

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. 186**

**AN ORDINANCE ESTABLISHING ELECTRONIC ACCESS
TO SUPERIOR COURT RECORDS AND IMAGES**

WHEREAS, the Washington Administrative Office of the Courts (AOC) administratively implemented the Odyssey case management system. The Odyssey Portal is a web based application used to access Odyssey court records; and

WHEREAS, access to the Odyssey Port requires registration and approval by the Pacific County Clerk; and

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

WHEREAS, RCW 36.18.016 directs that the Clerk must charge fees for non-statutory services under authority of a local ordinance and/or policy; and

WHEREAS, the Board of County Commissioners of Pacific County, State of Washington, hereby authorizes the Pacific County Clerk to assess an annual registration fee on all natural persons electronically accessing records of Superior Court; provided, however, the Clerk may not assess a registration access fee on employees of not-for-profit organizations or corporations whose primary purpose is to provide access to justice for the poor and infirm, courts of limited and general jurisdiction, and government agencies and departments access superior court records via Odyssey Portal; and

WHEREAS, the Pacific County Clerk shall adopt appropriate procedures for the collection of the annual registration access fee; and

WHEREAS, the Pacific County Clerk shall have the authority to approve and sign registration access agreements with natural persons desiring access to electronic superior court records; and

WHEREAS, the Pacific County Clerk shall establish a registration fee for access to the Odyssey Portal. The Clerk may adjust the fee annually to reflect any changes in the costs of providing the service as determined by financial analysis or comparisons with other entities; and

WHEREAS, subsequent system expansion including image viewing through a document management system may increase costs; therefore, the Clerk shall be authorized to assess an access fee up to five hundred dollars (\$500) annually for maintaining, enhancing, and operating said service upon implementation of future expansion to view electronic images of superior court records.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS, PACIFIC COUNTY, WASHINGTON, that the Electronic Access to Superior Court Records and Images is hereby adopted as following:

Section 1. Assessment of access fee authorized

The Pacific County Clerk is authorized to assess a registration access fee on all natural persons electronically accessing superior court records; provided, however, that the Clerk may not assess a registration access fee on employees of not-for-profit organizations or corporations

whose primary purpose is to provide access to justice for the poor and infirm, courts of limited and general jurisdiction, and government agencies and departments access superior court records via Odyssey Portal while in the performance of their official duties.

Section 2. Fee Collection

The Pacific County Clerk shall adopt appropriate procedures for the collection of the annual registration access fee.

Section 3. Contracting authority

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

Section 4. Establishment of Fee

The Pacific County Clerk shall charge an annual registration access fee of one hundred dollars (\$100) per entity for access to Odyssey Portal. Subsequent expansion of access to view electronic images via a document management system may include an additional annual fee of up to five hundred dollars (\$500) based upon the costs of providing access to electronic images of superior court records and maintaining, enhancing, and operating said service. Provided, however, no such fee shall be assessed to the Pacific County Prosecutor's Office.

The Clerk may annually adjust either the registration access fee or the electronic image fee to reflect any changes in the costs of providing these services as determined by subsequent financial analysis and/or comparisons with other entities.

Section 5. Effective Date

This ordinance shall take effect the 14th day of August, 2018.

PASSED BY THE PACIFIC COUNTY BOARD OF COUNTY COMMISSIONERS meeting in regular session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage on the 14th day of August, 2018.

 3 AYE; 0 NAY; 0 ABSTAIN; 0 ABSENT

APPROVED AS TO FORM

Prosecutor's Office

WSBA #

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Lisa Olsen, Chair

Frank Wolfe, Commissioner

ATTEST:

Marie Guernsey, Clerk of the Board

Lisa Ayers, Commissioner