

RESOLUTION NO. 1185

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, relating to public records, adopting the City's Public Records Policy to include indexing and a records management policy; and designating an Acceptance Agent for Public Record Requests pursuant to chapter 42.56 RCW.

WHEREAS, the Washington State legislature passes several amendments to the Public Disclosure Act (chapter 42.56 RCW) at each legislative session including recodifying the Act as chapter 42.56 RCW entitled the Public Records Act, and

WHEREAS, the City of Des Moines is a municipal corporation of the State of Washington which provides general municipal services to its residents and others, and

WHEREAS, new provisions of chapter 42.56 RCW require that municipalities publish a policy outlining the procedures for making public record inquiries, appoint a Public Records Officer and maintain an index of all public records, and

WHEREAS, the City Clerk is the Records Officer for the City and appointing the City Clerk to be the Public Records Officer will be consistent with local policy and state law, and

WHEREAS, chapter 42.56 RCW requires all cities and public agencies to maintain and make available a current index of various public records, and

WHEREAS, RCW 42.56.070(4) provides that if maintaining such an index would be unduly burdensome, a city need not maintain such an index but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome, and

WHEREAS, the City of Des Moines is comprised of numerous departments, divisions, and subdivisions, which maintain separate databases and/or record keeping systems and which makes it extremely difficult, if not physically impossible, and would interfere with City operations, to compile an index, and

WHEREAS, the City produces or receives an uncountable number of records each day and maintains an uncountable number of records in numerous City files, and

WHEREAS, the development and maintenance of a City index would be extremely costly and would provide little benefit to the public compared to the expense in maintaining the index, and

WHEREAS, the City's operations do not allow for the addition, revision, or reassignment of duties of existing personnel so that an index may be developed and maintained, and

WHEREAS, anticipated City revenues do not allow for additional staff for the purpose of creating and maintaining such an index, and

WHEREAS, the City has a long standing and recognized 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 CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Sec. 1. Findings.

(1) RCW 42.56.040 requires all cities and public agencies to publish a policy outlining the procedures for making public record inquiries.

(2) RCW 42.56.070(1) requires all cities and public agencies to maintain and make available a current index of various public records.

(3) RCW 42.56.070(4) provides that if maintaining such an index would be unduly burdensome, a city need not maintain such an index but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome.

(4) The City of Des Moines is comprised of numerous departments, and their divisions and subdivisions, which maintain separate databases and/or record keeping systems and which makes it extremely difficult, if not physically

impossible, and would interfere with City operations, to compile an index.

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

(6) The City produces or receives an uncountable number of records each day and maintains an uncountable number of records in numerous City files.

(7) The development and maintenance of a City index would be extremely costly and would provide little benefit to the public compared to the expense in maintaining the index.

(8) The City's operations do not allow for the addition, revision, or reassignment of duties of existing personnel so that an index may be developed and maintained.

(9) Anticipated City revenues do not allow for additional staff for the purpose of creating and maintaining such an index.

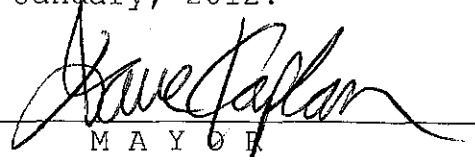
Sec. 2. Public records index - Order - Maintenance not required. The City Council hereby resolves that this Resolution supersedes City of Des Moines Executive Order No. 09-001 - Regarding Indexes Of City Records and pursuant to RCW 42.56.070(4), resolves as follows:

(1) The City of Des Moines is not required to maintain a current index of public records due to findings of the City Council that the requirement to do so is unduly burdensome and would interfere with City operations and such a list is nearly impossible to create and/or maintain; and

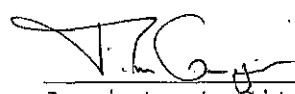
(2) Pursuant to chapter 42.56 RCW, the City of Des Moines shall disclose all public records and any indexes of public records maintained by the City to the extent not exempt from disclosure pursuant to chapter 42.56 RCW or other applicable laws.

Sec. 5. Established electronic goal date.
December 31, 2016 has been established as the date the City will have public records available to the public electronically.

ADOPTED BY the City Council of the City of Des Moines, Washington this 5th day of January, 2012 and signed in authentication thereof this 5th day of January, 2012.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk