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**ORDINANCE NO. 2018-01**

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE  
TITLE 2 (ADMINISTRATION AND PERSONNEL), ADDING A NEW CHAPTER 2.07 (PUBLIC  
RECORDS POLICY), ADDING TO THE CODE AND UPDATING THE EXISTING CITY OF  
LINCOLN CITY PUBLIC RECORDS POLICY ADOPTED IN RESOLUTION 2008-22**

*Annotated to show deletions and additions to the code sections being modified. Deletions are bold lined through and additions are **bold underlined**.*

**WHEREAS**, Chapter 2, Section 2.1 and 2.2 of the City of Lincoln City Charter provide:

**2.1 Powers of the City**

The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

**2.2 Construction of Charter**

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution.

**WHEREAS**, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop*, 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

**WHEREAS**, ORS 192.324 (7) requires the adoption of a written policy and procedure for making public records requests; and

**WHEREAS**, 2017 Legislative changes require revision to the City of Lincoln City Public Records Policy last amended in Resolution 2008-22; and

**WHEREAS**, Council desires to incorporate the Lincoln City Public Records Policy into the Municipal Code to provide greater accessibility to the public; and

1  
2 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

3  
4 **SECTION 1.** Lincoln City Municipal Code, Title 2 (*Administration and Personnel*), is  
5 hereby amended to add a new Chapter 2.07 (Public Records Policy), to read as  
6 follows:

7  
8 **Chapter 2.07**  
9 **CITY PUBLIC RECORDS POLICY**

10 **Sections:**

11 **2.07.010 Purpose.**

12 **2.07.020 Right to Inspect Public Records.**

13 **2.07.030 Public Records.**

14 **2.07.040 Public Records Exempt from Disclosure.**

15 **2.07.050 Designated Public Records Officer.**

16 **2.07.060 Procedures for Making Public Records Request.**

17  
18 **2.07.010 Purpose.**

19  
20 **The purpose of this regulation is to establish City policy related to written**  
21 **requests for public records of the City of Lincoln City. This policy is required by**  
22 **ORS 192.324. The City of Lincoln City recognizes that in response to a written**  
23 **public records request, Oregon Public Records Law (ORS 192.311-192.338) gives**  
24 **members of the public the right to inspect and copy certain public records**  
25 **maintained by the City. The City also recognizes that certain records maintained**  
26 **by the City are exempt from public disclosure, or that disclosure may require**  
27 **balancing the right of the public to access the records against individual privacy**  
28 **rights, governmental interests, and confidentially issues. Additionally, when the**  
29 **City receives a written request to inspect or copy public records, costs are**  
30 **incurred by the City in responding to the request. This Public Records Policy**  
31 **seeks (a) to establish an orderly and consistent procedure for responding to**  
32 **public records requests; (b) to establish the basis for a fee schedule designed to**  
33 **reimburse the City for the actual costs incurred in responding to written public**  
34 **records requests; and (c) to inform citizens of the procedures and guidelines**  
35 **that apply to public records requests.**

36  
37 **2.07.020 Right to Inspect Public Records.**

38  
39 **Every person has a right, following a written request in accordance with this**  
40 **Code, to a reasonable opportunity to inspect and/or copy non-exempt public**

1 records during normal city business hours. All records shall be inspected and  
2 copied at the City of Lincoln City place of business. Requests for any records of  
3 the City are processed and reviewed in the order they are received and under  
4 the procedures identified in Oregon Public Records Law, City of Lincoln City  
5 Municipal Code, as well as the rules, forms and fees, adopted under authority of  
6 this City of Lincoln City Public Records Policy.

7  
8 **2.07.030 Public Records.**

9  
10 **Oregon Public Records Law [ORS 192.311(5)(a)] defines "public record" very**  
11 **broadly as:**

12  
13 **"any writing containing information relating to the conduct of the**  
14 **public's business, including but not limited to court records, mortgages,**  
15 **and deed records, prepared, owned, used or retained by a public body**  
16 **regardless of physical form or characteristics."**

17  
18 **A writing means any handwriting, typewriting, printing, photographing and**  
19 **every means of recording, including letters, words, pictures, sounds, or symbols,**  
20 **or combination thereof, and all papers, maps, files, facsimiles or electronic**  
21 **recordings (inclusive of email or a word processing document, and other types**  
22 **of electronic recordings). A public record includes any writing that relates to**  
23 **the conduct of the public's business even if that writing is contained on a public**  
24 **officer's privately owned computer.**

25  
26 **2.07.040 Public Records Exempt from Inspection and Copying.**

27  
28 **There are numerous exemptions to public records law which protect, or**  
29 **conditionally protect, records or sensitive information within public records**  
30 **from disclosure. Many of these exemptions may be found in ORS 192.345 and**  
31 **ORS 192.355. Others may be located in other Oregon Revised Statutes. A few**  
32 **specific exemptions worth special notice are as follows:**

33  
34 **Personal Safety Exemption - ORS 192.368(1). If an individual requests in**  
35 **writing that a public body not disclose the phone number or address of**  
36 **the individual, the public body is prohibited from disclosing the**  
37 **information if the safety of the individual or family member would be in**  
38 **danger.**

1 **Public Records Relating to Pending Litigation - ORS 192.345(1). If a public**  
2 **body is involved in litigation, or if litigation is reasonably likely in the**  
3 **future, the public records relating to the litigation are exempt from**  
4 **disclosure.**

5  
6 **Archeological Sites or Objects - ORS 192.345(11). Information concerning**  
7 **the location of archeological sites or objects are exempt from disclosure,**  
8 **unless requested by the governing body of an affected Indian tribe.**

9  
10 **Personnel Disciplinary Actions - ORS 192.345(12). Public records of a**  
11 **discipline action or materials or documents supporting that action are**  
12 **exempt from disclosure.**

13  
14 **Threatened or Endangered Species - ORS 192.345(13). Certain**  
15 **information regarding the habitat, location or population of any**  
16 **threatened or endangered species is exempt from disclosure.**

17  
18 **Personal Privacy Exemption - ORS 192.355(2). Information of a personal**  
19 **nature, such as that kept in a medical or personal file, is exempt from**  
20 **disclosure if disclosure would be an unreasonable invasion of privacy,**  
21 **unless disclosure is in the public interest by clear and convincing**  
22 **evidence. Personal information includes home address, phone number,**  
23 **weight and age.**

24  
25 **Public Employees Addresses, Dates of Birth and Telephone Numbers -**  
26 **ORS 192.355(3). The addresses, dates of birth and phone numbers of**  
27 **public employees and volunteers which are maintained by the public**  
28 **body in personnel files are exempt from disclosure.**

29  
30 **Confidential Information Submitted by Citizens - ORS 192.355(4).**  
31 **Information submitted to a public body in confidence and not required to**  
32 **be submitted, where the information should reasonably be considered**  
33 **confidential, and the public body has in good faith obliged itself to keep**  
34 **the information confidential, is exempt from disclosure.**

35  
36 **Records Deemed Confidential or Privileged under federal and state laws**  
37 **or regulations - ORS 192.355(8) & (9). Examples include:**  
38

1 Privileged Communications such as communications between the City  
2 Attorney's Office and a City Department or staff person are exempt from  
3 disclosure.

4  
5 Social Security Numbers. No social security numbers should be disclosed  
6 without prior consultation with the City Attorney. If a public record  
7 contains a social security number, the number should be blacked out  
8 prior to disclosure.

9  
10 Copyrighted material. If the City maintains public records containing  
11 copyrighted material, the City will permit the person making the request  
12 to inspect the copyrighted material, and may allow limited copying of  
13 such material if allowed under Federal copyright law. The City may  
14 require written consent from the copyright holder or an opinion from the  
15 person's legal counsel before allowing copying of such materials.

16  
17 **2.07.050 Designated Public Records Officer.**

18  
19 **A. The City Recorder is the official "Records Officer" and custodian of all**  
20 **public records in the City. In the City Recorder's absence the Deputy City**  
21 **Recorder, if any, shall serve as the Custodian and "Records Officer." Except**  
22 **for Level 1 and Level 2 requests discussed in 2.07.060 below, the individual**  
23 **within the City of Lincoln City government to whom all public record**  
24 **requests shall be directed shall be the Records Officer. The Records Officer**  
25 **shall have overall responsibility for receiving, and responding to,**  
26 **applications to inspect public records.**

27  
28 **B. Each department shall designate a staff person to serve as the Records**  
29 **Coordinator for that department. Each Records Coordinator shall receive**  
30 **training with regard to the state public records laws and City policy from the**  
31 **Records Officer and City Attorney. The Records Coordinator from the**  
32 **respective department shall work with the Records Officer in completing any**  
33 **record request related to their respective departments. The Records**  
34 **Coordinators are expressly authorized to handle Level 1 record requests**  
35 **without consultation with the Records Officer.**

36  
37 **C. The Records Officer, with the advice of the City Attorney, shall be**  
38 **responsible for researching and presenting a recommended Records**  
39 **Management System to the Information Technology Department Director.**  
40 **The Records Management System shall include reasonable measures to**

1 preserve the integrity of the City of Lincoln City's records and be consistent  
2 with the Oregon Administrative Rules on Records Retention. The IT Director  
3 shall consider such recommendation, together with estimated costs of  
4 acquisition and maintenance of such system, and shall include City Records  
5 Management in the IT Department budget for final approval by the Manager  
6 and City Council. All purchases and contract decisions shall be made in  
7 accordance with contracting authority specified in Chapter 2.05.

8  
9 D. The Records Officer may propose for adoption by Council Resolution  
10 reasonable public record rules necessary to protect the City's public records.

11  
12 **2.07.060 Procedures for Making A Public Records Request.**

13  
14 The following procedures shall be followed in submitting and responding to  
15 requests to inspect or receive copies of public records maintained by the City of  
16 Lincoln City:

17  
18 **A. Procedures differ by Classification of the Request.**

19  
20 1. Level 1 Request: Does not require a written request. Requested  
21 document must be current and readily available, require no  
22 duplication, may or may not be subject to an identified fee or charge  
23 on the Public Records Fee Schedule, and must require no additional  
24 staff time or resources to be made available. These types of  
25 documents are intended for public distribution, such as information  
26 brochures, agendas, permit applications, job applications, election-  
27 related petitions, or solicitations for public comment. These types of  
28 documents may also include prepared documents for purchase (e.g.  
29 hard copy of comprehensive plan or parks master plan).

30  
31 2. Level 2 Request: Must be made in writing. Must be submitted to  
32 Records Officer and referred to Records Coordinator; May be  
33 simultaneously submitted to Records Officer and Department Records  
34 Coordinator. Department Coordinator email addresses will be posted  
35 on the City website. Requested documents are not immediately  
36 available in prepared format. Request must clearly and correctly  
37 identify the document, may not require extensive staff research to  
38 locate the document, (no more than 30 minutes), may not include  
39 more than 5 documents or 50 pages, or documents that are more than  
40 one year old. Requested document must be located in a single

1 department or division, may not contain sensitive, confidential, or  
2 privileged information, and must not require attorney review prior to  
3 release. When estimate is over \$25.00, written cost estimates will be  
4 noted on the form and requester must agree to pay before document  
5 retrieval begins. Documents are usually available within five Business  
6 Days. Payment is due upon receipt.

7  
8 3. Level 3 Request: Must be made in writing to the Records Officer.  
9 This type of request is complex, involving multiple staff and/or  
10 departments or divisions. It involves extensive research or  
11 compilation of documents, and requires attorney review. The request  
12 also may require follow up by staff to identify what is being  
13 requested. City staff furnishes written acknowledgement that the  
14 request has been received within five business days and as soon as  
15 possible after that (usually within one week), provides the requester a  
16 written time and cost estimate for proceeding with the request. The  
17 requester must submit written authorization to proceed and pay the  
18 estimated costs before any staff time is expended responding to the  
19 request.

20  
21 B. Official Public Records Request form. In order to facilitate public access  
22 to City records and to avoid unnecessary expenditure of staff time, a request  
23 to inspect or copy records shall be in writing on the official form provided by  
24 the Records Officer. The approved standard form is available for download  
25 on the City's website at [www.lincolncity.org](http://www.lincolncity.org). The standard form may be  
26 periodically revised and updated by Resolution of the City Council. The form  
27 shall be completed in full and signed by the requestor and shall specify with  
28 particularity the records requested, including dates, subject matter and such  
29 other detail as may be necessary to enable City personnel to readily locate  
30 the requested records.

31  
32 c. Where to submit form and fees. All public record requests shall be  
33 directed to the City Recorder acting as Records Officer. A records request on  
34 an approved official City form may be submitted to the City Recorder, c/o  
35 City Administration, 801 S.W. Hwy 101 [P.O. Box 50] Lincoln City, Oregon  
36 97367. Approved forms may also be faxed to 541-994-7232, or approved  
37 forms may be emailed to [cityrecorder@lincolncity.org](mailto:cityrecorder@lincolncity.org) [ORS 192.324(7)(A)].  
38 A Level 2 request may be simultaneously submitted via email to the  
39 Departmental Records Coordinator and Records Officer.

1 **D. Applicable Fees. The City has established fees consistent with ORS**  
2 **192.324(4), reasonably calculated to reimburse the City for the City’s actual**  
3 **cost of copying and making public records available in the format requested**  
4 **and said fees are set forth in the current Fee Schedule adopted by Council**  
5 **Resolution. The Resolution shall be periodically adjusted to recover the**  
6 **actual cost incurred in responding to requests. The City shall recover all**  
7 **permissible actual costs, including but not limited to costs for searching,**  
8 **reviewing, copying; summarizing, compiling or tailoring public records,**  
9 **either in organization or media, or time spent by an attorney for the public**  
10 **body in reviewing the public records, redacting material from the public**  
11 **records or segregating the public records into exempt and nonexempt**  
12 **records. The cost for copies on the fee schedule is in addition to personnel**  
13 **cost calculated at the “loaded” employee hourly rate multiplied by time**  
14 **devoted to records request. No personnel cost is included for requests**  
15 **which take 15 minutes or less. The Fee Resolution is periodically updated by**  
16 **the City Council in accordance with ORS 294.160. If a record is not included**  
17 **on the fee schedule, the City shall nevertheless charge the actual cost**  
18 **incurred in providing and copying the item. For Level 2 or Level 3 public**  
19 **record requests, the City will provide a written cost estimate to the applicant**  
20 **and must receive confirmation that the applicant wants the City to proceed**  
21 **with the request before work will be performed. Cost estimates over \$25**  
22 **must be paid as a deposit before the records will be made available for**  
23 **inspection or copied. If the actual time expended and cost incurred are less**  
24 **than estimated, the amount paid in excess of the actual cost shall be**  
25 **refunded to the applicant. If the actual time expended and cost incurred**  
26 **exceed the estimated cost, the applicant will pay the difference at the time**  
27 **the records are produced. If a request is of such magnitude and nature that**  
28 **compliance would disrupt the City’s normal operation, the City may impose**  
29 **such additional charges as are necessary to reimburse the City for its actual**  
30 **costs of locating and copying the records**

31  
32 **E. Definitions related to statutory deadlines. For purposes of this Chapter,**  
33 **the following words and phrases shall be defined as follows:**

34  
35 **“Business Days” shall mean a day other than Saturday, Sunday or a legal**  
36 **holiday and on which at least one paid employee of the public body that**  
37 **received the public records request is scheduled to and does report to**  
38 **work be as defined in ORS 192.311.**



1 “Acknowledge a Public Records Request” or “Acknowledge” means the  
2 City has either: (a) Confirmed that the City is the custodian of the  
3 requested record; or (b) Informed the requester that the City is not the  
4 custodian of the requested record; or (c) Notified the requester that the  
5 City is uncertain whether the City is the custodian of the requested  
6 record.

7  
8 “Complete a Public Records Request” or “Complete” means the City has  
9 either: (a) Provided access to or copies of all requested records within the  
10 possession or custody of the City that the City does not assert are exempt  
11 from disclosure, or explains where the records are already publicly  
12 available; and/or (b) Asserts any exemptions from disclosure that the City  
13 believes apply to any requested records, and if the City cites ORS  
14 192.355(8) or ORS 192.355(9) identifies the state or federal law that the  
15 City relied on in asserting the exemptions; and/or (c) the City complies  
16 with ORS 192.338 (i.e. the City separates the exempt and nonexempt  
17 material and makes the nonexempt material available for examination);  
18 and/or (d) The City provides a written statement that the City is not the  
19 custodian of the requested records; and/or (e) The City provides a written  
20 statement that the City is prohibited by federal or state law from  
21 acknowledging whether the record exists, including citation to such law  
22 or sanction; and (f) When the City asserts that one or more records are  
23 exempt from disclosure, the City response shall include a statement that  
24 “the requester may seek review of the City of Lincoln City’s determination  
25 pursuant to ORS 192.401, ORS 192.415, ORS 192.418, ORS 192.422, ORS  
26 192.427 and ORS 192.431.”

27  
28 **F. Initial Timeframe for Acknowledgement or Completion.**

29  
30 Upon receipt of a request to inspect or receive a copy of records by the  
31 Records Officer, the Records Officer shall have five (5) Business Days after  
32 receiving the request to Acknowledge receipt of the public records  
33 request or Complete the City’s response to the request.

34  
35 **G. Timeframe for Completion or Alternative Estimated Completion Date.**

36  
37 The City shall Complete its response to a written public records request  
38 that is received by the Records Officer as soon as practicable and without  
39 unreasonable delay; specifically, as soon as possible, but not later than

1 ten (10) Business Days after the date by which the City is required to  
2 acknowledge receipt (total 15 Business Days) the City shall: (a) Complete  
3 the public records request; and/or (b) Provide a written statement that  
4 the City is still processing the request and a reasonable estimated date by  
5 which the public body expects to complete its response based on the  
6 information currently available.

7  
8 **H. Timeframes not applicable in certain situations.**

9  
10 The five (5) and ten (10) Business Day timeframes listed above do not  
11 apply if compliance by the City would be impracticable because the staff  
12 or volunteers necessary to complete a response to the public records  
13 request are unavailable; or compliance would demonstrably impede the  
14 City's ability to perform other necessary services; or due to the volume of  
15 other public record requests being simultaneously processed by the City.

16  
17 **I. Tolling or Suspension of Timeframes.**

- 18  
19 **1. If the City has informed the requester of public records of a fee or**  
20 **fee estimate to complete the records request, the timeframes**  
21 **identified above are suspended until the requester has paid the fee**  
22 **or estimate in full, or the fee has been waived or reduced under**  
23 **applicable procedures or ordered waived or reduced on appeal.**  
24  
25 **2. If the City has in good faith requested additional information or**  
26 **clarification from a requester of public records, the City's**  
27 **obligation to complete under the timeframes identified above are**  
28 **suspended until the requester provides the requested information**  
29 **or clarification or affirmatively declines to provide that information**  
30 **or clarification.**

31  
32 **J. Closing the Request.**

- 33  
34 **1. If the City has informed the requester of public records of a fee or**  
35 **fee estimate to complete the records request, and the requester**  
36 **fails to pay the fee within 60 days of being informed or within 60**  
37 **days of denial of a fee waiver or reduction, the City shall close the**  
38 **records request.**

1           2. If the City has in good faith requested additional information or  
2           clarification from a requester of public records, and the requester  
3           fails to respond within 60 days of the request for information or  
4           clarification, the City shall close the request.

5  
6       **K. Certified Copies.**

7  
8           Upon request, the Records Officer shall furnish a certified copy of a  
9           record. "Certified" means an affirmative declaration on the cover sheet or  
10          last sheet of the copy certifying that the copy is a true and correct copy of  
11          an original or duplicate original and signed by the Records Officer.  
12          Certified copies are subject to additional fees as set forth in the Fee  
13          Resolution.

14  
15       **L. Review of Original Records.**

16  
17          If a request to inspect original records is made, the City shall permit such  
18          inspection provided that research fees are paid in advance. The Records  
19          Officer or a person designated by the Records Officer, or a Records  
20          Coordinator, shall be present at any time original records are reviewed. At  
21          no time shall an original record of the City be removed from the City's  
22          files or the place at which the record is regularly maintained, except upon  
23          authorization of the Records Officer. If at any time during inspection of  
24          records any person attempts to alter, remove, or destroy any original  
25          record, the person's inspection shall be terminated immediately and the  
26          Records Officer shall notify the Police Department and City Attorney.

27  
28       **M. Fee Waiver or Reduction: Whenever the City Manager determines that**  
29       **furnishing copies of public records in the City's possession at a reduced**  
30       **fee or without cost would be in the public interest because making a copy**  
31       **of the record available primarily benefits the general public, the City**  
32       **Manager may authorize the Records Officer to waive or reduce fees**  
33       **related to a particular records request. In addition, copies of the routine**  
34       **packet materials requested by the news media will be made available**  
35       **without charge. However, any request by the news media that requires**  
36       **more than one-half hour of staff time will be charged actual cost**  
37       **according to this Code and the adopted Fee Resolution.**

38  
39       **N. Appeal.**

1 A person who has submitted a written public records request in  
2 compliance with City Policy may seek review of the following, in the same  
3 manner as a person petitions when inspection of a public record is denied  
4 under ORS 192.311 to 192.338:

- 5
- 6 1. The failure of the City to provide the response required by ORS  
7 Chapter 192 within the prescribed period. A failure of the City  
8 to timely respond shall be treated as a denial of the request  
9 unless the City demonstrates that compliance was not required.  
10 (See e.g. Paragraphs H., I., and J. above).
- 11
- 12 2. An estimate of time provided by the City under 2.07.060.G., if  
13 the person believes that the estimated timeframe for response is  
14 unreasonably long and will result in undue delay of disclosure.
- 15
- 16 3. Any other instance in which the person believes that the City has  
17 failed to comply with ORS Chapter 192.
- 18
- 19 4. The District Attorney and the Court have the same authority  
20 with respect to petitions under this Section as when inspection  
21 of a public record is denied.
- 22

23 **SECTION 2. Findings Adopted.**

24

25 The findings contained in the Whereas Clauses of this ordinance together with the  
26 competent substantial evidence in the record of this legislative proceeding are  
27 incorporated into this section by reference as if fully set forth herein, and are adopted  
28 in support of this legislative action.

29

30 **SECTION 3. Repeal.**

31

32 On the effective date of this Ordinance, Resolution 2008-22 is hereby repealed.

33

34 **SECTION 4. Severability.**

35

36 The sections, subsections, paragraphs and clauses of this ordinance are severable. The  
37 invalidity of one section, subsection, paragraph, or clause shall not affect the validity  
38 of the remaining sections, subsections, paragraphs and clauses.

39


40 **SECTION 5. Ordinance Effective Date.**

1  
2 Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date  
3 of its adoption.


4  
5 **SECTION 6. Codification.** Provisions of this Ordinance shall be incorporated in the  
6 City of Lincoln City Municipal Code and the word "ordinance" may be changed to  
7 "code", "article", "section", "chapter" or another word, and the sections of this  
8 Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses  
9 and boilerplate provisions (i.e. Sections 2-6) need not be codified and the City  
10 Recorder is authorized to correct any cross-references and any typographical errors.

11  
12 The foregoing ordinance was distinctly read by title only in accordance with Chapter  
13 IX, Section 9.2 of the City of Lincoln City Charter on the 12th day of February, 2018  
14 (First Reading) and on the 26th day of February, 2018 (Second Reading).

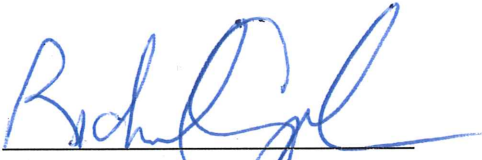
15  
16 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 26<sup>th</sup>  
17 day of February, 2018.

18  
19  
20  
21   
22 DON WILLIAMS,  
23 MAYOR

24 ATTEST:

25  
26  
27   
28 \_\_\_\_\_  
29 CATHY STEERE,  
30 CITY RECORDER

31  
32 APPROVED AS TO FORM:

33  
34  
35   
36 \_\_\_\_\_  
37 RICHARD APPICELLO,  
38 CITY ATTORNEY  
39