

CHAPTER 3A-05. GOVERNMENT RECORDS

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3A-05-010. Government Records.

All government records of the City shall be maintained, classified and accessed in accordance with the Government Records Access and Management Act set forth at *Utah Code Ann.* §63G-2-101, *et seq.*, as amended.

3A-05-015. Records Officer.

The City Recorder is hereby appointed as records officer of the City to work with the Utah Division of Archives and Records Service in the care, maintenance, scheduling, designation, classification, disposal, and preservation of City records. Pursuant to *Utah Code Ann.* §63G-2-108, as amended, the records officer shall, on an annual basis, successfully complete online training and certification from the State Archives regarding government records access and management.

3A-05-020. Retention Schedule.

All government records of the City shall be retained in accordance with the Utah Municipal General Records Retention Schedule, as created and retained by the Utah Division of Archives and Records Service, which is hereby adopted by reference as the Fruit Heights City Records Retention Schedule. The City may classify or reclassify a particular record, record series, or information in a record at any time, in accordance with applicable provisions of *Utah Code Ann.* §63G-2-307, as amended.

3A-05-030. Records Requests.

Any person requesting a record shall file a written Government Records Access and Management Request Form as provided by the City. Such request shall be submitted and processed in accordance with the Government Records Access and Management Act. All government records requests shall contain the requestor's name, mailing address, and daytime phone number, if available, and shall provide a description of the record requested that identifies the record with reasonable specificity.

3A-05-040. Fees.

The City may charge a reasonable fee to cover the City's actual cost of providing a record. Fees for providing a record shall be adopted and set forth in the City's Fee Schedule, which fees may be amended from time to time, and are adopted herein by reference. When the City compiles a record in a form other than that normally maintained by the City in response to a records request, the actual costs for compiling the record may include those costs set forth in *Utah Code Ann.* §63G-2-203, as amended. The City may require payment of past fees and future estimated fees before beginning to process a request if the fees are expected to exceed fifty dollars (\$50.00) or the requester has not paid fees from previous requests. Any prepaid amount in excess of fees due shall be returned to the requester.

3A-05-050. Fee Waiver.

In accordance with *Utah Code Ann.* §63G-2-203, as amended, the City 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 *Utah Code Ann.* §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.

3A-05-060. Appeal to City Manager.

Any person aggrieved by the City's access determination made or fees imposed under this Chapter may appeal the determination within thirty (30) days to the City Manager by filing a written notice of appeal with the City Manager in accordance with the provisions set forth in *Utah Code Ann.* §63G-2-401, as amended. The notice of appeal shall contain the petitioner's name, mailing address, daytime phone number, and the relief sought. The notice of appeal should also contain a brief statement of facts, reasons, and legal authority in support of the appeal. The City Manager shall make a determination on the appeal within the time periods set forth in *Utah Code Ann.* §63G-2-401, as amended. The City Manager shall send written notice of his or her determination to all participants, including notice of any right to appeal in accordance with Section 3A-05-070.

3A-05-070. Appeal to Records Committee or District Court.

If the City Manager denies a records request under Section 3A-05-060, the requester may appeal the denial to the State Records Committee as provided in *Utah Code Ann.* §63G-2-403, as amended, or petition for judicial review in district court as provided in *Utah Code Ann.* §63G-2-404, as amended. Any person aggrieved by a determination of the City Manager under Section 3A-05-060, including persons who did not participate in the appeal proceedings before the City Manager, may appeal the determination to the State Records Committee as provided in *Utah Code Ann.* §63G-2-402, as amended.