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To Pat	From Brett / Shirlyn
Co.	Co. Springville City
Dept.	Phone # 489-2700
Fax # 538-3354	Fax # 489-2709

Resolution No._____

A RESOLUTION SETTING FEES FOR COPYING, COMPILING AND CERTIFYING RECORDS UNDER SPRING ILLE CITY'S GRAMA ORDINANCE.

Be it resolved by the City Council of Springville, Utah

1. Until revised by the City Council, fees for copying, compiling and certifying records under Springville City's GRAMA ordinance shall be as follows

(a) Photocopies (color not included) shall be 25 cents per copy for one-sided copies. Double-sided copies shall be 50 cents.

(b) If it takes the City longer than twenty (20) minutes to compile and copy a record, the City shall charge one dollar ($1) for every ten- (10) minute increment thereafter. The City shall round up to the next ten-minute period for times in between. Other than the actual cost of photocopies or certifying, there is no charge for the first twenty (20) minutes.

(c) The City shall charge 25 cents to certify each record. If individual pages of each record need to be certified, there will be no additional charge over the initial 25 cents that will be assessed.

2. The full cost of making a record available may be charged by the city including all costs associated in compiling a record in a form or format other than that maintained by the City.

. The City may fulfill a request without charge when it determines that

(a) releasing the records primarily benefits the public rather than a person; or

(b) the individual requesting the record is the subject of the record; or

(c) the applicants; legal rights are directly implicated by the information in the record, and the applicant is impecunious.

4. The City shall not charge a fee for

(a) reviewing a record to determine whether it is subject to disclosure; or

(b) inspecting a public record.

5. This section does not apply to, alter, repeal, or reduce fees established by other sections of these ordinances or other statutes.

6. Payment for the duplication of a record shall be paid before a record application is processed if the fees are expected to exceed fifty dollars ($50), or if the applicant has not paid fees from previous requests. Any prepaid amount in excess of the actual cost due shall be returned to the applicant.

7. All fees received under this section by the City shall be deposited into the City's general fund.

Adopted by the City Council of Springville, Utah, this _____ day of _____, 1994.

Attest

_____
Delora P. Bertelsen, Mayor

_____
City Recorder

Ordinance No. _____

AN ORDINANCE AMENDING SPRINGVILLE CITY'S RECORDS, ACCESS AND MANAGEMENT PROGRAM; AND AMENDING SECTIONS 2-12-13 AND 2-12-14 OF SPRINGVILLE CITY CODE 1991.

Be it ordained by the City Council of Springville, Utah:

SECTION 1: Section 2-12-13 of Springville City Code 1991 is hereby adopted to read as follows:

2-12-13: Records classification. (1) The city shall:

(a) examine all records or record series that it creates or to which it adds information [~~after April 1, 1992;~~

(b) classify those records or record series as provided by this Chapter;

(c) designate a primary classification for the majority of the information in the record series as public, private, confidential, or protected; and

(d) indicate whether information within a classification other than the primary classification is present in the record series, and list the appropriate classifications.

(2) The city is not required to [~~re~~]classify any record or record series created [~~before April 1, 1992,~~] until

[~~(a) information is added to the record series; or~~

~~(b)~~] a person requests access to the record or to a record within the record series.

(3) The city may reclassify a record or record series at any time.

SECTION 2: Section 2-12-14 of Springville City Code 1991 is hereby amended to read as follows:

2-12-14: Records Retention. [~~The City Council shall by Resolution establish a retention schedule for a record series.~~] Springville City adopts UCA 63-2-903.

SECTION 3: This ordinance shall become effective _____, 1994.

SECTION 4: The City Recorder shall cause this Ordinance or a short summary hereof to be published in the Springville Herald, a newspaper published and of general circulation in the City.

Adopted by the City Council of Springville, Utah, this _____ day of _____, 1994.

Attest:

_____
Delora P. Bertelsen, Mayor

_____
City Recorder

Ordinance No. 9-92

AN ORDINANCE ESTABLISHING A RECORDS, ACCESS AND MANAGEMENT PROGRAM; AND ADOPTING SECTIONS 2-12-1 THROUGH 2-12-17 AND REPEALING SECTION 2-5-9 OF SPRINGVILLE CITY CODE 1991.

Be it ordained by the City Council of Springville, Utah:

SECTION 1: Section 2-12-1 of Springville City Code 1991 is hereby adopted to read as follows:

2-12-1: Short title. This Chapter is known as the "Springville Government Records Access and Management Ordinance."

SECTION 2: Section 2-12-2 of Springville City Code 1991 is hereby adopted to read as follows:

2-12-2: Purpose and Intent. (1) In adopting this chapter, the city recognizes two fundamental rights:

(a) the public's right of access to information concerning the conduct of the public's business.

(b) the right of privacy in relation to personal data gathered by the city; and

(2) It is the intent of the city to:

(a) promote the public's right of easy and reasonable access to unrestricted public records;

(b) provide clear standards specifying those conditions under which the public interest in allowing restrictions on access to records outweighs the public's interest in access;

(c) prevent abuse of confidentiality by the city by permitting confidential treatment of records only as provided in this chapter;

(d) provide guidelines for both disclosure and restrictions on access to government records, which are based on the equitable weighing the pertinent interests and which are consistent with national standards of information practices; and

(e) establish fair and reasonable records management practices.

SECTION 3: Section 2-12-3 of Springville City Code 1991 is hereby adopted to read as follows:

2-12-3: Definitions. As used in this Chapter:

(1) "Audit" means:

(a) a systematic examination of financial, management, programmed, and related records, for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws and regulations; or

(b) a systematic examination of programmed procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

(2) "Chronological logs" means the regular and customary records of law enforcement agencies and other public safety

(iii) the nature or general scope of the agency's initial action taken in response to the incident;

(iv) the general nature of any injuries or estimate of damages sustained in the incident;

(v) the name, address, and other identifying information about any person arrested or charged in connection with the incident;

(vi) the identity of public safety personnel (except undercover personnel) or prosecuting attorney involved in responding to the initial incident.

(b) initial contact reports do not include follow-up or investigative reports prepared after the initial contact report. However, if the information specified in subsection (a) appears in the follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under section 2-12-4(3)(b).

(11) "Individual" means a human being.

(12) "Person" means any individual, nonprofit or profit corporation, partnership, sole proprietorship, or other type of business organization.

(13) "Private record" means a record containing data on individuals that is private as provided by Section 2-12-10.

(14) "Private provider" means any person who contracts with the city to provide services directly to the public.

(15) "Protected record" means a record that is classified protected as provided by Section 2-12-11.

(16) "Public record" means a record that is not private, controlled, or protected and that is not exempt from disclosure as provided in Section 2-12-4(3)(b).

(17)(a) "Record" means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recording, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, received, or retained by the city, and where all of the information in the original is reproducible by photocopy or other mechanical or electronic means;

(b) "Record" does not mean:

(i) temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for personal use of an individual for whom he is working;

(ii) materials that are legally owned by an individual in his private capacity;

(iii) materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the city;

(iv) proprietary software:

(v) junk mail or commercial publications received by the city or an official or employee of a city;

(vi) books and other materials that are cataloged, indexed, or inventoried and contained in the collections of libraries open to the public, regardless of physical form or characteristics of the material;

(5)(a) The city is not required to create a record in response to a request.

(b) Nothing in this Chapter requires the city to fulfill a person's records request if the request unreasonably duplicates a prior records request from that person.

(6) If the city owns a copyright or patent affecting a record, and offers the copyrighted or patented record for sale, the city may control by ordinance or policy the access, duplication, nd distribution of the material based on terms the city considers to be in the public interest. Nothing in this Chapter shall be construed to limit or impair the rights or protections granted to the city under federal copyright or patent law as a result of its ownership of the copyright or patent.

SECTION 5: Section 2-12-5 of Springville City Code 1991 is hereby adopted to read as follows:

2-12-5: Access to Non-Public Records. (1) Upon request the city shall disclose a record that is classified private to:

(a) the subject of the record;

(b) the parent or legal guardian of an unemancipated minor who is the subject of the record;

(c) the legal guardian of a legally incapacitated individual who is the subject of the record;

(d) any other individual who:

(i) has a power of attorney from the subject of the record; or

(ii) submits a notarized release from the subject of the record or his legal representative dated no later than 30 days before the date the request is made; or

(e) any person who has a court order signed by a judge from a court of competent jurisdiction to the extent that the record deals with a matter in controversy over which the court has jurisdiction after the court has considered the merits of the record request.

(2)(a) Upon request, the city shall disclose a record that is classified controlled to:

(i) a physician, psychologist, or certified social worker upon submission of a notarized release from the subject of the record that is dated no more than 30 days prior to the date the request is made and a signed acknowledgement of the terms of disclosure of confidential information as provided by subsection (2)(b); or

(ii) any person who has a court order signed by a judge from a court of competent jurisdiction to the extent that the record deals with a matter in controversy over which the court has jurisdiction after the court has considered the merits of the record requested.

(b) A person who receives a record from the city in accordance with subsection (2)(a)(i) may not disclose controlled information from that record to any person, including the subject of a record.

(2) Except as provided in subsection (3), the city shall respond to a records request no later than ten business days after receiving the request by:

(a) approving the request and providing the record;

(b) denying the request;

(c) notifying the requester that it does not maintain the record and providing, if known, the name and address of the city or other agency that does maintain the record; or

(d) notifying the requester that because of the extraordinary circumstances listed in subsection (4), it cannot immediately approve or deny the request, and specifying the earliest time and date when the records will be available.

(3) If a requester demonstrates that he is a member of the news media or that expedited release of the record benefits the public rather than an individual, the city shall respond to a records request no later than five business days after receiving the request.

(4) The following circumstances constitute "extraordinary circumstances" that allow a city to delay approval or denial by an additional number of days as specified in subsection (5) if the city determines that due to the extraordinary circumstances it cannot respond within the time limits provided in subsection (2) or (3):

(a) another governmental entity is using the record, in which case the city shall immediately request that the governmental entity currently in possession return the record;

(b) another governmental entity is using the record as part of an audit and returning the record before the completion of the audit would impair the conduct of the audit;

(c) the request is for a voluminous quantity of records;

(d) the city is currently processing a large number of records requests;

(e) the request requires the city to review a large number of records to locate the records requested;

(f) the decision to release a record involves legal issues requiring analysis of statutes, rules, ordinances, regulations, or case law;

(g) separating public information from private, confidential, or protected information requires extensive editing;

(h) separating public information from private, confidential, or protected information requires computer programming; or

(i) after reasonable search for the record, the City determines the record has been lost.

(5) If the city claims that one of the extraordinary circumstances listed in subsection (4) precludes approval or denial within the time specified in subsection (2) or (3), the following time limits apply to the circumstances:

(a) for claims under subsection (4)(a), the governmental entity currently in possession of the record shall return the record to the city within five business days of the request for the return unless returning the record would impair the holder's work.

SECTION 9: Section 2-12-9 of Springville City Code 1991 is hereby adopted to read as follows:

2-12-9: Records that Must be Classified Public Records. The city shall classify the following records as public except to the extent they contain information expressly permitted to be classified as exempt from disclosure under the provisions of Section 2-12-4(3)(b), 2-12-10, 2-12-11, or 2-12-12.

(1) names, gender, gross compensation, job titles, job descriptions, job qualifications, business addresses, business telephone numbers, number of hours worked per pay period, and dates of employment of its former and present employees and officers excluding undercover law enforcement officers or investigative personnel if disclosure would impair the effectiveness of investigations or endanger any person's safety;

(2) final opinions, including concurring and dissenting opinions, and orders that are made by a city in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they obtain information classified as private, protected or confidential;

(3) final interpretation of ordinances or rules by the city unless classified as protected as provided in Section 2-12-13.

(4) information contained in or compiled from a transcript, minutes, or reproduction of a proceeding of a city including the records of all votes of each member of the City Council or other board or commission except as provided by the Open and Public Meetings Act;

(5) ordinances and regulations;

(6) judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are properly classified as private;

(7) records containing data on individuals that would otherwise be classified as private if the individual who is the subject of the record has given the city written permission to make the records available to the public;

(8) records that do not contain data on individuals if the public's interest in access outweighs the interest of the city or other persons who seek to prevent disclosure;

(9) original data in a computer program if the city chooses not to disclose the program and the data is not otherwise classified as private, confidential or protected;

(10) administrative staff manuals, instructions to staff, and statements of policy;

(11) records documenting a contractor's or private provider's compliance with the terms of a contract with the city;

(12) records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the city;

(13) records documenting the compensation that the city pays to a contractor or private provider;

(14) contracts entered into by the city;

(i) information provided to the city for the purpose of complying with a financial insurance requirement; or

(ii) records that must be disclosed in accordance with the provisions of any statute;

(c) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy; and

(d) records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it.

SECTION 11: Section 2-12-11 of Springville City Code 1991 is hereby adopted to read as follows:

2-12-11: Controlled Records. A record is controlled if

(1) the record contains medical, psychiatric, or psychological data about an individual;

(2) the city reasonably believes that:

(a) releasing the information in the record to the subject of the record would be detrimental to the subject's mental health or to the safety of any individual; or

(b) releasing the information would constitute a violation of normal professional practice and medical ethics; and

(3) the city has properly classified the record.

SECTION 12: Section 2-12-12 of Springville City Code 1991 is hereby adopted to read as follows:

2-12-12: Records that May be Classified as Protected. The following records are protected if properly classified by the city:

(1) trade secrets as defined in Utah Code Annotated 1953 Section 13-24-2, if the person submitting the trade secret has provided the city with the information specified in Utah Code Annotated 1953 Section 63-2-308, as amended;

(2) commercial or non-individual financial information obtained from a person if:

(a) disclosure of the information would result in unfair competitive injury to the person submitting the information or would impair the ability of the city to obtain necessary information in the future;

(b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

(c) the person submitting the information has provided the city with the information specified in Utah Code Annotated 1953 Section 63-2-308, as amended;

(3) commercial or financial information acquired or prepared by the city to the extent that a disclosure would lead to financial speculations in currencies, securities, or commodities that will

(e) reasonably could be expected to disclose investigative techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement efforts;

(9) records, the disclosure of which would jeopardize the life or safety of an individual;

(10) records, the disclosure of which would jeopardize the security of governmental record-keeping systems from damage, theft, or other appropriation for use contrary to law or public policy;

(11) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation or parole;

(12) records that would disclose audit techniques, procedures, and policies if disclosure would risk circumvention of an audit;

(13) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

(14) records prepared by or on behalf of the city in anticipation of litigation that are not available under the rules of discovery, unless the records are otherwise classified as public;

(15) records disclosing an attorney's work product, including the mental impressions, or legal theories of an attorney or other representative of the city concerning litigation;

(16) records of communications between the city and an attorney representing, retained or employed by the city if the communications would be privileged as provided in Utah Code Annotated 1953 Section 78-24-8, as amended;

(17) personal files of a member of the city council, but not correspondence that gives notice of legislative action or policy;

(18) drafts, unless otherwise classified as public;

(19) records concerning a city's strategy about collective bargaining or pending litigation;

(20) records of investigations of loss occurrences and analyses of loss occurrences;

(21) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

(22) records that reveal the location of historic, prehistoric, palentological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

(23) records of personnel evaluation, appointments, retention decisions, and promotions generated in a meeting closed in accordance with the Utah Open and Public Meetings Act;

(24) records of the Mayor's office, including, but not limited to, budget recommendation, legislative proposals and policy statements, that if disclosed would reveal the Mayor's contemplated policies or contemplated courses of action before the Mayor has

(c) designate a primary classification for the majority of the information in the record series as public, private, confidential, or protected; and

(d) indicate whether information within a classification other than the primary classification is present in the record series, and list the appropriate classifications.

(2) The city is not required to reclassify any record or record series created before April 1, 1992, until:

(a) information is added to the record series; or

(b) a person requests access to the record or to a record within the record series.

(3) The city may reclassify a record or record series at any time.

SECTION 14: Section 2-12-14 of Springville City Code 1991 is hereby adopted to read as follows:

2-12-14: Records Retention. The City Council shall by Resolution establish a retention schedule for a record series.

SECTION 15: Section 2-12-15 of Springville City Code 1991 is hereby adopted to read as follows:

2-12-15: Separation of Records. Notwithstanding any other provision in this Chapter, if the city receives a request for access to a record in a record series that is classified as private, confidential, or protected, and the record contains information that standing alone would be public and intelligible, the city:

(1) shall allow access to public information in the record; and

(2) may deny access to information in the record if the information is exempt from disclosure, issuing a notice of denial.

SECTION 16: Section 2-12-16 of Springville City Code 1991 is hereby adopted to read as follows:

2-12-16: Appeals. (1) Any person aggrieved by the city's determination under Section 2-12-7, including a person not a party to the city's proceeding, may appeal the determination to the City Council by filing a notice of appeal.

(2) The notice of appeal must be filed with the City Recorder no later than:

(a) 30 days after the city has responded to the records request by either providing the requested records or denying the request in whole or in part; or

(b) 35 days after the original request, if the city failed to respond to the request.

(3) The notice of appeal shall contain the following information;

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

SECTION 18: Section 2-5-9 of Springville City Code 1991 is hereby repealed.

[~~2-5-9: Public Records. (1) The books, records, accounts and documents of the City shall be kept at the office of the City Recorder. Except as otherwise provided in subsection (4) below, copies of all such records shall be open and available to the public during regular business hours for examination and copying.~~

~~(2) Except as provided otherwise in subsection (4) below, every person has a right to inspect and take a copy of any public writing, except as otherwise expressly provided by statute. If a copy is made by the City Recorder, the Recorder shall charge such reasonable fee for the copy as the Recorder shall deem necessary to cover the City's cost of making the same.~~

~~(3) Except as provided otherwise in subsection (4) below, the City Recorder shall provide a certified copy to any person who requests the same of any public record in the City Recorder's custody, on payment of the legal fees therefor.~~

~~(4) A person may have access to all public records, as defined above, which have not been classified as confidential for public policy reasons. For purposes of this section, the following records are hereby classified as confidential for public policy reasons:~~

~~(a) Law enforcement and other investigative records, the disclosure of which would compromise the pending investigation or prosecution of any person, but not including public records filed with any court;~~

~~(b) Records pertaining to purchases of real property contemplated by the city but not yet consummated;~~

~~(c) Records concerning the deployment or operations of security devices or personnel, including any records which would or may enable any person to anticipate or interfere with the actions of any peace officer;~~

~~(d) Personally-identifiable records concerning the physical or mental health of an employee or the dependant of an employee;~~

~~(e) Records concerning the commission of acts by an identifiable juvenile, which acts, if committed by an adult, would have been a public offense;~~

~~(f) Judicial records of a criminal conviction which have been expunged or sealed pursuant to order of a court of competent jurisdiction;~~

~~(g) Records concerning the commission of a public offense by a personally-identifiable individual, when the offense was committed over two years before the request for disclosure was made, but not including any public records of any court;~~

~~(h) Personal information (such as date of birth, social security number, marital status, employment, dependents, health and similar matters) when such information is obtained by the city pursuant to a request for city utility services or pursuant to an application for employment with the city;~~