

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF  
ADOPTING THE ISLAND COUNTY  
PUBLIC RECORDS POLICY**

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**RESOLUTION C-119-17**

WHEREAS, the Public Records Policy consolidates existing policies and processes into a uniform, countywide policy for responding to requests for access to public records under the provisions of the Washington State Public Records Act (RCW42.56); and

WHEREAS, the Island County Public Records Policy establishes processes for both requestors and county public records officers in order to provide the fullest assistance to requests, and to provide the most timely action possible on requests for identifiable public records; NOW THEREFORE,

BE IT HEREBY RESOLVED by the Board of County Commissioners as follows:

- 1) The Island County Public Records Policy is hereby adopted.
- 2) In applying the Island County Public Records Policy, Island County public records officers, officials, employees and representatives will provide the fullest assistance to a requestor and the most timely action on requests.
- 3) The Island County Public Records Policy shall be interpreted by Island County public records officers, officials, employees and representatives in a manner that is consistent and compliant to state laws governing public records and other applicable state and federal law;

ADOPTED December 5, 2017.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY WASHINGTON**



Attest:

  
Debbie Thompson, Clerk of the Board

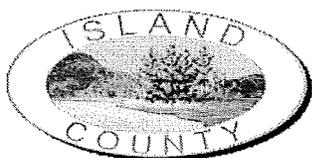
  
Jill Johnson, Chair

  
Helen Price Johnson, Member

  
Richard M. Hannold, Member

EXHIBIT A

ISLAND COUNTY PUBLIC RECORDS POLICY



## ISLAND COUNTY DISCLOSURE OF PUBLIC RECORDS POLICY

Island County is required by *RCW 42.56.100* to adopt and enforce reasonable rules and regulations, consistent with the intent of the Washington State Public Records Act (PRA), referenced in *RCW Chapter 42.56* and the Model Rules of *WAC 44-14.*, and to provide access to public records, protect public records from damage and disorganization and to prevent excessive interference with other essential functions of the County. The County is also required to protect certain public records from disclosure subject to various legal exemptions.

This PRA Disclosure policy establishes the procedures Island County will follow to provide for the fullest assistance to requestors including the most timely possible action on requests, while protecting public records from damage and preventing "excessive interference with other essential agency functions."

The County is required to respond to public records requests pursuant to Chapter 42.56 RCW. A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by the County is not a valid request for identifiable records under the PRA. A request must identify a particular topic or contain a particular keyword or name. The County is not required to respond to questions, do research, or to give information that is not the subject of an identifiable public record.

Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on the County. The County reserves the right to apply and interpret this policy as it sees fit, and to revise or change the policy at any time. Failure to comply with any provision of these rules shall not result in any liability imposed upon the County other than that required in the PRA.

### DEFINITIONS

"Island County" and "County" includes any office, department, division, bureau, board, commission, or agency of Island County.

"Public Record" includes 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 Island County regardless of physical form or characteristics.

"Writing" means handwriting, typewriting, printing, photo stating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched

cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

“Identifiable record” means an identifiable record is one in existence at the time the records request is made and that County personnel can locate after an objectively reasonable search.

“Exempt record” includes all agency records that are specifically exempted or prohibited from disclosure by state or federal law, either directly in RCW 42.56 or other statutes. For information related to Public Record Exemptions please see Municipal Research Service Center’s (MRSC) publication “Public Records Act for Washington Cities, Counties and Special Purpose Districts” on the County’s website under Public Records Requests.

### RESPONSIBILITY

**Public Records Officers:** Each department and office of an Elected Official is designated as a local agency and as such, each department and office has a designated Public Records Officer. Contact information for public records officers for each department and office of an Elected Official is shown in Appendix A. Other County personnel may also process public records requests, as needs require.

Additional information regarding Island County’s Elected Officials and departments may be obtained through the County’s website [www.islandcountywa.gov](http://www.islandcountywa.gov).

**Superior or District Courts of Island County.** Court records are not considered “public records” under the definition provided in both RCW 40.14.010 or RCW 42.56. Superior and District Courts have their own rules for providing records to requestors and application directly to these bodies is necessary if court records are being requested.

### PROCEDURE

- 1) **General Records Requests.** Any person requesting access to general public records or seeking assistance in making such a request should contact the Public Records Officer responsible for the office of an Elected Official or Appointed Department Head as shown on Appendix A. Any county employee that receives a public records request must immediately forward the request to the responsible Public Records Officer.
- 2) **Request Format.** While there is no specific required format for a public records request, a requestor must provide the County with reasonable notice that the request being made is for public records. If a request is contained in a larger document unrelated to a public records request, the requestor should point out the public records request by labeling the front page of the document as containing a public records request or otherwise calling the request to the attention of the Public Records Officer to facilitate timely response to the request.
- 3) The County encourages that all requests for public records be made in writing on a *Request Public Records Form*, which is available on the County’s website [www.islandcountywa.gov](http://www.islandcountywa.gov) or at the county offices shown in Appendix A. Requests may be submitted in person, orally, by mail, or e-mail. Mail and

e-mail will be considered received on the date the form is stamped "received", not on the date sent. Requests should include the following information:

- a) The requestors name (not required), e-mail address, mailing address, and contact phone number;
  - b) The date of the request;
  - c) The nature of the request, including a detailed description of the public record(s) adequate for the County personnel to be able to locate the records;
  - d) A statement regarding whether the records are being requested for a commercial purpose; and
  - e) Whether the requestor desires copies, or to inspect the requested records.
- 4) Requests for public records made orally must be confirmed by the Public Records Officer.
- 5) A variety of records are available on the County's website [www.islandcountywa.gov](http://www.islandcountywa.gov). Requestors are encouraged to view records available on the website prior to submitting a records request.
- 6) **Response to Requests.** The County will process requests in the most efficient manner as the Public Records Officer deems appropriate. The Public Records Officer may ask a requestor to prioritize the records he or she is requesting so that the most important records may be provided first.

Within 5 business days of receiving a request, the County will

- a) Provide the record;
- b) Provide an internet address and link on the County's website to the specific records requested;
- c) Acknowledge that the request has been received and provide a reasonable time estimate it will need to respond to the request;
- d) Acknowledge that the request has been received and ask the requestor to provide clarification for a request that is unclear, and to the greatest extent possible, a reasonable estimate of the time to respond to the request if not clarified; or
- e) Deny the public record request.

Additional time to respond may be based on the need to clarify the intent of the request, to locate and assemble the records, to redact confidential or exempt information, to prepare a withholding index, to notify third parties or agencies affected by the request and provide such parties/agencies with the opportunity to seek a court order preventing disclosure where appropriate, and/or to consult with the County Prosecutor's office about whether the records are exempt from disclosure. The Public Records Officer should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain the changed circumstances that make it necessary.

If the requestor fails to clarify an unclear request within 14 days and the entire request is unclear, the County will treat the request as having been withdrawn, and shall notify the requestor of such.

The County frequently receives requests for public records identified in terms of "any and all documents related to" a particular topic or particular keyword or name. If the requestor is unable or unwilling to help narrow the scope of the documents being sought in order to expedite the County's response and/or reduce the volume of potentially responsive documents, the Public Records Officer is allowed to err on the side of producing more rather than fewer documents in response to such a broad,

general request. County personnel shall not be obligated to interpret such a broad, general request in order to decipher which specific documents may be of interest to the requestor and the PRA does not allow a requestor to search through the County's files for records which cannot be identified or described to the County. When a request uses a phrase such as "all records relating to", the Public Records Officer may interpret the request to be for records which directly and fairly address the topic.

The County may deny a bot request that is one of multiple requests from the requestor to the County within a 24-hour period, if the County establishes that responding to the multiple requests would cause excessive interference with other essential functions of the County. For the purposes of this policy, "bot request" means a request for public records that an agency reasonably believes was automatically generated by a computer program or script.

The County is not authorized to provide lists of individuals for commercial purposes. If responsive records include a list of individuals, the Public Records Officer must seek a certification from the requestor that the records will not be used for a commercial purpose and statement describing what purpose for which the list is sought. The Public Records Officer may also seek sufficient information to determine if another statute or court order may prohibit disclosure.

If the public record contains personal information that identifies an individual or organization other than the requestor of the public record, the County may notify that individual or organization to allow the party to seek relief pursuant to RCW 42.56.540. Such relief may include a court injunction prohibiting release of the record because such examination would not be in the public interest and would substantially and irreparably damage any person or vital governmental function. The County may take the above into account when providing an estimate of when the records will be available. Nothing in this policy is intended to, nor does it, create any right to such notice.

The County may respond to a request to provide access to a public record by providing the requestor with a link to the County's web site containing an electronic copy of that record if it can be determined that the requestor has internet access and the requestor agrees that the request has been satisfied. Before closing the request, the Public Records Officer will confirm that the requestor was able to find the records he or she was seeking.

- 7) **Providing Records in Installments.** When the request is for a large number of records, the County may provide access for inspection and copying (or scanning) in partial installments if reasonably determined that it would be practical to provide the records in that way. If the requestor does not contact the Public Records Officer within 30 days to arrange to claim or review of the first installment, the County may deem the request abandoned and may stop fulfilling the remainder of the request. The County may prioritize other record requests received after commencing to fulfill the large request.
- 8) **Electronic records.** The process for requesting electronic public records is the same as the process for requesting paper public records. Requestors who want the public records they have requested in electronic format only must specify this at the time of the request. The County is under no obligation to convert an electronic record into a different format.

When a requestor requests records in an electronic format, if technically feasible, the Public Records Officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the County and is generally commercially available; or will provide

the records in a format that is reasonably translatable from the format in which the County keeps the record. Should redactions be required and electronic redactions are not feasible, the record may need to be printed and redactions made on the paper records. Requestors will be expected to pay for these copies. The County is under no obligation to provide redacted records electronically as this would involve re-scanning the records.

If an electronic record is not capable of being printed due to its size, then the record may be provided electronically in the format in which the record is maintained by the County. The cost of such storage devices used to deliver records in electronic format will be charged to the requestor at the cost to the County for such devices.

With the consent of the requestor, the County may provide customized access if the record is not reasonably locatable or not reasonably translatable into the format requested. The County may charge a fee for such customized access. Because internet service capability varies, the requestor making a request for electronically delivered e-records risks that an internet service provider is able to accommodate the files provided by the county. The county is not obligated to make adjustments to accommodate the service provider's file size or other capability to deliver the e-records to the requestor.

- 9) **No Duty to Create Records.** This policy does not require the County to answer written questions, summarize data or information, create new public records, or provide information in a format that is different from original public records; however, the County may in its discretion, create such a new record to fulfill the request where it may be easier for the County to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.
- 10) **No Duty to Provide Information.** This policy does not require the County to respond to requests for information, research, opinions or advice. Requests for information, research, opinions, advice, or similar requests will not be responded to pursuant to this policy.
- 11) **No Duty to Supplement Responses.** The County is not obligated to hold current records requests open to respond to requests for records that may be created in the future. A new request must be made to obtain later-created public records.
- 12) **Fees.** A reasonable fee shall be charged for providing copies of public records, including costs for mailing, special media or copying/scanning done by a third person for hire. No fee is charged for inspection of a public record or for locating a record. Fees may be waived due to the few number of copies made or other circumstances. Payment of fees is required prior to release of records unless other arrangements have been made. Upon request, the County will provide a summary of the applicable charges before any copies are made, and the requestor may revise the request to reduce the number of copies to be made and the applicable charges.

Charges may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

The County does not impose copying charges for access to or downloading of records that the County routinely posts on its website prior to the receipt of a request, unless the requestor specifically requests that the County provide copies of such records through other means.

State statute or federal law may set a fee for providing copies of certain records. Examples of fees set by state law are: death certificates, court papers, traffic accident reports, criminal history information.

- 13) **Deposit.** The County may require a deposit of up to ten percent (10%) of the estimated cost of copying/scanning records, including any fees or customized service charges, prior to providing any records for a requestor. The County may also require payment of the remainder of the cost before providing all of the records, or the payment of the costs of an installment before providing that installment.
- 14) **Availability of Public Records.** Public records are available for inspection and copying at the county offices during normal business hours, excluding holidays. County personnel and the requestor may make mutually agreeable arrangements for time(s) of inspection and copying. Information on normal business hours for each county office is available on the County's website [www.islandcountywa.gov](http://www.islandcountywa.gov).

To the extent possible given other demands for space and staff time, the Public Records Officer will promptly provide space to inspect public records in County offices. The County deems it necessary, in order to comply with the PRA's mandate to protect public records, to require that inspections of public records be conducted in the presence of the Public Records Officer or designated personnel. The County will make every effort to provide personnel to oversee the expeditious inspection of public records without unduly compromising or unreasonably interfering with the essential functions of the County.

Any assistance necessary to help requestors locate and inspect particular responsive records shall be provided by the Public Records Officer, provided that the giving of such assistance does not unreasonably disrupt the daily operations or regular business of the County. In accommodating a request for public records inspection, the County may consider the size of the request, the ease with which the requested records can be made available for inspection, and special accommodations requested by the requestor necessary in order to inspect the records, the availability (schedule) of the requestor to conduct the inspection, the availability of County personnel to observe the inspection, the time constraints on employee availability imposed by other current County business, and any other relevant circumstance.

The Public Records Officer will provide a non-permanent method of marking the desired records. After inspection is complete, the requestor shall indicate which documents he/she wishes to have copied using the approved non-permanent method of marking the desired records. The Public Records Officer will arrange for copying.

- 15) **Preservation of Public Records.** No member of the public may remove a public record from a viewing area, disassemble, or alter, fold, mark, deface, tear, damage or destroy any public record. Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by County employees. Copies of public records may be copied only on copying machines of the County unless other arrangements are made by the Public Records Officer. No food or drink will be permitted during the inspection of public records. Access to file cabinets, shelves, vaults and other County storage areas is restricted to authorized County personnel.

- 16) **Organization of Public Records.** The County finds that maintaining an index as provided in *RCW 42.56.070(3)* for use by the public would be unduly burdensome and would interfere with agency operations given the high volume, various locations, and types of public records received, generated and otherwise acquired by the County. (*ICC 1.34.010*) Notwithstanding the foregoing, the County will maintain its records in a reasonably organized manner and take reasonable actions to protect records from damage and disorganization.
- 17) **Closing Abandoned or Unpaid Requests.** If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records within 30 days of notice that the records are available for inspection, or fails to pay the deposit, installment payment or final payment for the requested copies (including scans or electronic records), County personnel will close the request. County personnel will document closure of the request and the conditions that led to closure and shall notify the requestor of such.
- 18) **Records Exempt from Public Disclosure.** The County is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted or limited by state law or federal statute or regulation. The County is prohibited by statute from disclosing lists of individuals for commercial purposes.  
  
The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. *RCW 42.56.230 through 42.56.480* contains a large number of exemptions from public inspection and copying. The County adopts the Municipal Research Service Center's published list of exempt records. [www.mrsc.org](http://www.mrsc.org)  
  
Other statutes outside the Public Records Act may prohibit and exempt disclosure of certain documents or information. The County's failure to list an exemption shall not affect the effectiveness of the exemption.
- 19) **Denial of Request Due to Exemption.** All denials of requests for public records will be accompanied by a written statement specifying the reason(s) for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.
- 20) **Mechanism for Review of Denial.** Any person who objects to the denial of a public records request may petition in writing to the appropriate Elected Official or appointed department Director responsible for such records for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the county department denying the request. The Elected Official or appointed department Director shall perform a review of the denial as promptly as possible. Pursuant to state law, the review shall be deemed concluded at the end of the second business day following the denial to represent final action for the purposes of judicial review.
- 21) **Retention of Records.** The County is not required to retain all records it creates or uses. However, the County follows *RCW Chapter 40.14*, Preservation and Destruction of Public Records, in the retention and destruction of public records. The Secretary of State, State Archives Committee approves a retention schedule for local agency records. The retention schedule for local agencies is available at [www.secstate.wa.gov/archives](http://www.secstate.wa.gov/archives). Retention schedules for documents vary based on the content of the record.

- 22) **Loss of Right to Inspect.** Inspection shall be denied and the records withdrawn by the Public Records Officer if the requestor, when reviewing the records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the County.
- 23) **Log of Public Records Requests.** The County's public records officers maintain a log for public requests submitted to and processed by the County. The log is a public record subject to disclosure, and contains information for each request:
  - a) Identity of requestor (if provided);
  - b) Date the request was received;
  - c) Text of the original request;
  - d) Description of the records produced in response to the request;
  - e) Description of records redacted or withheld and the reasons for doing so; and
  - f) The date of the final disposition of the request.
- 24) **Training.** All elected officials and public records officers shall complete mandatory public records training and retain documentation of having completed said training, pursuant to RCW 42.53.150 and RCW 42.56.152.
- 25) **Disclaimer of Liability.** Neither the County nor any officer, employee, official or custodian shall be liable, or 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.
- 26) 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 the County beyond those imposed by state and federal law.

APPENDIX A

LIST OF ISLAND COUNTY PUBLIC RECORDS OFFICERS

(Attached as form only)

**Island County  
Public Records Disclosure Contact Information**

DEPARTMENT, OFFICE OR AGENCY	DIRECTOR	SERVICES / QUESTIONS RELATING TO:	PUBLIC RECORDS OFFICER	FAX NUMBER	PHONE NUMBER
Assessor	Mary Wilson Engle	Property Valuations	Matt Chidsey	360-240-5565	360-678-7852
Auditor	Sheilah Crider	Accounting; County Records; Elections; Recorded Documents; Vehicle and Boat Licensing	Accounting: Doug Martin, Chief Deputy  Elections: Michele Reagan  Recording: Beth Kelly  Licensing: Mariah Knoblich		360-678-7849  360-240-5535  360-240-5540  360-679-7368
Budget Director	Elaine Marlow	County Budgets	Elaine Marlow  Lynette Goodell	360-240-5551	360-679-7397 360-679-7373
BOICC – (Board of Island County Commissioners) Administration	Commissioner: Jill Johnson, Chair	General Information and Policy; Agendas and Meetings	Pam Dill	360-679-7381	360-679-7353
BOICC – (Board of Island County Commissioners) Clerk of the Board	Debbie Thompson	Meeting Minutes; Resolutions; Ordinances; and Contracts, etc.	Pam Dill	360-679-7381	360-679-7353
Camano Annex	See BOICC  Or  General Services	General Information and Policy; Agendas; Meetings; and Minutes  GSA Administration	Pam Dill  Lynette Goodell	360-387-6161	360-679-7353  360-679-7373
Civil Service	CS Commission	Application and Review of Island County Sheriff	Linda Meehan	No Fax	360-678-7975
Clerk of Superior Court	Debra Van Pelt	Court Records	Debra Van Pelt	No Fax	360-679-7359
Community Development (Also See: Planning and Community Development)	Hiller West	Land Use; Permits; Building Inspection; Boundary Line; and Platting	Paula Bradshaw	360-679-7306	360-678-7802
Coroner	Robert Bishop	Death Investigations	Susan Higman	360-679-7394	360-679-7358
Court (Superior) Administration	Judges: Vickie Churchill Alan Hancock	Jury Selection and Court Schedule	Andrew Somers	No Fax	360-679-7361

**Island County  
Public Records Disclosure Contact Information**

DEPARTMENT, OFFICE OR AGENCY	DIRECTOR	SERVICES / QUESTIONS RELATING TO:	PUBLIC RECORDS OFFICER	FAX NUMBER	PHONE NUMBER
District Court Clerk	Donna Rollag	Misdemeanor and Traffic Tickets; District Court Schedules and Decisions	Milinda Hudson	360-675-8231	360-675-5988
District Court Probation Office	Donna Rollag	Probation	Antonia Mitchell	360-678-8221	360-675-0777
Extension Services (WSU)	Dr. Timothy Lawrence	WSU Extension; Programs; Agriculture; Noxious Weed Management	Dr. Timothy Lawrence	360-240-5503	360-679-7329
Emergency Services	Bill Oakes	County Emergency Management Policies, Procedures and Training	George Anne Sherry	360-678-4550	360-679-7330
Facilities Management	Larry Van Horn	Facility Management and Maintenance	Carla Waite	360-240-5513	360-678-7870
Fire Marshal	Sheriff: Mark Brown	Burn Ban Information and Fireworks	Mark Brown  Wylie Farr	360-679-7371	360-679-7382 360-679-7323
General Services	Elaine Marlow	Risk Management, Public Defense; Board of Equalization; County Records Services	Lynette Goodell	360-240-5551	360-679-7373
Hearing Examiner	Hiller West	Land Use Decisions and Appeals	Paula Bradshaw	360-679-7306	360-6787802
Health Services	Keith Higman	Public Health; Environmental Health; Nursing Services;WIC; Vital Statistics (birth/death); Billing;Natural Resources	Amber Jones	360-679-7390	360-678-7860
Human Resources	Melanie Bacon	Employment Opportunities; Employee Records and Policy	Melanie Bacon  Shirley Wood	360-240-5550	360-678-7921 360-678-7919
Human Services	Jackie Henderson	Health Care Grants; Billing Counseling Services Chemical Dependency Treatment Services Veteran Assistance Housing Assistance	Jaime Montoya	360-679-7377	360-678-7970
Information Technology	John Kent	Information Systems	Jenean Boggs	No Fax	360-679-7305
Juvenile Court	Andrew Somers	Minors Assessment; Guardianship; and Placement	Marti Bodley	360-678-2139	360-679-7325

**Island County  
Public Records Disclosure Contact Information**

<b>DEPARTMENT, OFFICE OR AGENCY</b>	<b>DIRECTOR</b>	<b>SERVICES / QUESTIONS RELATING TO:</b>	<b>PUBLIC RECORDS OFFICER</b>	<b>FAX NUMBER</b>	<b>PHONE NUMBER</b>
Planning (Also See: Community Development)	Hiller West	County Planning; Land Use; Permits; and Growth Management	Paula Bradshaw	360-679-7306	360-678-7802
Prosecuting Attorney	Greg Banks	Prosecutes Criminal Cases; Provides Confidential Legal Advice to County Officials	Jennifer Wallace	360-240-5566	360-679-7363
Public Works	Bill Oakes	Roads; Surveys; Franchises; Heavy Equipment; Fuel; Solid Waste; Recycling; Parks Administration	George Anne Sherry	360-678-4550	360-679-7330
Sheriff	Mark Brown	Law Enforcement; Civil Process; Jail	Wylie Farr	360-679- 7371	360-679-7323