

## Title 2

### ADMINISTRATION AND PERSONNEL

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#### Chapter 2.04

### PLAN FOR COUNTY GOVERNMENT\*

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\* Editor's Note: The Optional Plan codified in this chapter was adopted in 1992 pursuant to statutes adopted in 1973. Recent legislation has amended the enabling statutes, but is not retroactive and does not affect Grand County's Plan except as to future amendments.

### Article I. Establishment of New Structural Form of County Government

#### 2.04.010 Authority and establishment.

Pursuant to Article XI, Section 4, Utah Constitution, and Chapter 35a of Title 17, Utah Statutes (the "Optional Plan Statute"), this plan (the "plan") establishes the "general county (modified)" structural form of county government as provided in Section 17-35a-9, Utah Statutes, within Grand County, Utah (the "county"). The governing body of the county shall be the county council (the "council") as provided in Article II of this plan. The management arrangement for the county shall remain as provided by Title 17, Utah Statutes, or other general laws applicable to county government. (Optional Plan § 1.1)

#### 2.04.020 Continuity.

This plan shall not change or disrupt the corporate existence, identity, contractual obligations, or jurisdiction of the county. As provided in the Optional Plan Statute, the county remains vested with all powers and duties vested in counties by general laws. Except as provided in this plan with respect to the predecessor county commissioners and the new council, the terms of office of elected county officers shall not be affected by this plan, and, except for the change from the predecessor county commissioners to the new council, the elected county officers shall retain their respective functions, responsibilities, powers and duties under applicable general law. Appointed county officers and members of county boards and commissions shall continue in their respective present offices, and county employees shall continue in their respective present positions, unless and until otherwise directed by the council, subject to applicable law. Existing county ordinances, resolutions and regulations shall not be affected by this plan except as provided in Section 2.04.140. Pending legislative, administrative or judicial proceedings shall not be affected by this plan (but shall be under the direction of the new council when it takes office, subject to applicable law). As stated in Sections 17-35a-7(4) and 17-35a-9(1), Utah Statutes, this plan does not affect any school district, circuit or justice court, city, town, special taxing district, public authority, county service area or other local public entity with the county. (Optional Plan § 1.2)

### Article II. County Council

#### 2.04.030 Governing body.

The governing body of the county shall be a seven-member county council (the "council"), which shall exercise all legislative powers of the county authorized by law. The council shall have all powers and duties, and shall be subject to all limitations and restrictions, provided by general law for board of county commissioners. (Optional Plan § 2.1)

2.04.040 Election, qualifications, terms and nominations of council members--Term limits.

A. Two council members shall be elected from the county at large. For the purpose of electing the other five council members, the county shall be divided into five districts (the "council districts") as provided in Section 2.04.050, and the voters of each council district shall elect one member to the council.

B. All council members shall be registered voters and residents of the county, and shall have been registered voters of the county for at least one year immediately preceding their election to the council as required by Section 17-5-2, Utah Statutes. Council members elected from council districts shall be residents of their respective council districts at the time their certificate of nomination is initially filed pursuant to subsection D of this section and Section 20-3-38, Utah Statutes.

C. The initial election of council members shall be scheduled in accordance with Section 1.3(2) of the Optional Plan, and the terms of office of the new council members shall commence at noon on the second Monday after their election. The seat of the at-large council member receiving the highest number of votes at the initial election, and the seats for Council Districts 2, 4 and 5 shall be up for election at the 1996 general election. The seat of the at-large council member receiving the second highest number of votes at the initial election, and the seats for Council Districts 1 and 3 shall be up for election. Thereafter, the regular term of office for all council members shall be four years, with three or four of the council members being elected at each biannual general election. After each such election, newly elected or re-elected council members shall take office on the first Monday in January pursuant to Section 17-5-3(3), Utah Statutes.

D. All candidates for the council shall be nominated as independent candidates in substantially the manner provided by Section 20-3-38, Utah Statutes, as amended from time to time, except as follows:

1. For candidates for council district seats at any election, nomination petitions must be signed by at least twenty-five (25) registered voters who are residents of the district, rather than one hundred (100) registered voters of the county as required for countywide offices; and

2. For candidates for at-large council seats at only the initial election of council members hereunder, nomination petitions must be signed by at least fifty (50) registered voters of the county; but thereafter nomination petitions for at-large council seats must be signed by at least one hundred (100) registered voters of the county as generally required for countywide offices.

If more than two timely and sufficient nomination petitions are received for any one council seat, the county clerk shall give notice of an conduct a primary election with respect to such council seat or seats, in substantially the manner provided by law for primary elections. Only the two candidates for each such council seat receiving the two highest vote totals at such primary election shall be listed on the ballot at the general election. No political party designation shall be used on the ballot for council members at any election. Pursuant to and invoking the full extent of the authority granted by Article XI, Section 4, Utah Constitution, and the Optional Plan Statute, particularly Section 17-35a-7(2), Utah Statutes, it is determined and declared that utilization of independent candidacies as the manner of electing council members is necessary and desirable to achieve the best and most effective operation of the plan. Notwithstanding the foregoing, the provisions of this plan as to independent candida-

cies, like all other provisions of this plan, are subject to Section 2.04.150. Nothing in this subsection shall preclude write-in candidacies as provided by applicable law.

E. There shall be a limit of two consecutive four-year council terms, and any person who has served two consecutive four-year council terms shall be ineligible to be a candidate for any other consecutive council term; but nothing in this subsection shall preclude such person from becoming a council candidate at any time thereafter. Initial council terms for those seats to be up for election at the 1994 general election shall not be considered four-year terms for purposes of this subsection, but initial council terms for those seats to be up for election at the 1996 general election shall be considered four-year terms hereunder. Terms served on the predecessor county commission prior to adoption of this plan shall not be counted for purposes of this subsection, nor shall any partial council terms due to vacancies. (Optional Plan § 2.2)

#### 2.04.050 Council districts.

The initial council districts shall be based on county voting districts existing at the time of the initial filing of this plan with county clerk, as follows:

Council District No. 1: Voting District 1

Council District No. 2: Voting Districts 4 and 9

Council District No. 3: Voting Districts 5 and 11

Council District No. 4: Voting Districts 2, 6, 7, and 8

Council District No. 5: Voting Districts 3 and 10

The council districts shall be modified on the basis of Federal Census data to the extent necessary or appropriate to conform to applicable law. The council districts may also be modified to conform to Grand County School District precincts or to changes to county voting districts. Such modifications to conform to census data, school district precincts, or changed voting districts, shall not be considered amendments to this plan within the meaning of Section 17-35a-7(5)(a), Utah Statutes, or of Section 2.04.130, and may be made by the council or by such other authority as directed by applicable law. (Optional Plan § 2.3)

#### 2.04.060 Removal and recall of council members--Vacancies.

A. If any council member shall die, resign, cease to be a resident of the county or of the council district from which elected, become incapacitated for a period in excess of six months, fail to attend council meetings otherwise fail to perform his or her official duties for an unexcused period of two months, be recalled as provided in subsection B of this section, or otherwise be removed from office pursuant to general law, his or her council membership shall be deemed vacant.

B. Upon petition of registered voters equal in number to fifteen (15) percent of the last gubernatorial vote within the county for at-large council members, or within the council district for council members elected from council districts, the county clerk shall provide for the question of recalling said council member to be submitted to a vote within the county or council district, as the case may be. If a sufficient petition is filed between one hundred eighty (180) and forty-five (45) days prior to a general election, the recall question shall be submitted to the voters at such general election; otherwise the county clerk shall, as soon as practicable, schedule, give notice of and conduct a special election on such recall question, substantially in the manner provided by law for other county special

elections. If a majority of the votes cast are in favor of recall, that council membership shall be deemed vacant and shall be filled as provided in subsection C of this section. No recall petition may be filed within the first six months or the last six months of a council member's term of office.

C. Vacancies on the council shall be filled in the manner provided by Sections 17-5-4 and 20-4-11.5, Utah Statutes, as amended from time to time; provided, that references to political parties shall be inapplicable, and persons shall become candidates for election or appointment, as the case may be, by filing petitions substantially as provided in Section 2.04.040(D) within the applicable time limitations. (Optional Plan § 2.4)

#### 2.04.070 Council meetings and procedures--Records.

A. The council shall hold regular meetings at least twice a month. Notice of all regular and special council meetings shall be given to the council and to the public as required by law, and all regular and special council meetings shall be open to the public except to the extent otherwise provided by law.

B. Subject to applicable law, the council may establish rules of procedure for council meetings. Ordinances and resolutions shall be enacted in the manner provided by law.

C. A majority of the members of the council in office at any time constitutes a quorum of the council. Except as otherwise provided by law, no council action shall be valid and binding unless it is approved by the affirmative vote of at least four council members.

D. As soon as practicable after the new council members take office after the first council election under this plan and in January after each regular election, the council shall elect from its members a chairperson and a vice chairperson. The chairperson, or in his or her absence the vice chairperson, shall preside at council meetings and shall sign ordinances, resolutions and other documents as appropriate on behalf of the county. The council may designate one of its members as chairperson pro tem if neither the chairperson nor the vice chairperson is available. The chairperson, vice chairperson or chairperson pro tem shall have the same rights to debate and vote in the council as any other council member and shall have no veto power and no other special substantive authority.

E. Records of all council proceedings shall be kept and the votes of all council members shall be clearly indicated therein. The council shall provide for county financial information to be compiled and summarized on a quarterly or more frequent basis, including the amounts and purposes of each disbursement of funds by the county; and such financial information shall be promptly posted at the County Courthouse. All records of the county shall be open to the public except to the extent otherwise provided by law. (Optional Plan § 2.5)

#### 2.04.080 Council compensation.

Each member of the council shall be paid seven hundred dollars (\$700.00) per month, plus FICA and Medicare benefits. The county shall not pay for major benefits (such as health insurance) for council members. The council compensation may be changed by ordinance, which changes shall not be considered amendments to the plan within the meaning of Section 17-35a-7(5)(a), Utah Statutes, or of Section 2.04.130. Council members shall be reimburse for actual expenses they incur in the course of their official duties; such reimbursements shall be identified in the summary financial in-

formation required by Section 2.04.070(E). (Ord. 360, 2003; Ord. 351, 2001; Ord. 300, 1999; Res. 2426; Optional Plan § 2.6)

#### 2.04.090 Role of the council.

Consistent with this plan's provisions increasing the size and reducing the compensation of the council, it is the intent of this plan to establish the council as a citizen body whose members serve on a part-time basis primarily in a legislative, policy-making role, and membership on the council is not intended to be a full-time positions involving extensive day-to-day administrative oversight of county operations and functions. Accordingly, it is expected that the council will implement this plan by using its power under Title 17, Utah Statutes, and other applicable general laws, to maintain and fully utilize an adequate, competent professional county staff to perform, administer and have day-to-day oversight over the county's operations and functions, pursuant to general policies and directives promulgated by the council. Pursuant to and invoking the full authority granted by Article XI, Section 4, Utah Constitution, and the Optional Plan Statute, particularly Section 17-35a-7(2), Utah Statutes, it is determined and declared that the foregoing provisions of this section as to the role of the council are necessary and desirable to achieve the best and most effective operation of this plan; but, like all other provisions of this plan, the foregoing provisions are subject to Section 2.04.150. The council is encouraged to cooperate with and fully utilize the county's appointed boards and commissions, and to give full consideration to information and recommendations communicated by such boards and commissions, in order to maximize citizen participation in county government. The council is also encouraged to fully cooperate with the city of Moab and other government entities and to fully utilize all mechanisms legally and practically available to consolidate and share governmental services, functions and facilities, in order to maximize governmental efficiency and economy. (Optional Plan § 2.7)

#### 2.04.100 Prohibitions.

A. Except for the compensation provided for in Section 2.04.080, no member of the council shall be compensation by the county for work in connection with the administration or management of county government.

B. The council members are subject to all limitations applicable under general law to the members of a board of county commissioners relating to prohibited interest and relationships. (Optional Plan § 2.8)

### Article III. General Provisions

#### 2.04.110 Independent candidacies for county offices.

All candidates for elected county offices shall be nominated as independent candidates in substantially the manner provided by Section 20-3-38, Utah Statutes, as amended from time to time, with primary elections if necessary as provided in Section 2.04.040(D); and no political party designation shall be used on the ballot for any county office at any election. Pursuant to and invoking the full extent of the authority granted by Article XI, Section 4, Utah Constitution, and the Optional Plan Statute, particularly Section 17-35a-7(2), Utah Statutes, it is determined and declared that utilization of

independent candidacies as the manner of electing county officers is necessary and desirable to achieve the best and most effective operation of this plan. Notwithstanding the foregoing, the provisions of this plan as to independent candidacies, like all other provisions of this plan, are subject to Section 2.04.150. Nothing in this section shall preclude write-in candidacies as provided by applicable law. (Optional Plan § 3.1)

#### 2.04.120 Delegation--Liberal construction.

All officers and agents of the county, including but not limited to the county clerk, the predecessor county commissioners, and the members of the council established by this plan, are authorized and directed to take all actions necessary or appropriate to fully implement the provisions of this plan. The provisions of this plan shall be liberally construed in accordance with its purposes of establishing a more representative, accountable, accessible, responsive and efficient county government. (Optional Plan § 3.2)

#### 2.04.130 Amendments.

Pursuant to the Optional Plan Statute, amendments to this plan which are not contrary to the “general county (modified)” structural form of county government established hereunder may be adopted by the council by a two-thirds vote of all its members; but amendments adopted by the council which are contrary to a specific requirement of the Optional Plan Statute applicable to the “general county (modified)” structural form of county government shall not be effective unless submitted to and approved by a majority of the voters casting a vote on the question at a general or special election. Amendments to this plan are county legislation and therefore may also be initiated or referred by petition of registered voters of the county in the manner provided by Chapter 11 of Title 20, Utah Statutes, as amended from time to time. This plan acknowledges the time restrictions on certain optional plan changes imposed by Section 17-35a-2(2), Utah Statutes, but it is the intent of this plan that, if the Optional Plan Statute is amended so as to reduce or eliminate such time restrictions and permit earlier changes to optional plans, such amendment shall apply to any such changes to this plan. (Optional Plan § 3.3)

#### 2.04.140 Inconsistent provisions repealed.

Any provisions of any County Charter, ordinance, resolution, regulation or other enactment inconsistent with this plan are repealed only to the extent of such inconsistency. (Optional Plan § 3.4)

#### 2.04.150 Severability.

If any provision of this plan or any application thereof to any person or circumstance is held invalid, the remaining provisions of this plan and applications thereof to other persons or circumstances shall not be affected thereby. (Optional Plan § 3.5)

Chapter 2.08

COUNTY COUNCIL

Sections:

- 2.08.010 Meetings.
- 2.08.020 Bond.

2.08.010 Meetings.

A. Pursuant to 17-5-202 Utah Code Annotated 1953, as amended, the regular meetings of the Grand County council shall be held at the council chamber in the Grand County Courthouse, Moab, Utah, on the first and third Tuesdays of each month, beginning with the month of June, 2003. When a Monday should fall on a county-observed holiday the council meeting shall be held on the Tuesday following.

B. The meetings shall commence at the hour of three p.m. and seven p.m. and shall remain in session until such time as may be necessary to conduct all county business. (Ord. 367 § 1, 2003; Editorially amended during 2000 codification; Ord. 262 § 1, 1994)

2.08.020 Bond.

A. The bonds of the county council members shall be set and approved by the judge of the district court, recorded by the county recorder and filed and kept in the office of the county clerk.

B. Payment of Premiums. The premium of bonds referred to in subsection A of this section shall be paid out of county funds. (Ord. 170 §§ 4, 5 (part), 1984)

Chapter 2.12

OFFICERS' BONDS AND SALARIES

Sections:

- 2.12.010 Amounts required.
- 2.12.020 Procedure.
- 2.12.030 Public employees faithful performance blanket position bond.
- 2.12.040 Payment of premiums.

2.12.010 Amounts required.

Before entering upon the discharge of their respective offices, the following officers shall execute as required by law their individual bonds to qualify for office, such bonds to be in the penal sums indicated:

Office	Penalty
County clerk	\$ 5,000.00
County auditor	5,000.00
County sheriff	20,000.00
County attorney	5,000.00

County recorder	5,000.00
County assessor	20,000.00
County surveyor (engineer)	5,000.00
County treasurer	(as set by the State Money Management Council)

(Ord. 170 § 1, 1984)

2.12.020 Procedure.

Bonds required by the provisions of this chapter shall be executed by a corporate surety company, and shall be approved by the county council, recorded by the county recorder, and filed and kept in the office of the county clerk, except that the bond of the county clerk shall be filed and kept by the county treasurer. (Ord. 170 § 2, 1984)

2.12.030 Public employees faithful performance blanket position bond.

Personnel of this county, excepting those listed in Section 2.12.010, and excepting also any others who may be required by state statutes to give an individual bond to qualify for office, shall be included in a public employees faithful performance blanket position bond. The public employees faithful performance blanket position bond shall provide a minimum of five thousand dollars (\$5,000.00) coverage as to each employee. The public employees faithful performance blanket position bond shall be approved by the county council and shall be filed in the office of the county clerk. (Ord. 170 § 3, 1984)

2.12.040 Payment of premiums.

The premium of bonds referred to in Sections 2.12.010 and 2.12.030 shall be paid out of county funds. (Ord. 170 § 5 (part), 1984)

Chapter 2.16

EMERGENCY MANAGEMENT

Sections:

- 2.16.010 Definitions.
- 2.16.020 Expense recovery.

2.16.010 Definitions.

As used in this section:

“Hazardous materials emergency” means a sudden and unexpected release of any substance that because of its quantity, concentration, or physical, chemical or infectious characteristics presents a direct and immediate threat to public safety or the environment, and requires immediate action to mitigate the threat.

“Expenses” means actual labor costs of government and volunteer personnel including workers compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operations, cost of materials, and the cost of any contract labor and materials. (Ord. 213 § 1, 1993)

2.16.020 Expense recovery.

A. The director of Grand County emergency management may recover from those persons whose negligent actions caused the hazardous materials emergency expenses incurred by any governmental agency or agencies directly associated with a response to a hazardous materials emergency taken under authority of this chapter.

B. The payment of expenses under this chapter does not constitute an admission of liability or negligence in any legal action for damages.

C. The director may obtain assistance from the county attorney or attorney general to assist the director in recovering expenses and legal fees.

D. Any recovered costs shall be deposited in the general fund. (Ord. 213 § 2, 1993)

Chapter 2.20

MOAB AREA TRAVEL COUNCIL

Sections:

2.20.010 Title.

2.20.020 Definition of terms.

2.20.030 Purpose.

2.20.040 Travel council--A recreation, tourist and convention promotion bureau.

2.20.050 Duties of travel council staff and employees.

2.20.010 Short title.

This chapter shall be known as the Moab area travel council ordinance. (Ord. 371 § 1, 2003; Ord. 343 (part), 2001; Ord. 259 § 1, 1994)

2.20.020 Definition of terms.

Whenever used in the body of this chapter, the following terms in this section shall have the meaning defined thereafter. All other words shall have the usual meaning in the English language:

“Canyonlands Region” means the geographic land area of the state of Utah, which includes all of Grand and San Juan Counties.

“County council” means the Grand County council of the county of Grand, state of Utah.

“Director” means the travel council department head.

“Travel council” means a department of Grand County established to accomplish the purposes of this chapter. (Ord. 371 § 2, 2003; Ord. 259 § 2, 1994)

2.20.030 Purpose.

The Grand County council declares that this chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish these purposes:

A. To adopt a clearly defined structure for the administration of recreation, tourist and convention programs within Grand County and the reasonable adjacent area;

B. To help provide for the health, welfare, safety and economic security of the citizens of Grand County by promoting recreation, tourism and conventions in Grand County;

C. To provide for community participation through a travel council advisory board to advise and assist the county council in the process of planning, coordinating and administering the travel council;

D. To help assure that the community can provide the services and infrastructure required by the visitors;

E. To establish a recreation, tourist and convention bureau advisory board authorized by Title 17, Chapter 31, Utah Code Annotated (as amended);

F. To establish a tourism and tax advisory board (Section 2.24.080) authorized by Utah Code Section 17-31-8 Annotated (as amended);

G. To confirm that the reserve fund created by Ordinance 272 is the special fund for transient room tax receipts as authorized by Title 17, Chapter 31, Utah Code Annotated (as amended). (Ord. 371 § 3, 2003; Ord. 259 § 3, 1994)

2.20.040 Travel council--A recreation, tourist and convention promotion bureau.

A. There is established a department of Grand County under the supervision and control of the Grand County council to be known as the "Moab area travel council" to act as a recreation, tourist and convention bureau for Grand County. Secondary assistance may be rendered to the Canyonlands Region.

B. The county council shall provide for meeting and office space as well as facilities for distributing information to the public, contract with public and private agencies and entities for supplies, facilities, promotional materials, advertising, cooperative promotional projects and generally do all things necessary to the operation of a lawful, professional and successful recreational, tourist and convention bureau. (Ord. 371 § 4, 2003; Ord. 343 (part), 2001; Ord. 259 § 4, 1994)

2.20.050 Duties of travel council staff and employees.

Under direction of the county administrator, the duties of the personnel employed to work in the Moab area travel council are as follows:

A. The director shall be hired as a Grand County employee as provided for in the Grand County Personnel and Policy Manual. The director shall be in the career service non-exempt category. The director shall act as the administrative officer of the travel council and conduct business from the Moab area travel council office. Compensation for the director shall be determined from time to time by the Grand County council. The director shall be a department head with day-to-day responsibilities for efficient operation of the travel council office and staff. The director is responsible to the county administrator;

B. The travel council director may hire additional employees in accordance with the procedures outlined in the County Personnel Manual, as may be required, to fulfill the departmental mission. The salary of all non-exempt employees of the travel council shall be as established by the schedule of salaries approved by the county council. All employees of the travel council are governed by the policies and procedures promulgated by the county council for all county employees;

C. The travel council director shall develop programs for information, advertising and publicity, promoting the recreational, scenic and tourist attractions for visitors to Grand County at large and the Canyonlands Region;

D. To encourage and assist in the coordination of the activities of persons, firms, associations, corporations and governmental agencies engaged in publicizing, developing and promoting recreation, tourism and conventions in Grand County;

E. Recommend to the county council agreements with the Utah Travel Council, the Utah Department of Community and Economic Development and the Utah Department of Transportation. As a part of such agreements, Grand County may, on behalf of the travel council, accept services, quarters or facilities as a contribution in carrying out the duties and functions of the travel council;

F. To solicit and accept contributions of moneys, services and facilities from any other sources, public or private, providing the travel council shall not use the funds for publicizing the exclusive interests of the donor. Moneys received pursuant to this section shall be deposited in the reserve fund described in Chapter 3.04;

G. To assist the travel council advisory board by coordinating activities, forwarding board action, recommendations and requests to the county council for action, as well as other lawful activities generally contributing to the purpose of this chapter. (Ord. 371 § 5, 2003; Ord. 343 (part); 2001; Ord. 266, 1995)

## Chapter 2.24

### TRAVEL COUNCIL ADVISORY BOARD

#### Sections:

2.24.010 Travel council advisory board--Memberships-- Meetings--Quorum--Duties--Terms of office--Vacancies--Reimbursement of expenses--Participation.

2.24.020 Tourism tax advisory board.

2.24.030 Reserve fund defined.

2.24.010 Travel council advisory board--Memberships-- Meetings--Quorum--Duties--Terms of office--Vacancies--Reimbursement of expenses--Participation.

There is established a Grand County travel council advisory board to advise the county council in all matters relating to the operation of the Moab area travel council as established by this chapter.

A. The travel council advisory board, to be appointed by the county council, shall be composed of nine voting members, with the travel and tourism director as an ex officio member. Voting members must:

1. Be residents of Grand County; and
2. Represent the local:
  - a. Hotel and lodging industry;
  - b. Restaurant industry;
  - c. Recreational facilities;
  - d. Convention facilities;
  - e. Museums;
  - f. Cultural attractions; or
  - g. Other tourism-related industries.

At the first meeting of each year, one member shall be elected chairperson and one member shall be elected vice chairperson of the travel council advisory board for a single year term. Terms of selected members shall be for four years, commencing on January 1st, and expiring on December 31st, four years later.

B. Individual members of the advisory board serving at the time the ordinance codified in this chapter is approved shall fulfill their appointed terms.

C. 1. Vacancies occurring by reason of death, resignation or other cause shall be filled to the date of expiration of the unexpired term by appointment of another person by the county council upon the recommendation of the Grand County travel council advisory board.

2. The travel council advisory board and the travel council director shall follow the board appointment process established by the Grand County council to advertise for applicants to fill any vacancies occurring for any reason.

D. The Canyonlands Regional representative to the Utah travel council board serves as an ex officio member of the Moab area travel council advisory board. Ex officio members are entitled to all the rights and privileges of other board members, with the exception of voting.

E. Five members of the advisory board shall constitute a quorum for the transaction of business.

F. Every member of the travel council advisory board shall serve without pay, but shall be entitled for reimbursement for actual and necessary expenses, as approved by the county council upon recommendation of the travel council advisory board, incurred while attending meetings.

G. The Moab area travel council advisory board shall prepare an annual budget to promote recreation, tourism and conventions. Such budget shall be submitted to the county council for approval in a timely manner.

H. All funds in excess of the approved promotional budget shall be the exclusive responsibility of the Grand County council and the tourism tax advisory board.

I. The travel council advisory board shall submit for approval by the county council, by-laws and other policies that will improve the effectiveness of operations within the authority delineated in this chapter. (Ord. 371 § 6, 2003; Ord. 343 (part), 2001; Ord. 259 § 6, 1994)

#### 2.24.020 Tourism tax advisory board.

- A. The travel council advisory board shall serve as the tourism tax advisory board.
- B. The board shall be composed of any of the following members that:
  1. Are residents of Grand County; and
  2. Represent the local:

- a. Hotel and lodging industry,
- b. Restaurant industry,
- c. Recreational facilities,
- d. Convention facilities,
- e. Museums,
- f. Cultural attractions, or
- g. Other tourism-related industries.
- C. The board shall advise the county council on the best use of revenues collected from:
  - 1. The transient room tax allowed under Section 59-12-301; and
  - 2. The tourism, recreation, cultural and convention facilities tax allowed under Section 59-12-603.
- D. The tourism tax advisory board, in accordance with Section 17-31-8 Annotated (as amended) shall prepare an annual budget for promotion of recreation, tourism, and conventions and shall submit said budget to the county council for approval in a timely manner.
- E. Every member of the tourism tax advisory board shall serve without pay, but shall be entitled for reimbursement for actual and necessary expenses, as approved by the county council upon recommendation of the travel council advisory board, incurred while attending meetings. (Ord. 371 § 7, 2003)

2.24.030 Reserve fund defined.

- A. To clearly and separately account for proceeds of the transient room tax levied by Ordinance 272 ratified by the Grand County council on the first day of April, 1984, a separate accounting record shall be maintained by the Grand County auditor which describes the date, amount and source of all funds received by Grand County from transient room taxes, contributions to special promotion projects, sales of maps and other informational materials by the travel council or others acting on behalf of the travel council through express or implied contracts.
- B. All expenditures for and on behalf of the travel council for personnel salaries, informational materials, publicity, advertising, travel council advisory board expense reimbursement, office and facility space rental, employee expenses, administrative support costs related directly to the purpose of the ordinance codified in this chapter shall be shown in the accounting record described in subsection A of this section.
- C. Transient room tax proceeds not encumbered or expended in the calendar year in which such funds are received, shall be deposited in the reserve fund established by Ordinance 272 and thereafter shall be shown on an accounting record for the Grand County special reserve fund until transferred from such fund to a current fiscal year budget by action of the county council. When such a fund transfer occurs, the amount of the transfer shall be set forth in the accounting record established by subsection A of this section.
- D. All transient room tax funds accrued in the reserve fund as established by Ordinance 272 in excess of the promotional budget approved annually by the county council shall be the responsibility of the county council for expenditure as deemed necessary to ensure the health, safety and welfare of the citizens of and visitors to Grand County, as provided by Utah State Code 17-31-2(1). (Ord. 371 § 8, 2003)

## Chapter 2.28

### COUNCIL ON AGING

#### Sections:

- 2.28.010 Established.
- 2.28.020 Purpose, duties and responsibilities.
- 2.28.030 Organization.
- 2.28.040 Budget.

#### 2.28.010 Established.

Due to the great interest in Grand County in improving, developing, coordinating and strengthening all programs concerned with a rapidly increasing aged and aging population and to more fully utilize the potential of our older citizens, their skills, their wisdom and their experience, the county council creates a Grand County council on aging, hereafter referred to as the council on aging. (Ord. 355 § 2, 2002; Ord. 176 § 1, 1985)

#### 2.28.020 Purpose, duties and responsibilities.

The purpose of the Grand County council on aging (council) shall be to advise the Grand County council (county council) on all matter related to the needs of the county's aged population. The members shall in all cases act as a council, and they may adopt such rules and regulations for the conduct of their meetings and the management of the council as they may deem proper, not inconsistent with the bylaws, Grand County ordinances, and the laws of the State of Utah.

A. To provide a forum where elderly residents of the Grand County geographical area may meet to discuss current and future needs of the aging population;

B. To provide input to the policies and planned budget for the Senior Center facility activities, staff work programs, and facility operation;

C. To provide referral service to appropriate agencies to serve the needs of senior citizens;

D. To provide assistance to the staff of the Senior Center in planning recreational and other meaningful activities for the elderly residents of Grand County and surrounding areas; assist in the design of programs to further the well being of the county's elderly population;

E. To develop a marketing and community awareness program to inform residents of Grand County about Senior Center activities to ensure all are included and have the opportunity to participate;

F. To advise the Grand County council on issues that require further resource advocacy from state, local and national levels; and,

G. To cooperate with the Utah Division of Aging and also both public and private companion agencies on the state and national levels to more effectively meet the needs of and provide opportunities for older persons. (Ord. 355 §§ 1 and 2, 2002; Ord. 176 §§ 1 and 2, 1985)

#### 2.28.030 Organization.

The council on aging shall consist of nine regular voting members representing different groups or agencies (public or private) associated with services to older people such as family services (welfare), health, education, community action, community services council, churches, extension service etc., with at least one-half of the membership over sixty (60) years of age. Ex-officio members without vote shall be: the Senior Center Director, and liaison members representing government agencies and local businesses.

A. Voting members shall be appointed by the county council, by resolution (or minute entry), who may follow the recommendations of the council on aging. Appointments shall be made to be effective November 1st of each year. The appointment of members shall be for a term of three years. Vacant appointments will be made for the balance of the term for which the appointment was made.

B. Officers elected by the council on aging shall be elected every year and serve no more than two consecutive years. The officers shall consist of the following:

1. Chairperson;
2. Vice Chairperson;
3. Secretary.

C. Members of the council on aging shall meet on the 2nd Monday of each month at the Senior Citizen Center at 12:30 p.m. or at special session as called by the Chairperson. No compensation shall be paid to members, as such, for their services; however, all members of the council may be authorized travel expenses for attendance to out of town council business. Expenses incurred during the course of performing services for the council or council business may be compensated when approved by the council. Travel expense shall be covered with submission of a travel voucher to the Senior Center Director.

D. Any member of the council on aging may be removed by the council for cause. Failure to attend two unexcused consecutive meetings of the council by any member shall be the cause for written notification to the member that his/her position will be vacated should the person fail to attend the next council meeting.

E. Program personnel shall serve by approval of the council on aging subject to approval by the county council.

1. The council on aging shall participate in the appointment or removal of the Senior Center Director to administer and assist with the planning of senior activity programs in the county.
2. The Senior Center Director shall hire personnel.
3. The Senior Center Director shall fill positions and develop and provide opportunity for volunteer services by qualified senior citizens as much as possible. (Ord. 355 § 3 (part), 2003; Ord. 176 § 3, 1985)

#### 2.28.040 Budget.

A budget shall be established annually by the Grand County council, who may follow the recommendations of the Senior Center Director, it being the desire of all concerned that this council on aging be independent and subject only to a minimum of control and supervision of the county council.

Monies collected and expended shall be accounted for annually by the Senior Center Director and shall be audited by the county auditor before approval of the succeeding year's budget. (Ord. 355 § 4 (part), 2002; Ord. 176 § 4, 1985)

## Chapter 2.30

### GRAND COUNTY LIBRARY BOARD

#### Sections:

- 2.30.010 Library board of directors.
- 2.30.020 Officers.
- 2.30.030 Meetings.
- 2.30.040 Committees.
- 2.30.050 Delegated powers and duties.
- 2.30.060 Basic duties and responsibilities of the library director.

#### 2.30.010 Library board of directors.

A. Pursuant to the provisions of Title 9, Chapter 7, Section 502, Utah Code Annotated, as amended, the county library board of directors shall consist of not less than five and not more than nine directors chosen from the citizens of the county and based upon their fitness for the office.

B. Only one director of the board may be a member of the county council at any one time.

C. All directors shall be appointed by the county council.

D. Directors shall be appointed to serve for four-year terms, or until their successors are appointed and shall not serve more than two consecutive full terms.

E. The term of the directors shall be staggered so that approximately one-quarter of the board is appointed each year.

F. Any appointed board director may resign from such position by providing written notification to the chairperson. The chairperson shall thereupon notify the county administrator of such resignation.

G. Vacancies created by resignation, death, removal or otherwise shall be filled for the duration of the unexpired term in the same manner as the original appointment. (Ord. 372 § 1, 2003)

#### 2.30.020 Officers.

A. Each board shall establish bylaws that specify board officers and their duties and establish a schedule for a systematic review of the board bylaws and procedures.

B. The county treasurer shall have legal custody of all library fees/fines collected by the library and taxes and fees collected by the county and shall act as the treasurer of such funds.

C. The chairperson of the board shall sign or countersign all official board documents and where appropriate recommend approval by the county council. The chairperson shall arrange staff to take minutes and maintain official records of board actions. (Ord. 372 § 2, 2003)

2.30.030 Meetings.

A. The board shall have no fewer than four regular meetings during a calendar year with a quorum present, whether corporal or by means of electronic equipment, for the purpose of discussing or acting upon a matter or matters. For this purpose a quorum consists of that number of board directors that represents fifty-one (51) percent or more of the total number of board directors appointed at the time. However the board shall have at least one annual corporal meeting held in the last quarter of the year.

B. Meetings shall comply with all requirements of state law including, but not limited to, the Utah Open and Public Meetings Act. Special meetings may be called at any time by the chairperson providing notice thereof is given to the public and all directors at least twenty-four (24) hours in advance.

C. If the board director who is a member of the county council is unable to attend any board meeting, then that director may designate an alternate to act in that director's place.

D. If the member of the county council who is a director of the board has designated an alternate to act in that director's stead, at any or all board meetings, then that alternate shall count as a board director for purposes of constituting a quorum or voting.

E. Records of all board meetings shall be kept, managed, classified and disclosed as required by county ordinance and state law, including, but not limited to, the Government Records Access and Management Act. (Ord. 372 § 3, 2003)

2.30.040 Committees.

Ad hoc committees for the study and/or investigation of library issues or other library matters may be appointed by the board chairperson to serve until the completion of the work for which they were established. (Ord. 372 § 4, 2003)

2.30.050 Delegated powers and duties.

Subject to compliance with federal laws, state laws, and county ordinances:

A. The board is granted authority to:

1. Establish policies for the operation, maintenance and care of the library;
2. Purchase, lease, exchange, hold title to, sell and/or construct buildings for library benefit; and purchase, lease, exchange and/or sell personal property for library benefit; however, all sales of real or personal property by the board shall comply with Chapter 3.24 of this code concerning disposal and declaration of surplus property;
3. Establish policies for acquiring, maintaining, and accessing library collections and electronic resources; and
4. Establish policies to exclude from the use of the library any person who wilfully violates federal or state laws, county ordinances or library policies.

B. In addition to the authority granted under subsection A of this section, the board shall establish and revise all other policies and:

1. Recommend to the county council a competent person to act as library director to have immediate charge of the county library system with those duties specified in a job description approved by the board and county administrator;

2. Establish and revise library policies in cooperation with the library director, subject to consistency with state and federal law and county ordinance and review by the county attorney's office;
3. Work cooperatively with county administrator, county council, library director, library staff, other county staff and others in the community to provide excellent library service;
4. Encourage citizen involvement in the development of long-range plans for the improvement of library services and facilities;
5. Hear and resolve relevant library issues brought before the board;
6. Make an annual report to the county council on the condition and operation of the library, including a financial statement;
7. Submit an annual report to the state library;
8. Recommend to the county council the removal of any director of the board for misconduct or neglect of duty; and
9. Submit to the county administrator and county council, annually, in writing, and prior to the time required by law to levy county taxes, a recommended budget sufficient to operate, supply, equip and maintain the library, and to effectively provide library services during the next ensuing fiscal year. (Ord. 432, 2006; Ord. 372 § 5, 2003)

2.30.060 Basic duties and responsibilities of the library director.

- A. The library director shall:
  1. Serve as the executive officer for the library;
  2. Be responsible for the administration of the county library system under the policies adopted by the board and applicable policies of the county;
  3. Recommend such policies and procedures to the board that will improve services to library patrons and promote the efficiency of the library, without unduly sacrificing the quality of service to patrons;
  4. Be accountable to the county administrator and library board in complying with library policy, applicable county-wide policy, and state and federal laws;
  5. Be responsible for the protection, maintenance and operation of county library system property, plant and equipment;
  6. Submit regularly and timely reports to the board on the progress, activities and finances of the library;
  7. Ensure the appropriate collection, receipting and reporting of library fee/fine income and the appropriate expenditure and reporting of budget resources; and
  8. Perform other duties as established in the director's official job description. (Ord. 372 § 6, 2003)

Chapter 2.32

PUBLIC RECORDS

Sections:

- 2.32.010 Findings.
- 2.32.020 Purpose and intent.
- 2.32.030 Definitions.
- 2.32.040 Records generally.
- 2.32.050 Records designated.
- 2.32.060 Right of privacy.
- 2.32.070 Classification and retention.
- 2.32.080 Requests for records.
- 2.32.090 Fees.
- 2.32.100 Appeals.
- 2.32.110 Accommodations for disabled persons.
- 2.32.120 Amendments and corrections.
- 2.32.130 Violations by county employees.
- 2.32.140 County records officer.
- 2.32.150 Maintenance.
- 2.32.160 Storage, retention and retrieval.
- 2.32.170 Violation--Misdemeanor.

2.32.010 Findings.

The county council of Grand County finds the following:

A. It is in the best interests of Grand 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 non-public; and to ensure the preservation of vital and historically valuable records.

B. As the records of Grand County government agencies are a resource containing information which: (1) allows government programs to function; (2) provides officials with a basis for making decisions and ensuring continuity with past operations; and (3) 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 within a reasonable time after request and at a reasonable cost as set forth in this chapter.

D. The county recognizes a public policy interest in allowing the government to restrict access to certain records, as specified in the Act and this chapter, for the public good. (Ord. 228 § 010, 1995)

2.32.020 Purpose and intent.

In enacting the ordinance codified in this chapter, it is the purpose and intent of the county council to provide, in accordance with the Government Records Access and Management Act (hereinafter referred to as "the Act"), Chapter 2 of Title 63 of the Utah Code Annotated (1953), an ordinance acknowledging and complying with the Act and providing for its application in the county. County agencies shall comply with the provisions of said ordinance and with the Act and shall also comply

with other federal and state statutory and regulatory record-keeping requirements. (Ord. 228 § 020, 1995)

#### 2.32.030 Definitions.

As used in this chapter, the following definitions shall be applicable.

“Act” refers to the Government Records Access and Management Act, Section 63-2-101, et seq., Utah Code Annotated, 1953 as amended.

“Agency” refers to any office, department, division, section, staff office, board, committee or other division of Grand County government or any public or private entity which pursuant to contract with the county has agreed to produce and maintain public county records.

“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.

“Controlled records” are those defined as controlled under the provisions of this chapter and in accordance with the provisions of the Act.

“Data” refers to individual entries (for example, birth date, address, etc.) in records.

“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 deletion or erasure of electronically recorded audio, visual, non-written formats, data processing, or other records.

“Nonpublic records” refers to those records defined as private, controlled, or protected under the provisions of this chapter and of the Act.

“Private records” refers to those records classified as private under the provisions of this chapter and of the Act.

“Protected records” refers to those records classified as protected under the provisions of this chapter and the Act.

“Public records” refers to those records which have not been classified as nonpublic in accordance with the provisions of this chapter and the Act.

“Record” means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received or retained by the county where all the information in the original is reproducible by some mechanical, electronic, photographic or other means.

“Record” does not mean:

1. Temporary drafts or similar materials prepared for the originator’s personal use or prepared by the originator for the personal use of a person for whom he or she is working, or any preliminary or rough draft that is discarded upon the generation of a successive draft;
2. Materials that are legally owned by an individual in his or her private capacity;
3. Materials to which access is limited by the laws of copyright or patent;
4. Junk mail or commercial publications received by the county or by an officer or employee of the county;

5. Books and other materials that are catalogued, indexed or inventoried and contained in the collections of county libraries open to the public, regardless of physical form or characteristics of the material;

6. Personal notes or daily calendars prepared by any county employee for personal use or the personal use of a supervisor or such notes, calendars or internal memoranda prepared for the use of an officer or agency acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed pursuant to Utah Open Meetings Act; or

7. Proprietary computer software programs as defined in this section that are developed or purchased by or for the county for its own use. (Editorially amended during 2000 codification; Ord. 228 § 030, 1995)

#### 2.32.040 Records generally.

A. Members of the public shall have the right to see, review, examine and take copies, in any format maintained by the county, of all county governmental records defined as “public” under the provisions of this chapter, upon the payment of the lawful fee and pursuant to the provisions of this chapter, the Act and policies and procedures developed hereunder.

B. The county 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.

C. When a record is temporarily held by a custodial county agency, pursuant to the custodial agency’s statutory and ordinance functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purposes of this chapter. The record shall be considered a record of the agency or agencies which usually keeps or maintains that record and any requests for access to such records shall be directed to that agency or agencies, rather than the custodial agency, pursuant to procedures established by the county. Only when records have been formally filed for permanent archival retention shall County Archives be responsible for responding to records requests. (Ord. 228 § 040, 1995)

#### 2.32.050 Records designated.

A. Public records shall be those county records as defined in the Act, Section 63-2-301 (U.C.A., 1953 as amended). Public records shall be made available to any person. All county records are considered public unless they are: (1) expressly classified otherwise in accordance with policies and procedures established by this chapter; (2) are so classified by the Act; or (3) are made nonpublic by other applicable law.

B. Private records shall be those county records classified as “private,” as defined in the Act Section 63-2-302 (U.C.A., 1953 as amended) and as classified and defined in procedures established pursuant to this chapter. Private records shall be made available to the following persons: the subject of the record, the parent or legal guardian of a minor who is the subject of a record, the legal guardian of an incapacitated individual who is the subject of the record, any person who has a power of attorney or a notarized release from the subject of the record or his legal representative, or any person possessed of and serving a legislative subpoena or a court order issued by a court of competent jurisdiction.

C. Controlled records shall be those county records classified as “controlled,” as defined in the Act, Section 63-2-303 (U.C.A., 1953 as amended) and as classified and defined in procedures established in this chapter. Controlled records shall be made available to a physician, psychologist or licensed social worker who submits a notarized release from the subject to the record or any person presenting a legislative subpoena or a court order signed by a judge of competent jurisdiction.

D. Protected records shall be those county records classified as “protected,” as defined in the Act, Section 63-2-304 (U.C.A., 1953 as amended) and as classified and defined in procedures established in this chapter. 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. (Editorially amended during 2000 codification; Ord. 228 § 050, 1995)

#### 2.32.060 Right of privacy.

The county recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. County records regarding 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, or if release may constitute a clearly unwarranted invasion of privacy, shall generally not be classified as public records, in accordance with the Act and procedures established in this chapter. Under circumstances and procedures established by this chapter, certain items of data may be rendered non-public, although other items of data in the record, or the record itself, may be classified public.

B. The county may, as determined appropriate by the agency director of the agency responding to a request for records, notify the subject of a record that a request for access to the subject’s record has been made.

C. The county may require that the requester of records provide a written release, notarized within thirty (30) days before the request, from the subject of the records in question before access to such records is provided. (Ord. 228 § 060, 1995)

#### 2.32.070 Classification and retention.

All county records and records series, of any format, shall be classified and scheduled for retention according to the provisions of the Act and 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 county records officer who shall be assisted by a classification review committee consisting of the records officer or designee and the agency director of the agency in charge of the record in question, or designee. Assistance may be requested from the county attorney as needed. Classification and retention scheduling forms and guidelines shall be prepared and promulgated by the records officer. (Ord. 228 § 070, 1995)

#### 2.32.080 Requests for records.

A. Under circumstances in which an agency is not able to immediately respond to a records request, the requester shall fill out and present to the agency a written request on forms provided by the county. 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.

B. An agency 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.

C. 1. In most circumstances and excepting those eventualities set out in subsection C(2) of this section, an agency shall respond to a written request for a public record within thirty (30) business days after that request.

2. Extraordinary circumstances shall justify an agency's failure to respond to a written request for a public record within fifteen (15) business days and shall extend the time necessary to respond to the request, as determined by the agency director. Extraordinary circumstances shall include but not be limited to the following:

a. The agency, another agency, or some other governmental entity is currently and actively using the record requested;

b. The record requested is for either a voluminous quantity of records or requires the agency to review a large number of records or perform extensive research to locate the materials requested;

c. The agency is currently processing either a large number of records requests or is subject to extraordinary seasonal work loads in the processing of other work;

d. The request involves an analysis of legal issues to determine the proper response to the request;

e. The request involves extensive editing to separate public data in a record from that which is not public;

f. Providing the information request requires computer programming or other format manipulation; or

3. When a record request cannot be responded to within fifteen (15) days, the agency director shall give the requester an estimate of the time required to respond to the request.

D. The failure or inability of an agency to respond to a request for a record within the time frames set out herein, or the agency's denial of such a request, shall give the requester the right to appeal as provided in Section 2.32.100.

E. Any county record which has been requested in accordance with this chapter and the Act, that is disposable by approved retention schedule, may not be disposed of until the request is granted and fulfilled, or sixty (60) days after the request is denied if no appeals are filed, or sixty (60) days after all appeals are completed, pursuant to Section 2.32.100.

F. No county record, disposable by 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. (Ord. 269, 1995; Ord. 228 § 080, 1995)

Applicable fees for the processing of information requests under this chapter shall be ten cents (\$0.10) per copy (unless special copying techniques are required), and fifteen dollars (\$15.00) per hour for time spent by county employees in finding the records. (Ord. 228 § 090, 1995)

#### 2.32.100 Appeals.

A. Persons aggrieved by the county's classification of a record or by an agency's response to a record request may file an administrative appeal of that decision with the county council. The appeal of a decision of the county council may be made to the District Court, in accordance with the Act and the Utah Rules of Civil Procedure.

B. An appeal under this section shall be brought within thirty (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.

C. The appellant shall set forth in writing the nature and date of the request, attaching a copy of the request form, if available, and setting out the basis and legal authority for the request.

D. The decisions of the county council regarding access to or classification of records shall be forwarded to the affected agency for corrective action including any reclassification of records which may be necessitated by the appellate decision. (Ord. 228 § 100, 1995)

#### 2.32.110 Accommodations for disabled persons.

Reasonable accommodations regarding access to governmental records shall be provided to persons with disabilities in accordance with policies developed under Section 2.32.140(D). (Ord. 228 § 110, 1995)

#### 2.32.120 Amendments and corrections.

Government records held by the county may be amended or corrected as needed. Requests for amendments, corrections, or other changes shall be made in writing to the agency 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. This does not apply to preliminary or rough drafts of documents, which may be discarded when replaced by a later draft. (Ord. 228 § 120, 1995)

#### 2.32.130 Violations by county employees.

A. County employees who knowingly refuse to permit access to records in accordance with the Act 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 the Act, this chapter, or other law or regulation may be subject to criminal prosecution and disciplinary action, including termination.

B. In accordance with the Act, neither the county nor any of its agencies, 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. (Ord. 228 § 130, 1995)

#### 2.32.140 County records officer.

A. The Grand County clerk, or a deputy appointed by the Grand County clerk, shall be the county records officer to oversee and coordinate records access and management and county archives activities.

B. The county records officer is authorized to call meetings of representatives from the council staff, the county departments, and from the elected offices to meet periodically as needed, as determined by the county records officer.

C. Each agency of county government shall appoint a records representative to assist with and be directly responsible for the implementation of this chapter. Regular training shall be provided under the direction of the county records officer to agency records representatives.

D. The county records officer, in consultation with agency records representatives, shall develop records maintenance and access policies and procedures to govern and implement the provisions of the Act and this chapter. Approval and promulgation of records policies and procedures shall be in accordance with the provisions of this code of ordinances and the Act. Any agency's internal policies regarding records management and access shall be consistent with this chapter and state law. (Ord. 228 § 140, 1995)

#### 2.32.150 Maintenance.

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 office shall be responsible for monitoring the application and use of technical processes in the creation, duplication and disposal of county records. They shall monitor compliance with required standards of quality, permanence and admissibility pertaining to the creation, use and maintenance of records. Policies and regulations regarding types and formats of papers, inks, electronic media, and other records and information storage media, materials, equipment, procedures and techniques shall be developed and promulgated, subject to the approval of the county council.

B. All county records 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 copies of county records otherwise produced for release or distribution under this chapter.

C. Custodians 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 officer.

D. All records which are in the possession of any county agency shall, upon termination of activities of such agency, be transferred to any successor agency or to the County Archives; provided, that such transfer is consistent with the formal provisions of such termination. (Ord. 228 § 150, 1995)

#### 2.32.160 Storage, retention and retrieval.

A. The county 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, microforms, and any type of computer, data processing, imaging, or electronic information storage or processing equipment or systems, which are not prohibited by state stat-

ute, and do not compromise legal requirements for record storage, retrieval, security and maintenance, to store and maintain county records. All computerized and nonwritten format records and data which are properly classified in accordance with the Act and this chapter as public, shall be made available to a requester within a reasonable time and at a reasonable cost.

B. Members of the public shall have the right to have access to records, in accordance with the Act 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 agency director of the agency maintaining the records, considering all circumstances. Access may include but not be limited to the following:

1. By using a county 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;

2. 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

3. By the use, where appropriate, of remote terminals which have access to county computer, data processing or 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.

C. Computer software programs are not considered a record. Software programs shall not be subject to disclosure under the ordinance or the Act, including copyrighted software and other copyrighted materials which have been purchased by or licensed to the county and software and other materials which have been copyrighted by the county. (Ord. 228 § 160, 1995)

#### 2.32.170 Violation--Misdemeanor.

Knowing violation of this chapter is a misdemeanor, punishable as set forth by law. (Ord. 228 § 170, 1995)