contents; and
  - (g) Where the use of any identifying features would reveal protected contents, the City may designate the record with a numbered sequence.
- (3) Notice of Redaction/Redaction Log. If the City determines that part of a record is subject to an exemption, the City shall redact the exempt portion(s), provide the non-exempt portions and note the redaction(s) in correspondence to the requestor or by creating a Redaction Log for numerous exemptions. The following information shall be included in writing:
  - (a) A color-coded text overlay on pdf documents where the exemption occurs;
  - (b) A description of the exemption including the statutory reference; and
  - (c) A short explanation of how the exemption applies to the record (or part) being withheld.
- (4) Exemption and Redaction Logs for non-routine requests are to be reviewed by the City Attorney's Office prior to being provided to the requestor.

(Ord. 5961 Sec. 2, 2021, Ord. 5708 Sec. 1 (part), 2017)

**1.40.070: Retention and Destruction of Public Records.**

- (1) The Washington State Archivist has developed retention schedules for local government records including e-mail and electronic records. Records of the City should be retained and destroyed consistent with the retention schedules. If a public records request is made at a time when a record exists, but is scheduled for destruction in the near future, the person with possession and control of the record shall retain the record until the request is resolved.
- (2) Backup copies of public records performed by information services personnel are not a substitute for records retention. Retention is the responsibility of the sender of the record, not the backup process. Backups are for disaster recovery only and files are not individually indexed/identifiable. To avoid interference with essential government operations, and to preserve organization of government records, backup tapes will not be examined in response to a public records request.

(Ord. 5708 Sec. 1 (part), 2017)

**1.40.080: Medical Records, Information Access, and Disclosure.**

Medical records shall be released or disclosed under a patient's written authorization, or in compliance with RCW 70.02.020. Therefore, requests for medical records shall be made to the Ambulance Billing Department by fax at 509-585-4254 and not through this public records policy.

(Ord. 5708 Sec. 1 (part), 2017)

**1.40.090: Costs of Providing Copies of Public Records.**

- (1) There is no fee for inspecting public records.
- (2) The City does not charge a fee for locating records.
- (3) There is a cost to receive copies of records as described in the City's fee schedule which is adopted by Council resolution.
  - (a) The fee schedule for City Hall and Fire Department records is available at City Hall and on the City's website.
  - (b) When the cost is nominal (under \$1.00), the City may waive the fee if it determines it is more efficient to do so. However, persons who make multiple records requests may be required to pay nominal fees when it's estimated the total of their collective requests may exceed \$1.00.
  - (c) The fee schedule for Police records is available at the Police Department and on the City's website.
- (4) For security reasons and to avoid unreasonable disruption of operations, the City cannot offer copying facilities for public use or open files beyond business hours.
- (5) Before beginning to make copies, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The Public Records Officer, or designee, may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing the installment. The City will not charge sales tax when it makes copies of public records.
- (6) Cost of Mailing. The City may also charge the actual costs of mailing, including the cost of the shipping container and the actual staff time spent preparing the records for mailing.

City of Kennewick Public Records Policy  
Adopted and Enforced in Compliance with RCW 42.56.100

---

- (7) Fees are normally waived for government agencies or when supplying the copy would be in the City's interest.
- (8) Customized Access is a matter of law as noted in RCW 42.56.120. The City may assess a customized service charge for exceptionally large records requests that require staff and resources beyond what is normally available to the agency. The fee is in addition to the authorized copying costs, and may include reimbursement for the actual costs of providing the records. A customized service charge is warranted if:
  - (a) Fulfilling the request requires extensive use of information technology resources to identify, locate, format, or translate a record, or provide electronic access services; or
  - (b) The request requires specialized analytical, research, or supervisory assistance to identify, locate, compile, or transfer the records.
- (9) This policy does not apply to records sought under the rules of discovery in the course of litigation. If a requestor is seeking records under discovery, they need to make their request to the City Attorney's Office and not through this policy. All records requests made under this policy, regardless of intended use are subject to RCW 42.56 (including the exemptions allowed under the Act).
- (10) GIS Information is available pursuant to KMC 1.40.100.
- (11) Requests for Replacement Jobsite Plans:
  - (a) The City maintains (for a period of 90 days following project completion) a set of submitted plans in their original format. The City does not retain a stamped set of plans. Therefore, customers are responsible for protecting their stamped originals from loss, damage and destruction and for maintaining a copy of the stamped plans at the jobsite at all times.
  - (b) To obtain a replacement set of stamped jobsite plans, please submit your request and payment to the customer service permit desk (subject to current fee schedule) and not through this policy.

(Ord. 5961 Sec. 3, 2021, Ord. 5708 Sec. 1 (part), 2017)

**1.40.100: Geographic Information System Policy.**

- (1) GIS information is available to the general public on the City's website.
- (2) When a request is made for the creation of custom electronic GIS information (files), the requestor will be asked to submit their request via the Public Records Request Center and upload a fully-executed "Request for Information Disclaimer" form in order to provide a time and cost estimate to complete the request. In this form, the requestor will be asked to provide details for the specific files/layers desired, the coverage/area required, and delivery method for electronic files. The requestor will be asked to approve the cost estimate (and provide a down payment of ten percent when requested) before the work will be scheduled. Upon completion of the project, the requestor will be notified and arrangements will be made for invoicing, payment, and delivery of the information requested.
- (3) Fees for GIS services are based on the actual staff time required to create the data files plus any applicable printing fees and apply to all outside entities not covered by the GIS Data Sharing Agreement or doing work for the City. The current fee schedule for printed maps is available on the City's website.
- (4) The current data sharing agreements with local governmental agencies will continue to define information release policies among these groups.

(Ord. 5708 Sec. 1 (part), 2017)

**1.40.110: Prompt Responses Required.**

- (1) Within five business days of receiving a valid/proper public records request, the Public Records Officer must respond to the requestor in (one or more of) the following ways:
  - (a) Providing the record;
  - (b) Providing an internet address and link on the City's website to the specific records requested, except that if the requester notifies the City that he or she cannot access the records through the internet, then the City will provide copies of the record;
  - (c) Acknowledging that the City has received the request and providing a reasonable estimate of the time required to respond to the request;
  - (d) Requesting clarification from the requestor; or
  - (e) Denying the public records request.
- (2) Additional time required to respond to a request may be based upon the need to clarify the intent of the request, collaborate with the requestor to ensure a successful search, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request and to prepare redaction logs as appropriate.
- (3) As a courtesy, rather than denying an invalid request outright, the Public Records Officer may provide the requestor an opportunity to rephrase a request that does not sufficiently describe an identifying document. Such opportunity will include a deadline for response. This courtesy is extended based upon availability of staff time and resources. The request will be considered "received" on the next business day after the "existing, identifiable" records have been described. If the requestor fails to properly identify existing records by the deadline the City need not respond to it.
- (4) Denials of requests must be accompanied by a written statement of the specific reasons therefor in accordance with RCW 42.56.
- (5) Should a requestor not receive a timely response to their request as described above, the requestor should contact the public records officer to determine the reason for the failure to respond.
- (6) The City is committed to assisting the public with accessing the records and encourages requestors to avoid delays in contacting the Public Records Officer/Specialist.

(Ord. 5961 Sec. 4, 2021, Ord. 5708 Sec. 1 (part), 2017)

**1.40.120: Administrative Review of Actions by the Public Records Officer.**

- (1) Any person who objects to the denial of a request for a public record or the closure of a public records request shall petition for prompt review of such action by tendering a written request for review to the City Attorney. The written request shall specifically refer to the written statement by the Public Records Officer or other staff member which constituted or accompanied the action taken.
- (2) Immediately after receiving a written request for review of a decision of the Public Records Officer, the City Attorney (or designee) shall request a response from the Public Records Officer or other person who responded to the request. The City Attorney (or designee) will immediately consider the matter and either affirm or reverse such action within two business days following the receipt of the written request for review of the action.
- (3) Administrative remedies shall not be considered exhausted until the City Attorney (or designee) has made a written decision, or until the close of the second business day following receipt of the written request for review of the action of the Public Records Officer, whichever occurs first.

(Ord. 5961 Sec. 5, 2021, Ord. 5708 Sec. 1 (part), 2017)

#### **1.40.130: Managing Multiple, Frequent Requests from an Individual.**

In order to provide the fullest assistance to all requesters; to prevent damage to or disorganization of City records or excessive interference with other essential City functions; or to assure that the appropriate amount of City time and resources will be fairly allocated among all requests and requesters, the Public Records Officer has the discretion to administer multiple, frequent open requests from an individual by either:

- (1) Considering each request individually; or
- (2) Administering requests sequentially. The Public Records Officer shall administer each request by the same requestor one at a time in consecutive order.
  - (a) The earliest request submitted will be the earliest request resolved. Work will begin on the next request once the earlier request has been resolved. Work will continue in this manner until all requests have been resolved.
  - (b) A requestor shall be permitted no more than two opportunities within a 12-month period to reorder their requests to the priority of their choosing; these requests for reprioritization shall be honored whenever practical to do so.
  - (c) Requestors are cautioned that work will not continue on subsequent requests until they have provided a timely response to requests for inspection, retrieval or payment or until the request is abandoned, whichever occurs first.

(Ord. 5708 Sec. 1 (part), 2017)

#### **1.40.140: Protecting Rights of Others.**

In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the Public Records Officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. The Public Records Officer or designee shall give sufficient notice to other persons so that the affected person can review the request, and if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(Ord. 5708 Sec. 1 (part), 2017)

#### **1.40.150: Copyrighted Material—Commercial Purposes.**

- (1) Certain documents that are in the hands of the City may be protected by a statutory or common-law copyright. If the department believes that copying may violate fair use of the document, the owner will be promptly notified that he must seek prompt relief if he wishes to protect the document from copying.
- (2) Copying of copyrighted material, other than fair use, will be refused if the department finds that copying will be for commercial purposes and fair value has not been paid to the copyright holder.

(Ord. 5708 Sec. 1 (part), 2017)

#### **1.40.160: Providing Records in Installments.**

It is the City's goal to provide requestors with the records they seek as quickly as possible. Therefore, the Public Records Officer or designee, will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way.

City of Kennewick Public Records Policy  
Adopted and Enforced in Compliance with RCW 42.56.100

---

- (1) If, within 30 days, the requestor fails to inspect (or provide payment for) the entire set of records or one or more of the installments, the Public Records Officer or designee may stop searching for the remaining records and close the request.
- (2) The City may suspend work to satisfy the request while awaiting payment or inspection of the records.

(Ord. 5961 Sec. 6, 2021, Ord. 5708 Sec. 1 (part), 2017)

**1.40.170: Closing the Request.**

- (1) The Public Records Officer shall provide requestors 30 days to respond to requests from the City to retrieve/review documents and/or provide payment (reproduction expenses or deposits). This notice shall be made in writing and shall include the deadline to respond. The notice shall also provide language alerting the requestor that their request will be automatically closed at the end of the deadline if they do not adequately respond. Should the 30 days lapse without the appropriate action of the requestor, the request will be listed as abandoned and closed. No further work will take place on the request.
  - (a) Postmarks for payments are not accepted. Requestors shall plan ahead for deadlines which fall on weekends or holiday closures.
  - (b) The City shall release records to the requestor no more than four business days following receipt of payment.
- (2) The City of Kennewick is not required to retain records longer than the minimum length of time prescribed by law. In order to not artificially extend the retention period of records and/or cause disorganization of the City's records, copies of records compiled for abandoned requests will not be retained. Therefore, records compiled for abandoned requests may not be available for later submittals.
- (3) Requestors are urged to take timely action to prevent their requests from lapsing into an abandoned status.

(Ord. 5961 Sec. 7, 2021, Ord. 5708 Sec. 1 (part), 2017)

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>	

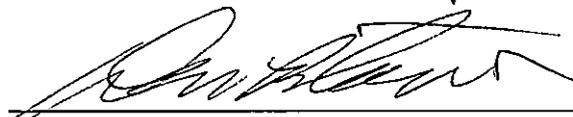
IV. PHYSICAL COPIES		
Letter, Legal & Executive sized pages from physical format:	<b>Actual staff time, plus:</b> • cost per page. • postage (if necessary)	Please refer to Exhibit A.
Letter, Legal & Executive sized pages from electronic format:	<b>Actual staff time, plus:</b> • cost per page. • postage (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:

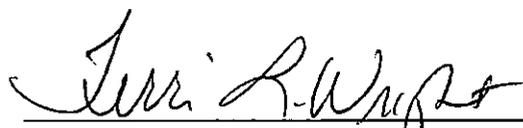
  
TERRI L. WRIGHT, City Clerk

  
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**

The City of Kennewick is committed to providing citizens with free access to inspection\* of public records:

**IN PERSON REVIEW:** 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. \*Inspection does not include the cost of copies.

**LINKS TO SPECIFIC PAGES ON THE CITY'S WEBSITE.** The City has made many records available at [www.Go2Kennewick.com](http://www.Go2Kennewick.com). Staff will provide a specific link in response to a request for existing, identifiable records on our website. (RCW 42.56.520)

**II. ELECTRONIC COPIES**

**TRANSMISSION CHARGE:** 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:

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.

**EXAMPLE:** In 2020 the annual base cost of the portal was \$11,300. Records were transmitted for 1,635 requests:  $11,300 \div 1,635 = \$6.91$ .

**TIME PER FILE:** Our calculations determined it takes .46 minutes to e-copy one electronic record.

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).

**Test No. 1: 4.58 minutes Test No. 2: 4.56 minutes Average: 4.57 minutes**  
*Actual Time Per File (TPF): 4.57 minutes divided by 10 files equals .46 minutes.*

**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.

**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.**

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.

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.

**FOR INSTANCE:** In 2021, the average staff hourly rate for the reporting period (01/01/2020 – 12/31/2020).

**EXAMPLE:** 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.

$$\$70.16 \div 60 = \$1.17 \text{ (Per Minute Cost - PMC)}$$

$$\$1.17 \times .46 = \$.54 \text{ (Cost Per File - CPF)}$$

**The cost for Mary to copy 37 electronic files is \$19.98 (\$.54 x 37).**

**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.

- Return the DVR to the proper settings for recording.
- Travel to the office.
- Upload the recording file(s) to the records portal.
- Calculate fees for the time spent making the copy.
- Transmit the records to the customer.

Prepare instructions and transmittal letter.

**POLICE BODY/DASH CAMERA VIDEO:** Prior to making a copy, qualified personnel will start a timer and calculate the time it takes to:

- Program the equipment to extract the video (excludes the time to locate the video).
- Run the extraction.
- Verify the accuracy of the copy.
- Return the equipment to the proper settings for recording.
- Upload the recording file(s) to the records portal.
- Calculate fees for the time spent making the copy.
- Transmit the records to the customer.
- Prepare instructions and transmittal letter.

**If the requestor is not a directly involved party to the incident, the following charges will also apply:**

- Actual time spent applying redactions to the video.

**MISCELLANEOUS VIDEOS** Prior to making a copy, qualified personnel will start a timer and calculate the time it takes to:

- Program the equipment to extract the video (excludes the time to locate the video).
- Run the extraction.
- Verify the accuracy of the copy.
- Return the equipment to the proper settings for recording.
- Upload the recording file(s) to the records portal.
- Calculate fees for the time spent making the copy.
- Transmit the records to the customer.
- Prepare instructions and transmittal letter.

**IV. PHYSICAL COPIES** (*records provided in physical format to the requestor*).

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).

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.

**FOR INSTANCE:** The 2021 the equipment contract rates have been set at:

*Standard-Size Black & White Copies: \$.04/page*

*Standard-Size Color Copies: \$.10/page*

*Large-Format Equipment Rate (greater than 11x17): \$1.81/square foot*

**LETTER, LEGAL & EXECUTIVE SIZES FROM PHYSICAL FORMAT:** Prior to making a 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.
- Make the copy using agency equipment.
- Compare the original versus copied copies for quality (page count, legibility, skewed pages, blurred images, etc.).
- Staple, bind, and/or clip the copies to match the original records.
- Return the originals to their proper location (including binding and stapling).
- Calculate fees for the time spent making the copy.
- Transmit the records to the customer.
- Prepare instructions and transmittal letter.

**LETTER, LEGAL & EXECUTIVE SIZES FROM ELECTRONIC FORMAT COPY:** Prior to making a copy, qualified personnel will start a timer and calculate the time it takes to:

- Copy electronic records into one central location.
- Count the number of originals.
- Reformat/resize to print (if necessary).
- Print the copy using agency equipment.
- Compare the original versus copied copies for quality (page count, legibility, skewed pages, blurred images, etc.).
- Calculate fees for the time spent making the copy.
- Transmit the records to the customer.
- Prepare instructions and transmittal letter.

#### V. POSTAGE – *actual staff time plus the cost of mailing materials*

**ACTUAL STAFF TIME:** Prior to preparing the mailing, qualified personnel will start a timer and calculate the time it takes to:

- Prepare, print and apply the mailing label/envelope.
- Weigh the parcel/envelope.
- Calculate postage.

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.

#### MAILING MATERIALS:

- **Standard envelopes (10 x 12 and smaller):** The City will charge a flat rate of \$1.00 to cover the cost of the envelope, shipping label, postage label/equipment and tape.
- **Boxes, padded envelopes, large envelopes, bubble wrap, packing material, cardboard mailers:** 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.

#### VI. EXTERNAL MEDIA DEVICES (FLASH DRIVES & HARD DRIVES)

***Reminder:*** Electronic records are available on the agency's public records portal at significant cost saving over external media devices.

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).

- When records are provided in installments, a new media device is required for each installment.
- If the records requested exceed the storage capacity of a flash drive, an external hard drive will be utilized.
- Records will not be broken into smaller installments simply to accommodate a flash drive rather than an external 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 *not to exceed* ten percent of the estimated cost of providing copies for a request, including a customized service charge.

# PUBLIC RECORDS FEE SCHEDULE AT-A-GLANCE

The City of Kennewick may require a deposit in an amount not to exceed ten percent of the *estimated* cost of providing copies.

Please refer to RESOLUTION 21-15 for the full fee schedule and manner used to calculate costs.

FEE TYPE	COST
Inspection of Records at City Hall or KPD	FREE*
Links to records on Go2Kennewick.com	FREE
<b>COST OF CONVENIENCE COPIES OF ELECTRONIC RECORDS:</b>	
<b>Transfer of Electronic Files through GovQA</b> Fee includes the first 15 files. Plus, scanning, gigabyte, and per file flat rate for 16 or more files if applicable.	\$6.91 per request
<b>File Flat Rate</b> The cost of each original electronic file copied.	\$.54 each file
<b>Scanning Fee</b> For records which do not exist in electronic format.	Cost of actual staff time
<b>Gigabyte Fee</b> For records transmitted through GovQA totaling one gigabyte or more.	\$.10 per gigabyte
<b>COST OF CONVENIENCE COPIES OF ORIGINAL VIDEO RECORDINGS**</b> The following copies are made at the cost of actual staff time plus gigabyte/transmission/media fees.	
<b>Traffic Camera Video**</b> When the recording requested is exclusively located at the intersection cabinet and no other place.	
<b>Police Body/Dash Camera Video**</b> When the recording requested must be downloaded from AXON.	
<b>Police Body/Dash Camera Video REDACTION*</b> Request made by party NOT directly involved.	
<b>Miscellaneous Videos**</b>	
<b>COST OF CONVENIENCE COPIES IN PHYSICAL FORMAT</b> The following copies are made at the cost of actual staff time plus the per page/square foot fees.	
11x7 and Smaller: BLACK AND WHITE	• \$.04 per page
11x7 and Smaller: COLOR	• \$.10 per page
Larger than 11x7	• \$1.81 per square foot
<b>POSTAGE – ADDED TO THE COST OF PHYSICAL COPIES</b> The cost of preparing mailings is billed based on the cost of actual staff time PLUS:	
<b>Standard envelopes (10 x 12 and smaller):</b> The cost of the envelope, shipping label, postage label/equipment, etc.	• \$1.00; PLUS • Actual USPS postage
<b>Parcels:</b> Boxes, padded envelopes, large envelopes, bubble wrap, packing material, cardboard mailers, etc.	The actual costs associated with mailing parcels through USPS, FedEx, UPS, etc.
<b>SINGLE-USE MEDIA - ADDED TO THE COST OF ELECTRONIC COPIES</b> For records transmitted outside of GovQA. Media is not reusable. A new device is required for each installment/request.	
Flash Drives	Actual cost of flash drive
External Hard Drives	Actual cost of hard drive
<b>CUSTOMIZED ACCESS FEE</b>	
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.	

\*In person review of body cam footage is subject to the redaction fee for parties not directly involved in the incident.

\*\*If a video is available in a secondary location the recording is treated the same as all other electronic records.

All actual time is billed per minute. The cost is calculated using the employee's hourly rate plus overhead.