Ordinance No. 3531

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amended by Ord. 3588

Repealed by Ord. 3799
ORDINANCE NO. 3531

AN ORDINANCE of the City Council of the City of Kent, Washington, adopting a formal order, pursuant to RCW 42.17.260(4)(a), declaring that the maintenance of a current index of public records to be unduly burdensome and directing that any indexes maintained for internal City use be made available for public inspection and copying, unless otherwise exempt pursuant to applicable law.

WHEREAS, Ch. 42.17 RCW requires all cities and public agencies to maintain and make available a current index of public records; and

WHEREAS, RCW 42.17.260(4)(a) provides that if maintaining such an index would be unduly burdensome or would interfere with agency operations, a city must issue and publish a formal order specifying the reasons why and to the extent to which compliance would be unduly burdensome; and

WHEREAS, RCW 42.17.260(4)(b) further provides that in spite of such an order, any index that is maintained by the city must be made available for public inspection and/or copying; and

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

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WHEREAS, the magnitude and diversity of twelve City departments with an even greater number of divisions/subdivisions, has resulted in the creation and use of many different computer systems, programs and information retaining systems which would be extremely difficult, if not physically impossible, to compile a single index; and

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

WHEREAS, anticipated City revenues do not allow for additional staff for the sole purpose of creating and maintaining such a current index; and

WHEREAS, the City has a longstanding 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 KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. A new chapter, Chapter 1.05, entitled "Public Records Indexes and Records Requests Under the Public Disclosure Act," is hereby added to the Kent City Code to read as follows:

CHAPTER 1.05 PUBLIC RECORDS INDEXES AND RECORDS REQUESTS UNDER THE PUBLIC DISCLOSURE ACT

Sec. 1.05.010. Findings.
A. Ch. 42.17 RCW requires all cities and public agencies to maintain and make available a current index of all public records.
B. RCW 42.17.260(4)(a) provides that if maintaining such an index would be unduly burdensome, or would interfere with agency operation, 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.

C. The City of Kent is comprised of twelve departments, their divisions and subdivisions, which maintain separate databases and/or record keeping systems for the indexing of records and information.

D. 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.

E. The City of Kent will make available for inspection and/or copying all public records, including any indexes that are maintained by the City pursuant to the Public Disclosure Act, Ch. 42.17 RCW.

Sec. 1.05.020. Order regarding Public Records Index. Based upon the findings set forth in KCC 1.05.010, and pursuant to RCW 42.17.260(4)(a), the City Council orders the following:

A. The City of Kent is not required to maintain a current index of public records due to findings of the City Council that the requirement is unduly burdensome and such a list is nearly impossible to create and/or maintain; and

B. Pursuant to Ch. 42.17 RCW, the City of Kent shall make available for public inspection and/or copying all public records and any indexes of public records maintained by the City to the extent not exempt from inspection and/or copying pursuant to RCW 42.17.310 or other applicable law.

SECTION 2. – Severability. If any one or more section, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.
SECTION 3. – Effective Date. This ordinance shall take effect and be in force thirty (30) days after passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER LUBOVICH, CITY ATTORNEY

PASSED: 21 day of November, 2000.
APPROVED: 22 day of November, 2000.

I hereby certify that this is a true copy of Ordinance No. 3531 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK

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