

OKANOGAN COUNTY, STATE OF WASHINGTON

ORDINANCE NO. 2006-3

AN ORDINANCE ESTABLISHING PROCEDURES IN ORDER
TO PROVIDE FULL ACCESS TO PUBLIC RECORDS.

WHEREAS, The purpose of the Public Records Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government; and,

WHEREAS, The Public Records Act requires Public Agencies to adopt and enforce reasonable rules and regulations to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency.

NOW, THEREFORE, BE IT RESOLVED by the Okanogan Board of County Commissioners, that OCC 2.88 (Inspection of Public Records) enacted by Resolution 9-99 be repealed in its entirety and be replaced by the following:

CHAPTER 2.88

PUBLIC RECORDS

- 2.88.010 Authority and Purpose
- 2.88.020 Public Records Officer -Contact Information
- 2.88.030 Availability of Public Records
- 2.88.040 Processing of public records requests--general.
- 2.88.050 Exemptions
- 2.88.060 Costs of Providing Copies of Public Records
- 2.88.070 Review of Denials of Public Records

2.88.010 Authority and Purpose

(1) The Public Records Act requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. Each agency is required to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public Records held by that agency.

(2) The purpose of these rules is to establish the procedures Okanogan County will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of Okanogan County and establish processes for both requestors and Okanogan County staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the

desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, Okanogan County will be guided by the provisions of the act describing its purposes and interpretation.

2.88.020 Public Records Officer -Contact Information

(1) Any person wishing to request access to public records of Okanogan County, or seeking assistance in making such a request should contact the public records officer of Okanogan County:

Public Records Officer
Okanogan Board of County Commissioners
123 Fifth Avenue North, Room 150
Okanogan, WA 98840
(509)422-7100
(509)422-7106

Information is also available at Okanogan County's web site at www.okanogancounty.org.

(2) The public records officer will oversee compliance with the act but another Public Records Officer or Department staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and Okanogan County will provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the County.

(3) If the person requesting public records knows which office or department has custody or control of the requested records, the request may be made directly to the Public Records Officer designated as follows:

- (a) Each elected official is the Public Records Officer for the offices and departments administered by the elected official.
- (b) The Superior Court Administrator is the Public Records Officer for the Superior Court Judges.
- (c) The District Court Administrator is the Public Records Officer for the District Court Judges.
- (d) The Planning Director is the Public Records Officer for the Office of Planning and Development, the Board of Adjustment and the Planning Commission.
- (e) The Public Works Director is the Public Records Officer for the Public Works Department.
- (f) The Building Official is the Public Records Officer for the Building Department.
- (g) The Clerk of the Board of County Commissioners is the Public Records Officer for all board and commissions appointed by and reporting to the Board of County Commissioners.
- (h) The Juvenile and Family Services Administrator is the Public Records officer for the Department of Juvenile and Family Services.
- (i) The Area Extension Agent is the Public Records Officer for the Okanogan County WSU Extension Office.

- (j) The Noxious Weed Control Manager is the Public Records Officer for the Okanogan County Weed Control Board.

(4) Each Public Records Officer shall be responsible for implementation of and compliance with this Chapter and the Public Records Act.

2.88.030 Availability of Public Records

(1) Public Records shall be inspected at the offices of the elected official or department having custody or control of the records. Public Records shall be available for inspection from 8:30 a.m. to 12:00 noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays: provided, that there is no obligation to allow inspection immediately upon a demand. The Public Records Officer or designee may request that the person seeking to inspect public records schedule an appointment for inspection. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(2) The requestor must claim or review the assembled records within thirty days of Okanogan County's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, Okanogan County may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(3) **Records index.** Due to the number of elected offices and departments in the County, various software programs, various locations and methods of storing public records and lack of financial resources, Okanogan County finds that maintaining an index of all County records is unduly burdensome and would interfere with agency operations.

(4) **Organization of records.** Okanogan County will maintain its records in a reasonably organized manner. Okanogan County will take reasonable actions to protect records from damage and disorganization. A requestor shall not take County records from County departments or offices without the permission of the public records officer or designee. A variety of records are available on Okanogan County's web site at www.okanogancounty.org. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(5) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of Okanogan County should make the request in writing on the County's request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public

records officer or designee to locate the records; and

- The date and time of day of the request.
- If the request is for a list of individuals, the requester will be required to sign under penalty of perjury that such information will not be used for commercial purposes.

(b) A requestor must request an identifiable record or class of records. An identifiable record is one that is in existence at the time of the request and that agency staff can reasonably locate. An agency is not required to create a public record in response to a request. A request for information in general is not considered a request for an identifiable record.

(c) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records.

(d) A form is available for use by requestors at the office of the public records officer and on-line at www.okanogancounty.org.

(e) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

2.88.040 Processing of public records requests--general.

(1) **Providing "fullest assistance."** Okanogan County is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner. The public records office or designee may communicate with the requestor by letter or e-mail as may be appropriate.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) if copies are requested and payment of a deposit, for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone or e-mail. The public records officer or designee may revise the estimate of when records will be available; or

(e) deny the request.

(3) **Consequences of failure to respond.** If Okanogan County does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If Okanogan County believes that a record is exempt from disclosure and should be withheld, the public records officer or designee will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(7) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(9) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that Okanogan County has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

(10) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay for the requested copies, the public records officer will close the request and indicate to the requestor that Okanogan County has closed the request.

(11) **Later discovered documents.** If, after Okanogan County has informed the requestor that it has provided all available records, Okanogan County becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

2.88.050 Exemptions

(1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by Okanogan County for inspection and copying:

- RCW 4.24.550 Information on sex offenders to public
- RCW 5.60.060 Privileged Communications
- RCW 7.69A.030 (4) Child Victims and Witnesses- Protection of Identity
- RCW 10.97 The Criminal Records Privacy Act
- RCW 13.50 Juvenile Records Act
- RCW 19.108 Uniform Trade Secrets Act
- RCW 29A.08.710 Voter Registration Records- Certain Information Exempt
- RCW 40.24 Addresses of Victims of Domestic Violence
- RCW 42.17.318 License Applications for Concealed Weapons Permits
- RCW 42.41.030(7) Identity of Local Government Whistleblower
- RCW 43.43.856 Information Regarding Organized Crime
- RCW 46.52.080 Traffic Accident Reports
- RCW 51.28.070 Industrial Insurance Claim Files and Records
- RCW 68.50.105 Autopsy Reports
- RCW 70.02 Mental Health Records
- RCW 70.48 Jail and Inmate Records
- RCW 82.32.330 Disclosure of Tax Information

(2) Okanogan County is prohibited by statute from disclosing lists of individuals for commercial purposes.

2.88.060 Costs of Providing Copies of Public Records

(1) **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page. Okanogan County will charge its actual cost for nonstandard copies. Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. Okanogan County will not charge sales tax when it makes copies of public records.

(2) **Costs for electronic records.** The County will charge its actual cost for electronic copies of records on a floppy disk or CD-ROM.

(3) **Costs of mailing.** Okanogan County may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by cash, check, or money order to Okanogan County.

2.88.070 Review of Denials of Public Records

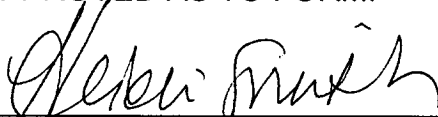
(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to (public records officer's supervisor or other agency official designated by the agency to conduct the review). That person will immediately consider the petition and either affirm or reverse the denial within two business days following Okanogan County's receipt of the petition, or within such other time as Okanogan County and the requestor mutually agree to.

(4) **Judicial review.** Any person may obtain court review of denials of public records request pursuant to RCW 42.17.340 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

DATED at Okanogan, Washington this 12 day of June 2006.

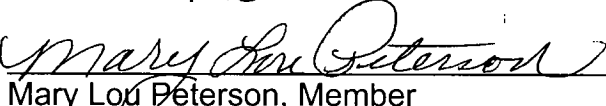
APPROVED AS TO FORM:


Heidi Smith, Deputy Prosecutor

BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON


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Andrew Lampe, Member


Mary Lou Peterson, Member

