

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2165

AN ORDINANCE relating to cost charges for the copying of certain public records; adding new sections to chapter 2.36 of Bellevue City Code; repealing Ordinance No. 335, section 1; Ordinance No. 829, sections 5 and 6; Ordinance No. 1015, section 1; Ordinance No. 1660, section 1; Ordinance No. 1689, section 1; and Bellevue City Code sections 2.36.010, 2.36.030, 2.36.040, 2.36.050, 2.36.060, 2.36.070.

WHEREAS the State, in ensuring the accessibility of public records, has provided that local agencies of government may impose reasonable charges for providing copies of public records, charges not to exceed actual costs of the copying;

WHEREAS establishing a schedule of copying charges is an administrative detail pursuant to the general policy of obtaining reimbursement for copying costs;

WHEREAS such copying costs are subject to constant fluctuation due to economic or other conditions,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new section is added to Chapter 2.36 of Bellevue City Code, to be designated as section 2.36.010, to provide as follows:

2.36.010 Public records maintained. All substantive and procedural rules of general applicability, including, but not limited to ordinances and resolutions adopted by the City Council, minutes of the regular meetings of the City Council, statements of general policy, and amendments, revisions and repeals thereof, all public contracts, deeds and leases shall be indexed and maintained in the office of the City Clerk for the use of the City and of the general public.

All other such records of the City relating to the specific function or responsibility of a particular department shall be maintained for the use of the department and the general public in the office of the particular department.

Section 2. A new section is added to Chapter 2.36 of Bellevue City Code, to be designated as section 2.36.020, to provide as follows:

2.36.020 Exempt public records. The provisions of this chapter shall not apply to information, the disclosure of which would violate personal privacy or vital governmental interest. No exemption shall prevent disclosure of statistical information not descriptive of any readily identifiable person or persons.

Besides information exempt under the preceding provision, the following records are also exempt:

- (1) Personnel information and any files maintained for City employees, appointed or elected officials, to the extent the disclosure would violate their right to privacy;
- (2) Information required of any taxpayer or City license holder in connection with the assessment or collection of any tax or license fee if the disclosure of the information to other persons would violate the taxpayer or licensee's right to privacy or would result in unfair competitive disadvantage to such taxpayer or licensee;
- (3) Specific intelligence information and specific investigative files compiled by investigative law enforcement and penology agencies and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;
- (4) Information revealing the identity of persons who file complaints with investigative law enforcement or penology agencies, except as the complainant may authorize;
- (5) Test questions, scoring keys and other examination data used to administer license, employment or civil service examination;
- (6) Except as provided by RCW 8.26, the contents of any real estate appraisals made for or by any agency, including the City relative to the acquisition of property by the City until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the date of the appraisal;
- (7) Valuable formula, designs, drawings and research data obtained or produced by the City, its officers, employees and agents within five years of any request for disclosure thereof, when disclosure would produce private gain and public loss;
- (8) Preliminary drafts, notes, recommendations and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, unless such a record is publicly cited by an agency in connection with any official agency action;
- (9) Records which are relevant to a controversy to which the City or any of its officers, employees or agents is a party, or may be a party.

Section 3. A new section is added to Chapter 2.36 of Bellevue City Code, to be designated as section 2.36.030, to provide as follows:

2.36.030 Procedure for inspection or copying. Persons wishing to inspect or copy City records should first make such request to the office of the City Clerk. If the request is for the record maintained or indexed in a particular department, the requestor shall be so advised. All assistance necessary to help the requestor locate the particular record shall be provided either by an employee of the City Clerk's office or of the particular department; provided that the giving of such assistance does not unreasonably disrupt the operation of the department or the other duties of the assisting employee.

Section 4. A new section is added to Chapter 2.36 of Bellevue City Code, to be designated as section 2.36.040, to provide as follows:

2.36.040 Reimbursement for copying costs. Conformed copies of written records, copies of maps, photographs including slides, copies of audio tape recordings, and copies of video tape recordings shall be made and provided by the City upon request and payment of the actual cost of reproducing same. The City Clerk is directed, to prepare and have on file as a public document a schedule of such costs of reproduction. In determining the cost of reproduction, labor and mailing costs shall be includable factors.

Where the request is for a certified copy, there shall be an additional charge to cover the additional expense and time required for certification.

The cost schedule shall include, but not be limited to, the following records, street maps, zoning maps, zoning books, zoning book amendment service, sign ordinances, other ordinances, public meeting minutes, resolutions, verbatums, clerk's voter's registration record, accident reports, fingerprints for other than official use, deeds, and other records of the character contemplated in section 2.36.010.

Section 5. A new section is added to Chapter 2.36 of Bellevue City Code, to be designated as section 2.36.050, to provide as follows:

2.36.050 Alteration of cost schedule. When economic or other factors require a change in the established cost schedule, the City Clerk in consultation with appropriate department heads, may change the schedule by filing a new schedule. The report shall contain all data required to determine the actual costs of copying.

Section 6. A new section is added to Chapter 2.36 of Bellevue City Code, to be designated as section 2.36.060, to provide as follows:

2.36.060 Official City Business. A department head may provide copies of city records at no charge to individuals or government agencies doing business with the city, if the department head determines such action is in the best interest of the city.

Section 7. A new section is added to Chapter 2.36 of Bellevue City Code, to be designated as section 2.36.070, to provide as follows:

2.36.070 Procedure for review of decision denying inspection or copy. Whenever a member of the public has requested to inspect or copy a record and that request has been denied, s/he may resubmit the request in writing and either deliver the written request in person to the City Clerk or deliver it by mail addressed to the City Clerk, Bellevue City Hall, P. O. Box 1768, Bellevue, Washington 98009.

If the written request includes a request for copies, s/he shall include with the request a tender of payment in accordance with the fee schedule provided for and established in this

chapter. If s/he is uncertain as to the amount required, the amount tendered should be based upon five pages for a written document, thirty minutes for an audio or video tape recording, or one dollar for each map or photograph. In the event the actual cost of reproduction exceeds the amount tendered, the balance shall be paid upon delivery of the requested copy or copies. In the event the amount tendered exceeds the actual cost, the excess balance shall be refunded at the time of delivery of the copies.

Upon receipt of such written request, the City Clerk shall determine whether such request must be granted. If the Clerk determines that the document is not exempt or is exempt but could be made available after deletion of exempt portions, s/he shall grant the request and if the request has been for copies, s/he shall cause such copies to be made and delivered to the requestor. If the Clerk determines that the request is for an exempt document, s/he shall so notify the requesting party by mail setting forth the reasons for the decision.

Section 8. Section 1 (part) of Ordinance No. 335 and old section 2.36.010 of Bellevue City Code are hereby repealed.

Section 9. Section 5 of Ordinance No. 829, section 1(b) of Ordinance No. 335, and old section 2.36.030 of Bellevue City Code are hereby repealed.

Section 10. Section 1 of Ordinance No. 1660, section 6 of Ordinance No. 829, section 1(c) of Ordinance No. 335, and old section 2.36.040 of Bellevue City Code are hereby repealed.

Section 11. Section 1(d) of Ordinance No. 335 and old section 2.36.050 of Bellevue City Code are hereby repealed.

Section 12. Section 1 of Ordinance No. 1015 and old section 2.36.060 of Bellevue City Code are hereby repealed.

Section 13. Section 1 of Ordinance No. 1689 and old section 2.36.070 of Bellevue City Code are hereby repealed.


Section 14. This ordinance shall take effect and be in force five days after its passage, approval and legal publication.

PASSED by the City Council this 23rd day of December, 1974, and signed in authentication of its passage this 23rd day of December, 1974.

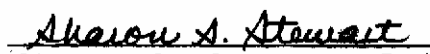
(SEAL)

  
Richard M. Foreman, Mayor

Approved as to form:

  
Richard S. Gidley, Assistant City Attorney

Attest:

  
Sharon S. Stewart, Deputy City Clerk