

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF COWLITZ COUNTY, WA.

In the Matter of Rescinding Resolution) RESOLUTION NO. 20-090
No. 13-136 dated 12-03-13 Adopting A)
Public Records Request Policy and)
Adopting a Resolution Establishing a)
Public Records Policy)

WHEREAS, Resolution No. 13-136 dated 12-03-2013, adopting a Public Records Request Policy, needs to be rescinded to address changes in the law and changes in County processes, and an updated Public Records Policy needs to be adopted;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Cowlitz County Commissioners that Resolution No. 13-136 be rescinded and an updated Public Records Policy be adopted and immediately in effect upon adoption, as set forth below:

PUBLIC RECORDS POLICY

1. Purpose

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

2. Public Records Officer and Coordinators Identified

The name and contact information for Cowlitz County’s designated Public Records Officer and all Public Records Coordinators to which the public may direct Public Records Requests will be posted on the Cowlitz County website at www.co.cowlitz.wa.us. Each county department solely will be responsible for responding to public records requests submitted directly to its department.

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.

“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)).

“Public Records” includes any 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 form or characteristics.

“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 or symbols, or combination thereof, and all papers, 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.

4. Policy

RCW 42.56.040. 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 above, 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.

5. Making a Request for Public Records

Electronic Requests. Cowlitz County’s standard, preferred request method is through the GovQA Public Records Management System web portal located online at www.co.cowlitz.wa.us under the Public Records tab. A requester must submit a separate request to each independent county department from which they are seeking records. Although requesters who have the means to do so are strongly encouraged to use the GovQA online web portal located at Cowlitz County’s official website, a requester may also submit a request through email, USPS mail, by telephone, or in person during the county agency’s customary office hours. The designated agency staff will enter a request received in these alternative methods into GovQA for purposes of tracking, processing, and providing responses to such public disclosure requests.

If there is confusion as to which department a requester should direct a public records request, the requester should contact the Cowlitz County’s Public Records Officer for assistance. Contact information for the Public Records Officer is posted on the county’s official website.

Written Requests. Cowlitz County directs all persons requesting access to the county’s public records in writing to make their requests to the Public Records Coordinator of the applicable county department as set forth on the County’s website at www.co.cowlitz.wa.us. The prescribed Public Records Request form is available for use by requesters at www.co.cowlitz.wa.us and at the office where the records are maintained.

To aid timely disclosure, requests should include the following information:

- a) The name and address of the requester
- b) The date of the request
- c) A detailed description of the public record being requested
- d) Whether the requester wants copies, or wants to inspect the requested records
- e) If copies are requested, the address where the copies should be mailed
- f) If the records requested are for a list of individuals, a statement regarding whether the records requested are for commercial purposes
- g) The signature of the requester

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.

It is the duty of the requester to provide the public record request to the designated Public Records Coordinator of the applicable independent county department identified on Cowlitz County's website. It is also the duty of the requester to submit a separate request to each independent county department they are seeking records from. Cowlitz County does not forward public requests from one department to other departments.

6. Providing Electronic Records

When records are requested in an electronic format, the Public Records Officer or Public Records Coordinator 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.

Departments shall determine whether they are able to provide records online through the GOVQA Public Records Management System web portal or through other electronic storage media or electronic delivery (including but not limited to flash drives, CDs, etc.).

7. Inspecting and Copying Records in Person; Protection of Records

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 inspect and copy records in person are strongly recommended to schedule an appointment with the agency where the records are maintained. 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. Inspection of any records will be conducted in the presence of county staff.

8. Fees for Public Records

Cowlitz County agencies will assess charges and apply applicable costs and fees incurred as a result of a public records request 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's website and is subject to change at any time without notice. Cowlitz County does not charge fees for the inspection of public records.

The payment of estimated copying or production fees may be requested by county agencies prior to the County performing any work necessary to produce the records for the requester.

If payment is not received within thirty (30) days of notification to the requester of such costs and fees, the request will be deemed abandoned and will be administratively closed without further action.

9. Closing Withdrawn or Abandoned Public Records Requests

Cowlitz County may close, as completed, any public records request where the requester fails to claim or review assembled records within thirty (30) days of notification that the records are available for inspection, review or copying.

10. Public Record Index

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 overwhelmingly 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.

No Cowlitz County agency, as defined in Section 3 above, 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.

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.

Approved in Open Session this 3 day of November, 2020.

**BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON**



Joe Gardner, Chairman




Dennis P. Weber, Commissioner



Arne Mortensen, Commissioner

ATTEST:



Tiffany Ostreim, Clerk of the Board
Lisa Huckleberry 11.3.2020

