DCLU Director's Rule 10-2002

Applicant:	Page	Supersedes:
City of Seattle Department of Design, Construction and Land Use	1 of 3	N/A
	Publication: 7/5/02	**Effective:** 8/1/02
Subject: Indexing of DCLU Records pursuant to the State Public Disclosure Act	**Code and Section Reference:** Revised Code of Washington Section 42.17.260	
	Ordinance Authority: SMC 3.06.040	
	Approved Diane M. Sugimura (signature on file)	**Date** 7/29/02

BACKGROUND: The State's Public Disclosure Act requires local agencies to maintain a complete index of certain public records or issue an order explaining why the requirement would be too burdensome to maintain. RCW 42.17.260 (3), (4).

Subsection (3) of RCW 42.17.260 states:

> Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following 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.

Subsection (4) of RCW 42.17.260 states:

> A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:
>
> > (a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and
> >
> > (b) Make available for public inspection and copying all indexes maintained for agency use.

RULE:

The Director of the Department of Design, Construction and Land Use has determined that to maintain the index described in RCW 42.17.260(3) of the Washington Public Disclosure Act would be unduly burdensome and would interfere with the operations of the department.

REASON:

The Department has over 300 employees and its work includes processing thousands of permit applications each year, as well as working on code enforcement, legislation, rules, neighborhood and citywide planning, and design review. To prepare an index of the form and type specified in the Act would take significant staff time away from DCLU's direct service to the public, and also would be burdensome in terms of the complexity of the indexing. In addition, a new index in the form specified would add little or no value to the search resources and tools already available; all the information that would be contained in the index as described in RCW 42.17.260(3) is readily available to the public in other forms.

City records currently are accessible by a variety of methods, in paper, microfilm, and electronic form. Records are arranged by property address and by project number. The Department has an extensive website which makes information about projects, enforcement actions, planning and land use decisions, codes, rules, and other items

of interest to the public readily available in electronic form. The Department's microfilm library contains permit records for every property that has had dealings with the Department since its inception. The Department's Public Resource Center further assists citizens in researching projects or property in the City of Seattle.

In conclusion, it would both unduly burden and interfere with the department's operations to maintain a current index of the type described in the Public Disclosure Act. The Department will continue to maintain alternative research tools and sources of information, as described in DCLU's Client Assistance Memo 107, DCLU Public Records, and including the extensive access to DCLU records and processes provided via its website at http://www.ci.seattle.wa.us/dclu, in lieu of such an index.