

OKANOGAN COUNTY COMMISSIONERS

ORDINANCE 2020 - 1

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 in response to the Washington Supreme Court case *Kilduff v. San Juan Cty.*, 453 P.3d 719 (Wash. 2019),

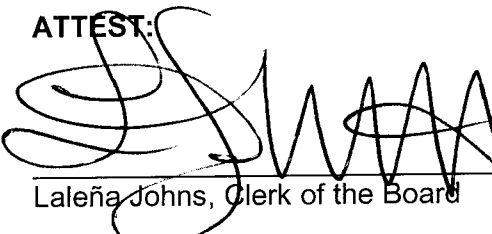
NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners for Okanogan County that Okanogan County code 2.88.070 is hereby amended in accordance with "Attachment A" to this ordinance and hereby directs the Clerk of the Board to proceed with codification of the amendment.


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 ~~delete~~ the following language from 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 to replace it with the following language: I understand that if I object to the county's response to my records request, I may request in writing (including email) to have the prosecutor review the response. The request shall explain the objection, and identify the response or decision I would like reviewed. OCC 2.88.070, WAC 44-14-080. And, hereby directs the use of the new form by county departments.


DATED at Okanogan, Washington this 21st day of January 2020.

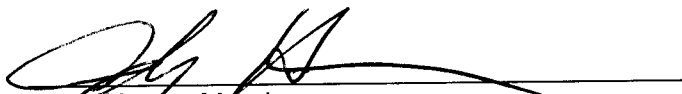
**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**

ATTEST:


Laleña Johns, Clerk of the Board


Jim DeTro, Chairman


Chris Branch, Member


Andy Hoyer, Member



Attachment "A"

~~2.88.070 Review of denials of public records~~

~~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.~~

OCC 2.88.070 Review of County Response to Records Requests

A. Request for internal review of Okanogan County's response to a public records request. Any person who objects to the county's response to a public records request may request in writing (including email) to have the prosecutor review the county's response or decision. The request shall explain the objection, and identify the response or decision to be reviewed.

B. Consideration of request for review. The public records officer shall promptly provide the request and any other relevant information to the prosecutor to review. That prosecutor or his designee will consider the request and either affirm or reverse Okanogan County's previous response or decision within two business days following the prosecutor's receipt of the request, or within such other time as the prosecutor and the requestor mutually agree to.

C. Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal. See also, WAC 44-14-080.

