

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1977

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 2.96.070 OF THE FIFE MUNICIPAL CODE TO ADOPT THE STATE DEFAULT CHARGES FOR PUBLIC RECORDS UNDER RCW 42.56, THE PUBLIC RECORDS ACT

WHEREAS, RCW 42.56, the Public Records Act (“PRA”), is a broad mandate to all Washington government agencies to provide access to, and copies of if desired, public records, when requested; and

WHEREAS, the City of Fife currently receives several hundred such public records requests every year, with the number of requests per year steadily increasing; and

WHEREAS, the PRA does not allow an agency to charge a requestor for the time it takes to locate, assemble, assess, redact documents, nor to respond to requests; and

WHEREAS, the PRA does allow an agency to charge a requestor certain copying/reproduction costs; and

WHEREAS, in 2017, the Washington State Legislature enacted legislation adopting new default copying fees for various methods of production, as well as a highly limited circumstance inspection fee, codified in RCW 42.56.120; and

WHEREAS, RCW 42.56.120 instructs that agencies should conduct cost studies to determine actual costs of producing copies pursuant to RCW 42.56.070, or, in the alternative, declare in an agency’s rules or regulations the reasons why doing so would be unduly burdensome; and

WHEREAS, the default fees established by the state are fair, and developing and conducting individual cost studies for each method of document production would be expensive and of little benefit to the public compared to adopting the state default fees; now therefore

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 2.96.070 of the Fife Municipal Code is hereby amended to read as follows:

2.96.070 Copying fees.

A. Payment of copying fees, whether photocopying or other form of duplication, shall be made prior to the disclosure of the requested public records. The city, at its discretion, may require the requestor to deposit a sum equal to 10 percent of the estimated cost prior to copying of the records. In the event the city makes a response to a request available on an installment basis, the city may charge for each part of the response as it is provided to the requestor. If an installment response to a records request is not claimed within 30 calendar days, the city is not obligated to fulfill the balance of the request.

B. At the discretion of the city manager or his/her designee, reproduction, copying, transcribing or similar services may be outsourced to a private vendor. In all such cases, the requestor shall be responsible for payment of all charges as assessed by the private vendor. Decisions to outsource work shall be based upon operational considerations, including the desire to ensure that regular city functions and operations are not adversely affected by large requests or a large number of requests in a short time frame.

C. All payments may be made by cash, Visa or MasterCard credit card, money order or check made payable to the city of Fife.

D. Pursuant to RCW 42.56.120, the city of Fife opts out of conducting actual cost studies to calculate costs for providing public records and instead adopts state default fees for copying of public records for the following reasons:

1. The city of Fife is comprised of numerous departments, and their divisions and subdivisions, many of which utilize types of documents and methods of reproduction that are unique to that department.

2. Given the wide variety of ways public records can be requested to be produced, in addition to the wide variety of document types and programs utilized by various city departments, it would be unduly burdensome, and prohibitively expensive to run a detailed cost study for each method of production.

3. The development of, and implementation of, individual cost studies for each possible production method would be costly, and would provide little to no benefit to the public compared to the adoption of the state default fees.

4. The city's operations do not allow for the addition, revision, or reassignment of duties of existing personnel so that such cost studies may be developed and implemented.

E. For the reasons declared in FMC 2.96.070(D), the city of Fife incorporates by reference the charges for copying and inspecting records outlined in RCW 42.56.120, as currently enacted and hereinafter amended.

Section 2. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 3. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.


Introduced the 27th day of February, 2018.

Passed by the City Council on the 13th day of March, 2018.



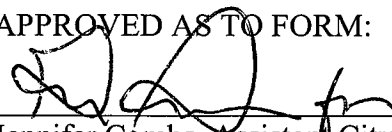
Hyun Kim, City Manager

ATTEST:



Angela Woods, City Clerk

APPROVED AS TO FORM:



Jennifer Combs, Assistant City Attorney

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