

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

EMERGENCY ORDINANCE NO. 17-055

RELATING TO CHARGING FEES FOR PUBLIC RECORDS;  
AMENDING SCC 2.51.100

WHEREAS, SCC 2.51.100, first adopted by the County Council in 2003 by Amended Ordinance No. 03-024 and subsequently amended on two separate occasions, has consistently authorized reasonable charges for providing copies of public records in accordance with applicable state law; and

WHEREAS, in 2017, the Washington State Legislature amended chapter 42.56 RCW adding new requirements for agencies using the statutory default copy fee schedule and for agencies determining the actual cost for providing copies of public records; and

WHEREAS, the Washington State Legislature amended RCW 42.56.120 at Chap. 304, 2017 Laws, Sec. 3 to require that effective July 23, 2017, an agency need not calculate the actual costs it charges for providing public records if the agency has rules or regulations declaring the reasons for doing so would be unduly burdensome; and

WHEREAS, to the extent an agency has not determined the actual cost of copying public records, an agency may use the statutory default copy fee schedule set forth in RCW 42.56.120; and

WHEREAS, funds were not appropriated for performing a study to determine actual copying costs; the County lacks the necessary funds and staff resources to conduct a comprehensive study to determine its actual copying costs; and to conduct such a study would interfere with the County's other essential agency functions; and

WHEREAS, through the 2017 legislative process the public and requestors of public records have been informed of and have commented on authorized fees and costs, including for electronic records, provided in RCW 42.56.120(2)(b) and (c), (3) and (4)

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.51.200, last amended by Ordinance No. 10-061 on August 30, 2010, is amended to read:

1           **2.51.100       Charges for copying.**

- 2
- 3       (1) No fee shall be charged for the inspection of public records under this
- 4       chapter.
- 5       (2) No fee shall be charged for locating public documents and making them
- 6       available for copying. ~~((A reasonable charge may be imposed for providing~~
- 7       ~~copies of public records and for the use by any person of county equipment to~~
- 8       ~~copy public records, which charges shall not exceed the amount necessary to~~
- 9       ~~reimburse the county for its actual costs directly incident to such copying,~~
- 10       ~~provided that a deposit may be required where not prohibited by law. County~~
- 11       ~~charges for photocopies shall be imposed in accordance with the actual per~~
- 12       ~~page cost or other costs established and published by county departments,~~
- 13       ~~offices, agencies, boards, bureaus, divisions or commissions, or as otherwise~~
- 14       ~~provided by law. In no event may the county charge a per page cost greater~~
- 15       ~~than the actual per page cost as established and published by the various~~
- 16       ~~county entities. To the extent the individual county entity has not established~~
- 17       ~~the actual per page cost for photocopies of public records, it may not charge~~
- 18       ~~in excess of fifteen cents per page or as otherwise provided by state law.))~~
- 19       (3) The County shall charge fees for copies of records pursuant to the default
- 20       fees in RCW 42.56.120(2)(b) and (c).
- 21       (4) The County shall charge fees for customized services pursuant to RCW
- 22       42.56.120(3).
- 23

24       Section 2. Findings. The County Council finds as facts that calculating the

25       actual cost of providing public records would be unduly burdensome because funds

26       were not allocated for performing a study to determine actual copying costs; the County

27       lacks the necessary funds and staff resources to conduct a comprehensive study to

28       determine its actual copying costs; and to conduct such a study would interfere with the

29       County's other essential agency functions. The County Council further finds as a fact

30       that this ordinance is necessary for the support of Snohomish County and its existing

31       institutions, that it is in the public interest to adopt this ordinance in order to preserve

32       and update fees in accordance with the legislatively adopted schedule. Based on the

33       foregoing, the County Council declares that an emergency exists and this ordinance

34       shall take effect immediately.

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36                   PASSED this 9<sup>th</sup> day of August, 2017.

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38                                   SNOHOMISH COUNTY COUNCIL

39                                   Snohomish County, Washington

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43                                   Vice Chairperson

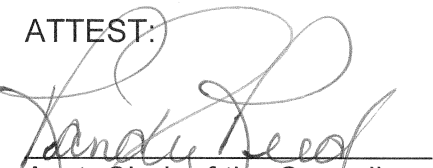
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ATTEST:



Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

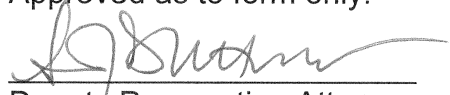
DATE: \_\_\_\_\_

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County Executive

ATTEST:

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Approved as to form only:



Deputy Prosecuting Attorney