

Repealed by 2786

ORDINANCE NO. 2211

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PUBLIC RECORDS AND PROCEDURES.

BE IT ORDAINED by the City Council of the City of Kirkland, as follows:

Section 1. All records and documents maintained by the City of Kirkland are public records and as such available for public inspection and copying in accordance with the procedures hereinafter set forth, provided however, that the following are exempt from public inspection and copying:

A. Personnel information and any files maintained for City employees, appointees, or elected officials to the extent that disclosure would violate their right to privacy.

B. Information required of any tax payer 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 tax payer or licensee's right to privacy or would result in unfair competitive disadvantage to such tax payer or licensee.

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, except as the complainant may authorize.

E. Test questions, scoring keys and other examination data used to administer license, employment, or civil service examination.

F. Except as provided by Chapter 8.26 of the Revised Code of Washington, the contents of any real estate appraisals made for or by any agency, including the City of Kirkland relative to the acquisition of property by the City of Kirkland 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.

G. Valuable formula, designs, drawings, and research data obtained or produced by the City of Kirkland, its officers, employers, 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 memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publically cited by an agency in connection with any agency action.

I. Records which are relevant to a controversy to which the City of Kirkland 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 pretrialed discovery for causes pending in the Superior Courts.

J. The exemptions hereinabove listed shall be in-applicable 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 nondisclosure of statistical information not discriptive of any readily indentifiable person or persons.

Section 2. WHERE MAINTAINED: All substentive and procedural rules of general applicability, discriptions of the City organization and method of operation, statements of general policy or interpretations thereof, including all amendments, revisions or repeals are to be found or indexed in Title 35A Revised Code of Washinton, the Kirkland Municipal Code, other ordinances or resolutions adopted by the Kirkland City Council or minutes of the regular meetings of the Kirkland City Council or the Houghton Community Council. All such records are indexed and maintained in the office of the Director of Administration and Finance, for the City of Kirkland.

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

Section 3. HOW TO INSPECT: Persons wishing to inspect or copy City records should first make such request to the public counter in the office of the Director of Administration and Finance. If the request is for a 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 Department of Administration and Finance 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. HOW TO OBTAIN COPIES - REIMBURSEMENT FOR COST: Conformed copies of written records, copies of maps, photographs including slides and cassette 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 Manager is hereby directed in consultation with the appropriate department heads to prepare and file with the Director of Administration and Finance as a public document a schedule of such costs of reproduction. In determining the cost of reproduction, labor cost shall be an includable factor.

Where the request is for a certified copy, there shall be an additional charge of \$3.00 to cover the additional expense and time required for certification.

Section 5. 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, he may resubmit the request in writing and either deliver the written request in person to the Deputy City Clerk in the office of the Director of Administration and Finance, or deliver it by mail addressed to the Deputy City Clerk, Department of Administration and Finance, City of Kirkland, Second and Main, Kirkland, Washington 98033.

If the written request includes a request for copies, he shall include with the request a tender of payment in accordance with the fee schedule provided for and established in this Ordinance. If 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 \$1.00 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 Deputy City Clerk shall deliver the same to the City Manager who shall, before the end of the regular business day following receipt by the City of the written request, determine whether such request must be granted or is a request to copy or inspect an exempt document. In making this determination, the City Manager may consult with the effected Department head or employee and shall himself inspect the requested record. If the Manager determines that the document is not exempt, or is exempt but could be made available after deletion of exempt portions as so provided in Section 1 hereinabove, he shall grant the request and if the request has been for copies, he shall cause such copies to be made and delivered to the requestor. If the Manager determines that the request is for an exempt document, he shall so notify the requesting party by mail setting forth the reasons for his decision.

Section 6. SEVERABILITY: If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be effected.

Section 7. CONSTRUCTION: The provisions of this Ordinance are to be liberally construed to effectuate the policies and purposes of this Ordinance. In the event of conflict between the provisions of this Ordinance and any other Ordinance, rule or regulation of the City of Kirkland, the provisions of this ordinance shall govern.

Section 8. This Ordinance shall be in force and take effect five days from and after its passage by the Council and publication as required by law.

PASSED by the Kirkland City Council in regular meeting on the 15th day of January, 1973.

SIGNED in authentication thereof on the 15th day of January, 1973.

William E. Woods
Mayor

Attest

Tom J. Aderson
Director of Administration and Finance
(ex officio City Clerk)
Approved as to form:

Reggie R.
City Attorney

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