

**TITLE I
GENERAL PROVISIONS**

Chapters:

- 1.04 Official County Code**
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- 1.12 Justice Court Districting**
- 1.24 Island County Facility Use Policies**
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**Chapter 1.04
Official County Code**

Sections:

- 1.04.010 Prosecuting Attorney--Official Code Reviser**
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- 1.04.030 Authority to Renumber and Reword**
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1.04.010 Prosecuting Attorney--Official Code Reviser

The prosecuting attorney of Island County is hereby appointed the official code reviser for Island County.

(Res. PA-72-02, April 17, 1972, vol. 14, p. 46)

1.04.020 Prosecuting Attorney to Compile Code

The prosecuting attorney shall compile a codification of all current and effective ordinances and resolutions passed by the Island County Board of Commissioners since January 1, 1933. All county departments and officials are to cooperate with the prosecuting attorney in compiling such a code, and in keeping the code updated and current in the future. The code shall be known as the Island County Code and may be cited "ICC."

(Res. PA-72-02, April 17, 1972, vol. 14, p. 46)

1.04.030 Authority to Renumber and Reword

The prosecuting attorney may renumber all pertinent sections of past, present, and proposed ordinances and resolutions, to the end that a coherent, readily usable indexing system may be instituted. The prosecuting attorney may make minor changes of wording, not changing the meaning of the subject ordinances and resolutions, so as to clarify, improve syntax, and collate the subject matter.

(Res. PA-72-02, April 17, 1972, vol. 14, p. 46)

1.04.040 Numbering System

The following numbering system shall be used: ordinance and resolution provisions shall be divided into titles, chapters, and sections. Each section shall be followed by a legislative history in parentheses. Footnotes referencing applicable state statutes and case law, as well as cross references to other related code provisions, may appear within the code. The index shall be keyed to the section numbers of the code.

(Res. PA-72-02, April 17, 1972, vol. 14, p. 46)

1.04.050 Code Shall be Kept Current

The code shall be kept up to date by regular supplements issued by the prosecuting attorney. In order to expedite this process, the following steps shall be taken by all county officials and other persons in drafting new ordinances and resolutions or revisions to old ordinances and resolutions:

- A. Before drafting the ordinance, determine whether the same or similar provisions are presently in the code. The index should be useful in making this determination.
- B. Compare any similar code provision with those considered for the new ordinance and determine whether the present code provision is sufficient, needs to be amended, or is to be repealed.
- C. If the existing code section need only be amended, the ordinance should simply expressly amend the code section as follows: “Section 5.10.032 is hereby amended to read as follows”: Chapters and titles may be amended in a similar manner. Do not use the words “Chapter X is hereby repealed and reenacted as follows,” unless the intent is to simply repeal the material and use the chapter number again for entirely new material. When such words are used, the code reviser will rewrite the history note eliminating any reference to the old ordinance.
- D. If the prior code provision is to be totally replaced by the new ordinance, the new ordinance should specifically repeal the prior code section by simply stating, “Section 5.10.032 is hereby repealed.”
- E. Consult with the prosecuting attorney regarding the title and chapter to be assigned to the particular subject matter of the proposed ordinance. Draft the ordinance using the numbering system outlined above.
- F. Forward a copy of the proposed ordinance to the prosecuting attorney for review and possible change. The Board of County Commissioners will not approve any ordinance or resolution not previously approved as to form by the prosecuting attorney.
- G. Prepare all drafts of proposed ordinances on 8-1/2 x 11-inch paper. Final drafts should be prepared using single spacing, except between sections and paragraphs where double spacing should be used.

(Res. PA-72-02, April 17, 1972, vol. 14, p. 46)

1.04.060 New Resolutions and Ordinances to be Forwarded to Prosecuting Attorney

The clerk of the board shall forward a copy of all ordinances and resolutions passed by the Board of County Commissioners to the prosecuting attorney.

(Res. PA-72-02, April 17, 1972, vol. 14, p. 46; amended by Ord. C-60-97, November 17, 1997, vol. 41, p. 194)

1.04.070 Savings Clause

Failure of any person or any county official to comply with the procedure outlined herein shall not result in the invalidity of any ordinance or resolution otherwise passed and approved by the Board of County Commissioners in due form.

(Res. PA-72-02, April 17, 1972, vol. 14, p. 46)

Chapter 1.08

Establishment of Law Library Committee¹

Sections:

1.08.010 Law Library Committee Established

1.08.020 Library Board Powers

1.08.010 Law Library Committee Established

There shall be a law library committee for Island County.

(Res., August 3, 1964, vol. 12, p. 286)

1.08.020 Library Board Powers

The library committee shall operate and have all the powers accorded it by the statutes of the State of Washington.

(Res., August 3, 1964, vol. 12, p. 286)

¹ For statutory provisions regarding the law library committee, see RCW 27.24.063 and 27.24.064.

**Chapter 1.12
Justice Court Districting²**

Sections:

- 1.12.010 Election to Act Under RCW 3.30 through 3.74**
- 1.12.020 Justice Court Districting Committee**
- 1.12.030 Number of Districts and Boundaries**
- 1.12.040 District Court Judge/Commissioners and/or Pro-Tem**
- 1.12.050 Location of Central Office**
- 1.12.060 Allocation of Time and Salaries of the Judge and Court Commissioners/Vacation Leave of Judge/Sick Leave of Judge**
- 1.12.070 Salary for the Clerk of the District Court**
- 1.12.080 Municipal Departments**
- 1.12.090 Severability**
- 1.12.100 Inconsistent Provisions Repealed**
- 1.12.110 Title**

1.12.010 Election to Act under RCW 3.30 through 3.74

Island County, Washington, elects to make the provisions of RCW Chapters 3.30 through 3.74 applicable to Island County, Washington.

(Res., April 11, 1966, vol. 12, p. 416)

1.12.020 Justice Court Districting Committee

The Island County Justice Court Districting Committee shall be hereby activated and shall hereby meet at the call of the prosecuting attorney to prepare a plan for the districting of the county into one (1) or more justice court districts in accordance with the provisions of RCW Chapters 3.30 through 3.74.

(Res., April 11, 1966, vol. 12, p. 416)

² For statutory provisions regarding justice court districts and the duties of the Justice Court Districting Committee, see RCW 3.38.010-3.38.060; for provisions regarding adoptions of the Justice Court Districting Plan, see RCW 3.38.030.

1.12.030 Number of Districts and Boundaries

There is hereby established one (1) justice court district in Island County, Washington. The boundaries of said justice court shall coincide with the boundaries of Island County, Washington.

(Res., April 17, 1972, vol. 14, p. 48)

1.12.040 District Court Judge/Commissioners and/or Pro-Tem

There shall be in said district one (1) elected district court judge, and there may be not more than three (3) regular salaried full-time or regular salaried part-time court commissioners, as appointed by the judge and as provided for in the yearly budget of the county. In addition, as provided for in the yearly budget of the county and in the sole discretion of the judge, the judge may from time-to-time appoint court commissioner(s) and/or pro-tem(s) on an as needed basis.

(Res., April 17, 1972, vol. 14, p. 48; amended by Res., March 10, 1977, vol. 16, p. 461; amended by Res. C-78-91, May 13, 1991, effective January 13, 1992, vol. 32, p. 370; amended by Res. C-79-91, May 13, 1991, effective January 13, 1992, vol. 32, p. 371; amended by Ord. C-105-95, January 8, 1996, vol. 39, p. 266)

1.12.050 Location of Central Office

The location of the central office, courtroom, and records of the district court shall be at Oak Harbor, Washington. The district court judge may also sit in any court for which a commissioner has been authorized.

(Res., April 17, 1972, vol. 14, p. 48; amended by Res., March 10, 1977, vol. 16, p. 461; amended by Res. C-78-91, May 13, 1991, effective January 13, 1992, vol. 32, p. 370; amended by Res. C-79-91, May 13, 1991, effective January 13, 1992, vol. 32, p. 371)

1.12.060 Allocations of Time and Salaries of the Judge and Court Commissioners/Vacation Leave of Judge/Sick Leave of Judge

- A. The annual salary of the judge of the district court shall be within the limits as allowed by law and as set annually by the Board of County Commissioners of Island County, Washington, plus the necessary payment for social security, retirement, and other personnel benefits.
- B. The annual salaries of the regular salaried full-time and/or regular salaried part-time court commissioners shall be such sums as are annually established by the Board of County Commissioners of Island County, Washington, plus the necessary payment for social security, retirement, and other personnel benefits. The court commissioner(s)/pro-tem(s) who are appointed by the judge on an as needed basis shall be compensated for professional services in a sum based on a percentage of the judge's salary, as follows: 1/1000th for up to

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1.12.060

one-fourth of a day's work, 1/500th for up to one-half of a day's work and 1/250th for a full day's work. No personnel benefits will be paid for those who are appointed on an as needed basis as provided in section 1.12.040.

- C. The judge of the district court shall serve full time. For the purposes of RCW 3.34.130, the district court judge shall have up to a maximum of 30 days off work during a calendar year as paid vacation leave, during which vacation time a court commissioner(s)/pro-tem(s) may serve, before any reduction in the district court judge's salary occurs under the provisions of RCW 3.34.130. The judge of the district court shall be granted paid sick leave in the same manner as non-union represented county employees.

(Res., April 17, 1972, vol. 14, p. 48; amended by Res., March 10, 1977, vol. 16, p. 461; amended by Res. C-78-91, May 13, 1991, effective January 13, 1992, vol. 32, p. 370; amended by Res. C-79-91, May 13, 1991, effective January 13, 1992, vol. 32, p. 371; amended by Ord. C-105-95, January 8, 1996, vol. 39, p. 266)

1.12.070 Salary for the Clerk of the District Court

The district court judge shall be authorized to retain a clerk or clerks to assist him and his commissioners in the performance of their duties, and said clerk shall be paid such sum as is annually authorized by the Board of County Commissioners of Island County, Washington.

(Res., April 17, 1972, vol. 14, p. 48; amended by Res., April 6, 1978, vol. 17, p. 294; amended by Res. C-78-91, May 13, 1991, effective January 13, 1992, vol. 32, p. 370; amended by Res. C-79-91, May 13, 1991, effective January 13, 1992, vol. 32 p. 371)

1.12.080 Municipal Departments

- A. There is established, pursuant to RCW 3.46.010, et seq., a municipal department designated "The Municipal Court of Coupeville."
1. The judge of the municipal court shall be the judge of the district court.
 2. The judge of the Coupeville Municipal Court shall devote two percent (2%) of his time to the duties of the Municipal Court of Coupeville, and the Town of Coupeville shall pay two percent (2%) of the salary of said judge, together with two percent (2%) of the necessary payments for social security, retirement, and personnel benefits, and that the Town of Coupeville shall pay two percent (2%) of the associated costs, including as needed extra help and operating expenses, including supplies, small tools, professional services, communications, travel, advertising, utility services, repair and maintenance, library and printing.
- B. There is established, pursuant to RCW 3.46.010, et seq., a municipal department designated "The Municipal Court of Oak Harbor."
1. The judge of the municipal court shall be the judge of the district court.
 2. For the calendar years 2009 and 2010, the judge of the Oak Harbor Municipal Court shall devote twenty-two percent (22%) of his/her time to the duties of the Municipal

Court of Oak Harbor, and the City of Oak Harbor shall pay twenty-two percent (22%) of the salary of said judge, together with twenty-two percent (22%) of the necessary payments for social security, retirement, and personnel benefits, and that the City of Oak Harbor shall pay twenty-two percent (22%) of the associated costs, including salaries and benefits for all court employees and as needed extra help, and operating expenses, including supplies, small tools, professional services, communications, travel, advertising, utility services, repair and maintenance, library and printing.

- 3. Effective at the close of business, on December 31, 2010, the municipal department designated the “Municipal Court of Oak Harbor” will be terminated.

C. There is established, pursuant to RCW 3.46.010, et seq., a municipal department designated “The Municipal Court of Langley.”

- 1. The judge of the municipal court shall be the judge of the district court.
- 2. The judge of the Langley Municipal Court shall devote two percent (2%) of his time to the duties of the Municipal Court of Langley, and the City of Langley shall pay two percent (2%) of the salary of said judge, together with two percent (2%) of the necessary payments for social security, retirement, and personnel benefits, and that the City of Langley shall pay two percent (2%) of the associated costs, including as needed extra help and operating expenses, including supplies, small tools, professional services, communications, travel, advertising, utility services, repair and maintenance, library and printing.

(Res., April 17, 1972, vol. 14, p. 48; amended by Res., March 10, 1977, vol. 16, p. 461; amended by Res. C-137-91, August 26, 1991, effective January 1, 1991, vol. 33, p. 67; amended by Ord. C-53-97, October 13, 1997, effective October 13, 1997, vol. 41, p. 129; amended by Ord. C-05-99, February 8, 1999, vol. 43, p. 171; amended by Ord. C-56-02, July 22, 2002, effective January 1, 2003, vol. 46, p. 276; amended by Ord. C-27-04, March 31, 2004, vol. 2004, p. 90; amended by Ord. C-01-09, February 2, 2009, vol. 2009, p. 38)

1.12.090 Severability

If any section, subsection, or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section or portion shall be deemed a separate provision of this chapter, and such holding shall not affect the validity of the remaining portion of this chapter.

(Ord., June 20, 1966, vol. 12, p. 429)

1.12.100 Inconsistent Provisions Repealed

Ordinances or parts of resolutions and/or ordinances inconsistent or in conflict herewith are hereby repealed.

(Ord., June 20, 1966, vol. 12, p. 429)

1.12.110 Title

This ordinance may be referred to as the “Island County Justice Court Districting Plan.”
(Ord., June 20, 1966, vol. 12, p. 429)

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Chapter 1.24

Island County Facility Use Policies

Sections:

- 1.24.010** **Availability of County Courthouse Annex Meeting Room**
- 1.24.020** **Reservations for Use of County Facilities**
- 1.24.030** **Permit Required**
- 1.24.040** **Animals Prohibited in County Facilities - Exceptions**

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1.24.010 Availability of County Courthouse Annex Meeting Room

The County Courthouse Annex meeting rooms shall be available to any local group for activities which contribute to the best recreation, social, cultural, civic, and educational interests of the residents of Island County.

(Res. CC-1-79, April 9, 1979, vol. 18, p. 82)

1.24.020 Reservations for Use of County Facilities

Reservations for the use of county facilities shall be granted with preference order as follows and subject to change or cancellation at any time when the facility is needed for county-sponsored functions:

- A. County-sponsored groups or organizations
- B. Other government agencies, (i.e., water districts, fire protection districts, cities, and towns)

(Res. CC-1-79, April 9, 1979, vol. 18, p. 82; amended by Res. C-58-90, May 14, 1990, vol. 31, p. 132)

1.24.030 Permit Required

All functions or meetings by groups or individuals conducted at the county facility shall be held only upon securing a permit issued by the county maintenance director in accordance with the following rules and regulations as are established:

- A. Permits may be authorized by telephone.
- B. All permits will be issued for specific rooms and for specific hours. It is the responsibility of the reserving group or organization to ensure that portions of the facility not specifically reserved are not used or vandalized and that the premises are vacated as scheduled.
- C. All rooms used must be left as clean as possible and in an orderly condition.
- D. No leftover foods, coffee, etc., of any kind shall be left on the premises.
- E. Under no circumstances will chairs, tables, or any other equipment be removed from the premises.
- F. Under no circumstances will any person make any structural or electrical alterations in or about the facility.
- G. Any individual, group, or organization which abuses the privilege of using the facility or equipment may be deprived of future use of the facility or equipment.
- H. Permits may be revoked at any time by the Board of County Commissioners or their representative when there has been a violation of these rules, or when it is considered to be in the best interests of health, safety, or welfare of others.

(Res. CC-1-79, April 9, 1979, vol. 18, p. 82; amended by Res. C-58-90, May 14, 1990, vol. 31, p. 132)

1.24.040

GENERAL PROVISIONS

1.24.040 Animals Prohibited in County Facilities - Exceptions

Animals are prohibited from being inside every Island County government building, whether owned, leased, or rented by the county, and within ten (10) feet of any entrance to such buildings, except as follows:

- A. A “guide dog” or “service dog,” as defined in RCW 70.84.020 and RCW 70.84.021, for a totally or partially blind, hearing impaired, or otherwise physically disabled person allowed in county buildings under the provisions of chapter 70.84 RCW;
- B. Animals housed in or taken to Island County Animal Shelters;
- C. Animals participating in authorized activities at the Island County Fairgrounds; and
- D. Animals used by law enforcement authorities for law enforcement activities.

(Ord. C-46-97, September 15, 1997, vol. 41 , p. 103)

Chapter 1.28

Smoking in Island County Government Buildings

Sections:

- 1.28.010 Purpose**
- 1.28.020 Definitions: Smoke--Smoking**
- 1.28.030 Smoking Prohibited**
- 1.28.040 Smoking Prohibited--Signs--Posting**
- 1.28.050 Violation—Penalty**

1.28.010 Purpose

The purpose of this chapter of the Island County Code is to establish a smoking policy in conformity with Chapter 70.160 RCW for all Island County government public buildings and immediate surroundings, whether the buildings are owned, leased, or rented.

(Res. C-79-87, January 11, 1988, vol. 27, p. 489; amended by Ord. C-138-05, December 19, 2005, vol. 2005, p. 443)

1.28.020 Definitions: Smoke--Smoking

Smoke or **smoking** means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.

(Res. C-79-87, January 11, 1988, vol. 27, p. 489; amended by Res. C-191-90, February 4, 1991, vol 32, p. 199)

1.28.030 Smoking Prohibited

No person may smoke in an Island County government building or outside such building within twenty-five (25) feet from entrances, exits, windows that open, and ventilation intakes, whether the building is owned, leased, or rented by the county.

(Res. C-79-87, January 11, 1988, vol. 27, p. 489; amended by Res. R-26-88, April 18, 1988, vol. 28, p. 170; amended by Res. C-191-90, February 4, 1991, vol. 32, p. 199; amended by Res. C-117-93, January 24, 1994, vol. 36, p. 409; amended by Ord. C-138-05, December 19, 2005, vol. 2005, p. 443)

1.28.040 Smoking Prohibited--Signs--Posting

The Island County Building Maintenance Superintendent shall post and maintain signs prohibiting smoking conspicuously at each entrance of every building housing any office of Island County Government.

(Res. C-79-87, January 11, 1988, vol. 27, p. 489; amended by Ord. C-138-05, December 19, 2005, vol. 2005, p. 443)

1.28.050 Violation--Penalty

Any person intentionally violating the provisions of Chapter 70.160 RCW by intentionally smoking where smoking is prohibited and any person removing, defacing, or destroying a no-smoking sign shall be subject to a civil fine of up to one-hundred dollars (\$100.00) as set forth in RCW 70.160.070.

(Res. C-79-87, January 11, 1988, vol. 27, p. 489; amended by Ord. C-138-05, December 19, 2005, vol. 2005, p. 443)

Chapter 1.30

Smoking in Island County Motor Vehicles

Sections:

- 1.30.010 Purpose**
- 1.30.020 Definitions**
- 1.30.030 Smoking Prohibited**
- 1.30.040 Smoking Prohibited--Signs--Posting**
- 1.30.050 Violation**

1.30.010 Purpose

The purpose of this chapter of the Island County Code is to establish a smoking policy for all Island County government motor vehicles whether owned, leased, or rented.

(Ord. C-101-93, December 20, 1993, vol. 36, p. 336)

1.30.020

GENERAL PROVISIONS

1.30.020 Definitions

- A. "Smoke" or "Smoking" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.
- B. "Motor Vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. (RCW 46.04.320)

(Ord. C-101-93, December 20, 1993, vol. 36, p. 336)

1.30.030 Smoking Prohibited

No person, unless alone, may smoke in an Island County government motor vehicle whether the motor vehicle is owned, leased, or rented by Island County.

(Ord. C-101-93, December 20, 1993, vol. 36, p. 336)

1.30.040 Smoking Prohibited--Signs--Posting

Each department head and/or elected official shall assure that signs prohibiting smoking are posted conspicuously in each motor vehicle used by his or her department.

(Ord. C-101-93, December 20, 1993, vol. 36, p. 336)

1.30.050 Violation

Any person violating the provisions of this chapter shall be subject to disciplinary action.

(Ord. C-101-93, December 20, 1993, vol. 36, p. 336)

Chapter 1.32

Key Control for Island County Government Buildings

Sections:

- 1.32.010 Purpose**
- 1.32.020 Policy/Guidelines**
- 1.32.030 Violations/Discipline**
- 1.32.040 Distribution/Training**

KEY CONTROL FOR ISLAND COUNTY GOVERNMENT BUILDINGS 1.32.010

1.32.010 Purpose

The purpose of the Key Control Policy is to establish a key numbering system and to maintain an active listing of county employees who have an authorized key to county government administration buildings under the jurisdiction of the Maintenance/Custodial Department, in order to prevent loss and reproduction of authorized keys. Buildings which are accessed strictly by the Island County Sheriff, Parks, or Public Works department employees are excluded from this policy, and key control for their facilities will remain the responsibility of their department.

(Res. C-100-95, December 11, 1995, vol. 39, p. 190)

1.32.020 Policy/Guidelines

- A. In order for Island County government officials, employees, volunteers, or any other authorized person to receive a key the following conditions must be met:
 - 1. Prior approval from Department Head or Elected Official to receive key;
 - 2. Receive the "Key Control Policy";
 - 3. Sign an acknowledgment statement as to having received the "Key Control Policy" and agreeing to its terms; and
 - 4. Sign a "key registration card" with the Island County Maintenance Department.
- B. Island County government officials, employees, volunteers, and anyone authorized to have a key to Island County facilities shall not reproduce an assigned key or possess an unauthorized key.
- C. In the event that a key is lost or stolen, the person responsible for that key shall notify their Department Head or Elected Official immediately. A written statement as to how and where key was lost or stolen, and any circumstances involved shall be submitted to the Maintenance Department. Replacement key will not be issued until the written explanation has been received by the Maintenance Department. If at any time a lost, stolen, or reproduced key enters the Island County keying system, disciplinary actions may follow accordingly.
- D. Upon termination of employment or any other circumstances where the authorized key is no longer needed, the key shall be returned to the immediate Department Head or the Island County Maintenance Department. Failure to return the key in a timely manner will result in further actions and will be treated as theft of Island County property.
- E. Any government official or employee that feels they have a need for a Master Key shall submit a written outline to the Board of Island County Commissioners on why it is necessary to possess a Master Key. The Board of Island County Commissioners and the Facility Director will then determine whether the individual shall be issued a Master Key.

(Res. C-100-95, December 11, 1995, vol. 39, p. 190)

1.32.030 Violations/Discipline

Violations of the above policy will be treated as follows:

- A. Employees will be charged a \$25.00 replacement fee for a lost or stolen key;
- B. Failure to return a key as set forth in the guidelines above will result in the final paycheck being withheld until the key is returned; and
- C. Key reproduction is unauthorized and could be considered as grounds for employee dismissal

(Res. C-100-95, December 11, 1995, vol. 39, p. 190)

1.32.040 Distribution/Training³

This policy will be distributed to all current employees and to new employees prior to distribution of keys.

The Human Resources Department shall be responsible for educating and training all county employees about the existence of this policy and possible disciplinary action set to herein.

(Res. C-100-95, December 11, 1995, vol. 39, p. 190)

Chapter 1.34⁴

Public Records Disclosure

Section:

1.34.010 Public Record Index Not Required⁵

1.34.010 Public Record Index Not Required

The Board of County Commissioners finds that it would be unduly burdensome and costly to Island County taxpayers, and would interfere with effective and timely county office operations, to develop an index of records as specified in RCW 42.17.260(3), because of the complexity and diversity of county office operations and the resulting volume of correspondence, reports, surveys, staff studies, and other materials. County offices will make available for public inspection and copying all indexes prepared pursuant to other authority.

(Res. C-01-95, January 23, 1995, vol. 38, p.92)

³ **Reviser's Note:** This section was not named in the originally-adopted resolution. The code reviser has supplied this section name.

⁴ See RCW 42.17.250.

⁵ RCW 42.17.260(4) allows local agencies to not maintain indexes of public records upon order of the local agency.

Chapter 1.38
Local Voters' Pamphlet

(Chapter 1.38, Local Voters' Pamphlet, and Ordinance C-72-99 passed July 12, 1999, vol. 43, p. 359, covering said subject, repealed by Ord. C-28-09, April 27, 2009, vol. 2009, p. 224)

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