
Kittitas County Code

Title 2 | Administration and Personnel

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Chapter 2.04*

BOARD OF COUNTY COMMISSIONERS

Sections

- 2.04.010 Regular meeting and study session times.
- 2.04.015 Recording and notes of meetings.
- 2.04.020 Repealed.

* For the statutory provisions regarding quarterly sessions of boards of county commissioners, see RCW 36.32.080; for provisions regarding special sessions, see RCW 36.32.090.

2.04.010 Official meeting time.

Section 1 - Regular Meetings

The first and third Tuesday at 10:00 a.m. of each and every month of the year are designated as the regular meetings (also known as the "Agenda Session") of the Board of County Commissioners, to be held at the Kittitas County Courthouse located at 205 West 5th, Room 109, Ellensburg, Washington provided that if Tuesday falls on a holiday, such regular meetings shall be held on the next business day. Should another time or meeting location be required for any business, prior notice will be given for such special meeting in accordance with the law.

Section 2 - Regular Study Sessions

Every Monday	9:00 a.m.	Commissioners Office Administration Meetings	CR
4th Monday	11:00 a.m.	Information Technology Department	CR
2nd and 4th Tuesday	10:00 a.m.	Human Resources Department	CR
2nd Tuesday	2:00 p.m.	Solid Waste/Maintenance	CR
2nd and 4th Monday	1:30 p.m.	Public Works <u>Public Services</u>	AUD
2nd Monday	1:30 p.m.	<u>Department</u>	AUD
1st Wednesday	8:00 a.m.	Community Development Services	AUD
		Sheriff	
3rd Thursday	1:30 p.m.	Finance Officer	CR
4th Monday	10:00 a.m.	Event Center	CR
4th Wednesday	10:00 a.m.	Public Health	CR
2nd Monday	11:00 a.m.	Airport	CR

Key CR = Commissioner's Conference Room - Room 108, Kittitas County Courthouse

AUD = Commissioner's Auditorium - Room 109, Kittitas County Courthouse

Section 3 - Effective Date

This ordinance shall take effect immediately upon adoption.

(Ord. 2022-003, 2022; Ord. 2021-009, 2021; Ord. 2020-007, 2020; Ord. 2019-005, 2019; Ord. 2016-014, 2016; Ord. 2014-011, 2014; Ord. 2013-002, 2013; Ord. 2009-23, 2009; Ord. 2007-35, 2007; Ord. 2005-26, 2005; Ord. 2004-31, 2004; Ord. 99-12, 1999; Ord. 99-03, 1999; Res. 81-2, 1981; Vol. L, pp. 3, 4, 1953.

2.04.015 Audio/Video recording and meeting minutes.

Audio/Video recording and meeting minutes of the proceedings of the Board of Kittitas County Commissioners shall be retained for the period of time required by the applicable retention schedule issued by the Washington Secretary of State. (Ord. 2021-009, 2021; Ord. 99-03, 1999; Res. 83-20, 1983).

2.04.020 Shoreline management permit procedure.

Repealed by Ord. 2017-001. (Ord. 2017-001, 2017; Ord. 99-03, 1999; Res. 81-44, 1981; Res. 79-15, 1979; Res. 75-91, 1975; Ord 72-30, 1972)

Chapter 2.08

JUSTICE COURT DISTRICTING*

Sections

2.08.010 Upper - Lower justice court districts designated.

2.08.020 One justice elected per district.

2.08.030 Central office - Court room - Records locations.

2.08.040 Court seat location restriction.

2.08.050 Court commissioner.

2.08.060 Justice court districting plan adoption.

* For the statutory provisions regarding justice court districts and the duties of the justice court districting committee, see RCW 3.38.010 - 3.38.060; for provisions regarding adoption of the justice court districting plan, see RCW 3.38.030.

2.08.010 Upper - Lower justice court districts designated.

Kittitas County shall be divided into two district court districts, one of which shall comprise the following voting precincts:

Hyak, Easton, Mountain, Ronald, all Roslyn precincts, Roslyn Outlying, all Cle Elum precincts, Kachess, South Cle Elum, Peoh Point, Swauk, Teanaway, and Westside

and shall be named the Upper Kittitas County District Court. The other district court district shall comprise the remaining voting precincts:

Damman, Dry Creek, East Sanders, Thorp, Manastash, Ridgeway, North Central, North Ellensburg, South Ellensburg, Denmark, all Ellensburg precincts, Fairview, Northeast Fairview, Park, Vantage, all Kittitas precincts, Sanders, and Thrall

and shall be named the Lower Kittitas County District Court. (Ord. 2011-014, 2011; Ord. 2005-21, 2005; Ord. 99-03, 1999; Vol. N, p. 252A (1), 1966).

2.08.020 One justice elected per district.

There shall be elected in each justice court district one justice. (Ord. 99-03, 1999; Vol. N, p. 252A (2), 1966).

2.08.030 Central office - Court room - Records locations.

The location of the central office, court room, and records of the Lower Kittitas County Justice Court shall be in the Kittitas County Courthouse at Ellensburg; the location of the central office, court room, and records of the Upper Kittitas County Justice Court shall be at the Cle Elum City Hall, or such other place in the city of Cle Elum as the board of county commissioners may hereafter designate. (Ord. 99-03, 1999; Vol. N, p. 252A (3), 1966).

2.08.040 Court seat location restriction.

The court shall not sit in any other place than designated in KCC 2.08.030. (Ord. 99-03, 1999; Vol. N, p. 252B (4), 1966).

2.08.050 Court commissioner.

There shall be one court commissioner in the Lower Kittitas County Justice Court, and there shall be one court commissioner in the Upper Kittitas County Justice Court. (Ord. 99-03, 1999; Ord. 96-2, 1996; Vol. N, p. 252B (5), 1966).

2.08.060 Justice court districting plan adoption.

The report of the Kittitas County Justice Court districting committee is adopted as the Kittitas County Justice Court districting plan. (Ord. 99-03, 1999; Res. 66-22, Vol. N, p. 284, 1966).

Chapter 2.09

DELIVERY OF PUBLIC DEFENSE SERVICES

Sections

2.09.010 Creation of Department of Public Defense.

2.09.020^[1] Standards of representation.

- 2.09.030^[2] Selection of attorneys.
- 2.09.040^[3] Duties and responsibilities of counsel.
- 2.09.050^[4] Non-discrimination.
- 2.09.060^[5] Effective date and expiration date.
- 2.09.070^[6] Severability.
- 2.09.080 No third-party benefit.

[1] Formerly 2.09.010, renumbered by Ord. 2022-010, 2022

[2] Formerly 2.09.020, renumbered by Ord. 2022-010, 2022

[3] Formerly 2.09.030, renumbered by Ord. 2022-010, 2022

[4] Formerly 2.09.040, renumbered by Ord. 2022-010, 2022

[5] Formerly 2.09.050, renumbered by Ord. 2022-010, 2022

[6] Formerly 2.09.060, renumbered by Ord. 2022-010, 2022

2.09.010 Creation of Department of Public Defense.

Pursuant to RCW 36.26.900 and other applicable laws of the State of Washington, the Department of Public Defense (hereafter "Department") is hereby established which shall be generally organized and function as a department of the county. This Department shall be provided with the same type and level of support services as any other Department of the County. The Civil Division of the Prosecuting Attorney's Office shall provide legal advice and support to the Department as required by RCW 36.27.020(2).

The purpose of the Department will be to provide representation of persons determined to be indigent and charged with criminal offenses or otherwise at risk of a deprivation of liberty in the courts of the county [hereafter "Indigents"].

The office/position of "Director of the Department of Public Defense" is created. The Director will be an attorney licensed in Washington and qualified under the rules of the Supreme Court to represent persons charged with Class A felonies in Superior Court. The Director shall be appointed by the Board of County Commissioners. The director will serve a term of office of four years which term will coincide with the term of the prosecuting attorney as provided by RCW 36.26.040. Nothing in this provision will limit the ability of the Board of County Commissioners to reappoint the Director for additional terms. During such term the director may be removed by the Board of County Commissioners for good cause such as incompetence, gross neglect, willful dishonesty, malfeasance, or conviction of a crime of moral turpitude or any basis that causes a forfeiture of employment pursuant to RCW 9.92.120.

The powers and duties of the Department and its Director shall be as adopted in this amendatory Ordinance. (Ord. 2022-010, 2022)

2.09.020 Standards of representation.

Kittitas County hereby adopts standards for the delivery of public defender services consistent with RCW 10.101.030 and the Washington State Bar Association (WSBA) Standards for Indigent Defense Services. Kittitas County is rural in nature, has two sitting Superior Court judges, a full time district court judge serving the Lower Kittitas County District Court and a part-time district court judge serving the Upper Kittitas County District Court; and has most recently utilized contracts with attorneys in these Courts. Due to the changes in the WSBA Standards and the impending implementation of GR 42 by the Washington Supreme Court, judicial officers and their staff shall not have any role in the selection and appointment of counsel except as consistent with those provisions. (Formerly 2.09.010, renumbered by Ord. 2022-010, 2022; Ord. 2008-12, 2008)

2.09.030 Selection of attorneys.

Attorneys appointed for indigent defense shall be selected by the Director of the Department. (Formerly 2.09.020, renumbered by Ord. 2022-010, 2022; Ord. 2008-12, 2008)

2.09.040 Duties and responsibilities of counsel.

Defense services shall be provided to all clients in a professional, skilled manner consistent with minimum standards set forth by the American Bar Association, applicable state bar association standards, the Rules of Professional Conduct, case law and court rules defining the duties of counsel and the rights of defendants in criminal cases. Counsel's primary and most fundamental responsibility is to promote and protect the best interests of the client. (Formerly 2.09.030, renumbered by Ord. 2022-010, 2022; Ord. 2008-12, 2008)

2.09.050 Non-discrimination.

Neither the Department, in its process of selection of attorneys to provide public defense representation, nor the attorneys selected, in their hiring practices or in their representation of clients, shall discriminate on the grounds of race, color, religion, national origin, age, marital status, sex, sexual orientation or handicap. Both the court and the attorney shall comply with all federal, state, and local non-discrimination requirements. (Formerly 2.09.040, renumbered by Ord. 2022-010, 2022; Formerly 2.09.130 renumbered by Ord. 2021-012, 2021; Ord. 2008-12, 2008)

2.09.060 Effective date and expiration date.

This ordinance shall take effect immediately and shall not expire until formally amended or repealed by legislative action. (Formerly 2.09.050, renumbered by Ord. 2022-010, 2022; Formerly 2.09.140 renumbered by Ord. 2021-012, 2021; Ord. 2008-12, 2008)

2.09.070 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provisions to other persons or circumstances is not affected. (Formerly 2.09.060, renumbered by Ord. 2022-010, 2022; Formerly 2.09.150 renumbered by Ord. 2021-012, 2021; Ord. 2008-12, 2008)

2.09.070 Training. (Repealed by Ord. 2021-012, 2021; Ord. 2008-12, 2008)

2.09.080 No Third-party benefit.

This ordinance shall be administered exclusively by the Director of the Department, or his/her designees, and shall not give rise to rights or powers of administration or enforcement by other parties or agencies. The adoption of this ordinance is not intended to and shall not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the county or its officers. (Ord. 2022-010, 2022)

2.09.080 Substitution of attorneys or assignment of contracts. (Repealed by Ord. 2021-012, 2021; Ord. 2008-12, 2008)

2.09.090 Minimum qualifications of attorneys.

(Repealed by Ord. 2021-012, 2021; Ord. 2008-12, 2008)

2.09.100 Representation in specific classes of cases.

(Repealed by Ord. 2021-012, 2021; Ord. 2008-12, 2008)

2.09.110 Disposition of client complaints.

(Repealed by Ord. 2021-012, 2021; Ord. 2008-12, 2008)

2.09.120 Cause for removal of attorney.

(Repealed by Ord. 2021-012, 2021; Ord. 2008-12, 2008)

2.09.130 Non-discrimination.

(Renumbered to 2.09.40 by Ord. 2021-012, 2021; Ord. 2008-12, 2008)

2.09.140 Effective date and expiration date.

(Renumbered to 2.09.50 by Ord. 2021-012, 2021; Ord. 2008-12, 2008)

2.09.150 Severability.

(Renumbered to 2.09.60 by Ord. 2021-012, 2021; Ord. 2008-12, 2008)

Chapter 2.10

BOARD OF HEALTH*

Sections

2.10.010 Responsibilities.

2.10.020 Members.

2.10.030 Terms.

2.10.040 Appointment.

2.10.050^[1] Board of Health Bylaws.

2.10.060^[2,3] Compensation or reimbursement.

2.10.070 Repealed

2.10.080 Repealed

* Prior legislation: Res. 76-44, Res. 79-6, Res. 84-2, Ords. 97-03 and 99-03.

[1] Formerly 2.10.050 Vacancies, repealed by Ord. 2022-006, 2022

[2] Formerly 2.10.060 Organization, repealed by Ord. 2022-006, 2022

[3] Formerly 2.10.090 Compensation or reimbursement, renumbered by Ord. 2022-006, 2022

2.10.010 Responsibilities.

The board of health shall preside as the governing body for the Kittitas County Public Health Department.

Responsibilities include policy framework, budget, contracts, and long-range planning. The board of health shall work in collaboration with the county health officer, public health department management, and community members to ensure that the core public health functions, as set forth in statute, as well as local assessment and planning, are implemented and maintained.

The health department budget is to be discussed with the board of health prior to presentation to the board of county commissioners. The board of health then sends the budget on to the board of county commissioners for consideration in the context of the entire county budget. Similarly, budget amendments go first to the board of health, then to the board of county commissioners. Capital facilities will generally be handled by the board of county commissioners; this includes buildings, computers, copiers, fax machines, furniture, etc. If the Administrative Officer determines that an issue or expenditure could impact the level of service or the policy direction of the health department, they may bring that issue before the board of health for discussion in that forum. The hiring, termination and performance evaluations of the Administrative Officer are the responsibility of the board of health and will be consistent with county human resource policy. Kittitas County human resources will handle personnel

issues and establish salary ranges with input from the Administrative Officer and the board of health, with the final decisions resting with the board of county commissioners. (Ord. 2022-006, 2022; Ord. 2000-08, 2000; Ord. 2000-02, 2000)

2.10.020 Members.

The board of health shall be composed of a minimum of six members, with the recruitment, selection, and appointment of members as established by RCW 70.46. (Ord. 2022-006, 2022; Ord. 2000-08, 2000; Ord. 2000-02, 2000)

2.10.030 Terms.

Appointed individuals shall serve staggered, three-year terms. The term of office for all appointees shall commence on the first day of the month in which the term is to commence. Terms for community representatives on the Board of Health shall be limited to two (2) consecutive terms. Term-limited members may reapply if a vacancy exists for thirty (30) days after term ends. (Ord. 2022-006, 2022; Ord. 2000-08, 2000; Ord. 2000-02, 2000)

2.10.040 Appointment.

The Kittitas County Board of County Commissioners shall appoint the nonelected members of the Board of Health in accordance with Chapter 246-90 Washington Administrative Code, Local Board of Health Membership, effective July 1, 2022. (Ord. 2022-006, 2022; Ord. 2000-08, 2000; Ord. 2000-02, 2000)

2.10.050 Board of Health Bylaws.

The Kittitas County Board of Health shall establish bylaws addressing the purpose, membership details, legislative powers, duties, functions, officers and their duties, meetings and quorum, business of regular meetings, rules of business, amendments to the bylaws, and joint public hearings. These bylaws shall be approved and adopted through a majority vote of the Board of Health and resolution. (Ord. 2022-006, 2022; Ord. 2000-08, 2000; Ord. 2000-02, 2000)

2.10.060 Compensation or reimbursement.

Appointed members of the board of health shall not receive compensation for their service. Appointed members may receive reimbursement for approved expenses related to the completion of their responsibilities. (Ord. 2022-006, 2022; Ord. 2000-08, 2000; Ord. 2000-02, 2000)

2.10.070 Meetings.

(Repealed by Ord. 2022-006, 2022; Ord. 2000-08; Ord. 2000-02)

2.10.080 Rules and record.

(Repealed by Ord. 2022-006, 2022; Ord. 2000-08; Ord. 2000-02)

2.10.090 Compensation or reimbursement.

(Renumbered to 2.10.060 by Ord. 2022-006, 2022; Ord. 2000-08; Ord. 2000-02)

Chapter 2.11

HEARING EXAMINER

Sections

2.11.010 Adoption of system.

2.11.020 Purpose.

2.11.030 Reserved.
2.11.040 Appointment of examiners.
2.11.050 Term of office.
2.11.060 Qualifications.
2.11.070 Duties.
2.11.080 Freedom from improper influence.
2.11.090 Disqualification.
2.11.100 Removal of examiner.
2.11.110 Duties of chief examiner.
2.11.120 Rules.

2.11.010 Adoption of system.

Kittitas County hereby adopts a land use hearing examiner system. (Ord. 2007-37, 2007)

2.11.020 Purpose.

The land use hearing examiner system is intended to provide an expeditious adjudicatory process in the land use arena which affords procedural due process and fundamental fairness. (Ord. 2007-37, 2007)

2.11.030 Reserved.

Reserved. (Ord. 2007-37, 2007)

2.11.040 Appointment of examiner(s).

The County, through its Board of County Commissioners, shall appoint a chief hearing examiner and such other deputy examiners or pro tempore examiners as are necessary to perform the duties assigned. Such appointments shall be upon mutually acceptable terms. (Ord. 2007-37, 2007)

2.11.050 Term of office.

The chief examiner and every deputy examiner shall be appointed for an initial term of one year. Thereafter, upon reappointment, the term of office shall be for four years. Pro tempore examiners shall serve as specified in each appointment. (Ord. 2007-37, 2007)

2.11.060 Qualifications.

An examiner shall be appointed based solely upon his or her qualifications and shall have such previous training and experience as will qualify the examiner to fairly conduct administrative and quasi-judicial hearings upon land use matters consistent with the job description and qualifications identified for this position. (Ord. 2007-37, 2007)

2.11.070 Duties.

Examiners shall perform those duties designated by ordinance or statute. Initially this shall include quasi-judicial matters now heard by the Planning Commission. (Ord. 2007-37, 2007)

2.11.080 Freedom from improper influence.

No person, including county officials and employees, shall attempt to influence an examiner upon any matter pending or likely to be brought before such examiner except at a public hearing at which the matter is to be considered; provided, if requested by an examiner, the prosecuting attorney may provide advice on questions of law. (Ord. 2007-37, 2007)

2.11.090 Disqualification.

An examiner shall not hear and shall disqualify himself or herself in a proceeding in which his or her impartiality could reasonably be questioned. In applying the foregoing standard an examiner shall adhere to the guidelines contained in Canon 3c of the Code of Judicial Conduct.

In the event of a disqualification the disqualified examiner shall transfer the proceeding to another examiner or, if there is no other qualified examiner, to the Kittitas County Planning Commission. (Ord. 2007-37, 2007)

2.11.100 Removal of examiner.

An examiner may be removed from office for good cause by the Board of County Commissioners. (Ord. 2007-37, 2007)

2.11.110 Duties of chief examiner.

The chief hearing examiner shall have the following additional duties:

1. Administrative responsibility over deputy and pro tempore hearing examiners which shall include the assignment of cases;
2. The promulgation of rules as provided in Section 2.10.120;
3. Annually, the chief examiner shall produce a written report which shall contain:
 - a. A summary of decisions made within the hearing examiner system;
 - b. Recommendations for improving the hearing examiner system;
 - c. Other observations and recommendations pertaining to land use policies or legislation. (Ord. 2007-37, 2007)

2.11.120 Rules.

Reserved. (Ord. 2007-37, 2007)

Chapter 2.12

COUNTY PLANNING COMMISSION*

Sections

2.12.010 Established.

2.12.020 Repealed.

* For the statutory provisions regarding planning commissions, see RCW 35.36; for provisions regarding the County Planning Enabling Act, see RCW 36.70.

2.12.010 Established.

The Kittitas County planning commission is established. (Ord. 99-03, 1999; Vol. L, p. 600, 1958).

2.12.020 Access road route establishment assistance.

Repealed by Ord. 99-03. (Vol. M, p. 1, 1958).

Chapter 2.14

COUNTY HOUSING AUTHORITY*

Sections

2.14.010 Need established - Name.

* For the statutory provisions regarding the Housing Authorities Law generally, see RCW 35.82; for provisions regarding the Housing Cooperation Law generally, see RCW 35.83; for provisions regarding the procedure for creation of Housing Authorities, see RCW 35.82.030.

2.14.010 Need established - Name.

Kittitas County finds the following:

1. Unsanitary and unsafe inhabited dwelling accommodations exist in the county; and
2. There is a shortage of safe and sanitary dwelling accommodations in the county, both single-family, multifamily and elderly, that are available to persons of low- and moderate income as rentals and as home ownership; and
3. There is a need for a housing authority to function in the county; and
4. The name of the housing authority shall be "The Housing Authority of Kittitas County, Washington;" and
5. The Housing Authority of Kittitas County is dedicated to providing decent, safe, sanitary and affordable housing and related services to the people as defined by federal regulations; and
6. With its long-range and short-range goals, the Housing Authority of Kittitas County may undertake any activity its commissioners may deem appropriate which will improve the quality of life for its residents within its budgetary restrictions. (Ord. 99-03, 1999; Res. 70-5, Vol. O, p. 176, 1970).

Chapter 2.16

MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, SUBSTANCE ABUSE BOARD

(Repealed by Ord. 2016-025, 2016)

Chapter 2.17

NUMBER OF MEMBERS OF THE CIVIL SERVICE COMMISSION FOR THE SHERIFF'S OFFICE

Sections

2.17.01 Purpose.

2.17.02 Duties.

2.17.03 Term.

2.17.04 Quorum.

2.17.05 Political ties.

2.17.06 Residency.

2.17.07 Severability.

2.17.01 Purpose.

The purpose of this section is to increase the established Civil Service Commission for the Sheriff's Office from three to five members. (Ord. 2009-18; 2009)

2.17.02 Duties.

RCW 41.14 governs the Civil Service Commission's procedures and responsibilities, including but not limited to duties, policies, appeals, and disciplinary actions. (Ord. 2009-18; 2009)

2.17.03 Term.

All members of the Civil Service Commission for the Sheriff's Office will have a six year term. (Ord. 2009-18; 2009)

2.17.04 Quorum.

Three commissioners constitute a quorum and the votes of three commissioners concurring are sufficient for the decision of all matters and the transaction of all business decided or transacted by the commission. (Ord. 2009-18; 2009)

2.17.05 Political ties.

No more than three commissioners may be adherents of the same political party. (Ord. 2009-18; 2009)

2.17.06 Residency.

No person shall be appointed to the commission who is not a citizen of the United States, a resident of the county for at least two years immediately preceding his appointment, and an elector of the county wherein he resides. (Ord. 2009-18; 2009)

2.17.07 Severability.

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of the Chapter or the application of the Chapter to other persons or circumstances shall not be affected. (Ord. 2009-18; 2009)

Chapter 2.20

COUNTY OFFICE HOURS*

Sections

2.20.010 Schedule of hours.

* For statutory provisions requiring county and precinct offices to be open during such days and hours as the board shall by resolution prescribe, see RCW 36.16.100.

2.20.010 Schedule of hours.

The following schedule of hours shall be observed in the county:

Monday through Friday

9:00 a.m. to 5:00 p.m.

Saturday, Sunday, and holidays

Closed

Hours varying from the above schedule shall be set by resolution. (Ord. 99-03, 1999; Vol. K, p. 440, 1951).

Chapter 2.22

COUNTY OFFICIALS AND EMPLOYEES - WAGE POLICY

(Repealed by Ord. 99-03)

Chapter 2.24

COUNTY OFFICIALS - TRAVELING EXPENSES

Sections

2.24.010 Mileage allowance.

2.24.020 Repealed.

2.24.010 Mileage allowance.

The mileage allowance for county officials and employees shall be set by resolution. (Ord. 99-03, 1999; Vol. K, p. 220, 1949).

2.24.020 Board of commissioners.

Repealed by Ord. 99-03. (Res. dated 6/4/79; Res. 74-36, 1974).

Chapter 2.26

COUNTY EMPLOYEES - AFFIRMATIVE ACTION

(Repealed by Ord. 99-03)

Chapter 2.28

COUNTY EMPLOYEES - LEAVE POLICIES

(Repealed by Ord. 99-03)

Chapter 2.32

COUNTY EMPLOYEES - GROUP LIFE, ACCIDENT, HOSPITAL AND SURGICAL INSURANCE

(Repealed by Ord. 99-03)

Chapter 2.36

COUNTY EMPLOYEES - PUBLIC EMPLOYEES' RETIREMENT SYSTEM

(Repealed by Ord. 99-03)

Chapter 2.40

COUNTY EMPLOYEES - SOCIAL SECURITY

(Repealed by Ord. 99-03)

Chapter 2.41

WASHINGTON GOVERNMENTAL ENTITY POOL MEMBERSHIP

(Repealed by Ord. 99-03)

Chapter 2.42

DEFERRED COMPENSATION PLAN

(Repealed by Ord. 99-03)

Chapter 2.44

COUNTY PERSONNEL POLICY

Sections

2.44.010 Personnel policy adoption.

2.44.010 Personnel policy adoption.

The county shall draft and implement a personnel policy that shall apply to all employees of the county. The personnel policy shall address:

1. County employee leave policies;
 2. Hiring policies and termination policies;
 3. Payroll policies; and
 4. Other policies may be adopted as the board of county commissioners deem necessary. (Ord. 99-03, 1999; Res. RD-2-71 § 1, 1971).
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Chapter 2.48

DEPARTMENT OF EMERGENCY MANAGEMENT

Sections

2.48.010 Purpose of chapter.

2.48.020 Definitions.

2.48.030 Emergency management council.

2.48.040 Emergency management council - Powers, duties.

2.48.45 National Incident Management System.

2.48.46 Incident Command – Powers and Duties.

2.48.050 Director of emergency management - Created, duties.

2.48.060 Director of emergency management - Powers during disaster.

2.48.070 Emergency management organization - Membership.

2.48.080 Emergency management organization - Divisions - Services - Staff.

2.48.090 Violation - Penalty.

Footnote removed by Ord. 2018-015.

2.48.010 Purpose of chapter.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans, including mock or practice drills, for the emergency services of persons and property within this county in the event of a disaster, and to provide for the coordination of the emergency management and disaster functions of this county with all other public agencies and affected private persons, corporations and organizations in a manner consistent with the mandates of law and the training of those responsible for leading the implementation of such emergency services. Any expenditures made in connection with such emergency services and disaster activities, including mutual aid activities, and mock or practice drills, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the county, provided that the expenditures are consistent with the mandates of law and/or funding sources related to such expenditures. (Ord. 2018-015, 2018; Ord. 99-03, 1999; Ord. dated 5/16/75 § I, 1975; Vol. M, p. 48 § 1, 1959).

2.48.020 Definitions.

The definitions of RCW 38.52.010 related to Emergency Management as now in existence or amended hereafter are adopted by reference.

(Ord. 2018-015, 2018; Ord. 99-03, 1999; Ord. dated 5/16/75 § II, 1975; Vol. M, p. 48 § 2, 1959).

2.48.030 Emergency management council.

The county emergency management council is created and shall consist of the following:

1. The board of county commissioners. The chairman of the board will act as chairman of the emergency management council;
2. The director of the department of emergency management, who shall be vice chairman. (Ord. 99-03, 1999; Ord. dated 5/16/75 § III, 1975; Res. 72-11, 1972; Vol. M, p. 48 § 3, 1959).

2.48.040 Emergency management council - Powers, duties.

It shall be the duty of the county emergency management council, and it is empowered, to review and recommend for adoption emergency services and mutual aid plans and agreements and such resolutions and rules and regulations as are necessary to implement such plans and agreements. The emergency management council shall meet upon call of the chairman or in his absence from the county or inability to call such meeting, upon the call of the vice chairman. (Ord. 99-03, 1999; Ord. dated 5/16/75 § IV, 1975; Res. 72-11, 1972; Vol. M, p. 49 § 4, 1959).

2.48.45 National Incident Management System.¹

Appointed Directors from Departments of the Board of County Commissioners shall provide initial emergency response services and act as incident command responding to emergency events consistent with the National Incident Management System. The Department Incident Commander shall inform the Board of County Commissioners as events unfold and advise the need for expanding response. The Department Incident Commander will establish communications with the County's Emergency Manager and advise the Board of County Commissioners if implementation of the County's adopted Comprehensive Emergency Management Plan is likely. (Ord. 2022-011, 2022).

2.48.46 Incident Command - Powers and Duties.¹

It shall be the duty of the appointed Director to empower response staff at the lowest possible level responding to an emergency consistent with the adopted Comprehensive Emergency Management Plan of the County. As events dictate and the need for additional response escalates, the departmental chain of command will contact the appointed Director who is responsible for making additional response activation decisions. As the situation dictates,

the Director shall notice the County Emergency Manager of escalating resource allocations. Once the decision is made to activate the Comprehensive Emergency Management Plan, the appointed Director shall fully cooperate with the Emergency Manager keeping the Board of County Commissioners advised as departmental resource allocations are requested by the Emergency Manager. (Ord. 2022-011, 2022).

¹ Publisher's Note: Minor scrivener's errors were corrected.

2.48.050 Director of emergency management - Created, duties.

There is created the office of director of emergency management as defined in RCW 38.52.010 as it exists now or is hereafter amended. The Sheriff of Kittitas County is hereby appointed ex officio to be Director of Emergency Management. The director is empowered and directed:

1. To delegate the various duties related to this position to such of his or her staff as in his or her judgment are best qualified to perform those duties, including those listed immediately below;
2. To prepare an emergency management plan for the county conforming to the state emergency management plan and program;
3. To control and direct the effort of the emergency management organization of this county for the accomplishment of the purposes of this chapter;
4. To direct coordination and cooperation between divisions, services and staff of the emergency management organization of this county, and to resolve questions of authority and responsibility that may arise between them;
5. To represent the emergency management organization of this county in all dealings with public or private agencies pertaining to emergency management and disaster. (Ord. 2018-015, 2018; Ord. 99-03, 1999; Ord. dated 5/16/75 § V, 1975; Res. 72-11, 1972; Vol. M, p. 49 § 5, 1959).

2.48.060 Director of emergency management - Powers during disaster.

In the event of disaster as provided in this chapter, the director is empowered, with the concurrence of the chairman of the county emergency management council:

1. To make and issue rules and regulations on matters as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the emergency management council;
2. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the county for the fair value thereof, and if required immediately, to commandeer the same for public use;
3. To require emergency services of any county officer or employee, and in the event of a proclamation by the Governor of the existence of a disaster, to command the aid of as many citizens of this community as he considers necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency management workers as authorized by RCW 38.52.110(2) as it exists or is hereafter amended;
4. To execute all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by statute, agreement approved by the emergency management council, or by any other lawful authority;
5. To requisition necessary personnel or material of any county department or agency. (Ord. 99-03, 1999; Ord. dated 5/16/75 § VI, 1975; Res. 72-11, 1972; Vol. M, p. 49 § 6, 1959).

2.48.070 Emergency management organization - Membership.

All county and city officers and employees of this county, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including

persons pressed into service under the provisions of KCC 2.48.060(3), charged with duties incident to the protection of life and property in this county during disaster, shall constitute the emergency management organization of the county. (Ord. 99-03, 1999; Ord. dated 5/16/75 § VII, 1975; Res. 72-11, 1972; Vol. M, p. 49 § 7, 1959).

2.48.080 Emergency management organization - Divisions - Services - Staff.

The functions and duties of the county emergency management organization shall be distributed among such divisions, services and special staff as the emergency management council prescribes. The emergency management council shall concurrently with the adoption of the ordinance codified herein, prescribe the form or organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and employees. Insofar as possible, the form of the federal government and the Department of Emergency Management of the state shall conform in organization, titles and terminology. (Ord. 99-03, 1999; Ord. dated 5/16/75 § VIII, 1975; Res. 72-11, 1972; Vol. M, p. 50 § 8, 1959).

2.48.090 Violation - Penalty.

It is a misdemeanor, punishable by a fine of not to exceed \$250.00, or by imprisonment for not to exceed three months, for any person during a disaster:

1. To willfully obstruct, hinder or delay any member of the emergency management organization in the enforcement of any lawful rules or regulations issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;
2. To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this county, or to prevent, hinder or delay the defense or protection thereof;
3. To wear, carry or display, without authority, any means of identification specified by the Department of Emergency Management of the state. (Ord. 99-03, 1999; Ord. dated 5/16/75 § IX, 1975; Res. 72-11, 1972; Vol. M, p. 50 § 9, 1959).

Chapter 2.50

DEPARTMENT OF ~~PUBLIC WORKS~~PUBLIC SERVICES

Sections

2.50.010 Establishment.

2.50.020 Direction - Composition.

2.50.030 Director - Qualifications and duties.

2.50.032 County Road Engineer - Qualifications and duties.

2.50.035 Director - Road usage permit issuance.

2.50.040 Repealed.

2.50.050 Copy forwarding.

2.50.010 Establishment.

A department of ~~public works~~ is established to be organized as set forth in this chapter. (Ord. 99-03, 1999; RD-58-79, 1979)
Public Services

2.50.020 Direction - Composition.

The department will function under the direction of a ~~director~~ Director of ~~public works~~ the Public Services Department, reporting directly to the ~~Board of~~ County Commissioners. The department will be composed of an engineering division, a roads division, an equipment

division, an accounting division, an airport division, a parks ~~division~~division, and a flood control division, subject to reorganization as needs and conditions warrant. (Ord. 99-03, 1999; RD-58-79, 1979)

2.50.030 Director - Qualifications and duties.

1. The director of ~~public works~~Public Services shall meet such qualifications as may be established by the board and shall serve at the pleasure of the board.
2. The director of ~~public works~~Public Services shall perform all the duties and functions as may be assigned by the ~~b~~Board of ~~e~~County ~~e~~Commissioners related to the operation and direction of the operations of the ~~public works~~Public Services ~~e~~Department, except for those functions specified under state law as being duties or functions of the ~~e~~County ~~r~~Road ~~e~~Engineer.
3. The ~~director~~Director of ~~public works~~Public Services may perform the functions of the ~~e~~County ~~r~~Road ~~e~~Engineer only if the ~~e~~Director meets the qualification criteria for ~~e~~County ~~r~~Road ~~e~~Engineer under state law and this chapter. (Ord. 2006-44, 2006; Ord. 99-03, 1999; RD-58-79, 1979)

2.50.032 County Road Engineer - Qualifications and duties.

1. The ~~e~~County ~~r~~Road ~~e~~Engineer shall be a registered and licensed professional ~~e~~Civil ~~e~~Engineer under the laws of the state, duly qualified and experienced in highway and road engineering and construction. The ~~e~~County ~~r~~Road ~~e~~Engineer shall serve at the pleasure of the board.
2. The ~~e~~County ~~r~~Road ~~e~~Engineer shall perform all the duties and functions of the ~~e~~County ~~r~~oad ~~Road~~ ~~e~~Engineer as set forth by state law (including, but not limited to, RCW 36.80) and such other functions as may be assigned by the ~~b~~Board of ~~e~~County ~~e~~Commissioners. (Ord. 2006-44, 2006)

2.50.035 Director - Road usage permit issuance.

The ~~e~~Director of ~~public works~~Public Services is delegated the authority to issue the various road usage permits. Said permits shall be issued under policies as established by the ~~b~~Board of ~~e~~County ~~e~~Commissioners. (Ord. 99-03, 1999; Res. RD- 60-79, 1979).

2.50.040 Organization.

Repealed by Ord. 99-03. (Res. 83-13, 1983; RD-58-79, 1979).

2.50.050 Copy forwarding.

A copy of the ordinance codified in this chapter shall be forwarded to the ~~e~~County ~~r~~Road ~~a~~Administration ~~b~~Board, as required by WAC 136-50-070. (Ord. 2006-44, 2006; Ord. 2000-02; Ord. 99-03, 1999; RD-58-79, 1979).

Chapter 2.52

MUTUAL AID IN EMERGENCY MANAGEMENT*

Sections

2.52.010 Covenant agreement.

* For the statutory provisions regarding mutual aid agreements, see RCW 38.52.090.

2.52.010 Covenant agreement.

In consideration of mutual covenants, the county and the municipalities of Kittitas, Cle Elum, Roslyn, South Cle Elum, and Ellensburg agree as follows:

1. Each party will furnish the county office of emergency management an inventory of its facilities, equipment, and manpower available for use in emergency management in accordance with specific inventory listing;

2. Whenever any party to this agreement suffers a disaster which requires additional aid beyond that which said party is able to provide for itself, each other party to this agreement, at the request of the stricken party through the county office of emergency management, agrees to loan to such stricken party the maximum amount of equipment, facilities, and manpower that it can reasonably spare at that time;
3. The lending party shall be responsible for the delivery of such equipment, facilities, and manpower to the stricken area;
4. Any and all equipment so loaned shall be delivered to locations designated by the county office of emergency management and upon arrival at said location all equipment and manpower loaned shall be under the control and jurisdiction of the receiving party and shall be used and controlled under the provisions of Chapter 38.52 RCW;
5. All equipment, facilities, and manpower so loaned shall be returned upon demand of the lending party or when released by the receiving party;
6. The receiving party assumes responsibility of payment for services and is further responsible for providing food and shelter for personnel and supplies for equipment. The receiving party also assumes responsibility of payment for loss of equipment or for repairs to damaged equipment if such loss or damage be incurred in their behalf. The foregoing is in conformity with Chapter 38.52 RCW;
7. Whenever any party to this agreement loans equipment, facilities, or manpower as provided herein, such lending party may request implementation of a "moveup" plan whereby other political subdivisions which are parties to this agreement will move a portion of their corresponding manpower or equipment into the depleted area so as to provide a measure of protection to that area;
8. Each party to this agreement will provide upon request from any other party through the county office of emergency management all possible facilities for receiving and caring for evacuees and disabled persons, and all persons so evacuated upon arrival at the receiving area shall be under the control of the party giving aid;
9. Any party to this agreement may withdraw from the same at any time by giving 30 days' written notice to all other parties to this agreement. (Ord. 99-03, 1999; Vol. N, pp. 267, 268, 1966).

Chapter 2.55

PUBLIC RECORDS DISCLOSURE

Sections

- 2.55.010 Authority and Purpose.
- 2.55.020 Agency Description - Contact Information - Public Records Officer.
- 2.55.030 Availability of Public Records.
- 2.55.040 Making a Request for Public Records.
- 2.55.050 Processing of Public Records Requests - General.
- 2.55.060 Exemptions.
- 2.55.070 Costs of Providing Copies of Public Records.
- 2.55.080 Review of Denial of Public Records.
- 2.55.090 Disclaimer of Liability.
- 2.55.100 Severability.

2.55.010 Authority and Purpose.

1. Chapter 42.56 RCW, the Public Records Act ("PRA"), requires Kittitas County to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public records" as

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 Kittitas County.

2. The purpose of the act is to:
 - a. provide the public full access to identifiable records concerning the conduct of government, yet remaining mindful of individuals' privacy rights;
 - b. protect public records from damage or disorganization;
 - c. attempt to prevent excessive interference with essential governmental functions.
3. The purpose of this ordinance is to establish procedures and inform the public as to how Kittitas County ("County") will give assistance in providing full access to public records. These rules incorporate best practices for compliance with the act and are based upon the Model Rules of the Washington State Attorney General.
4. All County departments, divisions, bureaus, boards, committees, commissions and officers will follow these procedures.

(Ord. 2018-002, 2018; Ord. 2010-01, 2010)

2.55.020 Agency Description - Contact Information - Public Records Officer.

1. As a political subdivision of the State of Washington, the County subject to the act. The County offices, departments, bureaus, boards, committees, commissions, elected officials, and other agencies of the County are agencies subject to the act. For the purpose of this ordinance, the term "County" includes any applicable County agency. The term "County agency" refers to and includes all County Offices Departments, and Boards and Commissions. Any person seeking access to public records or assistance with making a public records request of the County, shall contact the public records officer of the applicable County agency. Each County agency is independent for the purposes of complying with and responding to requests pursuant to the PRA. For example, when seeking records from the Kittitas County Assessor's Office, the requestor would contact the public records officer or the officer's designee at the Assessor's office. Records requests directed to any board or commission shall be made to the Office or Department of which that board or commission is a component. Court files and other records at the judiciary may not be subject to the Public Records Act or to this Ordinance, at least to the extent set forth in *Nast v. Michels*, 107 Wn.2d 300 (1986) and *Spokane & Eastern Lawyer v. Tompkins*, 136 Wn.App. 616 (2007), and disclosure of such records may be subject to the common law and to applicable court rules, specifically GR 31 and GR 31.1, and orders. Therefore, this ordinance does not address access to court records.
2. A list of addresses, telephone and fax numbers of public records officers for agencies of Kittitas County are posted on the County's website.
3. The applicable public records officer or designee will oversee compliance with the act and facilitate identification of records which are available for disclosure. The term "designee" is included in the term "public records officer" and herein incorporated by reference for the purpose of this ordinance.

(Ord. 2018-002, 2018; Ord. 2010-01, 2010)

2.55.030 Availability of Public Records.

1. **Records available on County Website.** Many records are available on the Kittitas County website. Requesters are encouraged to view any documents available on the website before submitting a records request.
2. **Hours for Inspection of Records.** Public records are available for inspection and copying during the County's normal business hours and may be viewed at the County agency holding such records.
3. **Records Index.**
 - a. **General County Records Index.** No general County records index exists. The Kittitas County Board of County Commissioners finds that maintaining a general index is unduly burdensome and would interfere

with agency operations for the County and its agencies. Kittitas County employees generate hundreds of records on a daily basis that include final opinions and orders made in the adjudication of cases, statements of policy, interpretations of policy, administrative manuals, instructions to staff that affect members of the public, planning policies and goals, interim and final planning decisions, factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, factual information derived from tests, studies, reports, or surveys, and correspondence and materials referred to therein relating to regulatory, supervisory, or enforcement responsibilities. Virtually every County agency would be required to devote at least one full-time employee exclusively to the task of collecting, reading, categorizing, indexing, and maintaining a current index of such records. In addition, the time required by other employees to ensure that records are forwarded to the designated employees for indexing and communicating with the designated employee regarding the purposes of the records would be substantial. Due to the lack of available resources to devote to such an endeavor, creating an index would be unduly burdensome and would unduly interfere with agency operations.

b. **County Agencies Records Index.** Any indexes County agencies have created for departmental use must be provided.

4. **Protection of Records.** The County will take reasonable steps to protect records from damage and disorganization. A requester shall not take original records from County offices.

5. **Backup and security copies.**

a. In order to prevent excessive interference with essential functions of the County, the County shall not search backup or security systems for copies of public records when the originals of such records have been identified, located and are available for inspection and/or copying.

b. Access to public records does not include access to County computer systems or terminals except for those terminals, if any, which may be specifically designated for public use.

(Ord. 2010-01, 2010)

2.55.040 Making a Request for Public Records.

1. Persons wishing to inspect or obtain copies of public records of any County agency should make the request in writing using the County's standard request form and deliver it by U.S. mail, fax, email, or in person. The requester can also fill one out at the applicable County agency. The form shall be made available at each County agency and on-line at the County's website. The request should be addressed to the public records officer of the applicable County agency. The public records officer will document any requests received verbally during business hours. Any verbal requester will receive a copy of this County policy along with the responsive documents to the request. All requests should include the following information:

a. legal name of requester;

b. mailing address of requester;

c. other contact information, including telephone number, fax number, and any e-mail address;

d. reasonable description of the public records adequate to locate the records;

e. date and time of day of the request; and

f. signature of the requester.

2. Persons seeking public records for inspection and copying from a County agency may seek assistance from the public records officer of the applicable department.

3. If the requester wishes the County to make copies of the records instead of simply providing for inspection, the requester shall so indicate and shall make arrangements to pay for the copies. The requester shall pay a deposit of 10 percent of the copy cost estimated by the public records officer for large requests. Fees are set pursuant to KCC 2.55.070.

4. Persons seeking public records that include a list of individuals must sign a declaration under penalty of perjury certifying that the records will not be used for any commercial purpose (profit-expecting activity) prohibited by RCW 42.56.070(9) unless otherwise specifically authorized by other law. If the requester does not sign the declaration, the County is prohibited by law from providing the list.
5. Persons requesting public records prohibited from disclosure by other laws under particular circumstances must sign a declaration under penalty of perjury certifying facts sufficient to convince the public records officer that legal requirements for disclosure have been met.

(Ord. 2018-002, 2018; Ord. 2010-01, 2010)

2.55.050 Processing of Public Records Requests - General.

1. **Acknowledging Receipt of Request.** Within five (5) business days of receiving a request, the public records officer will acknowledge receipt of the request and do one or more of the following:
 - a. Make the records available for inspection or copying;
 - b. Provide in writing and mailed, emailed, or delivered to the requester, a reasonable estimate of time when records will be available;
 - c. Ask for a clarification from the requester if a request is unclear or does not sufficiently identify the records. Such clarification may be sought and provided by telephone, but it is desirable to confirm such clarifications in writing. The public records officer must provide, but may revise the estimate of when records will be available based on this clarification;
 - d. Deny the request, in whole or in part, with a written explanation as to why the request was denied.
2. **Failure to Respond.** The County intends to comply and honor all public disclosure requests to the greatest extent possible. If the County has failed to respond to a request for public disclosure, agencies would like citizens to let the designated public records officer know so the County can have the opportunity to provide the information that is wanted.
3. **Protecting Rights of Others.** In the event that the requested records contain information that may affect the rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to those third parties. Such notice should be given to make it possible for those affected persons to either:
 - a. contact the requester and ask him or her to revise the request; or
 - b. seek an order from a court to prevent or limit the disclosure.The notice to the affected persons will include a copy of the request.
4. **Records Exempt from Disclosure.** Some records are exempt or prohibited from disclosure by law, either in whole or in part. If the County believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption for withholding the record or the portion of the record. If only a portion of a record is exempt from disclosure but the remainder is not, the public records officer will redact the exempt portions, provide the nonexempt portions, and explain to the requester why portions of the record are being redacted.
5. **Inspection of Records.**
 - a. Consistent with other demands, the County shall promptly provide space to inspect public records.
 - b. The County agency will notify the requester that he or she should contact the agency to make arrangements to claim or review the records. If the requester fails to:
 - i. claim or review the records within a 30-day period; or
 - ii. make other arrangements satisfactory to the County, the County may close the request and re-file the assembled records.
6. **Providing Copies of Records.** After inspection is complete, the public records officer will provide the requested copies or arrange for copying upon a deposit of at least 10 percent of the estimated copy cost.

7. **Providing Records in Installments.** If a request is for a large number of records, the public records officer may inform the requester that the records will be provided for inspection and copying in installments. Copy charges of the preceding installment will be paid completely before the next installment is produced. If, within 30 days of availability to the requestor, the requester fails to:
 - a. inspect the entire set of records or one or more installments; or
 - b. pay the balance of the copying cost of any installment, the public records officer may discontinue any remaining search and close the request. The requester will be notified that due to the failure to respond to the readied documents responsive to the request, the public disclosure request will be closed and the requester may submit a new request if desired.
8. **Closing Withdrawn or Abandoned Request.** When the requester either:
 - a. withdraws the request; or
 - b. fails to inspect the records; or
 - c. fails to pay the required deposit or final payment, the public records officer will close the request and so inform the requester. Subsequently, the County will not provide any copies for that request to the requester until the requester has paid any unpaid bill for previously requested copies.
9. **Later Discovered Documents.** After the County has provided all available records, if the County becomes aware of additional responsive documents that existed at the time of the request, it will promptly inform the requester of the additional documents and provide them on a reasonable basis. The County is not obligated by law to provide records that were created after the request nor will the County accept or treat a request as an on-going disclosure obligation beyond the date of request.
10. **Protection of Records and Essential Governmental Functions.**
 - a. Public records shall be made available without disrupting essential functions of the agencies.
 - b. An agency may follow a reasonable schedule regarding retrieval of a record from an off-premises storage site so that no more than one trip per week to the remote site is required.
 - c. The precise time for copying must remain flexible and will depend upon the work schedule for that day.
 - d. With regard to video or audio recordings, the requester must make prior arrangements for review. A staff member will be assigned to operate the County recording equipment necessary to either listen to or rerecord the original recording tape to protect originals. The public records officer may limit the maximum time allowed during any working day for supervised review to avoid excessive interference with the agency's other essential functions.
 - e. Review of other original records shall be done only in the immediate presence of and under the supervision of a County employee responsible for protecting the originals against damage, alteration, or disorganization by the requester. The public records officer may limit the maximum time allowed during any working day for supervised review to avoid excessive interference with the agency's other essential functions. When the time needed for this purpose exceeds two hours, time periods on a future day or days may be assigned.

(Ord. 2018-002, 2018; Ord. 2010-01, 2010)

2.55.060 Exemptions.

1. The act provides exemptions for certain types of documents from public inspection and copying. In addition, documents are exempt from disclosure if any other Washington statute exempts or prohibits disclosure. Exemptions outside the act that restrict the availability of some documents held by the County for inspection and copying include, but are not limited to, those set forth for in the most recent list posted on the web site of the Municipal Research Service Center, Public Records Act**, Appendix C, and which is incorporated herein by reference. The list is available for inspection and copying from the applicable public records officer.
2. The County is prohibited by statute from disclosing lists of individuals for commercial purposes.

3. If the public records request falls within one of the exceptions to the law requiring disclosure, a formal written request for the record should be made. The formal written request helps the County make sure that its decision to disclose or withhold a public record is made properly and that the requester obtains the appropriate public records.
4. Some of the records of the County are protected by the attorney-client privilege and/or the attorney work product doctrine. The Prosecuting Attorney, in the course of representing County elected officials or agencies may, at times, possess materials or copies of materials from such agencies that are exempt from disclosure.
5. Pursuant to RCW 42.56, when the County makes available or publishes any public record, it reserves the right to delete identifying details when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by law. The public records officer will explain such deletion in writing.

(Ord. 2018-002, 2018; Ord. 2010-01, 2010)

**Editor's note: This hyperlink was altered to reflect the new location of the file on the MRSC website.

2.55.070 Costs of Providing Copies of Public Records.

1. No fee will be charged for the inspection of a public record.
2. No fee will be charged for searching for public records, redacting portions of the record which are exempt from disclosure, or preparing an index of exempt documents.
3. If a request is sent to a private copy shop for copying, the fee shall be the actual charge imposed for copying, plus applicable taxes and shipping costs.
4. Payment shall be made by exact cash or by check/money order payable to "Kittitas County." The public records officer may require that all charges be paid in advance of the release of the copies.
5. The public records officer may waive the fee for pages fewer than what is the applicable County agency's minimum page limit where the request was submitted.
6. The fee for providing copies of certain public records may be set by state statute or County ordinance. For example, state law sets the fee for death certificates (RCW 70.58.107); court papers (RCW 3.62.060) (Chapter 36.18 RCW and CR 17(4)); duplication of electronic tapes of a court proceeding (RCW 3.62.060); traffic accident reports (RCW 46.52.085); criminal history information (RCW 10.97.100); and various fees of County Officers (RCW 36.18). Kittitas County Code sets fees for recording certain documents with the Auditor's Office (KCC 2.56). Where County code, state or federal law sets a fee for providing a copy of a record, that fee will be charged.
7. At the option of the public records officer, electronic records may be printed out prior to copying and delivery. If the electronic record is large and not capable of being printed out, then the document may be provided electronically in the format in which the record is maintained by the County or in Adobe PDF format. There is no obligation of the County to convert an electronic record to a different format.
8. **Fee Schedule.** Kittitas County has determined on behalf of all of its included Offices and Departments that the tasks required to calculate the actual cost of providing records other than customized access as described below would be unduly burdensome. The cost variations across departments and their duties and other economic variables, plus the time and associated costs needed to assess the actual cost to the detriment of other duties of employees, and the need to regularly update the assessment, is a burden that should not be taken on. Unless a fee is fixed by another federal or, state law or county ordinance, the following default statutory fee schedule is applicable:
 - ◊ 8-1/2 by 14 or smaller B/W copies: \$0.15 per page;
 - ◊ 8-1/2 by 14 or smaller B/W computer printouts \$0.15 per page;
 - ◊ Oversized or color copies/computer printouts \$1.00 per page;
 - ◊ Color maps \$5.00 per square foot;

- All items sent to private copy shop: Actual charge plus postage and delivery;
 - Compact disc \$1.00 for each compact disc plus the time for copying the information;
 - DVD \$1.50 for each DVD plus the time for copying the information;
 - Actual cost of the device for any other form of external storage device used to transmit records, such as “thumb drives” or external hard drives, plus copying time;
 - Postage is actual charge for mailing copies of requested records;
 - Fax (8-1/2 by 11 only) \$1.00 per page;
 - Envelopes \$1.00 each;
 - A scanning fee of \$0.10 per page may be charged when the requested documents are not already available in electronic format;
 - Five cents (\$0.05) per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery;
 - Ten cents (\$0.10) per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically. The records shall be provided in the most efficient manner available to the agency in its normal operations;
9. **Customized Access Charge.** A customized service charge may only be imposed if the County agency estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by that agency for other agency purposes.
10. **Costs of Mailing.** The County will also charge actual mailing costs, including the cost of the shipping container or envelope if the requester requests mailing.
11. **Waiver of Payment.** The County, including any of its Offices and Departments, may waive the cost of copying and mailing for reasonable cause.
12. **Outside Contracts for Copying.** The applicable agency may arrange for copying by County contractors charged with preserving and protecting public records, instead of copying requested records using County services. In such event, the cost of copying shall be the contract charges, and such charges shall be paid by the requester directly to the County. The requester must pay the copy estimate first before copying will take place. If the requester made a deposit in advance of copying, any unapplied portion of the deposit will be refunded to the requester, provided that the contract charges are paid.
13. **Repetitive Contracts.** The Kittitas County Board of County Commissioners may enter into contractual agreements with persons who intend to request access to public records available for disclosure to them on a continuous or regularly recurring basis. The terms of any contract executed in accordance with this Section will supersede and control over any otherwise applicable provisions of this Chapter, but shall not supersede or conflict with applicable state law.

(Ord. 2018-002, 2018; Ord. 2010-01, 2010)

2.55.080 Review of Denial of Public Records.

Judicial Review. Any person may obtain judicial review of a public records request denial pursuant to RCW 42.56.550.

(Ord. 2021-011, 2021; Ord. 2018-002, 2018; Ord. 2010-01, 2010)

2.55.090 Disclaimer of Liability.

Neither the County nor any officer, employee, official or custodian shall be liable, nor 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.

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. (Ord. 2010-01, 2010)

2.55.100 Severability.

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of the Chapter or the application of the Chapter to other persons or circumstances shall not be affected. (Ord. 2010-01, 2010).

Chapter 2.56

PUBLIC RECORDS - DUPLICATION AND FILING FEES

Sections

2.56.010 Implementation of Survey Recording Act.

2.56.020 Record of survey - Size, recording material and filing fees.

2.56.030 Record of survey - Cost for copies.

2.56.040 Record of monument - Filing fee - Form.

2.56.050 Record of monument - Cost for copies.

2.56.010 Implementation of Survey Recording Act.

The Survey Recording Act is further implemented by the fixing of the following fees for recording a public record as prescribed by the act as set out in this chapter. (Ord. 99-03, 1999; Res. 73-33, 1973).

2.56.020 Record of survey - Size, recording material and filing fees.

The size of the record of land surveys shall be 18 inches by 24 inches; the survey shall be recorded on mylar; and the fee schedule for filing shall be as follows:

Basic fee first page

\$10.00

Each additional page

\$5.00

Each additional owner's name

\$1.00

(Ord. 99-03, 1999; Res. 75-90, 1975; Res. 73- 33, 1973).

2.56.030 Record of survey - Cost for copies.

Copies of the record of survey shall be provided on request according to the following fee schedule:

Basic fee, first page

\$5.00

Each additional page

\$3.00

(Ord. 99-03, 1999; Res. 73-33, 1973).

2.56.040 Record of monument - Filing fee - Form.

The record of monument shall be filed without charge on the standard form prescribed by the Department of Natural Resources, Bureau of Surveys and Maps. (Ord. 99-03, 1999; Res. 73-33, 1973).

2.56.050 Record of monument - Cost for copies.

Copies of the record of monument shall be provided on request according to the following fee schedule:

Basic fee, per sheet

\$2.00

(Ord. 99-03, 1999; Res. 73-33, 1973).

Chapter 2.60

PARKING OF COUNTY VEHICLES

(Repealed by Ord. 99-03)

Chapter 2.64

COUNTY TRAVEL POLICY

(Repealed by Ord. 99-03)

Chapter 2.68

DEPARTMENT OF BUILDING INSPECTOR AND FIRE MARSHAL

Sections

2.68.010 Created - Supervision.

2.68.020 Powers and duties generally.

2.68.010 Created - Supervision.

Building inspection shall be within ~~Community Development Services~~ the Public Services Department and supervised within that department and the ~~f~~ire marshal shall be within the Sheriff's office and supervised within that department as provided in KCC 20.01.040. (Ord. 2022-012, 2022; Ord. 99-03, 1999; Res. 77- 116, 1977).

2.68.020 Powers and duties generally.

Building inspectors are responsible for, and have all necessary authority to, enforce the provisions of all relevant federal, state, and local building codes and the fire marshal is responsible for, and has all necessary authority to, enforce the provisions of all relevant federal, state, and local fire codes. (Ord. 2022-012, 2022; Ord. 99-03, 1999; Res. 77-116, 1977).

Chapter 2.72

HANDLING OF CLAIMS AGAINST THE COUNTY

Sections

2.72.010 Filing.

2.72.020 Review procedure.

2.72.030 Recordkeeping.

2.72.040 Accidents involving county-owned vehicles.

2.72.010 Filing.

1. All claims shall be filed with Kittitas County on the form provided by the county (additional documents relating to the claim may be attached to the claim form).
2. The claim form (and any attachments thereto) shall be filed with the Kittitas County auditor's office who will forward such claim to the Kittitas County prosecuting attorney's office.
3. The Kittitas County prosecuting attorney's office shall cause all pertinent internal documents (i.e., accident reports, investigation reports) to be assembled and attached to the claim. (Ord. 99-03, 1999; Res. 83-17 §§ 1 - 3, 1983).

2.72.020 Review procedure.

1. The Kittitas County prosecuting attorney's office shall upon review of the available information make such additional investigation and report before forwarding the claim, recommendation, and other documentation to the board of county commissioners for its review and decision.
2. The board of county commissioners upon review of the claim and other documentation shall:
 - a. Direct that a copy of the claim and documentation be forwarded to the county's insurance carrier with a recommendation to
 - i. Pay the claim; or
 - ii. Not pay the claim; or
 - b. Reject the claim for lack of sufficient and adequate information or substantiation and report rejection to the insurance carrier; or
 - c. Reject the claim outright for such reasons as are appropriate to the claim. (Ord. 99-03, 1999; Res. 83-17 §§ 4, 5, 1983).

2.72.030 Recordkeeping.

The Kittitas County auditor and prosecuting attorney shall maintain a record of each claim filed against Kittitas County and the status of each claim as it progresses through the procedural system. (Ord. 2000-02; Ord. 99-03, 1999; Res. 83-17 § 6, 1983).

2.72.040 Accidents involving county-owned vehicles.

1. Vehicle accidents involving county-owned vehicles shall be reported at once to the employee's immediate supervisor, employee's department head, and the Kittitas County prosecuting attorney's office.
2. All accidents involving county-owned vehicles will, when feasible, be investigated by the appropriate law enforcement agency, the employee's department and the Kittitas County prosecuting attorney's office.
3. For accidents involving county-owned vehicles, the accident report form (provided for each vehicle) will be completed at the accident site. The accident report along with a written report prepared by the driver of the vehicle involved in the accident shall be submitted to the employee's department head and the Kittitas County prosecuting attorney's office within 24 hours of the accident. (Ord. 2000-02; Ord. 99-03, 1999; Res. 83-17 § 7 - 9, 1983).

Chapter 2.73

DEFENSE AND INDEMNIFICATION OF COUNTY OFFICERS, EMPLOYEES, AND VOLUNTEERS

Sections

2.73.005 Purpose.

2.73.010 Definitions.

2.73.020 Request for defense of claim.

2.73.030 Authorizing defense of claim.

2.73.040 Indemnification and payment of judgment.

2.73.050 Action for malicious prosecution authorized.

2.73.060 Duties of employees.

2.73.070 Effective Date.

2.73.080 Severability.

2.73.005 Purpose.

The purpose of this chapter is to establish a procedure, as authorized by RCW 4.96.041, under which an officer, employee, or volunteer who is subject to a claim or action for damages may request that Kittitas County authorize and provide the defense of the claim and pay the costs and expenses of the defense, and to establish a procedure under which Kittitas County may pay damage awards.

(Ord. 2021-002, 2021)

2.73.010 Definitions.

The definitions in this section apply to the following terms as used in this chapter:

1. "Claim" means a demand for monetary compensation as a result of injury or damages allegedly caused by the county, its officers, employees, or volunteers, and includes any threatened, pending, or completed civil action or lawsuit brought under chapter 4.96 RCW or 42 U.S.C. §1981 et seq.
2. "Employee" means any person who is or was an employee of Kittitas County. "Employee" includes the estate, marital community, or personal representative of an employee.
3. "Officer" means any person who is or was an elected or appointed official or officer of Kittitas County. "Officer" includes the estate, marital community, or personal representative of an officer.
4. "Prosecuting Attorney" means the elected Prosecuting Attorney of Kittitas County or individual, such as a Deputy Prosecuting Attorney, designated by the Prosecuting Attorney of Kittitas County to carry out the functions and responsibilities of this chapter.
5. "Volunteer" means any person who is or was a volunteer, as defined in RCW 51.12.035, of Kittitas County. "Volunteer" includes the estate, marital community, or personal representative of a volunteer.

(Ord. 2021-002, 2021)

2.73.020 Request for defense of claim.

An officer, employee, or volunteer may request that Kittitas County defend and pay the necessary expenses of defending any claim or action for damages arising from acts or omissions while performing or in good faith purporting to perform his or her official duties. Such request shall be in writing and shall be submitted to the Board of County Commissioners and the Prosecuting Attorney.

(Ord. 2021-002, 2021)

2.73.030 Authorizing defense of claim.

A request for defense of claim shall be granted if the Board of County Commissioners finds:

1. The acts or omissions of the officer, employee, or volunteer were, or in good faith purported to be, within the scope of his or her official duties; and
2. That, for purposes of the issues raised by the claim or action for damages, a particular person is, or was during the relevant time period, in fact, a county officer, employee, or volunteer.

However, Kittitas County reserves the right to deny a request for defense of claim against an officer, employee, or volunteer charged with official misconduct, malfeasance, or willful neglect of duty in his or her office; or alleged to have unlawfully obtained personal benefits, or benefits for any person not entitled thereto, while acting in his or her official capacity; or if Kittitas County itself initiates the action against the officer, employee, or volunteer.

(Ord. 2021-002, 2021)

2.73.040 Indemnification and payment of judgment.

When Kittitas County has defended a claim or action for damages against an officer, employee, or volunteer pursuant to this chapter, and the court hearing the action finds the officer, employee, or volunteer was acting within the scope of his or her official duties, Kittitas County shall indemnify the officer, employee, or volunteer, and shall pay any non-punitive, final monetary judgment for costs and damages entered on such claim, after termination of all appellate review, if any. Pursuant to RCW 4.96.041(4), a judgment creditor shall seek satisfaction for a judgment only from Kittitas County and a judgment for costs and damages shall not become a lien upon any property of the officer, employee, or volunteer. Payment of any punitive damages judgment against an officer, employee, or volunteer shall only be made by specific resolution of a majority of the Board of County Commissioners.

(Ord. 2021-002, 2021)

2.73.050 Action for malicious prosecution authorized.

The Board of County Commissioners hereby authorizes the Prosecuting Attorney to bring an action or counterclaim for malicious prosecution, under RCW 4.24.350, on behalf of a county officer, employee, or volunteer when, in the sole discretion of the Prosecuting Attorney, the Prosecuting Attorney determines it is in the best interest of the county to bring such action or counterclaim. The Prosecuting Attorney is authorized to provide legal services for the county officer, employee, or volunteer, and to expend county funds to prosecute such action or counterclaim.

(Ord. 2021-002, 2021)

2.73.060 Duties of employees.

Any officer, employee, or volunteer contacted or served with a claim, demand, summons, or complaint shall immediately notify and deliver any documentation received, as well as any request for defense, to the Board of County Commissioners and the Prosecuting Attorney. The officer, employee, or volunteer shall cooperate with Kittitas County and its liability carrier, assist in the conduct of suits and in enforcing any right of contribution or indemnity, shall attend pre-trial hearings and trials, and assist in securing and giving evidence and obtaining the

attendance of witnesses. Except as specifically directed by the Prosecuting Attorney or assigned special counsel, no officer, employee, or volunteer may engage in any of the following acts with respect to claims or actions for damages defended pursuant to this chapter.

1. Engage or retain legal counsel at Kittitas County's expense;
2. Negotiate or otherwise affect the settlement of such claim or action for damages;
3. Make an admission of fault or liability involving such claim or action for damages;
4. Discuss with persons who are not county employees, assigned special counsel or others approved by the Prosecuting Attorney, or collective bargaining unit representatives, facts and circumstances of the claim.

Any violation of the provisions of this section may result in the revocation and cancellation of the continued defense and indemnification of the officer, employee, or volunteer, and may also result in Kittitas County taking legal action against the officer, employee, or volunteer for reimbursement of the costs, expenses, and damages incurred or expended by Kittitas County under this chapter.

(Ord. 2021-002, 2021)

2.73.070 Effective date.

The effective date of the ordinance codified in this chapter shall be January 5, 2021.

(Ord. 2021-002, 2021)

2.73.080 Severability.

Should any provision of this chapter be declared invalid, the remainder of this chapter or the application of such provision to other persons or circumstances shall not be affected and shall be valid and enforceable to the fullest extent allowed by law.

(Ord. 2021-002, 2021)

Chapter 2.76

SAFETY AND HEALTH POLICY

(Repealed by Ord. 99-03)

Chapter 2.77

SMOKING POLICY

Sections

2.77.010 Policy adopted.

2.77.010 Policy adopted.

The board of county commissioners adopts the following safety and health policy for Kittitas County:

1. Definitions.

- a. "Smoke" or "smoking" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or other kind of lighted smoking equipment.
 - b. "Public place" means any portion of the Kittitas County Courthouse or county buildings not excepted herein.
 - c. "Kittitas County Courthouse" includes any and all rooms and places in any and all buildings constructed on the square block in Ellensburg bounded by 6th Street to the north, 5th Street to the south, Main Street to the east and Water Street to the west. The "courthouse" includes all rooms including lavatories, the sheriff's offices, and the Kittitas County Corrections Center.
 - d. "County buildings" includes any and all buildings owned or leased by Kittitas County except for the following:
 - i. The Central Washington Comprehensive Mental Health building located at 220 W. 4th Avenue;
 - ii. The Elmview Group Home at 220 E. Helena;
 - iii. Any county-owned building at Elmview Industries at 804 Elmview Road; and,
 - iv. All buildings for which Kittitas County is the lessor at Kittitas County Airport, Bowers Field.
2. Smoking Prohibited. Smoking is hereby prohibited in all public places.
 3. No Smoking Signs. No smoking signs shall be placed in the hallways, restrooms and in each administrative office of the courthouse and in every county building not excepted herein.
 4. Penalties. Any person intentionally violating this chapter by smoking in a public place or any person removing, defacing or destroying a "No Smoking" sign is subject to a civil fine of up to \$100.00.
 5. Enforcement. Local law enforcement agencies and the Kittitas County health department may enforce this chapter in the manner set out in RCW 70.160.070(1).
 6. Disposition of Money Collected. Any penalty assessed and recovered under this chapter shall be paid to the district courts clerk(s) of Kittitas County and shall be transferred periodically to the general expense revenue fund. (Ord. 99-03, 1999; Ord. 89-2, 1989).
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Chapter 2.78

ALCOHOL AND DRUG ABUSE POLICY

(Repealed by Ord. 99-03)

Chapter 2.80

HANDICAPPED HIRING, ACCESS AND GRIEVANCES

(Repealed by Ord. 99-03)

Chapter 2.81

MANAGEMENT OF COUNTY REAL AND PERSONAL PROPERTY

Sections

2.81.010 General Provisions.

2.81.020 Statutory Powers and Exemptions from State Law.

2.81.030 Definitions.

2.81.040 Property Acquisition Procedures.

2.81.050 Disposition of Property.

2.81.060 General Disposition of Property by Sale or Lease.

2.81.070 Real Property Leases - Length of Term and Other Conditions.

2.81.080 Destruction and Disposition of Recovered, Forfeited and Surplus Firearms.

2.81.090 Exempted Transactions Designated.

2.81.010 General Provisions.

Pursuant to public notice and hearing, and in accordance with RCW 36.34.005, Kittitas County establishes comprehensive procedures for the management of county real and personal property. This chapter shall be construed in accordance with, and all county property management activities shall be guided by, the following declaration of policy and purpose: (1) To provide efficient management and protection for all county controlled property; (2) To insure the maximum return of all sales, rentals or leases of county controlled property, except as otherwise provided herein; and (3) To dispose of all property which is not required for county purposes. (Ord. 2009-04, 2009)

2.81.020 Statutory Powers and Exemptions from State Law.

Except to the extent otherwise provided for herein, this chapter supersedes the provisions of Chapter 36.34 RCW; PROVIDED, however, that the county shall retain all powers now or hereinafter granted by Chapter 36.34 RCW. (Ord. 2009-04, 2009)

2.81.030 Definitions.

1. "**Board**" means the Board of County Commissioners of Kittitas County.
2. "**County**" means Kittitas County, State of Washington.
3. "**Worthless property**" means that county property whose value at its site is less than its probable fair market value, less the cost of transporting it to the most advantageous place of disposal, as determined by the Board of Kittitas County Commissioners or the appropriate Department Head. (Ord. 2009-04, 2009)

2.81.040 Property Acquisition Procedures.

1. **Personal Property - Acquisition.** Personal property may be acquired by purchase or lease in accordance with the provisions of RCW 36.32.240 through 36.32.270, Chapter 36.82 RCW, and other applicable laws and ordinances.
2. **Real Property - Acquisition and Lease.**
 - a. All property acquired for county purposes shall be acquired in accordance with the provisions of the "Relocation Assistance Real Property Acquisition Policy," Chapter 8.26 RCW; and the "Uniform Relocation Assistance and Land Acquisition Policies Act of 1970," Public Law 91-646, enacted January 2, 1971, 91st Congress.
 - b. County purchases and lease of real property shall be subject to investigation and approval by the Board of Kittitas County Commissioners, in compliance with state, federal and local law. (Ord. 2009-04, 2009)

2.81.050 Disposition of Property.

1. **Disposition - When Authorized.**
 - a. Whenever it is in best interests of the county and its people that any part or parcel of property, whether real, personal or mixed, belonging to the county, including tax title land, should be sold or leased, the county shall sell or lease such property under the limitations and restrictions and in the manner provided in this chapter.
 - b. In making such disposition, the county may sell any timber, mineral or other resources on any land owned by the county separate and apart from the land in the same manner and upon the same terms and

conditions as provided in this chapter for the sale of real property. However, any such timber, mineral or other resources may be sold as personal property, in the manner provided by this chapter.

2. Surplus Property Disposition - Board Approval Considerations.

- a. Whenever any county real or personal property is to be brought for consideration as surplus to the needs of the county, possible uses to be considered shall include:
 - i. Potential uses by other county offices and departments;
 - ii. Exchange or trade-in for publicly or privately owned property needed by the county;
 - iii. Sale or lease to other governmental agencies;
 - iv. Public purpose sale or lease;
 - v. Lease to nongovernmental parties;
 - vi. Retention by the county if a parcel is within an environmentally sensitive area, a floodplain, a slide hazard property or another area whose public ownership is in the public interest;
 - vii. Sale at public auction.
- b. If the board concludes that the property is surplus to the foreseeable needs of the county, the board may authorize the sale or other disposition of such property as provided by this chapter. (Ord. 2009-04, 2009)

2.81.060 General Disposition of Property by Sale or Lease.

1. Unless otherwise exempt as provided in this chapter, property that has been declared surplus to the county's needs shall be sold at auction or by sealed bid in accord with notice and process as provided in Chapter 36.34 RCW.
2. All sales or leases of county property shall be made to the highest responsible bidder at public sale, except where different provisions are made in this chapter.
3. In sales for cash, the highest bidder shall be deemed responsible. In determining the highest responsible bidder for other sales and for leases, the board may consider the price and terms bid, the character, integrity, reputation and financial responsibility of the bidder, and previous experience, if any, of the county with the bidder.
4. All leases of real property and all sales of real property shall be subject to board approval. The board may delegate approval authority to a designee, via resolution of the board.
5. Sales on Other Than Cash Basis. If real property is offered for sale on other than a cash basis, the terms must be stated in the notice. (Ord. 2023-003, 2023; Ord. 2009-04, 2009)

2.81.070 Real Property Leases - Length of Term and Other Conditions.

The county may lease real property for a term of years and upon such terms and conditions as may be deemed in the best interests of the public and the county. No lease shall be for a longer term in any one instance than ten (10) years; PROVIDED, that when the board determines it to be in the best public interest, real property necessary to the support or expansion of an adjacent facility may be leased to the lessee of the adjacent facility for a term to expire simultaneously with the term of the lease of the adjacent facility, but not to exceed thirty-five (35) years; PROVIDED FURTHER, that when the board determines it to be in the best public interest, where the property to be leased is improved or is to be improved, and the value of the improvement is or will be at least equal to the value of the property to be leased, the county may lease such property for a term not to exceed thirty-five (35) years; PROVIDED FURTHER, that where the property to be leased is to be used for major airport, purposes, requiring extensive improvements, the county may lease such property for a term equal to the estimated useful life of the improvements, but not to exceed seventy-five (75) years. (Ord. 2009-04, 2009)

2.81.080 Disposition of Firearms by Kittitas County Sheriff's Office.

1. The Kittitas County Sheriff's Office (KCSO) will maintain a current inventory of all firearms found, forfeited due to failure to make a claim, seized, subject to judicial forfeiture, or purchased by KCSO.

2. The Sheriff's Office may retain for agency use a maximum of 10 percent of legal firearms that were judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.40.010.
3. Antique firearms, curios and collector's items are exempt from destruction and shall be disposed of by auction or trade to licensed commercial firearms dealers. Proceeds from any auction will go to the Kittitas County Sheriff's Office firearm program.
4. Surplus, unclaimed and forfeited rifles, shotguns and handguns may be offered for auction or as trade-in to licensed commercial firearms dealers for the sole purpose of acquiring new firearms and related equipment for use by commissioned deputy sheriffs.
5. Notwithstanding any contrary provision of this chapter, retired duty weapons may be offered for current market value to particular sheriff's deputies upon their retirement. If not retired, such weapons shall be retained for use by the Kittitas County Sheriff's Office until they are otherwise classified and disposed of as surplus firearms.
6. The Sheriff's Office shall destroy all weapons that are unlawful to possess as described in RCW 9.41.220 or as ordered by the court.
7. As per RCW 63.40.010(5), the Kittitas County Sheriff's Office may destroy a firearm that is safe or legal to possess or sell, but has been or may be used, in the discretion of the Kittitas County Sheriff, in a manner that is illegal. (Ord. 2011-003, 2011; Ord. 2009-04, 2009)

2.81.090 Exempted Transactions Designated.

The following transactions are exempted from the provisions of Sections 2.81.060 through 2.81.070:

1. **Worthless Property.** Where personal property is determined to be worthless, such property may be disposed of by the department involved in the most cost-efficient manner. The property may be donated to the public at large in the discretion of the department involved.
2. **Intergovernmental Transactions.** The board may sell or lease county property to another governmental agency by negotiation, upon such terms as may be agreed upon and for such consideration as may be deemed adequate by the board.
3. **Private Exchange.** The board may authorize the exchange of surplus county real property for privately owned real property, subject to the provisions of this subsection; PROVIDED, that the exchange of tax title lands shall be governed by Chapter 36.35 RCW. The value of the real property to be exchanged by the county and the value of the real property to be received by the county shall be determined by qualified independent appraiser(s), except that on-staff appraisers may be utilized where the property value does not exceed one hundred thousand dollars (\$100,000). The board may approve the exchange and specify whether the difference in value, if any, shall be paid in cash at closing or be paid pursuant to an appropriate real estate contract or deed of trust.
4. **Trade-ins.**
 - a. The county may trade-in property belonging to the county when purchasing other property. If the county elects to trade-in property, it shall include in its call for bids on the property to be purchased a notice that the county has for sale or trade-in property of a specified type, description and quantity, which will be sold or traded in on the same day and hour that the bids on the property to be purchased are opened. Any bidder may include in its offer to sell an offer to accept the designated county property in trade by setting forth in the bid the amount of such allowance.
 - b. In determining the lowest and best bid, the county shall consider the net cost to the county after trade-in allowances have been deducted. The county may accept the bid of any bidder without trade-in of the county property, but may not require any such bidder to purchase the county property without awarding the bidder the purchase contract. The county shall consider offers in relation to the trade-in allowances offered to determine the next best sale and purchase combination for the county.

5. **Emergency.** In the event of an emergency, when the interest or property of the county would suffer material injury or damage by disposition in accord with the foregoing provisions, the board, upon declaring the existence of such an emergency, may authorize the sale or lease of such property upon such terms and procedures as to the board may appear to be in the public interest.
6. **Unmarketable Parcels.** A parcel of surplus real property, which in and of itself would have little utilitarian value because of its size, shape or other factors, may be offered and sold to owners of adjoining properties by private negotiation.
7. **Limited-Use Parcels - Covenant Restrictions.** Where restrictive covenants, dedication limitations, grant conditions or other legally enforceable restraints, including such restraints placed upon property by the county or one of its cities or towns therein, limit use of surplus property to a specific public purpose, such property may be conveyed by negotiation upon such terms and conditions as are consistent with such restraint and based upon an opinion of value from a member of the Institute of Real Estate Appraisers or a professional appraiser having similar ethical and professional standards.
8. **Limited-Use Parcels - Restrictive Characteristics.** Property determined to be surplus to the immediate needs of the county, but which because of its location, configuration or other characteristic is especially and uniquely suitable for a particular quasi-public use requiring special legal, financial or technical qualifications, all as determined by the board, may be sold or leased through a public request for proposal process.
9. **Public Purpose Leases.** The board may enter into rental agreements for the use of county property with bona fide nonprofit organizations wherein the organization is to make improvements or provide services to further a recognized county purpose. The agreement may be for less than fair market rental so long as the general public is not unreasonably restricted from access to the improvements or services so provided.
10. **Short-Term Rentals.** A department, upon approval of that department's lead official, may permit use of county facilities by a third party for up to seventy-two (72) hours upon such terms as may be mutually agreed upon; PROVIDED, however, that such use furthers a county purpose.
11. **Established Rental Value.** Where the fair market rental value of county real property has been established by the board, or through delegation to a county employee qualified to make such determination, to be less than One Thousand Five Hundred Dollars (\$1,500) per month; or where the fair market value has been established in accord with accepted appraisal methods and standards by a member of the American Institute of Real Estate Appraisers or a professional appraiser having similar ethical and professional qualifications, to be One Thousand Five Hundred dollars (\$1,500) or more per month, such property may be leased by private negotiation at no less than the value so established.
12. **Watchman's Property.** Leases that include watchman's responsibility for adjoining county-owned property may be leased by private negotiation.
13. **Real Estate Broker Services.** Notwithstanding any other provisions set forth in this chapter, if in the judgment of the board of county commissioners the sale of real property of the county would be facilitated and a greater value realized through the use of the services of licensed real estate brokers or by such other method as is determined to most likely result in the receipt of full value for such property, a contract for such services may be negotiated and concluded; PROVIDED, that a minimum sales price for such property shall be set by a member of the American Institute of Real Estate Appraisers or professional appraiser having similar ethics and professional qualifications.
14. **Relocation Sales.** The board may authorize the direct sale by private negotiation of county-owned residences to a person being relocated by a county project; provided, that the sale price for such property shall not be less than its appraised value as determined by a member of the Institute of Real Estate Appraisers or professional appraiser having similar ethical and professional standards.
15. **Public Purpose Sales.**

- a. Regarding county personal property, the board of county commissioners may convey title to county personal property which is no longer needed for county purposes, with or without further consideration, to a bona fide nonprofit organization to be used to further a recognized county purpose.
 - b. Regarding county real property, the board of county commissioners may convey title to county real property to a bona fide nonprofit organization, with or without further consideration, to be improved and utilized in perpetuity to further a recognized county purpose, in exchange for the promise to continually operate services benefiting the public on the site, subject to the conditions set forth in this section 15; PROVIDED, the conveyance document(s) shall contain appropriate contract provisions and/or deed or deed of trust restrictions and covenants relating to timing of improvements, disposition of revenue, accessibility by the general public, nondiscrimination, compliance with laws, removal of liens, and reversion of title.
 - c. Regarding subsection 15(b) above, the deed conveying county real property to a bona fide nonprofit organization must provide for immediate reversion back to the county, along with all facilities constructed thereon, if the nonprofit organization or its nonprofit organization successor ceases to use the property for a bona fide social service nonprofit purpose -- such purpose to include but not be limited to, services for individuals with physical or mental disabilities including nonprofit community centers, close-to-home living units, employment and independent living training centers, vocational rehabilitation centers, developmental disabilities training centers, community homes for individuals with mental illness; and for social and health services for adult and juvenile correction or detention, child welfare, day care, drug abuse and alcoholism treatment, mental health, developmental disabilities, and vocational rehabilitation.
 - d. The nonprofit organization is authorized to sell the property acquired under this section 15 only if all of the following conditions are satisfied:
 - i. Prior written approval shall first be obtained from the board of county commissioners;
 - ii. All proceeds from said conveyance must be applied to the purchase of a different property of equal or greater value than the original;
 - iii. Any new property must be used to advance the purpose of the same or another nonprofit organization that provides recognized social services beneficial to the county -- including, but not limited to, those purposes described in subsection 15(c) above;
 - iv. The new property must be available for use and accessible to county citizens within one year of the conveyance; and
 - v. If the nonprofit organization or its nonprofit organization successor later ceases to use the new property for the social services described, but not limited to, those purposes set forth in subsection 15(c) above, then the nonprofit organization or its nonprofit organization successor must reimburse the county for the value of the original property at the time of conveyance.
 - e. If the nonprofit organization ceases to use the original property as a social service organization devoted to such purposes described but not limited to those set out in subsection 15(c) above, then the original property and all facilities constructed thereon shall revert immediately to the county, at which time the county must determine if the property (or the reimbursed amount if there is a reimbursement under subsection 15(d)(5) above), may be used by another social service program providing social services beneficial to the county.
16. **Mineral Rights.** The sale or lease of mineral rights for extraction of aggregate on county property as a portion of a larger project to prepare such property for future public use may be by request for proposals.
17. **Police Dogs.** Where the sheriff of Kittitas County, in his or her discretion, determines, upon retirement of a police dog from service, that the interest of the animal, its handler, the county or the public would best be served thereby, the sheriff may make any appropriate disposition of such police dog, provided the recipient of

the police dog agrees to assume all future liability for its actions, care, maintenance and medical needs . (Ord. 2009-04, 2009)

Chapter 2.82

OPEN AND TRANSPARENT COLLECTIVE BARGAINING

Sections

2.82.005 Legislative Intent

2.82.010 Open Collective Bargaining

2.82.020 No Public Testimony Allowed

2.82.030 Exceptions

2.82.005 Legislative Intent

The Board of County Commissioners declares it to be in the public interest for there to be openness and transparency in collective bargaining sessions and contract negotiations between Kittitas County and employee Collective Bargaining Units. (Ord. 2017-010, 2017)

2.82.010 Open Collective Bargaining

All collective bargaining sessions and contract negotiations between Kittitas County and employee Collective Bargaining Units shall be held in meetings open to the public. Kittitas County shall provide notice to the public of all such sessions or contract negotiations. (Ord. 2017-010, 2017)

2.82.020 No Public Testimony Allowed

Members of the public are invited to observe collective bargaining sessions and contract negotiations between Kittitas County and employee Collective Bargaining Units. However, members of the public will not be offered an opportunity to participate or offer testimony during the meeting. (Ord. 2017-010, 2017)

2.82.030 Exceptions

The provisions of this chapter shall not apply to: a) grievance or mediation proceedings; b) discussions relating to the interpretation, enforcement, or application of a labor agreement; c) that portion of a meeting during which the governing body or employee collective bargaining unit is planning or adopting the strategy or position to be taken during the course of collective bargaining; or d) meetings or caucuses between an employee Collective Bargaining Unit and its exclusive bargaining representative.

Additionally, collective bargaining sessions or contract negotiations for subjects relating to employee safety or working conditions may be closed to the public as directed by the elected official(s) with authority over a particular Collective Bargaining Unit. (Ord. 2017-010, 2017)

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