ORDINANCE NO. 04-06

AN ORDINANCE OF BRIGHAM CITY AMENDING THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

WHEREAS, a recommendation has been made to amend the Government Records Access and Management Act; and

WHEREAS, the Brigham City Council has reviewed and discussed the need to have the ability to adjust the fee schedule by resolution from time to time; and

WHEREAS, the Brigham City Council finds that the amendment set forth below is appropriate and will promote the health, safety, and welfare of the citizens of Brigham City.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of Brigham City, Utah as follows:

Section 1: Section 2.04.080.B. Fee Schedule of the Brigham City Code is hereby amended to read in its entirety as follows:

B. Fee Schedule

The associated fees to obtain records under this Title shall be set by resolution of the City Council. These fees may be changed from time to time as determined by resolution of the City Council.

Section 2: This ordinance shall take effect immediately upon its adoption and first publication.

PASSED, ADOPTED, AND ORDERED PUBLISHED this 19th day of February, 2004.

BRIGHAM CITY CORPORATION

BY: _____
Lou Ann Christensen, Mayor

ATTEST:

_____
Mary Kate Christensen, City Recorder

RESOLUTION NO. 04-17

A RESOLUTION ESTABLISHING THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, FEE SCHEDULE

WHEREAS, the Brigham City Code has previously been amended to include part of the Government Records Access and Management Act as adopted by the State of Utah; and

WHEREAS, the Brigham City Code provides that the City Council may, by resolution, establish the fee schedule of the Government Records Access and Management Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, of Brigham City, Utah at regular meeting with 3 members present and 3 members voting in favor thereof, that the following charges be adopted as the cost of preparing and releasing copies of public records accessed under the provisions of Title 2.04.080 Government Records Access and Management Act as follows:

GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT FEE SCHEDULE

1. City offices and departments releasing copies of public records in accordance with this Title shall charge a reasonable fee to cover the City's actual cost of duplicating a record, compiling a record in a form other than that normally maintained by the City, postage, the cost of providing a certified copy of a record, or any other fee reasonably related to the City's cost of fulfilling the request for the record consistent with this Title.

2. A record may be provided without payment of the costs of duplication, if the duplication costs will not exceed $10.00 and the City determines that:

   a. The individual requesting the record is a member of the media and releasing the record primarily benefits the public;

   b. The individual requesting the record is the subject of the record.

3. The City may require payment of past fees and future estimated fees before beginning to process a request if fees are expected to exceed fifty dollars ($50.00), or if the requester has not paid fees from previous requests. Any prepaid amount in excess of fees due shall be returned to the requester.

4. Records provided by the City to members of the public for purposes of information, education or the solicitation of public opinion shall be subject to the fees authorized in this Title.

5. The following charges are imposed for special services, which are not ordinarily needed, requested or supplied to the general public, in order that the cost of such special services is paid by the person or persons receiving the benefit of the service and not by the general public.

City Records:

Regular City records (meeting minutes, agendas, staff reports, plats, construction drawings etc.) are more easily accessed/produced and are charged per the City records pricing section. Staff time to compile the request will also be charged as noted below.

Crime scene photo	$5.00
Fingerprints per card (residents)	5.00
Fingerprints per card (nonresidents)	10.00
Fingerprints for persons applying as a volunteer with a charitable and/or a nonprofit organization under Utah Code Unannotated Section 62A	no charge
Police report	10.00
Photograph for license	5.00

Costs for black & white prints:

11" X 17"	$1.00
17" X 22"	2.00
22" X 34"	3.00
24" X 36"	4.00
34" X 44"	5.00

Costs for color prints:

8.5" X 11"	$2.00
11" X 17"	2.00
17" X 22"	4.00
22" X 34"	6.00
24" X 36"	8.00
34" X 44"	10.00

Electronic files

3.5 Floppy	actual cost
Zip Disk	actual cost
CD	actual cost
Scanning	actual cost

Paper copy, 8 ½" by 11"	$0.25
Certified copy	5.00
Notarized copy/signature	no charge
Financial statement	actual cost

City budget 5.00

Fax .....(first page) 2.00
(each additional page) 1.00
Municipal code 300.00
(annual updates) 70.00
Tape recordings ..... actual cost

Costs for Staff time:

Map printing and production costs are dependent on the cost of staff time it takes to summarize, compile, or tailor the record to meet the person's request, plus the cost of the actual materials used. The hourly charge may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of the records, has the necessary skill and training to perform the request; provided, however, no charge shall be made for the first quarter hour of staff time.

It is further determined that this resolution shall take effect on the 19th day of February, 2004.

PASSED AND ADOPTED this 19th day of February, 2004.

BRIGHAM CITY CORPORATION

BY: Lou Ann Christensen

Lou Ann Christensen, Mayor

ATTEST:

Mary Kate Christensen

Mary Kate Christensen, City Recorder

RESOLUTION NO. 97-03

WHEREAS, Brigham City has previously adopted a policy with respect to access to and management of various records kept and maintained by Brigham City Corporation; and

WHEREAS, certain services were not available at the time of adoption of said ordinance, and

WHEREAS, other changes as noted in the following table have been recommended by the City Recorder,

NOW THEREFORE, be it resolved by the City Council of Brigham City, Utah, with 5 members present and 5 members voting, that the following rates are hereby adopted and amended for services provided by the City.

SUMMARY OF GRAMA FEES

Category	Current Rate	Proposed Rate	Explanation
Fingerprints	$5.00	$5.00 for residents; $10.00 for non residents	The Police Dept. was finding they were getting a lot of out-of-town requests for fingerprints because the City was charging much less than surrounding cities. It was decided to keep the residents at the lower rate and charge a higher fee for non-residents.
Blue lines	$1.00	$2.00	After a review of actual costs an increase is recommended.
Notarized copy	$5.00	No charge	Administration feels this should be a service for residents. This requires a minimum amount of employees' time, and basically no expense.
GIS mapping	N/A	Actual costs	This service was unavailable at the adoption of the ordinance.
Disks	N/A	Actual costs	This was not included in the original ordinance. Since that time we have had some requests for copies of the Zoning ordinances and Brigham City Code. If they bring their own disks, the employee's time will be charged; if they do not bring a disk, they will be charged for the disk and employee's time.

This resolution will take effect date this 3rd day of April, 1997.

BY: Clark N. Davis, Mayor

ATTEST: Dennis E. Sheffield, CPA
Director of Finance/City Recorder

4/26

ORDINANCE NO. 95-04

AN ORDINANCE OF THE CITY OF BRIGHAM CITY ADOPTING THE "GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT" CONTAINED IN SECTION 63-2-101 ET SEQ. OF THE UTAH CODE

WHEREAS, a request has been made that Brigham City adopt a policy with respect to access to and management of various records kept and maintained by Brigham City Corporation; and

WHEREAS, the Brigham City Recorder has reviewed and recommended that the "Government Records Access and Management Act", as adopted by the State of Utah, should be adopted by Brigham City; and

WHEREAS, City is desirous of adopting and maintaining a local appeals process in conjunction with records requests for the purpose of avoiding State involvement; and

WHEREAS, City is desirous of establishing a fee schedule relating to requests for records; and

WHEREAS, at least 15 days public notice was given and a public hearing was then held concerning the proposed adoption of the "Government Records Access and Management Act"; and

WHEREAS, it appears to be in the best interest of the citizens of Brigham City that the Government Records Access and Management Act, as set forth below, be adopted by Brigham City.

NOW BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF BRIGHAM CITY, UTAH AS FOLLOWS:

Section 1: Section 2.04 of the Brigham City Code is hereby amended to include a new section designated as Section 2.04.080 which shall read as follows:

2.04.080. Government Records Access and Management Act. The "Government Records Access and Management Act" as adopted by the State of Utah and contained in Sections 63-2-101 through 63-2-909, Utah Code Annotated (1992) with the exception of Section 63-2-403 are hereby approved and adopted as part of the Code of Brigham City.

Section 2. Section 63-2-403 of the Government Records Access and Management Act as adopted by the State of Utah and contained in Utah Code Annotate (1992) is hereby approved and adopted in its entirety with the exception that the appeals process set forth therein is to advance through the City Council rather than the Records Committee, as set forth below:

63-2-403. Appeals to the City Council

(1) The petitioner, including an aggrieved person who did not participate in the appeal to the governmental entity's chief administrative officer, may appeal to the City Council by filing a notice of appeal with the City Recorder no later than:

(a) 30 days after the chief administrative officer of the governmental entity has granted or denied the records request in whole or in part, including a denial under Subsection 63-2-204(7);

(b) 45 days after the original request for records if:

(i) the circumstances described in Subsection 63-2-401(1)(b) occur; and

(ii) the chief administrator officer failed to make a determination under Section 63-2-401.

(2) The notice of appeal shall contain the following information:

(a) The petitioner's name, mailing address, and daytime telephone number;

(b) A copy of any denial of the records request; and

(c) The relief sought.

(3) The petitioner may file a short statement of facts, reasons and legal authority in support of the appeal.

(4) No later than three business days after receiving a notice of appeal, the City Recorder shall:

(a) schedule a hearing for the City Council to discuss the appeal which shall be held no sooner than 15 days and no later than 30 days from the date of the filing of the appeal;

(b) send a copy of the notice to the petitioner; and

(c) send a copy of the notice of appeal, supporting statement, and a notice of hearing to:

(i) each member of the City Council;

(ii) the records officer and the chief administrative officer of the governmental entity from which the appeal originated;

(iii) any person who made a business confidentiality claim under Section 63-2-308 for a record that is the subject of the appeal; and

(iv) all persons who participated in the proceedings before the governmental entity's chief administrative officer.

(5) No later than ten business days after receiving the notice of appeal, the governmental entity may submit to the City Recorder of the City Council a written statement of facts, reasons, and legal authority in support of its position. The governmental entity shall send a copy of the written statement to the petitioner by first class mail, postage prepaid. The City Recorder shall forward a copy of the written statement to each member of the City Council.

(6) No later than ten business days after the notice of appeal is sent by the City Recorder a person whose legal interest may be substantially affected by the proceeding may file a request for intervention before the City Council. Any written statement of facts, reasons, and legal authority in support of the intervener's position shall be filed with the request for intervention. The person seeking intervention shall provide copies of the statement to all parties to the proceedings before the City Council.

(7) The City Council shall hold a hearing no sooner then 15 days and no later than 30 days after receiving the notice of appeal.

(8) At the hearing, the City Council shall allow the parties to testify, present evidence, and comment on the issues. The City Council may allow other interested persons to comment on the issues.

(9) (a) The City Council may review the disputed records. The review shall be in camera.

(b) Members of the City Council may not disclose any information or record reviewed by the City Council in camera unless the disclosure is otherwise authorized by this chapter.

(10) (a) Discovery is prohibited, but the City Council may issue subpoenas or other orders to compel production of necessary evidence.

(b) The City Council's review shall be de novo.

(11) (a) No later than three business days after the hearing, the City Council shall issue a signed order either granting

the petition in whole or in part or upholding the determination of the governmental entity in whole or in part.

(b) The City Council may, upon consideration and weighing of the various interest and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private, controlled, or protected if the public interest favoring access outweighs the interest favoring restriction of access.

(c) In making a determination under Subsection (b), the City Council shall consider and, where appropriate, limit the requestor's use and further disclosure of the record in order to protect privacy interests in the case of private or controlled records, business confidentiality interest in the case of records protected under Subsections 63-2-304(1)and (2), and privacy interest of the public interest in the case of other protected records.

(12) The order of the City Council shall include:

(a) A statement of reasons for the decision, including citations to this chapter, court rule or order, and other state statute, federal statute, or federal regulation that governs disclosure of the record, provided that the citations do not disclose private, controlled, or protected information;

(b) A description of the record or portions of the record to which access was ordered or denied, provided that the description does not disclose private, controlled, or protected information, or information exempt from disclosure under Subsection 63-2-201(3)(b);

(c) A statement that any party to the proceeding before the City Council may appeal the City Council's decision to District Court; and

(d) A brief summary of the appeals process, the time limits for filing an appeal, and a notice that in order to protect

its rights on appeal, the party may wish to seek advice from an attorney.

(13) If the City Council fails to issue a decision within 35 days of the filing of the notice of appeal, that failure shall be considered the equivalent of an order denying the appeal. The petitioner shall notify the City Council in writing if he considers the appeal denied.

Section 3. Fee Schedule.

A. City offices and departments releasing copies of public records in accordance with this title, shall charge a reasonable fee to cover the City's actual cost of duplicating a record, compiling a record in a form other than that maintained by the City, postage, the cost of providing a certified copy of a record, or any other fee reasonably related to the City's cost of fulfilling the request for the record consistent with this Chapter.

B. A record may be provided without payment of the costs of duplication, if the duplication costs will not exceed $10.00 and the City determines that:

1. The individual requesting the record is a member of the media and releasing

the record primarily benefits the public rather than a person;

2. The individual requesting the record is the subject of the record or is a person authorized under the Government Records Access and Management Act to have access to the subject's record; or

3. The record is to be released to another governmental entity for a public purpose.

C. The City may require payment of past fees and future estimated fees before beginning to process a request if fees are expected to exceed twenty-five dollars ($25.00), or if the request has not paid fees from previous requests. Any prepaid amount in excess of fees due shall be returned to the requester.

D. Records provided by the City to members of the public for purposes of information, education or the solicitation of public opinion shall be subject to the fees authorized in this Section.

E. Charges Imposed for Special Services.

The following charges are imposed for special services which are not ordinarily needed, requested or

supplied to the general public, in order that the cost of such special services is paid by the person or persons receiving the benefit of the service and not by the general public.

1. Police Department:

Crime Scene Photos:

	Black and White	Color
3" x 4"	$3.50	$ 4.50
4" x 5"	$4.50	$ 5.50
5" x 7"	$5.00	$ 7.00
8" x 10"	$7.00	$10.00
Fingerprints per card		$ 5.00
Fingerprints for persons applying as volunteer with a charitable and/or a non-profit organization under Section 62A-4-514, Utah Code Annotated		No Charge
Police reports		$ 5.00
Photographs for licenses		$ 5.00

2. Public Works:

All blue line copies	$ 1.00

3. City Records:

Copy, per page		$ .25
Certified copy	+	$ 5.00
Notarized copy	/signature	$ 5.00
Financial Statement		Actual Costs
City budget		$ 5.00
FAX		$ 2.00 first page + $1.00 ea. add. page
Municipal Code		$300.00 + $70.00 for ann. updates
Tapes		Actual costs

Section 4. This ordinance shall take effect immediately upon its adoption and first publication.

PASSED, ADOPTED AND ORDERED PUBLISHED this 3rd day of February, ~~1993~~. 1995

BRIGHAM CITY CORPORATION

CLARK N. DAVIS, MAYOR

ATTEST:

DENNIS SHEFFIELD
CITY RECORDER

pj/8:recacc.ord

Before 4/12
Call for
copy
Called on 4/21
will send copy

State of Utah

Department of Administrative Services
Division of Archives & Records Services

Michael O. Leavitt
Governor
Raylene G. Ireland
Executive Director
Jeffery O. Johnson
Division Director

State Capitol Archives Building
Salt Lake City, Utah 84114-1021
Tel: (801) 538-3012
Fax: (801) 538-3354

March 27, 1995

Dear Chief Administrative Officer:

Local Governments have the option to adopt the entire Government Records Access and Management Act (GRAMA), or to create their ordinance or policy. The State Archives is required to submit an annual report to the Governor and State Legislature on GRAMA, providing a list of those local government adopting optional ordinances/policies. According to our records your local government **has not adopted** such an ordinance/policy. If this is not correct please notify us (538-3012).

This letter also assists us in updating our mailing list. Please complete this form and return by **April 17.**

Thank you for your assistance.

Sincerely,

Tim Few

We have adopted an ordinance - it was approved @ City Council on 2/3/95

Tim Few
Local Government Records Archivist

Who is your records officer? Mary Kate Christensen

Governmental entity name: Brigham City Corporation

Address: 20 North Main, Brigham City, UT 84302

Telephone number: ~~723-6634~~ 734-2001

Please complete and return by April 17, 1995: GRAMA Ordinance/Policy Report, Utah State Archives, State Capitol, Salt Lake City, UT 84114-1021 or fax: (801) 538-3354.

RECEIVED
MAR 28 1995