

6 **RESOLUTION NO. 2018-3** 7 8

9 **A Resolution of the Pierce County Flood Control Zone District Board of
10 Supervisors, Adopting Rules for the Inspection and Copying
11 of District Public Records, and Repealing Resolution No.
12 2012-7.**

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14 **Whereas**, the Public Records Act, Chapter 42.56 RCW, governs the inspection
15 and copying of District public records and requires the District to adopt rules relating to
16 inspection and copying of District public records; and

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18 **Whereas**, Resolution No. 2012-7, adopted by the District Board of Supervisors
19 on July 11, 2012, established District rules for the inspection and copying of District
20 public records; and

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22 **Whereas**, the Washington State Legislature recently amended the Public
23 Records Act; and

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25 **Whereas**, by Interlocal Agreement between Pierce County and the District,
26 Pierce County, primarily through the Department of Planning and Public Works, carries
27 out the District's work program for flood and storm water control projects and activities;
28 and

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30 **Whereas**, Chapter 2.04 of the Pierce County Code establishes rules for
31 inspection and copying of Pierce County public records; and

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33 **Whereas**, many of the public records relating to the District's business and
34 operations are in the possession of Pierce County departments, and inspection and
35 copying of those public records are subject to Chapter 2.04 PCC; and

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37 **Whereas**, the District Board of Supervisors desires to adopt Chapter 2.04 PCC,
38 with necessary modifications, as the District's rules for the inspection and copying of
39 District public records, so that Pierce County's and the District's rules relating to
40 inspection and copying of public records relating to District projects and activities are
41 similar and coordinated; Now, therefore

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43 **BE IT RESOLVED** by the Board of Supervisors of the Pierce County Flood
44 Control Zone District as follows:

1 Section 1. Chapter 2.04 of the Pierce County Code, titled "Public Records
2 Inspection and Copying Procedures," as now or hereafter amended, is adopted as if set
3 forth fully herein, with the following modifications:

4 A. General Modification. Throughout Chapter 2.04 of the Pierce County
5 Code, the terms "Pierce County" or "the County" shall mean the "Pierce County Flood
6 Control Zone District" (District); the term "Pierce County Council" shall mean the "Board
7 of Supervisors" (Board); and references to Pierce County's website shall refer to the
8 District's website: <http://piercefloodcontrol.org/>.

9 B. 2.04.020 -- Records Officer. The public records officer for the District
10 (Records Officer) shall be the Clerk of the District Board of Supervisors or designee.
11 The Records Officer is located at 930 Tacoma Avenue South, Tacoma, WA, 98402 and
12 can be reached at (253) 798-7777 or by email at kkenned@co.pierce.wa.us.

13 C. 2.04.030 – Inspection of Public Records. The District public records
14 must be inspected at the office of the Records Officer, or such other place as is
15 determined by the Records Officer.

16 D. 2.04.030(B) – Records Index. RCW 42.56.070(3) requires each local
17 agency to maintain and make available for public inspection and copying a current index
18 providing identifying information as to many records issued, adopted, or promulgated by
19 the local agency, such as statements of policy and interpretations of policies,
20 administrative staff manuals and instructions to staff, planning policies and goals,
21 factual staff reports and studies, factual consultants' reports and studies, and certain
22 correspondence and materials referred to therein, by and with the local agency. RCW
23 42.56.070(4) provides that a local agency need not maintain such an index if to do so
24 would be unduly burdensome. The District Board of Supervisors finds that maintaining
25 such a current index would be unduly burdensome because of limited District staff. The
26 District has only one employee, an Executive Director, and only one clerk, who is the
27 Clerk of the Pierce County Council and performs services for the District on an as
28 needed basis.

29 E. 2.04.030(D)(1) – Making a Request for Public Records. The District
30 does not maintain an online records request portal or have a standard request form.
31 Any person desiring to inspect or obtain copies of District public records must make the
32 request in writing, addressed to the Records Officer, and deliver it by U.S. mail or email
33 or in person to the Records Officer at the post office and email addresses listed in
34 or Subsection 1(A) of this Resolution. All references to Pierce County's web portal or
35 standard request form in Chapter 2.04 PCC shall be not apply with respect to the
36 District's public records policies and procedures.

37 F. 2.04.030(E)(2) – Costs. The Board finds that calculating the actual
38 copying cost of providing public records would be unduly burdensome due to limited
39 District resources and staff, and therefore adopts the fee provisions found in RCW
40 42.56.120 and as further itemized in PCC 2.04.030(E)(2)(a) – (c).

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2 G. 2.04.075 – Disposition of Funds. The requestor shall pay for copies of
3 records by cash, check, or money order, payable to the District.

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5 H. 2.04.080(B) – Review of Denials of Public Records – Consideration of
6 Petition for Review. The term “Prosecuting Attorney” shall mean “District legal counsel.”

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8 Section 2. Resolution No. 2012-7 is repealed.

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10 ADOPTED this 18th day of July, 2018.

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12 ATTEST:

13
14 Kate Kennedy
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16 Kate Kennedy, Clerk of the Board

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18 PIERCE COUNTY FLOOD CONTROL
19 ZONE DISTRICT
20 Pierce County, Washington

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22 Rick Talbert
23 Rick Talbert, Board Chair