

INFORMATIONAL MEMORANDUM

Tukwila Pool Metropolitan Park District

TO: Tukwila Pool MPD Board

FROM: Brian Snure, Legal Counsel

DATE: December 3, 2014

SUBJECT: Public Record Index

ISSUE

Special purpose districts such as the Tukwila Metropolitan Park District are required to comply with the State Public Records Act. The Act requires that the District create and maintain an index of all records unless the creation and maintenance of the index is "unduly burdensome."

FINANCIAL IMPACT

None

BACKGROUND

Now that the District will be managing and storing its own records, the District either needs to create and maintain a public record index or adopt a resolution identifying that this would be "unduly burdensome."

DISCUSSION

The issue is whether the District has sufficient staff resources to create and maintain a public record index. Most smaller governments do not meet this requirement. Given the District's budgetary constraints and the financial impacts and uncertainties surrounding the transition, the District cannot afford to hire a dedicated record custodian with the skills necessary to create and maintain an index of the District's diverse and complex records. The District will maintain records in accordance with the record retention requirements and comply with the Public Records Act but the financial cost of creating and maintaining a complete index would be unduly burdensome at the present time.

RECOMMENDATION

1. Motion to approve Resolution No. ___ Declaring the Maintenance of a Public Records Index to be unduly burdensome.

ATTACHMENTS

Resolution

Tukwila Pool Metropolitan Park District

Resolution No. _____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TUKWILA POOL METROPOLITAN PARK DISTRICT ADOPTING A FORMAL POSITION AND DECLARING THE MAINTENANCE OF AN ALL-INCLUSIVE INDEX OF EVERY PUBLIC RECORD TO BE UNDULY BURDENSOME, AS REQUIRED BY CHAPTER 42.56 RCW.

WHEREAS, Title 42, Chapter 56, of the Revised Code of Washington (hereinafter referred to as RCW), requires all public agencies to maintain and make available a current index of public records; and

WHEREAS, the RCW also states that if maintaining such an index would be unduly burdensome or interfere with agency operations, an agency must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome; and

WHEREAS, the RCW further provides that in spite of such an unduly burdensome order, all indexes maintained by the District must be made available to provide identifying information on those records which are to be made available for public inspection; and

WHEREAS, anticipated District revenues do not allow for additional staff members for the sole purpose of creating and maintaining such an all-inclusive index; and

WHEREAS, the District has a policy of assisting people who request public information and of providing public records upon request, and does not plan to deviate from that policy;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TUKWILA POOL METROPOLITAN PARK DISTRICT HEREBY RESOLVES AS FOLLOWS:

Section 1. Findings.

A. The Revised Code of Washington (RCW) requires all cities and public agencies to maintain and make available a current index of all public records.

B. The RCW also states that if maintaining such an index would be unduly burdensome, or interfere with agency operation, a city must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome.

C. When such an order is made, all indexes maintained by that public agency must be made available to provide identifying information on those records which are available for inspection and/or copying.

E. Because the District has records which are diverse, complex and stored in multiple computer systems and databases, it is unduly burdensome, if not physically impossible, to maintain a central index of records.

F. The District will fully comply with the provisions of the RCW as they relate to the Public Disclosure Act, under Chapter 42.56 RCW

Section 2. Order regarding Public Records Index.

Pursuant to RCW 42.56.270(4)(a), the Board of Commissioners orders the following:

1. The Tukwila Pool Metropolitan Park District is not required to maintain an all-inclusive index of public records, due to findings of the Board of Commissioners that the requirement is unduly burdensome and such a list is nearly impossible to create and/or maintain.

2. The Tukwila Pool Metropolitan Park District shall make available all public records and any indexes created for internal use upon request by any citizen.

PASSED BY THE BOARD OF COMMISSIONERS OF THE TUKWILA POOL METROPOLITAN PARK DISTRICT at a Special Meeting thereof this _____ day of _____, 2014.

ATTEST/AUTHENTICATED:

Kate Kruller, Clerk of the Board

De'Sean Quinn, Board President

APPROVED AS TO FORM BY:

Filed with the Clerk: _____

Passed by the Commission: _____

Resolution Number: _____

Brian Snure, TPMPD Attorney