

BOARD OF YAKIMA COUNTY COMMISSIONERS

IN THE MATTER OF APPROVING
ENACTMENT OF PUBLIC RECORDS
PROCEDURES

RESOLUTION 254-2010

WHEREAS, the Board of Yakima County Commissioners is the legislative authority for the County and is responsible for adoption of legislation necessary for compliance with State and Federal law, and

WHEREAS, the Public Records Act of Washington State, codified at RCW 42.56, et. seq., requires counties to enact policies which establish County Public Records policies and procedures, and

WHEREAS, Yakima County desires to implement and ensure compliance with the provisions of the Public Records Act for the County's public records and for the benefit of the public, and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that Exhibit "A" attached hereto and by this reference incorporated herein, establishing a public records policy for Yakima County and setting forth the procedures for County departments, elected officials, boards and commissions for compliance with the Washington State Public Records Act.

DONE this 15 day of June 2010.



Attest:

Christina S. Steiner, Clerk of the Board

Michael D. Leita, Chairman

EXCUSED

Kevin J. Bouchey, Commissioner

J. Rand Elliott, Commissioner

*Constituting The Board of County Commissioners
For Yakima County, Washington*

YAKIMA COUNTY PUBLIC RECORDS POLICY

1. PURPOSE AND CONSTRUCTION

1.1 Declaration of Policy

It is the policy of Yakima County to release records of Yakima County in compliance with the Public Records Act set forth in 42.56 RCW, and any other applicable provisions of federal or state law. The purpose of this policy is to promote the goals of full public access to public records, to protect public records from damage or disorganization, to provide the fullest assistance to requestors, and to provide the most timely action possible on requests for identifiable public records.

1.2 Interpretation and Constriction of Provisions

In applying these County polices and regulations, the public records officer and designees, County employees, and other persons and members of the public will interpret these regulations and policies such that they are consistent and compliant with state laws governing public records and access and dissemination of public records. The provisions of this policy are also to be construed in conjunction with other applicable state and federal law, including without limitation: RCW 10.97 (Washington State Criminal Records Privacy Act); RCW 13.50 (Keeping and Release of Records by Juvenile Justice or Care Agencies); RCW 40.14 (Preservation and Destruction of Public Records); RCW 42.56 (Public Records Act); all as presently constituted or as may be subsequently amended.

1.3 Availability of Public Records Policy

This document shall be posted on Yakima County's public website.

1.4 Updating of Public Records Policy

This policy may be modified by the Yakima County Board of Commissioners.

2. DEFINITIONS

2.1 Definitions Adopted by Reference

The definitions set forth in RCW 10.97.030, 13.50.010, and 42.56, as presently constituted or as may be subsequently amended, as well as other statutes are adopted by reference as if fully set forth herein, together with all amendments and additions provided in this policy.

2.2 Use of words and phrases

As used in this policy unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings:

(A) "County" is the municipal corporation of Yakima County, Washington. Collectively, the County includes the County elected officials, and each department, board and committee of the County. The term County also includes the paid employees of Yakima County.

(B) "Computer report" means the result of the writing of data by selected criteria from an electronic database.

(C) "Department" means a major functional division of Yakima County Government.

(D) "Electronic database" means a collection of data on computer-accessible media arranged for retrieval.

(E) "Non-routine computer report" means a computer report that a department is capable of producing but that is not regularly produced by the department.

(F) "Routine computer report" means a computer report that is regularly made by a department in the ordinary course of business to satisfy federal, state, county or local reporting requirements, or for other administrative or legislative purposes.

(G) "Writing" means any information (e.g., words, numbers, symbols, images and sounds) recorded in any media such as handwritten, typewritten, electronic, photographic, and video and audio recording as defined in RCW 42.56.010(3).

(H) "You," "your" or "requestor" used in this policy refers to a person who requests public records.

3. COUNTY ORGANIZATION

Yakima County is formed and organized pursuant to Article XI of the Constitution of the state of Washington and state statutes. Yakima County is a local agency as defined under RCW 42.56.

4. PUBLIC RECORDS OFFICER AND DEPARTMENT LEADS

4.1 Yakima County Public Records Officer

Yakima County's Public Records Officer is Stormy Miller. The Public Records Officer's office is located in Room 211, Yakima County Courthouse. She can be contacted during business hours at (509) 574-1200 or via e-mail at RecordsRequest@co.yakima.wa.us.

4.2 Public Records Leads

Each elected official and each department head shall designate one Public Records Lead to assist the County Public Records Officer. The Board of County Commissioners shall annually appoint the Public Records Leads. In addition, new Public Records Leads shall be appointed as needed at the discretion of the Board of County Commissioners. Each Public Records Lead shall be knowledgeable of the public records in the possession and control of that department or office such that they are able to assist both the County Public Records Officer and the person

requesting records in determining where documents are located and what documents are being sought by the requestor.

The Public Records Officer shall be posted on that Department's/Office's Web Page and shall contain contact information including the name of the Lead, his or her email address, the department or office name and address, telephone number and fax number, along with the office hours of that particular County department or office. In the event a department has not specifically identified a Lead, then the Department Head of that department shall be deemed the Public Records' Lead and shall be responsible for the duties of a Lead. The Corporate Counsel Division of the Prosecuting Attorney's Office is available to assist and respond on behalf of the County and any of the County's departments.

5. PROCEDURE FOR INSPECTION/COPYING

5.1 Making a Request for County Public Records

A person wishing to inspect or copy public records shall first make such a request in writing to the appropriate County department or office, or that office's or department's Public Records Lead keeping said record, during regular business hours of that department. All records requests may also be sent to the County Public Records Officer.

5.2 County Request Form Encouraged

It is encouraged that records requests be made on the County's public records request form. This uniform request form is available from the County Public Records Officer or any of the Public Records Leads. The form is also available electronically on the County's website. The requestor may also submit a written email or letter that contains the information listed below in paragraph 5.4.

5.3 How to Make a Public Records Request

Public records may be inspected or copies of public records may be obtained by the public at Yakima County upon compliance with the following procedures:

All requests for public records shall be documented by the requester on a form furnished by the appropriate office or department, or by letter, email, or fax and shall contain the information listed below:

- The name, address and telephone number of the requester;
- The date of the request;
- A detailed description of the public record or records being requested, including the time period for the records and the departments of the County or office of the County official who may have the public records;
- A clear indication, such as a document heading or title such as "Public Records Request," so that it is clear that you are requesting public records pursuant to the Public Records Act. This will ensure that the request is handled properly. Requestors shall not combine a request for public records with communication for other purposes;

- A statement as to whether the requestor wants copies or wants to inspect the requested records;
- The address to where copies are to be mailed if copies are requested; and
- The signature of the requestor.

The requestor may provide but is not required to explain the purpose for which a record is requested. However, the department may ask the requestor to disclose information sufficient to allow the Public Records Officer or Lead to determine if a statute or other exemption prohibits disclosure.

5.4 No County Index

By the reference and adoption of this policy, the Yakima County Board of County Commissioners finds that it would be unduly burdensome and costly to the taxpayers of Yakima County for the County to develop an index of all County records. Many public records are currently available for viewing at no cost on the County's public website. Examples include real property searches, tax information, jail roster and booking reports.

6. **RESPONSE TO PUBLIC RECORDS REQUEST**

6.1 Assistance

The County Public Records Officer or Public Records Leads will help any person making a request.

6.2 No Obligation to Provide Records on Demand

There is no obligation to provide the requested record(s) on demand.

6.3 Response in Five Business Days

The Public Records Officer or Public Records Leads will respond promptly to the requests for disclosure. Within five business days of physical receipt of the request, the Public Records Officer or Leads will respond in writing by either:

6.3.1 Providing the record.

6.3.2 Acknowledging that the office has received the request and providing a reasonable estimate of time the office will require in which to respond to the request.

6.3.3 Denying the public records request. The Public Records Officer's response refusing in whole, or in part, the inspection of the public records shall include a statement of the specific exemption authorizing the withholding of the record (or any part) and a brief explanation of why the exemption applies to the record(s) withheld.

6.3.4 Clarifying the intent of the request with the requestor.

6.4 Additional Time May be Necessary to Respond

Additional time may be requested by the office/department based upon the need to:

6.4.1 Clarify the intent of the request.

6.4.2 Locate and assemble the information requested.

6.4.3 Notify third parties or agencies affected by the request and allow time for the affected parties or agencies to seek court protection pursuant to RCW 42.56.540.

6.4.4 Determine whether any of the information requested is exempt and if a denial should be made as to all or part of the request.

6.5 Clarification of Unclear Requests

As stated above, in acknowledging receipt of a public record request that is unclear, the Public Records Officer or Lead may ask the requestor to clarify what documents the requestor is seeking. If the requestor fails to clarify the request within 20 days, the office need not respond to it.

6.6 Review of Non-Response

If the Public Records Officer or a Lead does not respond in writing within five business days of receipt of the request for disclosure, the requestor is encouraged to notify and seek review from the Attorneys within the Corporate Counsel Division of the Yakima County Prosecuting Attorney's Office at (509) 574-1200.

6.7 Review of Good Faith Estimate to Fulfill Request

If a requestor feels that an estimate of time given to fulfill the request is not reasonable, the requestor shall be entitled to petition the Chief Civil Deputy in the Corporate Counsel Division of the Prosecuting Attorney's Office for a review of the estimate of time.

6.8 Matters Involving Litigation

When a request for public records concerns a subject that is known to the Public Records Officer or Lead to involve a claim or lawsuit that is pending or anticipated, the Public Records Officer or Lead shall promptly notify the Corporate Counsel Division of the Prosecuting Attorney's Office involved with the case.

6.9 Production of Records on an Installment Basis

For requests that involve a large quantity of documents, requests that involve records from multiple departments/offices or requests that require a significant amount of redacting and privilege log creation, requested documents may be provided on a rolling or installment basis in order to prevent undue disruption to carrying on the normal and essential duties of that department or office or the County while promoting timely access to requested documents.

6.10 Protection of Public Records

Except as necessary to make copies by a public employee or private copy shop, the Public Records Officer or Leads shall, to the extent practical, ensure that records requested are not removed from the premises nor portions thereof removed by members of the public. Documents shall not be released to the public for the purpose of allowing the person making the request to make copies. The Public Records Officer and Leads shall also take necessary precautions to protect against disorganization of County records.

7. **COPY FEES**

7.1 No Fee for Inspection of Public Records

There is no fee for inspecting/viewing public records.

7.2 Copy Charge for Letter or Legal Size Copies

Unless there is another statute or authority setting the fee for copies of a record, copies shall be \$0.15 (fifteen cents) per page.

There is no requirement in the Public Records Act to provide documents in a scanned format if they are not in that format. However, if scanned copies are available, they will be provided at a cost of \$0.10 (ten cents) per page unless there is another statute or authority setting the fees for copies.

Requestors will also be responsible for the postage costs of mailing as well as the costs of any envelopes or containers used to mail the requested documents.

7.3 Oversized, Unique, Color or Large Requests for Documents

Some documents, due to their size, graphic or color, may have to be sent to an outside copy service. Additionally, some departments/officers do not have color copy capabilities. Color copies will only be available when it is necessary to capture color-sensitive information within the record and is so requested by the requestor. For these types of documents or for requests that involve a large amount of copies, the Public Records Officer or Lead may in their discretion send these documents to a professional copy service for copying. In that case, the charge will be the cost of the outside copy service.

7.4 Cost of Other Media

The cost of other media shall be the cost paid for the media by the department or office. Since different offices and departments purchase different volumes of CDs and tapes, costs between departments and offices may differ slightly. No cost will be imposed for the actual time spent transferring or copying information/records onto the media.

7.5 Deposit

If the requestor wants a large amount of copies of public records then the Public Records Officer or Lead shall require an up-front deposit of 10% of the estimated copy charge before gathering and locating the materials to be copied. If the requestor fails to pick up the first installment of records within 20 days, then Yakima County will not continue to fulfill the other installments of documents that are responsive to the request.

7.6 Payment for Copies

Full payment for the copies and any mailing costs shall be required before the actual mailing/pick-up of the records. If records are sent before receiving payment and the requestor does not provide payment for the records, the County does not need to respond to other requests from the same requestor until the outstanding payment is satisfied.

7.7 Gathering and Locating Records

There is no fee for County time expended for gathering, locating and fulfilling the requests other than the actual copy or other charges described above.

8. **ELECTRONIC AND MULTIMEDIA DATABASE INFORMATION AND CREATION OF RECORDS**

8.1 Electronic Records Printed or Provided Electronically

At the option of the Public Records Officer or Lead, electronic records may be printed out prior to copying and delivery. If the electronic record is large and not capable of being printed out, then the document may be provided electronically in the format in which the records are maintained.

8.2 No Duty to Convert Electronic Records to Another Format

There is no obligation of the County to convert an electronic record to a format that is different than the current format in which the document or record exists. Similarly, there is also no duty to convert or scan a paper document into an electronic format.

8.3 Videos, CDs, and Other Multimedia

County business may be recorded on video or CDs. All requests for video or other multimedia information or records shall state a date in which the event occurred. Given that these tapes are not indexed as to subject and are not word searchable, the requestor must specifically request that he or she is looking for multimedia records. The County, in order to prevent the inference with essential functions of the County, has no obligation to respond to a request by searching all multimedia files.

8.4 Creation of Records Not in Existence

The County is not obligated to format or create documents that are not in existence. Reports may be run on information databases if the report is one that is commonly run as part of County business or if it would not be burdensome on the County. However, the County is not required to reformat or write code in order to create a program to retrieve and complete specific information or create documents that do not exist under the Public Records Act.

8.5 Documents Available on Website

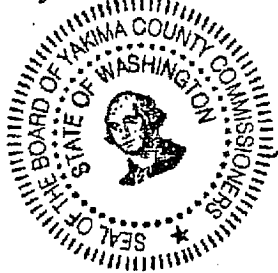
Many public records are available on the County's website. The Public Records Officer or Lead may direct a requestor to the County's website to fulfill a records request

8.6 Disclaimer of Liability

Neither Yakima County nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of public records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as "shall," nothing in this policy is intended to impose mandatory duties on Yakima County beyond those imposed by state and federal law.

Adopted this 15th day of June 2010.

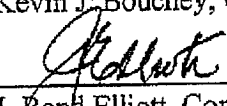


BOARD OF YAKIMA COUNTY COMMISSIONERS


Michael D. Leita, Chairman

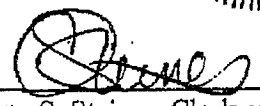
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