

ORDINANCE No. 471

AN ORDINANCE amending Grays Harbor County Code chapter 2.32 and Ordinances 370 and 372 to amend the County's comprehensive procedures for responding to public records requests. See attached Exhibit A.

WHEREAS, Ordinances 370 and 372, as codified in chapter 2.32 of the Grays Harbor County Code, sets forth rules to endure compliance with the provisions of the Public Records Act for the county's public records; and

WHEREAS, the Board of Commissioners finds that amendment of Ordinances 370 and 372, as codified by Grays Harbor County Code Chapter 2.32, is necessary to address policy changes at the county level as well as recent changes in the Public Records Act, now therefore

Be it ORDAINED by the Board of Commissioners of Grays Harbor County as follows:

Section 1. Grays Harbor County Code Section 2.32.050, (Ordinance 370 § 5, 2008) is amended to read as follows:

- A. (~~((A public records officer))~~) The County Public Records Officer shall serve as the official county point of contact for members of the public who request disclosure of public records under the Public Records Act. ((Each public records officer))The County Public Records Officer shall be responsible for implementation and compliance with this chapter and the Public Records Act.
- B. (~~((The clerk of the board of county commissioners is the public records officer for the board of county commissioners.))~~) The Human Resources Director shall serve as the county's public records officer in the absence of the County Public Records Officer.
- C. (~~((Unless otherwise designated by the board of county commissioners, the clerk of the board of county commissioners is the public records officer for all boards and commissions appointed by and reporting to the board of county commissioners.))~~)
- D. (~~((Unless otherwise designated by an elected official, each elected official is the public records officer for the offices and departments administered by the elected official. For all departments not administered by an elected official the department head shall be the public records officer for his or her department.))~~)
- E. (~~((The public records officer for the superior court judges shall be the superior court administrator.))~~)
- F. (~~((The public records officer for the district court judges shall be the district court administrator.))~~)
- G. (~~((An alternate public records officer shall be designated by each appointing authority to act when the designated public records officer is absent or otherwise unavailable to act.))~~)

Section 2. Grays Harbor County Code Section 2.32.060, (Ordinance 370 § 6, 2008, Ordinance 372 § 1, 2008) is amended to read as follows:

A. Public records may be inspected and/or copies may be obtained under the following procedures:

1. A request for public records shall be directed to the County Public Records Officer ~~((public records officer))~~, or to the public records liaison, ~~((for the office or department having custody or control of the requested records. If the location of records is unknown, then the request may be made to the public records officer for the board of county commissioners.))~~
2. A request for public records shall be made in writing, ~~((upon a standard form promulgated by the public records officer for the county designated by the board of commissioners, which))~~ The county shall provide a form which shall be available ~~((be made available at the office of each agency's public records officer and))~~ on-line at: <http://www.co.grays-harbor.wa.us/>. ~~((and))~~ The request for records should include the following information:
 - a. The requester's name, mailing address, and telephone number, or other acceptable contact information;
 - b. The date of the request;
 - c. A clear indication that the document is a "public records request";
 - d. Whether the request is to inspect the public records or for copies of public records, or both;
 - e. A clear description of the public records requested for inspection and/or copying and the office or department having custody of the public records, if known;
 - f. If the request is for a list of individuals, a statement that the list will not be used for any commercial purposes or that the requester is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to such law; and
 - g. Whether the request is for printed or ~~((digital))~~ electronic copies of the public record.

Section 3. Grays Harbor County Code Section 2.32.070, (Ordinance 370 § 7, 2008) is amended to read as follows:

Public records shall be inspected at the office of the County Public Records Officer or at the offices of the elected official or department having custody or control of the records, at the discretion of the County Public Records Officer. Public records shall be available for inspection from 9:00 a.m. to 12:00 noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays ~~((; provided, that there is no obligation to allow inspection immediately upon a demand)).~~ ~~((A public records officer may request that the person seeking to inspect public records schedule an appointment for inspection.))~~ All inspection of public records shall be by appointment only.

Section 4. Grays Harbor County Code Section 2.32.080, (Ordinance 370 § 8, 2008) is amended to read as follows:

- A. The ~~((public records officer))~~ County Public Records Officer or designee shall, to the extent practicable, assist requesters in identifying the public records sought.
- B. There is no obligation to allow inspection or provide a copy of a public record on demand.

- C. Within five business days after receiving a public record request, the ~~((public records officer))~~ County Public Records Officer or designee shall respond to the request in writing. The ~~((public officer shall make one or more of the following responses))~~ response shall consist of one or more of the following:
1. The request for inspection of public records is approved and whether an appointment for inspection needs to be scheduled by the requester;
 2. The request for copies of public records is approved and either the amount required for payment of the copies of all requested records or the copies of the records (for fewer than ten (10) pages) are enclosed with the response;
 3. The request has been received by the public records officer, that additional time is needed to respond to the request, and stating a reasonable estimate of the time required to respond;
 4. The request has been received by the public records officer, that clarification of the request is needed to respond to the request, and stating a reasonable estimate of the time required to respond; ~~((and the records shall be provided on a partial or installment basis as the records are identified, located, assembled and/or made ready for inspection or copying;))~~ or
 5. The request is denied, in whole or in part, ~~((whether by withholding a requested record or redacting a requested record;))~~ stating the specific exemption(s) prohibiting disclosure and a brief explanation of how the exemption applies to each withheld ~~((and redacted))~~ record.
- D. The County Public Records Officer or designee ~~((public records officer))~~ shall immediately notify the requester if, after responding to a request for public records and approving the request, ~~((the public records officer identifies requested))~~ additional public records or information are identified that ~~((are))~~ were not previously disclosed ~~((exempt from disclosure))~~.
- E. Additional time to respond to a request may be based upon the county's need to:
1. Clarify the intent of the request;
 2. Identify, locate, assemble and/or make the records ready for inspection or disclosure;
 3. Notify third persons or agencies affected by the request; or
 4. Determine whether any of the records or information requested is exempt from disclosure and whether a denial should be made as to all or part of the request.
- F. If a requester fails to clarify the request after receiving a response from the ~~((public records officers))~~ County Public Records Officer or designee seeking clarification, or to pay the amount required for copies of the records, the ~~((public records officer need not respond further to the request))~~ request will be deemed to have been abandoned and no further response will be provided.
- G. ~~((If the public records officer does not respond in writing within five working days after receipt of a request for public records, the requester shall be entitled to request review by either the public records officer's elected official or department head or by the prosecuting attorney;))~~
- H. ~~((If the public records officer provides an estimate of the time required to respond to the request and the requester believes the amount of time stated is not reasonable, then the requester may request that the public record officer's elected official or department head or the prosecuting attorney review the estimate of time;))~~
- I. ~~((When a request for public records is received that concerns a subject known to involve litigation that is pending, threatened or anticipated, the public records officer shall promptly~~

notify the prosecuting attorney of the request. Each page of the records provided to the requester shall be sequentially numbered or otherwise uniquely identified. Copies of the request, all correspondence between the public records officer and the requester, and copies of the public records provided to the requester shall be delivered to the prosecuting attorney. The requester shall not be charged for copies delivered to the prosecuting attorney.))

Section 5. Grays Harbor County Code Section 2.32.090, (Ordinance 370 § 9, 2008) is amended to read as follows:

1. No fee will be charged for the inspection of a public record.
2. All fees for copying shall be as provided for in the Grays Harbor County Public Records Policy as adopted by resolution. The Policy may be found on the Grays Harbor County website: <http://www.grays-harbor.wa.us/>

((A. Disallowed Charges.

A.—

1. ~~No fee will be charged for the inspection of a public record.~~
2. ~~No fee will be charged for locating public records in response to a request and making the records available for inspection or copying.~~
3. ~~No fee will be charged for searching for public records, redacting portions of a record which are exempt from disclosure, or preparing an index of exempt documents.~~

B. ~~Allowed Charges—Generally.~~

1. ~~A reasonable fee will be charged to reimburse the County for the costs of providing copies. The public records officer may waive the fee for fewer than one hundred (100) pages on the basis that the expense of processing the payment exceeds the costs of providing the copies.~~
2. ~~A reasonable fee shall be charged to reimburse the County for the cost of delivering copies of public records to a requester, including the cost of packaging the copies for delivery and the cost of postage or delivery service.~~
3. ~~Any request for which the response will be more than one hundred (100) pages of documents, oversized documents, color photographs or reproductions, tape recordings and computer disks may be sent to a private copying service for copying, in which case the copying fee shall be the actual charge imposed for copying, plus applicable taxes and shipping costs.~~
4. ~~The Public Records Officer may require that all copying and delivery fees be paid in advance of the release of the copies.~~

C. ~~Statutory Charges.~~ The fee for searching records, research, and/or providing a copy of a public record may be set by statute. Where the state or federal law sets a fee, that fee will be charged. Court papers (RCW 3.62.060); duplication of electronic tapes of a court proceeding (RCW 3.62.060); traffic accident reports (RCW 46.52.085); and criminal history information (RCW 10.97.100) are examples.

D. ~~Unless a fee is fixed by another federal, state or county ordinance, the following fee schedule is applicable:~~

8.5"by14" page, or less	\$0.15 per page
Greater than 8.5"x14" page	\$1.00 per page
Greenbar computer printouts	\$1.00 per page
Assessor's section Maps	\$2.50 per square foot
Color Maps	\$5.00 per square foot
Audio Tapes	\$20.00 per cassette tape
Videotape or digital video	Actual expense
Photographs, DVD, CD	Actual expense
Fax (8.5" by 11" only)	\$1.00 per page
Postage	Actual expense
Boxes	Actual expense
Envelopes	\$.50 each
Copying Service	Actual expense
Electronic records	Actual expense — See Section 2.32.140

E. ~~The public records officer may require a deposit in an amount not to exceed ten (10) percent of the estimated cost of providing requested public records. If the public records officer responds to a request on a partial or installment basis, the requester shall be charged for each part or installment responding to the request. If a partial or installment response is not claimed or reviewed by the requester, the public records officer is not obligated to fulfill the balance of the request.))~~

Section 6. Grays Harbor County Code Section 2.32.110, (Ordinance 370 § 11, 2008) is amended to read as follows:

If a public record request is made at a time when a record exists, but the record is scheduled for destruction in the near future, the County Public Records Officer ~~((public records officer))~~ shall direct that the record be retained until the request is resolved and the applicable retainage period has expired.

Section 7. Grays Harbor County Code Section 2.32.120, (Ordinance 370 § 12, 2008) is deleted in its entirety.

Section 8. Grays Harbor County Code Section 2.32.130, (Ordinance 370 § 13, 2008) is deleted in its entirety.

Section 9. Grays Harbor County Code Section 2.32.140, (Ordinance 370 § 14, 2008) is deleted in its entirety.

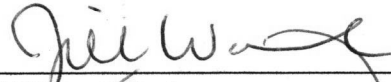
Section 10. Grays Harbor County Code Section 2.32.150, (Ordinance 370 § 15, 2008) is amended to read as follows:

Copies of ~~((this chapter))~~ the Grays Harbor County Public Records Policy and public records request forms shall be available ~~((to))~~ and provided to the public, without cost, at each county office.

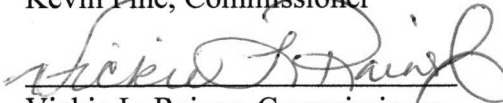
Electronic copies shall be made available to the public on the county's website((-)): www.co.grays-harbor.wa.us/

ADOPTED in open session by the Board of County Commissioners this 26 day of

April, 2022.


Jill Warne, Chair



Kevin Pine, Commissioner


Vickie L. Raines, Commissioner

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Deputy Prosecuting Attorney
Bryan D. Lane, WSB# 18246