

Introduced by: Mayor Combs
 Date: April 22, 2008
 Public Hearing: May 13, 2008
 Action: Postponed to May 27, 2008
 Public Hearing: May 27, 2008
 Action: Adopted
 Vote: 6-0

Yes:	No:
Best	
Vanover	
Combs	
Hanson	
Pippel	
Erbey	

CITY OF PALMER, ALASKA

ORDINANCE NO. 08-003

AN ORDINANCE OF THE PALMER CITY COUNCIL AMENDING AND RESTRUCTURING PALMER MUNICIPAL CODE TITLE 2, ADMINISTRATION AND PERSONNEL TO REFLECT THE CITY’S ORGANIZATIONAL STRUCTURE

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Title 2 is amended to read follows (new language is underlined and deleted language is stricken out):

**TITLE 2
 ADMINISTRATION & PERSONNEL**

Section 4. Chapter 2.16 is hereby enacted to read as follows:

CHAPTER 2.16

OMBUDSMAN

2.16.010 Election to be subject to ombudsman jurisdiction.

- A. Pursuant to the provisions of AS 24.55.320, the city elects to be subject to the jurisdiction of the Alaska State Ombudsman (hereinafter “ombudsman”) effective upon notification as provided in subsection (D) and subject to termination as provided.
- B. Jurisdiction. The ombudsman shall have jurisdiction to investigate the administrative acts of all departments, offices, boards, commissions or committees of the city, but

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- shall not have jurisdiction over the city council, or any grievance, disciplinary action or termination of an employee subject to the provisions of the city personnel rules.
- C. Procedures. Investigations shall be initiated and conducted by the ombudsman pursuant to and in accordance with the procedures, with the powers, and subject to the duties established by the Ombudsman Act (AS 24.55).
- D. Term. The city manager is authorized to negotiate with the ombudsman for a contract incorporating the requirements of this section and such other terms and conditions as the city manager may find to be in the public interest. Upon approval of the contract by the city council, the city manager shall execute the contract and give notice to the ombudsman pursuant to AS 24.55.320. The contract may have a term coincident with the city's fiscal year and may be renewed annually upon the appropriation of funds, shall terminate on December 31 of any year during which the city council fails to appropriate sufficient funds for the contract during the following fiscal year and may be amended or terminated by the city manager at any other time in accordance with the terms of the contract and upon approval by the city council. The city council may remove the city from the jurisdiction of the ombudsman by ordinance and notice to the ombudsman of such election.
- E. Annual Report. The ombudsman shall submit to the city council and the public an annual activity report of the ombudsman.

Section 5. Chapter 2.24, Palmer Emergency Services, is hereby repealed.

Section 6. Chapter 2.25 is hereby enacted to read as follows:

CHAPTER 2.25

AIRPORT ADVISORY COMMISSION

2.25.010 Purpose and duties.

The purpose of the commission includes the following:

- A. To assist in the development of plans for the airport;
- B. To recommend methods and means to implement airport plans;
- C. To assist in the promulgation of airport regulations;
- D. To work with and support city staff in the implementation of airport regulations; and
- E. To advance, promote and improve aviation development and opportunities.

2.25.020 Creation.

- A. There is created a city airport advisory commission which shall consist of seven members who shall be nominated by the mayor and confirmed by the city council.
- B. Commission organizational structure. The commission shall be structured as follows:
 - 1. At least two members shall be city residents;
 - 2. At least three but no more than four shall have interests in the city airport.
- C. A person who leases real property (to include a tie-down space) at the airport or who uses the airport for any aircraft-related purpose is considered to be a person who has an interest in the airport.
- D. A chair and vice chair of the commission shall be selected and appointed from and by members during the first regular November meeting of each year.

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2.25.030 Membership terms.

The term of each appointed commission member shall be three years. The terms shall be staggered so that three members shall be appointed at the first regular meeting in October of the city council of every third year, and two members shall be appointed at the first October meeting of the city council of each of the other two years of every such three-year period.

2.25.040 Compensation.

Each commission member shall receive \$50.00 per regular and special meetings.

2.25.050 Staff assistance to commission.

The Director of Community Services or designee shall serve as staff to the commission. The director will be the regular technical adviser of the commission and may also be designated its executive secretary, but the director shall not have the power to vote.

2.25.060 Quorum.

A quorum shall be made up of four members and be required to conduct a meeting, except that less than a quorum can adjourn a meeting to another time or date.

2.25.070 Presiding officer.

- A. The chair shall preside at all commission meetings and may participate in the debate and vote on any matter.
- B. In the temporary absence or disability of the chair, the vice chair shall exercise all the powers of chair during the temporary absence or disability of the chair.

2.25.080 Meetings.

- A. All meetings are open to the public and shall be electronically recorded. The public shall have the reasonable opportunity to be heard.
- B. Regular commission meetings shall be held on the fourth Thursday of each month beginning at 7 p.m. in the city council chambers, unless otherwise designated by the commission.
- C. A special commission meeting may be held at the call of the chair, any two members of the commission, or the city manager. No business shall be transacted at any special meeting except that which is specifically stated in the meeting notice.
- D. Attendance and participation at meetings by commission members may be by teleconferencing. Materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. The vote at a meeting held by teleconference shall be taken by roll call.
- E. The commission shall adjourn not later than 11 p.m. and may not reconvene any earlier than 9 a.m. the next day. However, by two-thirds consent of the commission the meeting may be extended for up to one hour, at which time adjournment is mandatory.
- F. Minutes shall be kept of the commission's proceedings. The minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the city clerk's office and shall be a public record open to inspection by any person.

2.25.090 Public meeting notification.

- A. All public notices must include the date, time and place of a meeting, and if the meeting is by teleconference, the location of teleconferencing facilities that will be used.
- B. Regular Meeting. Public meeting notification shall be by means of posting and/or publishing the agenda for a regular meeting five days prior to the meeting.
- C. Special Meeting. Public meeting notification shall be by means of posting and/or publishing the agenda for a special meeting three days prior to the meeting.

2.25.100 Meetings; Rules of Proceedings.

Meetings shall be conducted under the current edition of Robert's Rules of Order Newly Revised version, and such modified or amended rules as may be adopted by the commission.

2.25.110 Audience participation.

All presentations to the commission shall be limited to three minutes per person, five minutes per group and also limited to a total time of not more than 30 minutes, unless the limitations are enumerable, in which case the presiding officer may set reasonable limits.

2.25.120 Agenda and agenda packets.

- A. The agenda for each meeting shall be prepared by the Director of Community Services or designee after consultation with the chair. The agenda shall include any discussion item requested in writing and signed by the chair or two commission members. The request shall be made to allow the timeframes of PMC 2.25.090.
- B. The Director of Community Services or designee shall attempt to notify each commission member at least 48 hours prior to a regular meeting. Notification shall be by means of a packet including information on the time and place of meeting and the agenda. Whenever practicable, minutes of the previous meeting and other background material pertinent to the agenda shall be included in the packet.
- C. At every regular meeting, the order of business shall be as follows:
1. Call to order;
 2. Roll call;
 3. Pledge of allegiance;
 4. Approval of agenda;
 5. Minutes of previous meetings;
 6. Audience Participation;
 7. Unfinished business;
 8. New business;
 9. Commission member comments;
 10. Adjournment.

2.25.130 Voting.

- A. The presiding officer shall declare all votes; but if any member doubts a vote, the presiding officer, without further debate upon the question, shall request a roll call vote and the presiding officer shall declare the result.
- B. The vote upon all matters considered by the commission shall be taken by yes or no votes which shall be entered into the record, except that when the vote is unanimous, it shall be necessary only to so state.

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- C. Every member present shall vote, unless the presiding officer excuses the member because of substantial financial interest and the commission does not override the presiding officer's action. Declarations to be excused must be made before the vote, and shall be decided without debate.
- D. The affirmative or negative vote of at least four members shall be required for official action of the commission.

2.25.140 Cause for removal.

- A. A commission seat shall become vacant upon the occurrence of any of the following:
1. Expiration of the term of office;
 2. Death of the commissioner;
 3. Resignation approved by the council;
 4. The commissioner's ceasing to possess at any time the qualifications of eligibility required for the office of commissioner;
 5. Conviction of a felony involving moral turpitude or an offense involving a violation of an oath of office;
 6. Judicial determination that the commissioner is of unsound mind;
 7. A decision of a competent tribunal declaring the appointment of the commissioner void;
 8. Failure to take an oath of office within 30 days of appointment to office or within such shorter time between appointment and the date of the commissioner's first commission meeting;
 9. No longer physically resides in the city; and
 10. Other just cause for removal.
- B. In addition a commissioner may be removed by the mayor if, during any 12-month period while in office:
1. The commissioner is absent from three regular meetings without excuse; or
 2. The commissioner is absent from six regular meetings; or
 3. The commissioner fails to attend two-thirds of the regular meetings.

Section 7. Chapter 2.28, Police Department, is hereby repealed.

Section 8. Chapter 2.34, Airport Advisory Commission, is hereby repealed.

Section 9. Chapter 2.35 is hereby enacted to read as follows:

CHAPTER 2.35

CITY DEPARTMENTS GENERALLY

2.35.005 Departments established.

The following departments are established:

- A. Department of Administration, consisting of:
1. Finance;
 2. Human Resources;
 3. Information Technology.
- B. Department of Community Development, consisting of:
1. Building;
 2. Planning;

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3. Zoning;
4. Community Development.
- C. Department of Community Services, consisting of:
 1. Palmer Municipal Airport;
 2. Palmer Public Library;
 3. Parks and Recreation, including:
 1. Palmer Municipal Ice Arena
 2. Palmer Municipal Golf Course
- D. Department of Public Safety, consisting of:
 1. Palmer Emergency Services;
 2. Palmer Police Department.
- E. Department of Public Works.

Section 10. Chapter 2.36, Library Department is hereby repealed.

Section 11. Chapter 2.40 is hereby enacted to read as follows:

CHAPTER 2.40

DEPARTMENT OF ADMINISTRATION

2.40.005 Creation.

The Department of Administration is comprised of the following:

- A. Finance;
- B. Human Resources;
- C. Information Technology.

2.40.010 Appointment.

The director of administration shall be appointed by the city manager and serve at the pleasure of the city manager.

2.40.020 Purpose.

In accordance with the City of Palmer Charter, the department of administration is established for the collection, receipt, and custody of taxes, moneys, and things of value belonging to the city and for a director of administration who will be responsible for the department.

2.40.030 Duties.

The functions of the department shall include:

- A. Custodian of all city funds;
- B. Revenue and expenditure accounting including budget control reporting, federal and state aid accounting and other financial reporting;
- C. Payroll administration;
- D. Investment management;
- E. Debt service management;
- F. Compile the City's budget based on detail department estimates and work programs and control it under direction of the manager and council;
- G. Certify all appropriations encumbrances as to availability of appropriation balances and funds;

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- H. Prescribe and control such procedures as are necessary to protect city funds and property; general fixed asset accounts, i.e., acquisition or disposal;
- I. Be responsible for financial reports to local, state and federal agencies;
- J. Maintain and issue notifications of special assessment areas, assess taxes as directed by council, administer the billing and collecting of taxes, and the administration of tax and assessment foreclosure process and foreclosure sales;
- K. Control, administration and inventory of real property and personal property of the city;
- L. Purchasing and accounts payable maintenance;
- M. Automated data processing for the finance department and coordination of automated data processing for all departments;
- N. Provides human resources functions for the city;
- O. Provides information technology function for the city;
- P. Other duties as assigned by the manager.

Section 12. Chapter 2.44, Records Management, is hereby repealed.

Section 13. Chapter 2.45 is hereby enacted to read as follows:

CHAPTER 2.45

DEPARTMENT OF COMMUNITY DEVELOPMENT

2.45.005 Creation.

The Department of Community Development is comprised of the following:

- A. Building;
- B. Planning;
- C. Zoning;
- D. Code Compliance;
- E. Community Development.

2.39.010 Appointment.

The director of community development shall be appointed by the city manager and serve at the pleasure of the city manager.

Section 14. Chapter 2.46, Access to City Records, is hereby repealed.

Section 15. Chapter 2.48, Indemnification, is hereby repealed.

Section 16. Chapter 2.50 is hereby enacted to read as follows:

CHAPTER 2.50

DEPARTMENT OF COMMUNITY SERVICES

2.50.005 Creation.

The Department of Community Services is comprised of the following:

1. Palmer Municipal Airport;
2. Palmer Public Library;

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3. Parks and Recreation, including:
 1. Palmer Municipal Ice Arena;
 2. Palmer Municipal Golf Course.

2.50.010 Appointment.

The director of community services shall be appointed by the city manager and serve at the pleasure of the city manager.

2.50.020 Library services.

- A. Department director. The head of the library shall be the head librarian who also serves as the director of the Department of Community Services.
- B. Objective. The objective of the library shall be to provide city residents with general library services.
- C. Budget. During the city budget process, the head librarian shall submit a budget request to the city manager outlining programs, services and needs for the forthcoming fiscal year.
- D. Services to residents outside the city. The city may enter into an agreement with the Matanuska-Susitna Borough to provide library services to residents who reside outside the city. Said agreement is subject to city council approval. Fees charged for such services shall be consistent with those established by the Matanuska-Susitna Borough.
- E. Borrowed materials.
 1. A person who borrows any material from a library operated by the city shall return the material by the date due.
 2. A person who has borrowed materials from a library operated by the city shall return overdue materials within 30 days of the date of the mailing of notice that the materials are overdue.
 - a. Notice is sufficient if mailed to the last address provided to the library of the borrower.
 - b. A person who fails to return borrowed materials within 30 days of the date of the mailing of notice under this section shall be liable to the city for a fine as established by the city manager.
 - c. A person who borrows materials that are damaged while on loan to that person shall pay upon demand the amount determined by the city to be needed to repair the damage or replace the material if damage is beyond repair.
 - d. The library privileges of a person who fails to return overdue materials within 30 days of the date of mailing of notice or who fails to pay upon demand the amount required to repair materials damaged shall be suspended until the materials are returned or the liability of the person under this section has been voluntarily discharged prior to a judgment in any civil action by the city to recover the amount due.

Section 17, Chapter 2.54, Ombudsman, is hereby repealed.

Section 18, Chapter 2.55 is hereby enacted to read as follows:

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CHAPTER 2.55DEPARTMENT OF PUBLIC SAFETY**2.55.005 Creation.**

The Department of Public Safety is comprised of the following:

1. Palmer Emergency Services;
2. Police Department.

2.55.010 Appointment.

The director of public safety shall be appointed by the city manager and serve at the pleasure of the city manager.

2.55.020 Palmer Emergency Services.

- A. Objective. Palmer Emergency services is established to provide, without limitation, fire prevention and suppression, fire investigation, and fire code enforcement services, or other services, the object of which shall be the protection of life and property within the limits of the city; and, subject to contracts and the availability of personnel and equipment, outside the city limits.
- B. Officers – appointment. The department shall consist of a fire chief appointed by the director of public safety, and of assistant chiefs and other personnel the fire chief deems necessary for the effective operation of the department. Assistant chiefs and all other department personnel are subordinate to the fire chief.
- C. Fire chief. In conjunction with the director of public safety, the fire chief shall:
 1. Manager the budget, operation and personnel of the department;
 2. Possess demonstrated ability to command personnel;
 3. Technically qualified by training and experience, and shall be certified as the state or city may require;
 4. Implement an operations manual for the purpose of governing the department;
 5. Determine the components that comprise the department and the sequence of component response to fire alarms or other emergencies;
 6. Train and drill department personnel in the operation and maintenance of firefighting equipment, emergency medical care and rescue, salvage, fire prevention, fire science, water discipline and other subjects and practices that promote good fire fighting and safety;
 7. Ensure the proper investigation of the cause, origin and circumstances of all fires, and ensures that all department personnel are trained in arson recognition and investigation;
 8. Be cognizant of and, when needed, request the investigative assets of the Alaska Department of Public Safety and the Palmer police department;
 9. Maintain comprehensive records of all fires, fire inspections, department apparatus and minor equipment, personnel and other information about the operation of the department;
 10. Report department status and activities to the Director of Public Safety;
 11. Perform such other duties as shall be required by the director of public safety.
- D. Membership. Membership shall consist of persons, paid or volunteer, appointed by the fire chief. Members shall be able-bodied persons reasonably available for quick response. Determination of whether candidates for selection are able-bodied shall be based upon and made after a medical and physical examination.

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- E. Equipment. Palmer emergency services shall be equipped with fire fighting apparatus and other equipment required to maintain its efficiency and property protect life and property from fire.

2.55.030 Police Department.

- A. Officer – appointment. The department shall consist of a police chief appointed by the director of public safety, and as many other certified and non-certified personnel authorized by the city council.
- B. Police chief. In conjunction with the director of public safety, the police chief shall:
1. Be responsible for the enforcement of law and order;
 2. Direct the police training and police work;
 3. Arrange for the attendance of one or more police officers at every fire, to preserve order and to prevent theft and destruction;
 4. Cause the City streets and alleys to be inspected regularly, and cause to be removed all nuisances, obstructions or impediments therein, causing offenders to be cited to abate such nuisance;
 5. Cause to be investigated the cause and circumstances of any accident occurring for which the city may be liable; and notify the city attorney promptly of all such accidents;
 6. Cause to be investigated all applicants for any license or permit when such application requires certification by the police chief;
 7. Make determination as required in Chapter 6 of the Palmer Municipal Code;
 8. Implement an operations manual for the purpose of governing the department;
 9. Perform such other duties as shall be required by the director of public safety.

Section 19. Chapter 2.58, Personnel Regulations, is hereby repealed.

Section 20. Chapter 2.60, Misuse of Alcohol and Use of Controlled Substances by Employees who Operate Commercial Motor Vehicles is hereby repealed.

Section 21. Chapter 2.61 is hereby enacted to read as follows:

CHAPTER 2.61

DEPARTMENT OF PUBLIC WORKS

2.61.005 Creation.

There is established the department of public works.

2.61.010 Appointment.

The director of public works shall be appointed by the city manager and serve at the pleasure of the city manager.

2.61.020 Duties.

- A. The duties of the department of public works shall include supervision and responsibility of:
1. The city water utility;
 2. The city sewer utility;
 3. Road maintenance;

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4. Public Works Capital Facilities;
5. Utility permits;
6. Driveway permits;
7. Street numbering;
8. Maintenance, custodial services, repair, minor construction renovation and upkeep of all rolling stock and buildings;
9. Airport maintenance;
10. Park maintenance; and
11. Other duties as assigned by the city manager.

Section 22. Chapter 2.80 is hereby enacted to read as follows:

CHAPTER 2.80

RECORDS MANAGEMENT

2.80.010 Purpose.

- A. The management and preservation of Public Records Act (AS 40.21) provides for the orderly management of current local public records and preservation of noncurrent public records of permanent value.
- B. This chapter is intended to provide the city with a comprehensive system for the creation, acquisition, use, preservation, security, maintenance, transmission, retention, dissemination and disposal of city information contained in any record medium.

2.80.020 Definitions.

- A. Record. The term "record" includes all recorded information acquired or stored by the city for future use or preservation, including any document, paper, book, letter, photograph, microfilm, electronic record, map, drawing, chart, card, magnetic media or computer printout.
- B. Record Series (or Record Type). A "record series (or type)" is any group of identical or related records which are normally used and filed as a unit and which permit evaluation as a unit for retention scheduling purposes. Each record series shall be segregated according to series and the year of acquisition or creation.
- C. Vital Records. "Vital records" are those records necessary to assure continuance of essential governmental operations to protect the legal and financial operation of the city in the event of disaster or catastrophic loss of the city's records.
- D. Legal Value. A record has "legal value" if it relates to current or possible legal action by or against the city, and records relating to land, construction, legislative and judicial actions of the city council, or potential court claims.
- E. Historical Value. A record series has "historical value" if it will be useful at a later date in reconstructing a general history or the development and government of the city.
- F. Retention Schedule. The "retention schedule" sets forth the length of time a record type shall be kept. Periods may be assigned for records stages such as on-site (office) retention, off-site (storage) retention, and total retention. Legal citations and related retention periods, if any, may be referenced.

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2.80.030 Management of public records.

- A. The city clerk shall serve as the city records manager and shall have the primary responsibility for the development, maintenance and operation of the city's records management system. Each department director shall designate a records coordinator for its department. The records coordinator shall manage the department's records according to adopted procedures and regulations, and maintain the retention schedule. Each department head shall provide the name and contact information of its records coordinator in a memorandum to the city clerk.
- B. The records manager shall cause an inventory of the city's record types by department for the creation of a records retention schedule. The records manager shall create a records disposal form for the documentation of the disposal of city records and create a retention schedule change form. Each department records coordinator shall maintain and abide by the retention schedule for proper retention and disposal of city records. No record shall be destroyed until the records manager has signed the records disposal form filled out by the department records coordinator.
- C. The records manager shall cause records stored in computer memory device systems to be reviewed, stored, and destroyed in the same manner and at the same time as if the records were maintained in written, printed or photographic form.
- D. The records manager may conduct random records management inspections in each department to ensure records management and retention regulations are followed in a timely manner.
- E. The records manager shall develop and provide for a records management procedures and regulations, and for the circulation of such procedures and the retention schedule.
- F. The city council shall adopt by resolution a records retention schedule and any changes to that retention schedule setting forth time schedules for the retention of particular series of records. The records manager shall review and update the retention schedule biannually. Department records coordinators shall work with the records manager to review and update the department's records series and retention schedule biannually. Records coordinators shall fill out a retention schedule change form and submit it to the city clerk for action.
- G. The records manager shall develop a schedule for the destruction or other disposal of obsolete records at the end of the retention period established for that type of record. The records manager shall maintain a permanent log of all record types that have been destroyed, and require department records coordinators to submit a record disposal form prior to record disposal.
- H. The records manager shall have the authority to provide for microfilming and/or electronic document imaging of records as designated for efficient management of active or inactive records.
- I. City administration shall provide for the physical security of all microfilm, CDs and inactive records. Each department head with the records coordinator shall provide for the security and organization of that department's records and maintain the organization of that department's inactive records in off-site storage.
- J. The city clerk may replace any original record which is lost, worn or damaged by a certified copy of that record and the replacement shall be considered an original record for all purposes.

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2.80.040 Regulations.

The city council may adopt regulations to effectuate this chapter. The city clerk's office shall submit regulations to the city council for approval, by a motion, to carry out the proposed purposes as set forth in this chapter.

2.80.050 Duties of city departments.

Each department shall establish and maintain a file system in the most organized and efficient manner possible and in compliance with any records management regulations approved by city council.

2.80.060 Data collection/forms management.

- A. The purpose of this section is to provide for an efficient and economic system of coordinating the data collection efforts of each department and to reduce the burden on both citizens and businesses by minimizing the number of forms which each shall be required to complete and return to the city and to minimize forms redundancy with city forms used for interoffice purposes.
- B. The records manager shall establish regulations to economically combine, simplify or eliminate city forms to the extent possible without compromising administrative efficiency and shall consult with each department head to determine informational needs of each department. The city clerk shall control the creation and use of forms which members of the general public are required to complete. Forms regulations may be placed in the Palmer Municipal Code.

Section 23. Chapter 2.90 is hereby enacted to read as follows:

CHAPTER 2.90**ACCESS TO CITY RECORDS****2.90.010 Definitions.**

The following words and phrases, when used in this chapter, shall have the meanings set forth in this section:

"City agency" means any department, division, office, board, commission, or other instrumentality of the city.

"City record" means any book, paper, file, account, writing, including drafts and memorializations of conversations, and other items, regardless of format or physical characteristics, that are developed or received by a city agency, or by a private contractor for a city agency, and that are preserved for their informational value or as evidence of the organization or operation of the city agency; "city record" does not include a proprietary software program.

"Confidential information" means information the disclosure of which is restricted by a city, state or federal law, ordinance, regulation, rule or judicial decision.

"Requester" means a person who makes a request to the city in accordance with PMC 2.90.070 to inspect or obtain a copy of a city record.

2.90.020 City records declared public property.

- A. All city records are the property of the city. Unless otherwise permitted or required by law, no person may:
1. Deface, alter or destroy a city record;

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2. Remove a city record from the city's possession;
 3. Disclose, or allow disclosure of, confidential information in a city record; or
 4. Except for a city officer or employee in the course of performing official duties, inspect or copy confidential information in a city record.
- B. In addition to any other penalty provided by law, violation of subsection (A) of this section by a city employee may be cause for disciplinary action up to and including discharge.
- C. The city may initiate a civil action to recover a city record that unlawfully has been removed from the city's possession, and to obtain a remedy for any violation of the provisions of this section.

2.90.030 Policy of the city.

It is the policy of the city to provide a requester access to city records to serve the interest of the public in being informed about the business and affairs of the city. The purpose of PMC 2.90.040 through 2.46.080 is to carry out that policy, while avoiding unwarranted invasions of personal privacy and recognizing the public interest in confidentiality in limited areas of city business and affairs. PMC 2.90.040 through 2.90.080 shall be construed to require disclosure of all public records except those exempted under PMC 2.90.050 and 2.90.060.

2.90.040 City records subject to inspection and copying.

- A. Except as provided in PMC 2.90.050 and 2.90.060 or by other provisions of city, state or federal law, a city agency shall make public records open to inspection during regular business hours by any requester, and provide copies of requested public records, subject to reasonable restrictions regarding the place and manner of inspection, and the payment of any fee that is applicable under PMC 2.90.080.
- B. Nothing in this chapter requires the city to create public records, or to compile, summarize, outline or in any other way create information from existing public records, at the request of a member of the public.
- C. The city is not required to produce public records for inspection, or to copy public records, in the exact form or medium in which they are stored; provided, that any alteration of the form or medium of a city record shall not change the substantive content of the information contained in the public record.

2.90.050 Exceptions to inspection and copying of city records.

- A. The following city records are not subject to inspection or copying under this chapter:
1. Communications between any agency and the city attorney or other attorney engaged to represent the city which pertain to legal matters in actual or impending litigation. In addition, records privileged under the attorney/client or work-product privileges are included in this exception. However, this subsection does not protect from disclosure documents which were public records prior to the legal situation, and public records which are otherwise subject to disclosure may not be protected from disclosure by mere submission to the attorney.
 2. Personnel, payroll or medical files or records, or other files or records that reveal the financial or medical status of any specific individual, the release of which would constitute an unwarranted invasion of privacy.
 3. Records pertaining to juveniles unless disclosure is authorized by law.
 4. Any records which are accorded confidential or privileged status by this code or which are accorded confidential or privileged status under state or federal law.

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5. Records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information:
 - a. Could reasonably be expected to interfere with enforcement proceedings;
 - b. Would deprive a person of a right to a fair trial or an impartial adjudication;
 - c. Could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness;
 - d. Could reasonably be expected to disclose the identity of a confidential source;
 - e. Would disclose confidential techniques and procedures for law enforcement investigations or prosecutions;
 - f. Would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law; or
 - g. Could reasonably be expected to endanger the life or physical safety of an individual.
6. City records containing information that would disclose or might lead to the disclosure of a component in the process used to execute or adopt an electronic signature, if the disclosure would or might cause the electronic signature to cease being under the sole control of the person using it.
7. Records or information pertaining to a plan, program or procedure for establishing, maintaining, or restoring security in the city, or to a detailed description or evaluation of systems, facilities, or infrastructure in the city, but only to the extent that the production of the records or information:
 - a. Could reasonably be expected to interfere with the implementation or enforcement of the security plan, program or procedures;
 - b. Would disclose confidential guidelines for investigations or enforcement and the disclosure could reasonably be expected to risk circumvention of the law; or
 - c. Could reasonably be expected to endanger the life or physical safety of an individual or to present a real and substantial risk to the public health and welfare.
8. Bids until the time and date for bid opening (as may be amended); and proposals solicited for city procurement, until a final contract award has been made.
9. Trade secrets and commercial or financial information the disclosure of which would be likely to cause substantial harm to the competitive position of the person from whom the information was obtained.
10. Proprietary information which a manufacturer, consultant or provider reasonably requires to be kept privileged or confidential to protect the property interests of persons providing the information or data.
11. The name, address, or other personal identifying information of a person who has used materials made available to the public by the city library.
12. Information obtained by and in the custody of insurance carriers insuring the city and their attorneys and agents regarding possible and pending claims against the city.
13. Personal information other than name and address given to the city with the legitimate expectation of privacy in conjunction with licenses, permits or other city services.
14. Draft audit reports and supporting work papers until respective management officials have had the opportunity to review the draft audit findings for accuracy of fact and substance and provide written responses to the auditor. The maximum

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- time allowed for this exemption will not exceed 30 days from the date of the draft audit report. Financial audits are released after council acceptance.
15. Appraisals used in property negotiations, during such negotiations, unless the city manager determines it is in the best interest of the city to release the information to the other party.
 16. Income tax returns, social security numbers, employer identification numbers, and similar personal data, unless release of the information is necessary in litigation or an administrative proceeding.
 17. Any records otherwise subject to disclosure under this chapter if the requester or the requester's principal is in litigation with the city or a city agency in a judicial or administrative forum. Disclosure of any records relevant to that litigation, or reasonably likely to lead to the discovery of relevant evidence, shall be governed by the rules or orders of that forum (to include AS 40.25.122) and not by this chapter.

2.90.060 City records related to litigation.

A city record that is subject to disclosure and copying under this chapter remains a city record subject to disclosure and copying even if the record is used for, included in, or relevant to litigation, including law enforcement proceedings, involving a city agency, except that with respect to a person involved in litigation, the records sought shall be disclosed in accordance with the rules of procedure applicable in a court or an administrative adjudication. In this section, "involved in litigation" means a party to litigation or representing a party to litigation, including obtaining city records for the party.

2.90.070 Request for city records – Response by city agency.

- A. A requester shall submit a written request to inspect or obtain a copy of a public record to the city agency that is the custodian of the public record. Where required under PMC 2.90.080, the request shall be accompanied by the applicable fee.
- B. A city agency that receives a request to inspect or provide a copy of a public record shall respond as follows:
 1. If the city record is subject to inspection under this chapter and is readily available, the city agency may permit the requester to inspect the city record, and provide the requester with a copy of the city record, at the time the request is made.
 2. If the requested city record is subject to inspection under this chapter but either the city record is not immediately available, or staff resources of the city agency are not sufficient to respond to the request when it is made, the city agency shall provide the city record for inspection or provide a copy of the record as requested within 10 business days after receiving the request.
 3. If the city agency must determine whether the city record is subject to inspection under this chapter, within 10 business days after receiving the request the city agency shall make that determination, and at that time either:
 - a. Provide the city record for inspection or provide a copy of the record as requested; or
 - b. State in writing that the city record is not subject to inspection, including a citation to the provision of city, state or federal law that authorizes or requires the withholding of the city record from inspection.

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C. The city agency may extend the initial 10-business-day period established under subsection (B) of this section for a period not to exceed 10 additional business days by providing notice to the requester within the initial 10-business-day period. The notice must state the reason for the extension and the date by which the city agency expects to be able to furnish the requested record or to issue a determination that the record is not subject to disclosure.


2.90.080 Fees for city record requests.

- A. The city manager from time to time shall establish the standard unit cost of copying public records under this chapter. The fee for copying a public record may not exceed the standard unit cost.
- B. If the personnel time required to produce public records for one requester in a calendar month exceeds five person-hours, the requester shall pay the city agency for the personnel costs required during the month to complete the search and copying tasks. The personnel costs may not exceed the actual salary and benefit costs for the personnel time required to perform the search and copying tasks. The requester shall pay a deposit to the city agency before the search is performed and shall pay the fee in full before the records are disclosed.
- C. A city agency may reduce or waive a fee when the city agency determines that the reduction or waiver is in the public interest. Fee reductions and waivers shall be uniformly applied among persons who are similarly situated. A city agency may waive a fee of \$5.00 or less if the fee is less than the cost to the city agency to arrange for payment.

Section 24. Effective Date. Ordinance No. 08-003 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this twenty-seventh day of May, 2008.


John C. Combs, Mayor


Janette M. Bower, CMC, City Clerk

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