

FRANKLIN COUNTY ORDINANCE NUMBER

08-2025

**ORDINANCE REPEALING AND REPLACING FRANKLIN COUNTY
ORDINANCE 4-2009, AND RESOLUTION 2019-303, UPDATING THE
PROCEDURE BY WHICH PUBLIC RECORDS REQUESTS ARE
ADMINISTERED.**

WHEREAS, pursuant to section RCW 42.56.030 of the Public Records Act, “[t]he people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern”; and

WHEREAS, pursuant to section RCW 42.56.100 of the Public Records Act, public agencies, such as Franklin County are required to “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; and

WHEREAS, Franklin County has decided to overhaul their previous Public Records policies, therefore Ordinance 4-2009 and Resolution 2019-303 are repealed and replaced by this current Ordinance; and

WHEREAS, the Washington State Attorney General’s Office has adopted Public Records Act Model Rules under Chapter 44-14 of the Washington Administrative Code; and

WHEREAS, pursuant to RCW 42.56.570, local agencies are required to consult the model rules when establishing local ordinances for compliance with the requirements of the public records act; and

WHEREAS, the county has consulted the model rules in promulgating the attached ordinance;

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
FRANKLIN COUNTY, STATE OF WASHINGTON:**

Section 1. Purpose.

The purpose of this Ordinance is to provide rules for the implementation of the provisions of RCW 42.56, the Public Records Act, relating to Public Records held by Franklin County, and to provide guidance to the public in obtaining access to public records.

Section 2. Court Documents – Not Applicable.

This Ordinance is not intended to provide rules for access to court documents: RCW 42.56 does not apply to court (non-administrative) documents pursuant to *Nast v. Michels*, 107 Wn.2d 300, 730 P.2d 54 (1986); *City of Federal Way v. Koenig*, 167 Wn.2d 341, 217 P.3d 1172 (2009); and *Yakima v. Yakima HeraldRepublic*, 170 Wn.2d 775, 246 P.3d 775 (2011). For the purpose of section, the County will follow the definition of Court Records as defined in GR 31(c)(4). Each Franklin County Court has a form that may be completed and returned to request access to court records, with instructions on how to do so found on their respective pages.

Forms to request access to court documents from Franklin County District Court may be found online at:

<https://www.franklincountywa.gov/253/District-Court>

Forms to request access to court documents from the Franklin County Superior Court may be found online at:

<https://www.franklincountywa.gov/374/Superior-Court-Clerk-Records-RequestFor>

Further this Ordinance is also not intended to provide rules regarding access to public records of the State of Washington or the federal government, such as the Judicial Information System (JIS) and the National Crime Information Center (NCIC), even though those documents may be utilized at computer stations located in Franklin County.

Section 3. Definitions.

The definitions set forth in RCW 42.56.010 and as hereafter amended shall apply to this ordinance.

Public Records Liaisons (PRLs) are individuals in each department who interact with the Public Record Officer (PRO) to respond to request.

Section 4. Interpretations.

The provisions of this Ordinance shall be liberally construed and interpreted to promote full access to records maintained by Franklin County for members of the public, while preventing unreasonable invasions of privacy.

Section 5. Public Records Available.

Public records shall be made available for inspection and copying pursuant to this Ordinance, except as otherwise provided by law.

Section 6. Exempt Records.

Public Records and information exempt from disclosure under the Public Records Act or any other law shall be exempt from disclosure under this Ordinance whether or not such exemption is on any list of exemptions published and maintained by Franklin County.

Section 7. Document Filing System – Index.

No document filing system is maintained that indexes all public records, as the Board of Franklin County Commissioners passed Ordinance 29-2002 explaining why it is unduly burdensome to formulate and maintain every index otherwise required by RCW 42.56.070

Section 8. Public Records Officer Contact Information.

- A. The County shall maintain two Public Records Officers:
 - a. One Officer to handle requests for records housed in the Franklin County Sheriff's Office;
 - b. One Officer who maintains records for all other County Departments, and who is the Public Records Officer for every board or committee not listed herein. This Officer shall report to the Board of County Commissioners, unless otherwise specified by resolution.

- B. Any person wanting to request access to public records, or seeking assistance in making a request, should contact either Public Records Officer, whose names shall be posted on the Franklin County website, at:

<https://www.franklincountywa.gov/PublicRecords>

- C. If either Public Records Officer is unavailable, the Franklin County Prosecutor's Office, Civil Division, may be contacted for assistance.

- D. The Elected Official of each department shall be a PRL, as defined in Section 3 of this Ordinance, unless they designate another person, in writing, as the Public Records Liaison of that department. See Departmental Contact Information, Appendix D, posted on the County website.

- E. Each Department Head shall be a PRL as defined in Section 3 of this Ordinance, unless they designate another person, in writing, as the Public Records Liaison of that department. See Departmental Contact Information, Appendix D, posted on the County website.

Section 9. Requests for Public Records – How Made.

- A. All requests for public records directed to the County shall be directed to a Public Records Officer.
 - a. Requests regarding criminal investigation documents should be directed to the Franklin County Sheriff Office's Public Records Officer;
 - b. Requests regarding any records held by the Franklin County Corrections Facility should be directed to the Public Records Officer of the County;
 - c. Requests regarding all other documents should be directed to the Public Records Officer of the County.

- B. A request for public records may be made in any form to designated Public Records Officers.

- C. A request for public records may be made in any form to designated Public Records Officers.
- D. GovQA is the preferred method for submitting requests for public records, found at the link:

[https://franklincountywa.mycusthelp.com/webapp/rs/\(S\(1kmguzvz0oenax5prvusf3i2\)\)/supporthome.aspx](https://franklincountywa.mycusthelp.com/webapp/rs/(S(1kmguzvz0oenax5prvusf3i2))/supporthome.aspx)

- E. The County has also designated a “Public Records Request” (PRR) form, labeled as Appendix A to this ordinance, and as hereafter may be amended by resolution or ordinance. It is available in the County Commissioners’ Office, and on the Franklin County website at:

<https://www.franklincountywa.gov/PublicRecords>

The PRR form may be submitted at the Commissioners’ Office or Sheriff’s Office to the notice of the Public Records Officer, via email to the listed email address for the Public Records Officers on the above website, or in any other manner that is practicable.

- F. The Public Records Officer is not required to create any record in responding to any request where specific programming, formatting, or creation are at issue. The Public Records Officer may respond to the request in an effort that is a business as usual approach. The request need not be processed where the capability to respond does not exist without significant expenditure of resources, time, manpower, and/or would cause a significant interference with essential functions of the County. The County and Public Records Officers have no obligation to convert any records to different formats.

Section 10. Requests for Public Records – Fees.

- A. No fee will be charged for the following activities:
 - a. Inspection of a public record;
 - b. Locating public records and making them available for copying;
 - c. Searching for public records;
 - d. Redacting portions of the record which are exempt from disclosure (with exceptions for body worn camera redactions);
 - e. Preparing an index of exempt documents.
- B. Fees are determined by the Franklin County Fee Schedule in Appendix B to this ordinance, and as hereafter may be amended by ordinance or resolution. This schedule may be found at:

<https://www.franklincountywa.gov/PublicRecords>

The fee schedule is applicable to Public Records Requests unless a different fee is fixed by this ordinance as hereinafter amended, by other county ordinance, or by relevant federal or state law.

- C. The Public Records Officer may waive the fee for less than thirty-five (35) pages or a total cost of \$5.25 on the basis that the expense of processing the payment exceeds the costs of providing the copies.
- D. In the event of a crime victim requesting records associated with the investigation in which they are a victim, the Public Records Officer may waive all the fees of the request.
- E. Except as otherwise allowed in 9(B) herein, a reasonable fee shall be charged to cover the actual costs of copies and mailing costs.
- F. Record requests incurring a cost for records must be paid in full prior to the release of records, unless in the case of an installment request.
- G. Record requests involving equal to or greater than 350 copies, or \$52.50 in cost, require a 10% deposit before delivery or copying of the records may commence.
- H. Any request for more than thirty-five (35) pages of documents, oversized documents, photographs, recorded images or sounds and computer disks or any other record that cannot be copied or duplicated with the County's equipment may be sent by the County to a private duplicating service agency for copying, in which case the fee shall be the actual charge imposed for copying, plus applicable taxes and shipping costs.
- I. Record requests involving equal to or greater than 2000 copies or more than thirty (30) days to fulfill may be completed on an installment basis. An installment basis responds to the request in incremental delivery of records. 10% of the total cost of records requested will be required to be paid in full prior to any first installment being released. Upon payment of this cost, the records will be scheduled for release on an installment basis, as practicable and provided by the Public Records Officer. Prior to release of each installment of records, payment will be required in an amount that is proportionate to the amount of records being provided, in accordance with the fee schedule (Appendix B) to account for costs of materials, scanning of paper, and redaction.
 - a. Body worn camera and other video footage to be redacted will be charged at a cost of \$0.44 per minute to redact pursuant to RCW 42.56.24(14). This rate may be adjusted whenever necessary to reflect salary changes of staff who perform the redactions.
- J. All payments must be made via cashiers check, money order, or cash in the exact amount of the fee charged. No sales tax will be charges on public records transactions. This is payable to:

County: Franklin County Sheriff's Office to the Attention of the Public
Records Officer
1016 N 4th Ave. Pasco, WA 99301

Sheriff's Office or Corrections: Franklin County Sheriff's Office to the Attention of the
Public Records Officer
1016 N 4th Ave. Pasco, WA 99301

- K. Public records are available for inspection and copying during normal business hours. Though some offices may operate different hours, the generally applicable normal business hours are: Monday-Friday 8:30 a.m. - 4:30 p.m. being closed for lunch 12:00 p.m. - 1:00 p.m. and closed all legal Holidays.

Section 11. Requests for Public Records Responses.

- A. The Public Records Officers shall respond promptly to requests. There is no obligation to allow inspection or provide a copy of a public record immediately on demand.
- B. Within five (5) business days of receipt of a public records request, the Public Records Officer shall respond, if feasible and in compliance with this policy, by the requestors preferred method of communication. The Public Records Officer shall make one or more of the following responses:
1. Requested records have been found and are available for inspection, and appointment for inspection needs to be scheduled;
 2. The copies of all requested records are enclosed if the payment is waived;
 3. The copies of all requested records are available upon payment if payment is not waived;
 4. The request has been received by the Public Records Officer, that additional time is needed to respond to the request based on reasons set forth in subsection (C) below, and stating a reasonable estimate of the time required to respond;
 5. The request has been received by the Public Records Officer and the records shall be provided on an installment basis as the records are identified, located, assembled, and/or made ready for inspection or copying;
 6. 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;

7. The request is denied in whole due to, after requesting clarification of the request, there was no such clarification provided within a reasonable amount of time, and the request has been considered abandoned, and since closed.
- C. The Public Records Officer may need additional time to respond to a request. The Public Records Officer may ask the requester, if feasible and in compliance with this policy, and within the limited reasons allowed by statute to:
1. Clarify the intent of the request;
 2. Clarify the records being requested;
 3. Have additional time to locate and assemble the records requested;
 4. Notify third persons or agencies whose rights may be affected by the inspection or disclosure of the records should requested records contain information that may affect their rights;
 5. Allow for time to determine whether any of the records or portions thereof are exempt and that a denial should be made as to all or part of the request;
 6. Pay the deposit required to begin copying, requested records are ready for copying upon payment.
- D. If a requestor fails to respond to the clarification requested by the Public Records Officer within thirty (30) days of the notice to do so, the Public Records Officer may close the request or interpret the request as indicated in prior correspondence and shall indicate in writing to the requestor that the request is closed as it has been abandoned.
- E. The person seeking disclosure shall be entitled to petition the Franklin County Prosecuting Attorney Civil Division for a review of any denial or time estimate given by any County Public Records Officer or seek redress as allowed in Chapter 42.56 RCW. Utilize the Appeal Form, Appendix C, posted on the Franklin County website for use in filing an appeal. Completed forms must be returned to the Franklin County Prosecutor's Office, Civil Division for processing.
- F. Public Records Officers shall provide space to inspect public records. No member of the public may remove an original document from such space. The requestor shall indicate which document(s) they wish the agency to inspect. An employee shall be present for the duration of the inspection of records.
- G. The Public Records Officer shall promptly notify the Franklin County Prosecuting Attorney Civil Division when a request for public records concerns a subject that is known to the Public Records Officer to involve a claim or lawsuit that is pending or is anticipated. The Public Records Officer shall deliver a copy of the request, a copy of the written response, including all documents provided to the Prosecuting Attorney.

Section 12. Protection of Public Records.

The Public Records Officer shall, to the extent practicable, ensure that records requested are not removed from the premises nor portions thereof removed by members of the public except as necessary to make copies by an employee or private duplicating service agency. Documents shall not be released to the public for the purpose of allowing the person making the request to make copies.

Section 13. Exemptions.

- A. Chapter 42.56 RCW and other laws designate certain types of records that are exempt from public inspection and copying.
- B. The County hereby adopts the list of laws maintained by the Municipal Research Services Center (MRSC), as well as the list maintained by the Public Records Exemption Accountability Committee (aka the Sunshine Committee) as the lists containing every law, other than those listed in Chapter 42.56 RCW, which the County finds exempts or prohibits disclosure of certain types of public records held by the County.
- C. Appendix C (posted on the County web-site) lists subjects of some frequently applicable exemptions which may present concerns regarding disclosure.
- D. Any denial of a request for public records must reference the state statute, federal statute, or common law basis for such denial.
- E. If a Public Records Officer determines that all or part of any records should not be disclosed pursuant to Chapter 42.56 RCW or other law, the Public Records Officer may consult with the Prosecuting Attorney's Office Civil Division prior to denying the request or redacting information from a public record.

Section 14. Denial of Public Record Requests – Objection – Review.

- A. Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the Franklin County Prosecuting Attorney Civil Division. The written request shall specifically refer to the written statement by the Public Records Officer which constituted or accompanied the denial. The written request should state "Public Records Request Denial Petition."
- B. Upon receiving a written request for review of a decision denying a public record, the Franklin County Prosecuting Attorney Civil Division shall request a response from the Public Records Officer or other staff member denying the request. The Prosecuting Attorney, or their designee, shall consider the matter and either affirm or reverse such denial within five (5) business days following the receipt of the written request for review of the denial of the public record.

- C. Administrative remedies shall not be considered exhausted until the Prosecuting Attorney or their designee has made a written decision, or until the close of the fifth (5th) business day following receipt of the written request for review of the denial of the public record, whichever occurs first.
- D. Any person may obtain court review of the denial of public records requests pursuant to Chapter 42.56 RCW at the conclusion of the initial denial regardless of any internal administrative process.

Section 15. Adoption of Form – Request for Public Records.

The County hereby adopts for use by all persons requesting records maintained by the County the form entitled "Request for Public Records." See Appendix A, posted on the County website. The form will be maintained by the Franklin County Public Records Officer.

Section 16. Public Records Act – Pamphlet Availability.

The Office of the Attorney General has a pamphlet available, written in plain language, explaining the provisions of the Public Records Act. Requests for a copy of the pamphlet should be directed to the Public Records Officer, Office of the Attorney General, P.O. Box 40100, Olympia, Washington 98504-0100. Additionally, a desk book pertaining to the Public Records Act is available at the website for the Washington State Attorney General.

Section 17. Retention and Destruction of Public Records.

- A. The Washington State Archivist has developed retention schedules for many categories of local government records, including e-mail and electronic records. Records of the County should be retained and destroyed consistent with the retention schedules. Copies of the retention schedules are available from Archives and Records Management of the Office of the Secretary of State and online at the state website.
- B. If a public record request is made at a time when a record exists, but is scheduled for destruction in the near future, the Public Records Officer shall direct that the record be retained until the request is resolved. E-mail is not necessarily a records storage system. Backup copies of public records performed by central services staff are not a substitute for records retention. Backups are for disaster recovery only.

Section 18. Severability.

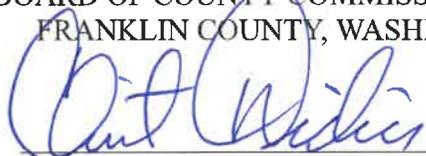
If any provision of this ordinance is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.

Section 19. Effective Date.

This ordinance shall take effect and be in full force upon its passage and adoption.

APPROVED this 30 day of July, 2025.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Chair

Rocky Mullen
Approved Telephonically

Chair Pro-Tem



Member

ATTEST
Clerk of the Board



EMESA

Approved as to form: _____

APPENDIX A

FRANKLIN COUNTY

Request for Public Records

Public Records Officer, General

Gray M. Blair
1016 N. 4th Ave
Pasco, WA. 99301
Phone: 509-546-5854
Email: recordsoffice@franklincountywa.gov

Requestor Information:

Name: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Preferred method of communication: Mail Phone Email

Preferred method of receiving records:

No cost: In-person inspection only GovQA Portal Email Attachment(s)

Cost: * Pickup of physical records Shipped paper records Shipped electronic records (thumb drive)

Paper

Thumb drive

Other as requested: _____

*Any costs must be made payable to the Franklin County Public Records Office at 1016 N 4th Ave, Pasco, WA 99301 to the attention of the Public Records Officer. Costs must be paid prior to records being released. The County can only accept cashiers checks, money orders, or cash in the exact amount due.

Records Requested:

Please describe the specific records you are requesting, as well as any additions information that will help us locate said records (names, dates, etc.). RCW 42.56.520 requires action on a request for public records must be taken within five (5) business days.

I understand that Washington State Law [RCW 42.56.070(8)] prohibits the use of lists of individuals for commercial purposes. If applicable to this request, the Public Records Officer will supplement this request with a Commercial Purposes Affidavit to ensure compliance with this statute. This Affidavit must be completed and returned prior to you receiving records, should it apply to your request.

FOR OFFICIAL USE ONLY – Return completed form to the Public Records Officer or the Commissioner’s Office

Date received: _____ Response Required by: _____

Entered in GovQA on: _____

Entered by: _____

Franklin County Appendix B

Fee Schedule

Paper Records

Black and White Copies	\$0.15 per page
Color Copies	\$0.75 per page
Fax (8 ½ x 11 only)	\$1.00 per page
Green Bar Computer Printouts	\$1.00 per page
Oversized Copies	\$1.00 per page
Oversized Maps	\$5.00 per square foot
Photographs	Private Print Shop charge
All items sent to Private Print Shop	Private Print Shop charge plus shipping
Actual costs for shipping (varies per request)	Applied pursuant to RCW 42.56.070(7)(A)

Electronic Records

Electronic files and attachments uploaded to file sharing site or thumb drive	\$0.05 for each 4 files
Electronic files and attachments uploaded to file sharing site or thumb drive	\$0.10 per gigabyte
For production of electronic records on a thumb drive as set forth in RCW 42.56.120(2)(b)(v)	\$10.00
Body-worn Camera Redactions	\$0.44 per minute to redact pursuant to RCW 42.56.240(14). This rate may be adjusted whenever necessary to reflect salary changes of staff who perform the redactions.

Scanning Charges

Scanning to convert paper records to electronic format (applies if paper copies must be scanned in order to produce in electronic format)	\$0.10 per page
---	-----------------

Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.

Copy charges are assessed for each installment of records provided to the requester. Payment is required prior to records production.

Copy charges above will be applied based on scope of request and volume of responsive records.

The public disclosure officer may waive fees for copies of public records, as set forth in WAC 44-06-092.

There is no fee for the onsite inspection of public records.

