



CO00014837

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 06-019

RELATING TO PUBLIC RECORDS, IMPLEMENTING THE PUBLIC RECORDS ACT, PROVIDING FOR A PUBLIC RECORDS OFFICER AND OTHER REVISIONS, AND AMENDING CHAPTER 2.51 SCC

WHEREAS, the Public Records Act, Chapter 274, Laws of 2005, codified as Chapter 42.56 RCW, reorganized and revised laws relating to disclosure of public records effective July 1, 2006; and

WHEREAS, RCW 42.17.253, adopted by Chapter 483, Laws of 2005, directs that each state and local agency appoint and publicly identify a public records officer whose responsibility is to serve as a point of contact for members of the public and to oversee compliance with laws relating to disclosure of public records; and

WHEREAS, Snohomish County is organized as a charter county under Article XI, § 4, of the Washington Constitution; and

WHEREAS, this ordinance is intended to implement the Public Records Act and RCW 42.17.253 in keeping with the County Charter and the separation of powers within county government;

THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.51.010, adopted by Amended Ordinance No. 03-024 on April 16, 2003, is amended to read:

2.51.010 Purpose of ~~((provisions))~~ chapter.

The purpose of this chapter is to ensure compliance with the provisions of chapter ~~((42.17))~~ 42.56 RCW and other applicable law relating to disclosure of public records ~~((in the custody of and/or maintained by the county))~~.

Section 2. Snohomish County Code Section 2.51.020, adopted by Amended Ordinance No. 03-024 on April 16, 2003, is amended to read:

2.51.020 ~~((Interpretation and construction))~~ Construction of provisions.

~~((In applying these rules and chapter 42.17 RCW, the public disclosure officer(s) and designee(s), and other persons dealing with public records shall interpret these rules and chapter 42.17 RCW so that their provisions are))~~
The provisions of this chapter shall be liberally construed to ((promote)) provide the public full access to ((public records, so as to assure continuing

~~public confidence in governmental processes, and so as to assure that the public's interest will be fully protected))~~ public records concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government.

Section 3. A new section is added to Chapter 2.51 of the Snohomish County Code to read:

2.51.035 Public Records officer – Appointment and duties.

(1) The director of the department of information services shall serve as the county's public records officer who shall have the duties described in this chapter.

(2) Subject to subsection (3) of this section, the public records officer shall:

(a) Serve as a point of contact for members of the public in requesting disclosure of public records, provided that requests may also be presented to public records specialists or their designees pursuant to SCC 2.51.050;

(b) Oversee compliance with the public records disclosure requirements of this chapter; and

(c) Adopt such policies and procedures as may be necessary to carry out the provisions of this chapter consistent with applicable laws.

(3) Final decision-making authority over public disclosure of records of the legislative and judicial branches of county government shall be vested, respectively, in the chairperson of the county council or presiding judge of the appropriate court, or their designees.

(4) The public records officer shall publish his or her name and contact information in a way reasonably calculated to provide notice to the public, including posting at the county's primary place of business, posting on the county's internet site, or including in county publications.

Section 4. Snohomish County Code Section 2.51.040, adopted by Amended Ordinance No. 03-024 on April 16, 2003, is amended to read:

2.51.040 Public ~~((disclosure officers))~~ records specialists – Appointment and ~~((responsibility))~~ duties.

~~((Each))~~ The chairperson of the county council, the presiding judges of the superior and district courts, each elected executive ~~((official))~~ officer, the director of each department ~~((under))~~ appointed by the county executive, and each board, agency, bureau, division, office ~~((and))~~ or commission having custody or control of public records shall appoint a public ~~((disclosure officer))~~ records specialist who shall have charge of the public records in the custody or control of ~~((such elected))~~ those officials, departments, boards, agencies, bureaus, divisions, offices and commissions. ~~((Said public disclosure))~~ Public records specialists shall ~~((be responsible for the rules regarding release of~~

public records, and shall ensure compliance and cooperation of staff with the records disclosure requirements of chapter 42.17 RCW) implement this chapter, policies and procedures adopted by the public records officer under SCC 2.51.035(2)(c), and other applicable laws relating to disclosure of public records.

Section 5. Snohomish County Code Section 2.51.050, adopted by Amended Ordinance No. 03-024 on April 16, 2003, is amended to read:

2.51.050 Requests – Form – Information required.

(1) The ~~((county executive))~~ public records officer shall provide a set of uniform public disclosure request forms for use throughout the county. All requests for public records ~~((shall be made by completing a form that is substantially similar to that provided by the executive. The request))~~ shall be presented in writing to the public records officer or to the public ((disclosure) records specialist or designee of the department, office, agency, board, bureau, division or commission believed to be responsible for the records being requested. The request shall include the following ~~((information))~~:

~~((1))~~ (a) The name ((, address and phone number)) and contact information of the person making the request ~~((for the record))~~;

~~((2))~~ (b) ((The time of day and date that the request is received)) Reasonable notice that the request is for the disclosure of public records pursuant to the public records act;

~~((3))~~ (c) ((The nature of the request and identification)) Identification of the requested records by reference to ~~((the department's current index,))~~ names, title, subject matter, and time frames, or other means ~~((of enabling))~~ adequate for the public disclosure officer, public record specialist, or ((his)) designee to ~~((find and make available))~~ locate the requested records; and

~~((4))~~ (d) Whether or not such request is for a list of individuals.

(2) Upon receiving a request the public records officer, public records specialist or designee shall document the date the request was received. If a request is presented to a public records specialist or designee and not to the public records officer, the public records specialist or designee shall transmit a copy of the request to the public records officer.

Section 6. Snohomish County Code Section 2.51.060, adopted by Amended Ordinance No. 03-024 on April 16, 2003, is amended to read:

2.51.060 Informal requests permitted – When.

~~((Certain departments))~~ Departments and offices of elected or appointed officials ~~((which have))~~ having records ~~((in certain forms))~~ ~~((which))~~ that have customarily been open to public inspection and/or copying may, at the option of the heads of such departments or ~~((elected officials))~~ offices, permit inspection and copying without requiring such requests in writing.

Section 7. Snohomish County Code Section 2.51.080, adopted by Amended Ordinance No. 03-024 on April 16, 2003, is amended to read:

**2.51.080 ((Reviewing authority—Appointment and duties))
Review of denials of public records.**

~~((The chairperson of the county council, county executive, and presiding judges of the superior and district courts shall establish or cause to be established mechanisms for the review of decisions denying inspection of public records for their respective branches of county government, and such review shall be deemed completed at the end of the second business day following the denial of inspection. Unless otherwise stated in the review mechanism, the director of the department of information services shall serve as the reviewing authority.))~~

(1) Any person who objects to the initial denial or partial denial of a public records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the decision denying the request.

(2) If the petition concerns records of the executive branch of county government the public records officer shall serve as the reviewing authority unless the public records officer made the original decision in which case the county executive shall designate a different county officer as the reviewing authority, which designation may be made on a case-by-case or other basis. If the petition concerns records of the legislative or judicial branch of county government, the officer having final decision-making authority under SCC 2.51.035(3) shall serve as the reviewing authority, and the public records officer shall promptly provide the petition and other relevant information to that officer.

(3) The reviewing authority shall consider the petition and affirm or reverse the denial within two business days after the public records officer's receipt of the petition, or within such other time as the county and the requestor may mutually agree.

(4) A person whose public records request is denied may seek judicial review at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

Section 8. Snohomish County Code Section 2.51.100, adopted by Amended Ordinance No. 03-024 on April 16, 2003, is amended to read:

2.51.100 Charges for copying.

No fee shall be charged for the inspection of public records. No fee shall be charged for locating public documents and making them available for copying. A reasonable charge may be imposed for providing copies of public records and for the use by any person of county equipment to copy public records, which charges shall not exceed the amount necessary to reimburse

the county for its actual costs directly incident to such copying, ~~((which may be charged in advance))~~ provided that a deposit may be required where not prohibited by law. County charges for photocopies shall be imposed in accordance with the actual per page cost or other costs established and published by county departments, offices, agencies, boards, bureaus, divisions or commissions, or as otherwise provided by law. In no event may the county charge a per page cost greater than the actual per page cost as established and published by the various county entities. To the extent the individual county entity has not established the actual per page cost for photocopies of public records, it may not charge in excess of fifteen cents per page or as otherwise provided by ~~((state))~~ law.

Section 9. Snohomish County Code Section 2.51.110, adopted by Amended Ordinance No. 03-024 on April 16, 2003, is amended to read:

2.51.110 Certain ~~((personal and other))~~ records exempt.

Public records described as exempt by ~~((Chapter 42.17))~~ chapter 42.56 RCW, or that are required to be withheld by any other law, are exempt from ~~((these rules))~~ disclosure under this chapter.

Section 10. Snohomish County Code Section 2.51.120, adopted by Amended Ordinance No. 03-024 on April 16, 2003, is amended to read:

2.51.120 Exemption from requirement to maintain a current records index.

(1) The County Council finds that Snohomish County government is comprised of many branches, boards, departments, divisions, agencies, offices, and commissions, which maintain separate records and incompatible record-keeping systems. The county's records are voluminous, diverse, complex and stored in multiple locations and in multiple incompatible data bases. As a result, it would be unduly burdensome and costly to the Snohomish County taxpayers, and would substantially interfere with effective and timely county office operations to develop an index of those records identified in RCW ~~((42.17.260(3)))~~ 42.56.070(3).

(2) No Snohomish County official, branch, agency, board, department, division, office, commission or other Snohomish County entity is required to maintain an index of public records conforming to the requirements of RCW ~~((42.17.260(3)))~~ 42.56.070(3).

(3) Any index maintained by an individual branch, agency, board, department, division, office or commission shall be made available for public inspection and copying unless exempt from disclosure or made confidential by law.

Section 11. **Effective dates.** Pursuant to Charter Section 2.110, Sections 2, 3, 4, 5, 6, 7, and 8 of this ordinance take effect ten days after the ordinance is signed by the County Executive or otherwise enacted. Sections 1, 9, and 10 take effect July 1, 2006.

PASSED this 19th day of April, 2006.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:


Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

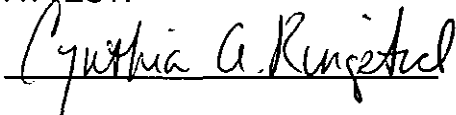
DATE:

4/24/06


MARK SOINE
Deputy Executive

County Executive

ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney

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