

**Resolution No. 2012-07**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
UINTAH HIGHLANDS IMPROVEMENT DISTRICT,  
ESTABLISHING GOVERNMENT RECORDS ACCESS AND  
MANAGEMENT POLICIES AND PROCEDURES; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Uintah Highlands Improvement District (hereinafter the “District”), is a political subdivision as that term is used in the Utah Government Records Access and Management Act, §63G -2-101 et seq., UCA, 1953, as amended, (the “Act”), and is expressly authorized under §63G -2-701 of the Act to adopt policies applicable throughout its jurisdiction relating to the access and management of District records; and,

**WHEREAS**, the Board of Trustees of the District (the “Board”), finds it to be in the best interest of the District to adopt policies relating to information practices including the classification, designation, access, denials, segregation, appeals, management, retention and amendment of District records, and finds that the maximum amount of discretion and latitude should be granted to the District Manager to ensure that the District is timely in its response to government records access requests and services received by the District in furtherance of the District’s policies and the requirements of the Act;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that following be established as policies and procedures relating to the classification, designation, access, denials, segregation, appeals, management, retention and amendment of District records:

**SECTION 1. GOVERNMENT RECORDS ACCESS POLICIES AND PROCEDURES**

**1. Government Records.**

All records of the District shall be maintained, classified and accessed in accordance with all applicable requirements and procedures of the Act.

**2. Records Officer.**

The District Administrator is hereby appointed as Records Officer of the District to work with the Utah Division of Archives and Archives Division (the “Archives Division”) in the care, maintenance, scheduling, designation, classification, disposal, and preservation of District records. In conformance with the requirements of §63G-2-108 of the Act, the Records Officer shall, on an annual basis, successfully complete online training and certification from the State Archives regarding government records access and management.

**3. Management and Retention of Records.**

3.1 Management of Records. All District records shall be managed and retained in conformance with the requirements of §63A-12-103 of the Utah Public Records Management Act.

3.2 Retention of Records. All government records of the District shall be retained in accordance with the Utah Municipal General Records Retention Schedule published by the Archives Division. The District may classify or reclassify a particular record, record series or information in a record at any time, in accordance with applicable provisions of §63G-2-307 of the Act.

#### 4. Access to Records.

Access to District records, including the right to inspect and receive copies of said records shall be processed and provided in conformance with THE requirements and procedures set forth in Part 2 of the Act. Any persons requesting a record shall file a written Government Records Access and Management Request Form as provided by the District, which form shall provide for the following information: the requestor's name, mailing address, and daytime phone number, if available, and a description of the record requested, identified with specificity sufficient to identify the record.

#### 5. Classification of Records.

All District records shall be classified in conformance with requirements and procedures set forth in Part 3 of the Act.

#### 6. Fees.

6.1 Establishment of Fee Schedule. The District may charge a reasonable fee to cover the District's actual cost of providing a record in conformance with the provisions of §63G-2-203 of the Act. The fees shall be set forth in a separate schedule of fees to be adopted and amended from time to time by the Board. The District may require payment of past fees and future estimated fees before beginning to process a request if the requester has not paid fees from previous request and/or the fees for the current request are expected to exceed fifty dollars (\$50.00). Any prepaid amount in excess of fees actually determined to be due shall be returned to the requester.

6.2 Fee Waivers. In accordance with §63G-2-203 of the Act, 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 an individual specified in Subsections §63G-2-202(1) or (2) of the Act; or
- (c) the requester's legal rights are directly implicated by the information in the record and the requester is impecunious.

#### 7. Appeals.

7.1 Appeal to General Manager. Any person aggrieved by the District's access determination made or fees imposed under this Chapter may appeal the determination pursuant to and in conformance with the requirements and procedures set forth in §63G-2-401 of the Act. Notice of appeal shall be delivered to the General Manager of the District (the "General Manager"), within thirty (30) days of the determination and a determination on the appeal and

notice of the determination shall be given in conformance with the applicable provisions of §63G-2-401 of the Act.

7.2 Appeal to Records Committee. Any person aggrieved by a determination of the General Manager, including persons who did not participate in the appeal proceedings before the General Manager, may appeal the determination to the Board who is hereby designated as the District Records Committee for purposes of this Policy. The District Records Committee shall consider the appeal in conformance with and subject to the applicable requirements and procedures set forth in §63G-2-403 of the Act.

7.3 Judicial Review. Any party to a proceeding before the District Records Committee may petition for judicial review by the district court of the District Records Committee's order in conformance with and subject to the applicable requirements and procedures set forth in §63G-2-404 of the Act.

## **SECTION 2. FILINGS WITH THE ARCHIVES DIVISION.**

1. The District Clerk shall file with the Archives Division a copy of this Resolution and a summary description of the policy provided herein within thirty (30) days hereof.

2. The District Clerk shall report to the Archives Division all retention schedules, and all designations and classifications applied to record series maintained by the District.

## **SECTION 3. REPEALER OF CONFLICTING ENACTMENTS.**

All orders, and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the District, or parts thereof, which are in conflict with any of the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

## **SECTION 4. PRIOR RESOLUTIONS.**

The body and substance of any and all prior Resolutions, together with their specific provisions, where not otherwise in conflict with this Resolution, are hereby reaffirmed and readopted.

## **SECTION 5. SAVINGS CLAUSE.**

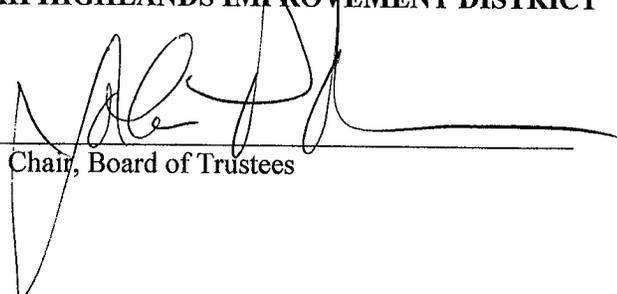
If any provision of this Resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Resolution and the provisions of this Resolution being deemed to be the separate independent and severable act of the Board.

## **SECTION 6. EFFECTIVE DATE.**

This Resolution shall be effective upon its adoption by the Board.

PASSED AND ADOPTED by a majority vote of the Board this 13<sup>th</sup> day of December, 2012.

**UINTAH HIGHLANDS IMPROVEMENT DISTRICT**

By:   
Chair, Board of Trustees

ATTEST:

  
District Clerk