



# City Council Meeting Schedule December 2021

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City Council temporarily designated the location for regular, special and study session meetings to a virtual location until termination of the state of emergency or until rescinded. The City broadcasts City Council meetings on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

December 7, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

December 14 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. Benton County Partnership - Land Sales
2. 2022 Legislative Priorities
3. KMC Amendments - Park Rules & Public Camping
4. KMC Amendment - Public Records Policy

December 21, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

December 28, 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING - CANCELLED

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio and Video Taped

# Council Workshop Coversheet



Agenda Item Number	1.	Meeting Date	12/14/2021
Agenda Item Type	Reports/Plans		
Subject	Benton County Partnership - Land Sale		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Manager		

Info Only	<input type="checkbox"/>
Policy Review	<input checked="" type="checkbox"/>
Policy DevMnt	<input type="checkbox"/>
Other	<input type="checkbox"/>

## Summary

The City of Kennewick and Benton County have been discussing potential partnership opportunities. During those discussions, Benton County expressed an interest in purchasing the old Fire Station #3 property (located at 7400 W Quinault Avenue). This property is adjacent to Benton County's existing facilities and they would like to be able to purchase this property for future expansion and consolidation of facilities into one location. By doing so, Benton County may be able to sell some existing property they own and occupy located on Canal Drive. The property on Canal Drive may be more appropriate for private development.

During the workshop, Matt Rasmussen, Deputy County Administrator will be available to provide Council with an overview of the County's plans and answer any questions the Council may have. City staff will be seeking direction from Council regarding continued work with the County to negotiate a purchase and sale agreement for the property. If Council is agreeable, staff will work with Council to establish parameters and determine the appropriate path forward and begin negotiations with Benton County.

Through

Attachments:

Dept Head Approval

City Mgr Approval

Marie Mosley  
Dec 09, 15:28:11 GMT-0800 2021

**Council Workshop  
Coversheet**



Agenda Item Number	2.	Meeting Date	12/14/2021
Agenda Item Type	Reports/Plans		
Subject	2022 Legislative Priorities		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Manager		

Info Only	<input type="checkbox"/>
Policy Review	<input type="checkbox"/>
Policy DevMnt	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

**Summary**

Each year the City Council establishes legislative priorities that are in alignment with our strategic goals. During the workshop, we will review some recommended priorities for the 2022 legislative session. City staff have coordinated with our neighboring jurisdictional partners, professional organizations and the Association of Washington Cities (AWC) to develop the attached recommended priorities. Once we have discussion and receive direction from Council during the workshop, we will bring back the 2022 legislative priorities for adoption at an upcoming council meeting.

Through

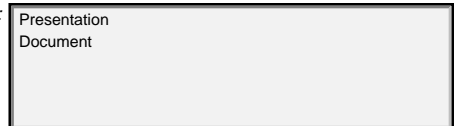
Dept Head Approval

City Mgr Approval

Marie Mosley  
Dec 09, 15:19:39 GMT-0800 2021

Attachments:

Presentation  
Document





# CITY OF KENNEWICK

Legislative Priorities

2022

# OVERALL STRATEGY

Kennewick supports legislation that is in alignment with the City Council strategic goals and priorities and protects the City's ability to provide exceptional services to our businesses and citizens.

Kennewick believes the decisions are most effective when made at the local level and therefore opposes legislation that preempts authority or discretion vested in local governments or would impose unfunded mandates upon the City.

Kennewick seeks to work with the legislature to strengthen local partnership and protect revenue sources, provide new revenue options and provide flexibility in use of existing revenues for the City.





## PUBLIC WORKS ASSISTANCE ACCOUNT

The City further supports flexible state and federal dollars to help finance basic infrastructure. The City supports funding for critical local infrastructure projects by returning the diverted revenue streams that would fully fund the Public Works Assistance Account.



## ECONOMIC DEVELOPMENT

The City supports House Bill 1333, renewing the rural county sales tax credit program, which provides a .09% credit against the state sales tax to rural counties for economic development uses. This funding is allocated to cities, ports and Benton County for economic development projects. The City has been able to leverage this funding for partnership projects with the Port of Kennewick and Benton County. The City further supports economic development incentives and flexible funding.



## POLICE REFORM

Kennewick supports clarification to the legislative package of reforms adopted in 2021 relating to law enforcement.

Specifically the clarification that are of the highest priority:

- Use of nonlethal alternatives
- Ability to conduct brief investigative holds
- Use of force that is objectively reasonable under certain circumstances
- Allow pursuits when there is reasonable suspicion that public safety risks for failure to apprehend are greater than the risk of pursuit
- Correct definition of excessive force and wrongdoing

The City also supports additional funding for the basic law enforcement academy.



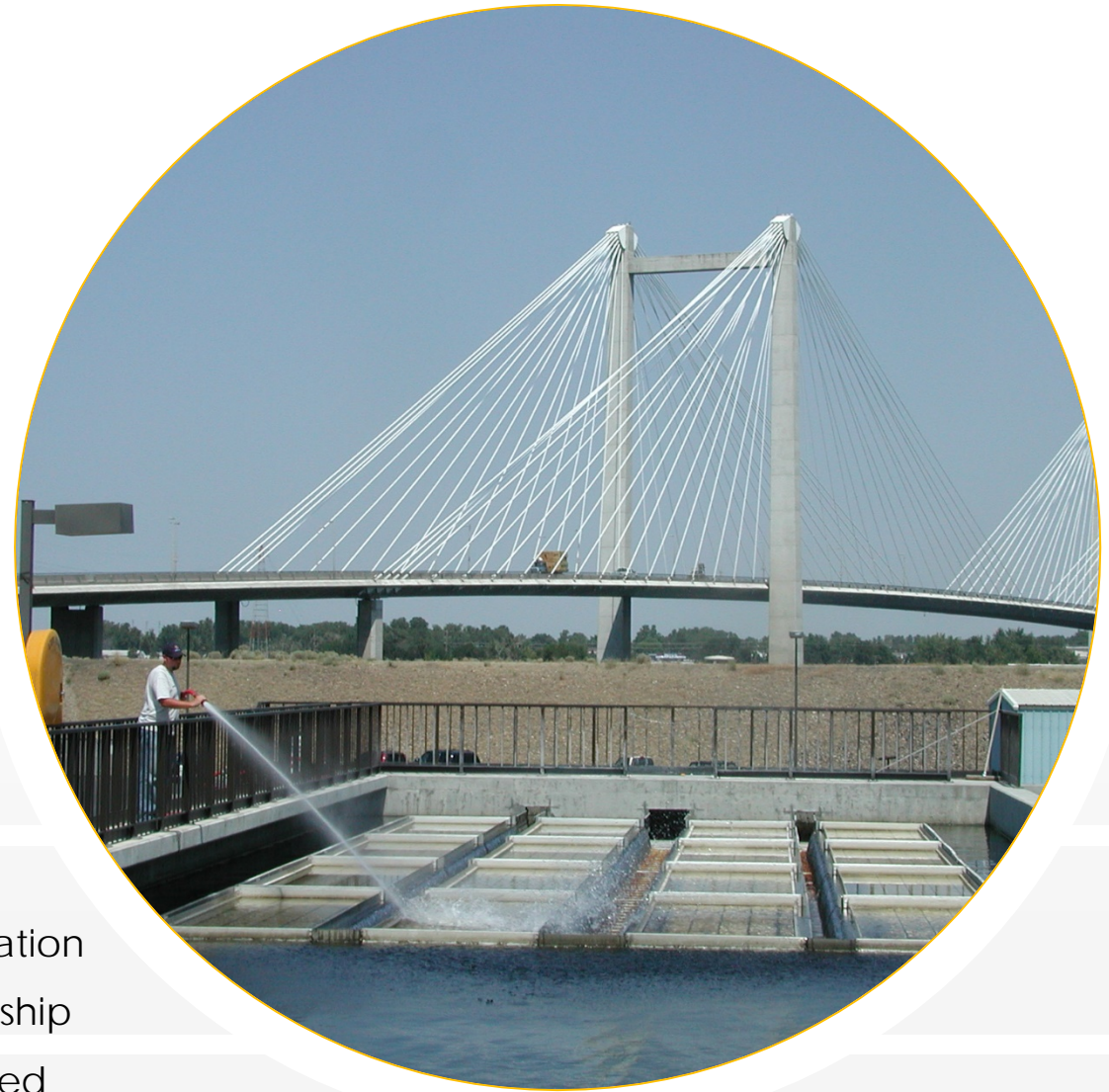
# TRANSPORTATION & INFRASTRUCTURE FUNDING

The City of Kennewick has several critical infrastructure projects that require funding in order to maintain existing service levels and continue to prepare for future growth.

Examples of these projects are:

- Wastewater Treatment Plant
- Water Treatment Plant Expansion
- Automated Metering Infrastructure
- Pavement Preservation
- Zone 3 Water Transmission Main
- CCB Corridor Widening Deschutes to Quinault
- Workforce Housing Project

These are some projects to provide connectivity, traffic flow, automation and prepare for growth of our plants. In addition, through a partnership with the Housing Authority, we have been preparing some City-owned land to surplus and use for workforce housing partnership project.





## REVENUE FLEXIBILITY

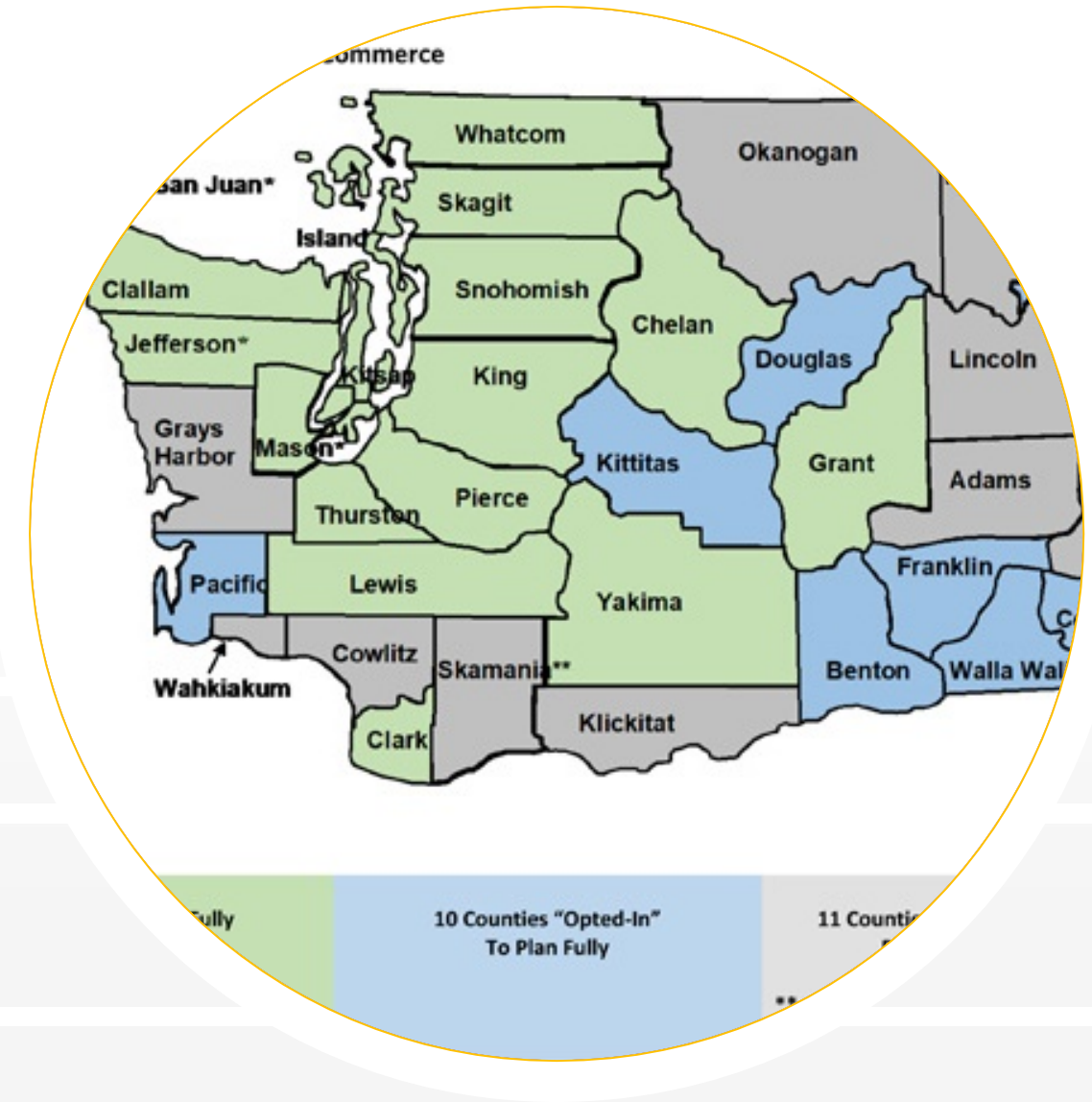
The City supports revenue flexibility by:

- Maintaining our existing revenue options,
- Providing more flexibility with local revenue options
- Refraining from imposing unfunded programs or mandates on local governments.

The City further supports a revision to the property tax cap to tie it to inflation and population growth factors so that the City can adjust the local property tax rate to better serve our community needs and priorities.

## GROWTH MANAGEMENT ACT (GMA) REFORM & LAND USE

Kennewick supports engagement in GMA reform conversation and secure dedicated planning funding. The City is against preemption of local land use authority.





## REGIONAL BEHAVIOR HEALTH RECOVERY CENTER

The City supports the effort by Benton County to fund and build a recovery center in the Tri-Cities. The Center will provide over 550,000 individuals access to a full continuum of behavioral health services. The County anticipates design completion by mid-2023 with estimated construction costs of over \$13M. A partnership with the State on the next phase of the project is critical to its timely completion. The County anticipates requesting funding for construction of the Center in the 2023 capital budget.



THANK YOU!

# City of Kennewick

## 2022 Legislative Priorities

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### Overall Strategy

Kennewick supports legislation that is in alignment with the City Council strategic goals and priorities and protects the City's ability to provide exceptional services to our businesses and citizens.

Kennewick believes the decisions are most effective when made at the local level and therefore opposes legislation that preempts authority or discretion vested in local governments or would impose unfunded mandates upon the City.

Kennewick seeks to work with the legislature to strengthen local partnership and protect revenue sources, provide new revenue options and provide flexibility in use of existing revenues for the City.

### Public Works Assistance Account

The City further supports flexible state and federal dollars to help finance basic infrastructure. The City supports funding for critical local infrastructure projects by returning the diverted revenue streams that would fully fund the Public Works Assistance Account.

### Economic Development

The City supports House Bill 1333, renewing the rural county sales tax credit program, which provides a .09% credit against the state sales tax to rural counties for economic development uses. This funding is allocated to cities, ports and Benton County for economic development projects. The City has been able to leverage this funding for partnership projects with the Port of Kennewick and Benton County. The City further supports economic development incentives and flexible funding.

### Police Reform

Kennewick supports clarification to the legislative package of reforms adopted in 2021 relating to law enforcement. Specifically the clarification that are of the highest priority: use of nonlethal alternatives, ability to conduct brief investigative holds, use of force that is objectively reasonable under certain circumstances, allow pursuits when there is reasonable suspicion that public safety risks for failure to apprehend are greater than the risk of pursuit, correct definition of excessive force and wrongdoing. The City also supports additional funding for the basic law enforcement academy.

### Transportation & Infrastructure Funding

The City of Kennewick has several critical infrastructure projects that require funding in order to maintain existing service levels and continue to prepare for future growth. Examples of these projects are:

- Wastewater Treatment Plant
- Water Treatment Plant Expansion
- Automated Metering Infrastructure
- Pavement Preservation
- Zone 3 Transmission Main
- CCB Corridor Widening (Deschutes to Quinault)
- Workforce Housing Project

These are some projects to provide connectivity, traffic flow, automation and prepare for growth of our plants. In addition, through a partnership with the Housing Authority, we have been preparing some City-owned land to surplus and use for workforce housing partnership project.

### Revenue Flexibility

The City supports revenue flexibility by: maintaining our existing revenue options, providing more flexibility with local revenue options, and refraining from imposing unfunded programs or mandates on local governments. The City further supports a revision to the property tax cap to tie it to inflation and population growth factors so that the City can adjust the local property tax rate to better serve our community needs and priorities.

### Growth Management Act (GMA) Reform & Land Use

Kennewick supports engagement in GMA reform conversation and secure dedicated planning funding. The City is against preemption of local land use authority.

### Regional Behavioral Health Recovery Center

The City supports the effort by Benton County to fund and build a recovery center in the Tri-Cities. The Center will provide over 550,000 individuals access to a full continuum of behavioral health services. The County anticipates design completion by mid-2023 with estimated construction costs of over \$13M. A partnership with the State on the next phase of the project is critical to its timely completion. The County anticipates requesting funding for construction of the Center in the 2023 capital budget.

**Council Workshop  
Coversheet**



Agenda Item Number	3.	Meeting Date	12/14/2021
Agenda Item Type	Ordinance		
Subject	Park Rules & Public Camping KMC Amendments		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Attorney		

Info Only

Policy Review

Policy DevMnt

Other

**Summary**

A number of departments have been involved in various homeless encampment removal projects over the course of this past year. We have an ongoing encampment removal cross functional team consisting of code enforcement, police, fire, planning and the city attorney's office. We have an encampment removal policy in the KAC which relies on several sections of the KMC for authority to remove encampments, such as park hours, obstructing, and littering, etc. We do not currently have any code provisions which specifically prohibit camping. During our annual audit with WCIA we reviewed our policies, codes and practices related to homeless encampments. It was recommended we address this gap in our code provisions keeping in mind the current limitations as a result of recent case law out of the Ninth Circuit Court of Appeals. The proposed code amendments will clarify that camping and storing personal property on City owned or maintained property is prohibited. It will codify our encampment removal policies and provide for enforcement. The proposed amendments will codify certain park rules and clarify which violations are infractions and which violations are misdemeanors. Per council discussion and input, staff will prepare ordinances for council adoption at the December 21st council meeting.

Through

Christina Perez Dec 09, 14:12:44 GMT-0800 2021
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Attachments:

Presentation-Parks KMC 10.08.040 KMC 9.54
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Dept Head Approval

Lisa Beaton Dec 09, 14:21:46 GMT-0800 2021
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City Mgr Approval

Marie Mosley Dec 09, 15:53:19 GMT-0800 2021
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# REGULATING PUBLIC CAMPING AND PARK RULES

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PROPOSED CODE AMENDMENTS

Council Workshop  
December 14, 2021



# REGULATING PUBLIC CAMPING AND PARK RULES

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# PURPOSE OF PROPOSED CODE AMENDMENTS

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- Clarify prohibition on camping and storing of personal property on City owned or City maintained property
- Codify park rules and regulations to include prohibition on camping
- Codify encampment removal policy and procedures
- Provide enforcement mechanism
- Allow exceptions from enforcement when adequate shelter space is not available or individual is actively seeking services

# PUBLIC CAMPING CODE AMENDMENT

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- Add a new chapter to Title 9 KMC Health and Sanitation – KMC 9.54 Regulating Public Camping
- Prohibit camping and storage of personal property in public spaces – right of way, parks, park facilities, trails, publicly owned parking lot or publicly owned area, improved or unimproved
- Specifically identifies real property owned by the City – City Hall, Frost Property, Fire Station property, Police Station property, City Shops, etc.

# PUBLIC CAMPING CODE AMENDMENT

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- Codifies policy and procedure for removal of unauthorized encampments, individual camps and unlawful storage of personal property.
- Provides posting of notice process 72 hours before removal of encampment
- Provides contact information for KPD and storage of personal property at KPD; garbage, debris, hazardous items removed and disposed

# PUBLIC CAMPING CODE AMENDMENT

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- Provides post removal notice at the site for 10 days; and provides referral information for emergency shelter and other services
- Allows for designation of emphasis area after encampment removal; notice of emphasis area posted
- Immediate Hazard Encampment Removal authorized

# PUBLIC CAMPING CODE AMENDMENT

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- Enforcement provision makes violation of KMC 9.54 a misdemeanor
- Suspends enforcement if there are no shelter beds available either through regional homeless shelters or emergency housing vouchers provided through Benton and Franklin County Health and Human Services.
- Suspends enforcement by city manager or their designee or law enforcement for the purpose of allowing an individual actively engaged in process of exiting homelessness to continue in that process.

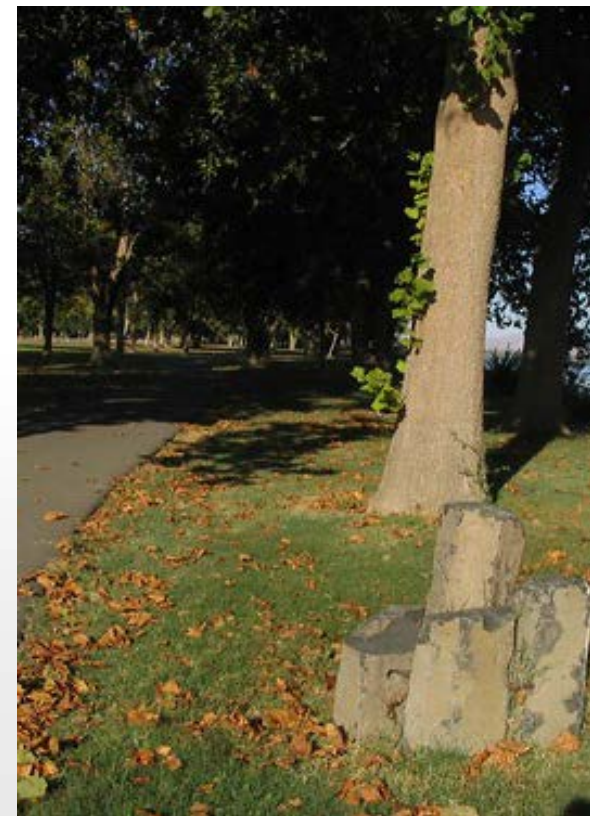
# PARK RULES

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- Park rules are currently in the KAC incorporated by reference into KMC 10.08.040
- Code amendment proposed to list park rules and identify violations which are infractions and violations which are misdemeanors
- Cross reference KMC 9.54 prohibition on camping and storage of personal property

QUESTIONS?

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## CHAPTER 9.54 REGULATING PUBLIC CAMPING

9.54.010	Purpose.
9.54.015	Definitions.
9.54.020	Unlawful camping.
9.54.025	Storage of personal property in public places.
9.54.030	Removal of unauthorized encampments and individual camps.
9.54.040	Penalty for violations.
9.54.050	Enforcement suspended.
9.54.060	Severability.

### **9.54.010 Purpose.**

It is the purpose of this chapter to prevent harm to the health and safety of the public and environment, and to promote the public health, safety and general welfare and environment by keeping public streets, sidewalks, parks, and other City-owned and/or City-maintained public property within the City readily accessible to the public, and to prevent use of City-owned and/or City-maintained public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for the purposes for which they were intended. (Ord. XXXX).

### **9.54.015 Definitions.**

The following definitions are applicable in this chapter unless the context otherwise requires:

- (1) *Actively Engaged in the Process of Exiting Homelessness*: “Actively Engaged in the Process of Exiting Homelessness” means an individual is presently participating in the activities necessary to achieve housing, whether temporary or permanent. The City of Kennewick recognizes that availability of permanent housing, transitional housing and treatment services will impact an individual’s ability to successfully move out of homelessness into housing; and therefore, there are no specific timelines outlined within Chapter 9.54 KMC. Such status shall be determined by the city manager or designee. When determining whether an individual is actively engaged in the process of exiting homelessness, the city manager or designee shall take into account whether the individual is:
  - (a) Actively working with or enrolled in a Benton and Franklin County Health and Human Services outreach program for emergency shelter and/or transitional housing; or
  - (b) Working with the Housing Authority or similar service provider seeking transitional housing; or
  - (c) Actively working with a street outreach program towards permanent housing or any other intervention requested by the individual (for example, treatment); or

- (d) Participating in any other activity, program, or process deemed necessary to secure permanent housing.
- (2) *Camp*: “Camp” means to pitch, erect or occupy camp facilities, or to use camp paraphernalia or both, for the purpose of, or in such a way as will facilitate, remaining overnight, or parking a camper, recreational vehicle, trailer, or other vehicle for the purpose of remaining overnight.
- (3) *Camp Facilities*: “Camp Facilities” include, but are not limited to, tents, huts, temporary shelters, campers, recreational vehicles, or trailers.
- (4) *Camp Paraphernalia*: “Camp Paraphernalia” includes but is not limited to tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.
- (5) *Contraband*: “Contraband” means any property that is unlawful to produce or possess.
- (6) *Emphasis Area*: “Emphasis Area” means an identifiable area where the City has removed an encampment and has designated an encampment-prohibited area by installing signage as provided in KMC 9.54.030(3).
- (7) *Litter*: “Litter” shall have the same meaning as used in KMC 10.08.050 as adopted or may be amended.
- (8) *Park or Park Facility*: “Park or Park Facility” means any real property, building, structure, equipment, sign, shelter, swimming pool, vegetation, playground, or other physical property owned or controlled by the City for park purposes. Park or park facility includes all associated areas, including but not limited to parking lots for parks and pools.
- (9) *Personal Property*: “Personal Property” means an item that is:
  - (a) Reasonably recognizable as belonging to a person;
  - (b) In its present condition has apparent utility and/or value; and
  - (c) Is not hazardous or unsanitary.
- (10) *Right-of-way*: “Right-of-way” shall have the same meaning as is stated in KMC 18.09.1820.
- (11) *Solid waste*: “Solid waste” shall have the same meaning as used in RCW 70A.205.015(22) as adopted or may be amended.
- (12) *Storm Water Drainage Facility*: “Storm Water Drainage Facility” shall have the same meaning as is stated in KMC 14.28.010(7).
- (13) *Store*: “Store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- (14) *Trail*: “Trail” means a public path constructed for the primary purpose of allowing recreational non-motorized transportation.
- (15) *Unauthorized Encampment*: “Unauthorized Encampment” means one or more camp facilities in an identifiable area which appear to be used for unlawful

camping. For purposes of this chapter an identifiable area includes areas where the camp facilities are in sight of each other and/or areas where each camp facility is located within 300 feet of another camp facility.

(Ord. XXXX).

#### **9.54.020 Unlawful camping.**

It is unlawful for any person to camp in the following City-owned and/or City-maintained areas, except as otherwise provided by the Kennewick Municipal Code or where specifically designated:

- (1) Any right-of-way;
- (2) Any trail, park, or park facility;
- (3) Any publicly owned parking lot or publicly owned area, improved or unimproved;
- (4) Any publicly owned storm water drainage facility; or
- (5) Any other City-owned or City-maintained property.

(Ord. XXXX).

#### **9.54.025 Storage of personal property in public places.**

It is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following City-owned and/or City-maintained areas, except as otherwise provided by the Kennewick Municipal Code:

- (1) Any right-of-way;
- (2) Any trail, park, or park facility;
- (3) Any publicly owned parking lot or publicly owned area, improved or unimproved;
- (4) Any publicly owned storm water drainage facility; or
- (5) Any other City-owned or City-maintained property.

This section shall not apply to vehicles, including trailers, recreational vehicles, and campers, which are unoccupied and parked in rights-of-way, unless otherwise prohibited by law.

(Ord. XXXX).

#### **9.54.030 Removal of unauthorized encampments and individual camps.**

Upon a determination by law enforcement or designated City personnel that an area constitutes an unauthorized encampment or that an individual is engaged in unlawful camping or storage of personal property in public places, the personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed subject to the following provisions:

- (1) If the unauthorized encampment, unlawful camping, or unlawful storage of personal property results in an immediate and significant risk of harm to any person or impedes pedestrian or vehicular traffic, then police, City staff, or

contracted agent may immediately remove any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste, which shall be stored or disposed in the same manner as set forth in KMC 9.54.030(2)(b).

- (2) Prior to removing property from an unauthorized encampment or unlawful camp, or removing personal property unlawfully stored on City-owned or City-maintained public property other than those specified in KMC 9.54.030(1), the following shall occur:
  - (a) The City shall post at least a 72-hour advanced notice, which shall include the following:
    - (i) The address or location of the unauthorized encampment, unlawful camping, or unlawful storage of personal property;
    - (ii) A statement that camping or storage activity is prohibited by KMC 9.54.020 and/or 9.54.025;
    - (iii) A statement that any individual continuing to use the area for unlawful camping or storage of personal property may be subject to criminal penalties pursuant to Chapter 9.54 KMC;
    - (iv) A statement that any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste remaining after the notice period is subject to removal and, as may be applicable, temporary storage by the City.
  - (b) At the end of the 72 hour notice period, any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed by City personnel or agents thereof.
    - (i) Any personal property that is removed shall be stored by the City for at least 60 days prior to being disposed.
    - (ii) Notice of where personal property removed from the encampment may be claimed shall be posted at the location.
    - (iii) If the name and contact information for the owner of a particular item of personal property can reasonably be identified, the City shall attempt to contact the identified owner and provide notice that the item has been removed and how to claim the item.
    - (iv) Any contraband located at the area shall be seized and properly disposed or retained as evidence of criminal activity.
    - (v) Any litter or solid waste found at the area shall be properly disposed.
- (3) The City may identify a specific area as an Emphasis Area.
  - (a) An area may not be identified as an Emphasis Area and enforcement of an Emphasis Area shall not commence until an encampment or obstruction

removal has occurred, the area is otherwise free of encampments, and the area has been signed as an Emphasis Area.

- (b) If an area has been designated an Emphasis Area, the area will be inspected by the City at least once per week. The area will be signed. The signage shall identify:
  - (i) The location of the Emphasis Area;
  - (ii) Camping is prohibited in the Emphasis Area;
  - (iii) Any camping material and/or storage of personal property found in the Emphasis Area may be removed without further notice;
  - (iv) Where any personal property removed is stored; and
  - (v) How any stored personal property may be claimed by its owner.
- (c) Individuals camping in an Emphasis Area and their encampment associated personal property may be removed immediately as outlined in KMC 9.54.030(2)(b)(i)-(v).
- (d) The City shall identify no more than 10 Emphasis Areas at any one time.

(Ord. XXXX).

#### **9.54.040 Penalty for violations.**

Violation of any of the provisions of Chapter 9.54 KMC is a misdemeanor, and shall be punished upon conviction of such violation by a fine of not more than \$1,000 or by confinement not to exceed 90 days, or by both such fine and confinement.

(Ord. XXXX).

#### **9.54.050 Enforcement suspended.**

- (1) Except as otherwise provided in this section, enforcement of criminal provisions of this chapter shall be suspended any time there is no space or beds available in regional homeless shelters that accept patrons from the City, or there are no emergency shelter vouchers through the Benton and Franklin Health and Human Services available, to the extent such available space or beds are required by law. In such circumstances, all provisions of this chapter shall continue to apply to camping, storage of personal property, including camp facilities and camp paraphernalia, and unauthorized encampments at the following:
  - (a) The real property containing City Hall; Public Works Facilities, Kennewick Police Station, all Fire Stations, Water and Waste Water Treatment Plants, all City Parks, Community Center, \_\_\_\_\_;
  - (b) Park facilities, including but not limited to all buildings, structures, equipment, signs, shelters, swimming pools, water recreation facilities, playgrounds, bathrooms, courts or designated sports fields available for reservation, or any other fixture or improvement and the real property within 30 feet of such facilities. Unless constructed as a part of such park

facility, natural vegetation shall not be considered a “park facility” for purposes of this section;

- (c) Public rights-of-way and City-owned real property within 30 feet of such rights-of-way; and
  - (d) Publicly owned storm water drainage facilities.
- (2) Enforcement of the criminal provisions of this chapter may also be temporarily suspended by law enforcement or the city manager or designee for the purpose of allowing an individual actively engaged in the process of exiting homelessness to continue working towards exiting homelessness; provided, that such suspension shall not authorize any individual to be located at any of the locations identified in KMC 9.54.050(1). Such suspension may only occur during the period while an individual is actively engaged in the process of exiting homelessness. Nothing in this section shall guarantee or create rights to have enforcement of this chapter waived or suspended for any individual found to be violating the terms of this chapter. This section shall not preclude enforcement of this chapter against a person actively engaged in exiting homelessness where the violation results in a significant risk of harm to any person or impedes pedestrian or vehicular traffic, or where the person violates any other federal, state, or local law. Failure to work toward exiting homelessness and/or failure to follow other park and City regulations will result in immediate enforcement of Chapter 9.54 KMC subject to shelter bed availability as required by law. The city manager or their designee may adopt such rules and procedures necessary to identify individuals actively engaged in exiting homelessness and to notify the Kennewick police department of such individuals.
- (3) Nothing in this chapter shall preclude enforcement of any other federal, state, or local laws.

(Ord. XXXX).

#### **9.54.060 Severability.**

If any portion of this chapter, or its application to any person or circumstances, is held invalid, the validity of the chapter as a whole, or any other portion thereof, or the application of the provision to other persons or circumstances is not affected.

(Ord. XXXX).

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#### 10.08.040: City Park Regulations.

~~It is unlawful for any person to violate any posted rule or regulation of the Kennewick Park Commission. Violation of a park rule which independently is a criminal act shall be punished as the crime; violation is otherwise an infraction.~~

- ~~(1) Purpose. City parks, including facilities are established and maintained by the City for public recreational purposes. Chapter 10.08 KMC is an exercise of the police power of the City, and its provisions shall be liberally construed for the preservation and protection of the natural environment, public peace, health, safety and welfare. Unlawful and inappropriate behavior in City parks diminishes these precious assets and deprives citizens individually and as a whole of the full use and enjoyment of the natural beauty, recreational opportunities, and peaceful repose that parks are intended to preserve.~~
- ~~(2) Rules governing use of City parks and facilities – violation an infraction. Any person violating any of the below noted provisions shall have committed a class 3 infraction.~~
  - ~~(a) All dogs must be on leashes.~~
  - ~~(b) No horse riding is allowed.~~
  - ~~(c) Areas being irrigated or mowed are closed to public use.~~
  - ~~(d) No golf practice use, except within the boundaries of the Columbia Park Golf Course.~~
  - ~~(e) Pet owners must pick up pet waste and deposit in refuse containers.~~
  - ~~(f) At the fishing lagoon at the east end of Columbia Park; only juveniles (14 years and younger) and persons with disabilities with a reduced fee license are allowed to fish; fishing season is year round; daily fishing limit is a total of five (5) game fish, no minimum size; no bird feeding; no swimming allowed; no floating devices allowed without a permit; no ice skating or ice fishing.~~
  - ~~(g) Tobacco products use is not permitted within 20-feet of park playgrounds and tot-lots.~~
- ~~(3) Rules governing use of City parks and facilities – violations a misdemeanor. Any person violating any of the below noted provisions shall be guilty of a misdemeanor~~
  - ~~(a) Eastgate, Southridge, Highlands Grange, Lawrence Scott, and Hansen Park, close at 9:00 p.m. until 6:00 am. All other City Parks close one-half hour after sunset until 6:00 a.m. Written permission from City of Kennewick Parks Department may be obtained for special events; an exception is granted from these hours for access to and from Columbia Park Golf Course for food and beverage service with approved vendor during regular business hours.~~
  - ~~(b) Defacing or destroying property is prohibited.~~

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- (c) All waste material must be deposited in refuse cans.
  - (d) No alcohol allowed on park/recreation premises. Written permission may be obtained for special events in Columbia Park.
  - (e) Camping. Camping in City parks and facilities is defined and regulated pursuant to KMC Chapter 9.54.
  - (f) Fires. No person shall ignite or maintain any fire or participate in igniting, maintaining, or using any fire within open space, trail, park or facility unless specifically authorized by the Kennewick Parks and Recreation Department.
  - (g) Dumping in Water Prohibited. No person shall deposit any waste or refuse of any nature, including human or animal waste, into any river, stream, or other body of water running in, through, or adjacent to any City park.
  - (h) Interference with Trails: No person shall place, deposit, or otherwise locate any object, structure or device, whether natural or artificial, that threatens or endangers any trail, interferes with normal use of the trail, or that threatens or endangers any person traveling thereon.
  - (i) Outside Household or Commercial Waste. No person shall bring in or deposit household or commercial herbage or other waste which is brought in such form from any private property, in any City park or facility garbage can or other receptacle.
  - (j) Waste from Vehicles. No person shall drain or dump refuse or waste from any trailer, camper, automobile, or other vehicle in any City park or facility.



# Council Workshop Coversheet



Agenda Item Number	4.	Meeting Date	12/14/2021
Agenda Item Type	Presentation		
Subject	KMC Amendment Public Records Policy		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Management Services		

Info Only	<input type="checkbox"/>
Policy Review	<input checked="" type="checkbox"/>
Policy DevMnt	<input type="checkbox"/>
Other	<input type="checkbox"/>

## Summary

The City's Public Records Policy and the related Fee Schedule were last updated in 2017.

Several elements of our policy are outdated and require updates. Since the last update, practices have evolved and improved and it's important that those aspects be formalized in our policy so they may be applied consistently. The key changes include:

- Waiving nominal charges. 1.40.90(3)(b)
- Mailing fee details. 1.40.090(6)
- Detailing deadlines. 1.40.110(3)
- Empowering customers to address their concerns. 1.40.110(5)
- Striking impermissible language in compliance with Kilduff v. San Juan County. 1.40.120(4)
- Encouraging prompt action from customers. 1.40.160(2)
- Increasing turnaround time for records transmittals. 1.40.170(a)

Our fee schedule is tied to our Public Records Policy. Our current policy does not adequately reimburse taxpayers for the cost of providing copies of records. The fee schedule we are recommending strikes a balance between our responsibility to taxpayers while keeping costs low enough to prevent a barrier to receiving copies of records. It sets rates which are fair and equitable for all requestors. The time and cost studies demonstrate the factors used to establish actual costs rather than relying on best guesses and outdated base fees. Customers can have confidence the fees they are charged are fair.

The legislature permits the City of Kennewick to recover actual costs for copying services. The recommended enhancements to our fee schedule helps us to do that in a fair and straightforward manner.

Through	Krystal Townsend Dec 08, 15:08:49 GMT-0800 2021
Dept Head Approval	Christina Palmer Dec 09, 13:29:40 GMT-0800 2021
City Mgr Approval	Marie Mosley Dec 09, 15:48:02 GMT-0800 2021

Attachments:

- Presentation
- Proposed Amendments
- Proposed Fee Schedule



# PUBLIC RECORDS POLICY & FEE SCHEDULE UPDATE

CITY CLERK'S OFFICE  
DECEMBER 2021



# Updates to the Public Records Policy & Fee Schedule

Transparency for Citizens - Accountability to Taxpayers

# Why Update?

- ▶ The Public Records Policy and Fee Schedule have not been updated since 2017.
- ▶ This revision incorporates best practices and changes legislation and new case law.
- ▶ The 2017 Fee Schedule relied primarily on flat rates and outdated copy costs.
- ▶ This update brings the cost of providing copies in line with the costs actually incurred by the Kennewick taxpayers.





# Key Policy Change Recommendations



## Key Policy Changes

- ▶ Waiving nominal charges. *1.40.90(3)(b)*
- ▶ Mailing fee details. *1.40.090(6)*
- ▶ Detailing deadlines. *1.40.110(3)*
- ▶ Empowering customers in addressing concerns. *1.40.110(5)*
- ▶ Striking impermissible language in compliance with *Kilduff v. San Juan County*. *1.40.120(4)*
- ▶ Encouraging prompt action from customers. *1.40.160(2)*
- ▶ Increasing turnaround time for records transmittals. *1.40.170(a)*
- ▶ Clarifying deadlines. *1.40.170(b)*



# Modifying the Fee Schedule is Necessary



# Determining the Cost of Copies excerpts from *RCW 42.56*

- ▶ An agency may include all costs directly incident to copying including:
  - ▶ The actual cost of the paper
  - ▶ The per page cost for use of agency copying equipment
  - ▶ The actual cost of the electronic production or file transfer of the record
  - ▶ The use of any cloud-based data storage and processing service
  - ▶ Transmitting records in an electronic format, including the cost of any transmission charge and use of any physical media device provided by the agency
  - ▶ Shipping such public records
  - ▶ The reasonable costs of redacting any portion of the body worn camera recording prior to disclosure (for persons not involved in the incident).





# The Current Fee Schedule

## Resolution 17-18

Fee Type	Fee Cost
Police - CD of Photos	\$1/CD - plus applicable electronic records fees.
Police - Customized Access**	Reimbursement up to the actual cost of providing the service - 10% deposit required.
Police - Deposits	10% of estimated cost to produce all records
Police - Electronic Records - Actual Cost*	The actual cost incurred
Police - Electronic Records - Default Charges (cumulative)*:	10 cents/page for scanning; AND 5 cents/every four electronic files or attachments; AND 10 cents/gigabyte for transmitting records electronically
Police - Electronic Records - Flat Fee*	A flat fee of up to \$2 as an alternative to actual or default costs if the agency reasonably estimates and documents that the costs are equal or more than \$2
Police – Photocopies - Standard Size (Legal or Letter)	\$.50 per page
Police - Photos	\$1/page of 4 printed color photos
Police - Postage	Actual cost of postage and mailing supplies
Police – Reports	\$.40 per page
City/Fire - Photocopies - Standard Size (Legal or Letter)	\$.15/page
City/Fire - Photocopies - Large Format - B/W	\$.17/square foot
City/Fire - Photocopies - Large Format - Color	\$.29/square foot
City/Fire - CD of Data/Files**	\$1/CD - plus applicable electronic records fees.
City/Fire - Customized Access	Reimbursement up to the actual cost of providing the service - 10% deposit required.
City/Fire - Deposits	10% of estimated cost to produce all records
City/Fire - DVD/Videotapes	\$1/DVD - plus applicable electronic records fees.



# The Current Fee Schedule

## Resolution 17-18

City/Fire - Electronic Records - Actual Cost*	The actual cost incurred
City/Fire - Electronic Records - Default Charges (cumulative)*:	10 cents/page for scanning; AND 5 cents/every four electronic files or attachments; AND 10 cents/gigabyte for transmitting records electronically
City/Fire - Electronic Records - Flat Fee*	A flat fee of up to \$2 as an alternative to actual or default costs if the agency reasonably estimates and documents that the costs are equal or more than \$2
City/Fire - Postage	Actual cost of postage and mailing supplies
<b>*Effective August 24, 2017</b> - Fees will be charged at the discretion of the Public Records Officer and/or their designee using one of the methods authorized by the state legislature (actual cost, default cost, or flat fee).	
<b>**Effective August 24, 2017</b> - An agency may assess a customized service charge for exceptionally large records requests that require staff and resources beyond what is normally available to the agency. <b>The fee is in addition to the authorized copying costs, and may include reimbursement for the actual costs of providing the records.</b> A customized service charge is warranted if: <ul style="list-style-type: none"><li>• fulfilling the request requires extensive use of information technology resources to identify, locate, format, or translate a record, or provide electronic access services;</li><li>• or the request requires specialized analytical, research, or supervisory assistance to identify, locate, compile, or transfer the records.</li></ul>	



# The Problems



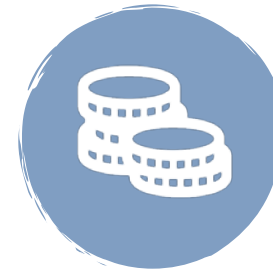
Increased Requests  
Complexity  
& Scope



Financial  
Cost to  
Taxpayers



Ambiguity  
Arbitrary  
Copy Fees



Cost  
Cost to  
Customer



Time  
Completing  
Requests



**Streamline**  
Increase  
efficiency.



**Fairness**  
Treat  
requestors  
equally AND  
equitably.



**Price**  
Recover  
taxpayer  
resources at  
a fair rate.

# The Solution

Recover predictable and permissible  
copy costs while maintaining free  
inspection of onsite and online  
records.



# Recommended Fee Schedule Improvements



### FREE Records

No Cost to  
Inspect and  
Self-Copy



### Time Tests

Calculating  
Averages for Copy  
Tasks



### Accurate Fees

Actual Cost to  
Create Copies &  
Per Capita FTP  
Costs



### Public Hearing

Listen to Our  
Customers' Perspectives

# Fee-Setting Process

- Focus on free access to records
- Pinpoint actual time to complete copy tasks
- Differentiate flat rates from custom
- Communicate proposed fees and consider community input

# FACTORS AND MANNER USED TO DETERMINE ACTUAL COSTS



# Elements of Electronic Copies



Copy Files  
& Rename



Check Quality  
& Accuracy



Create  
Folder  
& Save  
Files to It



Zip Folder  
for  
Transmittal



Upload  
Zipped Folder  
to GovQA  
& Publish



Calculate  
Fees



Provide  
instructions  
to customer  
for accessing  
the records





# Time Study - Electronic Copies

**Test No. 1:** 4.58 minutes **Test No. 2:** 4.56 minutes **Average:** 4.57 minutes

## Elements of Electronic Copy Charges

### COPY TIME:

$4.57 \text{ Min} \div 10 \text{ files} =$   
 $.46 \text{ Time Per File (TPF)}$

### STAFF COST:

$\text{Hourly Salary} \div 60 =$   
 $\text{Per Minute Wages (PMW)}$

**COST PER FILE =**  
**TPF X PMW**

**EXAMPLE:** Mary is asked to copy 37 electronic files. Mary earns a salary of \$20 per hour.

$\$20 \div 60 = \$.33$  (Per Minute Wage)

$\$.33 \times .46 = \$.15$  (Cost Per File)

$\$.15 \times 37 = \$5.62$  (cost for 37 files)

The cost for Mary to provide 37 electronic files is \$5.62



# Transmission Charge – GovQA FTP Site

The City utilizes GovQA to transmit records to requestors. Using a per capita basis, we've developed a formula which can be easily updated annually without modifying the resolution each time.



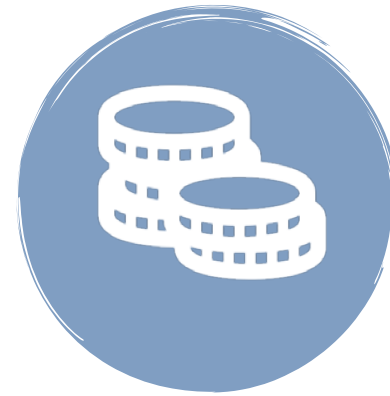
## GovQA Annual Cost

The annual cost of the GovQA Platform from the most recent full calendar year.



## Number of Requests

The number of requests from the prior year under which records were transmitted.

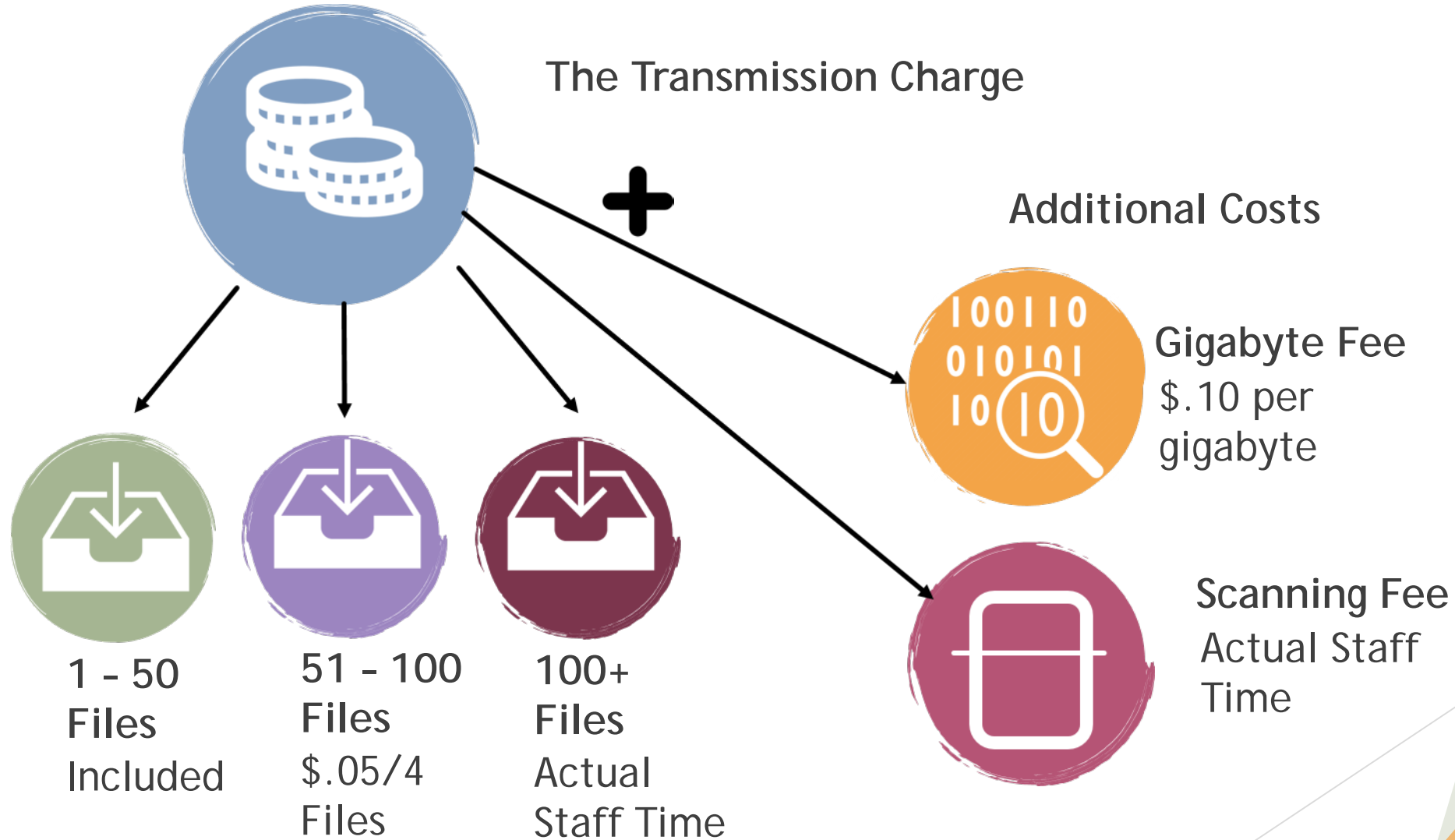


## Transmission Charge

This is the base fee charged for all records transmitted through the FTP site.

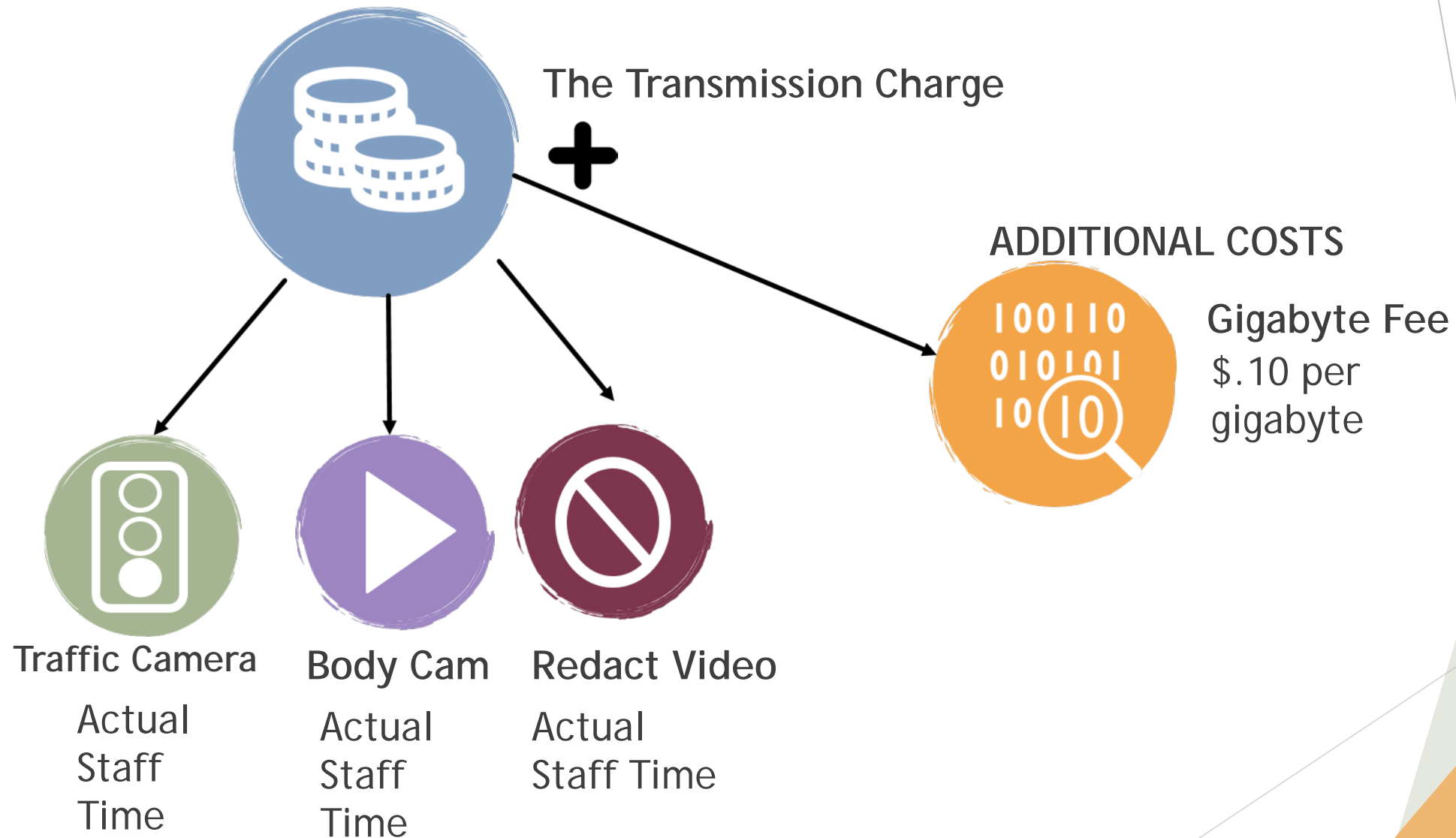


# ELECTRONIC COPY FEES





# VIDEO COPY FEES - ORIGINAL SOURCE FILES





# PHYSICAL COPIES

Cost is calculated using the actual staff time to make the copies plus the annual per page cost set by equipment provider contracts.

## E-File Original

A digital file printed out onto hard copy.

Up to 11" x 17"

## Physical Original

A hard copy duplicated and produced in hard copy.

Up to 11" x 17"

## Large Format

Rolled Plans/Maps

Exceed 11" x 17"



# Elements of Physical Copies & Scans



Print E-  
File



Count  
Originals &  
Simplex v.  
Duplex



Prepare  
for Copier  
or Scanner



Copy Hard  
Files



Check  
Quality &  
Accuracy



Calculate  
Fees &  
Prepare  
Letter



Restore to  
Original  
Location



# Physical Copies & Scanned Originals

It's necessary to charge copies from physical files using the actual time to make the copies multiplied by the per minute staff salary.



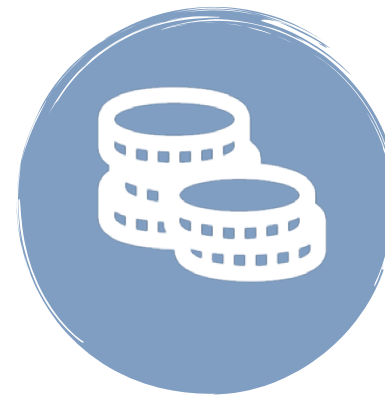
**Staff Cost**

Hourly Salary ÷ 60 =  
Per Minute Wages  
(PMW)



**Time to Copy/Scan**

From start to finish



**Actual Cost**

This is the fee  
charged.



# Conclusions

This non-revenue generating fee schedule reimburses taxpayers for a portion of the costs to provide copies of public records. Meanwhile, we have kept costs low and preserved free access to online and on-site records.



## Balance

We've proposed fees that are lower than the maximum allowed by law.

Our fees reimburse taxpayers while remaining low enough to not be a barrier to copies.

## Equity

Rates are set across the board for all requestors.

Whether a customer is requesting police-related records or permit-related records, all customers are assessed copy costs at the same rate.

## Clarity

Customers can have confidence the fees they're charged are fair.

Staff can predict copy fees and help customers prioritize the records they seek to manage costs.



A large, dark green circular brushstroke graphic is centered on the right side of a light green background. The brushstroke has a textured, hand-painted appearance with visible bristles and varying shades of green. Inside the dark green circle, the words "THANK YOU" are written in a bold, white, sans-serif font.

**THANK YOU**

## 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 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.
- (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 6<sup>th</sup> Avenue  
P.O. Box 6108  
Kennewick, WA 99336  
Telephone: (509) 585-4578  
Fax: (509) 585-4445  
Email: [PRRequest@ci.kennewick.wa.us](mailto: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 6<sup>th</sup> Avenue  
P.O. Box 6108  
Kennewick, WA 99336  
Telephone: (509) 585-~~4208~~-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. 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.
- (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 ~~Page number~~ 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. 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, [the Kennewick Police Department](#) and on the City's website.
  - (b) ~~The fee schedule for Police records is available at the Police Department and on the City's website.~~ 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 decision to waive nominal fees shall not be based solely upon the identity of the requestor nor for the purpose (or presumed purpose) of the request.

- (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.
- (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. 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. ~~If, within 30 days, the requestor fails to properly identify existing records rephrase the request by the deadline so that they have described an existing, identifiable document(s), the City need not respond to it.~~ The request will ~~not~~ be considered "received" on the next business day after the ~~until it sufficiently requests and describes~~ "existing, identifiable" records have been described. ~~The five-day deadline will begin on the date the request was properly submitted.~~ 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 ~~shall be responsible for contacting the agency to confirm receipt of the request and that it complied with the requirements of RCW 42.56 and this policy should contact the public records officer to determine the reason for the failure to respond.~~  
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. 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.

~~(4) No lawsuit to review the action taken, compel the production of a public record, or impose a penalty or attorney fees shall be brought before the administrative remedies set out in this section have been exhausted by the party seeking the record.~~

-(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, ~~When the request is for a large number of records,~~ 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.

- (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. 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 Public Records Officer shall notify requestors that t~~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. 5708 Sec. 1 (part), 2017)

**CITY OF KENNEWICK  
PUBLIC RECORDS FEE SCHEDULE**

<b>Fee Type</b>	<b>Fee Cost</b>
<del>Police—CD of Photos</del>	<del>\$1/CD—plus applicable electronic records fees.</del>
<del>Police—Customized Access**</del>	<del>Reimbursement up to the actual cost of providing the service—10% deposit required.</del>
<del>Police—Deposits</del>	<del>10% of estimated cost to produce all records</del>
<del>Police—Electronic Records—Actual Cost*</del>	<del>The actual cost incurred</del>
<del>Police—Electronic Records—Default Charges (cumulative)*:</del>	<del>10 cents/page for scanning; AND 5 cents/every four electronic files or attachments; AND 10 cents/gigabyte for transmitting records electronically</del>
<del>Police—Electronic Records—Flat Fee*</del>	<del>A flat fee of up to \$2 as an alternative to actual or default costs if the agency reasonably estimates and documents that the costs are equal or more than \$2</del>
<del>Police—Photocopies—Standard Size (Legal or Letter)</del>	<del>\$.50 per page</del>
<del>Police—Photos</del>	<del>\$1/page of 4 printed color photos</del>
<del>Police—Postage</del>	<del>Actual cost of postage and mailing supplies</del>
<del>Police—Reports</del>	<del>\$.40 per page</del>
<del>City/Fire—Photocopies—Standard Size (Legal or Letter)</del>	<del>\$.15/page</del>
<del>City/Fire—Photocopies—Large Format—B/W</del>	<del>\$.17/square foot</del>
<del>City/Fire—Photocopies—Large Format—Color</del>	<del>\$.29/square foot</del>
<del>City/Fire—CD of Data/Files**</del>	<del>\$1/CD—plus applicable electronic records fees.</del>
<del>City/Fire—Customized Access</del>	<del>Reimbursement up to the actual cost of providing the service—10% deposit required.</del>
<del>City/Fire—Deposits</del>	<del>10% of estimated cost to produce all records</del>
<del>City/Fire—DVD/Videotapes</del>	<del>\$1/DVD—plus applicable electronic records fees.</del>
<del>City/Fire—Electronic Records—Actual Cost*</del>	<del>The actual cost incurred</del>
<del>City/Fire—Electronic Records—Default Charges (cumulative)*:</del>	<del>10 cents/page for scanning; AND 5 cents/every four electronic files or attachments; AND 10 cents/gigabyte for transmitting records electronically</del>
<del>City/Fire—Electronic Records—Flat Fee*</del>	<del>A flat fee of up to \$2 as an alternative to actual or default costs if the agency reasonably estimates and documents that the costs are equal or more than \$2</del>
<del>City/Fire—Postage</del>	<del>Actual cost of postage and mailing supplies</del>
<del>*Effective August 24, 2017—Fees will be charged at the discretion of the Public Records Officer and/or their designee using one of the methods authorized by the state legislature (actual cost, default cost, or flat fee).</del>	
<del>**Effective August 24, 2017—An agency may assess a customized service charge for exceptionally large records requests that require staff and resources beyond what is normally available to the agency. <b>The fee is in addition to the authorized copying costs, and may include reimbursement for the actual costs of providing the records.</b> A customized service charge is warranted if:</del>	
<del> <ul style="list-style-type: none"> <li>● fulfilling the request requires extensive use of information technology resources to identify, locate, format, or translate a record, or provide electronic access services;</li> <li>● or the request requires specialized analytical, research, or supervisory assistance to identify, locate, compile, or transfer the records.</li> </ul> </del>	

<u>FEE TYPE</u>	<u>COST</u>	<u>METHOD</u>
<b><u>I. RECORDS AVAILABLE AT NO COST</u></b>		
<u>Inspection of Records</u>	<u>None</u>	<u>Please arrange an in-person appointment Monday – Thursday between 8:30 a.m. to 4:00 p.m. (excluding holidays).</u>
<u>Links to records on Go2Kennewick.com</u>	<u>None</u>	<u>You will receive a link to a specific page on the agency’s website at no cost.</u>
<b><u>II. ELECTRONIC COPIES</u></b>		
<u>For requests with a total of 1-50 files.</u>	<u>Transmission charge; plus</u> <ul style="list-style-type: none"> <li>• <u>per gigabyte fee*</u>; and</li> <li>• <u>scanning fee**</u></li> </ul>	<u>Please refer to Exhibit A.</u>
<u>For requests with a total of 51 – 100 files.</u>	<u>Transmission charge plus:</u> <ul style="list-style-type: none"> <li>• <u>\$.05 for every four files; and</u></li> <li>• <u>per gigabyte fee*</u>; and</li> <li>• <u>scanning fee**</u></li> </ul>	
<u>For requests with a total of more than 100 files.</u>	<u>Transmission charge plus:</u> <ul style="list-style-type: none"> <li>• <u>the actual staff time to copy responsive records; and</u></li> <li>• <u>per gigabyte fee*</u>; and</li> <li>• <u>scanning fee**</u></li> </ul>	
<b><u>*Gigabyte Fee–</u></b> <u>For requests with one gigabyte or more of data.</u>	<u>\$.10 per gigabyte for the transmission of public records in an electronic format.</u>	<u>This is an added fee for larger requests. Requests with less than one gigabyte are not charged this fee.</u>
<b><u>**Scanning Fee–</u></b> <u>For records which do not exist in electronic format.</u>	<u>The actual staff time.</u>	<u>Please refer to Exhibit A. This is an added fee. Requests without scanned records are not charged this fee.</u>
<b><u>III. VIDEO RECORDINGS</u></b>		
<b><u>Duplicate Copies</u></b> – <u>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</u>		<u>Please refer to Electronic Files – Section II.</u>
<b><u>Traffic Camera Video</u></b> – <u>When the recording requested is exclusively located at the intersection cabinet and no other place.</u>	<u>Transmission charge plus</u> <ul style="list-style-type: none"> <li>• <u>the actual staff time to copy the files; and</u></li> <li>• <u>\$.05 for every four files; and</u></li> <li>• <u>per gigabyte fee*</u>.</li> </ul>	<u>Please refer to Exhibit A.</u>
<b><u>Police Body/Dash Camera Video</u></b> – <u>Request made by party directly involved.</u>	<u>Transmission charge plus</u> <ul style="list-style-type: none"> <li>• <u>the actual staff time to copy the files; and</u></li> <li>• <u>\$.05 for every four files; and</u></li> <li>• <u>per gigabyte fee*</u>.</li> </ul>	<u>Please refer to Exhibit A.</u>
<b><u>Police Body/Dash Camera Video</u></b> – <u>Request made by party NOT directly involved.</u>	<u>Transmission charge plus:</u> <ul style="list-style-type: none"> <li>• <u>the actual staff time to copy the files; and</u></li> <li>• <u>the staff time to redact any portion of the recording; and</u></li> <li>• <u>\$.05 for every four files; and</u></li> <li>• <u>per gigabyte fee*</u>.</li> </ul>	<u>Please refer to Exhibit A.</u>
<b><u>Miscellaneous Videos</u></b>	<u>Transmission charge plus:</u> <ul style="list-style-type: none"> <li>• <u>the actual staff time to copy the files; and</u></li> <li>• <u>\$.05 for every four files; and</u></li> <li>• <u>per gigabyte fee*</u>.</li> </ul>	
<b><u>IV. PHYSICAL COPIES</u></b>		
<u>Letter, Legal &amp; Executive sized pages from physical format:</u>	<u>Actual staff time plus:</u> <ul style="list-style-type: none"> <li>• <u>cost per page.</u></li> <li>• <u>postage (if necessary)</u></li> </ul>	<u>Please refer to Exhibit A.</u>

<u>Letter, Legal &amp; Executive sized pages from electronic format:</u>	<u>Actual staff time plus:</u> <ul style="list-style-type: none"> <li>• <u>cost per page.</u></li> <li>• <u>postage (if necessary)</u></li> </ul>	
<u>Large format copies (greater than 11 x 17).</u>	<u>Actual staff time plus:</u> <ul style="list-style-type: none"> <li>• <u>cost per page.</u></li> <li>• <u>postage (if necessary)</u></li> </ul>	
<b><u>V. POSTAGE – ADDED TO THE COST OF PHYSICAL RECORDS</u></b>		
<u>Postage</u>	<u>Actual staff time plus:</u> <ul style="list-style-type: none"> <li>• <u>postage; and</u></li> <li>• <u>the cost of shipping materials</u></li> </ul>	<u>Please refer to Exhibit A.</u>
<b><u>VI. MEDIA – ADDED TO THE COST OF ELECTRONIC RECORDS</u></b>		
<u>Flash Drives</u>	<u>Actual cost of flash drive.</u>	<u>Please refer to Exhibit A.</u>
<u>External Hard Drives</u>	<u>Actual cost of hard drive.</u>	
<b><u>VII. CUSTOMIZED ACCESS FEE</u></b>		
<u>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.</u>		
<b><u>VIII. DEPOSIT</u></b>		
<u>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.</u>		



## Exhibit A

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

This schedule is automatically updated February 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 request, 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. There were 2,053 requests received. Records were transmitted for 1,635 requests.

$$11,300 \div 1,635 = \$6.91$$

**The Transmission Charge for 2021 is \$6.91.** [CP1]

**ACTUAL STAFF TIME TO MAKE ELECTRONIC COPIES: 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

**Copy Time:** 4.57 minutes divided by 10 files equals .46 minutes.

**Staff Time:** Calculate per minute wages by dividing hourly salary by 60 to determine the cost per minute.

**Cost Per File: Per Minute Wages x .46**

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.

**EXAMPLE:** Mary is asked to copy 37 electronic files. Mary earns a salary of \$20 per hour (not including benefits or overhead). It takes .46 minutes to copy one file.

$$\underline{\$20 \div 60 = \$.33 \text{ (cost per minute)}}$$

$$\underline{\$.33 \times .46 = \$.15 \text{ (cost per file)}}$$

$$\underline{\$.15 \times 37 = \$5.62 \text{ (cost for 37 files)}}$$

**The cost for Mary to provide 37 electronic files is \$5.62.**

**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 hourly salary 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 of the qualified employee making the copies.

*Staff cost per minute: Divide hourly salary 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 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 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.



# City Council Meeting Schedule January 2022

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City Council temporarily designated the location for regular, special and study session meetings to a virtual location until termination of the state of emergency or until rescinded. The City broadcasts City Council meetings on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

January 4, 2022

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

January 11, 2022

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. OPMA and PRA Training
2. Public Records Processing
3. Accessory Dwelling Unit Sewer Connections

January 18, 2022

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

January 25, 2022

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. Fire Station No. 1

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio and Video Taped