

ORDINANCE NO. 2786

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. Chapter 3.84 of the Kirkland Municipal Code, entitled PUBLIC RECORDS AND PROCEDURES, is hereby repealed.

Section 2. There is hereby created a new chapter to be known as Chapter 3.84, entitled PUBLIC RECORDS AND PROCEDURES, and to read as follows:

3.84.010 Public records inspection and exemptions.
All records and documents maintained by the city are public records and as such available for public inspection and copying in accordance with the procedures hereinafter set forth; (1) provided, however, that the following are exempt from public inspection and copying:

(a) Personal information and any files maintained for prisoners;

(b) Personal information and any files maintained for city employees, appointees or elected officials to the extent the disclosure would violate their right to privacy;

(c) 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;

(d) 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;

(e) 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, or if the complainant has indicated a desire for nondisclosure;

(f) Test questions, scoring keys and other examination data used to administer license, employment or civil service examination;

(g) 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;

(h) 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;

(i) 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 publicly cited by an agency in connection with any agency action;

(j) Records which are relevant to a controversy to which the city or any of its officer, 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;

(k) Any library record which could disclose the identity of a user of library material;

(l) Lists of individuals requested for commercial purposes;

(m) Any public record access to which the King County Superior Court has found would damage any person or vital governmental function.

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

3.84.020 Maintenance. All substantive and procedural rules of general applicability, descriptions 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 RCW Title 35A, the Kirkland Municipal Code, other ordinances or resolutions adopted by the city council or minutes of the regular meetings of the 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.

All other such records of the city 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.

3.84.030 Request procedure. 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. The city shall process requests received by mail as nearly as possible in the same manner as set forth herein for in-person requests.

3.84.040 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 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 or 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 three dollars to cover the additional expense and time required for certification.

3.84.045 Fees schedule established. Fees required to be paid to the city for providing copies of public records or for use of city equipment to copy records are:

\$2 + \$.25 per page

3.84.050 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, 123 Fifth Avenue, 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 chapter. 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 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 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 affected 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 3.84.010, 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 in writing setting forth the reasons for his decision.

3.84.100 Retention and destruction schedule--Verbatim audio tape recordings. Audio verbatim tape recordings of all city hearing examiner sessions, city council, city board, and city commission meeting shall be retained by the department of administration and finance for the periods of time established in this section. At the termination of the appropriate retention period, such audio verbatim tape recordings may be destroyed in any manner not inconsistent with the requirements of RCW 40.14.070 and Chapter 414-24, Washington Administrative Code:

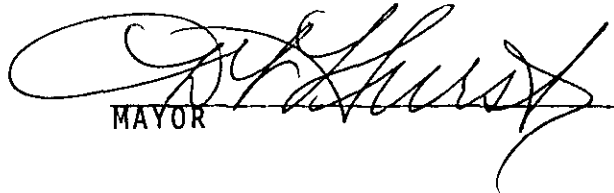
(1) Audio verbatim tape recordings of all regular scheduled meetings (including hearing examiner sessions and other public hearings, but excluding those meetings identified in Section 3.10.020 of this code as "study meetings") of the hearing examiner, the city council and the planning commission shall be retained for ten years.

(2) Audio verbatim tape recordings of every other meeting of the city council, planning commission, civil service commission, park board, Houghton community council and all other official boards and commissions of the city shall be retained until the official written minutes of the meeting have been approved; provided, however, that audio verbatim tape recordings of all meetings involving issues, decisions and actions that could cause legal action to be taken against the city, shall be retained for ten years; provided further, that if the action so taken is a recommendation (as distinguished from a final action) the tape recording may be destroyed after six years.


This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 3rd day of January, 1984.

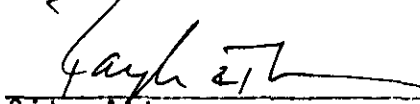
Signed in authentication thereof this 3rd day of January, 1984.


MAYOR

ATTEST:

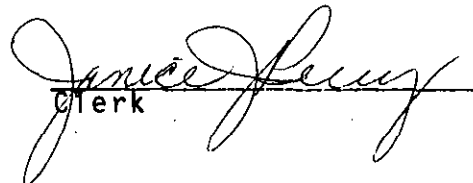

Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 5th day of January, 1984 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.


Clerk