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HOUSE BILL 1275

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Haugen, Ferguson and Cooper.

Read first time January 25, 1991. Referred to Committee on Local Government.

1            AN ACT Relating to local government; amending RCW 35.13.171,  
2 35.24.020, 35.24.180, 35.24.190, 35.27.010, 35.27.070, 35.27.130,  
3 35.27.270, 35.27.280, 35A.39.010, 41.08.040, 41.12.040, and 42.17.310;  
4 and adding a new section to chapter 35.21 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 35.13.171 and 1985 c 6 s 2 are each amended to read as  
7 follows:

8            Within thirty days after the filing of a city's or town's  
9 annexation resolution pursuant to RCW 35.13.015 with the board of  
10 county commissioners or within thirty days after filing with the county  
11 commissioners a petition calling for an election on annexation, as  
12 provided in RCW 35.13.020, (~~or within thirty days after approval by~~  
13 ~~the legislative body of a city or town of a petition of property owners~~  
14 ~~calling for annexation, as provided in RCW 35.13.130,)) the mayor of  
15 the city or town concerned that is not subject to the jurisdiction of~~

1 a boundary review board under chapter 36.93 RCW, shall convene a review  
2 board composed of the following persons:

3 (1) The mayor of the city or town initiating the annexation by  
4 resolution, or the mayor in the event of a twenty percent annexation  
5 petition pursuant to RCW 35.13.020, or an alternate designated by him  
6 or her;

7 (2) The ((~~chairman~~)) chair of the board of county commissioners of  
8 the county wherein the property to be annexed is situated, or an  
9 alternate designated by him or her;

10 (3) The director of community development, or an alternate  
11 designated by him or her;

12 Two additional members to be designated, one by the mayor of the  
13 annexing city, which member shall be a resident property owner of the  
14 city, and one by the ((~~chairman~~)) chair of the county legislative  
15 authority, which member shall be a resident of and a property owner or  
16 a resident or a property owner if there be no resident property owner  
17 in the area proposed to be annexed, shall be added to the original  
18 membership and the full board thereafter convened upon call of the  
19 mayor: PROVIDED FURTHER, That three members of the board shall  
20 constitute a quorum.

21 **Sec. 2.** RCW 35.24.020 and 1987 c 3 s 9 are each amended to read as  
22 follows:

23 The government of a third class city shall be vested in a mayor, a  
24 city council of seven members, a city attorney, a clerk, a treasurer,  
25 all elective; and a chief of police, municipal judge, city engineer,  
26 street superintendent, health officer and such other appointive  
27 officers as may be provided for by statute or ordinance: PROVIDED,  
28 That the council may enact an ordinance providing for the appointment  
29 of the city clerk, city attorney, and treasurer by the mayor, which

1 appointment shall be subject to confirmation by a majority vote of the  
2 city council. Such ordinance shall be enacted and become effective not  
3 later than thirty days prior to the first day allowed for filing  
4 declarations of candidacy for such offices when such offices are  
5 subject to an approaching city primary election. Elective incumbent  
6 city clerks, city attorneys, and city treasurers shall serve for the  
7 remainder of their unexpired term notwithstanding any appointment made  
8 pursuant to RCW 35.24.020 and 35.24.050. If a free public library and  
9 reading room is established, five library trustees shall be appointed.  
10 The city council by ordinance shall prescribe the duties and fix the  
11 compensation of all officers and employees: PROVIDED, That the  
12 provisions of any such ordinance shall not be inconsistent with any  
13 statute: PROVIDED FURTHER, That where the city council finds that the  
14 appointment of a full time city engineer is unnecessary, it may in lieu  
15 of such appointment, by resolution provide for the performance of  
16 necessary engineering services on either a part time, temporary or  
17 periodic basis by a qualified engineering firm, pursuant to any  
18 reasonable contract.

19 The mayor shall appoint and at his or her pleasure may remove all  
20 appointive officers except as otherwise provided herein: PROVIDED,  
21 That municipal judges shall be removed only upon conviction of  
22 misconduct or malfeasance in office, or because of physical or mental  
23 disability rendering ((him)) the judge incapable of performing the  
24 duties of his or her office. Every appointment or removal must be in  
25 writing signed by the mayor and filed with the city clerk.

26 **Sec. 3.** RCW 35.24.180 and 1965 c 7 s 35.24.180 are each amended to  
27 read as follows:

28 The city council and mayor shall meet on the first Tuesday in  
29 January next succeeding the date of each general municipal election,

1 and shall take the oath of office, and shall hold regular meetings at  
2 least once during each month but not to exceed one regular meeting in  
3 each week, at such times as may be fixed by ordinance.

4 Special meetings may be called by the mayor by written notice  
5 (~~delivered to each member of the council at least three hours before~~  
6 ~~the time specified for the proposed meeting~~) as provided in RCW  
7 42.30.080. No ordinances shall be passed or contract let or entered  
8 into, or bill for the payment of money allowed at any special meeting.

9 All meetings of the city council shall be held within the corporate  
10 limits of the city at such place as may be designated by ordinance.  
11 All meetings of the city council must be public.

12 **Sec. 4.** RCW 35.24.190 and 1969 c 101 s 3 are each amended to read  
13 as follows:

14 The members of the city council at their first meeting after each  
15 general municipal election and thereafter whenever a vacancy occurs,  
16 shall elect from among their number a mayor pro tempore, who shall hold  
17 office at the pleasure of the council and in case of the absence of the  
18 mayor, perform the duties of mayor except that he or she shall not have  
19 the power to appoint or remove any officer or to veto any ordinance.  
20 If a vacancy occurs in the office of mayor, the city council at their  
21 next regular meeting shall elect from among their number a mayor, who  
22 shall serve until a mayor is elected and certified at the next  
23 municipal election.

24 In the event of the extended excused absence or disability of a  
25 councilmember, the remaining members by majority vote may appoint a  
26 councilmember pro tempore to serve during the absence or disability.

27 The mayor and the mayor pro tempore shall have power to administer  
28 oaths and affirmations, take affidavits and certify them. The mayor or  
29 the mayor pro tempore when acting as mayor, shall sign all conveyances

1 made by the city and all instruments which require the seal of the  
2 city.

3 **Sec. 5.** RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended to  
4 read as follows:

5 Every municipal corporation of the fourth class shall be entitled  
6 the "Town of ....." (naming it), and by such name shall have  
7 perpetual succession, may sue, and be sued in all courts and places,  
8 and in all proceedings whatever; shall have and use a common seal,  
9 alterable at the pleasure of the town authorities, and may purchase,  
10 lease, receive, hold, and enjoy real and personal property and control  
11 (~~and~~), lease, sublease, convey, or otherwise dispose of the same for  
12 the common benefit.

13 **Sec. 6.** RCW 35.27.070 and 1987 c 3 s 12 are each amended to read  
14 as follows:

15 The government of a town shall be vested in a mayor and a council  
16 consisting of five members and a treasurer, all elective; the mayor  
17 shall appoint a clerk and a marshal; and may appoint a town attorney,  
18 pound master, street superintendent, a civil engineer, and such police  
19 and other subordinate officers and employees as may be provided for by  
20 ordinance. All appointive officers and employees shall hold office at  
21 the pleasure of the mayor and shall not be subject to confirmation by  
22 the town council.

23 **Sec. 7.** RCW 35.27.130 and 1990 c 212 s 2 are each amended to read  
24 as follows:

25 The mayor and members of the town council may be reimbursed for  
26 actual expenses incurred in the discharge of their official duties upon  
27 presentation of a claim therefor and its allowance and approval by

1 resolution of the town council. The mayor and members of the council  
2 may also receive such salary as the council may fix by ordinance.

3 The treasurer and treasurer-clerk shall severally receive at stated  
4 times a compensation to be fixed by ordinance.

5 The compensation of all other officers and employees shall be fixed  
6 from time to time by the council.

7 Any town that provides a pension for any of its employees under a  
8 plan not administered by the state must notify the state auditor of the  
9 existence of the plan at the time of an audit of the town by the  
10 auditor. No town may establish a pension plan for its employees that  
11 is not administered by the state, except that any defined contribution  
12 plan in existence as of January 1, 1990, is deemed to have been  
13 authorized. No town that provides a defined contribution plan for its  
14 employees as authorized by this section may make any material changes  
15 in the terms or conditions of the plan after June 7, 1990.

16 **Sec. 8.** RCW 35.27.270 and 1965 c 7 s 35.27.270 are each amended to  
17 read as follows:

18 The town council shall meet on the second Tuesday in January  
19 succeeding the date of the general municipal election, shall take the  
20 oath of office, and shall hold regular meetings at least once each  
21 month at such times as may be fixed by ordinance. Special meetings may  
22 be called at any time by the mayor or by three ~~((councilmen))~~  
23 councilmembers, by written notice ~~((delivered to each member at least~~  
24 ~~three hours before the time specified for the proposed meeting))~~ as  
25 provided in RCW 42.30.080. No resolution or order for the payment of  
26 money shall be passed at any other than a regular meeting. No such  
27 resolution or order shall be valid unless passed by the votes of at  
28 least three ~~((councilmen))~~ councilmembers.

1 All meetings of the council shall be held within the corporate  
2 limits of the town, at such places as may be designated by ordinance  
3 and shall be public.

4 **Sec. 9.** RCW 35.27.280 and 1965 c 107 s 2 are each amended to read  
5 as follows:

6 A majority of the ((~~councilmen~~)) councilmembers shall constitute a  
7 quorum for the transaction of business, but a lesser number may adjourn  
8 from time to time and may compel the attendance of absent members in  
9 such manner and under such penalties as may be prescribed by ordinance.

10 In the event of the extended excused absence or disability of a  
11 councilmember, the remaining members by majority vote may appoint a  
12 councilmember pro tempore to serve during the absence or disability.

13 The mayor shall preside at all meetings of the council. The mayor  
14 shall have a vote only in case of a tie in the votes of the  
15 ((~~councilmen~~)) councilmembers. In the absence of the mayor the council  
16 may appoint a president pro tempore; in the absence of the clerk, the  
17 mayor, or president pro tempore, shall appoint one of the  
18 councilmembers as clerk pro tempore. The council may establish rules  
19 for the conduct of its proceedings and punish any members or other  
20 person for disorderly behavior at any meeting. At the desire of any  
21 member, the ayes and noes shall be taken on any question and entered in  
22 the journal.

23 NEW SECTION. **Sec. 10.** A new section is added to chapter 35.21 RCW  
24 to read as follows:

25 (1) It is the purpose of this section to provide a means whereby  
26 all cities and towns may obtain, through a single source, information  
27 regarding ordinances of other cities and towns that may be of  
28 assistance to them in enacting appropriate local legislation.

1 (2) For the purposes of this section, (a) "clerk" means the city or  
2 town clerk or other person who is lawfully designated to perform the  
3 recordkeeping function of that office, and (b) "municipal research  
4 council" means the municipal research council created by chapter 43.110  
5 RCW.

6 (3) The clerk of every city and town is directed to provide to the  
7 municipal research council or its designee, promptly after adoption, a  
8 copy of each of its regulatory ordinances and such other ordinances or  
9 kinds of ordinances as may be described in a list or lists promulgated  
10 by the municipal research council or its designee from time to time,  
11 and may provide such copies without charge. The municipal research  
12 council may provide that information to the entity with which it  
13 contracts for the provision of municipal research and services, in  
14 order to provide a pool of information for all cities and towns in the  
15 state of Washington.

16 (4) This section is intended to be directory and not mandatory.

17 **Sec. 11.** RCW 35A.39.010 and 1967 ex.s. c 119 s 35A.39.010 are each  
18 amended to read as follows:

19 Every code city shall keep a journal of minutes of its legislative  
20 meetings with orders, resolutions and ordinances passed, and records of  
21 the proceedings of any city department, division or commission  
22 performing quasi judicial functions as required by ordinances of the  
23 city and general laws of the state and shall keep such records open to  
24 the public as required by RCW 42.32.030 and shall keep and preserve all  
25 public records and publications or reproduce and destroy the same as  
26 provided by Title 40 RCW. Each code city (~~shall provide three copies  
27 of each of its ordinances of general application to the association of  
28 Washington cities without charge and~~) may duplicate and sell copies of

1 its ordinances at fees reasonably calculated to defray the cost of such  
2 duplication and handling.

3 **Sec. 12.** RCW 41.08.040 and 1973 1st ex.s. c 154 s 60 are each  
4 amended to read as follows:

5 Immediately after appointment the commission shall organize by  
6 electing one of its members ((~~chairman~~)) chair and hold regular  
7 meetings at least once a month, and such additional meetings as may be  
8 required for the proper discharge of their duties.

9 They shall appoint a secretary and chief examiner, who shall keep  
10 the records of the commission, preserve all reports made to it,  
11 superintend and keep a record of all examinations held under its  
12 direction, and perform such other duties as the commission may  
13 prescribe.

14 The secretary and chief examiner shall be appointed as a result of  
15 competitive examination which examination may be either original and  
16 open to all properly qualified citizens of the city, town or  
17 municipality, or promotional and limited to persons already in the  
18 service of the fire department or of the fire department and other  
19 departments of said city, town or municipality, as the commission may  
20 decide. The secretary and chief examiner may be subject to suspension,  
21 reduction or discharge in the same manner and subject to the same  
22 limitations as are provided in the case of members of the fire  
23 department. It shall be the duty of the civil service commission:

24 (1) To make suitable rules and regulations not inconsistent with  
25 the provisions of this chapter. Such rules and regulations shall  
26 provide in detail the manner in which examinations may be held, and  
27 appointments, promotions, transfers, reinstatements, demotions,  
28 suspensions and discharges shall be made, and may also provide for any  
29 other matters connected with the general subject of personnel

1 administration, and which may be considered desirable to further carry  
2 out the general purposes of this chapter, or which may be found to be  
3 in the interest of good personnel administration. Such rules and  
4 regulations may be changed from time to time. The rules and  
5 regulations and any amendments thereof shall be printed, mimeographed  
6 or multigraphed for free public distribution. Such rules and  
7 regulations may be changed from time to time.

8 (2) All tests shall be practical, and shall consist only of  
9 subjects which will fairly determine the capacity of persons examined  
10 to perform duties of the position to which appointment is to be made,  
11 and may include tests of physical fitness and/or of manual skill.

12 (3) The rules and regulations adopted by the commission shall  
13 provide for a credit (~~(of ten percent)~~) in accordance with RCW  
14 41.04.010 in favor of all applicants for appointment under civil  
15 service, who, in time of war, or in any expedition of the armed forces  
16 of the United States, have served in and been honorably discharged from  
17 the armed forces of the United States, including the army, navy, and  
18 marine corps and the American Red Cross. These credits apply to  
19 entrance examinations only.

20 (4) The commission shall make investigations concerning and report  
21 upon all matters touching the enforcement and effect of the provisions  
22 of this chapter, and the rules and regulations prescribed hereunder;  
23 inspect all institutions, departments, offices, places, positions and  
24 employments affected by this chapter, and ascertain whether this  
25 chapter and all such rules and regulations are being obeyed. Such  
26 investigations may be made by the commission or by any commissioner  
27 designated by the commission for that purpose. Not only must these  
28 investigations be made by the commission as aforesaid, but the  
29 commission must make like investigation on petition of a citizen, duly  
30 verified, stating that irregularities or abuses exist, or setting forth

1 in concise language, in writing, the necessity for such investigation.  
2 In the course of such investigation the commission or designated  
3 commissioner, or chief examiner, shall have the power to administer  
4 oaths, subpoena and require the attendance of witnesses and the  
5 production by them of books, papers, documents and accounts  
6 appertaining to the investigation and also to cause the deposition of  
7 witnesses residing within or without the state to be taken in the  
8 manner prescribed by law for like depositions in civil actions in the  
9 superior court; and the oaths administered hereunder and the subpoenas  
10 issued hereunder shall have the same force and effect as the oaths  
11 administered by a superior court judge in his or her judicial capacity;  
12 and the failure upon the part of any person so subpoenaed to comply  
13 with the provisions of this section shall be deemed a violation of this  
14 chapter, and punishable as such.

15 (5) All hearings and investigations before the commission, or  
16 designated commissioner, or chief examiner, shall be governed by this  
17 chapter and by rules of practice and procedure to be adopted by the  
18 commission, and in the conduct thereof neither the commission, nor  
19 designated commissioner shall be bound by the technical rules of  
20 evidence. No informality in any proceedings or hearing, or in the  
21 manner of taking testimony before the commission or designated  
22 commissioner, shall invalidate any order, decision, rule or regulation  
23 made, approved or confirmed by the commission: PROVIDED, HOWEVER, That  
24 no order, decision, rule or regulation made by any designated  
25 commissioner conducting any hearing or investigation alone shall be of  
26 any force or effect whatsoever unless and until concurred in by at  
27 least one of the other two members.

28 (6) To hear and determine appeals or complaints respecting the  
29 administrative work of the personnel department; appeals upon the

1 allocation of positions; the rejection of an examination, and such  
2 other matters as may be referred to the commission.

3 (7) Establish and maintain in card or other suitable form a roster  
4 of officers and employees.

5 (8) Provide for, formulate and hold competitive tests to determine  
6 the relative qualifications of persons who seek employment in any class  
7 or position and as a result thereof establish eligible lists for the  
8 various classes of positions, and to provide that persons laid off  
9 because of curtailment of expenditures, reduction in force, and for  
10 like causes, head the list in the order of their seniority, to the end  
11 that they shall be the first to be reemployed.

12 (9) When a vacant position is to be filled, to certify to the  
13 appointing authority, on written request, the name of the person  
14 highest on the eligible list for the class. If there are no such  
15 lists, to authorize provisional or temporary appointment list of such  
16 class. Such temporary or provisional appointment shall not continue  
17 for a period longer than four months; nor shall any person receive more  
18 than one provisional appointment or serve more than four months as a  
19 provisional appointee in any one fiscal year.

20 (10) Keep such records as may be necessary for the proper  
21 administration of this chapter.

22 **Sec. 13.** RCW 41.12.040 and 1937 c 13 s 5 are each amended to read  
23 as follows:

24 Immediately after appointment the commission shall organize by  
25 electing one of its members (~~(chairman)~~) chair and hold regular  
26 meetings at least once a month, and such additional meetings as may be  
27 required for the proper discharge of their duties.

28 They shall appoint a secretary and chief examiner, who shall keep  
29 the records for the commission, preserve all reports made to it,

1 superintend and keep a record of all examinations held under its  
2 direction, and perform such other duties as the commission may  
3 prescribe.

4 The secretary and chief examiner shall be appointed as a result of  
5 competitive examination which examination may be either original and  
6 open to all properly qualified citizens of the city, town, or  
7 municipality, or promotional and limited to persons already in the  
8 service of the police department or of the police department and other  
9 departments of said city, town, or municipality, as the commission may  
10 decide. The secretary and chief examiner may be subject to suspension,  
11 reduction, or discharge in the same manner and subject to the same  
12 limitations as are provided in the case of members of the police  
13 department. It shall be the duty of the civil service commission:

14 (1) To make suitable rules and regulations not inconsistent with  
15 the provisions of this chapter. Such rules and regulations shall  
16 provide in detail the manner in which examinations may be held, and  
17 appointments, promotions, transfers, reinstatements, demotions,  
18 suspensions, and discharges shall be made, and may also provide for any  
19 other matters connected with the general subject of personnel  
20 administration, and which may be considered desirable to further carry  
21 out the general purposes of this chapter, or which may be found to be  
22 in the interest of good personnel administration. Such rules and  
23 regulations may be changed from time to time. The rules and  
24 regulations and any amendments thereof shall be printed, mimeographed,  
25 or multigraphed for free public distribution. Such rules and  
26 regulations may be changed from time to time;

27 (2) All tests shall be practical, and shall consist only of  
28 subjects which will fairly determine the capacity of persons examined  
29 to perform duties of the position to which appointment is to be made,  
30 and may include tests of physical fitness and/or of manual skill;

1 (3) The rules and regulations adopted by the commission shall  
2 provide for a credit (~~(of ten percent)~~) in accordance with RCW  
3 41.04.010 in favor of all applicants for appointment under civil  
4 service, who, in time of war, or in any expedition of the armed forces  
5 of the United States, have served in and been honorably discharged from  
6 the armed forces of the United States, including the army, navy, and  
7 marine corps and the American Red Cross. These credits apply to  
8 entrance examinations only;

9 (4) The commission shall make investigations concerning and report  
10 upon all matters touching the enforcement and effect of the provisions  
11 of this chapter, and the rules and regulations prescribed hereunder;  
12 inspect all institutions, departments, offices, places, positions, and  
13 employments affected by this chapter, and ascertain whether this  
14 chapter and all such rules and regulations are being obeyed. Such  
15 investigations may be made by the commission or by any commissioner  
16 designated by the commission for that purpose. Not only must these  
17 investigations be made by the commission as aforesaid, but the  
18 commission must make like investigation on petition of a citizen, duly  
19 verified, stating that irregularities or abuses exist, or setting forth  
20 in concise language, in writing, the necessity for such investigation.  
21 In the course of such investigation the commission or designated  
22 commissioner, or chief examiner, shall have the power to administer  
23 oaths, subpoena and require the attendance of witnesses and the  
24 production by them of books, papers, documents, and accounts  
25 appertaining to the investigation, and also to cause the deposition of  
26 witnesses residing within or without the state to be taken in the  
27 manner prescribed by law for like depositions in civil actions in the  
28 superior court; and the oaths administered hereunder and the subpoenas  
29 issued hereunder shall have the same force and effect as the oaths  
30 administered by a superior court judge in his or her judicial capacity;

1 and the failure upon the part of any person so subpoenaed to comply  
2 with the provisions of this section shall be deemed a violation of this  
3 chapter, and punishable as such;

4 (5) Hearings and Investigations: How conducted. All hearings and  
5 investigations before the commission, or designated commissioner, or  
6 chief examiner, shall be governed by this chapter and by rules of  
7 practice and procedure to be adopted by the commission, and in the  
8 conduct thereof neither the commission, nor designated commissioner  
9 shall be bound by the technical rules of evidence. No informality in  
10 any proceedings or hearing, or in the manner of taking testimony before  
11 the commission or designated commissioner, shall invalidate any order,  
12 decision, rule or regulation made, approved or confirmed by the  
13 commission: PROVIDED, HOWEVER, That no order, decision, rule or  
14 regulation made by any designated commissioner conducting any hearing  
15 or investigation alone shall be of any force or effect whatsoever  
16 unless and until concurred in by at least one of the other two members;

17 (6) To hear and determine appeals or complaints respecting the  
18 administrative work of the personnel department; appeals upon the  
19 allocation of positions; the rejection of an examination, and such  
20 other matters as may be referred to the commission;

21 (7) Establish and maintain in card or other suitable form a roster  
22 of officers and employees;

23 (8) Provide for, formulate and hold competitive tests to determine  
24 the relative qualifications of persons who seek employment in any class  
25 or position and as a result thereof establish eligible lists for the  
26 various classes of positions, and to provide that (~~men~~) persons laid  
27 off because of curtailment of expenditures, reduction in force, and for  
28 like causes, head the list in the order of their seniority, to the end  
29 that they shall be the first to be reemployed;

1 (9) When a vacant position is to be filled, to certify to the  
2 appointing authority, on written request, the name of the person  
3 highest on the eligible list for the class. If there are no such  
4 lists, to authorize provisional or temporary appointment list of such  
5 class. Such temporary or provisional appointment shall not continue  
6 for a period longer than four months; nor shall any person receive more  
7 than one provisional appointment or serve more than four months as  
8 provisional appointee in any one fiscal year;

9 (10) Keep such records as may be necessary for the proper  
10 administration of this chapter.

11 **Sec. 14.** RCW 42.17.310 and 1990 2nd ex.s. c 1 s 1103 are each  
12 amended to read as follows:

13 (1) The following are exempt from public inspection and copying:

14 (a) Personal information in any files maintained for students in  
15 public schools, patients or clients of public institutions or public  
16 health agencies, or welfare recipients.

17 (b) Personal information in files maintained for employees,  
18 appointees, or elected officials of any public agency to the extent  
19 that disclosure would violate their right to privacy.

20 (c) Information required of any taxpayer in connection with the  
21 assessment or collection of any tax if the disclosure of the  
22 information to other persons would (i) be prohibited to such persons by  
23 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
24 in unfair competitive disadvantage to the taxpayer.

25 (d) Specific intelligence information and specific investigative  
26 records compiled by investigative, law enforcement, and penology  
27 agencies, and state agencies vested with the responsibility to  
28 discipline members of any profession, the nondisclosure of which is

1 essential to effective law enforcement or for the protection of any  
2 person's right to privacy.

3 (e) Information revealing the identity of persons who file  
4 complaints with investigative, law enforcement, or penology agencies,  
5 other than the public disclosure commission, if disclosure would  
6 endanger any person's life, physical safety, or property. If at the  
7 time the complaint is filed the complainant indicates a desire for  
8 disclosure or nondisclosure, such desire shall govern. However, all  
9 complaints filed with the public disclosure commission about any  
10 elected official or candidate for public office must be made in writing  
11 and signed by the complainant under oath.

12 (f) Test questions, scoring keys, and other examination data used  
13 to administer a license, employment, or academic examination.

14 (g) Except as provided by chapter 8.26 RCW, the contents of real  
15 estate appraisals, made for or by any agency relative to the  
16 acquisition or sale of property, until the project or prospective sale  
17 is abandoned or until such time as all of the property has been  
18 acquired or the property to which the sale appraisal relates is sold,  
19 but in no event shall disclosure be denied for more than three years  
20 after the appraisal.

21 (h) Valuable formulae, designs, drawings, and research data  
22 obtained by any agency within five years of the request for disclosure  
23 when disclosure would produce private gain and public loss.

24 (i) Preliminary drafts, notes, recommendations, and intra-agency  
25 memorandums in which opinions are expressed or policies formulated or  
26 recommended except that a specific record shall not be exempt when  
27 publicly cited by an agency in connection with any agency action.

28 (j) Records which are relevant to a controversy to which an agency  
29 is a party but which records would not be available to another party

1 under the rules of pretrial discovery for causes pending in the  
2 superior courts.

3 (k) Records, maps, or other information identifying the location of  
4 archaeological sites in order to avoid the looting or depredation of  
5 such sites.

6 (l) Any library record, the primary purpose of which is to maintain  
7 control of library materials, or to gain access to information, which  
8 discloses or could be used to disclose the identity of a library user.

9 (m) Financial information supplied by or on behalf of a person,  
10 firm, or corporation for the purpose of qualifying to submit a bid or  
11 proposal for (a) a ferry system construction or repair contract as  
12 required by RCW 47.60.680 through 47.60.750 or (b) highway construction  
13 or improvement as required by RCW 47.28.070.

14 (n) Railroad company contracts filed with the utilities and  
15 transportation commission under RCW 81.34.070, except that the  
16 summaries of the contracts are open to public inspection and copying as  
17 otherwise provided by this chapter.

18 (o) Financial and commercial information and records supplied by  
19 private persons pertaining to export services provided pursuant to  
20 chapters 43.163 ((RCW)) and ((chapter)) 53.31 RCW.

21 (p) Financial disclosures filed by private vocational schools under  
22 chapter 28C.10 RCW.

23 (q) Records filed with the utilities and transportation commission  
24 or attorney general under RCW 80.04.095 that a court has determined are  
25 confidential under RCW 80.04.095.

26 (r) Financial and commercial information and records supplied by  
27 businesses during application for loans or program services provided by  
28 chapters 43.163 ((RCW and chapters)), 43.31, 43.63A, and 43.168 RCW.

29 (s) Membership lists or lists of members or owners of interests of  
30 units in timeshare projects, subdivisions, camping resorts,

1 condominiums, land developments, or common-interest communities  
2 affiliated with such projects, regulated by the department of  
3 licensing, in the files or possession of the department.

4 (t) All applications for public employment, including the names of  
5 applicants, resumes, and other related materials submitted with respect  
6 to an applicant.

7 (u) The residential addresses and residential telephone numbers of  
8 employees or volunteers of a public agency which are held by the agency  
9 in personnel records, employment or volunteer rosters, or mailing lists  
10 of employees or volunteers.

11 (v) The residential addresses and residential telephone numbers of  
12 the customers of a public utility contained in the records or lists  
13 held by the public utility of which they are customers.

14 (w) Information obtained by the board of pharmacy as provided in  
15 RCW 69.45.090.

16 (x) Information obtained by the board of pharmacy and its  
17 representatives as provided in RCW 69.41.044 and 69.41.280.

18 (y) Financial information, business plans, examination reports, and  
19 any information produced or obtained in evaluating or examining a  
20 business and industrial development corporation organized or seeking  
21 certification under chapter 31.24 RCW.

22 (z) Financial and commercial information supplied to the state  
23 investment board by any person when the information relates to the  
24 investment of public trust or retirement funds and when disclosure  
25 would result in loss to such funds or in private loss to the providers  
26 of this information.

27 (aa) Financial and valuable trade information under RCW 51.36.120.

28 (bb) Effective March 1, 1991, the work and home addresses, other  
29 than the city of residence, of a person shall remain undisclosed or be  
30 omitted from all documents made available for public review if that

1 person requests in writing, under oath, that these addresses be kept  
2 private because disclosure would endanger his or her life, physical  
3 safety, or property. This provision does not in any way restrict the  
4 sharing or collection of information by state and local governmental  
5 agencies required for the daily administration of their duties. The  
6 secretary of state shall administer this provision and establish the  
7 procedures and rules that are necessary for its operation. An agency  
8 that has not been furnished with a request for confidentiality of  
9 address information is not liable for damages resulting from its  
10 disclosure of the information. For purpose of service of process, the  
11 secretary of state shall serve as agent for each person who submits a  
12 request under this subsection. A request shall be of no force or  
13 effect if the requester does not include a statement, along with or  
14 part of the request, designating the secretary of state as agent of the  
15 requester for purposes of service of process.

16 (cc) Personal information in files maintained for patients or  
17 clients who have been provided emergency medical services by a publicly  
18 operated emergency medical service provider.

19 (2) Except for information described in subsection (1)(c)(i) of  
20 this section and confidential income data exempted from public  
21 inspection pursuant to RCW 84.40.020, the exemptions of this section  
22 are inapplicable to the extent that information, the disclosure of  
23 which would violate personal privacy or vital governmental interests,  
24 can be deleted from the specific records sought. No exemption may be  
25 construed to permit the nondisclosure of statistical information not  
26 descriptive of any readily identifiable person or persons.

27 (3) Inspection or copying of any specific records exempt under the  
28 provisions of this section may be permitted if the superior court in  
29 the county in which the record is maintained finds, after a hearing  
30 with notice thereof to every person in interest and the agency, that

1 the exemption of such records is clearly unnecessary to protect any  
2 individual's right of privacy or any vital governmental function.

3 (4) Agency responses refusing, in whole or in part, inspection of  
4 any public record shall include a statement of the specific exemption  
5 authorizing the withholding of the record (or part) and a brief  
6 explanation of how the exemption applies to the record withheld.