



CO00041267

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 10-061

RELATING TO PUBLIC RECORDS, PROVIDING FOR JUDICIAL
AUTHORITY OVER JUDICIAL RECORDS, AND AMENDING
CHAPTER 2.51 SCC

WHEREAS, the Public Records Act, Chapter 42.56 RCW, generally provides for public disclosure of public records; and

WHEREAS, Chapter 2.51 SCC was adopted to ensure compliance with the Public Records Act, Chapter 42.56 RCW, and other laws relating to disclosure of public records; and

WHEREAS, the Washington Supreme Court held in City of Federal Way v. Koenig, 167 Wn.2d 341, 217 P.3d 1172 (2009), based on Nast v. Michaels, 107 Wn.2d 300, 730 P.2d 54 (1986), that the Public Records Act does not apply to judicial records; and

WHEREAS, this ordinance is intended to accommodate judicial authority over judicial records in keeping with state law;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.51.020, last amended by Amended Ordinance No. 06-019 on April 19, 2006, is amended to read:

2.51.020 Construction of provisions.

The provisions of this chapter shall be liberally construed to provide ((the)) public ((full)) access to public records concerning the conduct of government in accordance with state law, mindful of individuals' privacy rights and the desirability of the efficient administration of government.

Section 2. Snohomish County Code Section 2.51.030, adopted by Amended Ordinance No. 03-024 on April 16, 2003, is amended to read:

2.51.030 Public records available.

The county executive and each county department, agency, division, board, office bureau and commission shall make available for public inspection and copying all public records ((-except as otherwise provided by law)) the disclosure of which is required by chapter 42.56 RCW or other law.

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1 Section 3. Snohomish County Code Section 2.51.035, adopted by Amended
2 Ordinance No. 06-019 on April 19, 2006, is amended to read:

3
4 **2.51.035 Public records officer - Appointment and duties.**

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

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

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

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

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

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

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

25
26 Section 4. Snohomish County Code Section 2.51.040, last amended by
27 Amended Ordinance No. 06-019 on April 19, 2006, is amended to read:

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29 **2.51.040 Public records specialists – Appointment and duties.**

30 The chairperson of the county council, ~~((the presiding judges of the
31 superior and district courts,))~~ each elected executive officer, the director of each
32 department appointed by the county executive, and each board, agency, bureau,
33 division, office or commission within the executive or legislative branch having
34 custody or control of public records shall appoint a public records specialist who
35 shall have charge of the public records in the custody or control of those officials,
36 departments, boards, agencies, bureaus, divisions, offices and commissions.
37 Public records specialists shall implement this chapter, policies and procedures
38 adopted by the public records officer under SCC 2.51.035(2)(c), and other
39 applicable laws relating to disclosure of public records.

40
41 Section 5. Snohomish County Code Section 2.51.050, last amended by
42 Amended Ordinance No. 06-019 on April 19, 2006, is amended to read:

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44 **2.51.050 Requests - Form - Information required.**

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1 (1) The public records officer shall provide a set of uniform public
2 disclosure request forms for use throughout the executive and legislative
3 branches of county government. All requests for public records shall be
4 presented in writing to the public records officer or to the public records specialist
5 or designee of the department, office, agency, board, bureau, division or
6 commission believed to be responsible for the records being requested. The
7 request shall include the following:

8 (a) The name, and contact information of the person making the request;

9 (b) Reasonable notice that the request is for the disclosure of public
10 records pursuant to the public records act;

11 (c) Identification of the requested records by reference to names, title,
12 subject matter, and time frames, or other means adequate for the public
13 disclosure officer, public records specialist, or designee to locate the requested
14 records; and

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

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

21
22 Section 6. Snohomish County Code Section 2.51.080, last amended by
23 Amended Ordinance No. 06-019 on April 19, 2006, is amended to read:

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25 **2.51.080 Review of denials of public records.**

26 (1) Any person who objects to the initial denial or partial denial of a
27 ~~((public records))~~ request for a public record subject to chapter 42.56 RCW may
28 petition in writing (including e-mail) to the public records officer for a review of
29 that decision. The petition shall include a copy of or reasonably identify the
30 decision denying the request.

31 (2) If the petition concerns records of the executive branch of county
32 government, the public records officer shall serve as the reviewing authority
33 unless the public records officer made the original decision in which case the
34 county executive shall designate a different county officer as the reviewing
35 authority, which designation may be made on a case-by-case or other basis. If
36 the petition concerns records of the legislative ~~((or judicial))~~ branch of county
37 government, the officer having final decision-making authority under SCC
38 2.51.035(3) shall serve as the reviewing authority, and the public records officer
39 shall promptly provide the petition and other relevant information to that officer.

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

44 (4) A person whose public records request is denied may seek judicial

1 review at the conclusion of two business days after the initial denial regardless of
2 any internal administrative appeal.

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4 Section 7. Snohomish County Code Section 2.51.100, last amended by
5 Amended Ordinance No. 06-019 on April 19, 2006, is amended to read:
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7 **2.51.100 Charges for copying.**

8 No fee shall be charged for the inspection of public records under this
9 chapter. No fee shall be charged for locating public documents and making them
10 available for copying. A reasonable charge may be imposed for providing copies
11 of public records and for the use by any person of county equipment to copy
12 public records, which charges shall not exceed the amount necessary to
13 reimburse the county for its actual costs directly incident to such copying,
14 provided that a deposit may be required where not prohibited by law. County
15 charges for photocopies shall be imposed in accordance with the actual per page
16 cost or other costs established and published by county departments, offices,
17 agencies, boards, bureaus, divisions or commissions, or as otherwise provided
18 by law. In no event may the county charge a per page cost greater than the
19 actual per page cost as established and published by the various county entities.
20 To the extent the individual county entity has not established the actual per page
21 cost for photocopies of public records, it may not charge in excess of fifteen
22 cents per page or as otherwise provided by law.
23


24 Section 8. Snohomish County Code Section 2.51.110, last amended by
25 Amended Ordinance No. 06-019 on April 19, 2006, is amended to read:
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27 **2.51.110 Certain records exempt.**


28 Public records that are not subject to disclosure under state law, that are
29 described as exempt by chapter 42.56 RCW, or that are required to be withheld
30 by any other law, are exempt from disclosure under this chapter.
31

32 PASSED this 18th day of August, 2010.
33

34 SNOHOMISH COUNTY COUNCIL
35 Snohomish County, Washington

36 
37 _____
38 Chairperson, *Vice*

39 ATTEST:

40 
41 _____
42 Clerk of the Council, *ASST.*

43 APPROVED
44

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() EMERGENCY

() VETOED

DATE: 8/20/10

[Signature]
for County Executive

ATTEST:

[Signature]

GARY HAAKENSEN
Deputy County Executive

Approved as to form only:

[Signature]
Deputy Prosecuting Attorney

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