

RESOLUTION NO. 08-26-92-1

A RESOLUTION ADOPTING A GOVERNMENT RECORDS ACCESS AND MANAGEMENT POLICY AND RELATED REGULATIONS FOR SALT LAKE COUNTY SEWERAGE IMPROVEMENT DISTRICT NO. 1.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF SALT LAKE COUNTY SEWERAGE IMPROVEMENT DISTRICT NO. 1:

1. Adoption. The following is hereby adopted as the Records Access and Management Policy and Regulations of Salt Lake County Sewerage Improvement District No. 1:

SALT LAKE COUNTY SEWERAGE IMPROVEMENT DISTRICT NO. 1

DISTRICT RECORDS ACCESS AND MANAGEMENT REGULATIONS

Section 1. Purpose. In enacting this policy, it is the purpose and intent of the Board of Trustees to adopt a policy acknowledging and complying with the Government Records Access and Management Act as contained in Chapter 2 of Title 63 of the Utah Code Annotated 1953, as amended, (hereinafter referred to as the Act), and specifically to conform with Section 63-2-701 of the Act which provides that the District may adopt a policy relating to information practices of the District including classification, designation, access, denials, segregation appeals, management, retention and amendment of records.

Section 2. Compliance with State Law. In enacting this policy the Board of Trustees hereby adopts and incorporates by reference the following provisions of the Act as part of this policy and regulations as though fully set forth herein. Any inconsistency or conflict between this policy and the following referenced statutes of the State of Utah shall be governed by the statute.

General Provisions

63-2-102 Legislative Intent
63-2-103 Definitions
63-2-104 Administrative Procedures Act not applicable
63-2-105 Confidentiality Agreements

Access to Records

63-2-201 Right to inspect records and receive copies of records
63-2-202 Access to private, controlled and protected documents
63-2-205 Denials
63-2-206 Sharing records

Classification

- 63-2-301 Records that must be disclosed
- 63-2-302 Private records
- 63-2-303 Controlled records
- 63-2-304 Protected records
- 63-2-305 Procedure to determine classification
- 63-2-306 Duty to evaluate records and make designations and classifications
- 63-2-307 Segregation of records
- 63-2-308 Business confidentiality claims

Confidential Treatment of Records

- 63-2-405 Confidential treatment of records for which no exemption applies

Accuracy of Records

- 63-2-601 Rights of individuals on whom data is maintained
- 63-2-602 Disclosure to subject of records - Context of use

Applicability to Political Subdivisions

- 63-2-701 Political subdivisions to enact ordinances in compliance with chapter

Remedies

- 63-2-801 Criminal penalties
- 63-2-802 Injunction - Attorneys' Fees
- 63-2-803 No liability for certain decisions of a governmental entity
- 63-2-804 Disciplinary action

Archives and Records Service

- 63-2-905 Records declared property of the State - Disposition
- 63-2-907 Right to replevin

Section 3. Additional Definitions. As used in this policy, certain words and terms are defined as follows:

A. "Act" shall refer to the Government Records Access and Management Act, Chapter 2 of Title 63 of the Utah Code Annotated 1953, as amended.

B. "Computer software program" means the series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation, manuals, or other source material

explaining how to operate the software program. "Software" does not include the original data or record which is manipulated by the software.

C. "Controlled records" shall be those defined as controlled under the provisions of this policy and in accordance with the provisions of the Act.

D. "Data" shall refer to individual entries (for example, birth date, address, etc.) in records.

E. "Dispose" means to destroy, or render irretrievable or illegible, a record or the information contained in it by any physical, electronic, or other means, including unauthorized deletion or erasure of electronically recorded audio, visual, non-written formats, data processing, or other records.

F. "District" shall mean Salt Lake County Sewerage Improvement District No. 1.

G. "Non-public records" shall refer to those records defined as private, controlled, or protected under the provisions of this policy and the Act.

H. "Private records" shall refer to those records classified as private under the provisions of this policy and the Act.

I. "Protected records" shall refer to those records classified as protected under the provisions of this policy and the Act.

J. "Public records" shall refer to those records which have not been classified as non-public in accordance with the provisions of this policy and the Act.

K. 1. "Record" means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the District where all the information in the original is reproducible by some mechanical, electronic, photographic or other means.

2. "Record" does not mean:

a. Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom he or she is working;

b. Materials that are legally owned by an individual in his or her private capacity;

c. Materials to which access is limited by the laws of copyright or patent;

d. Junk mail or commercial publications received by the District or by an officer or employee of the District;

e. Books and other materials that are catalogued, indexed, or inventoried and contained in the collections of county libraries open to the public, regardless of physical form or characteristics of the material;

f. Personal notes or daily calendars prepared by any District employee for personal use or the personal use of a supervisor or such notes, calendars or internal memoranda prepared for the use of an officer acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed pursuant to the Utah Open Meetings Act; or

g. Proprietary computer software programs as defined above that are developed or purchased by or for the District for its own use.

Section 4. Public Access to Records.

A. Members of the public shall have the right to see, review, examine and take copies, in any format maintained by the District, of all District governmental records defined as "public" under the provisions of this policy, upon the payment of the lawful fee and pursuant to the provisions of these regulations, the Act, and policies and procedures developed hereunder.

B. The District has no obligation to create a record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept.

C. When a record is temporarily held by a custodial District agency, pursuant to that custodial agency's statutory functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purposes of this policy. The record shall be considered a record of the District and any requests for access to such records shall be directed to the District, rather than the custodial agency, pursuant to these procedures.

Section 5. Public, Private, Controlled, Protected Records.

A. Public records shall be those District records as defined in the Act, 63-2-201 (U.C.A., 1953, as amended). Public records shall be made available to any person. All District records are considered public unless they are (1) expressly classified otherwise in accordance with policies and procedures established by

this policy, (2) are so classified by the Act, or (3) are made non-public by other applicable law.

B. Private records shall be those District records classified as "private", as defined in Section 63-2-302 of the Act and as classified and defined in procedures established pursuant to this policy. Private records shall be made available to the following persons: the subject of the record, the parent or legal guardian of a minor who is the subject of the record, the legal guardian of an incapacitated individual who is the subject of the record, any person who has power of attorney or a notarized release from the subject of the record or his or her legal representative, or any person possessed of and serving a legislative subpoena or a court order issued by a court of competent jurisdiction.

C. Controlled records shall be those District records classified as "controlled", as defined in Section 63-2-303 of the Act and as classified and defined in procedures established in this policy. Controlled records shall be made available to a physician, psychologist, or licensed social worker who submits a notarized release from the subject of the record or any person presenting a legislative subpoena or a court order issued by a court of competent jurisdiction.

D. Protected records shall be those District records classified as "protected", as defined in Section 63-2-304 of the Act and as classified and defined in procedures established in this policy. Protected records shall be made available to the person who submitted the information in the record, to a person who has power of attorney or notarized release from any persons or governmental entities whose interests are protected by the classification of the record, or to any person presenting a legislative subpoena or a court order issued by a court of competent jurisdiction.

Section 7. Privacy Rights.

A. The District recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. The District also recognizes that the Act and Utah case law establish a presumption that governmental records will generally be considered open and public, with certain exceptions. In circumstances where a record's public or non-public status is not specifically established by the Act or another statute, by this policy, or by policies established or classifications made under this policy, the public's right to access and the record subject's right of privacy must be compared. In accordance with decisions of the Utah Supreme Court, District records which have not been specifically made public by the Act and which refer to named or readily identifiable individuals which deal with matters of a delicate nature which could engender shame, humiliation or embarrassment in the subject of that record, in accordance with

accepted standards of social propriety, shall generally not be classified as public records and release thereof may constitute a clearly unwarranted invasion of privacy, in accordance with the Act. Under circumstances and procedures established by this policy, certain items of data may be rendered non-public, although other items of data in the record, or the record itself, may be classified public.

B. The District may, as determined appropriate by the Manager, notify the subject of a record that a request for access to the subject's record has been made.

C. The District may require that the requester of records provide a written release, notarized within thirty (30) days before request, from the subject of the records in question before access to such records is provided.

Section 8. Designation, Classification and Retention. All District records and records series, of any format, shall be classified and scheduled for retention according to the provisions of the Act and this policy. Any records generated in the future shall also be so classified and scheduled for retention. Records classification and scheduling for retention shall be conducted under the supervision of the District Records Officer. The District shall by resolution establish a retention schedule for all District records and records series. The initial retention schedule shall be as set forth in Appendix A attached hereto.

Section 9. Procedures for Records Request.

A. Under circumstances in which the District is not able to immediately respond to a records request, the requester shall fill out and present to the District a written request on forms provided by the District. The date and time of the request shall be noted on the written request form and all time frames provided under this policy shall commence from that time and date. Requesters of non-public information shall adequately identify themselves and their status prior to receiving access to non-public records.

B. The District may respond to a request for a record by approving the request and providing the records, denying the request, or such other appropriate response as may be established by policies and procedures.

C. 1. In most circumstances and excepting those eventualities set out below, the District shall respond to a written request for a public record within 10 business days after that request.

2. Extraordinary circumstances shall justify the District's failure to respond to a written request for a public record within 10 business days and shall extend the time for

response thereto to that time reasonably necessary to respond to the request, as determined by the District Manager. Extraordinary circumstances shall include but not be limited to the following:

a. Some other governmental entity is currently and actively using the record requested;

b. The record requested is for either a voluminous quantity of records or requires the District to review a large number of records or perform extensive research to locate the materials requested;

c. The District is currently processing either a large number of records requests or is subject to extraordinary seasonal work loads in the processing of other work;

d. The request involves an analysis of legal issues to determine the proper response to the request;

e. The request involves extensive editing to separate public data in a record from that which is not public; or

f. Providing the information request requires computer programming or other manipulation.

3. When a record request cannot be responded to within 10 days, the District Manager shall give the requester an estimate of the time required to respond to the request.

D. The failure or inability of the District to respond to a request for a record within the time frames set out herein, or the District's denial of such request, shall give the requester the right to appeal as provided herein in Section 11.

Section 10. Fees. The District may charge a reasonable fee to cover the District's costs of duplicating and compiling records requested by any person. The fees may be set and amended by resolution from time to time. The initial fee, until changed by resolution, is set forth in Appendix A attached hereto. The District may fulfill a record request without charge when it determines that:

A. Releasing the record primarily benefits the public rather than a person;

B. The individual requesting the record is the subject of the record; or

C. Requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.

The District may not charge a fee for reviewing a record to determine whether it is subject to disclosure or for inspecting a record.

Section 11. Appeals.

A. Any person aggrieved by the District's classification of a record or by the District's response to a record request may appeal the determination within 30 days after notice of the District's action to the District Manager by filing a written notice of appeal. The notice of appeal shall contain the petitioner's name, address, phone number, relief sought and shall set forth in detail a statement of the facts, reasons and legal authority relied upon in making the appeal.

B. If the appeal involves a record that is subject to business confidentiality or affects the privacy rights of an individual, the District Manager shall send a notice of the requester's appeal to the affected person.

C. The District Manager shall make a determination on the appeal within 30 days after receipt of the appeal. During this 30 day period, the District Manager may schedule an informal hearing or request any additional information deemed necessary to make a determination. The District Manager shall send written notice to all participants providing the District Manager's determination on the appeal and the reasons therefor.

D. In addition, if the District Manager affirms the denial in whole or in part, the denial shall include a statement that the requester has a right to appeal the denial to the Board of Trustees within 30 days after date of the District Manager's decision.

E. Any person aggrieved by the District Manager's decision may file a written notice of appeal to the Board of Trustees which appeal shall thereafter be scheduled by the District for hearing at a regular or special meeting of the Board of Trustees. The final decision of the Board of Trustees shall be by majority vote of a quorum of the Board of Trustees. The Board of Trustees shall prepare a written decision indicating the Board's determination of the appeal and the reasons therefor. A copy of the written decision shall be sent to all parties to the appeal.

F. If the Board of Trustees affirms the denial, in whole or in part, the person may petition for judicial review in District Court as provided in Section 63-2-404 of the Act.

Section 12. Record Amendments. Government records held by the District may be amended or corrected as needed. An individual may contest the accuracy or completeness of any public, or private, or protected record concerning him or her by submitting a written request to the District to amend the record. However, this Section

does not affect the right of access to private or protected records. The request shall contain the requester's name, mailing address and daytime telephone number and a detailed statement explaining why the District should amend the record. The District shall issue a decision either approving or denying the request to amend no later than 60 days after receipt of the request and shall inform the requester in writing of its decision. The requester may appeal the denial of the request to amend a record pursuant to the provisions contained herein regarding appeals. This Section does not apply to records relating to title to real or personal property, judicial case files, or any other records that the District determines must be maintained in their original form to protect the public interest and to preserve the integrity of the record system.

Section 13. Penalties.

A. Any District employee who knowingly refuses to permit access to records in accordance with the Act and this policy, who knowingly permits access to non-public records, or who knowingly, without authorization or legal authority, disposes of, alters, or removes records or allows other persons to do so in violation of the provisions of the Act, this policy, or other law or regulation may be subject to criminal prosecution and disciplinary action, including termination.

B. In accordance with the Act, neither the District nor any of its officers or employees shall be liable for damages resulting from the release of a record where the requester presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority.

Section 14. Records Officer.

There shall be appointed a District Records Officer to oversee and coordinate records access, management and archives activities. The Records Officer shall make annual reports of records services activities to the District Manager.

Section 15. Records Maintenance.

A. Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve appropriate District records safely and accurately over the long term. The Records Officer shall be responsible for monitoring the application and use of technical processes in the creation, duplication, and disposal of District records. The Records Officer shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use, and maintenance of records.

B. All District records shall remain the property of the District unless federal or state legal authority provides otherwise. Property rights to District records may not be permanently transferred from the District to any private individual or entity, including those legally disposable obsolete District records. This prohibition does not include the providing of copies of District records otherwise produced for release or distribution under this policy.

C. Custodians of any District records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or to the District Records Officer.

2. Effective Date. This policy shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF SALT LAKE COUNTY SEWERAGE IMPROVEMENT DISTRICT NO. 1, STATE OF UTAH, on this 22 day of ~~July~~, 1992.
August

SALT LAKE COUNTY SEWERAGE
IMPROVEMENT DISTRICT NO. 1

BY: Russell L Peterson Jr
Chairman

ATTEST:

Gayle Sweet
Clerk

APPENDIX A

FEEES

Copy Cost per page
Certified copies per page
Compilation time per hour

.20
1.50
20.00

RETENTION SCHEDULE

The Retention Schedule of the District is the schedule promulgated by the Utah Division of Archives and Records Service for local governments with the following amendments:

RESOLUTION NO. 6-17-92-1

WHEREAS Salt Lake County Sewerage Improvement District No. 1 did, according to law, adopt an amended budget, an exact copy which is hereto attached, at its meeting held on June 17, 1992 and

WHEREAS it is now the duty of said District to adopt a tax rate for the purpose of raising money necessary for said budget and bond obligations,

BE IT NOW, THEREFORE, RESOLVED that the Salt Lake County Sewerage Improvement District No. 1, acting by and through its Board of Trustees, does hereby set, establish, and adopt .001242 as the tax rate for the year 1992.

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered to the Salt Lake County Auditor on or before June 22, 1992.

I, Russell L. Peterson, Board Chairman of the District, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Trustees at its meeting at the District offices in Draper, Utah, on Wednesday, June 17, 1992, by a unanimous vote.

Dated this 17th day of June, 1992.

Salt Lake County Sewerage
Improvement District No. 1

BY: Russell L. Peterson
Russell L. Peterson
Chairman of the Board

ATTEST:

Gayle Sweet
Clerk

RESOLUTION NO. 05-27-92-1

A RESOLUTION ADOPTING THE SOUTH VALLEY WATER RECLAMATION FACILITY RULES AND REGULATIONS DATED JULY 1, 1991.

WHEREAS, the South Valley Water Reclamation Facility Rules and Regulations dated July 1, 1991, were previously adopted by the Board of Trustees of the District; and

WHEREAS, following adoption said Rules and Regulations were submitted to the Bureau of Water Quality for review and comments and as a result thereof minor revisions were suggested; and

WHEREAS, the Board of Trustees desires now to adopt the revised South Valley Water Reclamation Rules and Regulations dated July 1, 1991.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SALT LAKE COUNTY SEWERAGE IMPROVEMENT DISTRICT NO. 1 AS FOLLOWS:

Section 1. Adoption. The Board of Trustees of the Salt Lake County Sewerage Improvement District No. 1 hereby adopts the revised South Valley Water Reclamation Facility Rules and Regulations, dated July 1, 1991, together with any schedules or addendums attached thereto, a copy of which Wastewater Rules and Regulations is attached hereto and by this reference is made a part hereof.

Section 2. Conflict. In the event of a conflict between any prior rules and regulations previously adopted by the Board of Trustees of the District and the revised South Valley Water Reclamation Rules and Regulations dated July 1, 1991, hereby adopted, the latter shall control and be deemed to supersede the prior rules and regulations which are in conflict.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE SALT LAKE COUNTY SEWERAGE IMPROVEMENT DISTRICT NO. 1 ON THIS 27TH DAY OF MAY, 1992.

SALT LAKE COUNTY SEWERAGE
IMPROVEMENT DISTRICT NO. 1

BY: Russell L. Peterson Jr
Chairman

ATTEST:

Gayle Sweet
Clerk

RESOLUTION NO. 02-26-92-2

A RESOLUTION STATING THE MISSION AND PURPOSE OF THE SALT LAKE COUNTY SEWERAGE IMPROVEMENT DISTRICT NO. 1.

WHEREAS, the Salt Lake County Sewerage Improvement District No. 1 ("District") has been duly organized and established under the laws of the State of Utah to provide sewage collection and treatment services to properties located within the District and certain other properties pursuant to agreement; and

WHEREAS, the Board of Trustees of the District finds and determines that public health, safety and welfare will be promoted and enhanced by extending the public sanitary sewer system to all properties located within the District at such times as sufficient funds are available for such purposes as determined by the Board; and

WHEREAS, the Board desires to state and reaffirm the purpose and mission of the District with regards to providing sewer service to areas within the District; and

WHEREAS, the Board of Trustees desires to reduce its statement of purpose to writing to serve as a guide in assisting the members of the public and the District in understanding the goals of the District and working together for the orderly achievement thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SALT LAKE COUNTY SEWERAGE IMPROVEMENT DISTRICT NO 1 AS FOLLOWS:

Section 1. Statement of Mission and Purpose

It is the mission and purpose of the Salt Lake County Sewerage Improvement District No. 1 to provide public sanitary sewer service, including collection and treatment of sewage, to all properties located within the boundaries of the District in an orderly manner as rapidly as District finances will permit. The Board of Trustees retains the right, in its sole discretion, to determine the financial feasibility, location of, and time of installation of all extensions of the District's sewer system.

Section 2. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED BY THE BOARD OF TRUSTEES OF THE SALT LAKE COUNTY SEWERAGE IMPROVEMENT DISTRICT NO 1., on the 26th day of February, 1992.

SALT LAKE COUNTY SEWERAGE
IMPROVEMENT DISTRICT NO 1

BY: Russell Peterson Jr
Chairman, Board of Trustees

ATTEST:

Gayle Sweet
Clerk

RESOLUTION NO. 02-26-92-1

A RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURES OF SALT LAKE COUNTY SEWERAGE IMPROVEMENT DISTRICT NO. 1 WITH REGARD TO PAID HOLIDAYS.

WHEREAS, the District's Board of Trustees has previously established Human Rights Day (the third Monday in January of each year) as a paid holiday for District personnel; and

WHEREAS, the Board of Trustees finds that in order to serve the public adequately that the District's offices and services should be available to the public on Human Rights Day and desires to amend its paid vacation policy accordingly.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SALT LAKE COUNTY SEWERAGE IMPROVEMENT DISTRICT NO. 1 AS FOLLOWS:

Section 1. Amendment. The personnel policies and procedures of the Salt Lake County Sewerage Improvement District No. 1 are hereby amended with regards to Human Rights Day as follows:

Employees of the District shall be entitled to a paid holiday on Human Rights Day (the third Monday in January of each year), or in the alternative to a paid holiday selected by the employee and subject to the approval of the District Manager during the period from January 1 through March 31 of each year. In order to provide an adequate level of service to the public the District Manager shall have the right to finally determine and designate which employees will receive Human Rights Day or an alternate selected holiday during January through March of each year.

Section 2. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE OF SALT LAKE COUNTY SEWERAGE IMPROVEMENT DISTRICT NO 1, on this 26th day of February, 1992.

SALT LAKE COUNTY SEWERAGE
IMPROVEMENT DISTRICT NO. 1

BY: Russell Peterson Jr
Chairman, Board of Trustees

ATTEST:

Gaye Sweet
Clerk