

OKANOGAN COUNTY COMMISSIONERS

ORDINANCE 2018 - 8

An ordinance amending Okanogan County Code 2.88.070 Review of the Denial of Public Records.

WHEREAS: The Revised Code of Washington (RCW) 42.56, cited by the short title Public Records Act adopts requirements for the retention and disclosure of public records, and

WHEREAS: RCW 42.56 Public Records Act establishes process and timelines for providing opportunity for inspection of public records and/or obtaining copies of public records upon the request of the public, and

WHEREAS: RCW 42.56 Public records Act provides for the denial or partial denial of public records requests for certain types of public records or certain information contained in public records, and

WHEREAS: Okanogan County Code 2.88.070 establishes a local process for the review of a denial or partial denial of a public records request, and

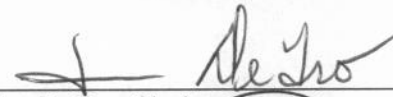
WHEREAS: The Okanogan County Prosecuting Attorney's Office has reviewed OCC 2.88.070 and has proposed amendments to the code to increase the clarity of the steps in the process of reviewing a denial or partial denial of a public records request and affords more protection to the county from unnecessary claims.

NOW, THEREFORE;BE IT THEREFORE ORDAINED by the Board of Commissioners for Okanogan County that Okanogan County code 2.88.070 is hereby amended in accordance with "Attachment A" to this ordinance and hereby directs the Clerk of the Board to proceed with codification of the amendment.

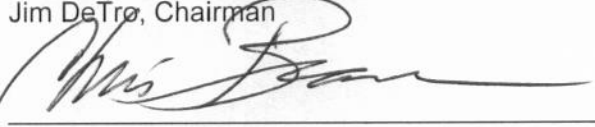
BE IT FURTHER ORDAINED by the Board of Commissioners of Okanogan County that "Attachment B" the County Public Records Request form, is hereby amended to add the following language to the certification section. I understand that I must exhaust my administrative remedies pursuant to Okanogan County Code § 2.88.070 before seeking judicial review of an agency decision regarding this request. And, hereby directs the use of the new form by county departments. .

DATED at Okanogan, Washington this 26 day of June 2018.


**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**



Jim DeTro, Chairman



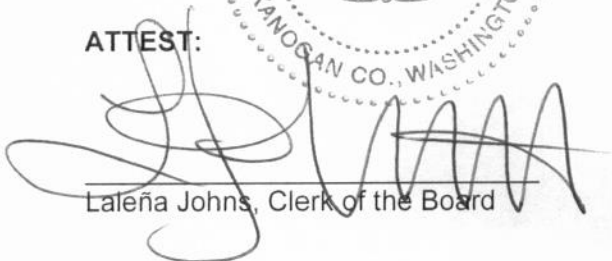
Chris Branch, Member



Andy Hover, Member



ATTEST:



Laleña Johns, Clerk of the Board

2.88.070 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 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 public records officer's supervisor or other agency official designated by the agency to conduct the review. That person will immediately consider the petition and either affirm or reverse the denial within two business days following Okanogan County's receipt of the petition, or within such other time as Okanogan County and the requestor mutually agree to.~~

~~C. 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. (Ord. 2006-3, 2006).~~

A. Any person who objects to the denial or partial denial of a request for a public record, the closure of a public records request, the reasonable estimate of time required to complete the request, the reasonable estimate of the charges to produce copies of public records, or other agency decisions regarding a records request may petition for prompt review of such action by tendering a written request for review to the prosecuting attorney for the County. The written request

shall contain a copy, or accurate description of the written statement by the county employee that the requester would like reviewed.

B. Immediately after receiving a written request for review of a decision of the public records officer, the prosecuting attorney shall request a response from the public records officer or other person who responded to the request. The prosecuting attorney will immediately consider the matter and either affirm or reverse such action within two business days following the receipt of the written request for review of the action.

C. Administrative remedies shall not be considered exhausted until the prosecuting attorney has made a written decision, or until the close of the second business day following receipt of the written request for review of the action of the public records officer, whichever occurs first.

D. For purposes of the public disclosure laws, the action of the public records officer becomes final only after the review conducted under this section has been completed. No lawsuit to review the action taken, compel the production of a public record, or impose a penalty or attorney fees shall be brought before the administrative remedies set out in this section have been exhausted by the party seeking the record.

OKANOGAN COUNTY – REQUEST FOR PUBLIC RECORDS

Requester's Name: _____

Mailing Address: _____ Street _____ City _____ State _____ Zip _____

Daytime Phone Number: _____ Email: _____

Description of records (Please be as specific as possible. If known, include author, recipient, title, date or date range, etc.)

List each Department, Office or Official having custody of the records requested:

After the County retrieves the requested records, I request:

Inspection Only Copy All Inspection, then copy selected pages
 (Standard copies are 15 cents per page. There is no charge to inspect documents)

Date desired: _____ [Most requests are filled within five business days]

If my request is for a list of individuals, I certify under penalty of perjury under the laws of the State of Washington that the information obtained through this request will not be used for commercial purposes. I understand and acknowledge that Okanogan County does not warrant the accuracy or completeness of information contained in public records or any data provided electronically. I understand that I must exhaust my administrative remedies pursuant to Okanogan County Code § 2.88.070 before seeking judicial review of an agency decision regarding this request.

Date	Place	Signature
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FOR USE BY PUBLIC RECORDS OFFICER		
	DATE	INITIALS
DATE RECEIVED:	_____	_____
FIVE-DAY NOTICE SENT	_____	_____
REQUEST APPROVED/SATISFIED:	_____	_____
REQUEST DENIED:	_____	_____
EXEMPTIONS STATEMENT:	_____	_____