

# Lower Kittitas County District Court

Presiding Judge James E. Hurson  
Room 180, Kittitas County Courthouse  
205 West Fifth Avenue  
Ellensburg, WA 98926  
509 962-7511

Court Administrator Christine A. Luvera

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February 22, 2016

Board of Commissioners, Kittitas County  
205 W. 5<sup>th</sup> Avenue Rm. 108  
Ellensburg WA 98926

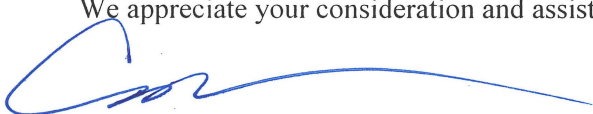
Re: Memorandum of Understanding between Kittitas County Courts and Judicial Agencies and the Executive branch of Kittitas County

Dear Sirs:

For the purposes of consideration of the Courts' requirements as to the recently adopted court rule GR 31.1 as noted in the attached Memorandum of Understanding, the court had included signature lines for all departments that could potentially hold court administrative documents. We are asking that all departments noted in the document acknowledge receipt of the MOU.

Because the Board of County Commissioners is an elected branch of government and has the authority to enter into a MOU with another elected county department and because the BOCC is supervisor for both departments of Information Technology and Human Resources and because the BOCC understands that the county departments listed on the MOU may potentially hold court administrative documents, the courts asks that the BOCC request that the two departments sign and date the document, acknowledging receipt of the attached document.

We appreciate your consideration and assistance in this regard,



Christine Luvera  
Court Administrator

Enclosure

The Chairman of the Board of County Commissioners requests that the Directors of HR and IT sign, date, and acknowledge receipt of the attached MOU for the purpose of understanding the courts' requirements under the referenced court rule.

  
Chairman of the Board of County Commissioners

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# Memorandum of Understanding

*between Kittitas County Courts and Judicial Agencies  
and the Executive branch of Kittitas County*

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The purpose of this Memorandum of Understanding (MOU) is to set forth the intent of the parties when the Executive Branch of Kittitas County government (Executive) receives a public records request related to these Courts or Judicial Branch Agencies or their employees.

Definitions: For the purposes of this Memorandum of Understanding, the Executive is the Board of County Commissioners (BoCC); the Courts are the Superior Court of Washington for Kittitas County, the Lower Kittitas County District Court, and the Upper Kittitas County District Court, and Judicial Branch Agencies are the entities commonly referred to as "Misdemeanor Probation" and "Juvenile Court Services". The various types of records related to the operations of the Courts and Judicial Branch Agencies are defined in rules promulgated by the Washington Supreme Court.

The Executive is an "agency" under the PRA and must respond to requests for public records. "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 any state or local agency regardless of physical form or characteristics. RCW 42.56.010(3).

This MOU recognizes that all Courts and Judicial Branch Agencies fall within the judicial branch, an independent branch of government, and are not included within the definition of an "agency" under the Public Records Act, chapter 42.56 RCW (PRA). Records of Courts and Judicial Branch Agencies are controlled by provisions of the Washington Constitution, statutory and case law, and General Rules promulgated by the Washington Supreme Court.

Some of the records of Courts and Judicial Branch Agencies are maintained exclusively by the specific Court or agency. The processes applicable for viewing or obtaining copies of such records are provided for in General Rule (GR) 31 and GR 31.1. "Court Record" is defined in GR 31(c)(4) and are those records generally related to a judicial proceeding. Access to such records is through a request made to the office of the Clerk of the applicable court. "Administrative Record" is defined in GR 31(c)(2) and GR 31.1(b)(2) and GR 31.1(i)(2). Access to such records is through a request made to the appropriate Public Records Officer as described in number 1, below.

Other records of the Courts and Judicial Branch Agencies reside on resources provided by the Executive, such as IT servers. The Executive is an incidental custodian of these records and does not use them for any executive branch purpose. They are not records of the Executive and thus not available by request to the Executive.


There are other instances where the Executive or other Offices or Departments of County government performs administrative functions, such as processing of payroll and benefits or facilitating telecommunications, using or producing records related to the Courts and Judicial Branch Agencies or their employees.

When the Executive receives a public records request related to the Courts and Judicial Branch Agencies or their employees, the parties agree to employ the following process:

1. For requests for records that are maintained exclusively by the Courts and Judicial Branch Agencies that happen to reside on executive resources, including telephone records, the Executive will direct the requester to the Court or Judicial Branch Agency to be addressed pursuant to the above cited Court Rules, consistent with the provisions of Kittitas County Code §2.55.020(1) and the information provided on the County website at <http://www.co.kittitas.wa.us/request/default.aspx>.
2. In response to requests for records relating to Courts and Judicial Branch Agencies or their employees which are used by the Executive or other Departments or Offices of Kittitas County government to perform administrative functions, including payroll and benefits administration, the Executive will direct the requester to the Public Records Officers of both the Judicial Branch and any other applicable County government entities. The appropriate Office Holder/Department Head or their designee will respond to the requestor pursuant to the Public Records Act, after conferring with the internally designated official of the Court/Judicial Branch Agency.

By 

Judge Scott R. Sparks  
Kittitas County Superior Court

By 

Kittitas County Board of Commissioners  
Chairman

1-28-16  
Date

Feb. 11, 2016  
Date

By 

Judge Darrel R. Ellis  
Kittitas County Upper District Court

By 

Jerry Pettit  
Kittitas County Auditor

2-3-2016  
Date

1/27/16  
Date

By 

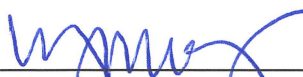
Judge James E. Hurson  
Kittitas County Lower District Court

1/27/16  
Date

By 

Jim Goeben by Andrew Drain (Acting Director) *eng*  
Information Technology Director

*acknowledged receipt of*  
2/19/2016  
Date

By 

Lisa Young  
Human Resource Director

2.29.2016  
Date