

ORDINANCE 2020-04

(AN ORDINANCE RESCINDING SKAMANIA COUNTY CODE TITLE 2- ADMINISTRATION AND PERSONNEL CHAPTER 2.72 – PUBLIC RECORDS - IN ITS ENTIRETY AND ADOPTING NEW LANGUAGE)

WHEREAS, RCW 42.56 authorizes and encourages local agencies to enact local rules and procedures designed to provide full access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency; and

WHEREAS, Skamania county has been experiencing much greater demand for public records; and

WHEREAS, the increased demand has affected many of Skamania County's departments and offices in such a way as to interfere with their ability to timely perform essential functions; and

WHEREAS, there have been many changes to the Public Records Act since Skamania County's Public Records ordinance was first passed; and

WHEREAS, The Skamania County Board of County Commissioners has determined that it is in the best interests of the citizens of Skamania County for Skamania County to update its public records procedures and rules; and

WHEREAS, Ordinance 2006-09, Establishing Public Records procedures was passed by the Skamania County Board of County Commissioners on 10-31-06 creating Skamania County Code Chapter 2.72 for Public Records; and

WHEREAS, Skamania County's Public Records Ordinance should be updated to make public records procedures more uniform throughout Skamania County offices and departments in order to eliminate inefficiency and unreasonable disruption in the everyday business of the County; and

WHEREAS, Notice of Public Hearing was provided in the official newspaper of general circulation on March 11, 2020 at least 10 days prior to the Public Hearing thereby meeting notification requirements, and

WHEREAS, The Board of County Commissioners held a Public Hearing on March 24, 2020 at 5:30 pm to gather testimony and to consider adoption.

NOW THEREFORE BE IT ORDAINED, by the Skamania County Board of Commissioners that Chapter 2.72 of Skamania County Code is hereby rescinded in its entirety and replaced by the following language:


2.72 – APPLICABILITY

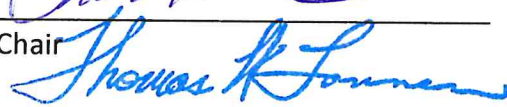
This chapter shall provide the rules and procedures related to public records in Skamania County.

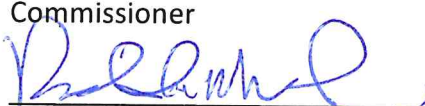
ADOPTION- The Public Records rules and procedures as presented in this language and hereafter amended, are hereby adopted as the Public Records ordinance of Skamania County. All rules and procedures previously adopted by Skamania county related to ordinance 2006-09 are hereby repealed.

ORDINANCE NO. 2020- 04 IS HEREBY PASSED INTO LAW THIS 24th DAY OF March 2020.

**BOARD OF COUNTY COMMISSIONERS
SKAMANIA COUNTY, WASHINGTON**



Chair 

Commissioner


Commissioner



ATTEST



Clerk of the Board

APPROVED AS TO FORM ONLY:



Skamania County Prosecuting Attorney

AYE 3
NAY 0
ABSTAIN 0
ABSENT 0

Chapter 2.72

PUBLIC RECORDS

Sections:

2.72.010 Purpose, Application and Findings.

2.72.020 Public records officer contact information.

2.72.030 Availability of public records.

2.72.040 Processing of public records requests—General.

2.72.050 Exemptions.

2.72.060 Fees for providing copies of public records.

2.72.070 Review of denials of public records.

2.72.010 Purpose, Application, and Findings.

A. 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.

B. 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, Skamania County will be guided by the provisions of the Act describing its purposes and interpretation.

C. The purpose of this chapter of the Skamania county code is to establish procedures Skamania County will follow in order to provide full access to public records. These procedures provide information to persons wishing to request access to public records of Skamania County and establish processes for both requestors and Skamania County staff that are designed to best assist members of the public in obtaining such access. These procedures are intended to provide reasonable expectations and guidance. The failure to follow any procedures not otherwise required by State law does not create a cause of action against the County. Skamania County reserves the right to make reasonable exceptions to its own procedures as necessary to provide prompt access to records and protect the County from unreasonable interference with its required services and duties.

D. Skamania County lacks the personnel or resources to have a full-time public records officer or for any employee to devote their time entirely to public records at the expense of other county duties. The procedures in this ordinance are intended to be reasonable procedures that 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 County. These procedures provide for the fullest assistance to inquirers and the most timely possible action on requests for information. RCW [42.56.100](#).

E. The Skamania County Clerk, District Court, Superior Court, and Juvenile Court are not “agencies” subject to the public records act (RCW 42.56). This Chapter is not applicable to records maintained by any court subject to access and/or dissemination under Washington Court Rules GR31 and GR31.1. Any request for Court records must be made directly to the respective Court. This Chapter does not apply to records of the State of Washington, such as records of the Administrative Office of the Courts (AOC), the Washington State Patrol (WSP), the Department of Licensing (DOL) and the Department of Corrections (DOC), that may be available to the County’s employees by virtue of digital connectivity.

F. Washington’s Public Records Act recognizes that other statutes may limit which persons may receive records. [RCW 42.56.080](#). For example, an agency may need to determine whether a particular requester is authorized to receive requested health care records pursuant to [RCW 70.02.030](#). Also, a court order (including an injunction under [RCW 42.56.565](#) or [RCW 71.09.120\(3\)](#) barring an inmate or sexually violent predator from receiving a record) may restrict an agency from releasing records to particular persons. [RCW 42.56.080](#); [WAC 44-14-04003\(1\)](#). Or, an agency may need to know the identity of a requester asking for a list of individuals to verify the lack of a prohibited commercial purpose. [RCW 42.56.070\(9\)](#); [RCW 42.56.080](#); *SEIU Healthcare 775NW v. State* (2016). For requests falling within the 2016 law, an agency may need to know the identity of a person requesting a body worn camera recording. [RCW 42.56.080](#) (as amended in 2016); [RCW 42.56.240](#) (as amended in 2016). RCW 42.56.660 also requires a State agency not disclose records of an agency employee under certain circumstances that depend on the identity of the requester. Furthermore, this ordinance, in order to prevent unnecessary and unfair delay to occasional requesters due to frequent/repeat requesters provides for queueing of requests from repeat requesters. Therefore, in order to provide the fullest and most efficient assistance to requesters as a whole, and minimize the interference with the regular duties and efficient functioning of Skamania County, certain minimum contact and identifying information, as provided in SCC section 2.72.030 below, is required to accomplish the above requirements of the act and ordinance.

2.72.020 Public records officer contact information.

A. Any person wishing to request access to public records of Skamania County, or seeking assistance in making such a request, shall contact the public records officer of Skamania County. All requests for public records shall be made to the public records officer, unless otherwise provided in this chapter (see

2.72.020(C)(2) below, which allows requests for some Sheriff's Office incident reports to be made directly to the Sheriff's Office Public Records Coordinator):

Public Records Officer
C/O Skamania County Prosecutor
240 NW Vancouver Avenue
PO Box 790
Stevenson, WA 98648
~~509-427-37??~~ Phone Number: see Skamania County website
PublicRecordsRequest@co.skamania.wa.us

Additional Information regarding contact information for Skamania County Public Records Officer is available at Skamania County's web site at www.skamaniacounty.org.

B. The Public Records Officer will oversee compliance with the Act and will be the sole contact with requestors, except where otherwise provided in this Chapter. The Public Records Officer and Skamania 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.

C. The Public Records Officer will coordinate with each office or department of the county in order to respond to and fill any public records request.

1. Each department head, department manager, or elected official, with the exception of the board of county commissioners who shall jointly designate one individual, shall designate one or more Public Records Coordinators for their office or department. In the absence of a designation, the elected Official, department head, or manager of each department shall serve as the Public Records Coordinator. The public records coordinators shall have full knowledge of the nature of all records maintained by the office or department and shall be responsible for locating, identifying and compiling records in response to public records requests, and providing responsive records to the public records officer, or for supervising inspection of requested records. Requests for records shall not be made to public records coordinators, except as provided in (2), below.

2. The Sheriff's office Public Records Coordinator may receive and process simple requests for a single incident report, or several linked or related incident reports made directly to the Sheriff's Office. The Sheriff's Office Coordinator shall coordinate processing of such requests with the Public Records Officer

as necessary. The Sheriff's Office Coordinator, in their discretion, can forward any request or requestor to the Public Records Officer.

2.72.030 Availability of public records.

A. Inspection. Public records may either be inspected at the offices of the elected official or department having custody or control of the records or at another location as scheduled by the Public Records Officer or Public Records Coordinator, as necessary. Public records shall be available for inspection between the hours of nine a.m. (0900 Hours) and four p.m. (1600 Hours) Monday through Thursday, excluding legal holidays, provided that there is no obligation to allow inspection immediately upon a demand. Other arrangements may be made outside of the above hours if there is a compelling need and the county is able to accommodate an appointment outside the county's regular business hours. The Public Records Officer or his 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. Original public records shall not be released to the public for any purpose. The requestor shall indicate which documents he or she wishes the agency to copy. (Copies will be made for the requester promptly, but may not be made available immediately, and requester must pay any copying costs prior to receiving the records.)

B. Abandoned Requests. The requestor must claim or review the assembled records within thirty days of Skamania County's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing (by email if possible) 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, Skamania County may close the request and refile (or, where records have been copied to allow redaction of exempt material, shred) the assembled records.

C. 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, Skamania County finds that maintaining an index of all county records is unduly burdensome and would interfere with agency operations.

D. Organization of Records. Skamania County will maintain its records in a reasonably organized manner. Skamania County will take reasonable actions to protect records from damage and

disorganization. A requestor shall not take county records from county departments or offices. A variety of records are available on Skamania County's web site at www.skamaniacounty.org. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

E. Making a Request for Public Records.

Skamania County shall develop and maintain forms to facilitate public records requests.

1. Written Requests Preferred. Any person wishing to inspect or copy public records of Skamania County should make the request in writing on the county's request form or by letter or e-mail addressed to the Public Records Officer. If the County has an online portal for public records requests, using the portal for requests is encouraged. Requests are not accepted via Fax or via social media of any type. In order to ensure that Skamania County is able to expeditiously complete the request, including the need to clarify or communicate regarding timelines and costs for copies, etc., and to enable the County to fairly and equitably queue and prioritize responses, each request should include the following information:

- a. Name of requestor*;
- b. Mailing address of requestor;
- c. Other contact information, including telephone number and/or e-mail address (email is the most efficient form of communication and the preferred method for requesters that have the ability to use email);
- d. Identification of the public records adequate for the public records officer or his designee to locate the records;
- e. The date and time of day of the request; and
- f. A clear indication that it is a PUBLIC RECORDS REQUEST, to give fair notice to Skamania County. If the request is made via email, it should include PUBLIC RECORDS REQUEST in the subject line. If the request is made via letter or within another document, the first page of the document should indicate that a Public Records Request is contained within the document and indicate where in the document it can be found. A failure to clearly indicate the nature of the request may result in the county not being given fair notice of the request.
- g. If the request is for a list of individuals, the County will investigate whether the requester intends to use the list for commercial purposes. The County may require that the requester sign under penalty of perjury that such information will not be used for commercial purposes.

(* The name of the requestor can be an individual or an agent or other entity. Skamania County does not require that the party in interest be identified in the request unless the requester's actual identity is required to comply with any statute, court order or policy. Skamania County requires sufficient contact information from any requester, agency, or entity to (1) appropriately queue multiple requests from the same requester, in accordance with this policy, (2) contact the requester regarding a need to clarify a request, (3) make statutorily required responses (5-day letter), (4) determine exemptions or prohibitions on release of records that relate or depend on the identity of the requestor, and (5) report estimated costs if the request is for copies and not review of the records.)

2. 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. At its discretion, Skamania County may respond to a request for general information by (1) denying the request because it is not a request for an identifiable record, or (2) answering the question, while noting that the request is not a proper public records request and that the answer is a courtesy, and not a response under the PRA.

3. 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. See fee schedule below.

4. A form is available for use by requestors at the office of the public records officer and on line at www.skamaniacounty.org. Any Skamania County office or department with access to the internet and a printer shall print a copy of the county's records request form for any person who requests such a form.

5. **Oral Requests.** A public records request may be made orally to the Public Records Officer via phone or in person. However, the Public Records Officer should reduce any oral request to writing and the requester should confirm the language of the request as written by the Public Records Officer. Any oral request for records also will require that the requester provide the minimal detail and contact information listed under written requests (1. a – g, above) be provided in order to allow a full and complete and efficient response to requests.

6. A request made to anyone other than the Public Records Officer is not a valid request, as it does not give fair notice to the County, and may not be processed by the County, unless otherwise indicated by

this ordinance. A Public Records Coordinator or other employee may forward a request to the Public Records Officer, but in so doing will inform the requester of the proper procedure for making requests.

7. The Skamania County Sheriff's Office Public Records Coordinator may receive and process simple requests for a single Sheriff's Office incident report or for several linked or related reports made directly to the Sheriff's Office. Any large or complicated request, request that is related to an ongoing litigation, or request that requires more than minor, common redactions shall be forwarded to the Public Records Officer. The Sheriff's Office Public Records Coordinator shall coordinate processing of such requests with the Public Records Officer, as necessary.

8. Informal requests for forms, published or otherwise publicly available documents, easily retrievable documents related to the requester's personal property or business with the County may be requested at any office or department of the county that is open to the public. These requests are not considered public records requests and are not subject to any time constraints or requirement that the county search for a record. The County may charge for such documents in accordance with the fee schedule in this ordinance, or if such fees are allowed by another statute or ordinance. Whether any request should be completed as an informal request or rather the requester is referred to the Public Records Officer to make a formal public records request is entirely within the discretion of Skamania County .

2.72.040 Processing of public records requests—General.

A. Providing Fullest Assistance. Skamania 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 his designee will process requests in the order allowing the most requests to be processed in the most efficient manner. This may involve categorizing requests as (1) small or easy, (2) moderate difficulty, or (3) Complicated or large. Requests that are categorized as small or easy may be handled prior to larger or more difficult requests. The public records officer or his designee may communicate with the requestor by phone, letter or e-mail, as may be appropriate.

In order to fairly and equitably respond to requests, Skamania County shall establish a queue for requests, and respond to them in the order received. However, when one individual or entity makes multiple requests, that requester's multiple requests shall be separately and individually queued, and will be processed in the order received from that requester. A requestor whose multiple requests have been queued will be notified and may be given the opportunity to adjust the priority of their requests. However, if the Public Records Officer or Public Records Coordinator has started processing a request, that request must be explicitly abandoned or withdrawn by the requester before the Public Records

Officer or Public Records Coordinator for the County will begin processing another request. To the extent feasible, the Public Records Officer will estimate the time that it will take to complete any queued request by taking into account the size and complexity of the previous requests, the total number of requests to the County, and any known resource limitations of the Public Records Officer and the respective Public Records Coordinators.

B. 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:

1. Make the records available for inspection or copying or provide an internet link to the record on the County's website; 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;
2. Provide a reasonable estimated date when records will be available. Any estimate may be revised if (1) the request is larger or more complicated than expected, (2) other job duties of Coordinator or Public Records Officer delay the search or production of the records, or (3) there is a need to redact significant exempt or confidential material from any records prior to production; or
3. 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. When clarification occurs, the Public Records Officer or his designee may need to revise the estimate of when records will be available; If the requester does not clarify after a request for clarification, the request, or the unclear portions of the request are deemed abandoned and closed. (See RCW 42.56.520(3)(b).)
4. Deny the request. The Public Records Officer will deny the request if there are no responsive records that are not otherwise categorically exempt. Any denial shall contain either a statement that there were no records, or if records exist but they are exempt from disclosure, the denial shall include an exemption log.

C. Consequences of Failure to Respond. If Skamania County does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the Public Records Officer to determine the reason for the failure to respond. If the Public Records Officer does not respond to such an inquiry, the Requester should contact the Prosecuting Attorney.

D. Protecting Rights or Interests of Others. In the event that the requested records contain information that may affect rights or interests of others and/or may be exempt from disclosure, the Public Records Officer or his designee may at the county's discretion, prior to providing the records, give notice to such others whose rights or interests may be affected by the disclosure. In cases where the records may be confidential or subject to exemption, but there is some uncertainty as to whether an exemption is available to the County, 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. In any case, public records requests are themselves public documents and are not confidential. The County may, at its discretion, disclose the details of any public records request, or the identity of the requester, to third parties.

In the case of a Public Records Request for records in an individual's personnel file, the Public Records Officer shall notify the past or present employee of the request, providing the person a minimum of 2 weeks' notice prior to filling the Public Records Request along with the county's assessment as to whether the records requested are exempt from disclosure. In no case shall documents or information from someone's personnel file be disclosed without notifying or attempting to notify the current or past employee.

E. Records Exempt from Disclosure. Some records are exempt from disclosure in whole or in part. If Skamania County believes that a record is exempt from disclosure and should be withheld, the Public Records Officer or his 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 and provide the nonexempt portions.

F. Providing Copies of Records. After inspection is complete, the Public Records Officer, Coordinator, or their designee shall make the requested copies or arrange for copying. The County will make every effort to provide requested copies promptly, but copies may not be available immediately after review is complete. Requester must arrange to pay for any copies prior to receipt of any copies.

G. Providing Records in Installments. When the request is for a large number of records, the Public Records Officer and the Public Records Coordinator(s) may provide access for inspection and copying in installments, if the Public Records Officer and the Public Records Coordinator reasonably determine that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect one or more of the installments, the public records officer or his designee may stop searching for

the remaining records and close the request. If the requester fails to review the records in a timely manner and the request is closed by the Public Records Officer, the requester must make a new request, subject to any queuing and new estimate of completion, to re-open the request.

H. Completion of Inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or his designee will indicate that Skamania County has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

I. Closing Withdrawn or Abandoned Request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records within a reasonable period of time (see 2.72.030(B), above), or pay for the requested copies, the public records officer will close the request. So long as requester is made aware of the requirements to pay for copies within a specified period of time, and/or the 30-day time limitation before which a request will be considered abandoned, the request may be closed without any additional notification to requester.

J. Later Discovered Documents. If, after Skamania County has informed the requestor that it has provided all available records, Skamania 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 to the requester.

2.72.050 Exemptions.

A. 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. Skamania County adopts the list of exemptions published on the Washington State Sunshine Committee website at www.atg.wa.gov/sunshine-committee as the list of possible exemptions and has attached the list published as of 12/16/19 as Attachment A to this Ordinance. (Attachment A shall be available on the Skamania County website but will not be included in the online Skamania county Code due to cost restrictions.) The Municipal Research and Service Center (MRSC) also publishes a list of exemptions at their website, www.mrsc.org.

B. Skamania County is prohibited by statute from disclosing lists of individuals for commercial purposes. See 2.72.030(E)(1)(g), above.

2.72.060 Fees for providing copies of public records.

A. Skamania county finds that it would be unduly burdensome, impractical, and that it does not have the resources to determine the actual cost of making copies or otherwise making their records available through electronic media. Skamania County does not have the budget allocated to complete such a study and furthermore it has insufficient staff to carry out such a task and simultaneously provide other mandated services. For that reason, Skamania County adopts the fee schedule as provided in RCW 42.56.120 as follows:

- (1) Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of agency equipment to photocopy public records;
- (2) Ten cents per page for public records scanned into an electronic format or for the use of agency equipment to scan the records;
- (3) Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and
- (4) Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically. The agency shall take reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations; and
- (5) The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

The charges above may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

In the alternative, at the discretion of the Public Records Officer, Skamania County may charge a flat fee of up to two dollars for any request as an alternative to fees authorized above when the Public Records Officer reasonably estimates and documents that the costs allowed under this subsection are clearly equal to or more than two dollars. When a \$2 flat fee is imposed as an alternative, an additional flat fee shall not be charged for any installment after the first installment of a request produced in installments. If Skamania County has elected to charge the flat fee in this subsection for an initial installment, then it shall not charge the fees authorized in (1) – (5) above on subsequent installments.

B. Any request for which the response will require more than 200 pages of documents, oversized documents, color photographs or reproductions, audio or video tape recordings or computer discs may be sent to a private copying service for copying, and the copying fee shall be the actual charge imposed for copying, in addition to any taxes and/or shipping costs.

C. The Public Records Officer shall, if requested, provide a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

D. At the discretion of the Public Records Officer, smaller costs less than \$2.00 associated with copying records or mailing records to requesters may be waived in the interests of efficiency.

E. When responding to a request to disclose body worn camera recordings the Skamania County Sheriff may require any requester not listed in RCW 42.56.240(14)(e) to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in RCW 42.56 or any applicable law.

The Skamania county Sheriff uses redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

Any time spent on redaction of Body Worn Camera video in accordance with the above shall not be used to justify any delay in responding to any unrelated public records request if that time is charged to the requester as allowed under this fee provision.

F. Skamania County may include a customized service charge if the agency estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the agency for other agency purposes. The customized service charge may reimburse the agency up to the actual cost of providing the services in this subsection. Skamania County shall notify the requestor of the customized service charge to be applied to any request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The requestor shall have the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

2.72.070 Review of denials of public records.

A. 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 his designee denying the request.

B. Consideration of Petition for Review. The public records officer shall promptly provide the petition and any other relevant information to the Prosecuting Attorney to conduct the review. The Prosecuting Attorney will immediately consider the petition and either affirm or reverse the denial within two business days following Skamania County's receipt of the petition, or within such other time as Skamania County and the requestor mutually agree to.

C. Judicial Review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

NOTICE OF PUBLIC HEARING
Before the
Board of Skamania County Commissioners

PURPOSE: Skamania County Board of Commissioners hereby gives notice that a public hearing will be held to consider Ordinance 2020-04, Rescinding Skamania County Code Title 2 – Administration and Personnel Chapter 2.72 – Public Records, In Its Entirety and Adopting New Language

Written testimony/comments to be considered at the public hearing by the Board of Commissioners must be received by the Clerk of the Board by 12:00 PM on the Monday preceding the date of the public hearing. Anyone interested may appear and be heard.

Copies of Ordinance 2020-04 are available to the public in the Commissioners' Office, Room 15, 240 NW Vancouver Avenue, Stevenson, WA or may be viewed on our website at www.skamaniacounty.org

DATE: March 24, 2020
TIME: **5:30 PM**
PLACE: Skamania County Courthouse, Room No. 18 (lower level)
240 NW Vancouver Avenue
Stevenson, WA.

Skamania County Courthouse is accessible for persons with disabilities. Please let us know if you will need any special accommodations in order to attend the meeting. (509) 427-3706.

DATED this 3rd day of March 2020.
Debbie Slack
Clerk of the Board

Publish: March 11, 2020

DATE: **March 3, 2020**

TO: **The Skamania County Pioneer**
PO Box 250
Stevenson, WA 98648

FROM: **Skamania County Commissioners**
Clerk of the Board
PO Box 790
Stevenson, WA 98648


Please publish the following documents on the dates indicated:

1. Document: Notice of Public Hearing to consider Ordinance 2020-04, Rescinding Skamania County Code Title 2, Administration and Personnel, Chapter 2.72, Public Records in its entirety and adopting new language.

Publish on March 11, 2020

Send Invoice to:
Skamania County Commissioners
P.O. Box 790
Stevenson, WA 98684

COMMISSIONER'S AGENDA ITEM COMMENTARY

| | | |
|--------------------------------|--|--|
| <u>SUBMITTED BY</u> | <u>Prosecutor</u> Department |  Signature |
| <u>AGENDA DATE</u> | | |
| <u>SUBJECT</u> | 3/3/20 | |
| <u>ACTION REQUESTED</u> | Set public Hearing and adopt new ordinance | |

SUMMARY/BACKGROUND

Skamania County has been working on amending our public records ordinance. We have a final draft that has been reviewed both internally and externally and that, once implemented, will improve the efficiency of the county in responding to requests, lighten the burden on existing employees of responding to requests, and also help protect the county from public records litigation.

FISCAL IMPACT

There will be an relatively minor, estimated less than \$3000, cost associated with updating the county code.

RECOMMENDATION

Set Public Hearing and pass new ordinance.

LIST ATTACHMENTS

Ordinance.

Proposed Resolution passing ordinance into law.

March 24

ATTENDANCE ROSTER
Skamania County Commissioners
Regular Meeting

Public Comment

March 24, 2020
5:30 PM

Ordinance 2020-04, Rescinding County Code, Title 2-Administration and Personnel, Chapter 2.72 – Public Records in its entirety and adopting new language

COMMENTS WILL BE LIMITED - TIME LIMITS WILL BE SET BY THE CHAIR.
EACH PERSON WHO INTENDS TO MAKE COMMENT WILL BE LIMITED TO ONE TIME TO SPEAK.

| | Please Print Clearly | Please Check |
|-----|--|--|
| | Name City of Residence or Job Title | Intend to Testify For Against |
| 1. | <i>Rich Jassal Stevenson</i> | <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> |
| 2. | <i>Pat Rice Stevenson</i> <i>5:41:24</i> | <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> |
| 3. | | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| 4. | | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| 5. | | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| 6. | | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| 7. | | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| 8. | | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| 9. | | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| 10. | | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |

Debbie Slack

Written Comment

From: Tom Lannen
Sent: Tuesday, March 24, 2020 3:02 PM
To: Debbie Slack
Subject: FW: public records policy

FYI

From: Curtis Esch
Sent: Tuesday, March 24, 2020 10:12 AM
To: Tom Lannen <lannen@co.skamania.wa.us>; Bob Hamlin <Hamlin@co.skamania.wa.us>; Richard Mahar <mahar@co.skamania.wa.us>
Subject: public records policy

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gentlemen,

Due to the current conditions we have not prepared a full statement on behalf of public records. However, should you continue with your research and study of policy we would like to comment that Washington State has a great record on enforcing openness and transparency thru its Public Records Act. Such commitment to public knowledge of government activities is positive for everyone involved. We would encourage you to continue that tradition of transparency and openness with any policy that you choose to enact.

Sincerely,

Curt & Sherry Esch