



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

October 12, 2009

### Ordinance 16679

**Proposed No.** 2009-0351.2

**Sponsors** Ferguson, Dunn, Phillips and  
Constantine

1 AN ORDINANCE relating to public records and  
2 records retention; amending Ordinance 10698,  
3 Section 3, and K.C.C. 2.12.005, Ordinance 695,  
4 Section 1, and K.C.C. 2.12.010, Ordinance 695,  
5 Section 2, as amended, and K.C.C. 2.12.020,  
6 Ordinance 10698, Section 2, and K.C.C. 2.12.035,  
7 Ordinance 12485, Section 4, and K.C.C. 2.12.040,  
8 Ordinance 3606, Section 4, as amended, and K.C.C.  
9 2.12.060, Ordinance 134 (part) and K.C.C.  
10 2.12.070, Ordinance 5962, Section 2, as amended,  
11 and K.C.C. 2.12.080, Ordinance 1660, Sections 1-2,  
12 as amended, and K.C.C. 2.12.120 and Ordinance  
13 9168, Section 2, as amended, and K.C.C. 2.12.170,  
14 adding new sections to K.C.C. chapter 2.12,  
15 recodifying K.C.C. 2.12.160 and repealing  
16 Ordinance 3606, Section 3, and K.C.C. 2.12.050,  
17 Ordinance 3606, Section 5, and K.C.C. 2.12.090,

18 Ordinance 3606, Section 6, as amended, and K.C.C.  
19 2.12.110, Ordinance 12485, Section 3, and K.C.C.  
20 2.12.115, Ordinance 14266, Section 12, and K.C.C.  
21 2.12.190 and Ordinance 2165, Section 5, as  
22 amended, and K.C.C. 2.12.200.

23

24 STATEMENT OF FACTS:

25 1. Initiative 276, passed by the voters in 1972, states in part:

26 "It is hereby declared by the sovereign people to be the public policy of  
27 the state of Washington: . . . (11) That mindful of the right of individuals  
28 to privacy and of the desirability of the efficient administration of  
29 government, full access to information concerning the conduct of  
30 government on every level must be assured as a fundamental and  
31 necessary precondition to the sound governance of a free society."

32 2. The policy in Initiative 276 was adopted by the Legislature in 1992:

33 "The people of this state do not yield their sovereignty to the agencies that  
34 serve them. The people, in delegating authority, do not give their public  
35 servants the right to decide what is good for the people to know and what  
36 is not good for them to know. The people insist on remaining informed so  
37 that they may maintain control over the instruments that they have created.  
38 The public records subdivision of this chapter shall be liberally construed  
39 and its exemptions narrowly construed to promote this public policy."

40 RCW 42.56.030.

41 3. In 2005, the legislature recodified the public records act and also  
42 directed the attorney general to adopt advisory model rules to assist  
43 requestors and agencies in the public records process.

44 4. In January 2006, the attorney general promulgated model rules for the  
45 public records act, chapter 44-14 WAC.

46 5. K.C.C. chapter 2.12 contains the county's policies relating to public  
47 records.

48 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

49 SECTION 1. Ordinance 10698, Section 3, and K.C.C. 2.12.005 are each hereby  
50 amended to read as follows:

51 The definitions in this section apply throughout this chapter unless the context  
52 clearly requires otherwise.

53 A.1. (~~"County records" means any document including any paper,~~  
54 ~~correspondence, completed form, bound records book, photograph, film, sound or video~~  
55 ~~recording, map, drawing, machine-readable material, or other document, regardless of~~  
56 ~~physical form or characteristics, and including copies thereof, that have been made by or~~  
57 ~~received by any agency of King County in connection with the transaction of public~~  
58 ~~business.)) "Agency" means:~~

59 a. the executive branch;

60 b. the legislative branch;

61 c. the department of public safety;

62 d. the department of assessments;

63 e. the office of the prosecuting attorney;

64            f. the department of elections;

65            g. the forecast council and office of economic and financial analysis;

66            h. the board of appeals; and

67            i. the personnel board.

68            2. "Agency" does not include the superior court or the district court.

69            B. "Archival records" ((are)) means those designated as having continuing  
70 historical value by the Washington State Archives or the King County archivist.

71            C. "County records" means any document, including any paper, correspondence,  
72 completed form, bound records book, photograph, film, sound or video recording, map,  
73 drawing, machine-readable material or other document, regardless of physical form or  
74 characteristics, and including copies thereof, that has been made by or received by any  
75 agency of King County in connection with the transaction of public business.

76            D. "Executive branch" means the executive branch as defined in the county charter,  
77 but excluding the department of public safety, the department of assessments and the  
78 department of elections.

79            E. "Legislative branch" means the legislative branch as defined in the county  
80 charter and as provided by ordinance, including, but not limited to, the county council and  
81 the offices of the county auditor, citizen complaints, the hearing examiner and law  
82 enforcement oversight.

83            F. "Official record" means a public record that an agency is required by law to  
84 accept or maintain, including, but not limited to, recorded documents, judgments, licenses,  
85 vital statistics and property records.

86           G. "Public record" includes any writing containing information relating to the  
87           conduct of government or the performance of any governmental or proprietary function  
88           prepared, owned, used or retained by any state or local agency regardless of physical  
89           form or characteristics.

90           H. "Public records officer" means the person appointed by the agency in  
91           accordance with section 20.A. of this ordinance.

92           SECTION 2. Ordinance 695, Section 1, and K.C.C. 2.12.010 are each hereby  
93 amended as follows:

94           ~~((The responsibility for preparation of permanent records of the proceedings of the~~  
95 ~~King County council as required of the former county auditor by RCW 36.32.110 is~~  
96 ~~defined by the County Home Rule Charter, Sections 220.30 and 220.40 to rest with staff~~  
97 ~~established by the council.))~~ The clerk of the council ~~((administrator, as established by the~~  
98 ~~1971 Appropriations Ordinance,))~~ ~~((the employee))~~ responsible for the preparation of  
99 permanent records of the council proceedings.

100           SECTION 3. Ordinance 695, Section 2, as amended, and K.C.C. 2.12.020 are each  
101 hereby amended to read as follows:

102           All records of the King County council and records of the King County  
103 commissioners, ~~((prior to the establishment of the Home Rule Charter, other than))~~  
104 including office files and memoranda, shall be ~~((either photographed, microphotographed,~~  
105 ~~photostated or reproduced on film by the records and elections division))~~ transferred to the  
106 King County archives for permanent retention in accordance with the applicable records  
107 retention schedules.

108            SECTION 4. Ordinance 10698, Section 2, and K.C.C. 2.12.035 are each hereby  
109 amended as follows:

110            A. An archives and records management program is hereby established in the  
111 records and ~~((elections))~~ licensing services division of the department of executive  
112 services. The archives and records management program shall be responsible for:

113            ~~((A.))~~ 1. Maintaining a facility for storage of inactive and archival records~~((:))~~;

114            ~~((B.))~~ 2. Establishing standards for records storage media to ensure continued  
115 public access to public records during their legal retention period and for preservation of  
116 archival ~~((information.))~~ records;

117            ~~((C.))~~ 3. Maintaining ~~((a directory to))~~ records retention schedules of current  
118 records of county agencies, which shall serve as ~~((a))~~ the public ~~((disclosure))~~ records index  
119 as set forth in ~~((RCW 42.17))~~ chapter 42.56 RCW. A directory of historical, noncurrent or  
120 obsolete records designated archival shall serve as an index to King County administrative  
121 history, as provided by ~~((RCW))~~ chapter 40.14~~((:))~~ RCW; and

122            ~~((D.))~~ 4. Preserving and providing public access to the archival records of King  
123 County.

124            B. The King County archives is designated as the official repository of the county's  
125 archival records. The King County archives may transfer the county's archival records to  
126 the Washington state archives for ongoing preservation.

127            SECTION 5. Ordinance 12485, Section 4, and K.C.C. 2.12.040 are each hereby  
128 amended to read as follows:

129            ~~((Archives and records management shall be charged with the task of coordinating))~~

130 The department of executive services is responsible for maintaining ~~((a R))~~ records

131 ~~((R))~~retention and ~~((P))~~public ~~((D))~~disclosure ~~((M))~~manuals. ~~((This))~~ The manuals shall  
132 include ~~((identifying and describing))~~ each ~~((county))~~ agency's record retention schedules  
133 ~~((and public disclosure designation))~~. ~~((Upon its completion, this))~~ The manuals shall be  
134 made available to the public by electronic means ~~((and in paper form))~~.

135 SECTION 6. Ordinance 3606, Section 3, and K.C.C. 2.12.050 are each repealed.

136 SECTION 7. Ordinance 3606, Section 4, as amended, and K.C.C. 2.12.060 are  
137 each hereby amended to read as follows:

138 Retention of ~~((all county records, both))~~ public ~~((and))~~ records, including official  
139 records, shall be in accordance with approved records retention schedules established  
140 pursuant to RCW 40.14.070. In accordance with those records retention schedules,  
141 ~~((T))~~the archives and records management program shall provide for the legal retention and  
142 disposition ~~((policy for county))~~ of public records, including identification of archival  
143 records.

144 SECTION 8. Ordinance 134 (part) and K.C.C. 2.12.070 are each hereby amended  
145 to read as follows:

146 Copies of the annual King County budget shall be available from the office of ~~((the~~  
147 ~~county administrator and shall be furnished to interested persons))~~ management and budget  
148 upon payment of ~~((a minimal fee in the amount of))~~ five dollars for each copy ~~((thereof))~~,  
149 which fee shall be paid to the King County treasurer. The county executive shall make  
150 available to the public on the county's website, at no charge, an electronic copy of the  
151 budget ordinance.

152 SECTION 9. Ordinance 5962, Section 2, as amended, and K.C.C. 2.12.080 are  
153 each hereby amended to read as follows:

154           The records(~~(,elections))~~) and licensing services division may sell printed copies of  
155 the King County code to subscribers other than county agencies or departments for a fee of  
156 three hundred dollars plus an additional charge of fifteen cents per page for quarterly  
157 supplements. The clerk of the council shall make available to the public on the county's  
158 website at no charge an electronic version of the code, updated at least annually.

159           SECTION 10. Ordinance 3606, Section 5, and K.C.C. 2.12.090 are each repealed.

160           SECTION 11. Ordinance 3606, Section 6, as amended, and K.C.C. 2.12.110 are  
161 each repealed.

162           SECTION 12. Ordinance 12485, Section 3, and K.C.C. 2.12.115 are each repealed.

163           SECTION 13. Ordinance 1660, Sections 1-2, and K.C.C. 2.12.120 are each hereby  
164 amended to read as follows:

165           The manager of the records(~~(,elections))~~) and licensing services division shall  
166 charge such fees for the provision of recording services as are provided for county auditors  
167 in chapters 36.18 and 36.22 RCW and RCW (~~((64.34.202))~~) 58.24.070. In addition, the  
168 following specific fees apply:

169           A. Record of survey. As authorized under RCW 58.09.100, (~~(F)~~)for land surveys,  
170 which shall be eighteen by twenty-four inches or less in size, the fee schedule is:

- |     |   |                     |
|-----|---|---------------------|
| 171 | 1. Basic fee for first page                           | \$25.00             |
| 172 | 2. ( <del>(Department of natural resources fees</del> | <del>\$26.00</del>  |
| 173 | 3. <del>Centennial preservation fee</del>             | <del>\$2.00))</del> |
| 174 | 4. <del>State archives fee</del>                      | <del>\$1.00</del>   |
| 175 | 5.) Each additional page                              | \$5.00              |



176 B. ~~((Short plats and boundary line adjustments.))~~ For short plats and boundary line  
177 adjustments, legal size or smaller, the manager of the records~~((, elections))~~ and licensing  
178 services division shall charge such fees as are provided for county auditors in chapter 36.18  
179 RCW. For short plats and boundary line adjustments, eighteen by twenty-four inches or  
180 less in size, the fee schedule shall be the same as record of survey under ~~((K.C.C.~~  
181 ~~2.12.120))~~ subsection A. of this section.

182 C. ~~((Record of monument.))~~ The record of monument shall be filed without charge  
183 on the standard form prescribed by the state Department of Natural Resources, Bureau of  
184 Surveys and Maps.

185 D. ~~((Reservation of condominium name.))~~ As authorized under RCW 64.34.202,  
186 ~~((F))~~to reserve the right to use a specific name for a condominium, the fee is fifty dollars.  
187 ~~((A reservation is subject to RCW 64.34.202.~~

188 E. ~~Administrative surcharge. As authorized by 2002 Wash. Laws Chapter 294,~~  
189 ~~five percent of the mandatory state ten dollar surcharge on recorded instruments shall be~~  
190 ~~retained as an administrative surcharge effective June 13, 2002. Of the remaining funds,~~  
191 ~~forty percent shall be transmitted monthly to the state treasurer and the remaining sixty~~  
192 ~~percent shall be retained by the county and deposited into a fund to be used by the county~~  
193 ~~and its cities for low income housing initiatives.~~

194 F. ~~Administrative fee. As authorized by 2003 Wash. Laws 289, five percent of the~~  
195 ~~mandatory one dollar state surcharge on recorded deeds of trust shall be retained as an~~  
196 ~~administrative fee.))~~

197 SECTION 14. K.C.C. 2.12.160 shall be recodified in K.C.C. chapter 4.08.

198            SECTION 15. Ordinance 9168, Section 2, as amended, and K.C.C. 2.12.170 are  
199 each hereby amended to read as follows:

200            A. There is established within the records and ~~((elections))~~ licensing services  
201 division an enhanced program for preserving, copying, maintaining~~((;))~~ and indexing  
202 documents officially recorded and filed with the county that require preservation in the  
203 public interest against age and environmental degradation before they are irreparably  
204 damaged. The program shall take advantage of the latest technology for records  
205 preservation to include, but not limited to, photomicrographic and computerized  
206 electronic digital storage methods.

207            B. To support the program, the manager of the records and licensing services  
208 ~~((manager))~~ division shall collect the ~~((two dollar fee provided by state law as amended))~~  
209 fee authorized under RCW 36.22.170 for each document recorded in the recorder's office,  
210 which shall be in addition to any other authorized fee or charge. ~~((€;))~~ The fee ~~((of two~~  
211 ~~dollars))~~ shall be used for only those purposes outlined by state law as amended, that is, to  
212 provide for the installation and maintenance of an improved system for copying, preserving  
213 and indexing documents recorded in King County and for the preservation of those records  
214 deemed archival.

215            SECTION 16. Ordinance 14266, Section 12, and K.C.C. 2.12.190 are each  
216 repealed.

217            SECTION 17. Ordinance 2165, Section 5, as amended, and K.C.C. 2.12.200 are  
218 each repealed.

219            NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter 2.12 a  
220 new section to read as follows:

221           A. The county adopts the rules on records in sections 19, 20, 21, 22, 23, 24 and  
222 25 of this ordinance, which are based on chapter 44-14 WAC. However, chapter 44-14  
223 WAC and its comments are not adopted.

224           B. These rules may also be further clarified and implemented by each agency to  
225 the extent that the clarifications do not conflict with state law.

226           C. King County is a political subdivision of the state of Washington and is a  
227 home rule charter county composed of multiple agencies.

228           NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter 2.12 a  
229 new section to read as follows:

230           A. RCW 42.56.070(1) requires each agency to make available for inspection and  
231 copying nonexempt "public records" in accordance with published rules. Chapter 42.56  
232 RCW defines "public record" to include any "writing containing information relating to  
233 the conduct of government or the performance of any governmental or proprietary  
234 function prepared, owned, used, or retained" by the agency.

235           B. The purpose of this chapter is to establish the procedures the county will  
236 follow in order to provide full access to public records that are not exempt from  
237 disclosure under applicable law. This chapter provides information to persons wishing to  
238 request access to public records of the county and establish processes for both requestors  
239 and county staff that are designed to best assist members of the public in obtaining such  
240 access.

241           C. The purpose of chapter 42.56 RCW is to provide the public full access to  
242 records concerning the conduct of government that are not exempt from disclosure under  
243 applicable law, mindful of individuals' privacy rights and the desirability of the efficient

244 administration of government. Chapter 42.56 RCW and this chapter will be interpreted  
245 in favor of disclosure. In carrying out its responsibilities under chapter 42.56 RCW, the  
246 county will be guided by the provisions of the act describing its purposes and  
247 interpretation.

248 NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 2.12 a  
249 new section to read as follows:

250 A. Each agency shall appoint a public records officer and shall identify the  
251 officer in a way reasonably calculated to provide notice to the public, including posting,  
252 at the agency's public service counters, if any, and on its website, the officer's name,  
253 office address, telephone number, fax number and email address. Each agency shall  
254 include on its website home page a link to the web page on which the agency provides  
255 this contact information and instructions on how to make a public records request.

256 B. Any person wishing to request access to public records of an agency, or  
257 seeking assistance in making such a request, should contact the public records officer of  
258 the agency. A request to one agency does not constitute a request to any other agency. A  
259 separate request must be made to each agency from which access to public records is  
260 requested or assistance in making such a request is sought.

261 C. The public records officer, or the public records officer's designee, for each  
262 agency shall oversee compliance by the agency with chapter 42.56 RCW. The agency  
263 shall:

264 1. Provide the fullest assistance to requestors;

265           2. Provide education and training within an agency to ensure that public records  
266 are protected from damage or disorganization and are promptly produced for inspection  
267 and copying upon request to the extent required by law; and

268           3. Prevent fulfillment of public records requests from causing excessive  
269 interference with essential functions of the agency or unreasonably disrupting the  
270 operations of the agency.

271           NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter 2.12 a  
272 new section to read as follows:

273           A. Public records are available for inspection and copying during normal  
274 business hours of the agency, or department thereof. Original records must be inspected  
275 at the offices of the agency, unless the agency provides an alternative.

276           B. An index of public records of each agency is available through the archives  
277 and records management program established under K.C.C. 2.12.035. The index may be  
278 accessed online at the archive and records management program's website.

279           C.1. An agency shall maintain its records in a reasonably organized manner. An  
280 agency should take reasonable actions to protect records from damage and  
281 disorganization.

282           2. A requestor shall not take an agency's records from the agency's offices.

283           3. A variety of records is available on the county website at  
284 [www.kingcounty.gov](http://www.kingcounty.gov). Requestors are encouraged to view the documents available on  
285 the website before submitting a records request.

286           D.1. A person wishing to inspect or copy public records of an agency is  
287 encouraged to make the request in writing on the agency's request form, which shall be

288 created and maintained by the agency's public records officer and made available on the  
289 agency's website. The agency request form shall:

290 a. recite that inspection of records is free, provide the per-page charge for  
291 standard photocopies and indicate that the requestor may inspect the records, receive a  
292 copy of the records or inspect the records first and then select records to copy;

293 b. prompt the requestor to provide contact information including name, phone  
294 number, mailing address and email address if available;

295 c. prompt the requestor to identify the public records adequately for the public  
296 records officer or designee to locate the records; and

297 d. prompt the requestor to provide the date and time of day of the request.

298 2. If a request is made orally, unless it is promptly fulfilled, the public records  
299 officer shall provide written confirmation of the request to the requester.

300 3. If the requestor wishes to have copies of the records made instead of simply  
301 inspecting them, the requestor should so indicate and make arrangements to pay for  
302 copies of the records or a deposit. Charges for copies shall be made in accordance with  
303 RCW 42.56.070.

304 NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter 2.12 a  
305 new section to read as follows:

306 A. Each agency shall provide full access to public records that are not exempt  
307 from disclosure under applicable law, protect records from damage or disorganization,  
308 prevent excessive interference with other essential functions of the agency, provide  
309 fullest assistance to requestors and provide the most-timely possible action on public  
310 records requests.

311 B. The public records officer or designee shall process requests in the order  
312 allowing the most requests to be processed in the most efficient manner; in order to  
313 process requests as efficiently as possible, smaller requests may be processed before  
314 substantially larger requests that were received earlier.

315 C.1. Within five business days of receipt of the request, the public records officer  
316 shall do one or more of the following:

317 a. make the records available to the requestor for inspection or copying;

318 b. if copies are requested and payment of a deposit for the copies, if any, is  
319 made or terms of payment are agreed upon, send the copies to the requestor;

320 c. provide to the requestor a reasonable estimate of when records will be  
321 available;

322 d. if the request is unclear or does not sufficiently identify the requested  
323 records, request clarification from the requestor. The clarification may be requested and  
324 provided by telephone, in which case the public records officer shall make a written  
325 record of the clarification. The public records officer or designee may revise the estimate  
326 of when records will be available. If the requestor fails to clarify the request, the agency  
327 need not respond to it; or

328 e. deny the request and notify the requestor of the denial. Denials of requests  
329 shall be accompanied by a written statement of the specific reasons therefor.

330 2. Additional time required to respond to a request may be based upon the need  
331 to clarify the intent of the request, to locate and assemble the information requested, to  
332 notify third persons or agencies affected by the request or to determine whether any of

333 the information requested is exempt and that a denial should be made as to all or part of  
334 the request.

335 D. In the event that the requested records contain information that affects other  
336 agencies or third persons, the public records officer may, before providing the records,  
337 give notice to those persons in accordance with RCW 42.56.540. The notice shall  
338 include a copy of the request.

339 E. Some records are exempt from disclosure, in whole or in part. If the agency  
340 believes that a record or any part of a record is exempt from disclosure and should be  
341 withheld, the public records officer shall provide to the requestor a writing identifying the  
342 record or portion withheld, the specific exemption relied upon and the authority for the  
343 exemption, and briefly explaining how the exemption applies to the record or portion  
344 withheld, including enough information for a requestor to make a threshold determination  
345 of whether the claimed exemption is proper. If only a portion of a record is exempt from  
346 disclosure, but the remainder is not exempt, the public records officer shall redact the  
347 exempt portions and provide the nonexempt portions.

348 F.1. The agency shall promptly provide space to inspect public records except  
349 when and to the extent that it would cause excessive interference with other essential  
350 functions of the agency or unreasonably disrupt agency operations. No member of the  
351 public may remove a document from the viewing area or disassemble or alter any  
352 document. The requestor shall indicate which documents the requestor wishes the  
353 agency to copy.

354 2. The requestor must claim or review the assembled records within thirty days  
355 of the agency's notification to the requestor that the records are available for inspection or



356 copying. The agency shall notify the requestor in writing of this requirement and inform  
357 the requestor that the requestor should contact the agency to make arrangements to claim  
358 or review the records. If the requestor or a representative of the requestor fails to claim  
359 or review the records within the time prescribed in this subsection F.2. or make other  
360 arrangements, the agency may close the request. Other public records requests may be  
361 processed ahead of a subsequent request by the same person for the same or almost  
362 identical records, which may be processed as a new request.

363 G. After inspection is complete, the public records officer or designee shall make  
364 the requested copies or arrange for copying.

365 H. When the request is for a large number of records, the public records officer or  
366 designee shall provide access for inspection and copying in installments, if the public  
367 records officer or designee reasonably determines that it would be practical to provide the  
368 records in that way. If, within thirty days after notification that the records are available  
369 for inspection or copying under subsection C., D. or E. of this section, the requestor fails  
370 to inspect the entire set of records or one or more of the installments, as applicable, the  
371 public records officer or designee may stop searching for the remaining records and close  
372 the request. The requestor shall be notified in writing of this action.

373 I. When the requestor either withdraws the request or fails to fulfill his or her  
374 obligations to inspect the records or pay the deposit or final payment for the requested  
375 copies, the public records officer shall close the request and indicate to the requestor that  
376 the agency has closed the request.

377 J. If, after the agency has informed the requestor that the agency has provided all  
378 available records, the agency becomes aware of additional responsive documents existing

379 at the time of the request, the agency shall promptly inform the requestor of the additional  
380 documents and provide the documents on an expedited basis.

381 NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter 2.12 a  
382 new section to read as follows:

383 A. The process for requesting electronic public records is the same as for  
384 requesting paper public records.

385 B. When a requestor requests records in an electronic format, the agency's public  
386 records officer shall provide the nonexempt records or portions of those records that are  
387 reasonably locatable in an electronic format that is used by the agency and is generally  
388 commercially available, or in a format that is reasonably translatable from the format in  
389 which the agency keeps the record. Costs for providing electronic records are governed  
390 by section 25.B. of this ordinance.

391 C. The agency may provide customized access under RCW 43.105.280 if the  
392 record is not reasonably locatable or not reasonably translatable into the format  
393 requested. The agency may charge a fee consistent with RCW 43.105.280 for the  
394 customized access.

395 NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter 2.12 a  
396 new section to read as follows:

397 A. The Public Records Act provides that a number of types of documents are  
398 exempt from public inspection and copying. In addition, documents are exempt from  
399 disclosure if any other statute exempts or prohibits disclosure. Exemptions outside the  
400 Public Records Act that restrict the availability of some documents held by the county or  
401 its agencies for inspection and copying include, but are not limited to, those set forth for

402 counties and municipalities in the most-recent list of other such statutes posted on the  
403 website of the Municipal Research and Services Center of Washington, which is, as of  
404 the effective date of this section, [www.mrsc.org/Publications/pr06.pdf](http://www.mrsc.org/Publications/pr06.pdf), Appendix C, and  
405 which is incorporated in this chapter by reference.

406 B. King County and its agencies are prohibited by statute from disclosing lists of  
407 individuals for commercial purposes.

408 NEW SECTION. SECTION 25. There is hereby added to K.C.C. chapter 2.12 a  
409 new section to read as follows:

410 A.1. There is no fee for inspecting public records. A requestor may obtain  
411 copies, for which charges shall be made in accordance with RCW 42.56.070 or other  
412 applicable law. For certified copies, eight and one-half inches by fourteen inches or  
413 smaller, for the first page the fee shall be two dollars, and for each additional page the fee  
414 shall be one dollar.

415 2. Before beginning to make the copies, the public records officer or designee  
416 may require a deposit of up to ten percent of the estimated costs of copying all the  
417 records selected by the requestor. The public records officer or designee may also  
418 require the payment of the remainder of the copying costs before providing all the  
419 records, or the payment of the costs of copying an installment before providing that  
420 installment. The agency shall not charge sales tax when it makes copies of public  
421 records.

422 B.1. The cost of electronic copies of records shall be the actual cost of the  
423 medium used.

424           2. If the agency incurs a cost of transferring a paper record to electronic form,  
425 that cost may be charged.

426           3. If the agency uses an outside vendor, the vendor's charge to the agency,  
427 including applicable sales tax, shall be passed on to the requestor.

428           C. An agency may also charge actual costs of mailing, including the cost of the  
429 shipping container.

430           D. Payment for the costs under this section may be made to the agency or the  
431 agency's designee by cash, check or money order to the agency or its designee.

432           E. Charges for paper copies of official records shall be in accordance with fees set  
433 forth in applicable chapters of the RCW.

434           F. Charges for copies of material in the archival collection shall follow the  
435 guidelines of the Washington state Archives and WAC 434-690-080.

436           NEW SECTION. SECTION 26. There is hereby added to K.C.C. chapter 2.12 a  
437 new section to read as follows:

438           A. Any person who objects to the initial denial or partial denial of a public  
439 records request may petition in writing to the public records officer for a review of the  
440 decision. The petition shall include a copy of or reasonably identify the written statement  
441 by the public records officer denying the request.

442           B. The public records officer shall promptly provide the petition and any other  
443 relevant information to the public records officer's supervisor or any other agency official  
444 designated by the agency to conduct the review. The reviewing officer shall review the  
445 decision and provide the requestor with a response.

446 C. Any person may obtain court review of the denial of a public records request  
447 made in accordance with RCW 42.56.550 at the conclusion of two business days after the  
448 initial denial regardless of any internal administrative appeal.

449 NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter 2.12 a  
450 new section to read as follows:

451 A.1. No later than April 1 of each year, the public records officer of each county  
452 agency shall submit to the county council a report on the agency's performance in  
453 responding to public records requests during the preceding calendar year. The report  
454 shall include, at a minimum, a listing of all requests that either were closed during the  
455 preceding calendar or remained open at the end of the preceding calendar year, including,  
456 for each request:

- 457 a. the name of the requestor;
- 458 b. a summary of the request;
- 459 c. the date the request was received; and
- 460 d. the date the request was closed, if it has been closed.

461 2. A paper original and an electronic copy of the report shall be filed with the  
462 clerk of the council, who shall email the electronic copy to all councilmembers.

463 B. On January 15 and July 15 of each year, the county prosecuting attorney shall  
464 submit to the county council a report listing all pending lawsuits alleging that the county  
465 has violated chapter 42.56 RCW, including the name of the case, the court in which it  
466 was filed, the date on which it was filed, the case number, a brief summary of the claims  
467 made against the county and the current case status. A paper original and an electronic

468 copy of the report shall be filed with the clerk of the council, who shall email the  
469 electronic copy to all councilmembers.

470         SECTION 28. The public records officer of each county agency shall submit a  
471 report by July 16, 2010, in the form of a paper original and an electronic copy, to the  
472 clerk of the council, who shall retain the original and email an electronic copy to each  
473 councilmember. The report shall briefly describe the steps the public records officer has  
474 taken to implement this ordinance, including, but not limited to, the requirements in  
475 sections 20.A. and 21.D.1. of this ordinance. The report may also provide a description  
476

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477 of any challenges that were encountered in the implementation and any suggestions for  
478 additional legislation that would promote efficient access to public records.

479

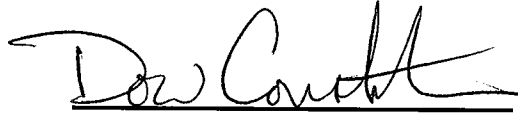
Ordinance 16679 was introduced on 6/1/2009 and passed by the Metropolitan King  
County Council on 10/12/2009, by the following vote:

Yes: 9 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von  
Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn

No: 0


Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON




Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 12<sup>th</sup> day of October, 2009.

  
Kurt Triplett, County Executive

Attachments None

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