

AS-14253

Consent 4.

BOCC Agenda

Meeting Date: 07/29/2025

Rescinding Resolution 24-084 dated 11-12-2024 and Revising the Cowlitz County Public Records Policy

Submitted For: Bailey Silva

Submitted By: Bailey Silva

Department: Commissioners Office

Information

Subject and Summary Statement

Rescinding Resolution No. 24-084 (11-12-2024) and Adopting an Updated Public Records Policy to Reflect Changes in County Processes

Will Staff Attend - NAME OF STAFF

Y - Bailey Silva

Department Recommendation

The Public Records Manager recommends approval of the updated Public Records Policy.

Attachments

Resolution Rescinding 24-084
2025 Public Records Policy

Form Review

Form Started By: Bailey Silva

Started On: 07/10/2025 12:59 PM

BEFORE BOARD OF COUNTY COMMISSIONERS OF COWLITZ COUNTY, WA

In the Matter of Rescinding Resolution)
24-084 dated 11-12-2024 and Revising) Resolution No. 25-043
the Cowlitz County Public Records Policy)

WHEREAS, Resolution No. 24-084 dated 11-12-2024, needs to be rescinded to address changes in County Processes, and an updated Public Records Policy needs to be adopted;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners that Resolution No. 24-084 be rescinded and updated Public Records Policy be adopted and immediately in effect upon adoption as set forth below:

EFFECTIVE this 29th day of July, 2025.

Attest:
Signed by:
Kelly Grayson
AC359B2400C0492...
Clerk of the Board

Signed by:

The seal is circular with the text "BOARD OF COUNTY COMMISSIONERS" around the top edge, "COWLITZ COUNTY WASHINGTON" in the center, and "JULY 22 1859" around the bottom edge.

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON

Signed by:
Richard Dahl
0AD76D9B17B54F5...
Richard R. Dahl, Chair

Signed by:
Steve Rader
9588DFEF75B445...
Steve Rader, Commissioner

Signed by:
Steve Ferrell
C23F04523203415...
Steve Ferrell, Commissioners



Cowlitz County Policy

General –
Public Records Requests

Policy #6.11

Department: Board of Commissioners

Reviewer: Public Records Officer

Review Date: December 31, 2027

6.11 PUBLIC RECORDS REQUESTS

6.11.1 Purpose

This policy was created to establish a process for Cowlitz County staff to assist members of the public in accessing public records. This policy covers public records requests for public records prepared, owned, used, or retained by any department or office of Cowlitz County Government, excluding Cowlitz County courts.

6.11.2 Public Records Officer, Analyst, and Coordinators Identified

The Public Records Officer, Public Records Analyst, and Public Records Coordinators will provide the fullest assistance to requesters; ensure that public records are protected from damage and disorganization; and prevent fulfilling public records requests from causing excessive interference with other essential functions of the County.

The name and contact information for Cowlitz County's designated Public Records Officer, Public Records Analyst, and all Public Record Coordinators to which the public may direct Public Records Requests will be posted on the County's website, currently available at <https://www.co.cowlitz.wa.us/549/Public-Records-Coordinators>. Each County Agency, as defined below, is responsible for working with the Centralized Public Records Team to process public records requests submitted to the County.

Please be aware that public record requests for records held by the Cowlitz County Sheriff are made directly to the Sheriff's Office. A link to this option is available on the County's public records webpage. Requests for records held by other County Agencies can be made through other links as identified on the County's public records webpage.

6.11.3 Definitions

Cowlitz County is a political subdivision of the State of Washington. Cowlitz County's main office is located at 207 Fourth Avenue North in Kelso, Washington.

6.11.3.1 County Agency

includes every elective office, department, division, bureau, board, commission, or other local public entity within Cowlitz County's governmental structure that is or shall be subject to the provisions of the Public Records Act ("PRA"), Chapter 42.56 RCW, including advisory groups comprised of volunteers appointed to make recommendations to elected officials and excluding the County Law Library. Pursuant to Washington Supreme Court precedent, "the PRA does not apply to the judiciary." *Yakima v. Yakima Herald-Republic*, 170 Wn.2d 775, 793, 246 P.3d 768 (2011) (quoting *City of Federal Way v. Koenig*, 167 Wn.2d 341, 343, 217 P.3d 1172 (2009)).

6.11.3.2 Public Records

includes the writing containing information relating to the conduct of government or the performance of any county function, prepared, owned, used, or retained by any county agency regardless of physical characteristics.



6.11.3.3 Writing

means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including but not limited to, letters, words, pictures, sounds, symbols, or combination thereof, and all paper, maps, magnetic or paper tapes, photographic films and prints, motion picture, film, and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

6.11.3.4 Public Records Officer (PRO)

The Public Records Officer's responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee compliance with the Public Records Act and Records Retention Laws.

6.11.3.5 Public Records Analyst

A Board of County Commissioners staff member who specializes in managing and analyzing public records and responding to public records requests. Their primary role is to assist the Public Records Officer in ensuring compliance with laws and regulations related to the creation, retention, and disclosure of public records.

6.11.3.6 Public Records Coordinator

Public Records Coordinators are staff members in each County Agency who are responsible for working with the Public Records Officer and Public Records Analyst in processing public records requests.

6.11.4 Policy

- A. Cowlitz County is committed to transparency in government. We will provide requesters with the fullest assistance possible when requesting access to public records.
- B. The County is required by RCW 42.56 to adopt and enforce reasonable rules and regulations consistent with the intent of the Public Record Act: to provide access to public records, to protect public records from damage or disorganization, and to prevent interference with other essential County business. Therefore, it is the policy of Cowlitz County to release county records in compliance with and subject to the PRA and any other applicable federal or state law. As discussed in 6.11.1, because the PRA does not apply to the judiciary, Cowlitz County Judicial records are governed under separate rules and standards and are generally exempt from this policy.

6.11.5 Making a Request for Public Records

- A. A requester must give the County fair notice that the request is being made for public records pursuant to the PRA. In most cases, a request made using the terms "public records," "public disclosure," "Public Records Act," or "Freedom of Information Act," provides fair notice (WAC 44-14-04002(1)).



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- B. Any person wishing to inspect or be provided with a copy of identifiable public records of the County should make a request in writing in one of the following ways:
1. Electronic Requests - The primary and preferred method is via the County's online Public Records Portal located online at the County's website. <https://www.co.cowlitz.wa.us/3181/43816/Public-Records-Portal> This method provides staff with an efficient way to administer records requested and maximizes taxpayer resources. It provides cost-effective and prompt delivery of responsive records to the requester. To expedite processing of requests, requesters are encouraged to specify from which County Agencies they are requesting records.
 2. Letter, Fax, or Email Requests - addressed to the Public Records Officer, Analyst, or Coordinator. The prescribed Public Records Request form is available for use by requesters at <https://www.co.cowlitz.wa.us/DocumentCenter/View/28062/Form---Request-for-Access-to-Public-Records> and at the office where the records are maintained. If a County Agency receives a Public Record Request that is not submitted through the County's Public Records Portal, the designated County Agency staff will enter the request into the Public Records Portal for purposes of tracking, processing, and providing a response to the request. If there is confusion as to which County Agency a requester should direct a public records request to, the requester should contact the Cowlitz County Public Records Officer for assistance. Contact information for the Public Records Officer is posted on the county website, currently available at <https://www.co.cowlitz.wa.us/548/Public-Records-Request-Process>
- C. To aid in timely disclosure, requests should include the following information:
1. Name of requester
 2. Contact information, including telephone number and email address
 3. The date of the request
 4. A detailed description of the public record(s) being requested
 5. Whether the requester wants copies or to inspect the requested records.
 6. If copies are requested, the address where the copies should be mailed.
 7. If the records requested are for a list of individuals, a statement regarding whether the records requested are for commercial purposes.
 8. Signature of requester.
- D. Requesters may file anonymously. If requesters do not sufficiently identify themselves or do not provide sufficient contact information, the agency will respond only to the extent feasible and consistent with the law.
- E. **It is the duty of the requester to** provide the public record request to the Centralized Public Records Team or the designated Public Records Coordinator of the applicable County Agency identified on Cowlitz County's website.

6.11.6 Prompt Response Required

- A. Within 5 business days of receiving a public records request, the Centralized Public Records Team must respond to the requester in one or more of the following ways:
1. Providing the record.



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2. Providing an internet address and link on the County's website to the specific records requested, except that if the requester notifies the County that he or she cannot access the records through the internet, then the County will provide copies of the records.
 3. Acknowledging that the County has received the request and providing a reasonable estimate of time required to respond to the request.
 4. Requesting clarification from the requester, or
 5. Denying the public records request.
- B. Additional time required to respond to a request may be based upon the need to clarify with a requester the intent or meaning of the request, collaborate with the requester to ensure a successful search, to locate and assemble the records requested, to notify third persons or agencies affected by the request, to determine whether any of the information requested is exempt from disclosure, to determine whether the request should be denied as to all or part of the request, to prepare redaction logs as appropriate, or to obtain legal review by county counsel. The above list is for demonstrative purposes and is not meant to be exhaustive.

6.11.7 Providing Records in Installments

- A. It is the County's goal to provide requesters with the records they seek as quickly as possible, and in a manner that does not cause excessive interference with other essential functions of the County. Therefore, the Centralized Public Records Team will provide records in installments if it reasonably determines that it would be practical and best serve the requester and the County to provide the records in that way.
- B. If within 30 days the requester fails to inspect or provide payment for the entire set of records or one or more installments of records, the Centralized Public Records Team may cease processing the request for any remaining records and close the request.
- C. The County may suspend work to satisfy the request while awaiting payment or inspection of records.

6.11.8 Providing Electronic Records

- A. When records are requested in an electronic format, the Centralized Public Records Team will provide the nonexempt records, or portions of the records that are reasonably locatable, in an electronic format that is used by the County, or in a format that is reasonably translatable from the format that the County keeps the records. The County will assess and apply applicable charges as outlined in RCW 42.56.120, as discussed further below. Requesters are responsible for paying applicable charges prior to the County releasing the records.
- B. County Agencies shall determine whether they are able to provide records online through the Public Records Portal or through electronic storage media or electronic delivery (including but not limited to flash drives, CDs, etc.)

6.11.9 Inspecting and Copying Records in Person; Protection of Records

- A. To provide full public access to public records, protect public records from damage or disorganization, and prevent excessive interference with other essential functions of each County Agency, requesters who desire to



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inspect and copy records in person are strongly recommended to schedule an appointment with the Centralized Public Records Team. Original public records of the County Agency shall not be removed from the possession of the County Agency or its employees, except in the case of commercial copying and/or scanning approved by the County Agency. Inspection of any records will be conducted in the presence of county staff.

6.11.10 Retention and Destruction of Public Records

- A. The Washington State Archivist has developed retention schedules for local government records including e-mail and electronic records. Records of the County should be retained and destroyed consistent with the retention schedules known as Local Government C.O.R.E (Common Records Retention Schedule) and Cowlitz County's Public Records Retention and Management Policy. If a public records request is made at a time when a record exists, but is scheduled for destruction in the near future, the person with possession and control of the record shall retain the record until the request is resolved.

6.11.11 Fees for Public Records

- A. Cowlitz County agencies will assess charges and apply applicable costs and fees incurred as a result of public records requests as outlined in RCW 42.56.120. Cowlitz County adopts that fee structure because calculating its actual costs would be unduly burdensome. Cowlitz County has determined that due to limited staffing resources, such a study would interfere with other essential agency functions. The current list of fees is posted on the County Website and is subject to change at any time without notice. Cowlitz County does not charge fees for the inspection of public records.
- B. The payment of estimated copying or production fees may be requested by County Agencies or the Centralized Public Records Team prior to the County performing any work necessary to produce the records for the requester.
- C. If payment is not received within thirty (30) days of notification to the requester of such costs and fees being owed, the request will be deemed abandoned and will be administratively closed without further action.

6.11.12 Waiver of Charges

- A. For administrative convenience and efficiency purposes, Cowlitz County has the discretion to waive charges for records requests valued at two dollars or less on the basis that the expense of processing the payment exceeds the costs of providing the records.

6.11.13 Managing Multiple, Frequent Requests from an Individual

- A. The Public Records Act tasks agencies with providing all requesters with the "fullest assistance," requiring public records officers to process requests "allowing the most requests to be processed in the most efficient manner." WAC 44-14-040(1). When the same requester simultaneously submits multiple requests or makes one or more additional requests when previous requests are open, the County will process requests in the order that allows the greatest number of requests from the greatest number of requesters to be processed.



6.11.14 Closure of a Request

- A. The Public Records Officer or Analyst assigned to the request shall provide requesters 30 days to respond to requests from the County to retrieve/review documents and/or provide payment (reproduction expenses or deposits). This notice shall be made in writing and shall include the deadline to respond. The notice shall also provide language alerting the requester that their request will be automatically closed at the end of the deadline if they do not adequately respond. Should the 30 days lapse without appropriate action of the requester, the request will be deemed abandoned and closed. No further action will take place on the request.
- B. Postmarks for payments are not accepted—payment due date is based on the date of receipt by the County, not the date of mailing. Requesters should plan ahead for any deadline which falls on weekends or holiday closures.

6.11.15 Public Record Index

- A. The Board of County Commissioners finds that Cowlitz County government is comprised of many branches, boards, departments, divisions, subdivisions, agencies, offices, commissions, and many other county entities that maintain separate and distinct record keeping systems. The records are voluminous, diverse, complex, and are stored in incompatible databases. Indexing of these records would be overwhelming and costly to the Cowlitz County taxpayers, while substantially interfering with effective and timely county office operations. As a result, it would be unduly burdensome, if not physically impossible, to develop an index of those records identified in RCW 42.56.070(3) or as the statute may be amended in the future.
- B. No Cowlitz County Agency, as defined in section 1.3, is required to maintain an index of public records conforming to the requirements of RCW 42.56.070(3) or as the statute may be amended in the future.
- C. Any index maintained by an individual county agency shall be made available for public inspection and copying unless exempt from disclosure or made confidential by law.

(Res. 05-111, 8-23-05; 07-167, 11-13-07; 12-044, 3-20-12; 12-099, 8-7-12; 13-136, 12-3-13; 20-090, 11-3-2020; 24-084, 11-12-2024; 25- 7-29-2025)