



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 18949

**Proposed No.** 2019-0137.2

**Sponsors** Balducci

1 AN ORDINANCE relating to fees and reporting  
2 requirements for public records act requests; and amending  
3 Ordinance 16679, Section 23, and K.C.C. 2.12.260,  
4 Ordinance 16679, Section 25, and K.C.C. 2.12.280,  
5 Ordinance 16679, Section 27, as amended, and  
6 K.C.C.2.12.300 and Ordinance 18635, Section 4 and KCC  
7 2.14.020.

8 **STATEMENT OF FACTS:**

9 1. K.C.C. 2.12.280 and 2.12.300, adopted in 2009 by Ordinance 16679,  
10 authorized reasonable charges for providing copies of public records in  
11 accordance with applicable state law and required a report to be filed by  
12 each county agency with the council detailing each agency's performance  
13 in responding to Public Records Act requests in the preceding calendar  
14 year.

15 2. In 2017, the Washington state Legislature amended chapter 42.56  
16 RCW, adding new requirements for agencies using the statutory default  
17 copy fee schedule and for agencies to determine the actual cost for  
18 providing copies of public records. An agency need not calculate the  
19 actual costs it charges for providing public records if the agency

20 promulgates a regulation declaring that doing so would be unduly  
21 burdensome. In such a case, an agency may use the statutory default copy  
22 fee schedule set forth in RCW 42.56.120.

23 3. In 2017, the Washington state Legislature amended chapter 40.14  
24 RCW adding a requirement that each agency maintain a log of Public  
25 Records Act requests received during the preceding calendar year. To  
26 standardize reporting requirements and improve efficiencies, the  
27 information requirements found in the King County Code should mirror  
28 the information required by state law.

29 4. K.C.C. 2.14.020.B.4. adopted in 2017 by Ordinance 18635, added a  
30 new requirement that the public records report required in K.C.C. 2.12.300  
31 would be transmitted to council through the public records committee  
32 rather than directly from each agency.

33 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

34 SECTION 1. Findings: The council finds as facts that calculating the actual  
35 costs of providing public records would be unduly burdensome, and to conduct such a  
36 study would interfere with the county's other essential agency functions.

37 SECTION 2. Ordinance 16679, Section 23, and K.C.C. 2.12.260 are each hereby  
38 amended to read as follows:

39 A. The process for requesting electronic public records is the same as for  
40 requesting paper public records.

41 B. When a requestor requests records in an electronic format, the agency's public  
42 records officer shall provide the nonexempt records or portions of those records that are

43 reasonably locatable in an electronic format that is used by the agency and is generally  
44 commercially available, or in a format that is reasonably translatable from the format in  
45 which the agency keeps the record. ~~((Costs for providing electronic records are governed  
46 by K.C.C. 2.12.280.B.))~~

47 C. The agency may provide customized access under RCW ~~((43.105.280))~~  
48 42.56.120 if the record is not reasonably locatable or not reasonably translatable into the  
49 format requested. The agency may charge a fee consistent with RCW ~~((43.105.280))~~  
50 42.56.120 for the customized access.

51 SECTION 3. Ordinance 16679, Section 25, and K.C.C. 2.12.280 are each  
52 amended to read as follows:

53 A.1. There is no fee for inspecting public records. ~~((A requestor may obtain  
54 copies, for which charges shall be made in accordance with RCW 42.56.070 or other  
55 applicable law. For certified copies, eight and one-half inches by fourteen inches or  
56 smaller, for the first page the fee shall be two dollars, and for each additional page the fee  
57 shall be one dollar.))~~

58 2. ~~((Before beginning to make the copies, the public records officer or designee  
59 may require a deposit of up to ten percent of the estimated costs of copying all the  
60 records selected by the requestor. The public records officer or designee may also  
61 require the payment of the remainder of the copying costs before providing all the  
62 records, or the payment of the costs of copying an installment before providing that  
63 installment. The agency shall not charge sales tax when it makes copies of public  
64 records.~~

65 B.1. The cost of electronic copies of records shall be the actual cost of the

66 ~~medium used.~~

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

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

71 ~~C.)~~ The county may charge fees for copies of records in accordance with the fees  
72 in RCW 42.56.120(2)(b) and (c).

73 3. The county may charge fees for customized services in accordance with  
74 RCW 42.56.120(3).

75 4. Before beginning to make the copies, the public records officer or designee  
76 may require a deposit of up to ten percent of the estimated costs of copying all the  
77 records selected by the requestor. The public records officer or designee may also  
78 require the payment of the remainder of the copying costs before providing all the  
79 records, or the payment of the costs of copying an installment before providing that  
80 installment. The agency shall not charge sales tax when it makes copies of public  
81 records.

82 B. An agency may also charge actual costs of mailing, including the cost of the  
83 shipping container.

84 ~~((D.))~~ C. Payment for the costs under this section may be made to the agency or  
85 the agency's designee by cash, check or money order to the agency or its designee.

86 ~~((E.))~~ D. Charges for ~~((paper))~~ copies of official records shall be in accordance  
87 with fees set forth in applicable chapters of the RCW.

88 ~~((F.))~~ E. Charges for copies of material in the archival collection shall follow the

89 guidelines of the Washington state Archives and WAC 434-690-080.

90 SECTION 4. Ordinance 16679, Section 27, as amended, and K.C.C. 2.12.300 are  
91 each amended to read as follows:

92 ~~((A.1.a.))~~ No later than ~~((March 20))~~ July 1 of each year, the public records  
93 officer of each county agency meeting the threshold described in RCW 40.14.026(5) shall  
94 submit to the chair of the public records committee ~~((a))~~ the report ~~((on the agency's~~  
95 ~~performance in responding to public records requests during the preceding calendar year.~~  
96 ~~The report shall include, at a minimum, a listing of all requests that either were closed~~  
97 ~~during the preceding calendar or remained open at the end of the preceding calendar year,~~  
98 ~~including, for each such request:~~

99 ~~(1) the name of the requestor;~~

100 ~~(2) a summary of the request;~~

101 ~~(3) the date the request was received;~~

102 ~~(4) whether the five-day response requirement in K.C.C. 2.12.250.C.1 was~~  
103 ~~met;~~

104 ~~(5) the date the request was closed, if it has been closed; and~~

105 ~~(6) for each closed request for which more than six months elapsed from the~~  
106 ~~date the request was received until the date the request was closed, and for each open~~  
107 ~~request that had been open for more than six months at the end of the preceding calendar~~  
108 ~~year, an explanation of why the request was not closed more promptly.~~

109 ~~2. For the purpose of this section, a request is closed if the agency has provided~~  
110 ~~all responsive records, has indicated that there are no responsive records or that all of the~~  
111 ~~responsive records are exempt from disclosure or has provided records and indicated that~~

112 ~~no additional records will be produced because the remaining records are exempt from~~  
113 ~~disclosure, or if the request is closed pursuant to K.C.C. 2.12.250.F., H. or I))~~ described  
114 in RCW 40.14.026(5).

115 SECTION 5. Ordinance 18635 Section 4, as amended, and K.C.C. 2.14.020 are  
116 each amended to read as follows:

117 A. King County is committed to managing its public records as a countywide  
118 resource and in a manner that:

- 119 1. Is efficient and economical;
- 120 2. Promotes open government and an informed citizenry;
- 121 3. Protects individual privacy; and
- 122 4. Meets county record retention and disposition standards.

123 B. A public records committee is hereby established. The public records  
124 committee shall:

- 125 1. Advise the council and the executive on county public records policies,  
126 including both paper and electronic records; these policies must include policies for  
127 posting records on county web sites;
- 128 2. Provide guidance on the planning and implementation of a countywide  
129 records storage management plan and a countywide electronic records management  
130 system;
- 131 3. Advise county agencies on their use of digital communication technology and  
132 serve as a forum for sharing and discussing information about the county's use of such  
133 technology; and
- 134 4. Submit a report containing the following information by ~~((April 1))~~ August

135 15 of each year in the form of a paper original and an electronic copy to the clerk of the  
136 council, who shall retain the original and provide an electronic copy of the report to all  
137 councilmembers, the council chief of staff, and the lead staff for the council's government  
138 accountability and oversight committee or its successor. The report shall include:

139           a. a description of the forms of digital communication that are in use by each  
140 county agency;

141           b. for each form of digital communication that is in use by an agency, a  
142 description of the methods used by the agency to retain records of digital communication  
143 to meet applicable record retention requirements; and

144           c. for each form of digital communication that is in use by an agency, a  
145 description of the methods used by the agency to search records of digital communication  
146 to meet applicable public record disclosure requirements;

147           d. the report required by the public records committee charter adopted by  
148 Motion 12511, which provides a summary of the activities of the public records  
149 committee in relation to the charter goals, and programmatic and policy  
150 recommendations as to how King County can best manage, preserve and provide access  
151 to its public records; and

152           e. all agency reports submitted to the chair of the public records committee  
153 required by K.C.C. 2.12.300 that describe each agency's performance in responding to  
154 public records requests during the preceding calendar year.

155           C. The director of the records and licensing services division or the director's  
156 designee shall be the chair of the public records committee. The public records  
157 committee shall include representatives of a broad range of county departments and

158 elected agencies, including at a minimum the following:

- 159 1. The council;
- 160 2. The prosecuting attorney's office;
- 161 3. The sheriff's office;
- 162 4. The assessor's office;
- 163 5. The department of elections;
- 164 6. Office of performance, strategy and budget;
- 165 7. The executive branch's senior public records officer;
- 166 8. The department of information technology's director of web-based services



167 technology; and

168 9. Each executive department.

169

Ordinance 18949 was introduced on 3/27/2019 and passed by the Metropolitan King County Council on 7/10/2019, by the following vote:

Yes: 8 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci  
Excused: 1 - Mr. Gossett



KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

A handwritten signature in blue ink, appearing to read "Rod Dembowski", written over a horizontal line.

Rod Dembowski, Chair

ATTEST:

A handwritten signature in blue ink, appearing to read "Melani Pedroza", written over a horizontal line.

Melani Pedroza, Clerk of the Council

APPROVED this 17 day of JULY, 2019.

A handwritten signature in blue ink, appearing to read "Dow Constantine", written over a horizontal line.

Dow Constantine, County Executive

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CLERK  
KING COUNTY COUNCIL

Attachments: None