

## ORDINANCE NO. 02-03-2023

**AN ORDINANCE TO AMEND LANGUAGE IN SANTAQUIN CITY CODE TO REFERENCE UTAH CODE REGARDING THE RETENTION OF CERTAIN GOVERNMENT RECORDS OF SANTAQUIN CITY AND THEREBY REPEAL THE RETENTION AND CLASSIFICATION SCHEDULE, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE**

**WHEREAS**, the City of Santaquin is a fourth-class city of the state of Utah; and

**WHEREAS**, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

**WHEREAS**, the City Council desires to amend Santaquin City Code Title 1, Chapter 48, Section 030 to remove language related to the Santaquin City Records Retention Schedule and thereby, defer to Utah Code § 63G-2-307, as amended. By so doing, the associated “Retention and Classification Schedule” will also be repealed.

**WHEREAS**, the City Council finds it prudent to reference Utah Code on this matter to eliminate inconsistencies and ensure that government records are managed appropriately as required.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Santaquin City, State of Utah, as follows:

### **Section I. Amendments**

**Title 1 Chapter 48 Section 030 is amended as follows:** (*underlined text is added, stricken text is deleted*)

#### **1.48.030 RETENTION SCHEDULE**

All government records of the City shall be retained in accordance with ~~the retention schedule on file in the City, which is hereby adopted as the Santaquin City Records Retention Schedule. The City may classify or reclassify a particular record, record series, or information in a record at any time, in accordance with~~ applicable provisions of Utah Code § 63G-2-307, as amended. (Ord. 05-01-2019, 5-7-2019)

### **Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in

the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

**Section III. Contrary Provisions Repealed**

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

**Section IV. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

**Section V. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, February 22, 2023. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.


PASSED AND ADOPTED this 21<sup>st</sup> day of February 2023.



  
Daniel M. Olson, Mayor

Councilmember Art Adcock	Voted	<u>yes</u>
Councilmember Elizabeth Montoya	Voted	<u>yes</u>
Councilmember Lynn Mecham	Voted	<u>yes</u>
Councilmember Jeff Siddoway	Voted	<u>yes</u>
Councilmember David Hathaway	Voted	<u>yes</u>

ATTEST:


  
Amalie R. Ottley, City Recorder

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 21<sup>st</sup> day of February 2023, entitled

**“AN ORDINANCE TO AMEND LANGUAGE IN SANTAQUIN CITY CODE TO REFERENCE UTAH CODE REGARDING THE RETENTION OF CERTAIN GOVERNMENT RECORDS OF SANTAQUIN CITY AND THEREBY REPEAL THE RETENTION AND CLASSIFICATION SCHEDULE, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 21<sup>st</sup> day of February 2023.

  
\_\_\_\_\_  
Amalie R. Ottley  
Santaquin City Recorder

(SEAL)



AFFIDAVIT OF POSTING


STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, Amalie R. Ottley, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance, which is attached hereto on the 21<sup>st</sup> day of February 2023.


The three places are as follows:

- 1.     Zions Bank
- 2.     Post Office
- 3.     City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

  
\_\_\_\_\_  
Amalie R. Ottley  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of February, 2023, by Amalie R. Ottley.

  
\_\_\_\_\_  
Notary Public

