STATE OF WASHINGTON  
County of Jefferson

In the Matter of Updating the Jefferson County Records Access Policy Identified as Attachment "A" to this Resolution}  
RESOLUTION NO. 39-06

WHEREAS, RCW 42.17, The Washington State Public Disclosure Act requires that public agencies publish rules in order to provide full public access to public records. In furtherance of that requirement Jefferson County adopted Resolution No. 117-97 on October 27, 1997 which was updated by Resolution No. 24-01 adopted on March 5, 2001 and Resolution No. 70-02 on November 18, 2002 to govern the response to requests for public records in all Jefferson County departments and offices; and,

WHEREAS, legislation was passed in 2005 which directed the State Attorney General to develop and adopt model rules on public records compliance that “will establish a culture of compliance among agencies and a culture of cooperation among requesters by standardizing best practices throughout the state,” and

WHEREAS, since Chapter 44-14 WAC Public Records Act–Model Rules has been formally adopted and the Act will be known as the "Public Records Act" as of July 1, 2006 and will be codified in chapter 42.56 RCW, the Jefferson County Records Access Policy needs to be updated to incorporate the “Best Practices” for public records requests as set out in the model rules, which are by their own terms purely advisory.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Jefferson County Commissioners that the JEFFERSON COUNTY RECORDS ACCESS POLICY is hereby re-adopted as stated in "ATTACHMENT A" to this resolution.

BE IT FURTHER RESOLVED that Resolution No. 70-02 along with its attachments is hereby repealed and replaced by adoption of this Resolution.

APPROVED and ADOPTED this 26th day of June, 2006.

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS  
Phil Johnson, Chair
David Sullivan, Member
Patrick M. Rodgers, Member

ATTEST  
Julie Matthes, CMC  
Deputy Clerk of the Board
ATTACHMENT A

to Resolution No. 39-06

JEFFERSON COUNTY RECORDS ACCESS POLICY

as Re-Adopted

SECTION 1.0 SUBJECT

1.1 The Public Records Act provides that each agency shall adopt and enforce reasonable rules and regulations to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Such rules shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information.

1.1.1 The Act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency.

SECTION 2.0 PURPOSE

2.1 To establish a uniform, countywide policy for responding to requests for public records under the provisions of the Washington State Public Disclosure Act (RCW 42.17). This policy establishes the procedures Jefferson County will follow in order to provide full access to public records, and provides information to persons wishing to request access to the public records of Jefferson County. It also establishes processes for both requesters and Jefferson County staff that are designed to best assist members of the public in obtaining such access.

2.2 The Public Records Act (RCW 42.56) provides the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, Jefferson County will be guided by the provisions of the act describing its purposes and interpretation.

SECTION 3.0 AFFECTED PARTIES

3.1 All Jefferson County offices and departments, divisions and appointed advisory boards or commissions, and their employees and representatives as these terms are defined in Section 5 below.
3.2 Agency Contact Information

3.2.1 Agency Description: This policy is for Jefferson County, a political subdivision of the State of Washington; The central offices for Jefferson County are located at:

Jefferson County Courthouse
1820 Jefferson Street
Port Townsend, WA 98368.

3.2.2 Jefferson County has field offices at the following locations:
1322 Washington Street, Port Townsend, WA – Public Works Department
Port Hadlock, Quilcene, Brinnon & Hoh Road, WA – Public Works Shops
Sheridan Street - Castle Street Mall, Port Townsend, WA – Health & Human Services and Department and the Department of Community Development
Lawrence & Tyler Streets, Port Townsend, WA – Recreation Department
81 Elkins Road, Port Hadlock, WA – Sheriff’s Office, Corrections Facility,
JeffCom Dispatch and Emergency Management
Shold Business Park, Port Hadlock, WA – WSU Extension

SECTION 4.0 REFERENCES

4.1 Revised Code of Washington (RCW) Public Records Act codified at 42.17.250 to 42.17.348 and to be re-codified at Ch. 42.56 RCW as of July 1, 2006.

SECTION 5.0 DEFINITIONS

5.1 The following definitions apply for the purposes of this policy.

5.1.1 Agency: For purposes of this policy, agency includes all Jefferson County offices, departments, divisions, and appointed advisory boards, or commissions under the control of the Commissioners and/or other Elected Offices of the County and their employees and representatives, but not including separately elected Boards or Commissions for Special Purposes Taxing Districts within the County.

5.1.2 Fullest assistance: The allocation of agency employee staff time and agency resources to the processing of Public Records requests that is feasible and practical for this County at a particular time. Fullest assistance is further defined as that allocation of public resources that does not excessively interfere with the other essential functions of the agency.

5.1.3 Indexes (Indices): A listing on paper, or in a computer database, of the public documents for an office or department, division, advisory board or commission.

5.1.4 “Large” Public Records Requests: Any request for public records that results in over 350 pages of records in any form.
5.1.5 **Offices, Departments, Divisions, and Appointed Advisory Boards or Commissions:** For the purpose of this policy, these terms shall mean all Jefferson County departments, their divisions, subdivisions, ancillary offices and any advisory boards or commissions appointed by the Board of Commissioners or Jefferson County. See definition of “Agency” above.

5.1.6 **Public Records:** Include any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, or other documents including existing data compilations from which information may be obtained or translated, regardless of physical form or characteristics, and including such copies thereof, that have been made by, or received by, any office or department of Jefferson County in connection with the transaction of public business.

**SECTION 6.0 POLICY & PROCEDURES**

6.1 Any person wishing to request access to public records of Jefferson County, or seeking assistance in making such a request should contact the Public Records Officer:

The Public Records Officer shall be the Clerk of the Board of County Commissioners who has the following points of contact:

Jefferson County Commissioners Office
1820 Jefferson Street - PO Box 1220
Port Townsend, WA 98368
Phone (360) 385-9100; Fax (360) 385-9382
e-mail: jeffbocc@co.jefferson.wa.us

Information is also available at the Jefferson County website at www.co.jefferson.wa.us

Nothing in this policy is intended to prevent a citizen from filing or making a request for Public Records with an Office, Department, Division, Appointed Advisory Board or Commission, employee or representative of the agency other than the Public Records Officer.

6.2 The Public Records Officer will oversee compliance with the Act, but, another Jefferson County staff member, office, department, division or appointed advisory board, employee or representative may process the request. Therefore, these rules will refer to the Public Records Officer or designee. The Public Records Officer or designee will provide the “fullest assistance” (as defined above) to requesters; and ensure that public records are protected from damage or disorganization.

6.2.1 **Qualifications for Public Records Officer:** The employee appointed as Public Records Officer shall hold the designation of Certified Municipal Clerk “CMC” or equivalent, and shall attend qualified training.
6.2.1.1 The Public Records Officer and designees shall attend training classes on the Washington State Public Records Act (codified in chapter 42.56 RCW). Qualified training is any training on the Act that is scheduled by the State Attorney General's Office, Municipal Research and Services Center, Washington State Association of Counties, Washington State Association of County Officials, the Washington Counties Risk Pool, the Association of Washington Cities, or the Washington State Municipal Clerks Association.

6.3 Indexes (indices) Available to Public: Pursuant to RCW 42.17.260(4)(a)/42.56, Jefferson County is not required to maintain an all inclusive index of public records as provided in this RCW based on the following findings:
6.3.1 Maintaining an all inclusive index of public records is unduly burdensome, and would interfere with agency operations.
6.3.2 Jefferson County is comprised of 15 separate departments, their divisions and subdivisions, many of which are located in facilities in various locations throughout the County.
6.3.3 Departments and their divisions maintain separate record-keeping systems.
6.3.4 Because the County has records which are diverse, complex and store in multiple locations and identified on various record keeping systems, some computerized and some on paper, it is unduly burdensome, and physically impossible to maintain a central index of records.
6.3.5 If an index exists, then the County office or departments shall make it available for public inspection and copying.

6.4 Availability of public records.

6.4.1 Hours for inspection of records: Public records are available for inspection and copying during the customary office hours of Jefferson County. Records must be inspected at the Commissioners Office in the County Courthouse or at the offices that house the records being requested (requester will be advised where the records will be available.)

6.4.2 Jefferson County will take reasonable actions to protect records from damage and disorganization.

6.4.3 A variety of records is available on the Jefferson County website at www.co.jefferson.wa.us. Requesters are encouraged to view the documents available on the web site prior to submitting a records request.

6.4.4 All Jefferson County offices, departments, divisions, appointed advisory boards, or commissions retain records in accordance with the State of Washington records retention schedule for local governments. The retention schedules for local government agencies are available at www.secstate.wa.gov/archives/gs.aspx.

6.5 Exempt Records: Offices and departments will exempt from public inspection and copying those records listed in Chapter 42.17.310/42.56 of the Revised Code of
Washington as it currently exists and as amended or re-codified in Ch. 42.56 RCW hereafter. The exemptions of RCW 42.17.310 shall not apply if the disclosure of information which would violate a personal privacy or vital government interest can be deleted from the specific records sought. No exemption shall be construed to permit the non-disclosure of statistical information not descriptive of any readily identifiable person or persons.

6.5.1 Responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the records withheld.

6.5.2 Disclosure Prohibited by Other Statutes: Offices and departments shall not be required to permit public inspection and copying of any record to the extent public disclosure of the record is prohibited, restricted or limited by federal statute or regulation, or state laws codified at locations other than RCW 42.17.310. Offices and departments will be responsible for identifying such statutes or regulations as apply to the records in their possession. See Report No. 61, Public Records Disclosure for Washington Cities and Counties, Appendix C June 2004, Municipal Research and Services Center (MRSC).

6.6 Digital Data to be Released: The state law governing the potential disclosure of public records does not create separate rules for records stored electronically as opposed to those stored photographically (microfilm) or on paper. Therefore, digital data will be released (or not released) in a manner consistent with the Public Disclosure Act, codified as Chapter 42.17 (42.56) RCW and any other agreements, duties or obligations that pertain to a specific public record, e.g., confidential propriety information of a vendor will not depending on circumstances be subject to release. The Public Disclosure Act will govern any costs that might be charged to a citizen for the disclosure of digital data.

6.7 Form of request: A public records request can be submitted to the Public Records Officer or designee by mail, e-mail, fax, or verbally.

6.7.1 Requests received by mail for identifiable public records shall be honored in kind, subject to the provisions of this policy.

6.7.2 E-mail: Requests received by e-mail for identifiable public records shall be honored in-kind if the records are in a form that allows the Public Records Officer or designee to respond by e-mail and if the size of the file for the records requested can be accepted by the requester's e-mail server. If the County's e-mailed response is returned to the County by the requester's e-mail server, the response will then be made by regular mail if the requester has provided their name and address. If only an e-mail address has been provided the County will notify the requester that their request cannot be fulfilled by e-mail and they will be asked to provide an address. The requester may provide their address to the County by phone if they don't want to provide their address by return e-mail.
6.7.3 Requests Received by Fax: Requests received by fax for identifiable public records shall be honored in kind, subject to the provisions of this policy, however if the request is for copies of more than 10 pages of documents, the County will respond by regular mail.

6.7.4 Requests Received Verbally: In order to efficiently comply with requests and to assure a record of compliance, the County prefers that requests be made in writing. Verbal requests for public records will be honored, but are, in their nature, more prone to misinterpretation and misunderstanding and in order for the County to effectively and efficiently provide the requester the record(s) they are requesting the Public Records Officer or designee who receives an a verbal request should immediately put it in writing. If the requester is present the staff member should verify with the requester that what they have written correctly memorializes the request.

6.8 No distinction shall be made among persons requesting records, and such persons shall not be required to provide information as to the purpose of the request except to establish:

6.8.1 Whether inspection and copying would violate the provisions of Ch 42.17/42.56 RCW prohibiting agencies from giving, selling or providing access to lists of individuals requested for commercial purposes. In compliance with RCW 42.17.260 (9) offices and departments shall not give, sell or provide access to lists of individuals for commercial purposes unless specifically authorized or directed by law. The requester being required under penalty of perjury pursuant to state law to swear or affirm in writing that he, she or it will not use the list provided for commercial purposes; or

6.8.2 Whether the request would violate any other statute which exempts or prohibits disclosure of specific information or records to certain persons.

6.9 Protection of Public Records: Offices and departments shall work with the County Records Manager to develop, adopt, and enforce reasonable rules to protect public records under their control from damage and disorganization, and to prevent excessive interference with their other essential functions. Such rules and regulations shall provide for the fullest assistance to inquirers. Questions regarding such rules should be directed to the County Records Manager and the Prosecuting Attorney.

6.10 Making a Request for Public Records: Any person wishing to inspect or copy public records of Jefferson County may make a verbal request, but should make the request in writing on the Jefferson County request form, or by letter, fax or e-mail addressed to the Public Records Officer and include the following information:

6.10.1 Name of requester

6.10.2 Address of requester
6.10.4 Identification of the public record adequate for the Public Records Officer or designee to locate the records.

6.10.4.1 Requests for future records, or perpetual record requests will not be accepted. A future or perpetual record, that is, one that does not exist today but may be created in the future, does not, qualify as a "writing," as there is not, as yet, any communication or representation that can be recorded. If there is no "writing," there can be no "public record" and, accordingly, there would be no "public record" that would be subject to the inspection or copying requirement of the Public Records Act.

6.10.5 The date and time of day of the request.

6.11 Processing the Requests:

6.11.1 The Public Records Officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

6.11.2 The Public Records Officer or designee may fulfill the request immediately if the record requested is clearly identifiable, readily available in the Department or office where the requester is submitting the request, and fulfilling the request will not unduly disrupt the work of the Department or office. For example - a request is made in the Commissioners' Office to inspect Resolution No. 24-95. In this case the record is located in the office where the request was made, the staff has access to the requested record, and the record is easily identifiable and readily available.

6.11.3 Acknowledging Receipt of Request: Within five (5) business days of receiving a request for a public record, the Public Records Officer or designee must respond in writing with one or more of the following.

6.11.3.1 Notify the Requester that the records are available for inspection or copying and advise them of the office or department where the records are being held.

6.11.3.2 If copies are requested and payment of a deposit for the copies if any, is made, or terms of payment are agreed upon, send the copies to the requester;

6.11.3.3 Acknowledge that the request has been received and provide a reasonable estimate of the time required to respond to the request to advise when records will be available; or,
6.11.3.4 If the request is unclear or does not sufficiently identify the requested record(s), request clarification from the requester. Such clarification may be requested and provided by telephone. The Public Records Officer or designee may revise the estimate of the time when the records will be available; or

6.11.3.5 Deny the request.

6.11.4 Consequences of failure to respond. If Jefferson County does not respond in writing within five (5) business days of receipt of the request for disclosure, the requester should consider contacting the Public Records Officer to determine the reason for failure to respond.

6.11.5 Additional Time Needed and Protecting the Rights of Others: Additional time required to respond to a request may be based on the need to clarify the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. Offices and departments have the option of notifying affected persons or agencies of whom a requested record specifically pertains and, in some instances, may be required by law to provide such notice.

6.12 Records Exempt from Disclosure: Some records are exempt from disclosure, in whole or in part. If Jefferson County believes that a record is exempt from disclosure and should be withheld, the Public Records Officer or designee will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer or designee will redact the exempt portions, provide the non-exempt portions, and indicate to the requester a general description of what was redacted and the specific exemption allowing the redacted record.

6.13 Assistance of the Prosecuting Attorney's Office: The office of the Prosecuting Attorney is available to the agency, its officers, divisions, departments and employees for assistance with respect to providing lawful responses to requests for Public Records and in determining what records, or portions of records, may be exempt from disclosure pursuant to state law. Review by the Prosecuting Attorney's Office of a Public Records request does not alter the requirements found in the "five-day response" rule described in Section 6.11.3 above. This section is not intended to require review by the Prosecuting Attorney's Office of each and every response to Public Records requests that this agency might receive.

6.14 Notification of Affected Parties: Offices and departments have the option of notifying affected persons or agencies of requests when requested records specifically pertain to them and, in some instances, may be required by law to provide such notice.

6.15 Inspection of Records: Consistent with other demands and resources, Jefferson County shall promptly provide space to inspect public records. No member of the
6.15.1 If the request results in over 350 documents to be copied, the Public Records Officer or designee will require a deposit in the amount of 10% of the estimated amount or cost for the number of copies (i.e. 350 copies at $.15 per page = $52.50 x 10% = a deposit of $5.25)

6.15.2 For a large request that is done in installments, before the first installment is released a deposit equal to 10% of the reasonable estimate of the cost for total number (all installments) of copies expected times the copy fee.

6.16 Inspection Time Frame: The requester must claim or review the assembled records within thirty (30) days of Jefferson County’s notification to him or her that the records are available for inspection or copying. Jefferson County will notify the requester in writing of this requirement and inform the requester who they should contact to make arrangements to claim or review the records.

6.16.1 If the requester or a representative of the requester fails to claim or review the records within the thirty (30) day period or make other arrangements, Jefferson County may close the request and re-file the assembled records.

6.16.1.1 If the same requester then submits a subsequent request for the same or almost identical records after the original records have been re-filed, other public records requests can be processed ahead of that request.

6.17 Providing Copies of Records: After inspection is complete, the Public Records Officer or designee shall make the requested copies or arrange for copying.

6.18 Copying Provided by an Outside Vendor: Jefferson County is not required to copy records at its own facilities. For requests where the requester has indicated that they need a large number of copies, the County may send the copying project to a commercial copying center and either bill the requester for the amount charged by the vendor, or make arrangements for the requester to pay the vendor directly. The outside vendor is permitted to and will charge sales tax to the requesting party. County staff will be responsible for delivery and retrieval of the documents to the commercial copying center.

6.19 Providing Records in Installments: When the request is for a large number of records, the Public Records Officer or designee may provide access for inspection and copying in installments, if it is determined that it would be practical to provide the records in that way.

6.19.1 If, within thirty (30) days, the requester fails to inspect the entire set of records or one or more of the installments, the Public Records Officer or designee may stop searching for the remaining records and close the request.
6.19.2 For large requests, the Public Records Officer or designee may ask the requester to prioritize the request so that he or she receives the most important records first.

6.20 Completion of Inspection: When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer or designee will indicate by notation on the Request Form or a memo attached to the request, that Jefferson County has completed a diligent search for the requested records and made any located non-exempt records available for inspection.

6.21 Closing Withdrawn or Abandoned Request: When the requester either withdraws the request or if 30 days have passed since the agency notified the requester that the records were available or that a clarification was needed and the requester failed to 1) to inspect the records, 2) further clarify his or her request, 3) pay the initial 10% deposit or 4) make final payment for the requested copies, the Public Records Officer or designee is authorized to and will close the request and indicate in writing to the requester that Jefferson County has closed the request.

6.21.1 If the deposit or final payment for requested copies has not been made and the same requester then submits another public records request, that request will be treated as required by this policy, but the copies will not be released until the payment is made for the previous request.

6.22 Later Discovered Documents: If, after Jefferson County has informed the requester that it has provided all available records, staff becomes aware of additional responsive documents existing at the time of the request, then the County will promptly inform the requester by the same means used for request, of the additional documents and provide for inspection or copying of them on an expedited basis.

6.23 Copy Fees: No fee shall be charged for the inspection of public records. Charges for providing copies of records shall not exceed the amount necessary to recoup the actual costs of the raw materials (or blank media if provided by the County) incident to such copying. Offices not computing actual copy costs may charge up to $.15 (15 cents) per copy of one single or double sided 8 ½” x 11” page.

6.24 Some public records have copy charges established by state law (statues) and said records are exempt from the fee provisions of this policy. Other such statutes include the following non-exhaustive list: RCW 46.52.085 (charges for traffic accident reports), RCW 10.97.100 (copies of criminal histories), RCW 3.62.060 and 3.62.065 (charges for certain records of municipal courts), and RCW 70.58.107 (charges for birth certificates.)

6.25 Costs of Mailing: If a requester asks that the copies they have requested be mailed, Jefferson County may charge for the actual cost of postage and the shipping container.
6.26 Waiver of Copying Charges: Jefferson County, may at the discretion of the Public Records Officer or designee waive copying charges for administrative convenience on requests for fewer than 5 standard size (8 ½ x 11 inch) copies.

6.27 Review of denial of public records: Any person(s) or entity that objects to a decision by the agency to deny, either partially or completely, a request for public records may submit a written Petition (writing includes e-mails) to the Public Records Officer of this agency seeking a review of that decision. That Petition must include a copy of or reasonably identify the records that were requested and subsequently denied by the agency. The Public Records Officer will immediately transmit the Petition and all relevant documents to the County Administrator who shall, with the assistance of the Prosecuting Attorney's Office, render a decision on the appeal within two (2) business days of the receipt of the Petition by the Public Records Officer. The person or the entity submitting the Petition and the County Administrator may agree to extensions of the two-day period in which a decision must be rendered. The person aggrieved by a total or partial denial of a request for Public Records is not required to file a Petition with the Public Records Officer before filing a civil action in Superior Court to compel disclosure of the records requested.
Name: 
Mailing Address: 
E-mail Address: ____________________________________________________________________ Phone Number: ____________________________

Records Requested: Please describe the SPECIFIC records you are requesting and any additional information that will help us locate said records (dates, names, etc.) RCW 42.17.320/42.56 requires that action on a request for public records must be taken within five (5) business days.

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

I understand that Washington State Law (RCW 42.17.260(9)) prohibits the use of lists of individuals for commercial purposes. If applicable to this request, I hereby declare, under penalty of perjury pursuant to the laws of the State of Washington, that I will not use the list of individuals obtained from this request for commercial purposes. If applicable, I also acknowledge that I am solely responsible for any consequences or damages arising from my commercial use of the list of individuals I am obtaining.

Signature: ______________________ Date: ____________

FOR OFFICIAL USE ONLY -- Return completed form to the Public Records Officer

Date Received: ____________________ Response Required By: ____________________

Dept. Receiving Request: ____________________ Signature: ____________________ Date: ____________

Action Taken: ____________________

☐ Request to be denied - IMMEDIATELY forward to Prosecuting Attorney for review.


☐ Record Partially Withheld. Notified requester with reason for partial withholding listing exemption(s) cited. Copy of letter attached.

☐ Clarification needed from requester. Contacted for clarification & notified of revised estimate of when records will be available.

Action Recommended by Prosecuting Attorney: ____________________

☐ DENIAL APPROVED: Department to notify requester by mail of reasons for denial. Forward copy of request form and written denial to County Administrator's Office.

Signature: ____________________ Date: ____________

Revised June 2006