



TACOMA HOUSING AUTHORITY

RESOLUTION 2010-9-22 (3)

Date: September 15, 2010
To: THA Board of Commissioners
From: Michael Mirra
Executive Director
Re: Public Records Act Exemption from Creating Index

Background

Washington State's Public Records Act requires every local government agency to maintain and make available for public inspection and copying a current "index." The index would provide identifying information concerning all records, including electronic records, issued, adopted, or promulgated after January 1, 1973. RCW 42.56.070(3). This would be very onerous to create and maintain. THA has produced thousands of public documents since 1973. THA does not have the money or the staff to create such an index. HUD's funding, already inadequate, would not provide additional money for the effort.

The Public Records Act allows an agency like THA to exempt itself from the requirement to compile such an index if the effort would be unduly burdensome, and if the local government agency issues and publishes a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations.

This resolution would do just that. It would not relieve THA from any other obligation under the Public Records Act.

Recommendation

I recommend that the Board adopt this resolution relieve THA of the need to create the Public Records index.



TACOMA HOUSING AUTHORITY

RESOLUTION 2010-9-22(3) Public Records Exemption from Creating Index

A RESOLUTION of the Board of Commissioners of the Housing Authority of the City of Tacoma

WHEREAS, Washington State's Public Records Act, RCW 42.56.070(3), requires every local government agency to maintain and make available for public inspection and copying a current index which provides identifying information concerning the following records, including electronic records, issued, adopted or promulgated after January 1, 1973:

- a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and
- (f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

WHEREAS, RCW 42.56.070(4) relieves local government agencies of the obligation to maintain such an index if to do so would be unduly burdensome, and if the local government agency issues and publishes a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

WHEREAS, since January 1, 1973, the Tacoma Housing Authority has issued, adopted and promulgated thousands of documents including, but not limited to: correspondence between staff and correspondence between staff and the public; statements of policy, interpretations of policy, and policy revisions; administrative staff manuals and instructions; planning policies and goals; and factual reports and studies; and

WHEREAS, compiling and indexing this information, and maintaining an index, would require hundreds of hours of staff time, and would require the Housing Authority to postpone or eliminate existing planned activities, create new positions or pay existing employees to do the work outside their normal work hours; and

WHEREAS, the Housing Authority's funding, which comes primarily from rents and a subsidy from the US Department of Housing and Urban Development (HUD), are currently insufficient to cover existing operating and maintenance costs; and

WHEREAS, the HUD would not increase the Housing Authority's funding to cover the cost of compiling, indexing, and maintaining the required index, which will cause further strains on the Housing Authority's already severely strained budget; and

WHEREAS, The Housing Authority will provide any document it is obligated to provide by the Act, including such indices it already maintains for its own use;

Resolved by the Board of Commissioners of the Housing Authority of the City of Tacoma, Washington as follows:

1. For the reasons set forth above, the Board of Commissioners finds that maintaining an index of information and documents, as required by RCW 42.56.070(3), would be unduly burdensome and would interfere with Housing Authority operations.

Approved: September 22, 2010



Dr. Arthur C. Banks, Chairman