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An ordinance creating a chapter in the Clallam County Code titled Public Records

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section xxx.010, Purpose, is created to read as follows:

The purpose of this Chapter is to ensure compliance with the provisions of Chapter 42.56 RCW and other applicable laws relating to disclosure and production of public records. The citizens of Clallam County insist on remaining informed and do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

Section xxx.020, Interpretation and construction of provisions, is created to read as follows:

The provisions of this Chapter shall be liberally construed to provide access to public records concerning the conduct of government, mindful of individual privacy rights and the desirability of the efficient administration of government.

Section xxx.030, Public records available, is created to read as follows:

Each Clallam County department/office shall make available for public inspection and/or copying all public records the disclosure and production of which is required by Chapter 42.56 RCW or other law. Superior Court, District Court, and Juvenile and Family Services shall make records available per GR 31.1 or in the instance of case records GR 31.

Section xxx.040, Public Records officer – Appointment and duties, is created to read as follows:

- (1) The Public Records Officer shall be appointed by resolution of the Board of Commissioners, serve as the County's Public Records Officer, and have the duties described in this Chapter and in Policy.
- (2) The Public Records Officer shall:
 - (a) Serve as a point of contact for members of the public in requesting access to public records, provided that requests may also be presented to any County Official or employee of the County, including any Public Records Specialists or their designees. Requests received by other departments/offices will be forwarded to the Public Records Officer for processing within one business day.
 - (b) Oversee the County's compliance with Chapter. 42.56 RCW, commonly known as the Public Records Act and any related regulations;
 - (c) Fulfill Public Records requests with the assistance of Public Record Specialists;
 - (d) Implement policies and procedures adopted by the Board of Commissioners as necessary to carry out the provisions of this Chapter consistent with applicable laws; and
 - (e) Have final decision-making authority over public access, disclosure, and production of records.
- (3) The Public Records Officer shall publish their name and contact information in a way reasonably calculated to provide notice to the public as to how to make a request for Public Records, including posting at the Courthouse, on the Internet, and in County publications.

Section xxx.050 Public Records Specialists – Appointment and duties, is created to read as follows:

Each County department/office within the executive or legislative branch having custody or control of public records shall appoint at least one Public Records Specialist who shall have charge of the public records in the custody or control of those departments/offices. Public Records Specialists shall implement this Chapter, and the policies and procedures adopted by the Board of Commissioners under .040(2)(d) and other applicable laws relating to the disclosure and production of public records. The primary, but not sole, duty of a Public Records Specialist shall be to assist the Public Records Officer in the fulfillment of Public Records Act requests.

Section xxx.060, Requests – Form – Information required, is created to read as follows:

The Public Records Officer shall provide a set of uniform Public Records Request forms for use throughout all branches of County government.

(1) All requests for public records shall be presented or memorialized in writing to the Public Records Officer or the Public Records Specialist or designee of the advisory board, agency, bureau, division, department/office or commission believed to be responsible for the records being requested. The request shall include the following information:

- (a) The name and contact information of the person making the request for the record;
- (b) Adequate notice to the County that the request is for access and/or copying of public records pursuant to the Public Records Act;
- (c) Description of the requested records by reference to names, title, subject matter, and time frames, or other means adequate for public access and/or copying by the Public Records Officer, Public Records Specialist, or designee to identify and locate the requested records; and
- (d) Whether or not such a request is for a list of individuals and whether the list is to be used for commercial purposes.

(2) Upon receiving a request, the Public Records Officer or Public Records Specialist shall document the date the request was received. If a request is presented to a Public Records Specialist and not to the Public Records Officer, then the Public Records Specialist shall, within one day, forward the request to the Public Records Officer for processing.

Section xxx.070, Informal requests permitted, is created to read as follows:

County Officials having records that have customarily been open to public inspection and/or copying may, at the option of the County Official, permit inspection and copying without requiring requests in writing. The oral request for records shall be memorialized.

Section xxx.080, Requests for lists of individuals – Affidavit required, is created to read as follows:

In the case of a request for records that may contain a list of individuals, the person making the request will furnish an affidavit that either:

- (1) States that they are not requesting the list for commercial purposes; or
- (2) States that they are specifically authorized or directed by law to obtain the list of individuals for commercial purposes, and that identifies such law.

Section xxx.090, Review of denials of public records, is created to read as follows:

(1) Any person who objects to the initial denial or partial denial of a request for a public record subject to chapter 42.56 RCW may within 10 business days of the date of the denial decision, not

including the day of the denial decision, petition the Public Records Officer in writing (including e-mail) for a review of that decision. An objection to a partial redaction shall be considered a denial for purposes of this section. An objection to a response stating “no responsive records” shall also be considered a denial. The petition must be in writing and include the name of the petitioner, one or more contact points for the petitioner such as an email address, USPS address or phone number, and a copy of the denial or an adequate identification of the decision denying the request.

(2) The Prosecuting Attorney or their designee shall serve as the reviewing authority. The Public Records Officer shall promptly provide the petition and other relevant information to the reviewing authority.

(3) The reviewing authority shall consider the petition and affirm or reverse the denial within two business days after the receipt of the petition by the Public Records Officer or within such other time as the County and requestor mutually agree.

(4) A person whose public records request is denied may seek judicial review at the conclusion of two business days after the initial denial regardless of any concurrent internal administrative appeal or intent to seek an internal administrative appeal.

Section xxx.100, Charges for copying, is created to read as follows:

No fee shall be charged for the inspection of public records, for locating public documents, and making them available for copying. A reasonable charge for copies or electronic data may be imposed to the extent authorized by the Washington Administrative Code (WAC) 44-14, Public Records Act – Model Rules; the Revised Code of Washington (RCW) 42.56, Public Records Act; and the Clallam County Code as they currently exist or are hereinafter amended or enacted. Clallam County Code, Title 5, Chapter 5.100, Consolidated Fee Schedule, also lists fees for copies of public records, including electronic records, and the items used to produce public records such as CDs, and for the use by any person of County equipment to copy public records. Requesters may use their own technology to capture images of public records, if the method is approved by the County and causes no security concerns.

Section xxx.110, Certain records exempt, is created to read as follows:

Public records that are not subject to production under state law, are described as exempt by Chapter 42.56 RCW, or are required to be withheld by any other law, are exempt from production under this Chapter. This same exemption may apply to information redacted from a record or document that is otherwise subject to production to a requester.

Section xxx.120, Exemption from requirement to maintain a current records index, is created to read as follows:

(1) Clallam County government is comprised of many departments/offices which maintain separate records and incompatible record-keeping systems. The records are voluminous, diverse, complex, and stored in multiple locations, and in multiple incompatible databases. As a result, it would be unduly burdensome and costly to Clallam County taxpayers and would substantially interfere with effective and timely county office operations to develop an index of those records identified in RCW 42.56.070(3).

(2) No Clallam County Official or department/office is required to maintain an index of public records conforming to the requirements of RCW 42.56.070(3).

(3) Any index maintained by an individual department/office shall be made available for public inspection and copying unless exempt from disclosure and production or made confidential by law.

Section xxx.130, Severability, is created to read as follows:

To the extent any section or subsection of this Ordinance is ruled unlawful or illegal by a court of competent jurisdiction the remaining portions of this Ordinance shall remain in full force and effect.

ADOPTED this ninth day of May 2017


BOARD OF CLALLAM COUNTY COMMISSIONERS



Mark Ozias, Chair

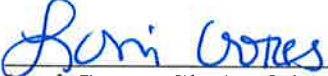


Randy Johnson



Bill Peach

ATTEST:



Loni Gores, Clerk of the Board