

PEND OREILLE COUNTY - PERSONNEL POLICY

Article XXIV

RESOLUTION NO. 2006-25

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF PEND OREILLE COUNTY, WASHINGTON, ADOPTING A PUBLIC RECORDS POLICY

WHEREAS, Pend Oreille County has determined that a uniform public records policy will benefit the public in obtaining public records, and


WHEREAS, the County Commissioners have reviewed the proposed policy and determined that it will benefit the public and help clarify the county's public record policy,

NOW, THEREFORE THE BOARD OF COMMISSIONERS OF PEND OREILLE COUNTY, WASHINGTON, DOES RESOLVE AS FOLLOWS:

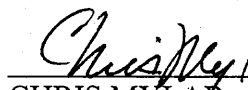
Section 1. Exhibit A, which is attached hereto by this reference, is hereby adopted as the official Public Records Policy for Pend Oreille County.

APPROVED AND ADOPTED this 26th day of June, 2006.


KEN OLIVER, Chairman


DEAN CUMMINGS, Vice Chairman

ATTEST:


CHRIS MYLAR
Clerk of the Board


MITCHELL BROWN, Member

26/557-563

PEND OREILLE COUNTY'S PUBLIC RECORDS POLICY

I.

AUTHORITY AND PURPOSE

(1) RCW 42.17.260(1) 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. RCW 42.17.260(2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of Public Records held by that agency. Please see Exhibit A.

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

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, Pend Oreille County will be guided by the provisions of the act describing its purposes and interpretation.

II.

AGENCY DESCRIPTION--CONTACT INFORMATION--PUBLIC RECORDS OFFICER

(1) Pend Oreille County is a local county government providing a vast array of services. Pend Oreille County's central office is located at 625 West 4th Street, Newport, WA 99156.

(2) Any person wishing to request access to public records of Pend Oreille County or seeking assistance in making such a request should contact the public records officer of Pend Oreille County, Carla Heckford, the Pend Oreille County Auditor. Her address is 625 West 4th Street, Newport, WA 99156. Her telephone number is (509) 447-3185.

(3) The public records officer will oversee compliance with the act but another Pend Oreille County staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and Pend Oreille 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 Pend Oreille County.

III.

AVAILABILITY OF PUBLIC RECORDS

(1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of Pend Oreille County Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding legal holidays. Records must be inspected at the offices of Pend Oreille County.

(2) **Maintaining an Index would be unduly burdensome.** Pend Oreille County is comprised of over 20 departments, divisions and subdivisions which maintain separate databases and/or record keeping systems for the indexing of records and information. Because the county has records which are diverse, complex and stored in multiple locations and in multiple computer systems, formats and/or databases, it is unduly burdensome, if not physically impossible, to maintain a central index of records. Pend Oreille County will make available for inspection and/or copying all public records, including indexes that are maintained by the county to the extent not exempt from inspection and/or copying pursuant to the Public Records Act. Based upon these findings, the Pend Oreille County Commissioners have determined that Pend Oreille County is not required to maintain and index of public records because creating and maintaining such an index would be unduly burdensome and such a list would be nearly impossible to create and maintain.

(3) **Organization of records.** Pend Oreille County will maintain its records in a reasonably organized manner. Pend Oreille County will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Pend Oreille County records from Pend Oreille County offices without the permission of the public records officer or designee.

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

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

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date and time of day of the request.

(b) 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 or a deposit. Standard photocopies will be provided at 15 cents per page.

(c) A form is available for use by requestors at the office of the public records officer.

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the

public records officer or designee accepts such a request, he or she will promptly document receipt of the information and the substance of the request in writing.

IV.

PROCESSING OF PUBLIC RECORDS REQUESTS--GENERAL

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

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

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

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

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

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

(e) deny the request.

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

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

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If Pend Oreille County believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer

will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) Inspection of records.

(a) Consistent with other demands, Pend Oreille County shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

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

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

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

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

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

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

V.

EXEMPTIONS

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

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

VI.

COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

(1) **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for 15 cents per page and color copies for the amount set forth in the county fee schedule.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The Pend Oreille County will not charge sales tax when it makes copies of public records.

(2) **Costs for electronic records.** The cost of electronic copies of records on either a floppy disc or CD-ROM shall be the amount set forth in the county fee schedule.

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

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

VII.

REVIEW OF DENIALS OF PUBLIC RECORDS

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

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the County

Prosecutor's Office. That office will promptly consider the petition and either affirm or reverse the denial within two business days following Pend Oreille County's receipt of the petition, or within such other time as Pend Oreille County and the requestor mutually agree to.

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