

ORDINANCE NO. 1256

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRAPER, UTAH, AMENDING SECTION 3-4-100 OF THE DRAPER CITY MUNICIPAL CODE PERTAINING TO APPEALS OF THE GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

WHEREAS, the City adopted its Draper City Government Records Access and Management Act (GRAMA) ordinance on December 1, 1998; and

WHEREAS, the City's ordinance makes numerous references to the Utah Government Records Access and Management Act; and

WHEREAS, the City desires to amend the appeals section to be consistent with State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH:

Section 1. Section Amended. Section 3-4-100 of the Draper City Municipal Code is hereby amended to read as attached hereto.

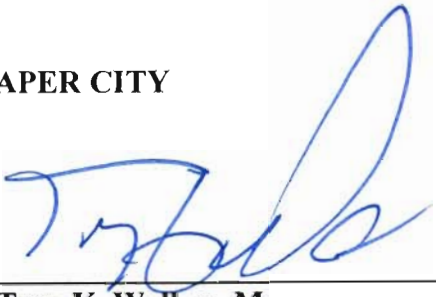
Section 2. Effective date. This ordinance shall be effective immediately upon posting after final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 11th DAY OF APRIL, 2017.

ATTEST:

DRAPER CITY

By: 
Rachelle Conner, MMC, City Recorder

By: 
Troy K. Walker, Mayor



Section 3-4-100

Appeals.

(a) A requester or interested party may appeal an access denial to the city manager within 30 days after the city sends a notice of denial. A notice of appeal shall contain the name, mailing address, and daytime telephone number of the requester or interested party; and the relief sought. The requester or interested party may file a short statement of facts, reasons, and legal authority in support of the appeal. Any person aggrieved by the City's classification of a record or by the City's response to a record request or fee waiver may appeal the determination within 30 days after notice of the City's action to the City Manager by filing a written notice of appeal. The notice of appeal shall contain the petitioner's name, address, phone number, relief sought and shall set forth in detail a statement of the facts, reasons and legal authority relied upon in making the appeal.

(b) If a 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 date specified is unreasonable, the requester may appeal the city's claim of extraordinary circumstances or date for compliance to the city manager by filing a notice of appeal with the city manager within 30 days after notification of a claim of extraordinary circumstances by the city, despite the lack of a "determination" or its equivalent. If the appeal involves a record that is subject to business confidentiality or affects the privacy rights of an individual, the City Manager shall send a notice of the requester's appeal to the affected person.

(c) If the appeal involves a record that is the subject of a business confidentiality claim, the city manager shall:

(1) send notice of the appeal to the business confidentiality claimant within three business days after receiving notice, except that if notice under this section must be given to more than 35 persons, it shall be given as soon as reasonably possible; and

(2) send notice of the business confidentiality claim and the schedule for the city manager's determination to the requester or interested party within three business days after receiving notice of the appeal.

(3) The business confidentiality claimant shall have seven business days after notice is sent by the city manager to submit further support for the claim of business confidentiality.

The City Manager shall make a determination on the appeal within 30 days after receipt of the appeal. During this 30 day period, the City Manager may schedule an informal hearing or request any additional information deemed necessary to make a determination. The City Manager shall send written notice to all participants of the determination on the appeal and the reasons therefor.

(d) The city manager shall make a decision on the appeal within five business days after receipt of the notice of appeal or twelve business days after the city sends the notice of appeal to a person who submitted a claim of business confidentiality.

(1) If the city manager fails to make a decision on an appeal of an access denial within the time specified, the failure is the equivalent of a decision affirming the access denial.

(2) If the city manager fails to make a decision on an appeal within the time specified, the failure is the equivalent of a decision affirming the claim of extraordinary circumstances or the reasonableness of the date specified when the records will be available.

(3) The provisions of this section notwithstanding, the parties participating in the proceeding may, by agreement, extend the time periods specified in this section.

(e) The city manager may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private or protected if the interests favoring access are greater than or equal to the interests favoring restriction of access.

(f) The city shall send written notice of the city manager's decision to all participants. If the city manager's decision is to affirm the access denial in whole or in part, the notice shall include:

(1) a statement that the requester or interested party has the right to appeal the decision to the State Records Committee. The statement shall include the time limit for filing an appeal and the contact information for the State Records Committee. If the City Manager affirms the denial in whole or in part, the denial shall include a statement that the requester has a right to appeal the denial to the State Records Committee within 30 days after date of the City Manager's decision.

VOTE TAKEN:

YES

NO

Councilmember Rappleye

✓

Councilmember Stenquist

✓

Councilmember Summerhays

✓

Councilmember Vawdrey

✓

Councilmember Weeks

✓

Mayor Walker

Affidavit of Posting

SALT LAKE/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1256** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 11th day of April, 2017**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

Posted: April 18, 2017, through May 8, 2017

City Seal



A handwritten signature in blue ink, appearing to read "Rachelle Conner", is written over a horizontal line. The signature is fluid and cursive.

Rachelle Conner, MMC
City Recorder
Draper City, State of Utah