

**City of Blaine**  
**Request for Council Action**  
**Meeting Date: September 23, 2019**

**Subject:** Resolution 1771-19, Documents and Indexes to be made public.

**Department:** City Manager

**Prepared By:** \_\_\_\_\_  
(Digital Signature)

**Agenda Location:**     Consent Agenda     Council Action     Unfinished Business

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**Attachments:**

1. Resolution 1771-19, Amending Resolution 1405-05 referencing RCW 42.17 and updating to RCW 42.56.
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**Background/Summary:** RCW 42.56 requires all public agencies to maintain and make available a current index of all public records. RCW 42.56 also states that if maintaining such an index would be unduly burdensome or interfere with agency operations, the city must publicly issue a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome.

City Council passed resolution 1405-05 in 2005, referencing RCW 42.17.260, which no longer exists. The City still maintains that the City's records are diverse, complex, and stored in multiple locations and in multiple computer databases and, therefore, unduly burdensome, if not physically impossible, to maintain a central index of records. Resolution 1771-19 updates reference to RCW 42.17.260 to the current RCW 42.56.

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**Budget Implications:**     Current Budget     New Budget Request     Non-Budgetary

There are no budgetary implications.

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**Recommendation:**    Staff recommends that City Council adopt resolution 1771-19, amending resolution 1405-05 referencing RCW 42.17 and updating to RCW 42.56.

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**Reviewed By:**

City Manager \_\_\_\_\_ Finance Director \_\_\_\_\_ City Clerk \_\_\_\_\_  
(Digital Signature) (Digital Signature) (Digital Signature)

RESOLUTION NO. 1771-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLAINE,  
WASHINGTON, AMENDING RESOLUTION 1405-05, REFERENCING RCW 42.17 AND  
UPDATING TO RCW 42.56 DOCUMENTS AND INDEXES TO BE MADE PUBLIC

WHEREAS, the Revised Code of Washington (RCW) 42.56 requires all public agencies to maintain and make available a current index of all public records, unless maintaining such an index would be unduly burdensome, or interfere with agency operation, and the City of Blaine (the "City") issues and publishes an order specifying the reasons why and the extent to which compliance would be unduly burdensome; and

WHEREAS, unless such an order is made, all indexes maintained by that city must be made available to provide identifying information on those records which are available for inspection and/or copying; and

WHEREAS, the City is comprised of five departments, their divisions and subdivisions, which maintain separate databases and/or recordkeeping systems for the indexing of records and information; and

WHEREAS, the City's records are diverse, complex and stored in multiple locations and in multiple computer databases; and

WHEREAS, the City intends to fully comply with the provisions of the RCW as they relate to the Public Records Act, under RCW Chapter 42.56, however it is unduly burdensome, if not physically impossible, to maintain a central index of public records.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The recitals set forth above are adopted as findings by the City Council for the City of Blaine.

Section 2. Based upon the findings of the City Council above, the City Council formally orders that such an index does not have to be maintained as allowed under RCW 42.56.070(4) so long as other City indexes are available for public inspection and copying in conformity with applicable law.

Section 3. The City of Blaine shall make available all public records and any indexes created for internal use upon request by any citizen. Said indexes shall be maintained and released in order to obtain those records which are public and not protected by the exemption portion of the statute, namely RCW 42.56.

BE IT FURTHER RESOLVED:

Section 4. That any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 5. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declare that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact

that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 6. This Resolution shall become effective immediately.

PASSED BY the City Council of the City of Blaine, Washington and approved by the Mayor on this 23<sup>rd</sup> day of September, 2019.

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Bonnie Onyon, Mayor

ATTEST:

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Samuel Crawford, City Clerk

APPROVED AS TO FORM:

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Jon Sitkin, City Attorney