

BOARD OF COUNTY COMMISSIONERS
Grant County, Washington

ORDINANCE NO. 18- 020 - CC

AN ORDINANCE AMENDING CHAPTER 2.72 OF THE GRANT COUNTY
CODE TITLED "PUBLIC RECORDS."

RECITALS:

WHEREAS, the Board of County Commissioners adopted Ordinance No. 16-024-CC on March 21, 2016, repealing and enacting a new Chapter 2.72, the same now commonly referred to and cited as "Public Records;" and

WHEREAS, the Washington State Legislature amended RCW 42.56 in 2017 addressing costs associated with public records production, burdensome requests, reporting requirements, and clarification requests; and

WHEREAS, the Board of County Commissioners finds that it is in the public interest to incorporate the appropriate changes directed by RCW 42.56 into Grant County Code 2.72.

NOW, THEREFORE, BE IT HEREBY ORDAINED: by the Board of County Commissioners of Grant County, State of Washington, that Chapter 2.72 of the Grant County Code be amended as follows:

~~ORDINANCE NO. 16-024 - CC~~

~~AN ORDINANCE REPEALING AND REPLACING CHAPTER 2.72 OF
THE GRANT COUNTY CODE REGARDING THE LOCAL
IMPLEMENTATION OF THE WASHINGTON STATE PUBLIC
RECORDS ACT AND REQUIREMENTS OF TIMELY AND
ORDERLY DISCLOSURE.~~

RECITALS:

~~WHEREAS~~, The County is fully committed to the concept of open and transparent government, which leads to a better informed electorate, greater public participation, and more effective use of public resources, and

~~WHEREAS~~, Title 42, Chapter 56 of the Revised Code of Washington (RCW 42.56), the Public Records Act, requires local 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 provide guidance for the public seeking disclosure of records and its methods and procedures; and,

~~WHEREAS, RCW 42.56 also provides for the protection of individual privacy rights, and the desirability of efficient administration of government by preventing excessive interference with essential agency functions.~~

~~— NOW, THEREFORE, BE IT HEREBY ORDAINED: by the Board of County Commissioners of Grant County, State of Washington, that Chapter 2.72 be repealed in its entirety and replaced with the following~~

Chapter 2.72 – PUBLIC RECORDS

SECTIONS:

- 2.72.010 Purpose
- 2.72.020 Public Records – Court Documents – Not Applicable
- 2.72.030 Definitions
- 2.72.040 County Formation and Organization
- 2.72.050 County Procedures – Laws – Grant County Code
- 2.72.060 Document Filing System – Index
- 2.72.070 Public Records Officer Contact Information
- 2.72.080 Requests for Public Records
- 2.72.090 Response to Public Records Requests
- 2.72.100 Electronic Records
- 2.72.110 Default Statutory Costs – Declaration of Undue Burden to Calculate Actual Costs
- 2.72.140 120 Fees – No Fee Required in Certain Instances
- 2.72.140 130 Fees – Copies of Public Records
- 2.72.140 140 Fees – Waiver of Fees
- 2.72.140 150 Alteration of Cost Schedule
- 2.72.140 160 Protection of Public Records
- 2.72.140 170 Exemptions
- 2.72.140 180 Denial of Public Records Requests – Objection – Review
- ~~2.72.180 Adoption of Form – Request for Public Records~~
- 2.72.190 Public Records Act – Attorney General Office Information
- 2.72.200 Retention and Destruction of Public Records
- 2.72.210 Exemptions – General Guidelines for Common Exemptions
- 2.72.220 Disclaimer of Public Liability
- 2.72.230 Severability
- 2.72.240 Effective Date
- ~~Attach. A – Request for Access to Public Records~~

2.72.010 – PURPOSE. The purpose of this chapter is to provide rules for the implementation of the provisions of Chapter 42.56 RCW relating to public records of Grant County, and to provide guidance to the public in obtaining access to public records. RCW 42.56.070(1) requires the County to make available for inspecting and copying non-exempt “public records.”

2.72.020 – PUBLIC RECORDS – COURT DOCUMENTS – NOT APPLICABLE. This chapter is not intended to provide rules for access to court documents: Chapter 42.56 RCW does not apply to court (non-Administrative) documents. This chapter is also not intended to provide rules regarding access to public records of the State of Washington or the federal government, such as the Judicial Information System (JIS) and the National Crime Information Center (NCIC), even though those documents may be utilized at computer stations located in Grant County. Forms to request access to court documents from Grant County Superior Court or Grant County District Court may be downloaded from the County's website (www.grantcountyweb.gov) through each respective court's tab located on the website's side-bar menu.

2.72.030 – DEFINITIONS. The definitions set forth in RCW 42.56.010 and as hereafter amended shall apply to this chapter.

2.72.040 – COUNTY FORMATION AND ORGANIZATION. Grant County is formed and organized pursuant to Article XI of the Constitution of the State of Washington and state statutes. The offices, departments, boards and committees of the County are local agencies as defined by RCW 42.56.010(1).

The elected offices and officials of the County include the Board of County Commissioners (with three members), the Assessor, the Auditor, the Coroner, the Prosecuting Attorney, the Sheriff, the Treasurer, the District Court Judges, the Clerk of the Superior Court, and the Superior Court Judges.

The Board of County Commissioners has established and appointed departments, committees, and boards including, but not limited to, the departments of Public Works, Human Resources, Grant Integrated Services, Planning, etc. Each office may have departments that report to one or more elected officials (e.g., the Planning Department reports to the Board of County Commissioners). The boards and committees of the County include paid employees and volunteer members.

Each of the elected officials of the County operates independently on matters of policy and procedure within the scope of their statutory duties.

2.72.050 – COUNTY PROCEDURES – LAWS – GRANT COUNTY CODE. The County compiles its procedures and laws in the Grant County Code (GCC). The Grant County Code, together with state law and other policies, state the general course and method by which the operations of the County are channeled and determined, including the nature and requirements to create and retain formal and informal procedures.

2.72.060 – DOCUMENT FILING SYSTEM – INDEX. Each elected official may develop a system for filing and retrieving documents, and this system may or may not

include an index of the contents of each file. No such indexing system is required, however, as the Grant County Commissioners have passed Resolution 16-023-CC explaining why it is unduly burdensome to formulate and maintain every index otherwise required by RCW 42.56.070. The volume of data processed, correspondence received by or sent by the County, and various methods of technology used makes it unduly burdensome to maintain an index for all such data, correspondence, etc. Any person who requests documents is entitled to view any indices that may exist so that they may identify documents available as public records.

2.72.070 – PUBLIC RECORDS OFFICER CONTACT INFORMATION. Grant County has a full time Public Records Officer (PRO) with an office at the address set forth below. All requests for public (non-court) records should be made through the PRO and any records requests outside of court records received by any County official or employee must immediately be forwarded to the PRO for processing. Any person wishing to request access to public records or seeking assistance in making a request, should contact the PRO whose name, phone number, and e-mail address shall be posted at such address and/or on the County's website:

<http://www.grantcountywa.gov>

The PRO reports to, and has an office located in, the offices of the Board of County Commissioners. His/her contact information is:

Public Records Officer
Grant County Board of Commissioners
PO Box 37 / 35 C Street NW
Ephrata, WA 98823

Phone: (509) ~~7564-2011~~ 754-2011 ext. 2938

Fax: (509) 754-6098

e-mail: publicrecordsofficer@grantcountywa.gov

2.72.080 – REQUESTS FOR PUBLIC RECORDS. With Chapter 42.56 RCW serving as Grant County's authority, written requests for inspection and/or copying of public records shall not be honored if such requests require County employees to compile information, perform research, require formatting of data, are not sufficiently identified, or, if the information requested consists of nonpublic records. Requests for public records by persons serving criminal sentences are subject to additional constraints as per RCW 42.56.565. Additionally, Chapter 42.56 RCW provides that agencies should prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency. Records not excluded, exempted or prohibited from disclosure may be

inspected or copied by members of the public, upon compliance with the following procedures:

- (a) All requests for public records shall be directed to the Public Records Officer (PRO) for the County.
- (b) Requests for public records are best processed, logged, and documented when submitted to the PRO in writing or electronically. A request for public records can be submitted electronically on the County's website at www.grantcountywa.gov after selecting "Public Records" from the side-bar menu column on the left. If you would like to come in to the office to make a request for public records, a request form is available for completion or, upon request, a form can be mailed to you for completion. on a "Grant County Request for Access to Public Records" form (see attachment A) available online at <http://www.grantcountywa.gov> or by request from the PRO.

A written request helps the County ensure that the requestor has access to all the disclosable records he/she has asked for, and assists in assuring that any decision to withhold records is properly made and that non *de minimis* fees/charges for records are accurate.

Should the PRO receive a verbal request for specific, identifiable public records, he/she will obtain and record the necessary information for proper processing and include that information on a Grant County Request for Access to Public Records form and assign it a standard tracking number.

- (c) The requestor may also submit an e-mail or letter to the PRO that provides the information necessary for the County to locate, retrieve, and provide applicable responsive records to the request.
- (d) The requestor's written request should include the following information:
 - (1) Name, address, and other contact information, including telephone number and e-mail address;
 - (2) The date and time of request submission;
 - (3) A clear indication that the request is pursuant to the Public Records Act, such as a document heading or title such as "A Public Records Request", to help ensure that the request is able to be handled properly. Requests for public records should not be combined with communications for other purposes. An e-mail request should contain the subject line "Public Records Request";
 - (4) Whether the requestor wants to inspect the public records or obtain copies, or both; and
 - (5) A clear description of the desired public records so that the PRO and staff can find any responsive records. The description should, if possible, include the

- date or time period of creation of the records, if known, and the departments of the County or office of the County official who may have the public records.
- (6) Pursuant to Chapter 42.56 RCW, requests must be for specific, identifiable records. Requests that are overly-broad and/or have the potential to excessively interfere with the essential functions of County government may be subject to the PRO's request for clarification or narrowing the scope of the records request: failure to do so may impact the estimated time required to fulfill the request, and result in release by installment.
 - (7) RCW 42.56.070(9) prohibits the use of lists of individuals for commercial purposes and a requestor must declare, under penalty of perjury pursuant to the laws of the State of Washington, that he/she will not use the list(s) obtained from the request for commercial purposes. The requestor must further acknowledge that he/she is solely responsible for any consequences or damages arising from any failure on his/her part to adhere to the above-referenced RCW.
- (e) The PRO will make a reasonable effort to assist in identifying and describing the filing systems of the County to assist the requestor in describing the requested documents.
 - (f) A request for inspection of public records in data bases that are maintained by the State of Washington or any other governmental agency (such as Judicial Information Services (JIS) records) will be subject to such additional rules and regulations of that agency or be denied by the County, although the County will endeavor to assist in directing the ~~requester~~ requestor to the appropriate agency.
 - (g) If requesting a criminal history, the requestor will only receive involvements with the Grant County Sheriff's Office. If the requestor had contact with other law enforcement agencies within Grant County, that specific agency's office should be contacted. For a Washington State criminal history, contact the Washington State Patrol's Criminal History Section at (360) 534-2000 or by visiting the Washington State Patrol website at www.wsp.wa.gov.
 - (h) There is no obligation on the part of the County to provide duplicate copies of a public record.
 - (i) Non-exempt public records are generally available for inspection and/or copying during normal business hours of the Grant County Commissioners' office. Normal business hours are Monday through Friday, 8:00 a.m. to 12:00 p.m. and 1 p.m. to 5:00 p.m. Holiday closures are posted on the County's website.

2.72.090 – RESPONSE TO PUBLIC RECORDS REQUESTS. The Public Records Officer (PRO) shall respond promptly to requests for records. There is no obligation to immediately provide a requested record on demand.

- (a) Should the PRO be unavailable due to leave (scheduled or unscheduled), notification of possible extension(s) of time to respond to the records request, pursuant to Chapter 42.56 RCW, may be made by the County to the requestor.
- (b) Unless otherwise notified as set forth in paragraph (a), the PRO will, upon receipt of a public records request, respond in writing within five (5) business days by:
 - (1) Providing the record; or
 - (2) Providing an internet address and link to the County's website to the specific records requested (unless the requestor notifies the County that he or she cannot access the records, in which case the County shall provide the records requested in another form); or
 - (3) Acknowledging in writing that the County has received the request, while communicating that additional time is necessary to complete the request for records. When this need occurs, the PRO will provide a reasonable estimate of the additional time needed and state the applicable reason(s) as set forth in paragraph (d) below; or
 - (4) Requesting clarification of the request, if necessary, for proper processing; or
 - (5) Denying the public records request in whole or in part.
- (c) The PRO may redact exempt portions of requested records and provide non-exempt portions. Any response by the PRO refusing in whole, or in part, the inspection or copying of a public record shall be in writing and include a statement of the specific exemption authorizing the withholding of the record (or any part) and a brief explanation of how the exemption applies to the record(s) or portion thereof that is withheld.
- (d) The PRO may need additional time to respond to a request based upon the need to:
 - (1) Clarify the intent of the request;
 - (2) Locate and assemble the records requested;
 - (3) Notify third persons or agencies whose rights may be affected by the inspection or disclosure of the records;
 - (4) Determine whether any of the records or portions thereof are exempt and whether or not a denial should be made as to all or part of the request;
 - (5) Forward the request to a specific department or office that the PRO knows may have responsive records to the request; or
 - (6) Process previously submitted requests for public records that are prohibiting the PRO from providing responsive materials to the new request in a customary timeframe (*i.e.*, abnormal work backlog).
- (e) The PRO shall, as applicable, forward the request to any other County department, office, commission, or board that the PRO knows or believes may possess the requested record(s).

- (f) If a public record request is unclear, the PRO may ask the requestor (generally in writing) to clarify what specific, identifiable records the requestor is seeking. Should the PRO seek clarification from the requestor in person or on the phone, he/she will provide written communication to the requestor stating his/her understanding of the clarification. Should the requestor fail to respond to the PRO's request for clarification within thirty (30) days of the PRO's request for clarification, the PRO shall close the request and shall indicate in writing to the requestor that the request is closed, citing the reason for same.
- (g) In the event that the requested records contain information that may affect the rights of others and may be exempt from disclosure, the PRO may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure in order to seek court protection from disclosure as addressed in RCW 42.56.540.
- (h) The PRO will provide space for a (non-incarcerated) requestor to inspect public records. No member of the public may remove an original or file document from such place. The requestor shall indicate which document(s) he or she wishes the agency to copy, which will not be provided on the spot as the PRO must document and process the release of copies.
- (i) When the request involves a large number of records, the PRO will provide access for inspection and copying in installments, and notify the requestor of same in writing, if he/she reasonably determines that it would be practical to provide the records in that way. If, within thirty (30) days, the requestor fails to inspect the available set of records on one or more of the installments, the PRO and/or affected office/department may stop all search and retrieval efforts for the remaining records and the PRO will officially close out the request, citing the reason for same.
- (j) When the search of requested records is complete and all requested copies have been provided to the PRO, the PRO will document that the applicable elected office, department, commission, or board has completed a diligent search for the requested records and made any located, non-exempt records available for inspection by the requestor.
- (k) The PRO shall promptly notify the Grant County Prosecuting Attorney and County ~~Risk Manager~~ Administrative Services Coordinator should a request for public records concern a subject that is known or believed by the PRO to involve a claim or lawsuit that is active, pending, or anticipated. The PRO shall deliver a copy of the records request, with his/her own request to the Prosecuting Attorney and ~~Risk Manager~~ Administrative Services Coordinator for immediate review for potential exemption(s) due to active or pending claims/litigation, prior to the PRO's provision of a written response to the requestor and/or transmittal of any responsive documents. The Prosecuting Attorney and ~~Risk Manager~~ Administrative Services Coordinator must be provided with all correspondence and/or records between the PRO and the requestor on records related to active or pending claims/litigation.

There shall be no charge to the requesting party for copies delivered to the Prosecuting Attorney and Risk Manager Administrative Services Coordinator.

- (l) When the requestor either withdraws the request or fails to fulfill his/her obligations to inspect the records or pay any deposit, installment, and/or final payment for the requested copies within the written, previously communicated thirty (30) day period, the PRO may close the request.
- (m) If, after the PRO has informed the requestor that all responsive, non-exempt records have been provided and the elected office, department, board, or commission becomes aware of additional responsive documents that existed at the time of the request, they shall immediately notify the PRO and he/she will promptly inform the requestor in writing of the discovery of additional documents.

2.72.100 – ELECTRONIC RECORDS.

- (a) Unless County electronic records are specifically requested by the requestor in electronic format, the Public Records Officer (PRO), at his/her option, may print electronic records prior to copying and delivery of such records. If the record necessitates redaction due to an exemption, the County is under no obligation to provide the record electronically. If the electronic record is not capable of being printed out due to its size or format, then the document(s) may be provided electronically in the format in which the record(s) is/are maintained by the County or in Adobe .pdf format. There is no obligation of the County to convert an electronic record into a different format.
- (b) Fees shall be charged as pursuant to this chapter's sections 2.72.440 120, 2.72.420 130, and/or 2.72.430 140.

2.72.110 – DEFAULT STATUTORY COSTS – DECLARATION OF UNDUE BURDEN TO CALCULATE ACTUAL COSTS. Pursuant to RCW 42.56.120, as amended by Chapter 304, Laws of 2017, section 3, Grant County declared, and passed Resolution 18- 019 –CC on January 23, 2018, that it would be unduly burdensome to calculate the actual costs of charges for providing copies of public records; thus, Grant County adopted the default copy fee schedule as per RCW 42.56.120, incorporated in 2.72.130 below.

2.72.440 120 – FEES – NO FEE REQUIRED IN CERTAIN INSTANCES. No fee will be charged for the following activities relating to a request for public records:

- (a) Inspection of a public record;
- (b) County staff time for locating public records and making them available for copying (except for court records and/or first hour of time for court records, pursuant to GR 31.1);

- (c) County staff time for searching for public records (except for court records and/or first hour of time for court records, pursuant to GR 31.1);
- (d) County staff time for redacting portions of the record which are exempt from disclosure. (Note: Contracted or third party costs for redacting portions of the record will be charged to the requestor);
- (e) Preparing an index of exempt documents (except for court records and/or first hour of time for court records, pursuant to GR 31.1); or
- (f) Communicating with any individual(s) in order to process or complete the request for public records.

2.72.420 130 – FEES – COPIES OF PUBLIC RECORDS.

- (a) Except as otherwise allowed in section 2.72.430 140 below, a reasonable fee shall be charged to reimburse the County for the costs of providing copies of public records, including any mailing costs. Payment – only in the exact amount – shall be made by cash, check, or money order, payable to “Grant County”. Payment for records in the exact amount is required as County offices/departments are not equipped to make change and cannot accept or keep any “extra” change.
- (b) The following fee schedule is applicable to public records requests unless the copying (which, in some cases will include redacting) is done by a third person/party for hire, or if a different fee is fixed by this chapter or federal or state law. ~~The below fee schedule reflects the cost per page considering County staff time spent and the cost of supplies to make the copies of the documents.~~

FEE SCHEDULE

Type of Record	Fee
8-1/2" x 14" (or smaller) black and white photocopies	\$0.15 per page
8-1/2" x 14" or smaller color copies	N/A
Oversized copies	\$1.00 per page
Oversized maps (fees set by Planning, GIS)	May vary
Photographs	Generally placed on CDs and processed under CD costs
All items sent to vendor/outside source	Actual charge plus postage & delivery
Tapes, CDs, DVDs, or videos	Actual cost
Postage	Actual cost
Facsimile (8-1/2" x 11" only)	\$1.00 per page
Other (such as records processed via vendor/outside source for redacting/copying)	Actual cost
<p style="text-align: center;">NOTE:</p> <p style="text-align: center;">Pursuant to CR 31.1, fees not to exceed \$30 per hour may be charged for research and preparation services required to fulfill a request taking longer than</p> <p style="text-align: center;">one hour for District or Superior Court records.</p> <p style="text-align: center;">If charged, the fee shall be assessed from the second hour onward.</p>	

PRA FEE SCHEDULE

<u>Type of Record</u>	<u>Format/Activity</u>	<u>Fee</u>
<u>Paper copies</u> (available in black and white only)	<u>8-1/2" x 14" (or smaller)</u>	<u>\$0.15 per page</u>
	<u>Oversized copies</u>	<u>\$1.00 per page</u>
	<u>Oversized maps (fees set by Planning, GIS)</u>	<u>May vary</u>
	<u>Photographs (black and white)</u>	<u>Fee according to above-listed size(s)</u>
<u>Photographs</u>	<u>Electronic in origin</u>	<u>Generally placed on CDs and processed under CD costs</u>
<u>Scanned copies</u>	<u>Conversion of paper copies to .pdf</u>	<u>\$0.10 per page</u>
<u>Records transmitted in electronic format</u>	<u>Electronic in origin</u>	<u>\$0.10 per gigabyte (GB)</u>
<u>Digital Storage Media Device</u>	<u>CDs, DVDs, videos, flash drives, etc.</u>	<u>Actual cost</u>
<u>Container or Envelope necessary for mailing, Postage</u>	<u>Materials, USPS rates only</u>	<u>Actual cost</u>
<u>Facsimile (8-1/2" x 11" only)</u>	<u>Transmittal of existing paper copies via fax</u>	<u>\$1.00 per page</u>
<u>Customized Service Charge</u>	<u>When the request would require the use of IT expertise to prepare data compilations or when such customized access services are not used by the County for other business purposes. The County may charge the actual cost; it must notify the requestor in advance that it will be performing a customized service, that it will be at actual cost, and (may) require a 10% deposit.</u>	<u>Actual cost (may include IT staff time)</u>
<u>Other</u>	<u>Records processed via vendor/outside source for redacting/copying.</u>	<u>Actual cost</u>

NOTE #1:
Pursuant to CR 31.1, fees not to exceed \$30 per hour may be charged for research and preparation services required to fulfill a request taking longer than one hour for District or Superior Court records. If charged, the fee shall be assessed from the second hour onward.

NOTE #2:
Additional information contained in this section's paragraphs (c), (d), (e) and (f) may affect processing and/or pricing.

- (c) Any request for more than twenty-five (25) pages of documents, oversized documents, photographs, recorded images or sounds, or computer disks discs or any other record that cannot be reasonably copied, redacted, and/or duplicated with the County's equipment may be sent by the County to a private copy shop/contractor/third party for copying/redacting, in which case the fee shall be the actual charge imposed for copying/redacting, plus applicable taxes and shipping costs.

The County has the right to require that all such charges under this subparagraph (c) be paid in advance of the release of copies; additionally, it may require the requestor to pay a deposit or cost estimate prior to copying/redacting certain records (see paragraph (e) below).

- (d) The fee for providing a copy of public records (which may or may not be provided by Grant County) may be set by state statute or federal law. Where the state or federal law sets a fee for providing a copy of a record, that fee will be charged.

Examples of fees set by state law include:

- (1) Health Department Vital Records (RCW 70.58.107);
 - (2) County Officer's Records (i.e. Auditor, Clerk, Treasurer, etc.(RCW 36.18);
 - (3) Duplication of electronic tapes of a court proceeding (RCW 3.62.060);
 - (4) Traffic accident reports (RCW 46.52.085); and
 - (5) Criminal history information (RCW 10.97.100).
- (e) Before beginning to make the copies "in house", the Public Records Officer (PRO) may require a deposit of up to ten (10) percent of the estimated cost of copying/redacting all the records selected by the requestor. For outside sourcing of copying/redacting, the County will require the requestor to pay 100% of a third party's written estimate for costs to be charged to the County for redaction/copying/shipping, etc. prior to engaging the services of that party. As with other payments, these must be made by the requestor in the exact amount by cash, check, or money order, payable to "Grant County". Should actual costs of the outside sourcing be less than the written (and previously paid for) cost estimate, the County will reimburse the requestor the difference. Should actual costs of the outside sourcing exceed the written cost estimate, the County will not release any records to the requestor until its receipt of the full dollar amount for the services provided in fulfilling the request for public records.
 - (f) Full payment must be received by the County from the requestor prior to release of any responsive documents to a request for public records, whether processed "in house" or through a third party for copying/redacting.

2.72.130 140 – FEES – WAIVER OF FEES. The Public Records Officer may waive the fee for fewer than ten (10) pages processed "in house" on the basis that the expense of processing the payment exceeds the costs of providing the copies.

2.72.140 150 – ALTERATION OF COST SCHEDULE. When economic or other factors require a change in the established cost schedule, the Public Records Officer, at the

direction of the Board of County Commissioners, may change the schedule by filing a new schedule.

~~2.72.450~~ 160 – PROTECTION OF PUBLIC RECORDS.

- (a) All public records are and shall remain property of Grant County. Such records shall be delivered by outgoing officials and employees to their successors. Public records are preserved, stored, transferred, destroyed, and otherwise managed only in accord with this chapter and applicable state and federal laws and regulations.
- (b) The original copy of all public records shall remain in the custody of the elected official or department head in the various departments and offices of Grant County. Such records shall not be placed in the custody of any other person or agency, public or private, or released to individuals except for disposition or destruction as provided by law.
- (c) The Public Records Officer shall, to the extent practicable, ensure that records requested are not removed from the premises nor portions thereof removed by members of the public except, as necessary, to make copies/redactions by a public employee or outside sourcing. Documents shall not be released to the public for the purpose of allowing the person making the request to make copies or review materials.
- (d) No public records shall be filed or retained at any location other than in County-owned or leased property. Any public record that is prepared or received at an off-site location, such as a residence, shall be promptly delivered to the appropriate County office for filing.

~~2.72.460~~ 170 – EXEMPTIONS. Chapter 42.56 RCW and other laws provide that types or portions of records are exempt from public disclosure, inspection and/or copying. (See also paragraph 2.72.210 below for specific examples.)

~~2.72.470~~ 180 – DENIAL OF PUBLIC RECORDS REQUESTS – OBJECTION – REVIEW.

This section is governed under RCW 42.56.520.

- (a) Should the Public Records Officer (PRO) conclude that a public record is exempt from disclosure and denies the request, the requestor may submit a timely, written and/or e-mail request for review to the PRO. The PRO will then immediately forward the review request to the Prosecuting Attorney and/or the Risk-Manager Administrative Services Coordinator.

- (b) The Prosecuting Attorney and/or ~~Risk Manager~~ Administrative Services Coordinator, or designee, shall provide the requestor with written and/or e-mail notification of affirmation or reversal of the denial within two (2) business days of receipt, which shall constitute final County action on the request.

~~**2.72.180 – ADOPTION OF FORM – REQUEST FOR PUBLIC RECORDS.**~~ The County hereby adopts for use by all persons requesting inspection and/or copies of County records the form entitled “Grant County Request for Access to Public Records”. See Attachment A. The form will be maintained by the Grant County Public Records Officer and is available on the County’s website at:

<http://www.grantcountywa.gov>

2.72.190 – PUBLIC RECORDS ACT – ATTORNEY GENERAL OFFICE INFORMATION. The Washington State Office of the Attorney General has information explaining the provisions of the Public Records Act, available on its website at www.atg.wa.gov. From the website, access “Office Information” and then the *Open Government* link. From this section, there should be a link entitled “Public Record & Open Public Meetings.” In addition to its website, the Washington State Attorney General’s Office may be reached by calling (360) 753-6200 during normal business hours.

2.72.200 – RETENTION AND DESTRUCTION OF PUBLIC RECORDS. The Washington State Archivist has developed retention schedules for many categories of local government records, including e-mail and electronic records. Records of the County should be retained and destroyed consistent with the retention schedules. Copies of the retention schedules are available from Archives and Records Management of the Office of the Secretary of State and online at the state website. If a public records request is made at a time when a record exists, but is scheduled for destruction in the near future (or exists *past* the scheduled destruction timeline), the Public Records Officer shall direct that the record be retained until the request is resolved.

2.72.210 – EXEMPTIONS – GENERAL GUIDELINES FOR COMMON EXEMPTIONS. Chapter 42.56 RCW and other laws provide that types of records are exempt from public inspection and copying.

- (a) The County’s Public Records Officer (PRO) must be familiar with and adhere to the exemptions for public records pursuant to RCW 42.56 and obtain pertinent training and updates on Washington State’s Public Disclosure Act and Washington State court cases and legislative changes relating to same.

(b) Listed below are the subjects of frequent, applicable exemptions which may present concerns regarding disclosure. Any denial of a request for public records must state the Washington state statute, federal statute, or common law basis for such denial.

- Job application materials;
- Residential addresses and personal phone numbers of employees and volunteers;
- Certain information in personnel files of current and retired employees and volunteers;
- Private communications of current and former employees;
- Taxpayer information that is private;
- Records compiled by law enforcement, probation officers and code enforcement officers for ongoing investigations;
- Identity of witness to a crime or persons who file complaints with investigation and law enforcement agencies, including the Sheriff, Prosecuting Attorney, and code enforcement officers;
- Test questions, scoring keys, or information for employment examinations;
- Real estate appraisals made from an agency relative to the acquisition or sale of property;
- Valuable designs, formulae, drawings and/or research data;
- Preliminary drafts, notes, recommendations in which opinions are expressed as part of the deliberative process;
- Attorney work product pertaining to pending, threatened, or completed litigation;
- Records, maps, or other information identifying the location of archeological sites;
- Complaints and investigative records compiled in connection with claims or discrimination in employment;
- Credit card numbers;
- Records prepared to prevent, mitigate, or respond to criminal terrorist acts;
- Records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans;
- Information regarding the infrastructure and security of telecommunication networks;
- Medical records and information;
- Information pertaining to victims of crime;
- Information regarding organized crime;
- Traffic accident reports prepared by citizens;
- Industrial insurance claim files and records;
- Identity of child victims of sexual assault;
- Jail records;
- Criminal history report.

(c-) If a request concerns any of the above topics and the PRO has any question as to disclosure, he/she should consult with the Prosecuting Attorney and/or Special Legal Counsel specializing in the Washington State Public Records Act/RCW 42.56.

2.72.220 – DISCLAIMER OF PUBLIC LIABILITY. Grant County is not liable, nor shall a cause of action exist, for any loss or damage based upon the release of a public record, if Grant County acted in good faith in attempting to comply with this chapter. (See RCW 42.56.060.)

2.72.230 – SEVERABILITY. If any provisions of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

2.72.240 – EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.

~~**ATTACHMENT A: GRANT COUNTY REQUEST FOR ACCESS TO PUBLIC RECORDS**~~

~~(See below, pages 1 – 3)~~

RETURN COMPLETED FORM TO:
Public Records Officer
PO Box 37, Ephrata WA 98823-0037

FOR COUNTY USE ONLY:
RFPR No. PRD-

GRANT COUNTY Request for Access to Public Records

PLEASE PRINT LEGIBLY

Name: _____ Daytime Phone #: _____

Physical Address: _____ City/State/Zip _____

Mailing Address (if different than physical address) _____ City/State/Zip _____

Fax # (optional): _____ E-Mail Address (optional): _____

Please describe the SPECIFIC, identifiable public records you are requesting, including any additional information that will help us locate said records (dates, names, etc.) pursuant to RCW 42.56.620. If you are requesting records pertaining to a criminal, medical, and/or counseling matter, please also complete page 2. Also, for rate, exemption, and turnaround time information relating to the reproduction of public records, please see page 2. For Geographical information, please also fill out page 3.

List each Grant County Department, Office, and/or official believed to have custody of records responsive to your request:

Upon the County's retrieval of any responsive, non-exempt records, your preference is (check one):

☐ Inspection only* ☐ Copy of all ☐ Inspection & copying of selected materials*

I understand that Washington State Law (RCW 42.56.070(9)) prohibits my use of lists of individuals for commercial purposes and I hereby declare, under penalty of perjury pursuant to the laws of the State of Washington, that I will not use the lists obtained from this request for commercial purposes. I further acknowledge that I am solely responsible for any consequences or damages arising from any failure on my part to adhere to the above-referenced RCW.

Signature: _____ Date: _____

Identity verification by (check one): ☐ Driver's License number: _____
☐ Notary Public (complete below)

State of _____
County of _____ } ss.

I hereby certify that I know or have satisfactory evidence that _____ signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: _____

Notary Public for _____ State,
residing in _____ County.

- You may inspect and examine specific and identifiable, non-exempt records responsive to your request during standard business hours, by advance appointment with the Public Records Officer, unless incarcerated.

Website: www.grantcountywa.gov
E-Mail: publicrecordsofficer@grantcountywa.gov

Phone: (509) 754-2011 x 2938
Fax: (509) 754-6098

Page _____ of _____

GRANT COUNTY Request for Access to Public Records Continuation Form

For records that pertain or may pertain to a criminal, medical, and/or counseling matter, please complete the following:

Case File/Number: _____ Name of Case/File: _____

Date of Incident/appointment: _____ Location: _____

What is your relationship to the incident? (Circle one) Victim / Suspect / Spouse / Parent / Witness / Other: _____

Type of incident? (Circle one) Accident / Theft / Burglary / DV / Drugs / Vandalism / Traffic / Other: _____

List any other information that may be helpful in enabling the County to retrieve the requested records: _____

If you are requesting a copy of your criminal history, be advised that you will only receive your involvements with the Grant County Sheriff's Office. If you have had contact with other law enforcement agencies within Grant County, you will need to contact that specific agency's office. For your complete criminal history, contact the Washington State Patrol's Criminal History Section at (360) 534-2000 or by visiting the Washington State Patrol website at www.wsp.wa.gov.

If you are requesting a copy of your criminal history, does it need to be notarized by the Sheriff's Office?
☐ Yes ☐ No

THE PUBLIC RECORDS ACT

Costs for Requests for Public Records: Costs for the reproduction of specific, identifiable, non-exempt public records are governed by the Revised Code of Washington (RCWs). Some Grant County (County) departments/offices are governed under or by additional RCWs. Upon receipt of your completed Request For Public Record (RFPR) and processing of same, you will be notified as to the total cost for reproduction, shipment, etc. of responsive records. Costs are calculated by the page, type of page, County code, plus container and shipping expenses, if any. Costs for copies of other items, depending on the medium, are the County's actual costs to produce or have produced, also pursuant to the Public Records Act (Act) RCW 42.56.020.

Some Records are Exempt: The Act recognizes that certain records and/or working files are not for release to the public or may be released with applicable portions redacted. These include, but are not limited to, certain criminal, judicial, medical, mental health, and juvenile files and/or portions of files. Should records you request contain any exempt materials, these will be identified for you in writing, along with the applicable RCW(s).

Good Faith Effort: The County will make a good faith effort to respond to your request and/or provide you with copies of (or make an appointment for inspection of) specific and identifiable, non-exempt records within five (5) business days following the receipt of your RFPR. Please be advised, however, that the Act recognizes that RFPRs may require additional time, depending on the location of records, the number of County departments/offices involved, the size of the files, possible redaction requirements, legal review, type of record, size of request and the need for existing governmental services and functions to continue.

INFORMATION REQUEST:

Please check desired data*

- ☐ Parcels
- ☐ Roads
- ☐ Water
- ☐ City Limits
- ☐ Township/Range/
Sections
- ☐ Census Tracts
- ☐ Fire districts

- ☐ County Boundary
grid
- ☐ Hospital districts
- ☐ Mosquito districts
- ☐ Cemetery districts
- ☐ Commissioner
districts
- ☐ Port districts

Planning Dept. Approval

- ☐ Urban Growth
Boundaries
- ☐ Land Use Comp Plan
- ☐ Planning Zones

Auditors Approval

- ☐ Voter Precincts

Please circle desired product

Product Type: ♦ Map ♦ Report ♦ New Layer ♦ Other

Map/Report Title: _____

Maps:

Area & Scale _____

Medium ♦ Paper ♦ Mylar/film ♦ Other _____

Paper Size ♦ A (8.5x11) ♦ B(11x17) ♦ C(18x24) ♦ D(24x36) ♦ E(36x48)

Electronic Format: ♦ shapefile (v3.x, v9.x) ♦ database (Access, dbf)
 ♦ pdf ♦ Other _____

Please circle desired delivery method(s)

e-mail cd dvd 1.44Mb floppy disk

1st class mail customer pick-up

Please describe your information product, show an example of how you want your map and/or report set up
(column headings, rows, etc.).

GIS REQUEST NUMBER Auditor _____ Assessor _____ Planning _____

Treasurer _____ Invoice # _____

DATED this 29th day of January, 2018

BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, WASHINGTON

Yea Nay Abstain

☒ ☐ ☐

Richard Stevens
Richard Stevens, Chair

☒ ☐ ☐

Tom Taylor
Tom Taylor, Vice Chair

☒ ☐ ☐

Cindy Carter
Cindy Carter, Member

ATTEST:

Barbara J. Vasquez
Barbara J. Vasquez
Clerk of the Board

Published: 1/12 & 1/19, 2018

Approved as to form:

By: James T. Mitchell
James T. Mitchell, WSBA #31031
Deputy Prosecuting Attorney

Date: 1/5/2018