ORDINANCE NO. 94-07

AN ORDINANCE RELATING TO ACCESS TO RECORDS AND DOCUMENTS OF THE CITY OF WENDOVER, TOOELE COUNTY, UTAH.

RECITALS

1. The City of Wendover is authorized to adopt and enforce lawful and reasonable ordinances regulating and controlling the release and dissemination of City records and documents consistent with the Utah Government Records Access Management Act;

2. The City deems it necessary and appropriate to adopt an ordinance consistent with the law of the State of Utah regulating access to City records, and finds that such a regulation will promote the general welfare of the community.

BE IT ORDAINED BY THE WENDOVER CITY COUNCIL:

Section No. 1 Ordinance Enacted. There is hereby enacted an Ordinance, consistent with the law of the State of Utah, governing access to and the release of records of the City of Wendover, Tooele County, Utah to read it its entirety as set forth in the Exhibit A, attached hereto and incorporated herein by this reference.

Section No 2. Repealer. All other ordinances and regulations previously adopted by the relating to the subject matter of this Ordinance are repealed as of the effective date of this Ordinance.

Section No. 3. Severability Clause. The provisions of this Ordinance and all regulations thereunder, are severable. If any provision of this Ordinance is held invalid or unenforceable for any reason, said invalidity or unenforceability shall not affect any other provision of this Ordinance or its application under a different circumstance.

Section No. 5. Effective Date. This Ordinance shall become effective 20 days after publication or posting or 30 days after final passage by the governing body, whichever is earlier.

PASSED AND ADOPTED BY THE WENDOVER CITY COUNCIL THIS 3rd DAY OF MAY, 1994.

Brenda Morgan
MAYOR

ATTEST:

Margaret L. Wheeler
CITY RECORDER

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POSTED 5/10/94

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1-001. Maintenance and access of records.

(1) It is in the best interests of Wendover City and the citizens thereof, and essential for the administration of city government, to:

(a) maintain and preserve accurate governmental records;

(b) provide ready access to records which are defined by law as open to the public;

(c) maintain the security of records which are defined by law as nonpublic; and

(d) ensure the preservation of vital and historically valuable records.

(2) As the records of the city are a resource containing information which allows government programs to function, provides officials with a basis for making decisions and ensuring continuity with past operations, and permits citizens to research and document matters of personal and community importance, this resource must be systematically and efficiently managed.

(3) It is the policy of the City that all governmental records, which are defined by applicable Utah statutory and case law as public records, shall be made available to citizens within a reasonable time after request and at a reasonable cost as set forth in this chapter.

(4) Wendover City recognizes a public policy interest in allowing the government to restrict access to certain records for the public good.

1-002. Compliance with Government Records Access and Management Act.

In enacting this chapter, it is the purpose and intent of the City council to acknowledge and comply with the Government Records Access and Management Act, Chapter 2 of Title 63 of the Utah Code Annotated (1953, as amended), and provide for its application in the city.

1-003. Definitions.

As used in this chapter:

(1) "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.

(2) "Controlled record" means a record containing data on individuals that is controlled as provided by this chapter and GRAMA, Section 63-2-303.

(3) "Data" means individual entries, e.g., birth date, address, etc., in records.

(4) "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 deletions or erasure of electronically recorded audio, visual, nonwritten formats, data processing, or other records.

(5) "GRAMA" means the Government Records Access and Management Act, 63-2-101, et seq., utah Code Annotated, 1953, as amended.

(6) "Nonpublic record" means a record defined as private, controlled, or protected, and a record 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.

(7) "Private record" means a record containing data on individuals that is private as provided by this chapter and GRAMA Section 63-2-302.

(8) "Protected record" means a record that is classified protected as provided by this chapter and GRAMA Section 63-2-304.

(9) "Public record" means a record that is not private, controlled, or protected and that is not exempt from disclosure as provided in GRAMA Subsection 63-2-201(3)(b).

(10) (a) "Record" means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, electronic data, or other documentary materials regardless of physical form or characteristics:

(i) which are prepared, owned, used received, or retained by the city; and

(ii) where all the information in the original is

reproducible by photocopy or other mechanical or electronic means.

(b) "Record" does not mean:

(i) temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom he is working;

(ii) materials that are legally owned by an individual in his private capacity;

(iii) materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the city;

(iv) proprietary software;

(v) junk mail or commercial publications received by the city or an official or employee of the city;

(vi) books and other materials that are cataloged, indexed, or inventoried and contained in the collections of city libraries open to the public, regardless of physical form or characteristics of the material;

(vii) daily calendars and other personal notes prepared by the originator for the originator's personal use or nor the personal use of an individual for whom he is working;

(viii) computer programs that are developed or purchased by or for the city for its own use; or

(ix) notes or internal memoranda prepared as part of the deliberative process by a member of any body charged by law with performing a quasi-judicial function.

(11) "Record series" means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

(12) "Records officer" means the individual appointed by the mayor to work with state archives in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

1-004. Right of access.

(1) Each person has the right to inspect a public record free of charge during normal working hours, and the right to take a copy of a public record upon the payment of the lawful fee, pursuant to the provisions of this chapter, GRAMA and policies and procedures developed under this chapter.

(2) The city 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.

(3) When a record is temporarily held by a city department pursuant to that custodial department's statutory and ordinance functions such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial department. The record shall be considered a record of the department which usually keeps or maintains that record. requests for access to such records shall be directed to that department rather than the custodial department.

1-005. Public records - Availability.

Those city records identified in Section 63-2-301 (U.C.A. 1993, as amended) are classified as public records. Public records shall be made available to any person. All city records are considered public unless they are expressly classified otherwise in accordance with policies and procedures established under this chapter, are so classified by GRAMA, or are made nonpublic by other applicable law.

1-006. Private records - Availability.

(1) The following records are private:

(a) records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;

(b) records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;

(c) records of publicly funded libraries that when examined alone or with other records identify a patron;

(d) records concerning a current or former employee of, or applicant for employment with, the city that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;

(e) records concerning a current or former employee of, or applicant for employment with the city, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public or private under Subsection (1)(d);

(f) records describing an individual's finances, except that the following are public:

(i) records described in U.C.A. 63-2-301(1);

(ii) information provided to the city for the purpose of complying with a financial assurance requirement; or

(iii) records that must be disclosed in accordance with another statute or law;

(g) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy; and

(h) records provided by the United States or by a government entity outside the city that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it.

(2) Upon request pursuant to this chapter, the City shall disclose a private record to:

(a) the subject of the record;

(b) the parent or "legal guardian" of an unemancipated minor who is the subject' of the record;

(c) the legal guardian of a legally incapacitated individual who is the subject of the record;

(d) any other individual who has a power of attorney

from the subject of the record, or who submits a notarized release from the subject of the record or his legal representative dated no more than 90 days before the request is made; or

(e) any person to whom the record must be provided pursuant to court order as provided in Subsection 63-2-202(7) or a legislative subpoena.

1-007. Controlled records - Availability.

(1) The following records are classified as controlled:

(a) a record which contains medical, psychiatric, or psychological data about an individual; and

(b) which the city reasonably believes that:

(i) releasing the information in the record to the subject of the record would be detrimental to the subject's mental health or to the safety of any individual; or

(ii) releasing the information would constitute a violation of normal professional practice and medical ethics.

(2) Controlled records shall be made available to:

(a) a physician, psychologist, or certified social worker who submits a notarized release from the subject of the record that is dated no more than 90 days prior to the date the request is made and a signed acknowledgment of the terms of disclosure of controlled information that such person may not disclose controlled information from that record to any person, including the subject of the record, or

(b) any person presenting a legislative subpoena or a court order signed by a judge of competent jurisdiction.

1-008. Protected records - Availability.

(1) The following records are classified as protected:

(a) trade secrets if the person submitting the trade secret has provided the city with the information specified in Utah Code Ann. Section 63-2-308;

(b) commercial information or nonindividual financial information obtained from a person if:

(i) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the city's ability to obtain necessary information in the future;

(ii) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

(iii) the person Submitting the information has provided the City with the information specified in GRAMA Section 63-2-308;

(c) commercial or financial information acquired or prepared by the City to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the city or cause substantial financial injury to the city;

(d) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;

(e) records the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with the city, except that this subsection does not restrict the right of a person to see bids submitted to or by a city after bidding has closed;

(f) records that would identify real property or the appraisal or estimated value of the real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

(i) public interest in obtaining access to the information outweighs the city's need to acquire the property on the best terms possible;

(ii) the information has already been disclosed to persons not employed by or under a duty of confidentiality to the city;

(iii) in the case of records that would identify property, potential sellers of the described property have already learned of the city's plans to acquire the property; or

(iv) in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the city's estimated value of the property;

(g) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:

(i) the public interest in access outweighs the interests in restricting access, including the city's interest in maximizing the financial benefit of the transaction; or

(ii) when prepared by or on behalf of the city, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the city.

(h) records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:

(i) reasonably could be expected to interfere with investigations under taken for enforcement, discipline, licensing, certification, or registration purposes;

(ii) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

(iii) would create a danger of depriving a person of a right to a fair trial or impartial hearing;

(iv) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or

(v) reasonably could be expected to disclose

investigative or audit techniques, procedures, Policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

(i) records the disclosure of which would jeopardize the life or safety of an individual;

(j) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental record keeping systems from damage, theft, or other appropriation or use contrary to law or public policy;

(k) records that, if disclose, would jeopardize they security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;

(l) records and audit work papers that identify audit, collection, and operational procedures and methods used by the Utah State Tax Commission, if disclosure would interfere with audits or collections;

(m) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

(n) records prepared by or on behalf of the city solely in anticipation of litigation that are not available under the rules of discovery;

(o) records disclosing an attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the city concerning litigation;

(p) records of communications between the city and an attorney representing, retained, or employed by the city if the communications would be privileged as provided in Utah Code Annotated Section 78-24-8;

(q) drafts, unless otherwise classified as public;

(r) records concerning the city's strategy about collective bargaining or pending litigation;

(s) records of investigations of loss occurrences and analyses of loss occurrences;

(t) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public intereSt;

(u) records provided by the United States or by a government entity outside the state that are given to the city with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public.disclosure if retained by it;

(v) transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-7, Utah Code Ann., of the Open and Public Meetings Act;

(w) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;

(x) memoranda prepared by staff and used in the decision-making process by a member of any body charged by law with performing a quasi-judicial function;

(y) records that would reveal negotiations regarding assistance or incentives offered by or requested from the City for the purpose of encouraging a person to expand or locate a business in Wendover City, but only if disclosure would result in actual economic harm to the person or place the City at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract,

(z) materials to which access must be limited for purposes of securing or maintaining the city's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;

(aa) the name of a donor or a prospective donor to the city, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

(i) the donor requests anonymity in writing;

(ii) any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the city under this subsection;

(iii) the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of his immediate family, or any entity owned or controlled by the donor or his immediate family.

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 regarding the release of the information and signed by a judge of competent jurisdiction.

1-23-9. Right of privacy.

(1) The city recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. The city also recognizes that and Utah case law establishes a presumption that governmental records will generally be considered open and public, with certain specific exceptions. In circumstances where a record's public or nonpublic status is not specifically established by or Another Statute, by this Ordinance, or by policies established or classifications made under this Ordinance, 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, City records which have not been specifically made public by GRAMA 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. Under circumstances and procedures established by this chapter, certain data may be rendered nonpublic, although other data in the record, or the record itself, may be classified public.

(2) The City may, as determined appropriate by the Mayor, notify the subject of a record that a request for access to the subject's record has been made.

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

1-23-10. Retention.

(1) City records and records series, of any format, shall be classified and scheduled for retention according to the provisions of this chapter. Any records or record series 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 records officer who shall be assisted by the head of the department in charge of the record in question, or a designee. Assistance may be requested from the city attorney as needed. Classification and retention scheduling forms and guidelines shall be prepared and promulgated by the records officer.

1-011. Written request.

(1) Under circumstances in which a department is not able to immediately respond to a records request, the requester shall fill out and present to the department a written request on forms provided by the city. The date and time of the request shall be noted on the written request form and all time frames provided under this chapter shall commence from that time and date. Requesters of nonpublic information shall adequately identify themselves and their status prior to receiving access to nonpublic records.

(2) The City 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.

(3)(a) In most circumstances and excepting those eventualities set out in Subsection (3)(b), a department shall respond to a written request for a public record within ten business days after that request.

(b) Extraordinary circumstances shall justify the City's failure to respond to a written request for public record within ten business days and shall extend the time for response thereto to that time reasonably necessary to respond to the request, as determined by the Mayor. Extraordinary circumstances include, but are not limited to the following:

(i) The department, another department, or some

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

(ii) The record requested is for either a voluminous quantity of records or requires the department to review a large number of records or perform extensive research to locate the materials requested.

(iii) The City is currently processing either a large number of records requests or is Subject to extraordinary seasonal work loads in processing other work.

(iv) The request involves an analysis of legal issues to determine the proper response to the request.

(v) The request involves extensive editing separate public data in a record from that which is not public.

(vi) Providing the information request requires computer programming or other manipulation.

(c) When a record request cannot be responded to within ten days, the Mayor or his designee shall give the requester an estimate of the time required to respond to the request.

(4) The failure or inability of a department to respond to a request for a record within the time frames set out in this chapter, or the department's denial of such a request, shall give the requester the right to appeal.

(5) Any City record which has been requested in accordance with this chapter that is disposable by the approved retention schedule, may not be disposed of until the request is granted and fulfilled, or 60 days after all appeals are completed.

(6) No city record, disposable by the approved retention schedule, which is subject to pending litigation or audit, shall be disposed of until the litigation or audit has been completed or resolved.

1-012. Fees.

(1) Fees for records duplication are $.25 per page with no charge for time to compile and copy materials that does not exceed fifteen (15) minutes. Fees for records compilation or copying which requires an amount of time exceeding fifteen (15) minutes shall be billed and paid for by the requester at the rate of twenty dollars ($20.00) per hour, plus $0.25 for each page copied. The time in addition to the initial fifteen minute period for compilation and copying records shall be billed at a one half (1/2) hour minimum, and billed in increments of fifteen minutes.

(3) The city may fulfill a record request without charge when it determines, in its sole discretion that:

(a) releasing the record primarily benefits the public rather than a person or other entity;

(b) the individual requesting the record is the subject of the record, or an individual specified in 1-006(2) or 1-007(2); or

(c) the requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.

1-013. Appeal.

(1) Persons aggrieved by the classification of a record or by a department's response to a record request may appeal the determination to the Mayor by filing a notice of appeal.

(2) An appeal under this section shall be brought within 30 calendar days of the date of the action aggrieved, or of the date when the person grieving reasonably should have become aware of the action.

(3) The notice of appeal shall contain:

(a) the petitioner's name, mailing address, and daytime Telephone number;

(b) the relief sought; and

(c) a short statement of facts, reasons, and legal authority in support of the appeal.

(4) The mayor shall make a determination on the appeal within five business days of receiving the notice. If the mayor fails to make a determination with this time, that failure shall be considered the equivalent of an order denying the appeal.

(5) If the mayor affirms the denial in whole or in part, the mayor shall send to the requester a written statement that the requester may appeal to the City Council.

(6) An appeal to the City Council shall be in writing, in the same form as the notice of appeal to the mayor. The issue shall be heard by the City Council at its next regularly scheduled meeting, or if deemed necessary by the City, at a special meeting of the Council called for that purpose. The City Council shall make a determination on the appeal within five business days of receiving the notice. If the Council fails to make a determination with this time, that failure shall be considered the equivalent of an order denying the appeal. If the City Council affirms the denial in whole or in part, the mayor shall send to the requester a written statement that the requester may appeal to the district court.

1-014. Accommodation for disabled.

Reasonable accommodations regarding access to governmental records shall be provided to persons with disabilities in accordance with policies developed under this chapter.

1-015. Amendment of records.

Records held by the city may be amended or corrected as needed. Requests for amendments, corrections, or other changes shall be made in writing to the department having custody of the records and setting forth, with specificity, the amendment or correction requested. When an amendment or correction of a Government record is made, both the original record and the amended or corrected record shall be retained, unless provided otherwise by policies and procedures adopted under this chapter.

1-016. Liabilities.

(1) City employees who knowingly refuse to permit access to records in accordance with GRAMA and this chapter, who knowingly

permit access to nonpublic records, or who knowingly, without authorization or legal authority, dispose of, alter, or remove records or allow other persons to do so in violation of the provisions of GRAMA, this chapter, or other law or regulation, may be subject to criminal prosecution and disciplinary action, including termination.

(2) Neither the city nor any of its departments, 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.

1-017. Records officer and management policy administration.

(1) There shall be appointed a records officer to oversee and coordinate records access and management and archives activities. Unless and until otherwise appointed, the records officer shall be the City Recorder, who shall act under the direction and authority of the Mayor. Where requested, the records officer shall make annual reports of records services activities to the Mayor.

(2) The mayor shall make and maintain adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of Wendover City designed to furnish information to protect the legal and financial rights of persons directly affected by the city's activities.

(4) Where requested by the Mayor or by the City Council, the records officer shall develop records maintenance and access policies. Approval and promulgation of records policies and procedures shall be in accordance with the provisions of this chapter and copies of any rule or policy promulgated under this chapter shall be forwarded by the records officer to the Utah State Division of Archives within 30 days after its effective date. Any department's internal policies regarding records management and access shall be consistent with this chapter and state law.

1-018. Sharing records.

The city may provide a record that is private, controlled, or protected to another governmental entity in accordance with Utah Code Ann. 63-2-206 (1953, as amended).

1-019. Maintenance procedures.

(1) Where requested by the Mayor or by the City Council, records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve city 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 creating, duplication, and disposal of City records. The records officer shall, monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use, and maintenance of records. Where requested by the Mayor or by the City Council, policies and regulations regarding types and formats of papers, inks, electronic

information systems pursuant to a formal two-party contract permitting such remote terminal access and provided that due regard shall be exercised to ensure that nonpublic records will not be available by remote terminal access.

(3) Computer software programs are not considered a record. Software programs shall not be subject to disclosure under this chapter, including copyrighted software and other copyrighted materials which have been purchased by or licensed to the City and software and other materials which have been copyrighted by the City.

1-021. Criminal penalties.

(1) (a) A public employee or other person who has lawful access to any private, controlled, or protected record and who intentionally discloses or provides a copy of a private, controlled, or protected record to any person knowing that such disclosure is prohibited, is guilty of a class B misdemeanor.

(b) It is a defense to prosecution under Subsection (1)(a) that the actor released private, controlled, or protected information in the reasonable belief that the disclosure of the information was necessary to expose a violation of law involving government corruption, abuse of office, or misappropriation of public funds or property.

(c) It is a defense to prosecution under Subsection (1)(a) that the record could have lawfully been released to the recipient if it had been properly classified.

(2) A person who by false pretenses, bribery, or theft, gains access to or obtains a copy of any private, controlled, or protected record to which he is not legally entitled is guilty of a class B misdemeanor.

(3) A public employee who intentionally refuses to release record the disclosure of which the employee knows is required by law or by final unappealed order from a city or a court, is guilty of a class B misdemeanor.

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media, and other records and information storage media, materials, equipment, procedures and techniques shall be developed and promulgated, subject to the approval of the mayor.

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

(3) Custodians of city 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 City records officer.

(4) All records which are in the possession of any City department shall, upon termination of activities of such department, be transferred to any successor department, provided that such transfer is consistent with the formal provisions of such termination.

1-020. Document formats.

(1) The city retains and reserves to itself the right to use any type of nonverbal or nonwritten formats for the storage, retention and retrieval of government records, including but not limited to audio tapes, video tapes, micro-forms, and any type of computer, data processing, imaging, or electronic information storage or processing equipment or systems, which are not prohibited by state statute, and do not compromise legal requirements for record storage, retrieval, security and maintenance, to store and maintain City records. All computerized and nonwritten format records and data which are properly classified as public shall be made available to a requester within a reasonable time and at a reasonable cost.

(2) Members of the public shall have the right to have access to records, in accordance with GRAMA and this chapter, contained in nonwritten formats or data processing systems. The method of access to such public records shall be as determined appropriate by the Mayor considering all circumstances. Access may include the following:

(a) by using a city computer terminal or other viewing or listening device to retrieve data directly from the terminal screen or device; provided, however, that due regard shall be exercised to ensure that any nonpublic records will not be accessed, retrieved or displayed on the device and that records are not erased or damaged;

(b) by providing paper or "hard" copies of record printouts or by providing magnetic tapes, disks, or other means of electronic storage containing the nonwritten format or data processing system records; or

(c) by the use, where appropriate, of remote terminals which have access to City computer, data processing or electronic

City of Wendover

WESTERN GATEWAY TO UTAH
P.O. BOX 326
WENDOVER, UTAH 84083

CERTIFICATE OF POSTING ORDINANCE

I, the duly appointed and acting recorder for the City of Wendover, hereby certify that copies of the foregoing Ordinance No. 94-07 were posted at three public places within the municipality this 10th day of May, 1994 which public places are;

1. Wendover Utah City Offices
2. Fred's Market
3. Wendover City Post Office

Dated this 10th day of May 1994.

Margaret L. Wheeler
RECORDER