

Ordinance ORD2018-05

An Ordinance Creating a Fee for Electronic Access to Superior Court Records

WHEREAS the Clerk of the Columbia County Superior Court manages the electronic storage of certain court files, documents, and other materials;

WHEREAS it is in the interests of the attorneys practicing before the courts of Columbia County and the general public to have access to those materials in their electronic form at hours and locations convenient to them;

WHEREAS there are certain expenses relating to the Clerk's work in converting physical documents to electronic format and maintaining the storage and access of those electronic files in a form and manner available to those seeking access;

BE IT THEREFORE ordained by the Board of County Commissioners of Columbia County, State of Washington:

Section 1: A new section of Title 3, Columbia County Code shall be added as follows:

CHAPTER 3.150

FEE FOR ELECTRONIC ACCESS TO SUPERIOR COURT RECORDS

3.150.010 Assessment of Access Fee Authorized

The Columbia County Clerk is hereby authorized to assess an access fee on all persons or entities electronically accessing Superior Court records, provided that the Clerk may not assess an access fee on employees of the County, or attorneys contracting with the County for primary provision of indigent defense services. This exemption does not apply to attorneys contracting on a case-by-case basis for provision of indigent defense services.

3.150.020 Fee Collection

The Columbia County Clerk shall adopt appropriate procedures for the collection of the access fee authorized in this Chapter.

3.150.030 Contracting Authority

The Columbia County Clerk shall have the authority to approve and sign access agreements with persons and entities desiring access to electronic Superior Court records.

3.150.040 Establishment of Fee

The Columbia County Clerk shall establish the access fee authorized under this Chapter. The fee shall be based upon a financial analysis of the costs of providing access to the electronic Superior Court records and maintaining, enhancing, and operating said service. The Clerk may, in his/her


discretion, adjust the fee annually to reflect any changes in the costs of providing the service as determined by subsequent financial analysis. At least 21 days prior to implementation of the fee or modification of the fee, the Clerk shall give public notice by posting a copy of the proposed fee policy at the information counter of the Clerk's office and on the County's web page, and by sending a copy by electronic mail or postal services to the current subscribers. The Clerk may implement the fee or modification thereof on the twenty-second day after notice is posted. Such notice is to include:

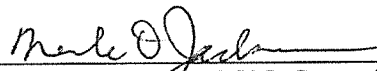
- (a) The proposed action regarding the fee;
- (b) Reference to the authority under which the fee is proposed; and
- (c) How to submit written comments.

Section 2: Effective Date

This ordinance shall take effect upon passage and approval.

PASSED by the Board of County Commissioners of Columbia County at a regular meeting thereof this 2 day of July, 2018.


NORM J. PASSMORE, Chair



MERLE D. JACKSON, Commissioner


MICHAEL A. TALBOTT, Commissioner

Attest:


LEANNE J. PETERS, Clerk of the Board

Approved as to form:


C. DALE SLACK, Deputy Prosecuting Attorney