

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

ORDINANCE NO. 2021- 011

AN ORDINANCE AMENDING KITTITAS COUNTY CODE CHAPTER 2.55 REGARDING PUBLIC RECORDS DISCLOSURE TO REMOVE A SECTION NO LONGER EFFECTIVE

- Whereas:** Kittitas County Code Chapter 2.55 provides for the statutorily mandated handling of requests made pursuant to RCW 42.56, the Public Records Act; and
- Whereas:** Kittitas County Code Section 2.55.080, established a process for internal review of denial of such public records requests; and
- Whereas:** The Washington Supreme has held that a similar provision of San Juan County Code to be invalid in *Kilduff v. San Juan County*, 194 Wn. 2d 859 (2019); and
- Whereas:** The Board of County Commissioners determined it is in the best interest of the public to update Kittitas County Code Section 2.55.080 to this change in law and practice; and

NOW, THEREFORE, BE IT ORDAINED, the Board of County Commissioners, after due deliberation and in the best interest of the public, does hereby make this amendment to remove the ineffective provisions of Chapter 2.55;

BE IT ALSO ORDAINED, Kittitas County Code Chapter 2.55 is hereby amended, and shall read as follows (additions to this text are shown by underline and deletions by ~~strikeout~~):

2.55.080 Review of Denial of Public Records.

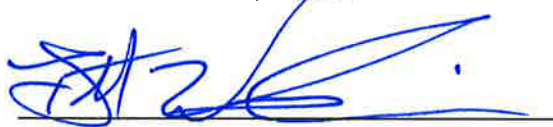
- ~~1. **Petition for Internal Administrative Review of Denial of Access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing to the Prosecuting Attorney's Office for a review of the decision. When applicable, the petition should include a copy of or reasonably identify the written statement by the public records officer denying the request.~~
- ~~2. **Consideration of Petition of Review.** The public records officer shall promptly provide any relevant information to the Prosecuting Attorney's Office to review the decision. The Prosecuting Attorney's Office shall either affirm or reverse the denial within five business days following the receipt of the petition, or within such other time as is mutually agreeable to the County and the requester.~~
- ~~3. **Judicial Review.** Any person may obtain judicial review of a public records request denial pursuant to RCW 42.56.550 regardless of any internal administrative appeal.~~

BE IT ALSO ORDAINED, the Information Technology Department is charged with incorporating and updating the amendment authorized herein on the Kittitas County web page.

BE IT FURTHER ORDAINED, the Prosecuting Attorney's Office is charged with correcting any scrivener's errors arising out of the amendment process. No further authorization will be needed from the Kittitas County Board of Commissioners for the Prosecuting Attorney's Office to effect correction of scrivener's errors relating to this Ordinance.

ADOPTED this 21st day of September, 2021, at Ellensburg, Washington.

**BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**



Brett Wachsmith, Chair



Laura Osiadacz, Vice-Chair



Cory Wright, Commissioner

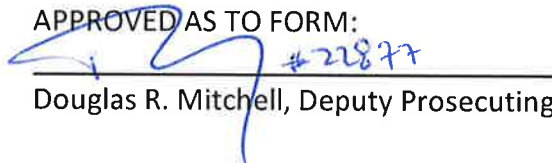


ATTEST:



- Clerk of the Board- Julie Kjorsvik
- Deputy Clerk of the Board- Mandy Buchholz

APPROVED AS TO FORM:



Douglas R. Mitchell, Deputy Prosecuting Attorney