

CITY OF MOAB ORDINANCE NO. 2018-04

An ordinance amending and repealing certain provisions in Title 2 of the Moab Municipal Code pertaining to elected officers, appointment of officials, the Planning Commission, certain advisory boards, and records request fees.

The following describe the intent and purpose of this ordinance:

- a. The City of Moab is a City of the Fifth Class, as defined by U.C.A. § 10-2-301, and operates under the six-member council form of government as defined by U.C.A. § 10-3-301 et seq.;
- b. From time to time the City undertakes to revise its ordinances to remove archaic or outdated language, and to bring ordinances into compliance with current City needs and practices;
- c. The City finds that several provisions in Title 2 of the Moab Municipal Code (“MMC”) are dated and in need of repeal or substantial amendment in light of current practices and because certain administrative or other bodies are no longer in existence or needed;
- d. Utah Code Annotated §10-9a-301 requires that a municipality adopt planning commission rules of procedure and order to govern public meetings. The City of Moab has additionally enacted ordinances which create the Planning Commission and specify the matters that are within its jurisdiction;
- e. That in the interest of efficient municipal administration a number of changes are needed to update the MMC, including:
 1. Transfer appointment and removal power for certain department heads from the Mayor to the City Manager;
 2. Remove outdated provisions regarding superintendents and at-will appointees;
 3. Remove sections regarding advisory boards that no longer apply;
 4. Update language related to records request fees to conform with the Utah Code Annotated and add specificity and detail, including in Exhibit “A” of the GRAMA fees section;
 5. Update the section governing the Planning and Zoning Commission; and
 6. Modify the composition of the Moab Water Conservation and Drought Management Advisory Board.
- f. The changes enacted in this ordinance comply with applicable Utah laws pertaining to the alteration or consolidation of statutory functions, and specifically U.C.A. 10-3b-303(1)(b). Now therefore, the Moab Municipal Code is amended as follows:

Chapter 2.04
CITY COUNCIL

2.04.010 Oath required.

Each member of the City Council, before assuming the duties of his office, shall take and subscribe the constitutional oath of office.

2.04.015 Role of the City Council.

The City operates under the form of government as identified under U.C.A. § 10-3b-301. The City Council shall review and approve all resolutions and ordinances; appropriate funds and adopt the annual budget and any amendments; set all mill levies or other taxes; review municipal administration as set out herein; and perform all other duties that may be required of it by law. With appointment from the Mayor and with the consent of the Council, the Council shall designate a person to serve as the Mayor Pro Tempore. The Mayor Pro Tempore shall carry out all duties and responsibilities of the Mayor when the Mayor is absent or unable to perform same. Any executive or administrative power held previously by the City Council is now delegated to the City Manager.

2.04.020 Meetings--Time and place.

A. The stated meetings of the City Council shall be held at a place designated by the City Council on the second and fourth Tuesday of each month, provided that when any meeting occurs on a general holiday, the meeting shall be held on the next succeeding day. The Council may hold other or special meetings at such times it determines to be convenient.

B. All meetings may be adjourned from time to time as business may require. The hour of regular meetings shall be seven p.m.

C. All regular City Council meetings may be preceded by a pre-meeting workshop for the purpose of allowing the council to receive staff reports and recommendations on regular meeting agenda items. The workshop shall commence one-half hour before the meeting, or such longer period of time as the council shall by notice designate.

D. All pre-meeting workshops shall be open to the public, but shall not be regarded as “public hearings” for the purposes of allowing testimony or comment from the public.

E. Pre-meeting workshops shall be conducted in an informal manner in the discretion of the governing body. Final action on any ordinance, resolution, or agenda item reviewed at a pre-meeting workshop shall be reserved for the regular meeting. (Ord. 98-04 § 1(part), 1998; Ord. 96-08, 1996: prior code § 2-8)

2.04.040 Meetings-Procedure generally.

The City Council shall sit with unlocked doors and shall keep minutes of its own proceedings. The votes for or against shall be taken upon the passage of all ordinances, all propositions to create any liability against the City, and in all other cases at the request of any member, which shall be entered upon the minutes of its proceedings. Unless otherwise provided for by law, the concurrence of a majority of the Council shall be necessary for the passage of any such ordinance or proposition. A majority of the Council shall constitute a quorum to transact Council business. (Prior code § 2-10)

2.04.050 Meetings-Reconsideration of votes.

No vote of the City Council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there are present as large a number of City Councilmembers as were present when such vote was taken. (Prior code § 2-11)

2.04.060 Meetings-Deferral of action on reports.

Upon request of any two members of the City Council, action on any report of a committee of the City Council shall be deferred to a future meeting of the City Council., (Prior code § 2-12)

2.04.070 Meetings-Special meetings.

The Mayor or any two members of the City Council may call a special meeting of the City Council by giving a notice thereof to each of the members of the City Council. Notice may be served personally, left at their domicile, or via email. Email is considered the preferred manner of providing notice. (Prior code § 2-13)

2.04.080 Vacancies.

If any vacancy shall occur in the office of City Councilmember by death, resignation, removal or otherwise, such vacancy shall be filled for the unexpired term by a vote of the City Council. Should the City Council fail for forty-five days to fill the vacancy in the City Council, the City Recorder shall sit as a member of the City Council for the purpose of choosing some person to fill such vacancy. (Prior code § 2-14)

2.04.090 Reinvestment Agency Authority.

Pursuant to Section 17C-1-102, et seq. of the Utah Code Annotated, as amended, the Community Reinvestment Agency Act, a community reinvestment t agency of the City is hereby created, and the City Council is designated as the governing body. The Council shall have the power to transact business and exercise all of the powers of such agency as otherwise provided by law.

Chapter 2.08
MAYOR

2.08.010 Oath required.

The Mayor, before assuming the duties of the office, shall take and subscribe the constitutional oath of office. (Prior code § 2-16)

2.08.015 Role of the Mayor.

The powers and duties of the Mayor are as follows:

- A. The Mayor is the chief ceremonial officer of the City and the presiding officer at all meetings of the City Council.
- B. The Mayor is a non-voting member of the Council, but may vote where there is a tie vote of the other Council members, or as otherwise provided by law.
- C. The Mayor, as a member of the Council, may participate in all deliberations of the Council in setting policy for the City.
- D. The Mayor shall retain any legislative or quasi-judicial powers vested by law.
- E. The Mayor shall appoint, with the advice and consent of the Council, persons to fill any vacancies on commissions, boards, or committees of the City.
- F. The Mayor is the primary contact for the City Manager, and provides day to day oversight and supervision of the City Manager. The Mayor, in consultation with the other Council members, is responsible for facilitating the employee evaluation process for the City Manager.
- G. Any other executive or administrative power held previously by the Mayor under prior law is delegated to the City Manager. (Ord. 93-9 § 6, 1993)

2.08.020 Office to be vacant upon removal from city.

If at any time during his/her term of office, the Mayor shall no longer make his/her primary residence within the City, the office shall thereby become vacant. (Prior code § 2-17)

2.08.030 Vacancy-Filling.

Whenever a vacancy shall occur in the office of Mayor, the City Council shall appoint a Mayor, who shall possess all the rights and powers of Mayor until the next municipal election, and until his/her successor is elected and qualified. (Prior code § 2-18)

Chapter 2.10 CITY MANAGER

2.10.010 Office created.

As authorized by U.C.A. § 10-3b-303 there is created the office of City Manager of Moab, Utah. (Ord. 93-9 § 1, 1993)

2.10.020 Appointment.

The appointment of a person to be known as City Manager shall be by the City Council, including the Mayor. Once approved by the City Council, the Mayor shall sign the contract entered into with the City Manager on behalf of the City. (Ord. 93-9 § 2, 1993)

2.10.030 Term.

The City Manager shall serve at the pleasure of the City Council, except that the Council shall employ the Manager for a term not to exceed three (3) years. The term of employment may be renewed at any time. Any person serving as City Manager may be removed with or without cause by a majority vote of the City Council. (Ord. 93-9 § 3, 1993)

2.10.040 Powers and duties.

The powers, duties, and obligations of the City Manager are as follows:

- A. The administrative powers, authority, and duties are vested in the City Manager.
- B. The City Manager shall be the chief administrative officer of the city and shall be responsible to the City Council for the administration of all city affairs placed in his or her charge. All City employees, contractors, or appointees (excluding persons appointed to City boards or commissions) shall be under the supervision and direction of the City Manager.
- C. Subject to the terms of applicable contracts or personnel policies, the City Manager shall hire and, when he/she deems it necessary, suspend or remove all City employees and contractors. The City Manager has discretion to delegate personnel authority to any subordinate employee or department head with respect to employees under that person's direct supervision.
- D. The City Manager shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law.
- E. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service solely through the City Manager and neither the Council, nor any member thereof, or the Mayor shall give orders to any subordinates of the City Manager, either publicly or privately.
- F. The City Manager shall attend meetings of the City Council with the right to take part in the discussion but not to vote. The City Manager may recommend to the City Council for adoption such measures as she/he may deem necessary or prudent.
- G. The City manager is designated as the budget officer for the City and shall perform or cause to be performed all of the duties of such office as set forth in the Uniform Municipal Fiscal Procedures Act. As budget officer, the City Manager shall prepare and submit the annual budget to the City Council, along with any proposed amendments to the budget.
- H. The City Manager shall promptly notify the Mayor and City Council of any emergency existing in any City department or body.
- I. The City Manager shall perform such other duties as may be required by law, or by the City Council through ordinance, resolution, or informal direction.

J. In the manager's temporary absence, the Assistant City Manager shall exercise the powers and perform the duties of the City Manager.

K. The City Manager shall carry out the policies and programs established by the Council.

L. The City manager may examine and inspect the books, records, and official papers of any office, department, agency, board, or commissions of the city and make investigations and require reports from all personnel. (Ord. 94-16, 1994; Ord. 93-9 § 4, 1993)

2.10.070 Salary.

The salary of the City Manager shall be set from time to time by resolution of the City Council. (Ord. 93-9 § 7, 1993)

Chapter 2.12
DUTIES OF CITY RECORDER

2.12.010 Oath required.

The City Recorder, before assuming the duties of the office, shall take and subscribe the constitutional oath.

2.12.020 Duties.

Pursuant to U.C.A. § 10-3-916 the Recorder is appointed by the Mayor, with the advice and consent of the City Council. The Recorder shall perform all duties as may by law devolve upon him/her as recorder of a city of the fifth class under the laws of the State of Utah. The Recorder shall keep records properly indexed of all City contracts, and the records shall be open to inspection by all interested persons. Unless otherwise provided by ordinance, the Recorder shall be ex-officio city collector. The Recorder shall perform such other and further duties as the City Council may by ordinance provide. Within the office of the Recorder a properly qualified employee may be appointed by the Recorder as the Deputy Recorder. The Deputy Recorder is authorized to perform, and shall perform, all duties of the Recorder during such times when the Recorder is unavailable or unable to perform same. Any official act of the Deputy Recorder taken in the absence of the Recorder shall be valid and binding to the same extent as if done by the Recorder. The Recorder, in addition to the powers and duties imposed by law and ordinance, shall perform the following duties:

- A. The Recorder shall issue notices to the members of the City Council, when directed to do so by that body, and to members of the different committees and to all persons whose attendance is required before any committee, when directed or requested so to do by the chairman of such committee. The Recorder shall also issue notices of special meetings of the City Council.
- B. The Recorder shall attest all licenses granted under this code or any other ordinance of the City, and shall keep a record of the issuance thereof.
- C. The Recorder shall, without delay, deliver to the officers of the City, and all committees of the City Council, all resolutions and communications referred to such officers or committees by that body.
- D. The Recorder shall, without delay, deliver to the Mayor all ordinances or resolutions which may be required to be approved or otherwise acted upon by the Mayor, together with all papers on which the same are founded.
- E. The Recorder shall sign and attest all ordinances passed by the City Council that are signed by the Mayor or other officer.
- F. The Recorder shall certify to the publication of all ordinances, resolutions, or other official documents.
- G. The Recorder shall attest all papers signed by the Mayor officially, and keep and affix the corporate seal.
- H. The Recorder shall keep correct records and minutes of all proceedings of the City Council, recording the same to the extent otherwise provided by law.
- I. The Recorder shall countersign all contracts made on behalf of the City or to which the City is a party. Any City contract shall be void unless signed by the Recorder. The Recorder shall endorse a certificate upon every bond, warrant, or other evidence of debt issued pursuant to law, by the City stating that the same is within the lawful debt limit of the City, and is issued according to law.

- J. The Recorder shall deliver to the successor in office the corporate seal, together with all books, papers, records and other property of the City.
- K. The Recorder shall have the power to administer oaths in all matters in any way connected with the City government.
- L. The Recorder shall attend to all official correspondence and report the same to the City Council as needed. (Prior code § 2-30)

2.12.030 Records of ordinances to be kept.

- A. The Recorder shall keep records of all ordinances, together with affidavits of publication by the publisher. Before taking effect, all ordinances shall be deposited in the office of the Recorder.
- B. The originals of all ordinances passed by the City Council shall be filed in the Recorder's office. (Prior code § 2-31)

2.12.040 Papers, records, transcripts-Copies.

Upon request and upon the payment of such fees set by the City Council, the Recorder shall make, affix the corporate seal thereto and certify copies of all papers filed in the Recorder's office and transcripts of all records of which the Recorder is the lawful custodian. (Prior code § 2-32)

Chapter 2.16 CITY TREASURER

2.16.010 Oath required.

The Treasurer, before entering upon the duties of office, shall take and subscribe the constitutional oath of office. (Prior code § 2-33)

2.16.020 Appointment of deputies and assistants.

Pursuant to U.C.A. § 10-3-916 the Treasurer is appointed by the Mayor, with the advice and consent of the City Council. The Treasurer shall have power to appoint from within the office of the Treasurer a properly qualified employee who shall be designated the Deputy Treasurer. The Deputy Treasurer is authorized to perform, and shall perform, all duties of the Treasurer during such times when the Treasurer is unavailable or unable to perform same. Any official act of the Deputy Treasurer taken in the absence of the Treasurer shall be valid and binding to the same extent as if done by the Treasurer.

(Prior code § 2-34)

2.16.030 Powers and duties generally.

The Treasurer shall receive all money belonging to the City, including all taxes, license fees, utility billings, fines, and other funds owed to or held by the City, and shall keep an accurate and detailed account thereof, in such manner as may be provided by law, and shall collect all special taxes and assessments as provided by law. The Treasurer shall reconcile all accounts with the Recorder, as the City Council may direct at the end of every month, and turn over all warrants, interest coupons, bonds or other evidence of the indebtedness of the City which may have been redeemed during the month, taking the receipts of the Recorder therefor, and all such warrants, orders or other evidence of indebtedness shall be cancelled by the Treasurer and have written or stamped thereon the date of their payment or redemption. (Prior code § 2-35)

2.16.040 Collection of special taxes.

The Treasurer is ex-officio collector of special taxes. (Prior code § 2-36)

2.16.050 Receipts to be given.

The Treasurer shall give every person paying money to the City a receipt therefor, specifying the date of payment and upon what account paid; and he/she shall also file the duplicate of such receipt with the Recorder at the date of the monthly report. (Prior code § 2-37)

2.16.060 Payments.

The Treasurer shall not pay any funds owned or held by the City to any person unless the expenditure is duly appropriated and authorized upon action of the City Council, the Purchasing Agent, or the City Manager as otherwise provided by law. (Prior code § 2-38)

2.16.070 Investment decisions at authorized banking institutions.

A. The Treasurer is authorized to take any and all such actions in the name of and on behalf of the City in order to utilize investment opportunities available at banking institutions approved by the Utah Money Management Act. Such actions shall include but not be limited to setting up sweep accounts, zero balance accounts, automatic transfer of funds accounts and similar deposit

and investment arrangements, entering into transactions similar to the foregoing, and performing such actions as may be required in connection with any of the foregoing. From time to time the Treasurer shall present to the City Council for approval all necessary resolutions for designation of depository institutions and authorized signatories.

B. Agreements, instruments, or documents properly executed and delivered to any banking institution approved by the Utah Money Management Act by the city Treasurer shall be binding and enforceable obligations of the City, enforceable in accordance with their respective terms.
(Res. 05-99, 1999)

Chapter 2.20
CITY COLLECTOR

Chapter 2.20 is hereby repealed.

Chapter 2.24 CITY ATTORNEY

2.24.010 Establishment-Appointment-Term.

There is established the office of City Attorney. The person(s) providing legal services to the City as City Attorney may be independent contractors designated by the City Manager or may be a full time city employee. Any applicable contracts for legal services are subject to approval by the City Council. Persons providing legal services to the City shall do so without a specified term, and services may be terminated as otherwise provided by contract. (Prior code § 2-43)

2.24.020 Oath required.

The City Attorney, before assuming the duties of his office, shall take and subscribe the constitutional oath of office. (Prior code § 2-44)

2.24.030 Delegation of Tasks.

Where appropriate, the City Attorney may delegate certain tasks to an associate or assistant attorney, provided that the City Attorney shall retain responsibility for all such tasks. (Prior code § 2-45)

2.24.040 Employment of special counsel.

The City Attorney shall have the power to employ, by and with the consent of the City Manager, special counsel on matters pertaining to the legal affairs of the City, if the same is deemed necessary and advisable. Such special counsel shall be compensated by the City as provided by contract. (Prior code § 2-46)

2.24.050 Succession-Delivery of records.

Upon the termination of legal services or upon request by the City, the City Attorney shall promptly deliver to any successor or such person(s) designated by the City copies of all books and papers, including but not limited to those in electronic form, pertaining to pending or concluded City legal matters. (Prior code § 2-47)

2.24.060 Powers and duties.

The City Attorney shall be responsible for prosecuting and conducting all cases for violations of this Code or any other ordinances of the City. The City Attorney shall appear on behalf of the City in all suits in which the City, City employees or officials are a party, and shall prosecute or defend them, as the case may be, in any courts until they are concluded. It shall be the duty of the City Attorney to advise all City employees, the City Manager, the Mayor, and City Council with respect to their official duties; to prepare the draft of all such ordinances as the City Council or City Manager from time to time shall instruct; and to perform such other duties as this Code and any other ordinances of the city and the general laws require, or as the City Council may specially direct. In addition to the powers and duties imposed by law or ordinance, the City Attorney shall have the following powers and duties:

A. He/she shall advise the City Council and its committees on such legal questions as may arise in relation to the business of the City, and attend the meetings of the City Council when required. He/she shall report periodically on any matter as necessary for the approval of the City Council or as necessary for oversight.

B. Whenever a criminal action for the violation of this Code or any other ordinance of the City is brought in any court, it shall be the duty of the City Attorney to appear and prosecute such action.

C. When requested, the City Attorney shall furnish written opinions or memoranda upon subjects submitted to him/her by the Mayor, the City Council, the City Manager, or the head of any department.

D. He/she shall draft any deeds, leases, contracts or other papers and forms required by the business of the City, when requested so to do by the Mayor, the City Council, the City Manager, or the head of any department.

E. He/she shall keep accurate records of all actions in which the City Attorney appears as counsel. Such books shall at all times be open to the inspection of the Mayor, the City Council, and/or the City Manager. (Prior code § 2-48)

2.24.070 Reporting

Periodically, or as requested by the Mayor or the City Council, the City Attorney shall provide oral reports or written memoranda detailing the status of pending legal matters or tasks which have been assigned. Day to day reporting on pending legal matters shall be provided to the City Manager. (Prior code § 2-49)

Chapter 2.32
UTILITIES SUPERINTENDENT

Chapter 2.32 is hereby repealed.

Chapter 2.36
SUPERINTENDENT OF STREETS

Chapter 2.36 is hereby repealed.

Chapter 2.40
OFFICERS GENERALLY

Chapter 2.40 is hereby repealed.

Chapter 2.52
PLANNING COMMISSION

2.52.010 Establishment--Composition.

The Planning Commission shall consist of seven (7) regular members. (Ord. 06-01 (part), 2006: prior code § 2-60)

2.52.020 Appointment of members--Qualifications--Compensation.

The members of the Planning Commission shall be appointed by the mayor with the consent of the city council from among the qualified electors of the city. Such members shall be selected without respect to political affiliations, and may serve with compensation to be determined by the City Council. (Ord. 06-01 (part), 2006: prior code § 2-61)

2.52.030 Terms--Minimum attendance--Standards removal--Filling vacancies.

The terms of office of each member of the planning commission shall be for three (3) years. Planning Commission members must attend a minimum of seventy-five percent of all Planning Commission meetings held during the course of a calendar year in order to remain a member of the Planning Commission. This ongoing determination of attendance shall be conducted by planning department staff and forwarded to the chairperson of the Planning Commission, the City Manager and Mayor and City Council. Vacancies and/or removals occurring otherwise than through the expiration of terms shall be filled by appointment by the Mayor with the consent of City Council. Members may be removed, with or without cause, by a majority vote of City Council. (Ord. 95-18, 1995: prior code § 2-62)

2.52.050 Organization--Meetings.

The Planning Commission shall elect from its membership a chair and vice chair and shall conduct meetings in accordance with the adopted bylaws and Rules of Procedure for Planning Commission meetings. The City Recorder shall keep a public record of Planning Commission proceedings. (Prior code § 2-64)

2.52.060 Powers and duties.

The Planning Commission shall have the following powers and duties:

- A. After holding public hearings, the Planning Commission may recommend to the City Council a General Plan for the physical development of the City. The General Plan shall show the Planning Commission recommendations and may include, among other things, the general location, character and extent of streets, parks, parkways, and other public places; the general location and extent of public utilities; recommendations for future zoning designations and land uses; recommendations for future land use policy initiatives and long term goals; plans for the development of additional housing; a future land use plan; and other elements as may be required by law. Utah State Code. The Planning Commission may from time to time review the General Plan and forward recommendations to the City Council for amendments or revisions.
- B. From time to time the Planning Commission may review the land-use ordinances of the City and consider amendments to same. It may recommend amendments or new ordinances to the City Council, either on its own initiative or upon referral by the City Council or staff.
- C. The Planning Commission shall act as an advisory body, reviewing and making recommendations to the City Council with respect to those land-use applications or proceedings

as otherwise specified by ordinance. Additionally, the Planning Commission shall act as the land use authority on those matters specified by ordinance.

D. In its discretion, the Planning Commission may recommend that staff undertake studies or may recommend to the Mayor and City council programs or policies for the improvement of land development within the City.

E. The Planning Commission may exercise those additional powers as are reasonable or necessary to carry out and perform the enumerated powers and duties specified above.

Chapter 2.56
POLICE DEPARTMENT

2.56.010 Establishment-Composition.

There is established a regularly constituted police force to be known as the City Police Department which shall consist of a Chief of Police and such other police officers as shall be employed by the City from time to time. (Prior code § 20-1)

2.56.020 Powers and duties of police officers.

The Chief of Police and all police officers of the city shall have the following powers and duties:

- A. To suppress riots, disturbances and breaches of the peace, and to apprehend all persons committing any offense against the laws of the state, this Code, or any other ordinances of the city;
- B. To execute and serve all warrants, processes, commitments and all writs whatsoever, issued by any court;
- C. To preserve the public peace, prevent crime, detect and arrest offenders, protect persons and property, remove nuisances existing in the public streets, roads and highways, enforce every law relating to the suppression of offenses, render such assistance in the collection of licenses as shall be required by the license collector and perform all duties enjoined upon them by law and ordinance (Prior code § 20-2); and
- D. To arrest and take into custody any person who shall commit or threaten or attempt to commit in the presence of the officer, or within the view of the officer, any breach of the peace, or any offense directly prohibited by the laws of the State of Utah or this Code.

2.56.030 Chief-Appointment.

The City Manager shall appoint the Chief of Police. (Prior code § 20-3)

2.56.035 Appointment of deputies and assistants.

The Police Chief shall have power to appoint a properly qualified employee who shall be designated the Assistant Chief. The Assistant Chief is authorized to perform, and shall perform, all duties of the Chief during such times when the Chief is unavailable or unable to perform same. Any official act of the Assistant Chief taken in the absence of the Chief shall be valid and binding to the same extent as if done by the Chief.

2.56.040 Chief-Oath required.

The Chief of Police shall before assuming the duties of office take and subscribe the constitutional oath of office. (Prior code § 20-4)

Chapter 2.61
STATUTORY APPOINTEE SEVERANCE BENEFITS APPEALS

Chapter 2.61 is hereby repealed.

Chapter 2.64
RECORDS ACCESS AND MANAGEMENT PROGRAM

Section 2.64.060 is amended as follows:

2.64.060 Fees.

A. The City may charge reasonable fees to cover the City's actual cost of compiling a record or duplicating a record. The fees shall be established by resolution of the City Council. The initial fees, until changed by resolution, are as set forth in "Exhibit A" attached to the ordinance codified in this Chapter and found on file in the office of the City Recorder.

B. When the City compiles a record in a form other than that normally maintained by the City, the actual costs under this section may include the following:

1. the cost of staff time for compiling, formatting, manipulating, packaging, mailing, summarizing, copying, scanning, printing, or tailoring the record into certain formats or media to meet the person's request;
2. the cost of staff time to search for, locate, and retrieve the record, and other direct administrative costs for complying with a request;
3. in the case of fees for a record that is the result of computer output other than word processing, the actual incremental cost of providing the electronic services and products together with a reasonable portion of the costs associated with formatting or interfacing the information for particular users, and the administrative costs as set forth in Subsections B.1. and B.2.; and
4. fees for paper photocopies of records or digital copies of records, fees for packaging supplies, and postage fees for mailing records.

C. An hourly charge under Subsection B. may not exceed the fully loaded cost of employment of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.

D. The City may fulfill a record request without charge when it determines that:

1. Releasing the record primarily benefits the public rather than a person;
2. The individual requesting the record is the subject of the record;
3. The requester's legal rights are directly implicated by the information in the record, and the requester is impecunious; or
4. The individual has requested in writing a waiver of the fees due to indigency, and the requester has been granted such waiver by the City Recorder.

E. The City may not charge a fee for:

1. Reviewing a record to determine whether it is subject to disclosure, except as permitted by Subsection B.; or
2. Inspecting a record; or
3. Classification of a record.

F. A person who believes that there has been an unreasonable denial of a fee waiver under Subsection D. may appeal the denial to the City Manager as the Chief Administrative Officer of the City. The appeal must be made in writing and within 10 days of the denial of the fee waiver.

G. The adjudicative body hearing the appeal:

1. shall review the fee waiver de novo, but shall review and consider the city's denial of the fee waiver and any determination under Subsection D.; and
2. has the same authority when a fee waiver or reduction is denied as it has when the

inspection of a public record is denied.

H. All fees received under this section by the city shall be retained by the city as a dedicated credit. Those funds shall be spent on the actual costs and expenses incurred by the city in providing the requested records.

I. The City may require payment of past fees and future estimated fees before beginning to process a request if:

1. fees are expected to exceed \$50; or
2. the requester has not paid fees from previous requests.

Any prepaid amount in excess of fees due shall be returned to the requester.

J. This section does not alter, repeal, or reduce fees established by other sections of this municipal code.

Exhibit “A” to section 2.64.060 shall be amended to read as follows:

1. Record location, retrieval, research and compilation fee

Furthermore, Items 2., 3., 4., 5., 6., and 7., which now read:

“Photocopying fee for” shall all be amended to read: “Fee for photocopies for”

Chapter 2.68
MOAB YOUTH CENTER BOARD

Chapter 2.68 is hereby repealed.

Chapter 2.72
HOLLYWOOD STUNTMEN'S HALL OF FAME BOARD

Chapter 2.72 is hereby repealed.

Chapter 2.84
MOAB ARTS AND RECREATION CENTER ADVISORY BOARD

Chapter 2.84 is hereby repealed.

Chapter 2.88
MOAB HILLSIDE REVIEW ADVISORY BOARD

Chapter 2.88 is hereby repealed.

Chapter 2.90
MOAB WATER CONSERVATION AND DROUGHT
MANAGEMENT ADVISORY BOARD

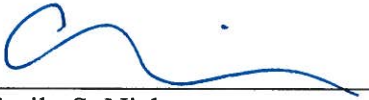
Section 2.90.010 is amended as follows:

2.90.010 Composition of the Board.

The Moab Water Conservation and Drought Management Advisory Board (the Board) shall consist of seven members, six of whom shall be residents of the City of Moab. One member of the Board may be a resident of the Spanish Valley region.

The foregoing ordinance was passed and adopted upon the affirmative majority vote of the City Council of the City of Moab, and the affirmative vote of the Mayor, this 10th day of April, 2018.

This ordinance shall take effect immediately following passage.

By: 
Mayor Emily S. Niehaus

6.18.18
Date

Attest:

By: 
Rachel Stenta, Recorder

6-18-18
Date