

ORDINANCE NO. 166-18

AN ORDINANCE ADDING PROVISIONS TO RCWC CHAPTER 9.94 RELATED TO FEES FOR ELECTRONIC ACCESS TO SUPERIOR COURT RECORDS

WHEREAS, the State of Washington is implementing Odyssey, a statewide digital system for the storage and management of superior court records that provides access through the Internet by way of the Odyssey Portal; and

WHEREAS, access to Wahkiakum County records through the Odyssey Portal requires registration through, and approval by, the Wahkiakum County Clerk; and

WHEREAS, RCW 36.18.050 permits the Clerk to impose uncompensated fees for services similar to existing services; and

WHEREAS, RCW 36.13.016 provides that the Clerk must charge fees for nonstatutory services under the authority of a local ordinance; and

WHEREAS, electronic access to court records through the Internet is desirable, but the registration and approval process requires the resources of the Clerk, and the expense should be borne by those who seek the convenience of electronic access;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF WAHKIAKUM AS FOLLOWS:

1. New sections are hereby added to RCWC 9.94, to read as follows:

RCWC 9.94.020: Electronic Records Access Fee

The Wahkiakum County Clerk shall collect an annual fee from applicants seeking electronic access to superior court documents. Provided, however, that no fee shall be charged for applications made by:

- (a) Employees of not-for-profit organizations or corporations the primary purpose of which is to provide access to justice for the poor and infirm, while in the performance of their duties;
- (b) Courts of limited and general jurisdiction; and
- (c) Government agencies and departments accessing superior court records via the Odyssey Portal while in the performance of their official duties.

9.94.030: Fee Amounts Authorized

- (a) The Wahkiakum County Clerk shall charge for access as follows:
 - (1) For a single individual or any partnership, corporation, or other entity comprising three or fewer natural persons, \$100.00 annually.

- (2) For any partnership, corporation, or other entity comprising or employing 4-6 natural persons, \$250.00 annually.
- (3) For any partnership, corporation, or other entity comprising or employing 7-10 natural persons, \$500.00 annually.
- (4) For any partnership, corporation, or other entity comprising or employing more than 10 natural persons, \$600.00 annually.

(b) Annual fees shall be prorated in whole months if service starts after February 1.

9.94.040: Procedures

The Wahkiakum County Clerk shall adopt appropriate procedures for the collection of the fee set out in RCWC 9.94.020, supra.

9.94.050: Authority

The Wahkiakum County Clerk shall have the authority to approve and sign access agreements with those desiring access to electronic superior court records.

9.94.060: Proviso

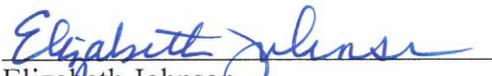
The Board of County Commissioners neither intends nor authorizes the Wahkiakum County Clerk to provide any person or entity access to court records to which such person or entity would not otherwise be legally entitled.

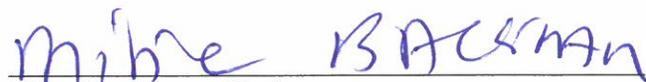
- 2. This Ordinance shall take effect on August 7, 2018.

DULY PASSED AND ADOPTED this 7th day of August, 2018.

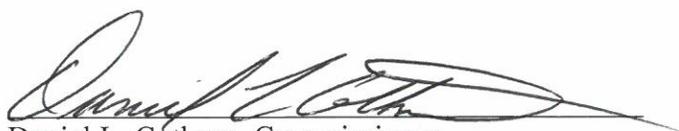
**BOARD OF COUNTY COMMISSIONERS
OF WAHIAKUM COUNTY, WASHINGTON**

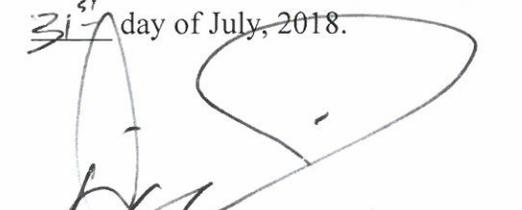
ATTEST:


Elizabeth Johnson
Clerk of the Board


Mike Backman, Chairman

APPROVED AS TO FORM this
31st day of July, 2018.


Daniel L. Cothren, Commissioner


Daniel H. Bigelow
Prosecuting Attorney


Blair H. Brady, Commissioner