

**ORDINANCE NO. 1924-17**

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, RELATING TO FEES FOR COPYING OR PROVIDING PUBLIC RECORDS, AMENDING SECTION 2.92.140 OF THE MILTON MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

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WHEREAS, the Legislature recently made amendments to RCW 42.56.120 relating to the fees for providing copies of public records; and

WHEREAS, the City desires to concur in the legislature's findings that the fees provided are fair and reasonable and represent the public burden of compliance with the public records act;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Section 2.92.140 of the Milton Municipal Code be, and the same hereby is, amended to read as follows:

(1) No fee shall be charged for the inspection of public records or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14) and subsection (3) of this section. A reasonable charge may be imposed for providing copies of public records and for the use by any person of City equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the City for its actual costs directly incident to such copying. When calculating any fees authorized under this section, The City shall use the most reasonable cost-efficient method available to the City as part of its normal operations. If the City translates a record into an alternative electronic format at the request of a requestor, the copy created does not constitute a new public record for purposes of this chapter. Scanning paper records to make electronic copies of such records is a method of copying paper records and does not amount to the creation of a new public record.

(2)(a) City charges for actual costs may only be imposed in accordance with the costs established and published by the City pursuant to RCW 42.56.070(7), and in accordance with the statement of factors and manner used to determine the actual costs. In no event may the City charge a per page cost greater than the actual cost as established and published by the City.

(b) The City 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. To the extent the City has not determined the actual costs of copying public records, the City will charge:

(i) Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of City equipment to photocopy public records;

(ii) Ten cents per page for public records scanned into an electronic format or for the use of City equipment to scan the records;

(iii) Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and

(iv) Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of City equipment to send the records electronically. The City shall take reasonable steps to provide the records in the most efficient manner available to the City in its normal operations; and

(v) The actual cost of any digital storage media or device provided by the City, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

(c) The charges in (b) of this subsection may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

(d) The City may charge a flat fee of up to two dollars for any request as an alternative to fees authorized under (a) or (b) of this subsection when the City reasonably estimates and documents that the costs allowed under this subsection are clearly equal to or more than two dollars. An additional flat fee shall not be charged for any installment after the first installment of a request produced in installments. If the City has elected to charge the flat fee in this subsection for an initial installment may not charge the fees authorized under (a) or (b) of this subsection on subsequent installments.

(e) The City shall not impose copying charges under this section for access to or downloading of records that the City routinely posts on its public internet web site prior to receipt of a request unless the requestor has specifically requested that the City provide copies of such records through other means.

(f) A requestor may ask the City to provide, and if requested the City shall provide, a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

3)(a)(i)

In addition to the charge imposed for providing copies of public records and for the use by any person of City equipment copying costs, the City may include a customized service charge. A customized service charge may only be imposed if the City estimates that the request would 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 City for other City purposes.

(ii) The customized service charge may reimburse the City up to the actual cost of providing the services in this subsection.

(b) The City may not assess a customized service charge unless the City has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice also must provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

(4) The City 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. If the City makes a request available on a partial or installment basis, the City may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the City is not obligated to fulfill the balance of the request. The City may waive any charge assessed for a request pursuant to City rules and regulations. The City may enter into any contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement to the charges authorized in this section, or in response to a voluminous or frequently occurring request.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

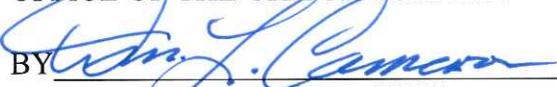
Passed by the Milton City Council the 17<sup>th</sup> day of July, 2017, and approved by the Mayor, the 17<sup>th</sup> day of July, 2017.

ATTEST/AUTHENTICATED:

  
KATIE BOLAM, CITY CLERK

  
DEBRA PERRY, MAYOR

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

  
WILLIAM L. CAMERON, CITY  
ATTORNEY

FILED WITH THE CITY CLERK: 7/17/17  
PASSED BY THE CITY COUNCIL: 7/17/17  
PUBLISHED: 7/20/17  
EFFECTIVE DATE: 7/25/17  
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