

ORDINANCE NO. G-4396

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE I, PHOENIX CITY CODE, BY ADDING SECTION 2-45.7; PRESCRIBING THE CONFIDENTIALITY OF PLANS AND SPECIFICATIONS OF PUBLIC BUILDINGS AND CITY PUBLIC WORKS FACILITIES; AND DECLARING AN EMERGENCY.

WHEREAS, the City through its departments may have within its possession, custody and control the plans and specifications for various federal, state, county and city buildings and city public works facilities;

WHEREAS, the City Council finds that disclosure of the plans and specifications of public buildings and city public works facilities, which include unusually detailed information regarding their electrical, communications, security, and structural systems, poses a clear and present danger to the security of the buildings, facilities and their occupants and that such disclosures are against the best interests of the city and state; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. Chapter 2, Article I, Phoenix City Code, is amended by adding Section 2-45.7, to read:

SEC. 2-45.7 CONFIDENTIALITY OF PUBLIC BUILDING AND CITY PUBLIC WORKS FACILITY PLANS AND SPECIFICATIONS.

A. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO DEPARTMENT, CUSTODIAN OF RECORDS OF THE DEPARTMENT, OR CITY EMPLOYEE SHALL FURNISH TO ANY PERSON FOR INSPECTION OR COPYING ANY PLANS AND SPECIFICATIONS OF PUBLIC BUILDINGS OR CITY PUBLIC WORKS FACILITIES IN THE DEPARTMENT'S POSSESSION, CUSTODY AND CONTROL.

B. NOTHING IN THIS SECTION SHALL PROHIBIT A DEPARTMENT FROM FURNISHING FOR INSPECTION AND COPYING PUBLIC BUILDING PLANS AND SPECIFICATIONS TO THE GOVERNMENTAL ENTITY THAT OWNS OR LEASES THE PUBLIC BUILDING OR TO SUCH OTHER PERSONS OR ENTITIES AS MAY BE DESIGNATED BY THE GOVERNMENTAL ENTITY AS AUTHORIZED TO RECEIVE THEM, OR PUBLIC BUILDING AND CITY PUBLIC WORKS FACILITY PLANS AND SPECIFICATIONS TO ANY PERSON WHERE SUCH DISCLOSURE IS OTHERWISE REQUIRED BY LAW.

C. THE DEPARTMENT MAY FURNISH THE PLANS AND SPECIFICATIONS FOR A CITY OWNED OR LEASED PUBLIC BUILDING OR PUBLIC WORKS FACILITY TO A CONTRACTOR ENGAGED IN OR BIDDING ON THE CONSTRUCTION OF THE PUBLIC BUILDING OR PUBLIC WORKS FACILITY OR ADDITIONS OR ALTERATIONS THERETO; PROVIDED, HOWEVER, THAT THE CONTRACT FOR THE WORK PROJECT SHALL CONTAIN LIMITATIONS ON USE AND DISCLOSURE OF THE PLANS AND SPECIFICATIONS, INCLUDING A PROVISION PROHIBITING THE CONTRACTOR FROM DISCLOSING THE PLANS AND SPECIFICATIONS TO ANY PERSON OTHER THAN THE CONTRACTOR'S EMPLOYEES, SUBCONTRACTORS, OR OTHER PERSONS WHO HAVE A NEED TO KNOW THE INFORMATION FOR PURPOSES OF THE PROJECT.

D. THE CITY MANAGER MAY AUTHORIZE THE RELEASE OF PLANS AND SPECIFICATIONS OF ANY CITY OWNED OR LEASED PUBLIC BUILDING OR PUBLIC WORKS FACILITY UPON A DETERMINATION THAT RELEASE OF THE INFORMATION DOES NOT JEOPARDIZE THE SAFETY OF THE PUBLIC OR PUBLIC EMPLOYEES, OR CREATE A RISK OF DAMAGE TO PUBLIC PROPERTY.

E. FOR PURPOSES OF THIS SECTION:

1. CITY PUBLIC WORKS FACILITY MEANS ALL CITY OWNED OR LEASED WATER AND SEWAGE TREATMENT PLANTS AND COLLECTION AND DISTRIBUTION SYSTEMS, AND TELECOMMUNICATIONS SYSTEMS.

2. PLANS AND SPECIFICATIONS MEAN THE ARCHITECT'S AND ENGINEER'S PLANS OF FLOORS, LEVELS, STRUCTURAL FEATURES AND ELEVATIONS AND MEMORANDUM SPECIFICATIONS OF THE MATERIAL AND NATURE OF CONSTRUCTION.

3. PUBLIC BUILDING MEANS ANY BUILDING OR ADDITION TO OR ALTERATION OF AN EXISTING BUILDING OWNED OR LEASED IN WHOLE OR IN PART BY THE CITY OR FEDERAL, STATE OR COUNTY GOVERNMENT.

SECTION 2. WHEREAS, the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Council as required by the City Charter and is hereby exempted from the referendum clause of said Charter.

PASSED by the Council of the City of Phoenix this 31st day of October, 2001.




ACTING MAYOR

ATTEST:



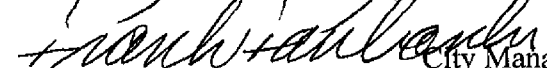
City Clerk

APPROVED AS TO FORM:




City Attorney

REVIEWED BY:



City Manager

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