

TITLE 1

CHAPTER 9

RECORDS ACCESS AND MANGEMENT

SECTION:

- 1-9-1: Records Access and Management Act
- 1-9-2: Fees
- 1-9-3: Retention Schedule

1-9-1: RECORDS ACCESS AND MANAGEMENT ACT

Except insofar as the application thereof is clearly impractical or appropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, or prohibitions, provisions and sections of the Utah Government Records Access and Management Act, as amended, are hereby adopted by the city. Any and all violations thereof shall be considered violations of this chapter and each such violation shall subject the violator thereof to penalty provisions under this chapter if proceeded hereunder. (2005 Code)

1-9-2: FEES

Fees shall be in such amounts as established by resolution of the city council and on file in the city office. (2005 Code)

- A. Authorization to Charge Fees: Utah State Code provides that the record custodian may charge a reasonable fee as determined by the City Recorder to cover the City's actual cost of duplicating a record.
- B. Cost May Include: When a record is requested to be compiled in a form other than that normally maintained by the city, the actual costs may include:
 - 1. The cost of staff time for summarizing, compiling, or tailoring the record either into an organization or media to meet the persons request;
 - 2. The cost of staff time for search, retrieval, and other direct administration costs for complying with a request. The hourly charge may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.
 - 3. In the case of fees for a record that is the result of computer output other than word processing, the actual incremental cost of providing the electronic services and products together with a reasonable portion of the costs

association with formatting or interfacing the information for particular users, and the administrative costs as set forth in Subsections (B)(1) and (2)

- C. Fees Waived: The records custodian may waive the assessment and collection of a fee for copies of municipal records when it is determined 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, or an individual specified in Utah Code Annotated, as amended;
 3. The requester's legal rights are directly implicated by the information in the record, and the requestor is impecunious;
 4. The fee for such copies would be minimal and costs of accounting for the receipt of the fee would be prohibitive when compared with the fee.
- D. Fees Not Charged: The record custodian may not charge a fee for:
1. Reviewing a record to determine whether it is subject to disclosure; or
 2. Inspecting a record.
- E. Fees Received: All fees received under this section by the record custodian shall be remitted to the City Recorder and accounted for as required by the Fiscal Procedures Act. Those funds shall be used to cover the actual costs and expenses incurred by the City in providing the requested record or record services.
- F. Past Fees: The record custodian 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), 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.
- G. Severability: This section does not alter, repeal or reduce fees established by other ordinances, statutes or legislative acts. (1-2006, 2-28-06)

1-9-3: RETENTION SCHEDULE

The retention schedule of the city is the schedule promulgated by the state division of archives and record service for local governments. (2005 Code)