

Title 17

GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

Chapters:

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Chapter 17.01

ADOPTION OF UTAH GOVERNMENT RECORDS MANAGEMENT ACT

Sections:

17.01.01 Adoption of State Act.

Section 17.01.01 Adoption of State Act.

Wasatch County adopts Utah Code Title 63 Chapter 2, Government Records Access and Management Act, with the following implementing provisions.

Chapter 17.02

GRAMA REQUESTS

Sections:

17.02.01 Formal GRAMA Requests.

17.02.02 Informal GRAMA Requests.

Section 17.02.01 Formal GRAMA Requests.

(1) All citizens making a formal, written GRAMA request shall fill out the Request Form provided at the Office of the County Clerk. The Office of the County Clerk shall review each written GRAMA request and forward it to the Records Representative of the appropriate County department.

(2) When a record is temporarily provided by one county department ("the originating department") to another county department ("the borrowing department") pursuant to the latter's statutory or ordinance functions, such as records storage, investigation, litigation, or audit, the record shall be considered a record of the originating department for the purposes of this Chapter, and not as a record of the borrowing department. Any request for access to such a record shall be directed to the originating department rather than to the borrowing department.

(3) The County department receiving a formal GRAMA request from the Clerk's office will:

(a) Ensure that the requested record is public, or that the person requesting the record is entitled to have access to an otherwise private, controlled, or protected record.

(b) Determine whether any unusual costs (i.e., non-standard document production, microfilms, excessive search time to find the records, etc.) will be incurred in responding to the request. If such costs will be incurred and will be in excess of \$10.00, then obtain approval from the requesting person prior to incurring the costs. If the requesting person does not agree to the costs, deny the request using the Notice of Denial form and deliver that form to the County Clerk.

(c) Determine whether extraordinary circumstances exist that will cause a delay in responding to the GRAMA request. If there are, fill out the Notice of Delay form and deliver it to the County Clerk.

(d) Fill the GRAMA request, keeping track of time and expenses incurred, and provide the documents, together with the Notice of Approval form, and deliver it to the County Clerk.

(4) The County Clerk will receive Notices of Denial, Delay, and Approval from the responding department and forward those notices to the persons making the GRAMA request.

Section 17.02.02 Informal GRAMA Requests.

(1) Citizens may make informal, oral GRAMA requests directly to the appropriate County department. The department, in its discretion, may comply with such an informal request without charge if employees are available to process the request and the record can be quickly accessed and copied. As a guideline, a record involving copies of up to five pages, and which can be accessed in less than fifteen minutes, meets these discretionary criteria.

(2) Provided that the request is not unduly burdensome, a request to merely inspect a record may also be handled informally. As a guideline, if the record can be accessed in less than fifteen minutes, and if sufficient staff is available to supervise the inspection, then the request may be handled informally.

(3) This ordinance does not create a public right to access government records without following formal procedures; it simply allows departments to informally respond to simple GRAMA requests if the department chooses to do so. There is no right to appeal from the denial of an informal GRAMA request. However, if such a request is denied, the requesting person may file a formal GRAMA request and follow the procedures authorized by state and local law.

Chapter 17.03

RESPONSIBILITIES OF COUNTY DEPARTMENTS

Sections:

17.03.01 Department Records Representatives.

Section 17.03.01 Department Records Representatives.

Each Department Head of the County shall appoint, from among the employees of the department, a Records Representative for the department. In the absence of an appointed Records Representative, the Department Head shall act as the Records Representative for the department. The Records Representative for each department shall be responsible to:

- (1) Implement GRAMA in the department;
- (2) Receive and respond to informal GRAMA requests directly from the public;
- (3) Receive formal, written GRAMA requests from the Office of the County Clerk, and using forms provided by the Wasatch County Attorney's Office, respond to the GRAMA request through the Office of the County Clerk; and
- (4) Ensure that the department receives, stores, and preserves its records and other materials as may be calculated to accurately and safely maintain useful County records, consistent with state law and prevailing standards.

Chapter 17.04

GRAMA FEES

Sections:

17.04.01 Standard Fee Schedule.

Section 17.04.01 Standard Fee Schedule.

(1) The department responding to a formal, written GRAMA request shall charge fees according to the following schedule:

- (a) Copies of standard-sized papers at \$0.50 per page;
- (b) Staff time at \$15.00 per hour, except that the first fifteen minutes time may not be charged;
- (c) Supervisory or professional time at \$20.00 per hour, except that the first fifteen minutes time may not be charged;
- (d) \$15 per videotape used, which cost includes the time spent copying the videotape;
- (e) \$10 per audiocassette tape used, which cost includes the time spent copying the audiocassette;
- (f) \$3 per computer disk used, which cost does not include the time spent copying information to the disk

(2) If a department receives a GRAMA request that will involve costs other than those listed above, or if the total cost to the requester will exceed \$10.00, the department shall notify the requesting person of the costs that will be incurred in responding to the GRAMA request and receive approval from the requesting person prior to incurring those costs. If the requesting person disputes the cost but does not otherwise withdraw his GRAMA request, the department shall deny the GRAMA request, whereupon the requesting person shall have the right to appeal pursuant to state law.

Chapter 17.05

DISTRIBUTION AND WAIVER OF FEES

Sections:

17.05.01 County Clerk's Responsibility.

Section 17.05.01 County Clerk's Responsibility.

The discretion to waive fees incurred in responding to a formal GRAMA request shall rest with the County Clerk, who shall apply state law on this subject. Unless he or she has waived these fees, the County Clerk shall:

- (1) Notify each requesting person of the fee being charged by the responding department,
- (2) Receive payment from the requesting person prior to releasing the requested records, and
- (3) Remit the payment to the department that responded to the GRAMA request.

Chapter 17.06

Records Retention

Sections:

17.06.01 Recordings of Open Meetings

17.06.02 Recordings of Closed Meetings

Section 17.06.01 Recordings of Open Meetings

Audio recordings of open meetings which are required to be made and maintained under the laws of the State of Utah shall be retained and preserved by the Wasatch County Clerk for a period of six months from the date of the meeting.

(06-11, Added, 11/03/2008, Ord. 06-11, Amended, 05/23/2008)

Section 17.06.02 Recordings of Closed Meetings

Audio recordings of closed meetings which are required to be made and maintained under the laws of the State of Utah shall be retained and preserved by the Wasatch County Clerk for a period of six months from the date of the meeting.

(06-11, Added, 11/03/2008, Ord. 06-11, Amended, 05/23/2008)