

ORDINANCE 19-06

AN ORDINANCE MODIFYING TITLE 3 OF THE CITY ORDINANCE OF NORTH LOGAN CITY, UTAH WITH REGARD TO GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinances of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, WHEREAS, the Government Records Access and Management Act (GRAMA) was adopted by the Utah State Legislature in order to provide guidelines for the public's access to government records; and

WHEREAS, Utah Code Annotated §63G-2-701 provides political subdivisions with the option to adopt ordinances to guide implementation of the provisions of GRAMA; and

WHEREAS, North Logan City desires to amend an ordinance to customize and clarify the implementation of GRAMA in North Logan City.

NOW, THEREFORE, the City Council of the City of North Logan, Utah hereby adopts, passes and publishes the following:

BE IT ORDAINED by the City Council of the City of North Logan, Cache County, State of Utah that Title 3 of the Code of Revised Ordinance shall be revised as follows:

SECTION I: CHANGES TO GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

(various portions of Title 3-700 subsections: highlighted portion changed or added, strike-through deleted):

3-700 Government Records Access And Management Act

3-702 Authority, Purpose And Intent

A. Under authority of Utah Code Annotated §63G-2-701, this ordinance specifies how records in the custody of North Logan City may be accessed, and where and to whom requests for access to records shall be directed. All other regulations related to access to public records, including but not limited to, standards for the classification and designation of records; the standards for the management and retention of records; response times for access requests; and time limits for appeals shall be as set forth in Utah Code Annotate Title 63G, Chapter 2.

B. In enacting this chapter, the City recognizes two constitutional rights:

1. The right of privacy in relation to personal data gathered by the city; and
2. The public's right of access to information concerning the conduct of the public's business.

C. It is the intent of the city to:

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1. Establish fair information practices to prevent abuse of personal information by the city while protecting the public's right of easy and reasonable access to unrestricted public records;
2. Provide guidelines of openness to government information and privacy of personal information consistent with nationwide standards; and
3. Establish and maintain an active, continuing program for economical and efficient management of the city's records as provided in this chapter.

3-706 Fees

Fees may be charged in response to a records request as set by resolution and specified in the City's Master Fee Schedule. The city may charge a reasonable fee to cover the city's actual cost of duplicating or compiling a record in a form other than that maintained by the city. The fees may be set by resolution. The initial fee, until changed by resolution, is as set forth in Exhibit A attached to the ordinance codified in this chapter and on file in the office of the city clerk.

A. Fees for providing a record may be waived under certain circumstances described in Utah Code Annotated Section 63G-2-203(4). A request for a fee waiver shall be made in writing to the records officer as part of the records request. The city may fulfill a record request without charge when it determines that:

1. Releasing the record primarily benefits the public rather than a person;
2. The individual requesting the record is the subject of the record.
3. The requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.

B. The city may not charge a fee for:

1. Reviewing a record to determine whether it is subject to disclosure; or
2. Time for requester to inspecting a record.

3-707 Procedures For Access

A. A request for access to records shall be made in writing, include the information required by Utah Code Annotated Section 63G-2-204, and be submitted by first class mail; hand delivery; or electronically to the records officer as follows:

A person making a request for a record shall furnish the city with a written request containing his name, mailing address, daytime telephone number, if available, and a description of the records requested that identifies the record with reasonable specificity.

1. For records maintained by the North Logan City: City Records Officer, 2076 North 1200 East, North Logan, Utah 84341. Electronically submitted request shall be sent to recordrequest@northlogancity.org.
 - a. Record Request forms are available at www.northlogancity.org, or from the records officer.

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- b. These forms are provided as a convenience, and a requester is not required to use these forms as long as information required by the statute is provided.
 - c. Amending of requests is not permitted, except requests may be withdrawn. A new request must be filed if the requestor desires to modify the original request.
- 2. Record(s) request may also be received through the Utah Open Records Portal at <https://openrecords.utah.gov/>.
 - 3. Requests submitted in a manner other than set forth herein will not be accepted.

3-708 Denials

- A. If the city denies the request in whole or part, it shall provide a notice of denial to the requester either in person or by sending the notice to the requester's address.
- B. The notice of denial shall contain the following information:
 - 1. A description of the record or portions of the record to which access was denied, provided that the description does not disclose private, controlled, or protected information or records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds;
 - 2. Citations to the provisions of this chapter, another state statute, federal statute, court rule or order or federal regulation that exempt the record or portions of the record from disclosure, provided that the citations do not disclose private, controlled, or protected information;
 - 3. Statement that the requester has the right to appeal the denial to the City Council **City Administrator**; and
 - 4. A brief summary of the appeals process and the time limits for filing an appeal.
- C. Unless otherwise required by a court or agency of competent jurisdiction, the city may not destroy or give up custody of any record to which access was denied until the period for an appeal has expired or the end of the appeals process, including judicial appeal.

3-714 Records Retention

The city shall by resolution establish a retention schedule for each record series and, where a record series is not covered, shall accept the latest Utah Municipal General Records Retention Schedule as prepared by the Utah Department of Administrative Services, a Division of the Utah State Archives and Records Service. ~~The initial retention schedule shall be as set forth in Exhibit B attached to the ordinance codified in this chapter and on file in the office of the City Clerk.~~

3-716 Appeals

- A. An appeal of a decision of a records officer shall be made in writing, shall comply with the information required by Utah Code Annotated 63G-2-401(2), and shall be submitted

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by first class mail; hand delivery; or electronically to the City Administrator, 2076 North 1200 East, North Logan, UT 84341 or recordrequest@northlogancity.org.

1. Appeals submitted in a manner other than set forth herein will not be accepted.
2. Pursuant to Utah Code Annotated 63G-2-401, the duties of the Chief Executive Officer shall be performed by the North Logan City Administrator.

1. Any person aggrieved by the city's access determination under this chapter, including a person not a party to the city's proceeding, may appeal the determination to the Mayor by filing a notice of appeal.
2. If the city claims extraordinary circumstances and specifies the date when the records will be available and, if the requester believes the extraordinary circumstances do not exist or that the time specified is unreasonable, the requester may appeal the city's claim of extraordinary circumstances or date for compliance within thirty (30) days after notification of a claim of extraordinary circumstances by the city, despite the lack of a "determination" or its equivalent.

SECTION II: CONFLICT

To the extent of any conflict between this ordinance and any other North Logan City ordinance(s) or regulation(s), the provisions of this Ordinance shall be controlling.

SECTION III: SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION IV: EFFECTIVE DATE.

In the opinion of the City Council of North Logan, it is necessary that this ordinance take effect immediately; therefore, this Ordinance shall take effect immediately upon its passage and first posting as provided by law.

ADOPTED AND PASSED by the City Council of the City of North Logan, Utah, this 3rd day of April, 2019.

ATTEST:



Scott Bennett, City Recorder

NORTH LOGAN CITY

BY: 

Damon Cann, Mayor Pro-Tempore

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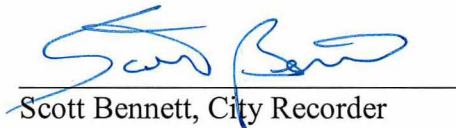
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CERTIFICATE OF DUE POSTING

I, Scott Bennett, City Recorder of North Logan, Utah, hereby certify that I caused to be posted the foregoing Ordinance No. 19 - 06 on the 4th day of April, 2019, in the City of North Logan, Cache County, State of Utah, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 575 E East 2500 North

WITNESS my hand this 4th day of April, 2019.



Scott Bennett, City Recorder