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APPROVED: April 16, 2003

EFFECTIVE: May 1, 2003

**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

AMENDED ORDINANCE NO. 03-024

**AN ORDINANCE RELATING TO DISCLOSURE OF PUBLIC RECORDS
REPEALING AND RE-ENACTING CHAPTER 2.51
SNOHOMISH COUNTY CODE**

WHEREAS, the people of the State of Washington, by Initiative Measure No. 276, approved November 7, 1972, declared public policy to be for the full access to information concerning the conduct of government; and

WHEREAS, Initiative Measure No. 276, codified as a portion of chapter 42.17 of the Revised Code of Washington (RCW), mandates broad disclosure of public records; and

WHEREAS, in 1978 the Snohomish County Board of County Commissioners enacted chapter 2.51 of the Snohomish County Code (SCC), Public Records Disclosure, to ensure compliance with the provisions of chapter 42.17 RCW and other applicable law relating to public records in the custody of and/or maintained by the county; and

WHEREAS, chapter 42.17 RCW has been amended and revised numerous times over the years resulting in chapter 2.51 SCC being out of date; and

WHEREAS, Snohomish County officials and staff who regularly deal with implementation of the provisions of chapter 2.51 SCC have developed a replacement for the current chapter that is up to date and will withstand further revisions to chapter 42.17 RCW;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Chapter 2.51 of the Snohomish County Code, entitled Public Records Disclosure, adopted by Resolution dated August 9, 1978 and amended by Ordinance No. 00-026 on June 7, 2000, is hereby repealed in its entirety

Section 2. NEW SECTION. A new chapter 2.51, Public Records Disclosure is hereby added to the Snohomish County Code as follows:

Chapter 2.51

Public Records Disclosure

2.51.010 Purpose of provisions.

- 2.51.020 Interpretation and construction of provisions.
- 2.51.030 Public records available.
- 2.51.040 Public disclosure officers – Appointment and responsibility.
- 2.51.050 Requests – Form – Information required.
- 2.51.060 Informal requests permitted – When.
- 2.51.070 Requests for lists of individuals -- Affidavit required.
- 2.51.080 Reviewing authority -- Appointment and duties.
- 2.51.100 Charges for copying.
- 2.51.110 Certain personal and other records exempt.

2.51.010 Purpose of provisions.

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

2.51.020 Interpretation and 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 liberally construed to promote 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.

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.

2.51.040 Public disclosure officers -- Appointment and responsibility.

Each elected official, the director of each department under the executive, and each board, agency, bureau, division, office and commission having custody or control of public records shall appoint a public disclosure officer who shall have charge of the public records in the custody or control of such elected officials, departments, boards, agencies, bureaus, divisions, offices and commissions. Said public disclosure officers 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 and other applicable laws.

2.51.050 Requests –Form – Information required.

The county executive 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 to the public disclosure officer 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) The name, address and phone number of the person making the request for the record;
- (2) The time of day and date that the request is received;
- (3) The nature of the request and 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 the public disclosure officer or his designee to find and make available the requested records;
- (4) Whether such request is for a list of individuals.

2.51.060 Informal requests permitted -- When.

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

2.51.070 Requests for lists of individuals -- Affidavit required.

In the case of a request for records that may contain a list of individuals, the person making the request will furnish an affidavit either:

- (1) That states that he/she is not requesting the list for commercial purposes; or
- (2) That states that he/she is specifically authorized or directed by law to obtain the list of individuals for commercial purposes, and that identifies such law.

2.51.080 Reviewing authority -- Appointment and duties.

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.

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. 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. 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.

2.51.110 Certain personal and other records exempt.

Public records described as exempt by Chapter 42.17 RCW, or that are required to be withheld by any other law, are exempt from these rules.

PASSED this 16th day of April, 2003.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

/s/ Gary Nelson
Chairperson

ATTEST:
/s/ Barbara Sikorski
Asst. Clerk of the Council

- APPROVED
- VETOED
- EMERGENCY

DATE: 4/21/03

/s/ Robert J. Drewel
County Executive

ATTEST:
/s/ Pamela S. Sandoz