

ORDINANCE NO. 09-2024

AN ORDINANCE OF WEST HAVEN CITY, UTAH, REGARDING ADHERENCE TO THE GOVERNMENT RECORDS AND ACCESS MANAGEMENT ACT AND SETTING FEES REGARDING FULFILLING REQUESTS UNDER GRAMA; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1. Recitals:

WHEREAS, West Haven City (herein “City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with the provisions of UCA § 10-3-717, and UCA § 10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and

WHEREAS, in UCA § 63G-2-701 specifically recognizes the right of the City to adopt ordinances consistent with the Government Records Access and Management Act (GRAMA); and

WHEREAS, the City has full intent to follow the processes and procedures outlined in GRAMA; and

WHEREAS, UCA §63G-2-203 specifically states that in order for the City to charge fees to fulfill record requests under GRAMA, then it shall establish those fees by ordinance or written formal policy; and

WHEREAS, the City Council finds that it wishes to establish fees to be charged to fulfill GRAMA requests; and

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health, and welfare is at issue in this matter and requires action by the City as noted above; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH as follows:

- 1. West Haven City shall follow the processes and procedures outlined in the Government Records Access and Management Act (GRAMA), Title 63G, Chapter 2.**
- 2. The fees to be charged by West Haven City for the fulfillment of GRAMA requests are as follows:**
 - a. Fee for Copies:**

- **\$0.25 per page for standard size, non-color white copies.**
 - **\$0.40 per page for standard size, color copies.**
 - **\$3.00 per page for 11x17 copies, including maps.**
 - **Actual costs for other odd sized copies.**
- b. Staff time required to search, compile, and otherwise prepare to provide a record: Actual cost, not to exceed salary (i.e. wages only) of lowest paid employee who, in the discretion of the record’s custodian, has the necessary skill and training to perform the request. Staff time for photocopying, faxing, and making DVDs or jump drives is included in the fee for those items.**
 - c. Mailing and Shipping Costs: \$2.00 minimum cost for staff mail preparation time, plus actual mailing costs if greater than \$2.00.**
 - d. Other Supplies (DVDs or jump drive) and associated staff services:**
 - **\$10.00 for DVD or jump drive, which includes staff time to make DVD.**
 - **Other media/supplies: actual cost**
 - e. Other Services (e.g., fees for third-party services including IT services): Actual cost billed to the City by the third-party service provider.**
 - f. Fee for sending electronic copy by email: No charge.**
- 3. These fees shall become a part of the Consolidated Fee Schedule and be labeled as “GRAMA – Record Fulfillment Fees”. The City Council shall periodically review these fees. The City Council shall, by resolution, adjust the fees as deemed necessary.**

The foregoing Recitals are fully incorporated herein.

Section 2. Repealer of Conflicting Enactments:

All orders, ordinances, and resolutions regarding the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with the provisions of this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 3. Prior Ordinances and Resolutions:

The body and substance of any prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall be invalid, inoperative, or unenforceable for any reason, such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed to be the separate independent and severable act of the City Council of West Haven City.

Section 5 - Date of Effect:

BE IT FURTHER ORDAINED this Ordinance will become effective on the 3rd day of April 2024 and after publication or posting as required by law.

DATED this 3rd day of April 2024.

WEST HAVEN CITY, a municipal corporation

by: _____
Mayor Rob Vanderwood

Attested and Recorded

Emily Green, City Recorder

Mayor Rob Vanderwood	Yes _____	No _____
Councilmember Carrie Call	Yes _____	No _____
Councilmember Kim Dixon	Yes _____	No _____
Councilmember Nina Morse	Yes _____	No _____
Councilmember Ryan Saunders	Yes _____	No _____
Councilmember Ryan Swapp	Yes _____	No _____