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ORDINANCE NO. 63

AN ORDINANCE OF THE CITY OF WOODINVILLE,
WASHINGTON, REGARDING DISCLOSURE OF PUBLIC
RECORDS, AND EXEMPTIONS TO DISCLOSURE.

WHEREAS, the State Legislature amended RCW Chapter 42.17,
regarding disclosure of public records, by adoption of Engrossed
Substitute House Bill 2876 during the 1992 regular session, NOW,
THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. Exempt public records.

A. The following shall be exempt from public
inspection and copying:

1. Personnel information in 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
in connection with the assessment or
collection of any tax if the disclosure
of the information to other persons would
be prohibited to such persons by RCW
82.32.330 or would violate the taxpayer's
right to privacy and would result in
unfair competitive disadvantage to such
taxpayer.

3. Test questions, scoring keys and
other examination data used to administer
a license or employment examination,
including civil service examinations;

4. Except as provided by RCW Chapter
8.26, the contents of any real estate

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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 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;

5. 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;

6. 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;

7. 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.

8. All applications for employment with the City, including the names of applicants, resumes and other related materials submitted with respect to an applicant.

9. The residential addresses and telephone numbers of employees or volunteers of the City which are held by the City in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

10. The residential addresses and telephone numbers of the customers of

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City utilities contained in the records or lists held by such utilities.

11. Information that identifies a person who, while a City employee: (1) Seeks advice, under an informal process established by the City in order to ascertain his or her rights in connection with a possible unfair practice under Chapter 49.60 RCW against the person; and (2) requests his or her identity or any identifying information not be disclosed.

12. Any record which is exempt from disclosure under state or federal law.

B. The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital government interest, 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.

C. Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the King County Superior Court finds, after a hearing with notice thereof to every person in interest and the City, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital government function.

Section 2. 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 Clerk-Treasurer. The Clerk-Treasurer shall direct the requestor to the appropriate department. All assistance necessary to help the requestor locate the particular record shall be provided by the

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Clerk-Treasurer 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 3. Request for public records--Department 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. The completed written request for public record shall immediately, upon receipt by the department, be delivered by the department to the Clerk-Treasurer.

C. Upon receiving a completed written request for records form, the Clerk-Treasurer shall determine whether the record requested is exempt by law from inspection and copying in whole or in part. The Clerk-Treasurer shall consult with the City Attorney in making such determination. Within five business days of the date of receipt by the City of the written request for a record, the Clerk-Treasurer shall:

1. provide the record; or
2. acknowledge that the City has received the request and provide a reasonable estimate of the time the City will require to respond to the request; or
3. deny the public record request.

Additional time to respond to a request under subsection 2 above may be based upon the need

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to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt.

If a public records request is unclear, the Clerk-Treasurer may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the City need not respond to it.

D. If the Clerk-Treasurer determines that the document 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 Clerk-Treasurer 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, including a specific examination as provided by law.

E. A decision by the Clerk-Treasurer denying inspection shall be reviewed by the City Attorney. Such review shall be deemed completed at the end of the second business day following the denial of inspection 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 4. Administrative rules. The City Manager, upon recommendation of the Clerk-Treasurer, may issue rules for the implementation of this chapter.

Section 5. Costs for copying. There shall be a charge for reproducing materials as set forth in the Fee Schedule attached hereto as Exhibit A. The City Manager shall have the authority to amend this Fee Schedule, from time to time as necessary, in order to ensure reimbursement to the City for any actual reproduction costs. In addition, whenever the cost of reproducing a public

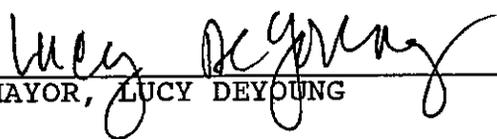
record exceeds the customary reproduction cost identified in the current Fee Schedule, the City Manager shall have the authority to review and approve such costs, and to require reimbursement to the City.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED by the City Council of the City of Woodinville this 28th day of June, 1993.

APPROVED:


MAYOR, LUCY DEYOUNG

ATTEST/AUTHENTICATED:

CITY CLERK, MARIE O'CONNELL

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APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY Wesley Stoval

FILED WITH THE CITY CLERK: 6-24-93
PASSED BY THE CITY COUNCIL: 6-28-93
PUBLISHED: 7-5-93
EFFECTIVE DATE: 7-10-93
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EXHIBIT A FEE SCHEDULE

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Copy Costs under \$2.00 - Waived

	<u>1st page</u>	<u>add'l pages</u>
Materials copied on the copier	\$.25	\$.15
Clerk Certification	\$ 1.00	N/A
Photos/Slides	\$2-\$10 depending on size & process	
Zoning Map		
Small	\$ 2.00	N/A
Large	\$ 3.00	N/A
Large City Street Map	\$ 3.00	N/A
Shoreline Management Master Program & Regulations	\$10.00	N/A
Interim Subdivision Code	\$ 8.00	N/A
Environmental Protection Regulations	\$ 8.00	N/A
Zoning Code	\$15.00	N/A
Comprehensive Plan	\$18.00	N/A