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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3385

AN ORDINANCE relating to public records; regarding posting of rules and procedures, maintaining and indexing public records, costs for copying of public records, procedures for inspection and copying of public records and procedures for review of decisions denying inspection or copying, providing for exempt public records, authorizing the adoption of administrative rules and amending Bellevue City Code 2.26.010, 2.26.020, and 2.26.030; repealing Bellevue City Code 2.26.070; and adding new sections 2.26.005, 2.26.065, 2.26.075, 2.26.080 and 2.26.085.

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

Section 1. A new Section 2.26.005 is added to Chapter 2.26 of the Bellevue City Code to read as follows:

2.26.005 Posting of Rules and Procedures.

Each department of the city shall prominently display and make available for inspection and copying, for guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain copies of department decisions;

(b) Statements of the general course and method by which its operations are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the department.

Section 2. Section 1 of Ordinance No. 2165 and Bellevue City Code 2.26.010 are amended to read as follows:

2.26.010 Public Records and Current Indices Maintained.

Each department shall make public records available for public inspection and copying during the customary office hours of the

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department. To the extent required to prevent an unreasonable invasion of personal privacy, the department shall delete identifying details when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

Each department shall maintain and make available for public inspection and copying a current index providing identifying information regarding the following public 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 department;
- (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 department relating to any regulatory, supervisory, or enforcement responsibilities of the department whereby the department 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.

Ordinances, resolutions and policies adopted by the city council, minutes of the regular meetings of the city council, and amendments, revisions and repeals thereof, all public contracts, deeds and leases shall be indexed and maintained in the office of the city clerk and be available for public inspection and copying in accordance with RCW Chapter 42.17 and this chapter.

All other such records of the City relating to the specific function or responsibility of a particular department shall be maintained in the office of the particular department and shall be available for public inspection and copying in accordance with RCW Chapter 42.17 and this chapter.

Section 3. Section 1 of Ordinance No. 2165, as amended by Section 1 of Ordinance No. 2482, and Bellevue City Code 2.26.020 are amended to read as follows:

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2.26.020 Exempt Public Records.

The following shall be exempt from public inspection and copying:

- A. Personnel information in 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 nondisclosure, such desire shall govern;
- E. Test questions, scoring keys and other examination data used to administer a license or employment examination, including civil service examinations.
- F. Except as provided by RCW 8.26, the contents of any real estate appraisals made for and 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 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

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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 pretrial discovery for causes pending in the superior courts.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the non-disclosure of statistical information not descriptive of any readily identifiable person or persons.

If the city refuses, in whole or in part, inspection of any public record under this section it shall include a statement of the specific exemptions authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Section 4. Section 3 of Ordinance No. 2165 and Bellevue City Code 2.26.030 are amended to read as follows:

2.26.030 Procedure for Inspection or Copying.

Persons wishing to inspect or copy city records should first make such request to the department of the city which maintains the records requested. If the requestor does not know in which department such records are maintained, the request shall be made to the records administrator. The records administrator shall direct the requestor to the appropriate department. All assistance necessary to help the requestor locate the particular record shall be provided by the records administrator and the department maintaining the records, 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 5. A new section 2.26.065 is added to Chapter 2.26 of the Bellevue City Code to read as follows:

2.26.065 Copying - Costs.

No fee shall be charged for the inspection of public records. Charges shall be collected for providing copies of public records

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not exceeding the amount necessary to reimburse the city for actual costs incident to such copying, in accordance with fee schedules promulgated by the city. Such fees shall be paid prior to the provision of any copies by the city.

Section 6. Section 7 of Ordinance No. 2165, as previously amended by Section 1 of Ordinance No. 2298, Section 2 of Ordinance No. 2482 and Bellevue City Code 2.26.070 are repealed.

Section 7. A new section 2.26.075 is added to Chapter 2.26 of the Bellevue City Code to read as follows:

2.26.075 Request for Public Records - Departmental Decision - Review of Decision - Grant or Denial of Public Records.

- A. Upon receiving a request to inspect or copy a public record, the department shall grant the request unless it determines that the record requested is or may be exempt from disclosure in whole or in part or that uncertainty exists as to whether the record is exempt from disclosure in whole or in part, in which case the department shall require that a written request for public records form be completed by the requestor.
- B. Following completion of the written request for public records form by the requestor, the department shall indicate on the form its reasons for determining that the record is or may be exempt from disclosure in whole or in part or its reasons for determining that uncertainty exists as to whether the record is exempt from disclosure in whole or in part. The completed form shall then be immediately delivered to the records administrator unless the request is to inspect or copy a record maintained by the police department, in which case the form shall be immediately delivered to the police legal advisor.
- C. The decision of a department to require that a written request for records form be completed under this section shall be considered the denial of the request for inspection of a public record for purposes of commencing the review period established by RCW 42.17.320.
- D. Upon receiving a completed written request for records form, the records administrator, or police legal advisor in the case of a request to inspect or copy a record maintained by the police department, shall determine whether the record requested is exempt by law from inspection and copying in whole or in part. The records administrator shall consult with the city attorney in making such determination.

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- E. If the records administrator, or police legal advisor in the case of a request to inspect or copy a record maintained by the police department, determines that the document is not exempt, or is exempt in part but can be made available after deletion of exempt portions, the request shall be granted, provided that such exempt portions shall first be deleted. If the records administrator, or police legal advisor in the case of a request to inspect or copy a record maintained by the police department, determines to deny the request, in whole or in part, a written statement of the specific reasons for the denial shall be provided the requestor.
- F. Review by the records administrator or police legal advisor of a decision denying inspection shall be deemed completed at the end of the second business day following the completion of the written request for public records form and shall constitute final city action for the purposes of judicial review. The requestor shall be notified by mail of the decision to grant or deny the request.

Section 8. A new section 2.26.080 is added to Chapter 2.26 of the Bellevue City Code to read as follows:

2.26.080 Disclosure Prohibited by Other Statutes.

The city shall not be required by this chapter to permit public inspection and copying of any record to the extent public disclosure of the record is prohibited, restricted or limited by state or federal statute or regulation including, but not limited to:

- (a) RCW Chapter 10.97, Washington State Criminal Records Privacy Act.
- (b) RCW Chapter 13.50, Keeping the Release of Records By Juvenile Justice or Care Agencies.
- (c) RCW Chapter 46.52, Accidents - Reports - Abandoned Vehicles.

Section 9. A new section 2.26.085 is added to Chapter 2.26 of the Bellevue City Code to read as follows:

2.26.085 Administrative Rules.

The City Manager, upon recommendation of the records administrator, may issue rules for the implementation of this chapter.


Section 9. This ordinance shall take effect and be in force 30

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days after final passage by the City Council.

PASSED by the City Council this 18th day of June 1984,
and signed in authentication of its passage this 18th day of June,
1984.

(SEAL)


Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, Acting City Attorney


Richard L. Andrews, Acting City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published June 20, 1984

F E E S C H E D U L E

Ordinance No. 3385

	<u>1st page</u>	<u>add'l pages</u>
Materials copied on the copier	.25	.15
Materials printed in the Print Shop	.15	.10
Clerk Certification	1.00	N/A
Auto Tapes/Verbatims	19.50	10.00
Photos/slides	\$2-\$10: depends on size & process	
Aerial Base Map	5.00	N/A
Aerial Overlays	2.00	N/A
Quarter Section Map	2.00	N/A
Plat Map	2.50	N/A
Zoning Map	5.00	N/A
Large City Map	5.00	N/A
Small City Map	2.00	N/A
Reproducible Aerial Users Fee	50.00	N/A
Sepia (may require 24 hrs.)	7.50	N/A
Misc Maps		
30" x 30"	2.00	N/A
24" x 36"	2.00	N/A
18" x 24"	1.50	N/A
16" x 30"		
Street Use Permit-New	25.00	N/A
Culvert Permit-Existing	15.00	N/A
Culvert Permit-New	25.00	N/A
Loading Zone Charge (when R/W is used for loading zone)		
Existing	15.00	N/A
Per Cut-New	25.00	N/A

House Move Permit-Existing	55.00	N/A
House Move Fee-Existing	60.00	N/A
House Move Fee-New	60.00	N/A
Oversize (over 16")-Existing	185.00	N/A
Minimum 4 Hours	200.00	N/A
Each Additional Hour-New	50.00	N/A
House Move Bond-Existing	2,000.00	N/A
House Move Bond-New	2,000.00	N/A
D.P. Printout of New Commercial Accts	30.00	N/A
Crime Reports/Accident Reports	3.25	N/A