

RESOLUTION NO. 2018-3

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

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

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

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

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

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

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

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

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

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

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

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

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

42
43 F. 2.04.030(E)(2) -- Costs. The Board finds that calculating the actual
44 copying cost of providing public records would be unduly burdensome due to limited
45 District resources and staff, and therefore adopts the fee provisions found in RCW
46 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."
7

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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13 ATTEST:

PIERCE COUNTY FLOOD CONTROL
ZONE DISTRICT

Pierce County, Washington

14
15
16 Kate Kennedy
17
18 Kate Kennedy, Clerk of the Board

Rick Talbert
Rick Talbert, Board Chair