

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2482

AN ORDINANCE relating to public records, amending Sections 2.26.020 and 2.26.070 of the Bellevue City Code and Section 2 of Ordinance No. 2165 and Section 1 of Ordinance No. 2298.

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

Section 1. Ordinance No. 2165 and Bellevue City Code Section 2.26.020 are each hereby amended to read as follows:

2.26.020 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:

- (A) Personnel information and any files maintained for City employees, appointed or elected officials, to the extent the disclosure would violate their right to privacy;
- (B) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer;
- (C) 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;
- (D) Information revealing the identity of persons who file complaints with investigative law enforcement or penology agencies, if disclosure would endanger any person's life, physical safety, or property, PROVIDED, that if at the time the complaint is filed the complainant indicates a desire for disclosure or non-disclosure, such desire shall govern;

- (E) Test questions, scoring keys and other examination data used to administer a license, employment or civil service examination;
- (F) 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 or sale of property by the City until the project or prospective sale is abandoned or until such time as all of the property has been acquired, or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the date of the appraisal;
- (G) Valuable formulae, 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;
- (H) 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;
- (I) Records which are relevant to a controversy to which the City or any of its officers, employees or agents is a party, but which records would not be available to another party under the rules of pre-trial discovery for causes pending in the superior courts.

Section 2. Ordinance No. 2298 and Bellevue City Code Section 2.26.070 are each hereby amended to read as follows:

2.26.070 Procedure for review of decision denying inspection or copy. Whenever a member of the public has requested to inspect or copy an identifiable public record and that request has been denied, such person may submit a request to inspect or copy such record in writing to the City Attorney's office. If the written request includes a request for copies, a tender of payment in accordance with the fee schedule provided for and established in this chapter shall also be tendered. If there is uncertainty as to the amount required, the amount tendered shall be based upon five pages for a written document, thirty minutes for an audio or video tape recording, and 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, if the record requested is other than a "public record" or if the public record is exempt by law from inspection and copying, the City Attorney or his or her designee shall determine whether such request must be granted. If the City Attorney determines that the document is not exempt, or is exempt but could be made available after deletion of exempt portions, or deletion of portions which would violate personal privacy or vital governmental interests, the request shall be granted provided that such exempt portions shall be deleted. If the request has been for copies, copies shall be made and delivered to the requestor upon payment of the appropriate fees. If the City Attorney determines that the request is for an exempt document, the requesting party shall be notified by mail, such notification to be sent within two business days after receipt of the written request by the City Attorney, setting forth the reasons for the decision.

Section 2. This ordinance shall take effect and be in force thirty days after enactment by the Council.

PASSED by the City Council this 7 day of November, 1977, and signed in authentication of its passage this 7 day of November, 1977.

(SEAL)

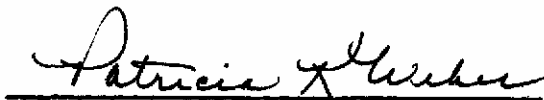

M. F. Vanik, Mayor

Approved as to form:



Richard Gidley, Assistant City Attorney

Attest:


Patricia K. Weber, City Clerk

Published November 12, 1977