

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2022

RECORDS MANAGEMENT ORDINANCE

AN ORDINANCE OF THE LEGISLATIVE BODY OF SALT LAKE COUNTY, UTAH, REPEALING ORDINANCE CHAPTER 2.82, ENTITLED “RECORDS MANAGEMENT,” OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001; AND RE-ENACTING ORDINANCE CHAPTER 2.82, ENTITLED “RECORDS MANAGEMENT,” OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001; DELETING MATERIAL THAT IS REDUNDANT OF STATE STATUTE; DELETING MATERIAL THAT IS BETTER ADOPTED THROUGH COUNTY POLICIES; SETTING OUT SALT LAKE COUNTY’S SUPPORT FOR PROVIDING PUBLIC ACCESS TO COUNTY RECORDS IN ACCORDANCE WITH THE LAW; DESIGNATING THE POSITION OF COUNTY RECORDS MANAGER AND THE DIVISION OF COUNTY RECORDS MANAGEMENT AND ESTABLISHING THE DUTIES THEREOF; PROVIDING FOR THE ADOPTION OF COUNTY POLICIES FOR THE REGULATION OF RECORDS ACCESS; AND MAKING OTHER RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. County Ordinance Chapter 2.82, entitled “Records Management,” of the Salt Lake County Code of Ordinances, 2001, is hereby repealed.

SECTION II. County Ordinance Chapter 2.82, entitled “Records Management,” of the Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

Chapter 2.82 - RECORDS MANAGEMENT

2.82.010 - Government records findings—Recognition of public policy.

The council of Salt Lake County finds the following:

- A. It is in the best interests of Salt Lake County and the citizens thereof, and essential for the administration of county government, to maintain and preserve accurate governmental records; to provide ready access to records which are defined by law as

open to the public; to maintain the security of records which are defined by law as nonpublic; and to ensure the preservation of vital and historically valuable records.

B. As the records of Salt Lake County government agencies 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.

C. It is the policy of the county that all governmental records, which are defined by applicable Utah statutory and case law as public records, shall be made available to citizens as set forth in this chapter and in county policies adopted based on this ordinance and on state law.

D. The county recognizes a public policy interest in allowing the government to restrict access to certain nonpublic records, as specified in the Act, for the public good.

2.82.020 - Purpose and intent.

In enacting this chapter, it is the purpose and intent of the council to provide, in accordance with the Government Records Access and Management Act (hereinafter referred to as "the Act"), Chapter 2 of Title 63G of the Utah Code Annotated, an ordinance acknowledging and complying with the Act and providing for its application in the county. County agencies shall comply with the provisions of this chapter, county record management policies, the Act, and other federal and state statutory and regulatory recordkeeping requirements.

2.82.030 - Access management and archiving.

A. There shall be designated a county records manager to oversee and coordinate records access and management and county archives activities.

B. Each agency of county government shall appoint an individual or individuals to assist with and be directly responsible for the implementation of this chapter. Regular training shall be provided under the direction of the records manager to agency records personnel.

2.82.040 - Custody and control.

A. Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve county records safely and accurately over the long term. The records manager shall be responsible for monitoring the application and use of technical processes in the creation, duplication, and disposal of county records and shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use and maintenance of records.

B. All county records which constitute an intellectual property right shall remain the property of the county unless federal or state legal authority provides otherwise. Property rights to county records may not be permanently transferred from the county to any private individual or entity, including those legally disposable obsolete county records of county archives or other agencies. This prohibition does not include the providing of record copies for release or distribution under this chapter. All records disposals shall be conducted in accordance with policies and procedures.

C. Any county officers or employees having custody or control of any county 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 county records manager.

D. All records which are in the possession of any county agency shall, upon termination of the activities of the agency, be transferred to any successor agency or to county records management and archives, provided that such transfer is consistent with any applicable formal provisions regarding agency termination.

2.82.050 - Receipt, storage and preservation.

There is created the county archives and records services section, to be managed by the county records manager. It is the responsibility of the section to receive, store, and preserve county agency records and other materials and to store and provide reasonable access thereto as may accurately and safely maintain county records over a long term in compliance with this chapter and the Act. Policies and guidelines regarding the nature of records and record series which are to be received and stored by county records management and archives shall be developed and promulgated by the records policy administration. County records management and archives shall be considered the formal, official repository of county records; the central depository for the reports, publications, rules, policies and regulations of the county, where not otherwise determined by law; and, where appropriate, historical artifacts and productions in other media. Each agency shall be responsible for assisting county records management and archives in the collection of such records, depository materials, and artifacts through methods promulgated by the records policy administration.

2.82.060 – Implementation by duly adopted County policies.

As the Act requires that a local government's ordinance address certain matters, by either enacting an ordinance or by adopting policies and regulations, the County Council finds that

GRAMA-related functions, processes, and requirements are more appropriately established by county-wide policies and procedures. Such policies shall include the following:

- A. Establish standards for the classification and designation of county records as public, private, controlled, or protected in accordance with the Act;
- B. Require the classification of county records in accordance with those standards;
- C. Provide guidelines for establishment of fees in accordance with the Act;
- D. Provide standards for the management and retention of county records comparable to the provisions of the Act;
- E. Establish access criteria, procedures, and response times for requests to inspect, obtain, or amend county records and set time limits for appeals consistent with this chapter; and
- F. Establish an appeals process for persons aggrieved by records classification, designation, or access decisions.

SECTION III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2022.

SALT LAKE COUNTY COUNCIL

By: _____
Laurie Stringham, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

REVIEWED AS TO FORM AND LEGALITY

Gavin Anderson 12 August 2022
Deputy District Attorney Date

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|-------------------------------------|-------|
| Council Member Alvord voting | _____ |
| Council Member Bradley voting | _____ |
| Council Member Bradshaw voting | _____ |
| Council Member DeBry voting | _____ |
| Council Member Granato voting | _____ |
| Council Member Snelgrove voting | _____ |
| Council Member Stringham voting | _____ |
| Council Member Theodore voting | _____ |
| Council Member Winder Newton voting | _____ |

Vetoed and dated this ____ day of _____, 2022.

By: _____
Jennifer Wilson, Mayor

(Complete as Applicable)

Veto override: Yes ____ No ____ Date _____
Ordinance published in the newspaper: Date _____
Effective date of ordinance: _____

**SUMMARY OF
SALT LAKE COUNTY ORDINANCE NO. _____**

On the ____ day of _____, 2022, the County Council of Salt Lake County adopted Ordinance No. _____, repealing ordinance chapter 2.82, entitled “Records Management,” of the Salt Lake County Code of Ordinances, 2001; and re-enacting Ordinance Chapter 2.82, entitled “Records Management,” of the Salt Lake County Code of Ordinances, 2001; deleting material that is redundant of state statute; deleting material that is better adopted through county policies; setting out Salt Lake County’s support for providing public access to county records in accordance with the law; designating the position of County Records Manager and the Division of County Records Management and establishing the duties thereof; providing for the adoption of county policies for the regulation of records access; and making other related changes.

SALT LAKE COUNTY COUNCIL

By: _____

Laurie Stringham, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

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|-------------------------------------|-------|
| Council Member Alvord voting | _____ |
| Council Member Bradley voting | _____ |
| Council Member Bradshaw voting | _____ |
| Council Member DeBry voting | _____ |
| Council Member Granato voting | _____ |
| Council Member Snelgrove voting | _____ |
| Council Member Stringham voting | _____ |
| Council Member Theodore voting | _____ |
| Council Member Winder Newton voting | _____ |

A complete copy of the ordinance is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.