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December 9, 2015

BY E-MAIL ONLY

Mark Allen (markstewartallen@gmail.com)

**Re: Salt Lake County response to Parke-Allen GRAMA request;
Mayor Ben McAdams' correspondence**

Dear Mr. Allen:

Thank you for speaking with Rosemary Cundiff (copied) and me on December 1, 2015, regarding your and Eldon Parke's (copied) earlier, and very broad, request for documents under the Utah Governmental Records Access and Management Act, 63G-2-101, et seq. ("GRAMA"). Thank you, as well, for clarifying what you were seeking with regard to, in particular, an August 2013 Switzerland trip you mentioned might involve UTA.

Search Parameters

As we discussed on our December 1 telephone call, I manually searched Mayor Ben McAdams' previously collected e-mail correspondence for the following terms relating to the trip you mentioned: Switzerland, Swiss, Borgione, Halifax, and "Europe Trip." Please recall that, pursuant to Mr. Parke's earlier GRAMA request, the e-mails had previously been electronically searched by our Information Services Division ("IS Division") to collect items containing any of the following search terms for the period January 1, 2013-August 10, 2015 (which resulted in 1.15 GB of data to be re-searched and reviewed manually): Snowbird, Bonar, Ian, Cumming, Bass, "Carl Fisher," Whittekiend, Gygi, "American Fork Canyon," "Mineral Basin," "Tibble Fork," Gondola, "National Park Service," and "Forest Service."

I did not find any e-mail messages relating to the August 2013 trip you mentioned. I did, however, locate some e-mail messages, comprising 133 pages, which included the words "Switzerland" or "Swiss." Those e-mail messages have been redacted to remove personal identifiers, as required by County ordinance, and are attached hereto Bates stamped SLCo Parke-Allen GRAMA response 0001-0133.¹

¹ I also located some calendar invitations or other non-substantive items to or from Ms. Borgione for the period November 2013 to June 2015, none of which mentioned the trip at issue and which are not attached.

As I offered on our December 1 telephone call, however, I also asked our IS Division to run a new electronic search to collect items containing any of the following search terms you provided for the period June 2013-October 2013 (which resulted in 6.2 KB of data): Switzerland, Swiss, Borgione, "Europe trip," "private jet," "private plane," "private chef," Halifax, Zurich, Eiger, Jungfrauoch, and Austria. That search yielded additional e-mails, including itineraries for the August 2013 trip you mentioned. Those e-mail messages comprise another 52 pages, have also been redacted as required by County ordinance, and are attached hereto Bates stamped SLCo Parke-Allen GRAMA response 0133-0185.

These searches were all run against the Mayor's County e-mail accounts. You then requested by e-mail over this last weekend, in messages dated December 5, 2015 (6:43 p.m.) and December 6, 2015 (1:56 p.m.), that I also search the Mayor's private Gmail account, e.g., "I have found 3 email addresses which appear to be used by Ben McAdams [benmcadams@gmail.com, ben@slco.org, and bmcadams@slco.org]. Please verify all three of these have been used in the GRAMA searches, and that there are not more email addresses."

Please note that the Mayor's private non-County e-mail is not "prepared, owned, received, or retained" by the County, nor is it something the County may—or should have—access to run broad electronic searches in connection with GRAMA requests. Utah Code Ann. § 63G-2-103(22)(a)(i).

Additional Information from Mayor McAdams

I spoke with the Mayor about your inquiry. He indicated that the trip reflected in the itinerary produced herewith was separate from another trip around that same time involving the UTA. He indicated the two separate groups might have come together for a meal or meeting, but he does not recall specific details or everyone from UTA who might have been present. He purchased his own ticket to Switzerland (as reflected in the itinerary) and came back by private plane.

The Mayor also agreed voluntarily to search his private Gmail account (benmcadams@gmail.com) for any items that might fall within the definition of "record," Utah Code Ann. § 63G-2-103(22), which contained the words "Swiss" or "Switzerland." The search results he provided are attached hereto Bates stamped SLCo Parke-Allen GRAMA response 0186-0190.

Follow-up Regarding Initial GRAMA Request from Mr. Parke

As I indicated to Mr. Parke by e-mail dated November 19, 2015 (reproduced in substantive part below), his earlier GRAMA request was so broad that I will either need to prepare an estimate of costs or work with you or him to substantially narrow the request to cull out the materials in which you are not interested but which would be particularly time-consuming to produce, e.g., calendar invitations, e-mails to large committees and with large attachments, etc.:



(From November 19, 2015, e-mail):

"I spent 15+ hours searching and reviewing the Mayor's e-mails. Construing your GRAMA request as written, I was looking for any e-mails that included [the search terms listed on page 1 of this correspondence]. I then manually reviewed each of the items containing any of those search terms to see whether they fell in the category of "correspondence that has happened," which I took to mean more than just, for example, "e-mail to/from" or "e-mail about," and instead closer to "e-mail between" or "e-mail relating to."

"That manual review resulted in over 500 e-mails. The vast majority of those e-mails are (i) calendar invitations for meetings or (ii) materials sent to numerous people (say, 20-50 on a committee) by none of the parties you requested I look for, but including or copying one of more of them, containing agendas, drafts, notes, etc. I found less than 10-15 e-mails that were actually sent by the Mayor to, or to the Mayor from, any of the individuals you requested I look for (and, almost without exception, those were sent to a large collection of people, again maybe 10-20). At least two of those are [not records] under GRAMA (as they simply express condolences for the death of the Mayor's mother). Others contain information not subject to GRAMA or personal identifiers of some recipients. Still others are, as far as I can tell, not at all what you are looking for (e.g., a reference to gondolas on a possible trip to Switzerland or the unauthorized cutting of old growth trees on USFS property in July 2015).

"In order to produce all the e-mails to you, I would need to print each out manually. Calendar invitations cannot be printed in bulk from our Outlook, and e-mails with attachments have to be printed individually with each of the attachments, one by one, or they get out of order (or crash my e-mail). Then, once the e-mails are all printed, I would need to scan them to .pdf and redact them for personal identifiers (private e-mail addresses, home addresses, cell numbers, etc.) as required by County ordinance. We would then need to review them again, in substance, and redact anything not subject to GRAMA. Given the volume, and based on past experience, I would estimate it would take my assistant and me the better part of three days.

"Because you are not the press, and because there is no way to do this without taking up substantial time and County resources, our office would generally charge both for copying costs and for the time spent (calculated using the least expensive qualified person's hourly rate). On your GRAMA request, however, you did not pre-authorize anything for costs.

(November 19, 2015, e-mail (continued))

“So, I can prepare an estimate for you relating to costs or we can work together to find a way to reduce the amount of paper/time involved to a level where the burden is not so extraordinary. If, for example, you wanted only e-mails sent by the Mayor to, or to the Mayor from, any of the individuals you requested, that I can do much, much faster. If there is a particular type of e-mail you want, such as no mass scheduling requests or no e-mails to 20+ people, that will take me a little longer but will not take as much time as the full collection.”

If you or Mr. Parke would like me to prepare a cost estimate for the full production, please advise. In the alternative, if there is some other substantially smaller subset of documents that you believe might be contained within the broad parameters of Mr. Parke’s initial request, please let me know and I will endeavor to locate them.²

Right to Appeal

I hope this is sufficient to respond to your and Mr. Parke’s GRAMA requests to date. If not, you have the right to appeal this determination to the Salt Lake County Council. Appeals must be made in accordance with Salt Lake County Policy 2040, a copy of which is enclosed.³

Please feel free to contact me if you have any questions.

Best regards,

/s _____
Darcy M. Goddard
Deputy District Attorney

cc (by e-mail):

Eldon Parke (eldonparke@gmail.com)
Rosemary Cundiff (rcundiff@utah.gov)

² Although, under the unique circumstances of this GRAMA request, I agreed to informal amendments to the initial request to include additional search terms and additional data sets, and agreed, as well, to an oral request for expedited treatment, future requests for information falling outside the parameters of Mr. Parke’s initial request will need to comply with the County’s requirements for GRAMA requests and will be processed in the ordinary course. For your convenience, a copy of the County’s standard GRAMA request form is enclosed.

³ The County is working to revise its GRAMA appeal procedure. A copy of the revised procedure under consideration is attached. Should you wish to appeal this determination, please contact me beforehand to determine which appeals procedure is in place.





GRAMA - Records Request Form

To: _____
(Name of county agency/office holding the records and name of contact person if known)

Address of county agency: _____

Description of records requested: (Be as specific as possible; type of records, subject, year or dates wanted, etc.)

Please note: state law does not require any agency to create any record to fulfill a request. GRAMA applies only to existing records.

In some cases, you may need to provide a Social Security Number or other personal identifier to retrieve records. In the case of a request for medical records, the agency may require you to complete a HIPAA release.

DO NOT include your Social Security Number on this form. The agency will provide a separate method for you to provide that number if it is needed.

Check all that are applicable:

- ☐ I would like to review/inspect the records.
☐ I would like to receive copies of the records. I understand that I will be responsible for copy costs. I authorize costs of up to \$_____. I understand that prepayment of copies over \$50.00 may be required and that I will be contacted if estimated costs are greater than the above specified amount.
☐ I would like to receive copies of the records and request a waiver of costs under UCA 63G-2-203(4). Supporting documentation is attached.

If the requested records are not Public, please explain why you believe you are entitled to access.

- ☐ I am the subject of the record. (Photo ID required)
☐ I am the person who submitted the record (Photo ID required)
☐ I am authorized to access the record by the subject of the record.
(Consent for Release Form attached).
☐ Other. Please explain. _____

☐ I am requesting an expedited response as permitted by UCA 63G-2-204(3)(b). (Please attach information showing status as a member of the media and a statement that the records are required for a story for broadcast or publication, or other information demonstrating entitlement to an expedited response.)

Name of requester: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Daytime phone number where requestor can be reached: _____

Email: _____

Signature: _____ Date: _____

SALT LAKE COUNTY
COUNTYWIDE POLICY
ON
GRAMA APPEALS PROCEDURE

Reference --

Government Records Access and Management Act (GRAMA), Utah Code Annotated, Sections 63-2-401 through 407 & 701(4-6)

Records Management, Salt Lake County Ordinance, Section 2.82.100

Purpose --

The appeals process provides members of the public with a process for petitioning Salt Lake County to reconsider records issues.

1.0 Types of Appeals

Members of the public may appeal a decision made by the County concerning:

- 1.1 records classifications
- 1.2 fees charged for records
- 1.3 an agency's response to a records request

2.0 Appeals

2.1 Agency Administrator

- 2.1.1 County agencies shall attempt to resolve public complaints concerning records requests informally and at the lowest possible administrative level.
- 2.1.2 If a requestor and a County agency cannot resolve a complaint at the agency level, the requestor may submit a written notice of appeal to the Salt Lake County Council by filing a notice of appeal to the Council. The notice of appeal shall state the basis of the appeal and the relief requested. The requestor shall file the notice of appeal within thirty (30) calendar days of receiving an adverse decision from a County agency.
- 2.1.3 A notice of appeal is considered filed when it is received and date-stamped at the County Council offices located at 2001 South State Street, N2200, Salt Lake City, Utah 84190. The County Council will not accept notices of appeal sent by facsimile, e-mail, or any other electronic submission.

2.2 County Council

2.2.1 Upon receiving an appeal notice of an agency decision, the County Council may forward the notice to the hearing officer or schedule a hearing before the Council and notify the relevant County agency.

2.2.2 Notice and Hearing Schedule

2.2.2.1 Within five (5) business days of receiving a notice of appeal, the County Council shall schedule a hearing no sooner than fourteen (14) calendar days after the notice of appeal is filed, but no longer than forty-five (45) calendar days after the notice of appeal is filed. The County Council may schedule an expedited hearing upon application of the petitioner and good cause shown. If the hearing is to be conducted and heard by a hearing officer the hearing shall be scheduled no later than thirty-five (35) calendar days after the notice of appeal is filed.

2.2.2.2 The Council Clerk shall send a copy of the hearing notice to the petitioner and to the relevant County agency. Notice shall also be posted consistent with the Open Meetings Act.

2.2.2.3 No later than ten (10) business days after the notice of hearing is sent, a person whose legal interests may be substantially affected by the proceeding may file a request for intervention before the County Council.

2.2.2.4 The parties to an appeal, including any intervenors, may submit a written statement of facts, reasons, and legal authority to support their position at least ten (10) business days prior to the hearing date. The parties may not conduct formal discovery prior to a hearing under this section.

2.2.2.5 Any party who needs special accommodations shall notify the County Council of their needs at least five (5) business days prior to the hearing. Parties may appear telephonically upon application and good cause shown.

2.2.3 Hearing Officer

2.2.3.1 The Council may elect to appoint a hearing officer to conduct and hear appeals at the County Council level of appeal consistent with this policy. The hearing officer may make recommendations to the Council, who shall constitute the appeals board and who shall make all final decisions and orders under this policy. The hearing officer shall coordinate with Council staff to send out notices and distribute relevant documentation.

2.2.4 Hearing Procedure

2.2.4.1 At the hearing, the County Council or the hearing officer shall allow the parties to testify, present evidence, and comment on the issues. The hearing shall be guided by the legal rules of evidence. The parties

may question and cross examine witnesses and may be represented by legal counsel. The County Council or the hearing officer shall conduct the hearing in accordance with the Utah Open Meetings Act, except as necessary to prevent the disclosure of private, protected, or controlled information.

2.2.4.2 Where the agency's decision is based, in whole or in part, on a classification placed on a shared record by the governmental entity that created the record, the County Council or the hearing officer is bound to uphold the originating entity's classification. The County Council or the hearing officer shall therefore not hear any portion of the appeal pertaining to shared records, but shall summarily uphold the agency's decision as it pertains to shared records.

2.2.4.2.1 In cases where a requestor seeks records created by another governmental entity that were provided to the County pursuant to the Utah Code Annotated 63G-2-206, the requestor is encouraged to make a public record request directly to the originating entity.

2.2.4.2 The County Council or the hearing officer may review disputed records, but may not reveal any private, protected, or controlled information during the course of the hearing. If the County Council finds it necessary to discuss private, protected, or controlled information during the course of a hearing, it may enter into closed session as a quasi-judicial body to avoid disclosure of that information.

2.2.4.3 The County Council may close the meeting to discuss its decision and order at the end of the hearing so long as it is acting as a quasi-judicial body.

2.2.4.4 The County Council may uphold, amend, or reverse an agency decision.

2.2.5 Decision and Order

2.2.5.1 If the hearing is heard by the hearing officer, he or she has ten (10) calendar days to prepare and submit a recommendation to the County Council.

2.2.5.2 No later than ten (10) business days after the hearing or the receipt of the hearing officer's recommendation, the County Council shall, after holding a public hearing, issue a signed order upholding, amending, or reversing the agency decision. The County Council finds that it needs ten (10) business days instead of five (5) calendar days to issue an order to give part-time Council members sufficient time to review a decision and order before it is issued to the parties.

2.2.5.3 The County Council 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, controlled, or protected if the public

interest favoring access outweighs the interest favoring restriction of access pursuant to Utah Code Annotated § 63-2-201(5)(b).

2.2.5.4 In making its decision, the County Council shall consider and, where appropriate, limit the requester's use and further disclosure of the record in order to protect: privacy interests in the case of a private or controlled record; business confidentiality interests in the case of a record protected under Utah Code Annotated 63-2-304(1), (2), (40)(a)(ii), or (40)(a)(vi); and privacy interests or the public interest in the case of other protected records.

2.2.5.5 The hearing officer's recommendation and the County Council's final order shall include:

2.2.5.5.1 A statement of reasons for the decision, including legal authority supporting the decision.

2.2.5.5.2 Where applicable, a description of the record or portions of the record to which access is ordered or denied, so long as the description does not reveal private, protected or controlled information.

2.2.5.5.3 A statement that any party to the proceeding may appeal the decision to district court.

2.2.5.5.4 A summary of the appeals process, the time limits for filing an appeal, and a notice that to protect its rights, a party may wish to seek advice from an attorney.

2.2.5.6 If the County Council fails to issue a final order within the stated time period, the petitioner's appeal shall be deemed denied. A party shall notify the County Council in writing, and consistent with subsection 2.1.3. of this policy, if it deems an appeal denied.

2.3 District Court

2.3.1 The parties may appeal any decision of the County Council to District Court consistent with the Act and the Utah Rules of Civil Procedure.

APPROVED and PASSED this 20 day of August, 2013.

SALT LAKE COUNTY COUNCIL

Michael Jensen, Chair

ATTEST:

Sherrie Swensen, County Clerk

APPROVED AS TO FORM:

District Attorney's Office Date

SALT LAKE COUNTY
COUNTYWIDE POLICY ON
GRAMA APPEALS PROCEDURE

Reference --

Government Records Access and Management Act (GRAMA), Utah Code Annotated, Sections 63G-2-401 through 407 & 701[(4-6)]

Records Management, Salt Lake County Ordinance, Section 2.82.100

Purpose --

The appeals process provides members of the public with a process for petitioning Salt Lake County to reconsider records request issues.

1.0 Types of Appeals

Members of the public may appeal a decision made by the County concerning:

- 1.1 records classifications
- 1.2 fees charged for records
- 1.3 an agency's response to a records request

2.0 Appeals

2.1 ~~[Agency Administrator]~~ Chief Administrative Officer for Appeals

2.1.1 County agencies shall attempt to resolve public complaints concerning records requests informally and at the lowest possible administrative level.

2.1.2 If a requestor is aggrieved by the county's classification of a record, the fees charged for a record, or by an agency's response to a record request, the requestor may request and be granted an initial administrative appeal of that grievance, in accordance with countywide policies and procedures adopted by the council. The initial administrative appeal is made to the agency designee pursuant to countywide policies and procedures adopted by council. Designee shall provide a written decision to the appellant.

2.1.[2]3 If a requestor and a County agency designee cannot resolve a complaint at the agency level, the requestor may submit a written notice of appeal to the ~~[Salt Lake County Council by filing a notice of appeal to the Council]~~ Chief Administrative Officer for Appeals ("CAOA"). The notice of appeal shall state the basis of the appeal and the relief requested. The requestor shall file the notice of appeal within

thirty (30) calendar days of receiving an adverse decision from a County agency.

- 2.1.[3]4 A notice of appeal is considered filed when it is received and date-stamped at the County ~~[Council]~~ office[s] of the CAO A designated to respond to the specific records request, located at 2001 South State Street, N2200, Salt Lake City, Utah 84190. ~~[The County Council will not accept]~~ No notices of appeal sent by facsimile, e-mail, or any other electronic submission will be accepted.

~~[2.2 County Council]~~

- ~~[2.2.1]~~ 2.1.5 Upon receiving an appeal notice of an agency decision, the ~~[County Council may forward the notice to the hearing officer or schedule a hearing before the Council and notify the relevant County agency]~~ CAOA shall have seven (7) calendar days after the CAO A's receipt of the notice of appeal (or fourteen (14) calendar days after the county sends a notice of appeal to a person who submitted a claim of business confidentiality) to respond to the record request.

2.1.5.1 The county shall send written notice of the CAO A's decision to all participants.

~~[2.2.2]~~ 2.1.6 ~~[Notice and Hearing Schedule]~~ Appeal of a CAO A's decision to affirm an access denial

~~[2.2.2.1]~~ ~~Within five (5) business days of receiving a notice of appeal, the County Council shall schedule a hearing no sooner than fourteen (14) calendar days after the notice of appeal is filed, but no longer than forty five (45) calendar days after the notice of appeal is filed. The County Council may schedule an expedited hearing upon application of the petitioner and good cause shown. If the hearing is to be conducted and heard by a hearing officer the hearing shall be scheduled no later than thirty five (35) calendar days after the notice of appeal is filed.]~~

~~[2.2.2.2]~~ ~~The Council Clerk shall send a copy of the hearing notice to the petitioner and to the relevant County agency. Notice shall also be posted consistent with the Open Meetings Act.]~~

2.1.6.1 In the event the CAO A affirms the access denial, or fails to respond to the records request within the time limits listed above, the person aggrieved may then appeal the CAO A's decision.

2.1.6.2 An appeal of a CAO's determination shall be heard by an appeals board, as designated by the county.

~~[2.2.2.3]~~ 2.1.6.3 No later than ~~[ten (10) business]~~ fourteen (14) calendar days after the notice of ~~[hearing]~~ the appeal is sent, a person whose legal interests may be substantially affected by the proceeding may file a request for intervention before the ~~[County Council]~~ appeals board.

~~[2.2.2.4]~~ 2.1.6.4 The parties to an appeal, including any intervenors, may submit a written statement of facts, reasons, and legal authority to support their position at least ~~[ten (10) business]~~ fourteen (14) calendar days prior to the ~~[hearing]~~ appeal hearing date. The parties may not conduct formal discovery prior to an appeal hearing under this section.

~~[2.2.2.5]~~ 2.1.6.5 Any party who needs special accommodations shall notify the ~~[County Council]~~ appeals board of their needs at least ~~[five (5) business]~~ seven (7) calendar days prior to the hearing. Parties may appear telephonically upon application and good cause shown.

~~[2.2.3]~~ 2.2 ~~[Hearing Officer]~~ Appeals Board

~~[2.2.3.1]~~ ~~The Council may elect to appoint a hearing officer to conduct and hear appeals at the County Council level of appeal consistent with this policy. The hearing officer may make recommendations to the Council, who shall constitute the appeals board and who shall make all final decisions and orders under this policy. The hearing officer shall coordinate with Council staff to send out notices and distribute relevant documentation.]~~

2.2.1 An appeals board established by the county shall be composed of three members: one of whom shall be an employee of the county; and two of whom shall be members of the public, at least one of whom shall have professional experience with requesting or managing records.

~~[2.2.4]~~ 2.2.2 Appeals Board Hearing Procedure

~~[2.2.4.1]~~ 2.2.2.1 At the appeal hearing, the ~~[County Council or the hearing officer]~~ appeals board shall allow the parties to testify, present evidence, and comment on the issues. The appeal hearing shall be guided by the legal rules of evidence. The parties may question and cross examine

witnesses and may be represented by legal counsel. The ~~[County Council or the hearing officer]~~ appeals board shall conduct the hearing in accordance with the Utah Open Meetings Act, except as necessary to prevent the disclosure of private, protected, or controlled information.

~~[2.2.4.2]~~ 2.2.2.2 Where the agency's decision is based, in whole or in part, on a classification placed on a shared record by the governmental entity that created the record, the ~~[County Council or the hearing officer]~~ appeals board is bound to uphold the originating entity's classification. The ~~[County Council or the hearing officer]~~ appeals board shall therefore not hear any portion of the appeal pertaining to shared records, but shall summarily uphold ~~uphold~~ the agency's decision as it pertains to shared records.

~~[2.2.4.2.1]~~ 2.2.2.2.1 In cases where a requestor seeks records created by another governmental entity that were provided to the ~~[C]~~county ~~[pursuant to the Utah Code Annotated 63G-2-206]~~, the requestor is encouraged to make a public record request directly to the originating entity.

~~[2.2.4.2]~~ 2.2.2.2 The ~~[County Council or the hearing officer]~~ appeals board may review disputed records, but may not reveal any private, protected, or controlled information during the course of the appeal hearing. If the ~~[County Council]~~ appeals board finds it necessary to discuss private, protected, or controlled information during the course of a hearing, it may enter into closed session as a quasi-judicial body to avoid disclosure of that information.

~~[2.2.4.3]~~ 2.2.2.3 The ~~[County Council]~~ appeals board may close the meeting to discuss its decision and order at the end of the hearing so long as it is acting as a quasi-judicial body.

~~[2.2.4.4]~~ 2.2.2.4 The ~~[County Council]~~ appeals board may uphold, amend, or reverse an agency decision.

~~[2.2.5]~~ 2.2.3 Decision and Order

~~[2.2.5.1]~~ ~~———— If the hearing is heard by the hearing officer, he or she has ten (10) calendar days to prepare and submit a recommendation to the County Council.]~~

~~[2.2.5.2] No later than ten (10) business days after the hearing or the receipt of the hearing officer's recommendation, the County Council shall, after holding a public hearing, issue a signed order upholding, amending, or reversing the agency decision. The County Council finds that it needs ten (10) business days instead of five (5) calendar days to issue an order to give part time Council members sufficient time to review a decision and order before it is issued to the parties.]~~

2.2.3.1 No later than seven (7) calendar days after an appeal hearing, the appeal board shall issue a signed order upholding, amending, or reversing the agency action.

~~[2.2.5.3]~~ 2.2.3.2 The ~~[County Council]~~ appeals board 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, controlled, or protected if the public interest favoring access outweighs the interest favoring restriction of access ~~[pursuant to Utah Code Annotated § 63-2-201(5)(b)]~~.

~~[2.2.5.4]~~ 2.2.3.3 In making its decision, the ~~[County Council]~~ appeals board shall consider and, where appropriate, limit the requester's use and further disclosure of the record in order to protect: privacy interests in the case of a private or controlled record; business confidentiality interests in the case of a record protected under the Act ~~[Utah Code Annotated 63-2-304(1), (2), (40)(a)(ii), or (40)(a)(vi)]~~; and privacy interests or the public interest in the case of other protected records.

~~[2.2.5.5]~~ 2.2.3.4 The ~~[hearing officer's recommendation and the County Council's]~~ appeals board's final order shall include:

~~[2.2.5.5.1]~~ 2.2.3.4.1 A statement of reasons for the decision, including legal authority supporting the decision.

~~[2.2.5.5.2]~~ 2.2.3.4.2 Where applicable, a description of the record or portions of the record to which access is ordered or denied, so long as the description does not reveal private, protected or controlled information.

~~[2.2.5.5.3]~~ 2.2.3.4.3 A statement that any party to the proceeding may appeal the decision to the

state records committee or district court; including a statement that an appeal to the state records committee does not waive either parties' right to seek judicial review of a decision by the records committee.

[2.2.5.5.4] 2.2.3.4.4 A summary of the appeals process, the time limits for filing an appeal, and a notice that to protect its rights, a party may wish to seek advice from an attorney.

[2.2.5.6] 2.2.4 If the [~~County Council~~] appeals board fails to issue a final order within the stated time period, the petitioner's appeal shall be deemed denied. A party shall notify the [~~County Council~~] CAOA in writing, and consistent with subsection 2.1.4[-] of this policy, if it deems an appeal denied.

2.2.4.1 Upon receipt of the written notification that the party deems the appeal denied, the CAOA shall then inform the party in writing:

2.2.4.1.1 That any party to the proceeding may appeal the decision to the state records committee or district court; including a statement that an appeal to the state records committee does not waive either parties' right to seek judicial review of a decision by the records committee.

2.2.4.1.2 A summary of the appeals process, the time limits for filing an appeal, and a notice that to protect its rights, a party may wish to seek advice from an attorney.

2.3 [~~District Court~~] Appeal of an Appeals Board Decision

2.3.1 [~~The parties may appeal any decision of the County Council to District Court consistent with the Act and the Utah Rules of Civil Procedure.~~] Either the county or the appellant may appeal the appeals board decision to the state records committee or by filing a petition for judicial review with the district court.

2.3.2 A party who appeals an appeals board decision to the records committee does not lose or waive the right to seek judicial review of the decision of the records committee.

On the _____ day of _____, 2015, the County Council of Salt Lake County adopted the amended County Policy 2040 entitled "GRAMA Appeals Procedure"; making changes to the appeals procedure to be congruent with Utah Code amendments; providing for a chief administrative officer for appeals; providing for an appeals hearing board; changes to relevant definitions; and making other related changes.


SALT LAKE COUNTY COUNCIL:

ATTEST:

By _____
Richard Snelgrove, Chair

Sherrie Swensen, County Clerk

Approved as to form and legality:



Deputy District Attorney
Date: 11/30/15

Voting:

| | |
|---------------------------------|-------|
| Council Member Bradley voting | _____ |
| Council Member Bradshaw voting | _____ |
| Council Member Burdick voting | _____ |
| Council Member DeBry voting | _____ |
| Council Member Granato voting | _____ |
| Council Member Jensen voting | _____ |
| Council Member Newton voting | _____ |
| Council Member Snelgrove voting | _____ |
| Council Member Wilson voting | _____ |

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2100A, Salt Lake City, Utah.