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ORDINANCE NO. 2006-02-10

AN ORDINANCE of the Clark County Board of Commissioners of Clark County, Washington adding Chapter 2.05 of the Clark County Code, entitled "Relating to Public Indexing Requirements," establishing and codifying new policies relating to the processing of public records requests.

1 WHEREAS, Title 42, Chapter 17, of the Revised Code of Washington
2 (hereinafter referred to as RCW) requires all local agencies maintain and make available
3 a current index of public records; and

4 WHEREAS, RCW 42.17.260(4) states if maintaining such an index would be
5 unduly burdensome, or interfere with agency operation, an agency may issue and publish
6 a formal order specifying the reasons why and the extent to which compliance would be
7 unduly burdensome; and

8 WHEREAS, the magnitude and diversity of all county entities has resulted in the
9 creation and use of many different systems, programs, and incompatible data bases which
10 would be extremely difficult, if not physically impossible, to compile single or multiple
11 indexes; and

12 WHEREAS, the performance of the County's overall mission does not allow for
13 the addition, revision or reassignment of duties for existing personnel so that a current
14 index may be developed and maintained without additionally-required staff; and,

15 WHEREAS, anticipated County revenues do not allow for additional staff
16 members for the sole purpose of creating and maintaining such an all-inclusive index;
17 and



18 WHEREAS, the County has a longstanding and recognized policy of assisting
19 people who request public information and of providing public records upon request, and
20 does not intend to deviate from that policy;

21 NOW THEREFORE IT IS ORDAINED BY THE BOARD OF COUNTY
22 COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

23 **SECTION NO. 1: New.**

24 A new chapter, 2.05, is added to the Clark County Code to read “Relating to
25 Public Records Indexing Requirements.”

26 **SECTION NO. 2: New.**

27 A new section, 2.05.010, is added to the Clark County Code to read:

28 2.05.010--Exemption from Requirement to Maintain a Current Records Index.

29 (1) The County Board finds that Clark County government is comprised of many
30 branches, boards, departments, divisions, subdivisions, agencies, offices, commissions,
31 and other county entities which maintain separate and distinct record keeping systems.
32 The records are voluminous, diverse, complex, and are stored in databases which are
33 often times incompatible. Indexing of these records would be overwhelmingly costly to
34 the Clark County taxpayers, while substantially interfering with effective and timely
35 county office operations. As a result, it would be unduly burdensome, if not physically
36 impossible, to develop an index of those records identified in RCW 42.17.260(3) or as
37 the statute may be amended in the future.

38 (2) No Clark County official, branch, board, department, division, subdivision,
39 agency, office, commission, or any other Clark County entity is required to maintain an

40 index of public records conforming to the requirements of RCW 42.17.260(3) or as the
41 statute may be amended in the future.

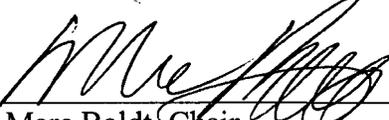
42 (3) Any index which is maintained by an individual branch, board, department,
43 division, subdivision, agency, office, commission, or other entity shall be made available
44 for public inspection and copying unless exempt for disclosure or made confidential by
45 law.

46 ADOPTED this 21 day of February, 2006.

Attest:

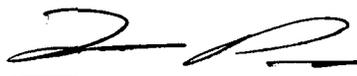
BOARD OF COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON


Clerk to the Board

By: 
Marc Boldt, Chair

Approved as to form only:
ARTHUR D. CURTIS
Prosecuting Attorney

By: _____
Betty Sue Morris, Commissioner


Quinn Posner, WSBA #31463

By: _____
Steven J. Stuart, Commissioner



JKM

CLARK COUNTY STAFF REPORT

DEPARTMENT/DIVISION: Prosecuting Attorney

DATE: February 3, 2006

REQUEST: Approval of a new ordinance entitled "Relating to Public Indexing Requirements"

CHECK ONE: Consent Routine

BACKGROUND: RCW 42.17 requires all local agencies maintain and make available a current index of public records. RCW 42.17.260(4) states if maintaining such an index would be unduly burdensome or interfere with agency operation, an agency may issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome. Our review of records systems within the County, lead us to conclude that the magnitude and diversity of all county entities has resulted in the creation and use of many different record systems that are largely incompatible with each other. Additionally, county revenues do not allow for additional staff with the sole purpose of creating and maintaining such an all-inclusive index. Therefore, we are recommending that the Board approve the ordinance which, in accordance with RCW 42.17.260(4), will dispense with the requirement of indexing County records.

COMMUNITY OUTREACH:

BUDGET IMPLICATIONS: None.

IMPACT: None.

ACTION REQUESTED: Approve a new ordinance entitled "Relating to Public Indexing Requirements."

ARTHUR D. CURTIS
Prosecuting Attorney

By: 
Deputy Prosecuting Attorney

Approved: February 21, 2006
Clark County Board of Commissioners

SR 50-06

DISTRIBUTION:
County Administrator
Prosecuting Attorney
Elected Officials