



ORDINANCE NO. 3413

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO FEES CHARGED BY THE CITY; ESTABLISHING A FEE FOR REDACTION OF BODY WORN CAMERA RECORDINGS; AMENDING LMC 3.104.020; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

WHEREAS, the City of Lynnwood is authorized by State law to establish fees for providing copies of public records, in some circumstances and in accordance with the Public Records Act, Chapter 42.56 RCW; and

WHEREAS, the City’s Police Department has recently implemented a Body Worn Camera Program; and

WHEREAS, RCW 42.56.240(14) provides that certain body worn camera recordings, or portions thereof, are exempt from disclosure in certain circumstances, and

WHEREAS, that same statute provides that a law enforcement agency responding to a request for body worn camera recordings may require the requestor, not otherwise exempt under RCW 42.56.240(14)(e), to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording, in accordance with the requirements of RCW 42.56.240(14); and

WHEREAS, the City’s Police Department and other staff have analyzed a 2017 Body Worn Video Redaction Cost Study completed by the Seattle Police Department, which determined the amount of time it takes to redact such recordings, and also reviewed information from a number of cities throughout Washington State on this topic; and

WHEREAS, the City has determined that, based on the cost of salary and benefits for the City staff who will redact the City’s body worn camera recordings, the City’s cost per hour is \$58.94, or \$.98 per minute; and

WHEREAS, the City wishes to establish a fee for the redaction of body worn camera recordings in the amount of \$.98 per minute, in order that the City recover the actual cost of staff time incurred by the City to perform the redactions; and

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 46 WHEREAS, on March 28, 2022, the City Council held a duly noticed public hearing on this
 47 Ordinance and the proposed fee for the redaction of body worn camera recordings; and
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49 WHEREAS, the City Council has determined that the provisions of this Ordinance are in
 50 the best interests of the public;
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52 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
 53 ORDAIN AS FOLLOWS:
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55 Section 1. Section 3.104.020 of the Lynnwood Municipal Code is amended to read as follows:

56 | **3.104.020 LMC Title 2 fees and charges.**

57 The fees and charges set forth in Table 3.104.020 are the city of Lynnwood fees and charges
 58 related to the provisions of LMC Title 2.

Table 3.104.020 – LMC Title 2 Fees and Charges

Type of Fee		
LMC TITLE 2 – ADMINISTRATION AND PERSONNEL		
Finance Director, Chapter 2.12 LMC City Clerk, Chapter 2.14 LMC		
Public records		
Photocopies and printed copies	Maximum per page, pursuant to RCW 42.56.120	0.15
Records scanned into electronic format	Maximum per page, pursuant to RCW 42.56.120	0.10
Electronic files uploaded for electronic delivery	Maximum per four electronic files, pursuant to RCW 42.56.120	0.05
Transmission of records in an electronic format	Maximum per gigabyte, pursuant to RCW 42.56.120	0.10

Table 3.104.020 – LMC Title 2 Fees and Charges

Type of Fee		
LMC TITLE 2 – ADMINISTRATION AND PERSONNEL		
Digital storage media, device, envelope, postage, etc.	Actual cost, pursuant to RCW 42.56.120	
Customized service charge	Actual cost, pursuant to RCW 42.56.120	
<u>Body worn camera video redaction</u>	<u>Actual cost of staff time per minute, as allowed by RCW 42.56.240(14)</u>	<u>0.98</u>
De minimis fee waiver	The city clerk may waive a de minimus fee for records in instances when operational expenses associated with collection and processing of the fee are contrary to the city's financial interests.	
<u>Other Finance Director, Chapter 2.12 LMC</u>		
Final utility bill calculation request	Per request	35.00
Lien recording and release	Actual cost	
WebCheck for final bill – online	Per request	30.00
Police Department, Chapter 2.36 LMC		
Fingerprinting fees	For 2 cards	10.00
	Each additional card	2.50
Digital photo reproduction fee	Per request	25.00

Table 3.104.020 – LMC Title 2 Fees and Charges

Type of Fee		
LMC TITLE 2 – ADMINISTRATION AND PERSONNEL		
Electronic home monitoring program fee	Daily	30.00
Community service fee		30.00
Jail commitment extension fee		40.00
Streets and Public Works Department, Chapter 2.44 LMC		
Weekend work permit	One-time fee for the entire time the specific project is in effect, renewed every 3 weeks (no additional fee)	167.00

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

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65 Section 3. Effective Date. This ordinance or an approved summary thereof consisting of its
 66 title shall be published in the City’s official newspaper of record and shall take effect and
 67 be in full force five days following its publication.

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69 PASSED this 11th day of April, 2022.

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APPROVED:

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DocuSigned by:
 4/14/2022
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 Christine Frizzell, Mayor

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81 ATTEST/AUTHENTICATED:

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83 DocuSigned by:
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85 549581C7EC99433...
Karen Fitzthum, City Clerk

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APPROVED AS TO FORM:

DocuSigned by:



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Lisa Marshall, City Attorney