

Peterson

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ORDINANCE 95- 8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER AMENDING SECTION 1.80.040 OF THE CITY CODE EXEMPTING INFORMATION ABOUT ABSENCE AND VACATION PLANS FROM PUBLIC DISCLOSURE

THE CITY OF HOMER ORDAINS:

Section 1. Section 1.80.040 of the Homer City Code is amended by adding subparagraph (i) to read as follows:

- i. Information about absences for vacation or other personal reasons of any employee or official of the city. As used in this subparagraph "information" includes but is not limited to, the dates, destination, duration, purposes, and other plans for such absences.

Section 2. This ordinance is of a permanent and general character and shall be included in the City code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_, 1995.

CITY OF HOMER

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HARRY E. GREGOIRE, MAYOR

ATTEST:

\_\_\_\_\_  
MARY L. CALHOUN, CITY CLERK

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

**First Reading:**  
**Public Hearing:**  
**Second Reading:**  
**Effective Date:**

**Reviewed and approved as to form and content:**

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**PATTI WHALIN**  
**CITY MANAGER**

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**GORDON J TANS**  
**CITY ATTORNEY**

1.80.030 Information available to the public. Except as provided by Section 1.80.040, or by other provisions of municipal, state or federal law, all public records shall be open to inspection by any person subject to guidelines regulating the time, place and manner of inspection which may be adopted by the City Manager pursuant to Section 1.80.050. The types of records and information open to public inspection pursuant to this chapter shall include, but shall not be limited to, the following:

- a. Financial and operational cost information, including information as to revenues, expenditures, indebtedness, department budget requests, and formal departmental recommendations in regard to project priority;
- b. Information relating to contracts to which the municipality is a party, including payment provisions, information relating to bids and requests for proposals received or solicited by the municipality, and information relating to the status of goods or services furnished pursuant to contract;
- c. Regulatory, financial, assessment and tax information concerning real property located within the municipality;
- d. Salary levels and fringe benefits accorded municipal officers and employees by law, including information in regard to the pay range and step grade of an employee or officer, and statistical analyses or compilations relating to municipal practices and policies concerning compensation for various occupational groups, departments and divisions;
- e. Statistical information and analyses concerning case loads, numbers and categories of persons for whom services were performed or treatment provided, results achieved and per patient and per unit cost;
- f. Feasibility, management, cost effectiveness and similar reports prepared by the municipality with municipal moneys.

The foregoing enumeration of information available for public inspection is not designed to limit the categories of records and information that shall be made available to the public pursuant to this chapter. The policy of providing public access to public information shall be broadly and liberally construed. (Ord. 78-17 §3, 1978).

1.80.040 Records exempted. The City shall not be required to release or disclose the following documents or records:

- a. Communications of any kind between the municipal attorney and officers or employees of the City, or any other individual, firm or corporation containing a legal opinion, memorandum or other disclosure or information pertaining to any matter then in litigation or where litigation

may be pending. This exemption does not extend, however, to any documents, records or other written communication that may have been made public prior to the commencement of litigation and public records which must otherwise be disclosed cannot be withheld on the grounds that they have been submitted to the municipal attorney;

b. Personnel, payroll and medical files which would reveal the financial or medical status of any specific individual, thereby creating an unreasonable invasion of that individual's privacy. Salary levels and fringe benefits accorded all municipal officers and employees by law shall be considered public information, pursuant to Section 1.80-.030(a);

c. Files pertaining to the investigation of criminal activity with the exception of records that may be required by other governmental agencies or entities for the proper administration of justice. In this regard the provisions of Alaska Statute Title 12, Chapter 62, Criminal Justice Information Systems Security and Privacy shall apply;

d. Information such as name, address, etc., that would identify complainants in actions to enforce any City regulation or ordinance, except as such disclosure may become necessary to a fair and just disposition of the enforcement proceeding;

e. Records held by the City concerning any customer using municipal services, release of which would be unwarranted invasion of privacy;

f. Engineering or other technical specifications or data which might provide a competitive advantage to any person, firm or corporation engaged or potentially to be engaged in municipal business;

g. Information obtained by and in the custody of insurance carriers insuring the municipality and their attorneys and agents regarding possible and pending claims against the municipality;

h. Health, mental health, medical, juvenile and personality problem information obtained or prepared by the municipality with respect to any person for whom treatment or services were provided. (Ord. 78-17 §4, 1978).

1.80.050 Regulation of time, place and manner of inspection of public records. The City Manager shall adopt regulations as to the time, place, and manner of inspection of public records held by the municipality. Such regulations may also provide:

a. That a fee may be required. The fee shall not exceed the actual cost to the agency. No fee shall be charged when a person simply requests access to the information. In the event the person is unable to pay any requested fee, and signs an affidavit to the effect that he or she is indigent, there will be no cost to the above described person.