CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
March 25, 2014

*This meeting may be held electronically to allow a Councilmember to participate.*

**3:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM**

1. **PRESENTATION – URMMA – 20 min**
2. **DISCUSSION – Slack Line Regulations at Parks – Karl Hirst – 10 min**
3. **DISCUSSION – Cosponsored Groups – Karl Hirst – 45 min**
4. **DISCUSSION – SW Annexation Area – 15 min**
5. **DISCUSSION – 2014 Orem Citizen Survey – 30 min**

**5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

PREVIEW UPCOMING AGENDA ITEMS

5. **Staff will present to the City Council a preview of upcoming agenda items.**

AGENDA REVIEW

6. **The City Council will review the items on the agenda.**

CITY COUNCIL - NEW BUSINESS

7. **This is an opportunity for members of the City Council to raise issues of information or concern.**

**6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS**

CALL TO ORDER
INVOCATION/INSPIRATIONAL THOUGHT: By Invitation
PLEDGE OF ALLEGIANCE: By Invitation

APPROVAL OF MINUTES

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.**
**If you need a special accommodation to participate in the City Council Meetings and Study Sessions, please call the City Recorder's Office at least 3 working days prior to the meeting.**
**(Voice 229-7074)**

**This agenda is also available on the City's Internet webpage at orem.org**

8. **MINUTES of City Council Meeting – March 11, 2014**
9. **MINUTES of Joint City Council & Alpine School District Meeting – March 12, 2014**

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

10. **UPCOMING EVENTS**
11. **UPCOMING AGENDA ITEMS**
12. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
    Summerfest Advisory Commission.....1 vacancy
13. **RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS**

CITY MANAGER'S APPOINTMENTS

14. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
    The City Manager does not have any appointments.

PERSONAL APPEARANCES – 15 MINUTES

15. **Time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. Those wishing to speak should have signed in before the beginning of the meeting.** ***(Please limit your comments to 3 minutes or less.)***

CONSENT ITEMS

16. **There are no consent items.**

SCHEDULED ITEMS

**6:20 P.M. PUBLIC HEARING**

17. **Receive Public Comment on the Community Development Block Grant (CDBG) Projected Use of Funds for Fiscal Year 2014-2015**

*PRESENTER:* Charlene Crozier

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: During the past few months, the CDBG Citizen Advisory Commission heard funding proposals from various applicants who wish to receive CDBG funding. The Commission will present its recommendations to the City Council, after which a public hearing will be opened for comment on the proposed uses of funds.

Following a second public hearing that is scheduled for April 22, 2014, at 6:20 p.m., the City Council will adopt a resolution approving the CDBG Final Statement of Projected Uses of Funds for 2014-2015.

Projected funding includes new entitlement, program income, and reprogrammed unspent funds from previous years. The total funding amount is an estimate that will be finalized as soon as the City of Orem receives the actual CDBG entitlement amount from the U.S. Department of Housing and Urban Development.

RECOMMENDATION: The Community & Neighborhood Services Manager recommends the City Council hold the first of two public hearings to receive public comment on the projected uses of funds for the 2014-2015 Community Development Block Grant.

**6:20 P.M. PUBLIC HEARING**

**18. ORDINANCE - Amending Appendix X (Page X.7) of the Orem City Code pertaining to the concept plan of the PD-11 zone at 1430 South Sandhill Road**

**REQUEST: Alexis Gevorgian requests the City Council, by ordinance, approve to amend the concept plan of the PD-11 zone at 1430 South Sandhill Road as contained in Appendix X (PageX.7) of the Orem City Code.**

*PRESENTER:* Jason Bench

POTENTIALLY AFFECTED AREA: Lakeview

BACKGROUND: The PD-11 zone was approved by the City Council on May 22, 2012, to permit the construction of residential townhome units at a maximum density of 14 units per acre. The zone comprises 11.07 gross acres divided between two owners. The applicant owns 10.65 acres and Jerald Jones owns 0.42 acres, consisting of two parcels at the southeast corner of 1430 South and Sandhill Road. Each of Mr. Jones' parcels contains an existing dwelling.

The approved concept plan in Appendix X has a density of 13.45 units per acre which is less than the maximum approved density of 14 units per acre. Mr. Jones' property, as shown on the current concept plan, has a density greater than 14 units per acre, while Mr. Gevorgian's property density is less than 14 units per acre.

The applicant proposes to relocate units from the Jones property in addition to adding an additional five units to his property bringing each owner as close as possible to the maximum of 14 units per acre. Based on the current concept plan, the applicant has 13.2 units per acre and Mr. Jones has 19.04 units per acre. Overall, the approved density does not change since the PD-11 zone is permitted 14 units per acre. Mr. Jones will have 5 units on 0.42 acres which is 11.09 units per acre. Mr. Gevorgian will have 149 units on 10.65 acres, which is 13.9 units per acre. If an additional unit was included on each owner's property, each would then be over the maximum of 14 units per acre. The revised concept plan has an overall density of 13.91 units per acre. The applicant also proposes to relocate the clubhouse facility to a more central location.

Mr. Jones has expressed his approval of this request. A neighborhood meeting was held on August 6, 2013, in the City Council chambers with zero residents in attendance.

Advantages

- Each property meets the density requirements individually.
- The overall project density is under the current maximum density of 14 units per acre.
- The clubhouse is relocated to a central location.
- Allows each property owner to develop their property separately.

Disadvantages

- None identified.

RECOMMENDATION: Based on compliance with the Orem City Code and the advantages outlined above, the Planning Commission recommends the City Council approve the request to amend Appendix X (Page X.7) of the Orem City Code pertaining to the concept plan of the PD-11 zone at 1430 South Sandhill Road. Staff also recommends approval of this request.

**6:30 P.M. PUBLIC HEARING**

**19. ORDINANCE - Amending the Current Fiscal Year 2013-2014 Budget**

**REQUEST: The City Manager requests that the City Council, by ordinance, amend the current Fiscal Year 2013-2014 Budget as proposed.**

*PRESENTER:* Richard Manning

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: The City, as a matter of practice, amends the fiscal year budget quarterly to recognize the many changes that occur throughout the fiscal year. These adjustments include grants received from Federal, State, and other governmental or private entities/organizations; and various other smaller technical corrections or minor budget adjustments that need to be made.

This proposed budget amendment will address job classification. Positions within the City classification system have not been adjusted to the market since FY 2007-2008. The proposed amendment will provide for a 2% market adjustment for each classified position. Employees who are within the range of their classification will receive a 2% adjustment to their compensation. This is the first step in achieving the Council's goal of maintaining competitive compensation for City employees. The next step will be a revised compensation plan that is planned to be implemented during Fiscal Year 2014-2015.

RECOMMENDATION: The City Manager recommends the City Council, hold a public hearing to discuss amending the current Fiscal Year 2013-2014 Budget and, by ordinance, amend the Fiscal Year 2013-2014 Budget.

**20. RESOLUTION - Approve HOME Investment Partnership Grant Final Statement of Projected Uses of Funds – 2014-2015**

*PRESENTER:* Charlene Crozier

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: Following presentations by applicants and a vote by the Utah Valley Consortium of Cities and County Board, the final statement for the 2014-2015 HOME allocation is ready to be adopted by consortium entities.

HOME funds are used for a variety of housing projects within Utah County, including: down-payment assistance, rental assistance, housing rehabilitation, property acquisition, and other projects.

Projected funding includes new entitlement, program income, and reprogrammed unspent funds from previous years. The total funding amount is an estimate that will be finalized as soon as the Consortium receives the actual HOME entitlement amount from the U.S. Department of Housing and Urban Development. The resolution exhibit articulates how funding shall be increased or cut based on the final dollar amount. Additional approval shall be required if the final funding is 25% higher than estimated.

RECOMMENDATION: The Community & Neighborhood Services Manager recommends that the City Council, by resolution, adopt the Final Statement of Projected Uses of Funds for the 2014-2015 HOME Investment Partnership Act.

**21. ORDINANCE – Establishing a Separate Police Department and Fire Department and Defining the Functions and Duties of Each City Department**

**REQUEST: The City Manager requests that the City Council consider an ordinance establishing a separate Police Department and Fire Department and further define the functions and duties of each city department.**

*PRESENTER:* Jamie Davidson

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: The Utah Code authorizes the City Council, upon recommendation of the City Manager, to enact an ordinance creating, consolidating or abolishing departments and defining the functions and duties of each city department.

On July 1, 1981, with passage of the FY 1981-1982 fiscal budget and by motion of the City Council, the City Manager moved forward with consolidation of the Orem Police Department and the Orem Fire Department, thereby creating the Orem Department of Public Safety. At the time of consolidation, the City Council and the City Manager believed certain economies of scale and savings could be garnered with personnel who could serve both as police officers and firefighters during emergency situations. Given call volumes and service demands at the time of this decision, the move was intended to provide improved customer service and additional career opportunities for public safety personnel. In facilitating this change, all police officers and firefighters were classified as public safety officers and public safety personnel were invited to cross train as both police

officers and firefighters. While not all department personnel were cross trained, a number of frontline public safety officers were certified as police officers and firefighter/EMTs. The consolidation effort resulted in personnel being assigned equipment and resources to function in both capacities. In addition, personnel were paid differential pay for holding both police and fire/paramedic certifications. At the time of consolidation, (1) the position of Director of Public Safety was created, (2) a director was appointed (at the time, the Police Chief became the Director of Public Safety) and, (3) a Fire Division was created within the department to meet the city's fire suppression and emergency medical response needs.

As the city matured, call volumes increased and level of service demands changed (for example, the city transitioned from operating out of two fire stations to four today), management and resource decisions began to reflect a natural separation between the police and fire sides of the public safety department. Given the intense training and certification requirements for both police officers and firefighters, personnel naturally gravitated to one side of the department or the other. Moreover, based on budget limitations, public safety officers were no longer equipped as both police officers and firefighters.
Staffing and scheduling models also began to reflect a clear separation between police and fire functions.

While initially touted as a move that would result in cost savings, the consolidated Orem Department of Public Safety no longer provides significant financial benefits or savings to the City of Orem. Moreover, under the current operational model, the department's fire division has historically operated under department leadership whose background has been in law enforcement, a situation that has led to the feeling of some that one core function of the department has been subservient to the other.

Advantages

- The reorganization of the Orem Public Safety Department will lead to will lead to a dedicated and direct focus by personnel on services directly tied to the preservation of life and property (Fire) and law enforcement (Police).
- Morale and department unity will increase in both departments. "Team concept" will continue to grow and develop.
- Departmental planning and goal setting will exclusively focus on core service-related issues and concerns. For example, Fire personnel can exclusively focus on fire safety programs and initiatives, while Police personnel can address community-policing, investigations and neighborhood enforcement.
- The creation of a separate police department and fire department will formalize existing structure and operational policies.
- The position of Director of Public Safety will be eliminated and an additional frontline police officer position will be returned to service.
- The change will align Orem's public safety services with other municipal organizations in the state and throughout the United States. Of the 18,000 police and fire agencies in the United States, only 128 operate under a public safety model.
- The change facilitates the hiring of personnel that have specific expertise in either police or fire services, including department leadership.

Disadvantages

- The separation changes department dynamics and may impact unity and cooperation between both departments.
- Each distinct department will now compete for resources, consistent with other operating departments within the city.
- Updates and a review of departmental policies and procedures will need to take place to reflect the change.
- Physical changes will need to take place within the current public safety building to provide for appropriate departmental separation for officer/employee safety, chain of custody matters, HIPAA regulations, etc.
- The change will require the recruitment and hiring of a new police chief.
- The separation will result in one-time costs that may include facility adjustments, uniform modifications, signage changes, etc.

*Definition of Department Functions of Each City Department:* Section 2-6-1 of the Orem City Code outlines the specific functions and duties of each city department. With the establishment of a separate police department and fire department, the city manager requested that each city department review, revise and update department functions to reflect current operations. The last time city department functions were revised was April 10, 1990.

RECOMMENDATION: The City Manager recommends adoption of the ordinance establishing a separate police department and fire department, effective July 1, 2014, and defining the functions and duties of each city department.

**22. RESOLUTION – Approve the amendments to the Commission for Economic Development in Orem's Articles of Incorporation and Bylaws, approve CEDO's decision to accept a plan of dissolution, and authorize the dissolution of CEDO**

*PRESENTER:* Ryan Clark

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: Prior to February 29, 2012, over the previous twenty-five years, the City of Orem, by agreement, had recognized the Commission on Economic Development in Orem (CEDO) as the "official economic development arm of the City." In an effort to be more responsive and proactive in the achievement of the City's economic development goals and objectives, the City Manager proposed that CEDO and its day-to-day operations become a part of the City of Orem as a formal division of the City Manager's Office.

During the January 10, 2012 City Council meeting, by motion, the City Council voted 7-0 to terminate the July 8, 1986 Agreement with the Commission for Economic Development in Orem, which became effective February 29, 2012. After the agreement was terminated, economic development operations were moved into the city center and the Economic Development Division was created within the Office of the City Manager.

Since that time, Legal Services, the Economic Development Division, the CEDO Board of Trustees, and the CEDO Executive Director have worked together to complete the dissolution of CEDO. Recently, the CEDO Board of Trustees voted 5-0, with one member

not participating in the vote, in favor of the following actions: to amend CEDO's Articles of Incorporation and Bylaws to accurately reflect CEDO's tax exempt status as a §501(c)(6) entity and permit transfer of assets to the City and the Revolving Loan Fund upon dissolution, adopt the proposed Plan of Dissolution, recommend and authorize the dissolution of CEDO, pass the resolution adopting the Plan of Dissolution and authorizing the officers of CEDO to take all necessary steps to dissolve the corporation, and authorize the Executive Director and the Chairman of the Board of Trustees to execute the Assignment Agreement with the City.

CEDO's Articles of Incorporation and Bylaws require City Council approval of these actions before the actions become effective. After the City Council approves this resolution, the corporation will conclude its winding up process and will file articles of dissolution with the appropriate state and federal authorities.

RECOMMENDATION: The Economic Development Division Manager recommends that the City Council, by resolution, approve the amendments to the Commission for Economic Development in Orem's Articles of Incorporation and Bylaws, approve CEDO's decision to accept a plan of dissolution, and authorize the dissolution of CEDO.

PERSONAL APPEARANCES – CONTINUED (**IF NECESSARY**)

**23. Continuation of time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. Those wishing to speak should have signed in before the meeting.** ***(Please limit your comments to 3 minutes.)***

COMMUNICATION ITEMS

**24. There are no communication items.**

CITY MANAGER INFORMATION ITEMS

**25. This is an opportunity for the City Manager to provide information to the City Council. These items are for information and do not require action by the City Council.**

ADJOURNMENT

# An Introduction to URMMA

Utah Risk Management Mutual Association (URMMA) is a pool that was formed by municipalities in the State of Utah for the purpose of providing a liability insurance program. URMMA was formed by Interlocal Agreement in 1985 and as such, is a governmental entity. URMMA's unique programs and philosophies were developed by our Board of Directors which consist of one representative from each of our Member cities. The following information will provide some highlights of URMMA's governance and programs.

## Governance

- URMMA is totally governed by its Members. All philosophies, programs and practices are approved by our Board.
- Each Member has representation on the Board.

## Philosophy

- URMMA's focus has always been on risk management activities that improve our communities first and insurance needs second.
- URMMA's programs are designed to emphasize Member accountability.
- Our risk management and educational services help reduce losses so that premiums remain low.
- Membership in URMMA requires a commitment to risk management.

## Coverage

- URMMA provides **$6,000,000 per occurrence coverage with no aggregate.**
- URMMA's third party liability coverage is very broad and includes bodily injury, property damage, personal injury, public officials errors and omissions and employees benefit liability.
- URMMA's coverage is also very dynamic. Last year our Board voted to add $100,000 aggregate per member cyber liability coverage.
- Members have the option of purchasing auto physical damage coverage from URMMA for vehicles valued less than $50,000.
- Members group purchase property insurance coverage through Moreton & Co.
- Property coverage includes $200 million earthquake/flood coverage shared with other members. By group purchasing this coverage, members have received discounted coverage rates.
- Members are involved with claims throughout the resolution process. We look to our members for settlement authority for **EVERY** claim settlement.



Utah Risk Management Mutual Association • 502 East 770 North, Orem, Utah 84097
www.urmma.org • Phone: (801) 225-6692 • Fax: (801) 225-6879

**Staff**

- URMMA has the following staff who will work directly with your city employees:
  - Our claims adjuster will handle your claims.
  - Our claims and litigation manager is attorney who supervises and oversees claims and litigation.
  - Our risk manager will work directly with your employees to improve risk management in your city. He will also conduct an annual inspection of all departments in your city and provide a written report to your management.
  - Our education manager will conduct training to all of your employees at your city center. There are more than 50 training topics available.
  - Our administrative services manager works with your finance department on all invoices, loss reports, website interaction, certificates of insurance, etc.
  - Our administrative assistant maintains the claims files when a claim is filed against the City.
  - Our CEO is a former city manager who understands city government and works with our Board to carry URMMA's programs forward.
- All staff services are included in the annual premium. There is no additional charge for any of our services.

**Accountability**

- In an effort to promote accountability, URMMA claims are subject to a deductible based on the group to which the City is assigned.
- Losses are repaid to URMMA over a five year period.
- When losses are repaid in full, premiums are automatically reduced.
- As City employees focus on risk management, claims are reduced and cities can keep more of their funds in the city for other projects.

# MISSION STATEMENT

The Utah Risk Management Mutual Association (URMMA) welcomes the membership of those Utah municipalities dedicated to improving their communities through the prevention and control of loss who are willing to commit time, effort and funds to protect their citizens, employees and public resources. To these ends, the Association will:

1. Assist its members to prevent and control loss by:
   - Identifying risk;
   - Reducing risk by training, education and risk transfer;
   - Adopting appropriate policies, procedures, programs and guidelines;
   - Sharing ideas and programs;
   - Controlling loss or further injury after an occurrence or claim.

2. Pool resources to spread the risk of loss where and when appropriate.

3. Protect against catastrophic loss.

4. Reduce costs by the joint purchase of protection and services whenever possible.

5. Maintain long-term financial stability by funding all obligations at responsible levels.

6. Improve the legal and risk management environment by proposing and supporting favorable legislative and regulatory changes.

7. Foster cooperation and joint action with other affected entities.

8. Require a high degree of commitment to the Association's risk management programs by all members.

The Association will emphasize risk management activities that improve our communities rather than insurance. It will strive for excellence in all areas of endeavor. Adequate staff or outside service providers will be hired to provide the services established by URMMA's governing body.

Each member is expected to actively participate in all areas of risk management and to implement the Association's programs. Programs and policies which generally promote responsibility and accountability of individual members are favored. Expenses shall be equitably allocated and shared among the members.

Utah Risk Management Mutual Association • 502 East 770 North, Orem, Utah 84097
www.urmma.org • Phone: (801) 225-6692 • Fax: (801) 225-6879

# City of Orem, Utah
# Co-Sponsored Groups Recreation Discussion
# March 25, 2014

The following documents have been provided as part of the scheduled "Co-Sponsored Recreation Group" discussion with the City Council on March 25, 2014:

1. Recreation Area Use Policy
2. Recreation Area Use Agreement – Group 2
3. Recreation Area Use Agreement – Groups 3-5
4. Memorandum (from Recreation Director) – Co-Sponsored Recreation Groups
5. Investigative Report – Orem Youth Soccer, February 2006
6. Bylaws – League 20, Orem Youth Soccer

**CITY OF OREM**
**RECREATION DEPARTMENT**
**RECREATION AREA USE POLICY**

## PURPOSE

The City of Orem is dedicated to creating partnerships with local sports organizations to ensure there is ample opportunity to participate in athletics at various ability levels. Recognizing that many of these groups are run primarily by volunteers, it is the City's desire to be supportive. The purpose of this Policy is to ensure a fair and equitable allocation of the City's recreation areas and customer friendly reservation system for the City's recreation areas. This policy takes into account the underlying principle that the City's recreation areas are primarily for the public's use and enjoyment and attempts to ensure that all citizens have an equal opportunity and choice of participation. Since the demand for use of these recreation areas is greater than the revenues available to support them, it is necessary to charge fees to those who are participating in sport activities.

## POLICY

This policy provides guidelines for the fair distribution of recreation areas in the City and outlines the selection process for groups who apply to use those recreation areas. The City of Orem Recreation Department (Department) will be responsible for administering and implementing this policy. It is the goal of the Department to make the City's recreation areas available for use by community organizations, community members, and private groups.

## OVERVIEW

Recreation area allocation will be accomplished in a three-step process. First, a group or organization must file a Request for Priority Status with the Recreation Director. The Request for Priority Status must be submitted during the time frame established by the Department. Second, if the Department accepts the Request for Priority Status, the organization or group will enter into a Use Agreement with the City. Finally, the group or organization must file an Annual Recreation Use Application no later than forty-five (45) days before a program or activity is scheduled to begin. If the application is approved, the Department will issue a use permit to the group or organization. Annual Recreation Use Applications must be filed annually before the Department will issue recreation area use permits. At the time the Annual Recreation Use Application is filed, the Recreation Director will review the conduct of organizations or groups subject to this Policy and determine if the group or organization is in compliance with the Use Agreement and this Policy. Failure to be in compliance with the Use Agreement or Policy may result in termination of the Use Agreement or denial of the Annual Recreation Use Application.

**PRIORITY SYSTEM**

A priority system has been established due to the high demand for the limited number of recreation areas. This system is intended to ensure that recreational, community-based programming needs are satisfied first.

**Group 1:** **City Sponsored -** City sponsored recreation programs or City youth/adult programs and/or leagues. Group 1 shall have priority over any other group when using the City's recreation areas.

**Group 2:** **Co-Sponsored Groups** - Non-profit or not-for-profit youth organizations (IRS § 501(c) tax status is required) selected by the City to provide recreational opportunities for the residents of the City, whose registration is open regardless of skill level and whose philosophy is to allow all participants with the opportunity to play.

**Group 3:** **Preferred Competitive** - Non-profit or not-for-profit competitive youth programs that are considered competitive or participate in competitive leagues whose team roster includes more than 60% Orem City residents.

**Group 4:** **Competitive** - Non-profit or not-for-profit competitive youth programs whose team rosters include less than 60% Orem City residents. All competitive youth sports groups will be considered to be Group 4 organizations until the City is presented with information that allows the organization to be considered for Group 3 status.

**Group 5:** **General -** General youth and adult users or for- profit organizations, tournaments, clinics, and/or camps with individual or team participation fee. **NOTE:** Group 5 organizations and groups are not required to file Requests for Priority Status. Use permits will be granted to Group 5 users on an as-available basis. Requests filled at least (45) days prior to the earliest start date will be given preference. All other provisions of this Policy apply to Group 5 applicants.

The number of groups in each category will be determined by the Recreation Director and will depend on the availability of recreation area space.

**SELECTION PROCESS**

The Recreation Area Allocation Committee (RAAC), under the supervision of the Recreation Director, shall be responsible for: (1) reviewing Priority Status Requests; and (2) making recommendations regarding which applicants should be granted priority status in keeping with this Policy. The RAAC shall consist of four members of the Recreation Advisory Commission, and two Department employees. The Recreation Director shall serve as the chairman of the RAAC and will be responsible for making all appointments to the RAAC.

The RAAC will be responsible for making recommendations for those organizations that will be given priority status using the criteria listed below:

- Compliance with this policy and all organizational and reporting requirements established by the Recreation Director
- Merits and strengths of the program
- Length of demonstrated service to the sporting community of the City
- Historical success of the program in providing sporting opportunities for the residents of the City
- Programs that introduce new sports and athletic opportunities

Priority status for Groups 2-4 will be granted to groups or organizations for no more than three years. At the end of a group's three-year priority status designation period, the RAAC will conduct a competitive selection process which will allow any group or organization to apply for priority status. The RAAC will make a recommendation for priority status based on the criteria listed above.

The Recreation Director reserves the right to deny the use of City recreation areas to any group that, in his/her opinion, has had public relations or financial problems, has violated any City policy, has abused City facilities or property, or has administered its program in such a way as to cause discredit to the City. Priority status and compliance with this Policy and any agreements will be reviewed annually at the time each groups submits is Annual Recreation Area Use Application.

**Group 2 CO-SPONSORED GROUP – REQUIREMENTS**

Youth sports groups that are selected for Group 2 designation will be allowed to use City recreation areas without a rental fee due to the nature of these organizations. To be selected as a Group 2 organization the following requirements must be met:

- Selection of President and Board members must be made in an advertised and open public meeting
- Presidents and Board members may not service on the Board or as an officer for more than eight (8) years. This limitation will include aggregate service lengths regardless of office held.
- Group 2 priority status will not be granted to groups that conduct their activity for commercial or individual financial gain or for the financial gain of their Boards of Directors
- All conflicts of interests must be reported to the Recreation Director
- Maintain nonprofit 501(c) status with the State of Utah and the Internal Revenue Service
- Not offer programs that compete with programs offered through the Department
- One voting position on the leadership board will be allocated to the City of Orem
- All meetings will be advertised on the organization's website and notice sent to all member's e-mail addresses or public notice shall be given in some other form

- Board meeting minutes will be posted on the organization's website or otherwise made available to the public
- Financial disclosures including costs, revenues, inventory lists and compensation of all board members, employees, and contractors will be required annually. This disclosure should include all compensation received by the president, board member, any other officer or employee that relates to their position but may not come directly from the organization
- Adhere to all City, County, and State business and health codes pertaining to the sale or preparation of concession items
- Conduct background checks on all volunteers and coaches. Ad hoc volunteers who do not have direct contact or day-to-day contact with participants are exempt from this requirement.
- Offer scholarships to low income participants
- Adhere to all requirements listed in this policy

**GROUP 3 AND 4 PRIORITY –REQUIREMENTS**

To be considered for Group 3 and Group 4 priority status the organizations must agree to the following requirements:

- Notify the Department of all board meetings
- Forward board meeting minutes to the Recreation Director
- Make financial disclosures as requested by the Recreation Director
- Maintain nonprofit 501(c) status with the State of Utah and the Internal Revenue Service
- Offer scholarships to low income participants
- Conduct background checks on all volunteers and coaches. Ad hoc volunteers who do not have direct contact or day-to-day contact with participants are exempt from this requirement.
- Adhere to all requirements listed in this Policy

**RECREATION AREA USE APPLICATION & SCHEDULING PROCEDURES**

All groups are required to submit an Annual Recreation Area Use Application to the Recreation Director for approval at least forty-five (45) days before the program/activity begins. No group shall have an automatic or protected right to approval by virtue of having been an established group using City recreation areas in previous seasons. Use permits shall be issued based on availability and will be granted using the prioritization structure listed above.

Notice of Non-Use of Recreation Area: When use permits are issued, a specific recreation area is reserved for the applicant to the exclusion of others. Groups may not assign their scheduled time to other groups unless approved by the Recreation Director or his designee. Groups should only reserve the recreation areas they intend to use. Groups must notify the City to report any reserved time that can be released for general use as provided for in this Policy.

**LIABILITY INSURANCE REQUIREMENTS**

Groups must provide commercial general liability insurance in the amounts of $1,000,000.00 combined single limit per occurrence with a $2,000,000 aggregate limit. The required Automobile Liability limit is $1,000,000. The Workers' compensation limits required by Utah State Law and Employer's Liability are required in the limits of $1,000,000.00 per accident. Other specific insurance requirements are included in the Use Agreement entered into between the City and the group or organization..

**FIELD AND FACILITY RULES & REGULATIONS**

All youth sports participants are required to follow all rules and regulations posted and enforced at each recreation use area, follow all requirements listed in this Policy and in the Use Agreement, and comply with all requests made by Orem City staff regarding recreation area usage.

**CONFLICTS & APPEAL PROCESS**

When scheduling conflicts or disputes arise, the parties should attempt to resolve the dispute amongst themselves. If the parties are unable to resolve the conflict or dispute, the parties are directed to contact the Recreation Director or his designee to resolve the dispute. The Recreation Director will make interpretations of the language of this policy. An appeal of a decision by the Recreation Director must be submitted in writing with justification within 10 working days from the decision to the City Manager for final determination at the address listed below:

Jamie Davidson, City Manager
56 N. State Street
Orem, UT 84057

**FEES AND MAINTENANCE COSTS**

The following participation fees, field preparation fees, and rental rates apply to groups using the City's recreation areas:

| | Group 1 | Group 2 | Group 3 | Group 4 | Group 5 |
|---|---|---|---|---|---|
| **Swimming** | Program Fee | N/A | $2 /hr/lane short course $4/hr/lane long course | $5 /lane/hr | $6 /lane/hr |
| **Football** | Program Fee (flag football) | N/A | $35/ game | $40/ game | $45/ game |
| **Basketball** | Program Fee | N/A | N/A | N/A | N/A |
| **Softball** | Program Fee | N/A | N/A | N/A | N/A |
| **Baseball** | Program Fee (tee Ball, coach Pitch, | $4 participation plus | $40 / game $20/game for each | $45 /game $25/game for each | $50 / game or $175 |

| | | | | | |
|---|---|---|---|---|---|
| | machine pitch) | $14 field prep fee | subsequent game played on the same day | subsequent game played on the same day | /field/day |
| **Soccer** | N/A | $4 participation<br><br>No field prep | $25 / game plus field prep if needed | $35 / game includes reserved practice times | $45 / game plus goal rental and field prep fees |
| **Lacrosse** | Program Fee | N/A | $25 / game plus field prep if needed | $35 / game plus field prep if needed | $45 game plus goal rental and field prep fees |

**PAYMENT**

Payment of all fees, for recreation area usage will be made no more than thirty (30) days following the last reservation period, unless previous arrangements have been made with the Director of Recreation.

**CITY OF OREM**
**RECREATION DEPARTMENT**
**Group 2 Co-Sponsored Group Recreation Area Use Agreement**

This Agreement is signed and entered into this _____ day of _____, 2014, by

and between the City of Orem (City) and _____

(Co-Sponsored Group) to conduct _____located at _____
Activity
_____for _____
Address Program/Activity

_____/_____/_____ _____ a.m./p.m. to _____/_____/_____ _____ a.m./p.m.
Month Day Year Time Month Day Year Time

The fee for use of above-named recreation area is _____ as established by the City of Orem Recreation Area Use Policy (Policy).

## RECITALS

WHEREAS the Recreation Area Allocation Committee recommended and the Recreation Director has granted Co-Sponsored Group priority Group 2 status; and

WHEREAS the program or activity being offered by the Co-Sponsored Group will provide non-competitive recreation opportunities for the residents of the City; and

WHEREAS the City finds it is in the public's best interest to have Co-Sponsored Group provide this program or activity to the public; and

WHEREAS Co-Sponsored Group has reviewed and agrees to be bound by the terms of the Policy which is incorporated into this Agreement by reference.

## COVENANTS

NOW, THEREFORE, in consideration of the mutual covenants of the parties as hereinafter set forth, the City and the Co-Sponsored Group mutually agree as follows:

1. **Standards.** The Co-Sponsored Group shall promote a program which is in keeping with the highest standards of recreation, physical education, good sportsmanship, and equal opportunity for participation in both practices/instruction and games/events.

2. **Leadership.** There shall be a formally elected Board of Directors supported by a committee system to handle the functions of the program. Recreation programs are most successful for the participants and for people of the City when leadership is broad based. That leadership comes from the participants when they are adults and from parents and coaches when the participants are not. One member of the Board of Directors shall be

and employee of the City of Orem. No Board of Directors or leadership member thereof, shall remain in those positions for more than eight (8) years in the aggregate. Failure to comply with this change in leadership will constitute a breach of this Agreement.

3. **Application for Group 2 Selection.** At the end of this Agreement term, the Co-Sponsored Group must reapply to be given Group 2 priority status. The application process will be open to any other group or organization meeting the Group 2 requirements and the selection process will be conducted as a competitive selection process as outlined in the Policy. NO ORGANIZATION IS GUARANTEED GROUP 2 PRIORITY STATUS AFTER THE TERMINATION OR COMPLETION OF THIS AGREEMENT. Recreation area use will be scheduled on an annual basis pursuant to the Policy.

4. **Nonprofit Corporation.** The group shall be organized as a current nonprofit corporation in the State of Utah with current articles of incorporation and bylaws on record with the City.

5. **Annual Review & Financial Information.** The Recreation Director will conduct an annual review of the Co-Sponsored Group to determine whether the group is complying with this Agreement and the Policy. If it is found that the Co-Sponsored Group is not complying with this Agreement or the Policy, the Recreation Director may terminate this Agreement pursuant to paragraph 20 of this Agreement. The annual review will occur when the Co-Sponsored Group submits its Annual Recreation Area Use Application. At that time, the group shall provide an annual financial statement including annual revenue and expense amounts to the Recreation Director and any other financial information the Recreation Director requests. Loss of Group 2 priority status will not preclude Co-Sponsored Group from applying for Group 3 or 4 priority status as provided for in the Policy.

6. **Commercial or Individual Financial Gain.** The City does not endorse groups and will not grant Group 2 priority status to groups that conduct their activity for commercial or individual financial gain or for the financial gain of their Boards of Directors.

7. **Use of City Recreation Areas.** The City reserves the right to schedule activities and events at City recreation areas on an as-available basis and in accordance with the Policy and Orem City Code § 13-2-1 *et seq.*

8. **Roster of Participants.** Co-Sponsored Group will make available to the City for inspection, a roster of participants that lists the participant's name, team affiliation, address, and local phone number by the end of the second week of the regular season. The City will only review this information and will not retain a copy of the roster.

9. **Insurance/Agreement.** Co-Sponsored Group must provide commercial general liability insurance in the amounts of $1,000,000.00 combined single limit per occurrence with a $2,000,000 aggregate limit. The required Automobile Liability limit is $1,000,000. If the policies do not have these limits, an increase in the limits will be requested of the

insured. The insurance policy shall contain, or be endorsed to contain, the following provisions: Additional Insured - The City of Orem, its' elected and appointed officials, officers, employees and volunteers shall be listed as additional insured under the CGL and Business Auto policies. The coverage shall contain no special limitations on the scope of protection afforded to the City of Orem, its' elected and appointed officials, officers, employees and volunteers. Primary Insurance -The Co-Sponsored Group's or individual's insurance coverage shall be primary insurance. Any insurance or self-insurance maintained by the City shall be excess of the Co-Sponsored Group's insurance and shall not contribute with it.

9.1 **Indemnification** - In addition, the Co-Sponsored Group must indemnify the City of Orem, its elected and appointed officials, officers, employees and volunteers from any and all claims, damages, lawsuits, losses and expenses including attorney's fees), arising out of or resulting from Co-Sponsored Group's performance or failure to perform the activities conducted on City recreation areas, Alpine School District facilities or other property.

9.2 **Certificate of Insurance** must be complete per City requirements before Agreement and date(s) are final.

9.2.1. The additional insured requirement must be exactly as specified by the City.

9.2.2. The name of name of the Co-Sponsored Group and its president must be the named insured on the required certificate of insurance.

10. **Insurance Limits.**

10.1. **Types.** Co-Sponsored Group shall procure and maintain the following types of insurance for the duration of this Agreement.

10.1.1. **Commercial General Liability.** Commercial General Liability ("CGL") insurance with coverage that is at least as broad as the Insurance Services Office Commercial General Liability coverage ("occurrence" form).

10.2. **Coverage Limits.** Co-Sponsored Group's required insurance shall have the following minimum coverage limits:

10.2.1. **Commercial General Liability.** $1,000,000.00 combined single limit per occurrence for bodily injury, personal injury and property damage. If the policy contains a general aggregate limit, the general aggregate limit must apply separately to this Agreement or the general aggregate limit shall be $2,000,000.00.

10.3. **Workers' Compensation and Employer's Liability.** Co-Sponsored Group must provide Worker's Compensation and Employer's Liability for employee/s of the group.

Workers' compensation and Employer's Liability limits required by Utah State law are required in the limits of $1,000,000.00 per accident.

10.4. **Deductibles.** Any deductibles or self-insured retentions must be declared to and approved by the City. At the City's option, the City may require that:

10.4.1. The insurer reduce or eliminate the deductibles or self-insured retentions as respects the City, its officers, officials, employees and volunteers; or

10.4.2. The Co-Sponsored Group procure a bond or letter of credit guaranteeing payment of any deductibles or self-insured retentions.

10.5. **Insurance Policy Provisions.** The insurance policies shall contain, or be endorsed to contain, the following provisions:

10.5.1. **Additional Insured.** The City of Orem, its' elected and appointed officials, officers, employees and volunteers are listed as additional insured, pursuant to the attached endorsement (form _____) under the CGL policy. The coverage on said policy shall contain no special limitation on the scope of protection afforded to the City of Orem, its' elected and appointed officials, officers, employees and volunteers.

10.5.2. **Primary Insurance.** Co-Sponsored Group's insurance coverage shall be primary insurance. Any insurance or self-insurance maintained by the City shall be excess of Co-Sponsored Group's insurance and shall not contribute with it.

10.5.3. **Reporting.** Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officers, employees or volunteers.

10.5.4. **Separate Application.** Co-Sponsored Group's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

10.5.5. **Waiver of Subrogation.** The insurers shall waive, in writing, all rights of subrogation against the City, its officers, officials, employees and volunteers for losses arising from Co-Sponsored Group's actions in performing (or failing to perform) this Agreement.

10.5.6. **Cancellation.** Each insurance policy required by this Agreement shall contain an undertaking by the insurer to notify the City in writing not less than thirty (30) days before suspension, cancellation, or reduction in coverage or in limits of such insurance policy. If required insurance lapses, the City will terminate this Agreement.

10.6. **Best's Rating.** Each insurer shall have a Best's rating of A-:VII or better. Insurers must maintain the A-:VII or better rating for the entire term of this Agreement. Co-Sponsored Group shall provide the City with annual updates showing each insurer's Best rating at the time it submits its Annual Recreation Area Use Application to the Department.

10.7. **Certificates of Insurance.** Co-Sponsored Group shall provide the City with certificates of insurance and with original endorsements effecting coverage required by this Agreement. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements shall be received and approved by the City before use of City recreation areas. The City shall also have the right to receive a complete copy of any insurance policies required by this Agreement.

11. **Annual Use Approval.** Requests to use City recreation areas where applicable shall be submitted to the Recreation Director annually for approval at least forty-five (45) days before the program/activity begins. No Co-Sponsored Group shall have an automatic or protected right to approval by virtue of having been an established group using City recreation areas in previous seasons. The City reserves the right to deny the use of City recreation areas to any group that, in its opinion, has had public relations or financial problems, has violated any City policy, has abused City recreation areas or property, or has administered its program in such a way as to cause discredit to the City.

12. **Training and Certification.** The group shall demonstrate and/or provide evidence of a program for use in training, educating, and certifying officials, coaches, and supervisors involved in its program. Preferably, the certification would be by a formal national certifying group.

13. **Equipment.** The Co-Sponsored Group shall use equipment approved by a certifying body as appropriate, shall keep that equipment in good condition, and shall encourage and train the correct usage by coaches and participants in the organization. If at any time the City determines to terminate this Agreement or if a groupis not selected for Group 2 prioritization, the parties agree that the City will be given the right of first refusal to purchase any equipment that will be sold by the Co-Sponsored Group within one (1) calendar year from the date Co-Sponsored Group no longer maintains Group 2 priority status. The parties will negotiate in good faith to establish the fair market value of the equipment.

14. **Support.** In as much as the Co-Sponsored Group complies with the criteria in this Agreement and in the Policy, the City will provide recreation areas as available. In addition, the Co-Sponsored Group will be permitted to advertise their program in the Recreation Department brochures and on the City's web pages. The City assumes no financial responsibility to the Co-Sponsored Group or its constituents.

15. **Separate Entities.** The parties acknowledge that the parties are and will remain separate and independent entities and this Agreement does not create an additional entity or body.

16. **Co-Sponsored Group Does Not Represent City.** Co-Sponsored Group does not represent the City and shall not hold itself out as a representative of the City nor does Co-Sponsored Group have authority to act as a representative or agent of the City.

17. **Clean-Up.** Co-Sponsored Group shall make every reasonable and prudent effort to keep the area in which Co-Sponsored Group's activities are held clean and free from trash or other debris. Co-Sponsored Group will clean up any trash and debris generated by Co-Sponsored Group's activities and place it in trash containers provided by the hosting facility. The City is not responsible for any maintenance or clean-up costs incurred through the negligence of the Co-Sponsored Group.

18. **Safety.** Co-Sponsored Group shall conduct its activities in a safe manner and require participants to wear protective clothing and gear germane to the activity. Co-Sponsored Group shall be responsible for any monetary damages or injuries which result from Co-Sponsored Group's failure to conduct its activities in a safe manner.

19. **Indemnification.** Co-Sponsored Group shall release, indemnify and hold harmless the City of Orem, its' elected and appointed officials, officers, employees and volunteers from any and all claims, damages, lawsuits, losses and expenses (including attorney's fees), arising out of or resulting from Co-Sponsored Group's performance or failure to perform this Agreement and all of Co-Sponsored Group's activities conducted on City facilities/property or other hosting agency property.

20. **Termination.** Unless otherwise provided for in the Agreement, the City may terminate this Agreement upon 10 days' written notice. Co-sponsored group may appeal the termination decision to the Orem City Manager by submitting to the Orem City Manager, within the 10 day-notice period, a written notice of appeal including the group's name, address, contact telephone number, and a short statement explaining why termination is inappropriate. The City Manager has 10 days from the date the notice of appeal is filed to resolve the appeal.

21. **Lawful Agreement.** The parties represent that each of them has lawfully entered into this Agreement, having complied with all relevant statues, ordinances, resolutions, bylaws, and other legal requirements applicable to their operation.

22. **Compliance With Federal and State Law and City Ordinances.** All City ordinances regulating the use of parks are in effect: Section 13-1-1 through 13-1-11 and section 9-2-9. Co-Sponsored Group must comply with all other applicable local, state and federal laws.

23. **Utah Law.** This Agreement shall be interpreted pursuant to the laws of the State of Utah.

24. **Time of Essence.** Time shall be of the essence of this Agreement.

25. **Attorney's Fees.** In the event that either party should be required to retain an attorney because of the default or breach of the other or to pursue any other remedy provided by law, then the non-breaching or non-defaulting party shall be entitled to a reasonable attorney's fee, whether or not the matter is actually litigated.

26. **Interpretation of Agreement.** The invalidity of any portion of this Agreement shall not prevent the remainder from being carried into effect. Whenever the context of any provision shall require it, the singular number shall be held to include the plural number, and vice versa, and the use of any gender shall include any other and all genders. The paragraph and section headings in this Agreement are for convenience only and do not constitute a part of the provisions hereof.

27. **Amendments.** No oral modifications or amendments to this Agreement shall be effective, but this Agreement may be modified or amended by written agreement.

28. **Binding Agreement.** This Agreement shall be binding upon the successors, administrators, and assigns of each of the parties hereto.

29. **Security.** Co-Sponsored Group is solely responsible for the safety and security of its activities and property. Co-Sponsored Group acknowledges and agrees that Co-Sponsored Group has no recourse against the City for any vandalism or any damage done to Co-Sponsored Group's property.

30. **Duration.** This Agreement shall be in full force and effect for three years from the date of its execution unless otherwise terminated.

31. **No Assignment.** Neither party shall transfer or assign any of its rights, duties or obligations set forth in this Agreement to a third party without the prior written consent of the other party.

32. **No Presumption.** Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the term hereof shall be more strictly construed against one party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

33. **Fees.** Fees for the use of City recreation areas will be charged commensurate with the City's approved fee and charge schedule and pursuant to the Policy.

34. **Additional requirements specific to an individual Group.**
[INSERT ANY PARTY SPECIFIC REQUIREMENTS HERE]

The City and Co-Sponsored Group have read and agree to the provisions set forth in the Policy attached as part of this document including all guidelines for the City recognizing and entering into this Agreement with the Co-Sponsored Group.

CITY OF OREM by

Co-Sponsored Group Name (please print)

_____ _____

Karl Hirst, Director of Recreation

Signature of Authorized Agent
Agent Street Address:

City State Zip

**CITY OF OREM**
**RECREATION DEPARTMENT**
**Group 3, 4, or 5 Recreational Area Use Agreement**

This Agreement is signed and entered into this _____ day of _____, 2014, by

and between the City of Orem (City) and _____

(Organization) to conduct _____located at
Activity
_____for _____
Address Program/Activity

_____/_____/_____ _____ a.m./p.m. to _____/_____/_____ _____ a.m./p.m.
Month Day Year Time Month Day Year Time

## RECITALS

WHEREAS the Recreation Area Allocation Committee has recommended and the Recreation Director has granted Organization Group __ priority status; and

WHEREAS the Organization desires to conduct its program using City recreation areas; and

WHEREAS the City finds that it is in the public's best interest to enter into this Agreement with the Organization; and

WHEREAS the Co-Sponsored Group has reviewed and agrees to be bound by the terms of the Policy which is incorporated into this Agreement by reference.

## COVENANTS

NOW, THEREFORE, in consideration of the mutual covenants of the parties as hereinafter set forth, the City and Organization mutually agree as follows:

1. **Standards.** The Organization shall promote a program which is in keeping with the highest standards of recreation, physical education, and good sportsmanship.

2. **Leadership.** There shall be a formally elected Board of Directors supported by a committee system to handle the functions of the program. Recreation programs are most successful for the participants and for people of the City when leadership is broad based. That leadership comes from the participants when they are adults and from parents and coaches when the participants are not. The Organization must notify the Recreation Director of all meetings of the Board of Directors.

3. **Application for Group 3 and 4 Selection.** At the end of this Agreement term, the Organization must reapply to be granted priority status. The application process will be open to any other group or organization meeting the priority requirements and the selection process will be conducted as a competitive selection process as outlined in the Policy.

   Group 5 organizations are exempt from the priority group selection process and are only required to file the Annual Recreation Use Application with the Department more than forty-five (45) days before a program or activity begins.

4. **Nonprofit Corporation.** The Organization shall be organized as a current nonprofit corporation in the State of Utah with current articles of incorporation and bylaws on record with the City *unless* the Organization is a Group 5 organization.

5. **Annual Review & Financial Information.** The Recreation Director will conduct an annual review of the Organization to determine whether the group is complying with this Agreement and the Policy. If it is found that the Organization is not complying with this Agreement or the Policy, the Recreation Director may terminate this Agreement pursuant to paragraph 20 of this Agreement. The annual review will occur when the Organization submits its Annual Recreation Area Use Application. At that time, the group shall provide an annual financial statement including annual revenue and expense amounts to the Recreation Director and any other financial information the Recreation Director requests.

6. **Commercial or Individual Financial Gain.** The City does not endorse groups and does not grant Group 3 or 4 priority status to groups that conduct their activity for commercial or individual financial gain or for the financial gain of members of its Board of Directors.

7. **Use of City Recreation Areas.** The City reserves the right to schedule activities and events at City recreation areas on an as-available basis and in accordance with the Policy and Orem City Code § 13-2-1 *et seq.*

8. **Roster of Participants.** The Organization make available to the City for inspection a roster of participants that lists the participant's name, team affiliation, address, and local phone number by the end of the second week of the season. If the requisite percentage of Orem City residents is not reflected in these rosters, the Recreation Director may terminate this Agreement. The City will only review this information and will not retain a copy of the roster.

9. **Insurance/Agreement.** Organization must provide commercial general liability insurance in the amounts of $1,000,000.00 combined single limit per occurrence with a $2,000,000 aggregate limit. The required Automobile Liability limit is $1,000,000. If the policies do not have these limits, an increase in the limits will be requested of the insured. The insurance policy shall contain, or be endorsed to contain, the following provisions: Additional Insured - The City of Orem, its' elected and appointed officials, officers, employees and volunteers shall be listed as additional insured under the CGL

and Business Auto policies. The coverage shall contain no special limitations on the scope of protection afforded to the City of Orem, its' elected and appointed officials, officers, employees and volunteers. Primary Insurance –the Organization's insurance coverage shall be primary insurance. Any insurance or self-insurance maintained by the City shall be excess of the Organization's insurance and shall not contribute with it.

9.1 **Indemnification** - In addition, the Organization must indemnify the City of Orem, its elected and appointed officials, officers, employees and volunteers from any and all claims, damages, lawsuits, losses and expenses (including attorney's fees), arising out of or resulting from Organization's performance or failure to perform the activities conducted on City recreation areas, Alpine School District facilities or other property.

9.2 **Certificate of Insurance** must be complete per City requirements before Agreement and date (s) are final.

9.2.1. The additional insured requirement must be exactly as specified by the City.

9.2.2. The name of name of the Organization and its president/chairman/director must be the named insured on the required certificate of insurance.

10. **Insurance Limits.**

10.1. **Types.** Organization shall procure and maintain the following types of insurance for the duration of this Agreement.

10.1.1. **Commercial General Liability.** Commercial General Liability (CGL) insurance with coverage that is at least as broad as the Insurance Services Office Commercial General Liability coverage.

10.2. **Coverage Limits.** Organization's required insurance shall have the following minimum coverage limits:

10.2.1. **Commercial General Liability.** $1,000,000.00 combined single limit per occurrence for bodily injury, personal injury and property damage. If the policy contains a general aggregate limit, the general aggregate limit must apply separately to this Agreement or the general aggregate limit shall be $2,000,000.00.

10.3. **Workers' Compensation and Employer's Liability.** Organization must provide Worker's Compensation and Employer's Liability for employee/s of the organization. Workers' Compensation and Employer's Liability limits required by Utah State law are required in the limits of $1,000,000.00 per accident.

10.4. **Deductibles.** Any deductibles or self-insured retentions must be declared to and approved by the City. At the City's option, the City may require that:

10.4.1. The insurer reduce or eliminate the deductibles or self-insured retentions as respects the City, its officers, officials, employees and volunteers; or

10.4.2. The Organization procure a bond or letter of credit guaranteeing payment of any deductibles or self-insured retentions.

10.5. **Insurance Policy Provisions.** The insurance policies shall contain, or be endorsed to contain, the following provisions:

10.5.1. **Additional Insured.** The City of Orem, its' elected and appointed officials, officers, employees and volunteers are listed as additional insured, pursuant to the attached endorsement (form _____) under the CGL policy. The coverage on said policy shall contain no special limitation on the scope of protection afforded to the City of Orem, its' elected and appointed officials, officers, employees and volunteers.

10.5.2. **Primary Insurance.** The Organization's insurance coverage shall be primary insurance. Any insurance or self-insurance maintained by the City shall be excess of the Organization's insurance and shall not contribute with it.

10.5.3. **Reporting.** Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officers, employees or volunteers.

10.5.4. **Separate Application.** The Organization's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

10.5.5. **Waiver of Subrogation.** The insurers shall waive, in writing, all rights of subrogation against the City, its officers, officials, employees and volunteers for losses arising from Organization's actions in performing (or failing to perform) this Agreement.

10.5.6. **Cancellation.** Each insurance policy required by this Agreement shall contain an undertaking by the insurer to notify the City in writing not less than thirty (30) days before suspension, cancellation, or reduction in coverage or in limits of such insurance policy. If required insurance lapses, the City will terminate this Agreement.

10.6. **Best's Rating.** Each insurer shall have a Best's rating of A-:VII or better. Insurers must maintain the A-:VII or better rating for the entire term of this Agreement. The Organization shall provide the City with annual updates showing each insurer's Best rating.

10.7. **Certificates of Insurance.** The Organization shall provide the City with certificates of insurance and with original endorsements effecting coverage required by this Agreement. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements shall be received and approved by the City before use of City facilities or acknowledgment of the Organization commences. The City shall also have the right to receive a complete copy of any insurance policies required by this Agreement.

11. **Annual Use Approval.** Requests to use City recreation areas where applicable shall be submitted to the Recreation Director annually for approval at least forty-five (45) days before the program/activity begins. No Organization shall have an automatic or protected right to approval by virtue of having been an established group using City recreation areas in previous seasons. The City reserves the right to deny the use of City recreation areas to any group that, in its opinion, has had public relations or financial problems, has violated any City policy, has abused City recreation areas or property, or has administered its program in such a way as to cause discredit to the City.

12. **Training and Certification.** The Organization shall demonstrate and/or provide evidence of a program for use in training, educating, and certifying officials, coaches, and supervisors involved in its program. Preferably, the certification would be by the formal national certifying group.

13. **Equipment.** The Organization shall use equipment approved by a certifying body as appropriate, shall keep that equipment in good condition, and shall encourage and train the correct usage by coaches and participants in the organization.

14. **Support.** In as much as the Organization complies with the criteria in this Agreement and in the Policy, the City will provide recreation areas as available and assist in securing Alpine School District facilities as needed and as available.

15. **Separate Entities.** The parties acknowledge that the parties are and will remain separate and independent entities and this Agreement does not create an additional entity or body.

16. **Organization Does Not Represent City.** The Organization does not represent the City and shall not hold itself out as a representative of the City nor does the Organization have authority to act as a representative or agent of the City.

17. **Clean-Up.** The Organization shall make every reasonable and prudent effort to keep the area in which the Organizations activities are held clean and free from trash or other debris. Organization will clean up any trash and debris generated by Organization's activities and place it in trash containers provided by the hosting facility. The City is not responsible for any maintenance or clean-up costs incurred through the negligence of the Organization.

18. **Safety.** Organization shall conduct its activities in a safe manner, in compliance with local, state, and federal laws, and require participants to wear protective clothing and gear germane to the activity. Organization shall be responsible for any monetary damages or injuries which result from Organizer's failure to conduct its activities in a safe manner.

19. **Indemnification.** The Organization shall release, indemnify and hold harmless the City of Orem, its' elected and appointed officials, officers, employees and volunteers from any and all claims, damages, lawsuits, losses and expenses (including attorney's fees), arising out of or resulting from the Organization's performance or failure to perform this Agreement and all of the Organization's activities conducted on City recreation areas, facilities/property, or other hosting agency property.

20. **Termination.** Unless otherwise provided for in the Agreement, the City may terminate this Agreement upon 10 days' written notice. Co-sponsored group may appeal the termination decision to the Orem City Manager by submitting to the Orem City Manager, within the 10 day-notice period, a written notice of appeal including the group's name, address, contact telephone number, and a short statement explaining why termination is inappropriate. The City Manager has 10 days from the date the notice of appeal is filed to resolve the appeal.

21. **Lawful Agreement.** The parties represent that each of them has lawfully entered into this Agreement, having complied with all relevant statues, ordinances, resolutions, bylaws, and other legal requirements applicable to their operation.

22. **Compliance Federal and State Laws and City Ordinances.** All City ordinances regulating the use of parks are in effect: Sections 13-1-1 through 13-1-11 and Section 9-2-9. Organization is responsible for complying with other applicable state, federal or local laws.

23. **Utah Law.** This Agreement shall be interpreted pursuant to the laws of the State of Utah.

24. **Time of Essence.** Time shall be of the essence of this Agreement.

25. **Attorney's Fees.** In the event that either party should be required to retain an attorney because of the default or breach of the other or to pursue any other remedy provided by law, then the non-breaching or non-defaulting party shall be entitled to a reasonable attorney's fee, whether or not the matter is actually litigated.

26. **Interpretation of Agreement.** The invalidity of any portion of this Agreement shall not prevent the remainder from being carried into effect. Whenever the context of any provision shall require it, the singular number shall be held to include the plural number, and vice versa, and the use of any gender shall include any other and all genders. The paragraph and section headings in this Agreement are for convenience only and do not constitute a part of the provisions hereof.

27. **Amendments.** No oral modifications or amendments to this Agreement shall be effective, but this Agreement may be modified or amended by written Agreement.

28. **Binding Agreement.** This Agreement shall be binding upon the successors, administrators, and assigns of each of the parties hereto.

29. **Security.** The Organization is solely responsible for the safety and security of its activities and property. The Organization acknowledges and agrees that the Organization has no recourse against the City for any vandalism or any damage done to the Organization's property.

30. **Duration.** The City of Orem reserves the right to determine the duration for the use of City recreation areas and property by the Organization. In no case shall the duration of this Agreement exceed 3 years.

31. **No Assignment.** Neither party shall transfer or assign any of its rights, duties or obligations set forth in this Agreement to a third party without the prior written consent of the other party.

32. **No Presumption.** Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the term hereof shall be more strictly construed against one party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

33. **Fees.** Fees for the use of City recreation areas will be charged commensurate with the City's approved fee and rental schedule and pursuant to the Policy.

34. **Additional requirements specific to an individual Group.**
[INSERT ANY PARTY SPECIFIC REQUIREMENTS HERE]

The City and Organization have read and agree to the provisions set forth in the Policy attached as part of this document including all guidelines for the City recognizing and entering into this Agreement with the Organization.

CITY OF OREM by

Organization Name (please print)

_____

Karl Hirst, Director of Recreation

_____

Signature of Authorized Agent
Agent Street Address

City State Zip

INTER-OFFICE MEMORANDUM

TO: Mayor and City Council
City Manager Jamie Davidson
Asst. City Manager Brenn Bybee

FROM: Karl Hirst, Director of Recreation

DATE: 18 March 2014

**SUBJECT: City of Orem, Co-Sponsored Groups**

# Youth Sports Review

**Orem Timpanogos Aquatic Club (OTAC)**

Anticipated Grouping: Group 3

Issue: Cost per lane fee
Resolution: Defined what constitutes a lane and adjusted short course fee

**Utah Valley Football League (UVFL)**

Anticipated Grouping: (per UVFL) may be Group 3 but probably Group 4

Issue: At this point, I think all issues have been resolved with UVFL

Issue: Second tackle football group would like access to city fields

**Ranger Soccer/Celtic Storm Soccer**

Anticipated Grouping: Group 4

Issue: These groups have expressed thanks to Orem City for what they have provided in the past and realize that times have changed and what Orem City is asking is less costly and less controlling than other cities.

Issue: Difficulty in recruiting Orem participants

**Orem Youth Baseball (OYB)**

Anticipated Grouping: Group 2 – Recreation
Group 3 – Monday Night – Group 3

Issues: **Field Rental Fee**
Resolution: Adjusted second and third game rental fee for the Monday Night League. OYB still feels fees are high, but other youth baseball groups have expressed that if OYB doesn't want to use the Orem fields on Monday night they would pay the recommended fees.

**Board Representation**
Resolution: Remains in agreement. I feel that having representation on the board is important.

**Field Preparation Fee**
Resolution: Ongoing topic of discussion

Information: Field prep fee: Using a breakdown provided by the Parks Section, the cost per ball field for game prep. is $38. Using the number of fields prepared last year and dividing by 800 participants, we arrived at a $14/participant field prep fee.

OYB asked if Orem City was collecting a field prep fee from girl's softball and adult softball? We have never looked at the revenue from a per participant standpoint. Using a per participant analysis, considering all program costs, based against revenue, the figures are as follows:

$12.45 / participant adult fall softball
$12.87 / participant adult summer softball
$13.48 / participant girl's softball

Information: Participant fee: Youth sports programs hosted by Orem City have not been paying a participation fee. Under the current agreement, OYB participants would pay a participant fee and a field prep fee. This means participants in baseball are paying $5 more than participants in softball, based on the per participant analysis above. We will discuss options in how to make this even.

Information: Why keep a participation fee? OYB has asked that if these changes are made that there be a way that Orem City can waive the fees for low income scholarship recipients? All of the youth sports groups offer a scholarship program with differing requirements. I'm proposing that we use the school lunch program as the barometer. If a participant qualifies for the free lunch program, and the youth sports group is offering a total scholarship, then Orem City waive the participation fee.

**Orem Youth Soccer (OYS)**

Anticipated Grouping: Group 2 – Recreation
Group 3 – Competition

Issue: **Board Representation**
**Board Term limits**
**Financial Gain of Board Members**
**Conflict of Interest Disclosure**
**Financial Disclosure**
**Appeals Process**

Resolution: Added appeals process and remedy period to agreement

Issue: **Compensation going to President and Board Members**

Information: You will be provided with a copy of OYS's 2012 federal tax return. In my opinion, a high percentage of total revenue in the form of compensation and travel is going to the president, board, and board family members.

For the year 2012, 17% of total revenue went to the president as compensation, and 27% of total revenue went to the president, board members and their families in the form of compensation or travel. These numbers fit with a for-profit or competitive soccer program, not a recreational, non-profit, parent's organization.

None of the other co-sponsored groups are functioning in the same manner. OYB and OTAC have expressed that, at times, the president and board members have had to write personal checks to cover costs.

Issue: **Investigative Report**

Information: You have been provided with a copy of an investigation completed by Orem City on OYS from eight years ago. This report was completed two months before I took over the Recreation Department. I have spent over five years asking the same questions of OYS, regarding issues addressed in the investigative report.

The report indicates that no legal action should be taken against the OYS President, but recommends that OYS take steps to remedy the complaints. The report also indicates that Orem City should look at how it regulates and manages youth sports groups and field allocations.

OYS has not complied with the recommendations in the report. Many of the requested changes in the report are what are being requested at this point by the Recreation Department.

Issue: **Soccer Goals - Ownership**

Information: OYS is affiliated with the Utah Youth Soccer Association. Part of this affiliation involves signing over all organizational assets to the state organization. What this means is that even though Orem City has been providing free fields and access to Orem parents, the City has no equity in the soccer goals at the Lakeside Sports Park, or the OYS organization. The organization can be moved out of the city, onto Alpine School District property, put in storage, etc. In the case of dissolution of OYS, all assets (including soccer) goals would revert to the Utah Youth Soccer Association.

I have talked with the Utah Youth Soccer Association, and they have indicated that they would not support giving them back to Orem City, but would work hard at getting another soccer group back in Orem.

Issue: **Parking –Lakeside Sports Park**

Information: Lakeside Sports Park was designed for five softball games and eight soccer games at the same time. Even at those levels, parking was designed at a minimum to provide the most grass as possible.

OYS has scheduled as many as 23 games at the same time. Again, this season, I asked OYS to have no more than 14 games at any one time, increase time separation between games, adjust the location of small fields and to spread games across six days of the week.

After receiving the OYS 2014 spring schedule, OYS has scheduled 19 games at any given time on Mondays, 15 on Tuesdays, 17 on Wednesdays, 19 on Saturdays and no games are scheduled on Fridays. The small fields have been moved to the south and an extra 15 minutes is scheduled between games. Soccer starts on March 22 and we will see what impact this has on parking.

Calls regarding parking at Lakeside Park do not go to OYS. In addition, the president of the organization is receiving $10 for each participant that signs up for soccer. So there is very little incentive to solve the parking issue.

Issue: **Perception - Orem Youth Soccer is part of the City of Orem**

Information: There is the perception that OYS is run by the City of Orem. We receive dozens of calls each season from parents regarding the program. They are surprised that a private organization runs recreational soccer in Orem. Most cities run recreational soccer programs and partner with non-profit soccer organizations to run competitive programs.

As a comparison, Provo City runs a recreational soccer program, and has decided to not allow non-profit, competitive soccer groups on city-owned fields.

**Recommendation:** Orem Youth Soccer is functioning as a Group 5, for-profit, competitive soccer program. There is a lot of money in soccer and for-profit businesses are not unheard of in youth soccer. All of the requirements to make OYS function as a Group 2, non-profit parents organization are not acceptable to current OYS leadership, including, changes in the current board (based on time served) and city representation, financial and conflict of interest disclosures, etc.

My recommendation is that the Recreation Department run the recreational soccer program in Orem. This allows OYS to continue to function as a Group 3 or Group 4 organization with its current president and board and operate financially as they have in the past. OYS operating as a Group 3 or Group 4 also levels the playing field for Rangers and Celtic Storm in the recruitment of Orem participants into their programs. It would also allow Orem City to enter into negotiations to purchase the soccer goals at Lakeside Sports Park, making them an asset to the park and the city. It eliminates the perception of a for-profit business operating on public property. The change would also place the parking issues at Lakeside Park into the hands of those that are handling the complaints and who our responsible for resolution of the problem.

Under this scenario, OYS would continue to offer competitive soccer at Lakeside, Canyon View Junior, and Community soccer fields. The president and board of OYS would remain in place and, financially, it can continue to pay the organization's president

and board as it sees fit. With this option, parents could choose whether to join OYS or play for another competitive option, unlike a recreational program where OYS is currently the only option in Orem City.

**Individual Participant Financial Impact**

| Group | Current | Change | Increase per year or season |
|---|---|---|---|
| OTAC | $4/yr | $6-$10/month | $72 to $120 per year |
| Rangers | $4/yr | $6-$10/season | $2 to $6 per season |
| Celtic | $4/yr | $6-$10/season | $2 to $6 per season |
| OYB Group 2 | $4/yr | $14 - $18/season | $10 to $14 per season |
| OYB Group 3 | -0- | $14 - $18/season | $14 to $18 per season |
| OYS Group 2 | $4/yr | No Change | -0- |
| OYS Group 3 | $4/yr | $6 - $8/season | $2 to $4 per season |

- *Some estimating has been done. These figures are my best estimate. There are many unknowns that could affect price. (i.e. number of participants per team, total games, home games vs. away games, etc.)*

# MEMORANDUM

TO: Paul Johnson

FROM: Jason Rose

PC: Jim Reams, Karen McCandless, Judy Christensen, Steven Bowler, Jerry Ortiz

Re: Orem Youth Soccer

DATE: February 24, 2006

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You have asked me to investigate and evaluate allegations made by Judy Christensen, a resident of the City of Orem and Board Member for Orem Youth Soccer ("OYS"), against Steve Bowler, President of OYS. This Memorandum will set forth the allegations Ms. Christensen has made against Mr. Bowler, the evidence I have gathered regarding those allegations, and recommendations.

## INTRODUCTION

OYS is a "self-determining" non-profit group, registered with the State of Utah as a DBA in good standing. OYS has entered into an agreement with the City that allows OYS to use City facilities to further recreation for Orem citizens. OYS is an affiliate of the Utah Youth Soccer Association and must operate consistent with UYSA's and the United States Soccer Federation's articles of incorporation and bylaws. During the course of my investigation, I have spoken with Judy Christensen; Scott Harward, President of UYSA; Jerry Ortiz; Steve Bowler; Michael Sellars, Treasurer, OYS; and a woman who wished to remain anonymous. I have also examined OYS's profit and loss statement, OYS bylaws, invoices from OYS and Mr. Bowler to UYSA, letters from concerned individuals, and research performed by Ms. Christensen setting forth the going rate for painting field lines in Utah and Salt Lake Counties.

## ALLEGATIONS AND RESPONSES

On September 8, 2005, Judy Christensen made the following allegations to City Attorney Paul Johnson against Steve Bowler, and Mr. Bowler has made the following responses to those allegations:

(1) Allegation: Mr. Bowler gets paid by OYS and the City to line soccer fields, but nobody witnesses him do this. Ms. Christensen has also alleged that Bowler requires the Hispanic League to paint the fields in exchange for the Hispanic League's use of the fields, and that Bowler still gets paid by OYS even though he does not do any of the work. Ms. Christensen has also alleged that Mr. Bowler gets paid too much to line the fields and that, as President of OYS, he has a conflict of interest that contributes to this overpayment. She has also alleged that the City pays Mr. Bowler to paint the fields for the Hispanic League even though he has already painted the fields for OYS.

Response: Mr. Bowler stated that he does paint the fields and that if he did not do it, it would not get done. Mr. Bowler stated that he has entered into an oral agreement with OYS as an independent contractor to paint the fields and that he charges OYS $25.00 per hour. According to the research done by Ms. Christensen, this rate is not out of line with what others charge to paint athletic fields in other communities. OYS pays for all the paint and has purchased the field painting equipment -- a riding paint machine and two push paint machines. OYS Treasurer Mike Sellars confirmed this oral agreement, but thought that it was $25.00 per field, not per hour. He stated that he has bid out the field painting services and that Mr. Bowler is the only person who has submitted a bid. Mr. Sellars did not think that $25.00 per field was an unreasonable amount to pay and that the OYS Executive Board approved this expenditure. I asked Mr. Bowler if he had a business license for his field painting business, and he stated that he did not. OYS bylaws do require that Mr. Bowler "declare in a disclosure statement" any potential conflict of interest. OYS League 20 Bylaws § 2:11:01. And the Board may "take action for removal of the individual from their position in OYS." Id. While the Board presumably is aware that Mr. Bowler is paid by OYS to paint the fields (and to run a soccer camp as discussed below), it has decided, for whatever reason, not to remove Mr. Bowler from his position.

Mr. Bowler and Mr. Sellars stated that OYS charged UYSA $75.00 per field for the State Cup in October and that amount included the use of the paint machines, the paint, the labor, OYS's goal posts, and OYS's nets. Then OYS paid Mr. Bowler the agreed upon rate for his time and labor to paint the fields. UYSA President Scott Harward stated that he paid West Jordan Soccer $65.00 per field for field painting for another tournament, that he did not find OYS's rate unreasonable, and that UYSA found it to be a fair rate for what it received in return. UYSA also paid Mr. Bowler $20.00 per hour to set up the goal posts, nets, and flags and to clean up the garbage after games for the State Cup. Mr. Bowler confirmed this and stated that he had his referee coordinator, Burton Karns, help him to do these tasks. OYS received $3,000 for the field painting and Steve Bowler received $2,080 to set up the fields (goal posts, nets, flags, etc.) and to clean up after the games.

I also asked Mr. Bowler whether he required the Hispanic League to paint the fields in his stead in exchange for the right to use City fields. Mr. Bowler denied ever entering into this agreement with the Hispanic League. Jerry Ortiz told me that the Hispanic League has a contract with the City to use the fields and that Mr. Bowler does not have the authority to decide who uses the fields. I have printed a copy of this Agreement and have it in the file. Mr. Ortiz stated that the Adult Hispanic League pays the City to use the fields, and the City gives some of the money to OYS for rental of the goal posts and nets (owned by OYS) and for field painting. Jerry Ortiz claimed that the City does not pay Mr. Bowler directly to paint the fields for the Hispanic League, but that the City pays OYS for use of the goals, nets, and for field painting and then OYS pays Mr. Bowler for his time and labor. Mike Sellars confirmed this arrangement. An employee in my office made several attempts to contact the President of the Hispanic League, Crecensio Flores, by phone and at his last listed address, to corroborate Mr. Bowler's, Mr. Ortiz's, and Mr. Sellars' accounts, but our office has been unable to contact him.

Ms. Christensen has not provided any evidence to provide any basis for her allegations that Mr. Bowler has misused his position as President of OYS. Ms. Christensen stated that she had no first hand knowledge that Mr. Bowler did condition the use of the fields on the Hispanic League painting the fields, nor could she direct me to any individual who could provide first hand knowledge confirming this allegation. She also could not provide me with any evidence that any person besides Mr. Bowler paints soccer fields in Orem City for OYS, or that Mr. Bowler determines who can use Orem City fields.

(2) Allegation: All OYS registrants are required to pay $10.00 for soccer camp fees when they register to play soccer, even though many players do not attend the camp. Bowler keeps the money for himself for running the camp. Summer camp fees amounted to $21,590 for the 2004 fiscal year.

Response: According to Mike Sellars, this arrangement was voted upon and overwhelmingly approved by the OYS Board. He also stated that Ms. Christensen voted in favor of this arrangement when she had an active position with OYS. Mr. Sellars stated that he bid the soccer camp out and received three bids: one from the Utah Blitz, one from a private company, and one from Mr. Bowler. Mr. Sellars stated that Mr. Bowler provided the most services for the least amount of money per child. Mr. Bowler stated that he submitted a bid as an independent contractor, that he has paid for and received training in running soccer camps, and that most of the money he receives covers his costs, including equipment for the camps and salaries to high school soccer players who run the camps under his supervision. According to Mr. Bowler, about 80% of the kids in the league attend at least one of the camp sessions, which run two times per week for four weeks. Mr. Bowler does not have an Orem City business license for his soccer camp business.

Mr. Sellars stated that Mr. Bowler did not vote on the current arrangement and that it was not Mr. Bowler's idea. I have read some letters from parents who believe that participants who do not attend the camp should not be required to pay the $10.00 fee, especially those with financial difficulties. They also worried that this extra fee drives up the registration cost. While there is obvious merit to that position, the issue involves a policy discussion for OYS Board members to debate and not an issue to be decided by City officials. Mr. Sellars stated that he understands the concerns expressed by some parents, and that he has attempted to create revenue through expanded concession services to create a fund designed in part to assist children who could not otherwise afford to play soccer to participate in the camp and as a member of a soccer team. This fund is not yet operational, but he hopes it will be in the near future. Jerry Ortiz also stated that the City also has a small amount of money to help qualifying children play youth sports in Orem.

(3) Allegation: Mr. Bowler uses his influence as soccer coach at Timpanogos High School to prevent people from revealing his misconduct by threatening to cut or not play their children.

Response: Mr. Bowler denied this allegation. Ms. Christensen stated that Mike Sellars was one of the people that Mr. Bowler attempted to influence in this way. She stated that Mr. Sellars is "afraid to say anything" about Mr. Bowler because Mr. Sellars'

son is on Steve Bowler's team. Mike Sellars stated that he does not have any children that play for any of Mr. Bowler's teams and that the allegation is false. In his positions at the High School and with OYS, Mr. Sellars has not observed Mr. Bowler threaten a child's place on a soccer team in exchange for silence or other loyalty from a parent. Mr. Sellars stated that he has not observed any instances of favoritism during Mr. Bowler's tenure as soccer coach at the high school. Ms. Christensen has not provided any evidence supporting this allegation.

(4) Allegation: Steve Bowler acts as though he owns the fields. He says who can and cannot play on the fields.

Response: Steve Bowler denied that he has ever told anybody they cannot use the fields and that only the City has authority over who uses the fields. He stated that if anybody comes to him, he refers him or her to the City. Mr. Bowler did say that there was an instance where a group believed that when they reserved the pavilions at a City park that the group also reserved the fields on a Saturday when OYS had several games scheduled. He stated that a confrontation did arise, but that he told the group it needed to talk to the City. Mr. Bowler did say that he had an assertive personality and that he has stopped people from using OYS equipment, like the goal posts and nets, but that he does not have any control over who uses the fields and that he refers people who want to use the fields to the City. Jerry Ortiz also stated that Mr. Bowler has no authority over who uses the fields and that he has not personally received any complaints regarding this issue until now. I received an anonymous phone call from a woman who also made the claim that Mr. Bowler decides who uses the fields.

(5) Allegation: Board members were required to vote on a budget that they were not allowed to see. Board members were not removed according to OYS bylaws.

Response: Mike Sellars stated that since he has been on the Board, the Budget has been available to all voting members. Steve Bowler also stated that all voting members see the budget before voting. Mr. Sellars also said that to his knowledge no member was removed from the Board contrary to the bylaws. Even if these allegations are true, however, the City does not have any authority to dictate how OYS, its Board Members, UYSA, and the United States Soccer Federation enforce their own policies and procedures.

(6) Allegation: There are unusual expenditures on the profit and loss statement that may indicate the possibility of mischief. Ms. Christensen has asked for an audit but has been told to "keep her mouth shut."

Response: Steve Bowler and Mike Sellars denied any wrongdoing and stated that all expenditures were voted upon and approved by the Executive Board. Steve Bowler stated that he thought OYS would welcome an independent audit, and that the City may feel free to request an audit from OYS. I asked Mr. Sellars and Mr. Bowler about some of the expenditures in separate interviews. Their answers were consistent and their explanations were believable.

RECOMMENDATIONS

I have not found any evidence supporting the allegations made by Judy Christensen that require the City to take any legal action against Steve Bowler or other OYS members. I have found during the course of my investigation that Steve Bowler has operated a field painting business and a soccer camp business without an Orem City Business License in violation of Orem City Code § 12-2-1. This is a Class B misdemeanor under § 12-4-5. I recommend that the City enforce these provisions in the same manner it would enforce them against a similarly situated individual. I also recommend that Administrative Services contact OYS so that OYS can ensure proof of its non-profit status with the City.

I also recommend that the City take the following measures:

- That the City request that OYS pay for and receive an independent audit available to the City and the public going back four years (2002-2005); 2004- 2005
- That the City amend its contract with self-determining groups requiring that the group submit to an audit upon request by the City, that self-determining groups either submit evidence of its non-profit status or apply for and receive a valid business license to operate within the City of Orem, and that self-determining groups require that all independent contractors have a valid business license to conduct business in the City; and
- That the Recreation Department review and, if needed, improve its policies and procedures relating to the use of fields and other facilities in City parks.

While I could not find any evidence indicating malfeasance, an investigation into this matter would not be complete without an independent audit of OYS. The audit should determine whether OYS has sufficient controls in place to avoid financial mischief by its officers and whether any mischief has occurred during the past four fiscal years (2002 – 2005). Steve Bowler stated that, as President, he welcomes an audit. If the OYS board does not grant the City's request for whatever reason, I recommend that the City request that UYSA perform an audit to remove the doubts and frustrations some Orem citizens have towards OYS leadership at the current time.

The City should also amend its contract to strengthen its oversight of self-determining groups in future years. Because the City enters into contracts with these groups instead of running its own sports leagues, and because these groups often rely on City facilities for their existence, confusion often ensues regarding the City's relationship with these groups. For this reason, the City has a vested interest in quelling mischief and speculation of mischief in the operation of these groups. The ability to require an audit and the assurance that all business registration requirements are met will help the City act as a check to ensure that self-determining groups meet all legal requirements and operate in a fiscally responsible way. This will further the goal of the City to "enhance the recreation opportunities to the youth of the City by providing cooperation with self-

determining groups that offer wholesome recreation programs that are consistent with the well-being of the individual…." City of Orem Park Use Policy and Agreement p. 1.

The City should also review its policies and procedures to determine whether any improvements can be made to reduce disputes regarding the use of City facilities to private groups. The City should attempt to provide equal access to City facilities to all citizens while still recognizing that reserved use by self-determining groups is one way to further the City's recreation goals.

Finally, I applaud the volunteer efforts of private citizens in the City of Orem who sacrifice their time and effort to make our community a better place to live by providing recreational and other opportunities to our children. Without these volunteers, it is likely that the City would not have the resources to provide these opportunities. I hope these recommendations will assist the volunteers in performing their duties and will provide a measure of security to those not involved in the day-to-day operation of self-determining groups to ensure that the fees they pay for their children's participation are being used responsibly.

# OYS
# League 20
# BYLAWS

# OREM YOUTH SOCCER ASSOCIATION
# CONSTITUTION, BYLAWS AND RULES

## CONSTITUTION

1:01 NAME
1:01:01 Orem Youth Soccer Association

1:02 PURPOSE
1:02:01 Educational Purpose
1:02:02 Activities include the following:
- A. It may acquire property, both real and personal.
- B. It may contract for the accomplishment of its purpose.

1:02:03 Does not contemplate pecuniary gain.
1:02:04 Does not discriminate.

1:03 COLORS
1:03:01 The representative colors shall be Blue and Red.

1:04 AFFILIATION
1:04:01 Utah Youth Soccer Association and United States Youth Soccer Association (USYSA) and the United States Soccer Federation (USSF).

1:05 TERRITORIES AND BOUNDARIES
1:05:01 The cities of Orem/Lindon
1:05:02 A League.

1:06 AUTHORITY STRUCTURE
1:06:01 Governed by its Constitution, Bylaws and Rules.
- A. Requirements to USSF.
- B. Copies of Constitution, Bylaws & Rules.
- C. Review by USSF.

1:06:02 The Governing authority.
1:06:03 Between meetings authority vests with the BOD.
1:06:04 Order of leadership.
1:06:05 Executive Committee.

1:07 ANNUAL GENERAL MEETING
1:07:01 Each year the AGM will be held in the last quarter.
1:07:02 The order of business at the Annual General Meeting.
1:07:03 Each Board Member one (1) vote.
1:07:04 Establish a quorum.
1:07:05 No Paid Employee holds votes. ← !

1:08 AMENDMENTS

1:08:01 Submit proposed changes to the Constitution.
1:08:02 Amendments to the Constitution, Bylaws and Rules.
1:08:03 Amendment to the Constitution shall be by majority vote

1:09 DISSOLUTION
1:09:01 Dissolution of this Corporation.

## BYLAWS

2:01 AFFILIATION
2:01:01 Two categories of membership.
- A. Voting Members.
- B. Associate Members with one vote.
- C. Membership

2:01:02 Every player, coach, team, volunteer must be registered.

2:02 BOARD OF DIRECTORS
2:02:01 Election of members of the Board of Directors.

2:03 LEAGUE 20 ORGANIZATION AND RESPONSIBILITIES
2:03:01 The governing authority is the League Board.
2:03:02 Electorate in the League.
2:03:03 Frequency of League Board Meetings.
2:03:04 Leagues have the authority to set their fee structure.
2:03:05 Authority of the League President.

2:04 ELECTIONS
2:04:01 Election to be held in a timely manner.

2:05 REMOVAL AND REPLACEMENT OF OFFICERS
2:05:01 Procedure for the removal of any officer.
2:05:02 Filling a vacancy.

2:06 RULES OF ORDER
2:06:01 Parliamentary Procedure, Robert's Rules of Order

2:07 AMENDMENTS
2:07:01 Amendments made at Annual General Meeting

2:08 FINANCIAL RESPONSIBILITY
2:08:01 UYSA Disclaimer

2:09 BUSINESS CONFLICT OF INTEREST
2:09:01 Personal or Business Gain

2:10 SEXUAL AND PHYSICAL ABUSE
2:10:01 Opposition to Sexual and Physical Abuse.

## REGISTRATION RULES

3:01 MANDATORY REGISTRATION
3:01:01 Registration.
3:01:02 Player Registration.
3:01:03 Responsibility for submission of fees.
3:01:04 Volunteer Registration.

3:02 SEASONAL YEAR
3:02:01 The seasonal year is from September 1st to August 31st.
3:02:02 Recreation/Developmental Registration fees due no later than July 15th.

3:03 PROOF OF AGE
3:03:01 Competitive players.

3:04 AGE GROUP DEFINITIONS
3:04:01 UYSA claims jurisdiction over all players up to age 19.
3:04:02 The limiting age for any age group.
3:04:03 Chart of age groups.
3:04:04 Play-Up rule.
3:04:05 Penalty for misrepresenting age.
3:04:06 Improper Registration.
3:04:07 Presenting False Information.

3:05 RESIDENCY REQUIREMENTS
3:05:01 Boundaries.

3:06 MULTIPLE ROSTERING
3:06:01 Exception to playing on more than one team.
3:06:02 Player recruitment.
3:06:03 Player advancement to the highest level of their skills.
3:06:04 Transfer of a player.
3:06:05 Release of a player.

3:07 PLAYER PASSES
3:07:01 Passes issued.
3:07:02 Registrars.

3:08 FEES
3:08:01 Registration fee.
3:08:02 Waiver of fees.

## RULES OF PLAY

| | |
|---|---|
| 4:01 | FIFA RULES |
| 4:01:01 | Rules which govern UYSA play. |
| 4:02 | SPORTSMANSHIP |
| 4:02:01 | Purpose of Association |

| | |
|---|---|
| 4:03 | THE FIELD OF PLAY |
| 4:03:01 | Field dimensions. |
| 4:03:02 | Conditions of competition fields. |
| 4:03:03 | Fields used by young age groups. |
| 4:03:04 | Equipment standards. |
| 4:03:05 | Team bench area. |
| 4:04 | THE BALL |
| 4:04:01 | Size 5. |
| 4:04:02 | Size 4. |
| 4:04:03 | Size 3 |
| 4:05 | NUMBER OF PLAYERS |
| 4:05:01 | Team Size. |
| 4:05:02 | Size of younger age group teams. |
| 4:05:03 | Substitutions. |
| 4:05:04 | All Play. |
| 4:06 | PLAYERS' EQUIPMENT |
| 4:06:01 | Home team changes colors when similar as visiting team. |
| 4:07 | DURATION OF THE GAME |
| 4:07:01 | Chart of game and overtime periods. |
| 4:07:02 | Terminated games. |
| 4:08 | MIXED TEAMS |
| 4:08:01 | Girls playing on boys teams. |
| 4:08:02 | Types of teams. |
| 4:09 | COACHING FROM THE SIDELINES |
| 4:09:01 | Coaching from the sidelines. |
| 4:09:02 | Disciplinary Action |
| 4:10 | REPLAY OF GAMES |
| 4:10:01 | Conditions for replay of games. |
| 4:10:02 | Authority for additional conditions. |
| 4:11 | REFEREE TRAINING. |

4:11:01 Qualified Referee Shortage/Referee Courses

## RECREATION SOCCER RULES

5:01 PURPOSE
5:01:01 The purpose of recreation soccer.

5:02 FORMATION OF TEAMS
5:02:01 Team organization.
5:02:02 Coach selection.
5:02:03 Coaching Instruction .Recreational/Developmental

5:03 UNIFORMS AND EQUIPMENT
5:03:01 Uniforms.
5:03:02 Equipment.
5:03:03 Safeguarding equipment.

5:04 PRACTICES. GAMES AND AGE GROUP ADMINISTRATION
5:04:01 Age group director.
5:04:02 Practices.
5:04:03 Standings.
5:04:04 No Game Dates.

5:05 COACHES TRAINING
5:05:01 Coaches' Meeting.

5:06 AWARDS AND SOCIAL FUNCTIONS
5:06:01 Teach and build group spirit.

## COMPETITION RULES

6:00 GENERAL
6:00:01 Laws of the Game.
6:00:02 Authority for Rules and Regulations.
6:00:03 Coach selection, instruction and uniforms.

6:01 PROGRAM DEFINITIONS
6:01:01 Competition Program.
- A. Participation.
- B. Alignment.

6:01:02 Membership.
- A. Members of the Boys State Competition Board.
- B. Members of the Girls State Competition Board.

6:02 PLAYER PASSES
6:02:01 Player Passes are property of UYSA and must be presented.
6:02:02 Appropriate passes.
6:02:03 Passes for those who are properly registered.
6:02:04 Coach must have proper coaching license for pass.
6:02:05 Must be presented.
6:02:06 Confiscated Passes.

6:03 REFEREES
6:03:01 Referees must be certified by and registered with USSF.
6:03:02 Diagonal System of Control
6:03:03 If referee fails to appear.
6:03:04 Lack of coaches agreement.

6:04 STARTING TIME. HOME TEAM. RESCHEDULED GAMES
6:04:01 The home team to provide proper field.

6:05 DIVISION CHAMPIONSHIPS AND AWARDS
6:05:01 Assignments of teams within divisions.
6:05:02 Standings will be determined by the point system.
6:05:03 In the case of a tie at the end of a season.
6:05:04 Modified formula to determine standings.
6:05:05 Coaches responsible for reporting scores.
6:05:06 Awards.

6:06 COACHES QUALIFICATIONS AND CERTIFICATION
6:06:01 Coaches or team representatives orientation meeting.
6:06:02 Progression of Licenses.
6:06:03 Certification requirements of coaches.
6:06:04 Coaching from the sidelines.

1. Coaches box.
2. Coaching consistent with the game of soccer.

## PROTESTS AND APPEALS RULES

7:01 PROTESTS AND APPEALS COMMITTEE
7:01:01 Committee Composition.
7:01:02 Conflict of Interest.
7:01:03 Chairperson Pro Tempore.
7:01:04 Policies and Procedures.

7:02 JURISDICTION
7:02:01 Protests.
7:02:02 Appeals.

7:03 STANDING
7:03:01 Protests.
7:03:02 Appeals.
7:03:03 Exhaustion or Remedies.

7:04 SUBMISSION OF PROTESTS OR APPEALS
7:04:01 Notice of Protest.
7:04:02 Notice of Appeal.
7:04:03 Filing Fee.

7:05 CONSIDERATION OF PROTESTS AND APPEALS BY THE STATE
7:05:01 Summary Disposition.
7:05:02 Stays.
7:05:03 Panel Assignment.
7:05:04 Referral to Discipline Committee.
7:05:05 Notification
7:05:06 Discovery
7:05:07 Submission of materials
7:05:08 Decision without Hearing.

7:06 HEARING
7:06:01 Hearing.
7:06:02 Telephone Hearing.
7:06:03 Notice of Hearing.

7:07 DECISIONS AND ORDERS
7:07:01 Decisions.
7:07:02 Orders
7:07:03 Notice of Decision and Orders.
7:07:04 Enforcement of Decisions and Orders.
7:07:05 Disciplinary Action.

7:08 APPEALS OF ORDERS AND DECISIONS OF THE UYSA PROTEST AND APPEALS COMMITTEE
7:08:01 Procedure for appeal.
7:08:02 Preparation of Record for Further Appeal.

7:09 EXCLUSIVE REMEDY
7:09:01 Exclusive Remedy.
7:09:02 Sanctions.

**RISK MANAGEMENT**

8:01:01 Promotes Safety.

# DISCIPLINARY COMMITTEE RULES

9:01 DISCIPLINARY COMMITTEE
9:01:01 A disciplinary committee appointed by the Commissioner.
9:01:02 Administer and enforce disciplinary rules.
9:01:03 Committee members' non-participation because of direct interest.
9:01:04 Policies.
9:01:05 Jurisdiction.

9:02 DISCIPLINARY RULES
9:02:01 Players.
- A. Red Cards.
- B. Yellow Cards.
- C. Points.
- D. Suspension & ODP Program.
- E. Who Must Attend Disciplinary Meetings.
- F. Tournament Points.
- G. Team Accountable.

90:02:02 Physical Confrontation Between Participants.
- A. Physically Attacking.
- B. Coach Ejection.

9:02:03 Misconduct toward game officials.
- A. Referee Assault.
- B. Referee Abuse.
- C. Penalties.

9:03 APPEALS OF SUSPENSION FOR DISCIPLINARY POINTS
9:03:01 Appeals procedure

9:04 APPEALS OF ADVERSE DISCIPLINARY ACTIONS
9:04:01 Appeals procedure

# Orem Youth Soccer

## CONSTITUTION

**1:01** NAME

**1:01:01** This Association shall be known as the Orem Youth Soccer Association, a non-profit corporation hereafter referred to as OYS or the Association.

**1:02** PURPOSE

**1:02:01** The purpose of this Association is to develop, promote and administer the game of soccer within the cities of Orem/Lindon Utah among players nineteen (19) years of age and under. It is organized and operated for the educational purpose in accordance within section 501(c) of the Internal Revenue Code.

**1:02:02** The Association shall carry on all activities reasonably related to the foregoing purposes, including but not limited to the following:

A. It may acquire by purchase, lease or otherwise, and it may hold, improve, sell, lease, mortgage or otherwise encumber, any and all kinds of property, both real and personal.

B. It may enter into and carry out contracts for the accomplishment of its purpose, and do all things permitted of a nonprofit charitable corporation under the laws of the State of Utah.

**1:02:03** This Association is one that does not contemplate pecuniary gain or profit to the members thereof, and it is organized solely for non- profit purposes.

**1:02:04** This Association does not discriminate against any individual because of their race or religion.

**1:03** COLORS

**1:03:01** The representative colors of this Association shall be Blue and Red (Boys), Pink and Blue (Girls).

**1:04** AFFILIATION

**1:04:01** This Association (OYS), League 20, shall be an affiliated member and comply with the authority of the Utah Youth Soccer Association (UYSA) and the United States Soccer Federation (USSF). To the extent permissible under applicable law, this constitution and bylaws shall be consistent with UYSA's, and USSF's articles of incorporation and bylaws.

To the extent permissible under applicable law, OYS and its members shall abide by UYSA's articles of incorporation and bylaws. OYS will not join any organization that has requirements that conflict with UYSA's articles, bylaws, policies and requirements. OYS will annually register with UYSA all players, coaches and administrators who are registered with OYS.

**1:05** TERRITORIES AND BOUNDARIES

**1:05:01** The territory of this Association shall be the cities of Orem, Lindon, and Vineyard Utah.

**1:05:02** This area shall be known as League 20.

**1:06** AUTHORITY STRUCTURE

**1:06:01** 1:06:01This Association shall be governed by its Constitution, Bylaws and Rules, which shall be consistent with the Constitution and Rules of the Utah Youth Soccer Association, as such Constitution, Bylaws and Rules are approved by the governing authority.

A. This Association shall provide annually to the UYSA Secretary: (1) a report on its activities; (2) copies of its constitution, bylaws, and governing documents; (3) any changes to its constitution, bylaws, and governing documents within 90 days of their adoption; and (4) its most currently completed financial statement no later than 90 days after the start of UYSA's seasonal year.

B. Copies of this Association's constitution, bylaws, and governing documents shall made available to its' members through but not limited to the internet.

C. This Association will allow UYSA, upon reasonable notice, to review its basic documents and procedures as may reasonably be required to determine compliance with their Constitution and bylaws.

**1:06:02** The governing authority of this Association shall be the League Board as defined in the Bylaws section 2:01:01 A. The League Board shall hold an Annual General Meeting, and may meet at other times, as deemed necessary, or upon petition of one-third of the voting strength of the Association.

**1:06:03** Between meetings of the League Board, the governing authority shall be the Executive Board. The Executive Board of this Association shall consist of officers and all others as defined by the Constitution and Bylaws.

**1:06:04** When the League President is absent, the following order of leadership will be followed for the purpose of conducting necessary business: Vice-President (Recreation), Vice-President (Competition), Secretary, Treasurer.

**1:06:05** The Executive Board shall be composed of the following: President, Vice-President (Competition), Vice-President (Recreation), Treasurer, and Secretary. In case of emergencies between general meetings, the Executive Board will meet to discuss problems. All actions by the Executive Board must be ratified by the full Board at their next scheduled meeting.

**1:07** ANNUAL GENERAL MEETING

**1:07:01** The OYS shall hold an Annual General Meeting each year during the last quarter of the year. Written notification shall be made to all Board Members prior to the meeting.

**1:07:02** The order of business at the Annual General Meeting shall be as follows:

A. Call to Order
B. Roll Call
C. Introduction of Guests
D. Acceptance of Minutes of the Previous meeting
E. Reports
F. Unfinished Business
G. Proposals for Changes to the Constitution, Bylaws and Rules
H. New Business
I. Good of the Game
J. Adjournment

**1:07:03** Each member of the OYS soccer board, in good standing shall be entitled to a one (1) vote as established in the Leagues Constitution and Bylaws.

**1:07:04** A majority of the eligible voting membership must be present in person or by proxy in order for a quorum to exist. Except for Amendments to the Constitution, Bylaws and Rules, a majority of eligible votes cast shall be required to decide an issue.

**1:07:05** No registrar or referee coordinator paid by League 20 shall be entitled to vote in any capacity including proxy votes.

**1:08** AMENDMENTS

**1:08:01** Any proposal to amend the Constitution and Bylaws of this Association may be made by any OYS board member. Changes must be submitted in writing to the Executive Board not later than fourteen (14) days prior to the Annual General Meeting, and must be circulated to voting members not later than seven (7) days prior to the Annual General Meeting.

**1:08:02** Amendments to the Bylaws and Rules of this Association shall be made at the Annual General Meeting, at special meetings of the Executive Board that call for such purpose, or as otherwise specified.

**1:08:03** An amendment to the Bylaws and Rules, shall be deemed adopted by a majority of the votes present at the Annual General Meeting, or other meeting called for that purpose. Amendments adopted at the Annual General Meeting shall be effective immediately unless otherwise specified.

**1:09** DISSOLUTION

**1:09:01** Upon the winding up and dissolution of this Corporation, after paying or adequately providing for the debts and obligations of the Corporation, the remaining assets shall be distributed to a nonprofit fund, foundation or corporation, which is organized and operated exclusively for charitable, educational, religious and/or scientific purposes, and which has established its tax exempt status under Section 501 (c) (3) of the Internal Revenue Code. If this Corporation holds any assets in trust, said assets shall be disposed of in such a manner as may be directed by order or decree of the District Court of the County in which this Corporation's principal office is located, upon petition therefore, by any person concerned in the liquidation.

**2:01** AFFILIATION

**2:01:01** All clubs, teams, and associations or organizations affiliated with Orem Youth Soccer must register every soccer player, and every coach. ALL volunteers must be registered with OYS.

**2:01:02** Any team, player, coach, board member etc., determined to be in bad standing will not be allowed to participate in any OYS activities (tournaments, games, travel, etc.). This includes participating and voting at any and all meetings.

Reasons for bad standing include but are not limited to.
- non-payment of fees
- non-compliance of rules and policies

**2:02** BOARD OF DIRECTORS

**2:02:01** The Executive Board shall be responsible for the operation of the Association and the conducting of the business and affairs of the Association, including, but not limited to, the following:

A. Enforcing and interpreting the Bylaws and Rules of the Association.

B. Establishing and/or modifying League Boundaries with the approval of the affected area and UYSA.

C. Establishing or approving appropriate fees to provide the necessary financial support for implementation of OYS programs, and arranging for an annual independent C.P.A. audit of OYS financial records and procedures. Annual expenditures may not exceed annual receipts except as approved by the Executive Board.

D. Appointing or approving the appointment of all executive officers, and, in the event a member of the Board is unable to complete his/her term of office, appoint, approving the appointment, or providing for the election of an individual to complete the term of office of the outgoing individual.

E.. Suspending, barring completely or otherwise disciplining any player, coach, manager, team assistant, parent or referee, or League Officer. Such action shall be subject to any restrictions in Section 2:10 of these Bylaws.

F. Making from time to time temporary rules or regulations for specific cases or occasions not provided for in the Bylaws and Rules, but which are deemed necessary, by the Soccer Board, to carry out the objectives of this Association. Such rules must be approved at the next Annual General Meeting.

**2:03** OYS LEAGUE ORGANIZATION AND RESPONSIBILITIES

**2:03:01** This League (#20) is the basic administrative unit of the UYSA which schedules play for recreation/developmental teams in any defined bracket or age level and is responsible for providing a recreational/developmental soccer program for youth residing within its boundaries.

The governing authority in OYS League #20 shall be vested in a League Board which will be composed of the following:

A. LEAGUE PRESIDENT The League President shall preside at and conduct meetings of the League Board and shall be responsible for establishing and staffing a League organization in all areas necessary to provide a complete soccer program within the League. The League President shall be responsible for implementing and enforcing the UYSA Constitution, Bylaws and Rules, District Bylaws and Rules as well as the Bylaws and Rules within the League. The League President has the authority to make decisions without having to call a league board meeting. Such decisions are subject to ratification by the league board.

B. VICE-PRESIDENT FOR RECREATION/DEVELOPMENTAL The Vice-President for Recreation/Developmental shall supervise the administration of the Recreation/Developmental program within the league to include the staffing of Age-Group Coordinators, and administration of the various divisions by Age-Group Coordinators. The Vice-President for

Recreation shall also chair meetings of the League Recreation Coordinators.

C. VICE-PRESIDENT FOR COMPETITION The Vice-President for Competition shall supervise the administration of the Competition program within the league to include the staffing of Age-Group Coordinators, and administration of the various divisions by Age-Group Coordinators. The Vice-President for Competition shall also chair meetings of the League Competition Coordinators.

D. SECRETARY The Secretary shall keep an accurate record of all meetings, handle all correspondence, give notice of meetings and maintain the files of the League.

E. TREASURER The Treasurer shall give a receipt for all monies which shall be deposited in a federally insured financial institution in the name of OYS/ League 20. All accounts shall be paid by check and shall bear two (2) signatures; the League Treasurer's and/or the League President, Vice-President or Secretary.

F. COACHING DIRECTOR The Coaching Director shall be responsible for providing coaching training and support for all recreation/developmental coaches within the League and shall assist in recruiting coaches.

G. REFEREE COORDINATOR The Referee Coordinator shall be responsible for providing referee training, testing and certification at the Recreation level within the League and shall assist in recruiting referees. The Referee Coordinator may be tasked with assigning referees to officiate at games.

H. REGISTRAR The Registrar shall be responsible for the annual or semi-annual registration of players in the League to include making prior arrangements for the sign-up, supervising the event, and coordinating with the League Treasurer in accounting for all registrations.

The League President, subject to the approval of the League Board, shall add such other positions as deemed necessary.

**2:04** LEAGUE ORGANIZATION AND RESPONSIBILITIES

**2:04:01** The Governing Authority is League 20 Board.

**2:04:02** Insofar as is practicable, League Board Members shall be elected by registered Board Members for a two (2) year term of office. Elections will be held in odd-numbered years.

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**2:04:03** Executive Board Meetings shall be held not less than monthly during the playing season and as needed during the rest of the year. Each member of the Board shall have one (1) vote except that the President (or senior Vice President when acting

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as President) shall cast a vote only when the vote is by ballot and in all other cases where the vote would change the result. Fifty (50) percent of the members must be present in order for a quorum to exist and a majority of the eligible votes cast shall be required to decide an issue. Members must be present in order to vote.

**2:04:04** This league shall have the authority to set their fee structure subject to the approval of the governing District Committee and shall be subject to an independent periodic audit.

**2:04:05** The League President, subject to the approval of the League Board. may appoint additional officers to assist in the administration of the League to include such officers as:

A. FIELDS DIRECTOR:
The Fields Director shall be responsible for securing and arranging for proper marking of fields for use of the League and shall arrange for placement of permanent, temporary or portable goals as permitted and see that nets are provided for goals at all fields. The Field Director shall coordinate League efforts to maintain fields in good condition.

B. EQUIPMENT CHAIRPERSON:
The Equipment Chairperson shall be responsible for purchasing, issuing, collecting, inventorying and accounting for all League equipment to include team equipment issued to coaches.

D. AGE-GROUP CO-ORDINATORS:
Age-Group Co-ordinators shall be responsible for supervising the scheduling and assignment of teams in an age-group division and shall assure that teams adhere to UYSA, District and League Rules and exhibit good sportsmanship.

**2:05** ELECTIONS

**2:05:01** It is the responsibility of governing body of this League, to ensure that elections of their respective officers are held in a timely manner and at appropriate intervals as set forth in these Bylaws. An opportunity shall be afforded to interested individuals to announce their candidacy for office. Appropriate notice of elections should be distributed by the leagues, as applicable. Newly elected officers shall take office immediately upon election. The State Office must be notified within fourteen (14) days of the result of the election.

**2:06** REMOVAL AND REPLACEMENT OF OFFICERS

**2:06:01** A hearing for the removal of any officer will be held upon presentation to the governing body over that officer of a petition for removal signed by a number of

eligible voters equivalent to at least one-third (1/3) of the eligible voters in attendance at the meeting at which the officer was elected. A two-thirds (2/3) vote of the eligible voters at the hearing shall be required to remove the officer. In addition to the above, petitions for the removal of a League President must be signed by at least 5% of the voting members of the League.

**2:06:02** When any office becomes vacant because of the removal or resignation of the incumbent, an election will take place at either the next scheduled Board Meeting or Special Board meeting within one hundred twenty 120 days of the vacancy. The body having jurisdiction over the vacant office shall appoint an individual to fill this position on an interim basis.

**2:07** RULES OF ORDER

**2:07:01** Meetings of this Association shall be conducted in accordance with parliamentary procedures, with Robert's Rules of Order being the standard reference in the event of dispute.

**2:08** AMENDMENTS

**2:08:01** Amendments to these Bylaws shall be made at the Annual General Meeting or at a special meeting called for that purpose.

**2:09** FINANCIAL RESPONSIBILITIES

**2:10:01** Orem Youth Soccer Association specifically disclaims financial responsibility for, and shall not assume nor be held liable for, debts, contracts, or other financial obligations, either expressed, or implied, of any affiliated club or team or any of the coaches, managers, officers, or officials.

**2:11** BUSINESS CONFLICT OF INTEREST

**2:11:01** No member of OYS shall engage in any position or function of OYS in an effort to gain advantage for their personal or business gain. Any potential conflict of interest shall be declared in a disclosure statement to the OYS Board. The statement may be submitted voluntarily or upon request of the President. The Board will investigate and, if necessary, take action for removal of the individual from their position in OYS.

**2:15** SEXUAL AND PHYSICAL ABUSE

**2:15:01** This Association opposes sexual and physical abuse. To the extent permissible under applicable law, the Board and members shall adopt policies consistent with the criteria established by UYSA and USSF.

## REGISTRATION

**3:01** MANDATORY REGISTRATION

**3:01:01** PLAYER REGISTRATION. Every player that is sponsored, financed, coached, sanctioned, supported or administered by this league, must be properly registered with the Association prior to participating in any OYS games or activities. The player is registered from the moment the player or player's agent (legal guardian) signs the OYS Participation Registration Form and other documents as required and pays the appropriate fees to the association having jurisdiction over the player within the time frame set by that body.

**3:01:02** RESPONSIBILITY FOR SUBMISSION OF FEES. This association shall be responsible for insuring proper registration of players, volunteers and teams, properly accounting for fiscal transactions with prompt, accurate reporting of registration data to the governing authority with League Registrars.

This association shall submit all registrations (recreation and competition) on a database file compatible with the State's player registration program. This association will submit its registrations to the District and the District shall submit all registrations to the State on the database file by September 30.

**3:01:03** VOLUNTEER REGISTRATION. All volunteer coaches, referees and administrators shall register with the Association by submitting a completed appropriate registration form at the beginning of each seasonal year.

**3:01:04** A player may register with OYS without being listed on a team's roster.

**3:02** SEASONAL YEAR

**3:02:01** The seasonal year of this Association shall begin on September 1st and end on August 31st of the following year.

**3:02:02** Formal registration of recreation/developmental players shall take place each year prior to May 31st, and registration forms and fees shall be due at the state office no later than July 15th.

**3:03** PROOF OF AGE

**3:03:01** COMPETITIVE PLAYERS. All players in competitive programs are required to meet UYSA standards and furnish as proof of age one of the following documents:

A. Birth Certificate
B. Board of Health Records
C. Passport
D. Alien Registration Card issued by the U.S. Government

E. Uniformed services Identification and Privilege Card (DD Form 1173) issued by the uniformed services of the United States
F. Birth registration issued by an appropriate government agency
G. Certificate issued by the Immigration and Naturalization Service attesting to age or a certification of an American Citizen born abroad issued by the appropriate government agency.
H. Hospital, baptismal or religious certificates WILL NOT be accepted.

**3:04** AGE GROUP DEFINITIONS

**3:04:01** OYS claims jurisdiction over all amateur youth soccer players in Orem who have not reached nineteen years of age before the first day of August of the immediately preceding seasonal year in which they apply for registration.

**3:04:02** Players who attain the limiting age for any age group on or after August 1 of the seasonal year will be eligible to play in that age group for the remainder of the seasonal year.

**3:04:03** This association, unless otherwise sanctioned by the Board of this Association, shall divide play (to include all competitions and tournaments) among teams of single age grouping as follows:

**UNDER-19 Player has not reached 19 years of age before AUGUST 1st of the immediately preceding seasonal year.**
**UNDER-18 Player has not reached 18 years of age before AUGUST 1st of the immediately preceding seasonal year.**
**UNDER-17 Player has not reached 17 years of age before AUGUST 1st of the immediately preceding seasonal year.**
**UNDER-16 Player has not reached 16 years of age before AUGUST 1st of the immediately preceding seasonal year.**
**UNDER-15 Player has not reached 15 years of age before AUGUST 1st of the immediately preceding seasonal year.**
**UNDER-14 Player has not reached 14 years of age before AUGUST 1st of the immediately preceding seasonal year.**
**UNDER-13 Player has not reached 13 years of age before AUGUST 1st of the immediately preceding seasonal year.**
**UNDER-12 Player has not reached 12 years of age before AUGUST 1st of the immediately preceding seasonal year.**
**UNDER-11 Player has not reached 11 years of age before AUGUST 1St of the immediately preceding seasonal year.**
**UNDER-10 Player has nor reached 10 years of age before AUGUST 1St of the immediately preceding seasonal year.**
**UNDER-8 Player has not reached 08 years of age before AUGUST 1st of the immediately preceding seasonal year.**
**UNDER-6 Player has not reached 06 years of age before AUGUST 1St of the immediately preceding seasonal year.**

| | 1999-2000 | 2000-2001 | 2001-2002 |
|---|---|---|---|
| Under-19 | August '80 - July '81 | August '81 - July '82 | August '82 - July '83 |
| Under 18 | August '81 - July '82 | August '82 - July '83 | August '83 - July '84 |
| Under-17 | August '82 - July '83 | August '83 - July '84 | August '84 - July '85 |
| Under-16 | August '83 - July '84 | August '84 - July '85 | August '85 - July '86 |
| Under-15 | August '84 - July '85 | August '85 - July '86 | August '86 - July '87 |
| Under-14 | August '85 - July '86 | August '86 - July '87 | August '87 - July '88 |
| Under-13 | August '86 - July '87 | August '87 - July '88 | August '88 - July '89 |
| Under-12 | August '87 - July '88 | August '88 - July '89 | August '89 - July '90 |
| Under-11 | August '88 - July '89 | August '89 - July '90 | August '90 - July '91 |
| Under-10 | August '89 - July '90 | August '90 - July '91 | August '91 - July '92 |
| Under- 8 | August '90 - July '91 | August '91 - July '92 | August '92 - July '93 |
| Under- 6 | August '91 - July '93 | August '92 - July '94 | August '93 - July '95 |

**3:04:04** PLAY-UP RULE. Any player may play up one (1) year above their appropriate age year without any signed permission. A player playing in the district program may play up more than one (1) year only with the written approval of the parents, and

League President and State Commissioner. The District Registrar must provide a list of players playing-up more than one (1) year to the State Registrar. This list must include the rationale for the play-up and must be provided each season. No player will be allowed to play up into the Recreation Program. The player must be four (4) years of age before August 1st (according to National Cut-off Dates). No player will be allowed to play up into the AA/Interdistrict Competition Program. The player must be eight (8) years of age before August 1st (according to National Cut-off Dates).

NOTE: The play up rule is to be used only for allowing development of a soccer program in a geographic area or development of an individual player. Under no circumstances may a player play in an age group younger than that for which he or she is eligible according to the above age group classifications.

**3:04:05** PENALTY FOR MISREPRESENTING AGE. -Any altering or falsifying of proof of age documents or misrepresentation of age may result in both disqualification of the player from further OYS play as well as forfeiture of all games by the team on which the player played.

**3:04:06** IMPROPER REGISTRATION .Any team playing a player who is over-age or who is not registered or who is improperly entered on a team's roster shall forfeit the game(s) in which that player takes part.

**3:04:07** PRESENTING FALSE INFORMATION . Any individual (coach, player, parent/guardian & others) who knowingly falsifies records, documents, player passes or in any other matter or manner, shall be grounds for immediate suspension from further participation and membership in OYS pending a hearing.

**3:05** RESIDENCY REQUIREMENTS

**3:05:01** BOUNDARIES The Association has established and recognizes specific boundaries for OYS. Players must register to play in the league, district or association within whose boundaries they reside as of the date regular registration begins for the seasonal year. Players who attend schools outside of the league boundaries in which they reside may elect to register either within the league they reside or where they attend school. All competitive players must indicate elementary school area in which they reside on
REGISTRATION FORM.

**3:05:02** PENALTY FOR MISREPRESENTING ADDRESS. Any address given to qualify a player for assignment to a team in a league, district or association must be the player's bona fide address. Any attempt to manipulate the area or team on which one plays by submitting an incorrect or false address may result in both disqualification of the player from further League 20 play as well as forfeiture of all games by the team on which the player played.

**3:06:00** MULTIPLE ROSTERING

**3:06:01** Players in the U-14, U-15, U-16, U-17, U-18 and U-19 age groups may register for more than one team sponsored by OYS under the following considerations:

A Both teams are entered at least on equal competition levels but in different age brackets/or gender groups.
B. Neither team competes against each other in league or tournament play.
C. The player designates one team as the primary team whose league and tournament play take preferenceD. Competition fees must be paid for both teams.

Selection to the State Select Team is excluded from the above conditions.

**3:06:02** PLAYER RECRUITMENT. Coaches, administrators or others who persist in unwelcome attempts to secure a player's services after the player or his/her parents have indicated their decision not to participate in the program are subject to disciplinary action.

**3:06:03** PLAYER ADVANCEMENT. Coaches administrators and other OYS adult volunteers are pledged to assist players in reaching the highest level of play within OYS that their skills, desires and inclinations permit. Those individuals that interfere with or subvert the efforts of others to help players reach these goals (such as actively discouraging players from trying out for competitive teams) are subject to disciplinary action (this does not apply where a team has been established and playing for that year, and player advancement would cause the team to drop below eleven players, resulting in its disbandment).

**3:06:04** TRANSFER. The team may not roster any player who was previously rostered during the seasonal year to another team, or the same team, unless a written request, stating the reason why this action has been requested, has been made to and approved by the governing authority on the appropriate form.. The team may not roster more than three (3) previously rostered players in any seasonal year.

**3:06:05** PLAYER RELEASE

The team may not release, voluntarily or involuntarily, any player from its roster unless a written request, stating the reason why this action has been requested, has been made to and approved by the governing body on a form provided. A team may release involuntarily a player from its roster only if the player is unable to play for one of more of the following reasons:

A. The player has violated rules of the OYS or UYSA.

B. The player has moved beyond a reasonable travel distance. Determination of what considers a reasonable travel distance is subject to definition by League 20.

C. The player is injured in such a manner that the player will not be able to participate for the remainder of the season.

**3:07** PLAYER PASSES

**3:07:01** All competition players and all players playing on teams entered in out-of-state tournaments or tournaments that include out-of-state teams must have a valid laminated player pass issued and signed by the District or Association Registrar. Passes will be issued to players on a team basis by appointment prior to the beginning of each seasonal year. During the year, passes will be issued to new and transferred players after receipt of all required forms and fees.

**3:07:02** PASSES ISSUED BY REGISTRARS. District and association registrars are required to enforce the standards outlined herein for Inter-district competition and recreation players.

**3:08** FEES

**3:08:01** REGISTRATION FEE. A player registration fee will be established each year to pay for necessary program expenses such as uniform (optional for competition teams which are not required to use the official league uniform), team equipment which may include but is not limited to the following: (a bag, three balls, six cones, a goalie shirt and a first aid kit), field equipment and maintenance, league administrative support, accident reimbursement plan, liability insurance, State Office administration and UYSA dues. OYS is authorized to set its own registration fees, subject to approval by their District Committee. Only the league president or the authorized agent that collects the registration fees can authorize a refund of any or all of the registration fees. Neither the district nor the state has the authority to change the League President's decision.

**3:08:02** WAIVER OF FEES. While it is expected that all players pay their way, it is recognized that some players may not be able to pay their full registration fee because of severe financial hardship. This Association may set its own standards whereby to waive all or a portion of the registration fee that remains with this association. Any shortfall thus incurred must be absorbed within that body's budget. Such waiver policies should be approved by the Executive Board. Players or parents receiving a waiver of all or a portion of the registration fee should be prepared to volunteer their services to the waiving body in such areas as fields and equipment, refereeing, or as needed.

# OREM YOUTH SOCCER
## RULES OF PLAY

**4:01** FIFA RULES

**4:01:01** FIFA rules shall govern OYS play except as modified herein.

**4:02** SPORTSMANSHIP

**4:02:01** The common interest that members of the Association share is to inspire youth to practice the ideals of sportsmanship and fair play. Any player, coach, team, parent, spectator, administrator or referee whose behavior detracts from this purpose is subject to disciplinary action regardless of technical soccer background, expertise, accomplishments or standing.

**4:03** THE FIELD OF PLAY

**4:03:01** FIFA DIMENSIONS. FIFA Law *1* provides for flexible external field dimensions within a given maximum and minimum width and length. These dimensions should be adhered to for all fields used by teams under-12 and older.

**4:03:02** COMPETITION FIELDS. Fields used within the competition program must be a minimum of 100 x 60 yards. Leagues, districts or associations participating in the state competition program that are unable to provide a field that meets these minimum requirements must advise the State Competition Board which will assign its Fields Committee to inspect the field and recommend to the Board whether or not a waiver of the minimum dimensions should be granted. Teams from associations that are unable to provide an acceptable field may be required to play all their games away.

**4:03:03** FIELDS USED BY YOUNG AGE GROUPS. The dimensions of fields used by recreation teams under-10 and younger should be less than FIFA rules.
U-6 teams should play on a field approximately 20 X 40 yards with no penalty areas. Fields for older age groups should be progressively larger. OYS recommends U-8 should play on a field 40-50 yards in length and 20-30 yards width. It is recommended U-10 play on a field 70-80 yards in length and 40-50 yards in width. In addition, fields used by young age groups may have their internal dimensions and size of goal similarly modified.

**4:03:04** We will abide by and accept equipment standards as defined by FIFA, UYSA..

**4:03:05** TEAM BENCH AREAS. The decision for team/spectator placement on the field will be made by the governing body of that team. A team's bench area shall consist of

that area at least one *(1)* yard away from the touch line and extending to twenty yards (20) both ways from the halfway line. In the event that field conditions require team benches to be on the same side of the field, a team's bench area shall consist of that area two (2) yards away from the touch line and extending twenty yards one *(1)* way from the halfway line. The home team has first choice as to where it wishes to locate its bench area. Coaches and substitutes are required to remain within their bench area during the game. Parents and spectators should occupy the same side of the field as the team they are supporting.

**4:04** THE BALL

**4:04:01** SIZE 5 All age groups under-13 and older use a size 5 ball (circumference 27-28 inches, and weight 14-16 ounces).

**4:04:02** SIZE 4 Age groups under-9 thru under-12 use a size 4 ball (circumference 25-26 inches, and weight 11-13 ounces).

**4:04:03** SIZE 3 Age groups under-6 through under-8 use a size 3 ball (circumference 23-24 inches, and weight 11-12 ounces).

**4:05** NUMBER OF PLAYERS

**4:05:01** TEAM SIZE Except as noted below, team rosters shall consist of not less than eleven nor more than eighteen players. A team must have at least seven (7) players present and able to play before referees are permitted to start a sanctioned game. No more than eleven (11) players per team may be on the field at any one time during the game.

**4:05:02** SIZE OF AGE GROUP TEAMS. In order to give player's maximum opportunity to develop in the game of soccer, U-6 through U-1O play modified rules and size of roster as stated in United States Youth Soccer Association (USYSA) rules. It is strongly recommended that U-6 and U-8 play 4 v 4. OYS shall not sanction' games involving teams under 10 or younger unless such games are conducted with not more than eight (8) players per side. (National rule 4036 section 2) Recreational/Developmental players at other ages or where numbers in the playing area are low are strongly encouraged to play small-sided games on reduced field size.

**4:05:03** SUBSTITUTIONS. Teams may make an unlimited number of substitutions at the times indicated below. A player who has been replaced may reenter the game as a substitute at a later time.

A. Prior to a throw-in your favor.
B. Prior to a goalkick by either team.
C. After a goal by either team.
D. After an injury, by either team, when the referee stops play.

E. At half time.
F. When a player has been "cautioned", only the player receiving "caution" may be substituted.

**4:05:04** ALL-PLAY. All-play means that every recreation player on every team shall play at least fifty percent of each game. Coaches in the competition program are encouraged to play their players 50% of each game.

A. A Coach shall be permitted to not play a player 50% of each game under special circumstances, e.g., unexcused absences from practice and/or games, ungentlemanly conduct at practice and/or games, and injuries.

**4:06** PLAYERS' EQUIPMENT

**4:06:01** COLORS. Where the uniform colors of both teams are so similar that the referee orders a change, the designated home team must change to colors distinct from those of the opponent.

**4:07** DURATION OF THE GAME

**4:07:01** The length of games shall be as follows:

| | |
|---|---|
| Under-19 | Two 45-mm halves |
| Under-18 | Two 45-mm halves |
| Under-17 | Two 45-mm halves |
| Under-16 | Two 40-mm halves |
| Under-I5 | Two 40-mm halves |
| Under-14 | Two 35-mm halves |
| Under-13 | Two 35-mm halves |
| Under-12 | Two 30-mm halves |
| Under-11 | Two 30-mm halves |
| Under-10 | Two 25-mm halves |
| Under- 8 | Two 25-mm halves |
| Under- 6 | In accordance with the State 4 V 4 Program. |

**4:07:02** Any game terminated after 15 minutes into the second half by the referee by reason of the elements, or by reason of grave disorder on the part of the coaches, players or spectators of a team that is losing at the point that the game is terminated, shall stand as a completed game.

**4:08** MIXED TEAMS

**4:08:01** GIRLS PLAYING ON BOYS' TEAMS Girls are eligible to play on boys teams with parent/guardian permission.

**4:08:02** TYPES OF TEAMS. Teams with females only are Girls Teams. All others are Boys'

Teams.

**4:09** COACHING FROM THE SIDELINES

**4:09:01** Coaching from the sidelines, i.e., giving direction to one's own team on points of strategy and position, is permitted provided that:

A. No mechanical, electrical or other devices are used to amplify the voice.
B. The tone of voice is informative and not a harangue.
C. The coaching takes place within the team's bench area.
D. No coach, substitute, player or spectator is to make derogatory remarks or gestures to the referees, linesmen, players, substitutes or spectators.
E. No coach, player, substitute or spectator is to use profanity or incite, in any manner, disruptive behavior of any kind.

**4:09:02** Any individual cautioned or otherwise cited by a referee for violation of this Rule may be subject to action by the Board.

**4:10** CONDITIONS OF REPLAY OF GAMES

**4:10:01** Any game which is required to be replayed as a result of any protest or appeal, shall be subject to the following conditions:

A. The game shall be replayed on the same field as was the suspended or protested game, unless otherwise agreed by the coaches.
B. Impartial referees shall be assigned to the new game.

**4:10:02** The PROTEST AND APPEALS COMMITTEE shall have the power to impose such additional conditions on the replay of the game as it deems appropriate under the circumstances.

**4:11** REFEREE TRAINING

**4:11:01** In most areas, there is a shortage of qualified referees. Parents, older children and other children and other interested individuals should be strongly encouraged to obtain referee training and officiate at recreation games. Official OYS sanctioned training courses include:

A. Recreation Referee Course .A three (3) hour course presented by league referee instructors based on standardized training outline and materials prepared by the State Director of Referee Instruction. Recreation referee patch issued to all those who successfully complete course.

B. USSF Associate Referee Course .A nine (9) hour course presented by the State Director of Referee Instruction or his designee. USSF Associate Referee patch issued to those who successfully complete the course.

C. USSF Referee Course .Sixteen and one-half (16 ½) hour course .(14 hours classroom instruction, 2 ½ hours field instruction), including written examination and physical exercise test under the direction of the State Director of Referee Instruction or his designee. USSF Referee patch issued to those who successfully complete the course.

D. USSF Assistant Referee Course .An eight (8) hour course presented by the State Director of Referee Instruction or his designee. USSF Assistant Referee patch issued to those who successfully complete the course.

# OREM YOUTH SOCCER

## RECREATION / DEVELOPMENTAL SOCCER RULES

**5:01** PURPOSE

**5:01:01** The purpose of recreation/developmental soccer is to provide a positive, enjoyable and FUN experience in an. organized team sport for all participants regardless of physical coordination, skills or abilities. To this end, recreation/developmental soccer must be absolutely free from player tryouts or selections, maintenance of records of scores and team standings, recognition or awards for champions, and pressure from coaches or parents to win. Players should be taught basic skills and strategies and encouraged to do their best on the field. They have a right to expect praise and positive reinforcement for their efforts whether their team wins, ties or loses.

**5:02** FORMATION OF TEAMS

**5:02:01** TEAM ORGANIZATION. It is the responsibility of this Association to promote OYS and soccer within a school area and to assist in registering players for the recreation/developmental program. Following registration, the Age-Group coordinator will assign players to teams by age group, taking into consideration the players' neighborhood, exact age, and previous soccer experience. Every attempt should be made to form neighborhood teams with an approximate balance of age and playing experience. Recreation/developmental teams should not be perpetuated year after year where an obvious imbalance exists, i.e., a team wins all Its games.

**5:02:02** COACH SELECTION. League Officials will secure the services of volunteer parents or other responsible individuals to serve as coach, assistant coach, and team parent for each team. The coach and assistant coach are responsible for the technical soccer development and training of players and the team. The team parent assists

by being responsible for such matters as team communications, coordination of non-related technical matters as proposed by the Team Coach. All volunteers need to turn in volunteer registration form required by OYS.

- This rule comes under the Recreation/Developmental Rules, but applies to all programs.

**5:02:03** COACHING INSTRUCTION FOR RECREATION/DEVELOPMENTAL PROGRAM. This association is responsible for scheduling coaching clinics for volunteer coaches in their charge. Coaches from other areas may attend coaching clinics

NOTE: Certificate or license not obtained through UYSA Coaching Staff will be void. Transfer coaches' certificate of license from other states will be honored.

- This rule comes under Recreation/Developmental Rules, but applies to all programs.

**5:03** UNIFORMS AND EQUIPMENT

**5:03:01** UNIFORMS. Each player may, at the discretion of the governing body, be issued as part of his or her registration fee a quality uniform consisting of a shirt, shorts and socks. The shirt should have individual numbers at least eight (8) inches high on the back of the shirt and the OYS logo displayed on the uniform. Players are required to provide their own footwear and shinguards which are mandatory.
Acceptable footwear includes sneakers or cleated shoes that meet the standards of FIFA Law 4. Teams should have all their players in full uniform when on the field of play. When weather conditions dictate, recreational/developmental players may wear warm-ups or other clothing under their uniforms.

-This rule comes under the RECREATION/DEVELOPMENTAL RULES, but this rule is applicable to ALL PLAYERS.

**5:03:02** EQUIPMENT Each team will be issued team equipment which may include but is not limited to the following:

A. Three (3) soccer balls of the appropriate size for the age group.
B. A goalkeeper's jersey (when applicable)...
C. Six (6) cones or appropriate amount of field markers.
D. Carrying bag for the team equipment.
E. League Discretion .First aid kit.
F. League Discretion .Coaching manual(s) or coaching information obtained at UYSA State Office.

**5:03:03** SAFEGUARDING EQUIPMENT. Coaches should be required to receipt for the equipment they are issued. League equipment chairpersons should collect all equipment from coaches promptly at the end of the seasonal year.

5:04 PRACTICES. GAMES AND AGE GROUP ADMINISTRATION

5:04:01 AGE GROUP COORDINATOR. An age group coordinator should either be elected by coaches within the age group or appointed by the league Vice-President for Recreation to prepare schedules of games for teams within the age group and to coordinate matters pertaining to the age group with other league officers and teams within the age group.

5:04:02 PRACTICES. It is recommended that teams have practices for 1 - 1 ½ hours in length not more than twice a week.

5:04:03 STANDINGS. No records should be kept of game scores or team standings within the age group. Accordingly, no protests of game outcome may be accepted. Each game is an end in and of itself and is played for the fun and physical challenge it offers the players.

5:04:04 NO-GAME DATES. It is recommended that games not be scheduled the opening weekend of deer hunt season, LDS Conference Weekend, Spring Break nor on Easter weekend. It is also recommended that games not be scheduled during the weekend of the UYSA America Cup Tournament (held usually in May), but rather teams be encouraged to participate in this activity.

5:05 COACHING TRAINING

5:05:01 A coaches meeting should be held prior to the start of the seasonal year. Pertinent UYSA, District and League rules and procedures should be reviewed. Coaches should be strongly encouraged to attend training courses to improve their understanding of the game and their ability to teach their players.

5:06 AWARDS AND SOCIAL FUNCTIONS

5:06:01 The Association approves and encourages league, age group, and/or team sponsorship of award banquets, picnics or other activities which build and aid group spirit in a constructive way. Awards given to players or teams in the recreation/developmental program must be solely for participation and must be given equally to all players and teams.

# OREM YOUTH SOCCER

## COMPETITION RULES

6:00 GENERAL

6:00:01 All official OYS games shall be played under the "Current Laws of the Game" published by FIFA as modified by UYSA subject to specific rules originated by the

membership and/or the Competition Board and approved by the membership at the Annual General Meeting or at special meetings called for that purpose.

**6:00:02** Competition Boards will be responsible for the day-to-day operations of their respective programs Any changes in the Constitution, Bylaws and Rules will be made in accordance to section 1:09 of the Constitution, Bylaws and Rules.

**6:00:03** Coach selection (5:02:02), Coaching Instruction (5:02:03) and Uniforms (5:03:01) apply to ALL teams competition as well as recreation/developmental teams.

**6:01** PROGRAM DEFINITIONS

**6:01:01** COMPETITION PROGRAM The Competition Program contains teams entered on the Inter-district level playing in leagues formed on a district wide basis without regard to gender in the following manner:

A. The Inter-district Competition Program consists of teams formed with players with regard to League/District boundaries.

B. Teams will be aligned within divisions

**6:02** PASSES

**6:02:01** All passes issued by OYS are the property of the OYS and must be surrendered upon request of the OYS.

**6:02:02** All players and coaches on a validly registered team shall obtain an appropriate identification pass, laminated on both sides, bearing the individuals name, signature, team affiliation, and photograph.

**6:02:03** Only individuals properly registered and rostered in accordance with the rules of OYS and UYSA may be issued passes by OYS.

**6:02:04** No pass shall be issued for a coach without proof of proper licensure or temporary waiver as defined by Section 6:06

**6:02:05** Passes shall be presented to the referee and, upon request, to the representative of the opposing team before each match. The referee may retain the passes until the conclusion of the match.

**6:02:06** Passes of any individual(s) ejected from any match shall be retained after the match by the referee. The pass of any individual who has received a third caution (yellow card) during a playing year shall be confiscated by the referee at the conclusion of the match in which the third caution was received. The referee shall also retain any pass not in compliance with 6:02:02. The referee shall deliver all confiscated passes to the OYS official within forty-eight 48 hours of the conclusion of the match.

**6:03** REFEREES

**6:03:01** Referees must be certified by and registered with USSF.

**6:03:02** All games will be officiated using the Diagonal System of Control. Three registered and certified officials will be assigned each *U-16* through U-19 games. If one of the three assigned officials fails to appear for an U-16 through U-19 game, the referee will select a linesman from one team who, for the purpose of the game, will be considered neutral. At least one registered and certified referee will be assigned all other games. Other assigned officials will be a neutral linesman. Each team will provide one linesman who, for the purpose of the game, will be considered neutral.

**6:03:03** If an assigned referee fails to appear at a properly scheduled game, and there is a registered and certified referee available, if the referee and both coaches approve, the game may be played.

**6:03:04** If the game cannot be played because of lack of agreement as per 6:03:03, the game will be rescheduled by the district scheduler.

**6:06** COACHES QUALIFICATIONS AND CERTIFICATION

**6:06:01** Coaches or team representatives must attend an orientation meeting prior to each season before league play begins.

**6:06:02** For competition purposes the following will be the recognized progression of licensure: USSF "F" Certificate, USSF E" certificate, USSF "D" license, then according to national progression.

**6:06:03** All individuals coaching in the Inter-district Competition Program will have on record at the State Office a valid USSF "E" License. Coaches who have attended or who are attending the required licensing clinic may apply to the District for a waiver in order to coach a continuing team in the state program. A coach new to the Inter-district Program will have a minimum of one year to obtain the appropriate license, during this time he/she must obtain a waiver.

NOTE: The coaching waiver is only good for the duration of one (1) UYSA playing year, September 1 through August 31.
Reference Competition Policy for due dates of roster submission.

**6:06:04** Coaching from the sidelines is subject to the following conditions:

1. Within the coach's box (10 yards each side of the half-way line and beginning 1 yard away from the touch line).
2. Coaching shall be consistent with the game of soccer. Language and attitude will not be conducive to misconduct or incite or encourage violence.

# OREM YOUTH SOCCER

## PROTEST AND APPEALS RULES

7:01 PROTEST AND APPEALS COMMITTEE

7:01:01 COMMITTEE COMPOSITION. The Protest and Appeals Committee shall consist of not fewer than three and no more than twelve members. The Chairperson of the Protest and Appeals Committee shall be appointed annually by the Commissioner, subject to the approval of the Board of Directors. Other members of the Protest and Appeals Committee shall be nominated by the Chairperson and approved by the Board of Directors for two-year terms.

7:01:02 CONFLICT OF INTEREST. No member of the Protest and Appeals Committee shall participate in any case or controversy in which that member has a direct interest or the appearance of a conflict of interest, as determined by the Chairperson. Members of the Protest and Appeals Committee may decline assignment to any case or controversy based on actual or perceived conflict or interest.

7:01:03 CHAIRPERSON PRO TEMPORE. If the Chairperson elects not to participate in a case or controversy, due to a conflict of interest or any other reason, the Chairperson shall select a member of the Committee to serve as Chairperson Pro Tempore, who shall be endowed with the rights and responsibilities of the Chairperson for the particular case or controversy.

7:01:04 POLICIES AND PROCEDURES. The Protest and Appeals Committee may adopt policies and procedures as it may determine to be appropriate and desirable in order to fulfill its responsibilities. Any objection to the policies and procedures of the Protest and Appeals Committee, which may have a bearing on a protest or appeal, must be raised before the Committee in order to be grounds for further appeal.

7:02 JURISDICTION

7:02:01 PROTESTS. The Protest and Appeals Committee may exercise original jurisdiction over all disputes, except those within the jurisdiction of the Discipline Committee, arising from any match scheduled and administered by the State Competition Committee. Protests must be based on an alleged violation of the published rules of the competition, or UYSA Constitution and Bylaws, or FIFA Laws of the Games as modified by UYSA. The Protest and Appeals Committee may not review a discretionary decision or judgement call of a referee, but may consider appeals based on a misapplication of the laws of the game or rules of competition.

7:02:02 APPEALS. The Protest and Appeals Committee may exercise jurisdiction over appeals that arise from an adverse decision from a protest hearing, administrative action, disciplinary hearing, or lower-level appeal. Appeals must be based on an alleged violation of the published rules of the competition, or UYSA

Constitution and Bylaws, or FIFA Laws of the Game as modified by UYSA.

**7:03** STANDING

**7:03:01** PROTESTS. The right to protest is limited to the players, coaches, administrators, teams, and clubs directly involved in the disputed match.

**7:03:02** APPEALS. The right of appeal is limited to the parties to the original action and to real parties in interest that were adversely impacted by the adverse decision.

**7:03:03** EXHAUSTION OF REMEDIES. The right to appeal to the Protest and Appeals Committee does not ripen unless and until all avenues of protest and appeal at a lower level or within the rules of a tournament or competition have been exhausted.

**7:04** SUBMISSION OF PROTESTS AND APPEALS

**7:04:01** NOTICE OF PROTEST. Notice of protest must be filed with the League within five business days of the completion of the disputed match. This notice must be submitted in writing, and it must contain the following:

(a) a statement showing that the Protest and Appeals Committee may properly exercise jurisdiction over the protest;
(b) a listing of parties directly or potentially affected by the protest;
(c) a brief statement of relevant facts;
(d) a listing of the rules, bylaws, regulations, or procedures allegedly misinterpreted, misconstrued, or violated; and
(e) a statement of the desired resolution or remedy.

**7:04:02** NOTICE OF APPEAL. Except as specified by the rules of the competition or tournament rules, notice of appeal must be filed at the League within three business days of receipt of the adverse decision from a protest hearing, administrative action, disciplinary hearing, or lower-level appeal. This notice must be submitted in writing, and it must contain the following:

(a) a statement showing that the Protest and Appeals Committee may properly exercise jurisdiction over the appeal;
(b) a listing of parties directly or potentially affected by the appeal;
(c) a brief statement of relevant facts, including a description of any prior proceedings;
(d) a listing of the rules, bylaws, regulations, or procedures allegedly violated;
(e) an explanation of how these rules, bylaws, regulations, or procedures were allegedly misinterpreted, misconstrued, or violated; and
(f) a statement of the desired relief.

**7:04:03** FILING FEE. A notice of protest or appeal must be accompanied by a check or money order for $100 payable to League 20. The filing fee, or a portion of the filing fee, may be refunded at the discretion of the Protest and Appeals Committee.

**7:05** CONSIDERATION OF PROTESTS AND APPEALS

**7:05:01** SUMMARY DISPOSITION. Upon receipt of a protest or appeal, the Chairperson of the Protest and Appeals Committee may dismiss any protest or appeal deemed untimely, frivolous, meritless, moot, or otherwise defective. Such dismissal may be appealed to the United States Soccer Federation in accordance with Section 7:08.

**7:05:02** STAYS. Although the filing of a protest or appeal does not have the effect of staying a competition or the enforcement of a previous decision, the Protest and Appeals Committee shall have the discretion to issue an order enjoining the enforcement of a prior decision or staying a competition pending the outcome of a protest or appeal.

**7:05:03** PANEL ASSIGNMENT. Upon receipt of a protest or appeal not subject to summary disposition, the Chairperson of the Protest and Appeals Committee shall appoint a panel of not fewer than three and no more than seven members of the Protest and Appeals Committee to consider the protest or appeal. In the event that a suitable panel cannot be seated due to disqualifications, the Chairperson may, with the consent of the parties, appoint impartial UYSA member(s) to consider the particular case or controversy.

**7:05:04** REFERRAL TO DISCIPLINE COMMITTEE. Upon receipt of an appeal from a lower-level decision imposing discipline on a member, the Chairperson of the Protest and Appeals Committee may refer the appeal to the Discipline Committee for consideration. Any resulting decision of the Discipline Committee, sitting as an Appeals Committee, could be further appealed to the UYSA Protest and Appeals Committee and also be appealed to the United States Soccer Federation.

**7:05:05** NOTIFICATION. Upon receipt of a protest or appeal, parties directly affected by the protest or appeal will be informed of the protest or appeal. Service may be accomplished by certified, registered, or regular US Mail: facsimile; telephone; or electronic mail.

**7:05:06** DISCOVERY. Parties to a protest or appeal will be granted access to all pertinent information and materials reasonably related to the case or controversy, as determined by the Chairperson of the Protest and Appeals Committee. Disputes relating to discovery shall be presented to and decided by the Chairperson of the Protest and Appeals Committee.

**7:05:07** SUBMISSION OF MATERIALS. The protest and Appeals Committee may invite the parties to submit evidence and written arguments. All parties are entitled to examine and respond to such evidence, and to receive

copies of such arguments.

**7:05:08** DECISION WITHOUT HEARING. The Protest and Appeals Committee may decide protest and appeals based on its review of the record, submitted evidence, and/or the written arguments of the parties.

**7:06** HEARING

**7:06:01** HEARING. If deemed necessary or appropriate, the Protest and Appeals Committee may convene a hearing to take testimony, examine evidence, and/or consider arguments. The Committee may adopt hearing procedures it deems appropriate, provided that all parties are allowed an opportunity to appear and represent their positions.

**7:06:02** TELEPHONIC HEARINGS. If deemed necessary and appropriate, the Protest and Appeals Committee may convene a hearing during which parties or witnesses may participate by telephone.

**7:06:03** NOTICE OF HEARING. Parties to a protest shall be given reasonable notice of the date, time, and place of a hearing. The Chairperson shall have the discretion to sustain an objection to the date, time, or place of a hearing, and may reschedule the hearing upon reasonable notice. Notice may be accomplished by certified, registered or regular US Mail; facsimile; telephone or electronic mail.

**7:07** DECISIONS AND ORDERS

**7:07:01** DECISIONS. The Protest and Appeals Committee shall issue a final decision, resolving a case or controversy, not more than five business days after the close of a hearing and in all cases within thirty days of the filing of a protest or appeal. The Protest and Appeals Committee may, as appropriate, make findings of fact, issue conclusions of law, and conclusively interpret the Constitution, bylaws, rules, regulations and procedures of the UYSA.

**7:07:02** ORDERS. The Protest and Appeals Committee is empowered to issue both temporary and final orders to give effect to its decisions.

**7:07:03** NOTICE OF DECISION AND ORDERS. Decisions and orders of the Protest and Appeals Committee shall be conveyed to the parties by certified, registered, or regular US Mail; facsimile; telephone; or electronic mail. Copies of decisions and orders of the Protest and Appeals Committee shall be maintained on file at the UYSA office.

**7:07:04** ENFORCEMENT OF DECISIONS AND ORDERS. The Protest and Appeals Committee may serve the UYSA Commissioner with an order to enforce a decision of the Protest and Appeals Committee.

7:07:05 DISCIPLINARY ACTION. Misconduct occurring during or as part of proceedings before the Protest and Appeals Committee is neither privileged nor immunized, and the Protest and Appeals Committee may refer matters of misconduct arising from its proceedings to the UYSA Disciplinary Committee. The filing of a protest or appeal lacking in good faith, as determined by the Protest and Appeals Committee, may be grounds for disciplinary action.

7:08 APPEALS OF ORDERS AND DECISIONS OF THE UYSA PROTEST AND APPEALS COMMITTEE.

7:08:01 PROCEDURE FOR APPEAL. Decisions of the Protest and Appeals Committee shall include a statement of the procedure for appeal to the United States Soccer Federation. If an appeal is taken, the appellant must notify the UYSA Protest and Appeals Committee by sending, via certified US mail, a copy of the notice of appeal to the UYSA office.

7:08:02 PREPARATION OF RECORD FOR FURTHER APPEAL. Upon receipt of a notice of appeal to the United States Soccer Federation, the Chairperson of the UYSA Protest and Appeals Committee shall prepare and certify the record for appeal.

7:09 EXCLUSIVE REMEDY

7:09:01 EXCLUSIVE REMEDY. No player, coach, referee, team, club, league, district, or member of the UYSA, or their representative, may invoke the aid of the courts of any state or of the United States without first exhausting all available remedies and avenues of appeal within the UYSA and USSF.

7:09:02 SANCTIONS. For any violation of Section 7:09:01, the offending party shall be subject to suspension and fines, and shall be liable to the UYSA and USSF for all costs and expenses incurred by the UYSA, USSF, and their officers and members in defending each court action. The UYSA and USSF shall be entitled to all costs and expenses, including but not limited to, court costs, attorneys fees, travel expenses, and reasonable compensation for time spent by the officers and employees of the UYSA and USSF in responding to and defending against allegations in each action, including discovery and court appearances.

# OREM YOUTH SOCCER

## RISK MANAGEMENT

8:01 SAFETY

8:01:01 CONTROL. The Association promotes safety by encouraging strict controls over

ages, equipment, behavior of youth, and adult spectators.

**9:02** DISCIPLINARY RULES

**9:02:01** PLAYERS:

A. A player who is ejected from any match (red card) shall be suspended from playing in the next game in which the player would otherwise be eligible to play. A player may receive more than an one game suspension. Upon receipt of a second red card during a playing year, the player shall be suspended for two games, although a longer suspension is possible. Receipt of a third red card during a playing year triggers an indefinite suspension, pending review and/or further action y the Disciplinary Committee.

B. Upon receipt of three yellow cards during a playing year, the offending participant will be suspended from playing in the next game in which the offending participant would otherwise be eligible to participate. This process will continue so that for each three yellow cards received during a playing year, the player will be suspended from playing in the next game (after receipt of a third yellow card) for which the offending participant would otherwise be eligible to participate.

C. Any player, coach, or other participant receiving a total of six (6) or more disciplinary points, as defined in these Disciplinary Committee Rules, during the playing year shall be suspended from further participation until his or her actions are reviewed by the Disciplinary Committee. This review must be held before the participant has missed more than 2 games. These points hall stay with the participant.

D. Any person who has been suspended as the result of a disciplinary hearing shall not take part in the Olympic Development Program until the completion of his or her suspension.

E. The team head coach or assistant coach must attend all disciplinary meetings in which he\she has a player being reviewed. The team head coach will be required to meet before the disciplinary committee and face possible disciplinary action after his/her third player appears before the Disciplinary Committee. If a coach or assistant coach does not appear with his/her player, that player will remain suspended until such appearance before the committee.

F. Points earned in tournament play excluded. Each tournament will be responsible for their own disciplinary actions for points accrued in their tournament only.

G. Each member team shall be held primarily and solely accountable for the conduct of persons associated with the member team in any manner

whatsoever.

During any sanctioned or regularly scheduled game of UYSA or any Affiliated member league, club or team a referee may stop the game and eject any spectator, coach player from the grounds (within sight or sound of the field of play and areas surrounding the field of play and areas surrounding the filed or fields neat the field upon which the game is being played) if in the opinion of the referee the offender is guilty of violent conduct, serious foul play or the use of foul or abusive language, or if the conduct is deemed to be an interference by the offender as designated in subdivision (d) of Law V of the Referees .FIFA Laws of The Game. Each coach and assistant coach shall be held primarily accountable for the conduct of the spectators for or from their respective teams.

**9:02:02** PHYSICAL CONFRONTATIONS BETWEEN PARTICIPANTS

A. Any player, coach, parent, referee or other participant physically attacking and/or intentionally causing bodily harm to another player, coach, parent, referee or other participant will be suspended from further participation until reviewed by the Disciplinary Committee, and may be further suspended, barred or disciplined according to the decision of the disciplinary committee as ratified and/or modified by the Soccer Board, consistent with the rules and guidelines of the governing regional and national bodies.

B. A coach who is ejected from any match (red card) shall be Suspended from attending in the next game in which the coach's Team is scheduled to play. A coach may receive more than a one game suspension. Upon receipt of a second red card during a playing year, the coach shall be suspended indefinitely, pending review and/or further action by the Disciplinary Committee.

**9:02:03** MISCONDUCT TOWARDS GAME OFFICIALS.

Misconduct against referees may occur before, during and after the match, including travel to and from the match. Misconduct may occur also at later times when directly related to duties of a game official as a referee.

A. Referee Assault is intentional offensive physical contact upon a referee.

Assault includes, but is not limited to the following acts committed upon a referee: hitting, kicking, punching, choking, spitting at or on, grabbing or bodily running into a referee; the act of kicking or throwing any object at a referee that could inflict injury, damaging the referee's uniform or personal property, i.e., car equipment, etc.

B. Referee abuse is verbal statement or physical act which implies or threatens physical harm to a referee or the referee's property or equipment.

Abuse includes; but is not limited to the following acts committed upon a referee: using foul or abusive language toward a referee; spewing any beverage on a referee's personal property, or verbally threatening a referee.

C. PENALTIES

1. The player, coach, etc. committing the referee assault is automatically suspended for at least one *(1)* year from the time of the assault, unless serious injuries are inflicted, then the minimum suspension period will be a least five (5) years.

2. The minimum suspension for referee abuse shall be at least three (3) scheduled matches with the rules of the competition. (i.e., tournament, season play, etc.)

In cases of reports of referee abuse only, a hearing is held only when requested by the convening authority.

**9:03** APPEALS OF SUSPENSION FOR DISCIPLINARY POINTS

**9:03:01** Any player which is suspended pursuant to Rule 10:02:03 C of these Disciplinary Committee Rules may appeal the suspension to the Disciplinary Committee. Such appeals must be in writing and must be made within seven days of receipt of the Notice of Suspension.

**9:04** APPEALS OF ADVERSE DISCIPLINARY ACTIONS

**9:04:01** Any action taken by the Disciplinary Committee, unless taken pursuant to Section 7:05:04, may be appealed to the UYSA Protest and Appeals Committee in accordance with the applicable bylaws, policies, and procedures of the UYSA Protest and Appeals Committee.

Abuse includes; but is not limited to the following acts committed upon a referee: using foul or abusive language toward a referee; spewing any beverage on a referee's personal property, or verbally threatening a referee.

C. PENALTIES

1. The player, coach, etc. committing the referee assault is automatically suspended for at least one *(1)* year from the time of the assault, unless serious injuries are inflicted, then the minimum suspension period will be a least five (5) years.

2. The minimum suspension for referee abuse shall be at least three (3) scheduled matches with the rules of the competition. (i.e., tournament, season play, etc.)

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
March 11, 2014

## 3:00 P.M. TOUR – OREM WATER RECLAMATION

| | |
|---|---|
| CONDUCTING | Mayor Richard F. Brunst, Jr. |
| ELECTED OFFICIALS | Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, and David Spencer |
| APPOINTED STAFF | Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director, Greg Stephens, City Attorney; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Bill Bell, Development Services Director; Scott Gurney, Interim Public Safety Director; Steven Downs, Assistant to the City Manager; Neal Winterton, Water Manager; Lawrence Burton, Water Reclamation Section Manager; and Donna Weaver, City Recorder |
| EXCUSED | Councilmember Brent Sumner |

TOUR – Water Reclamation Facility

Chris Tschirki, Public Works Director, and Lawrence Burton, Water Reclamation Section Manager, conducted a tour of the wastewater treatment plant and reviewed the following:

- Flow of water and material through the facility
- Possible reuse of water
- Comparative costs with other cities in Utah County
- Money-saving efforts by staff
- Impact of water conservation on the plant

## 4:15 P.M. TOUR – FITNESS CENTER REMODEL

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| CONDUCTING | Mayor Richard F. Brunst, Jr. |
| ELECTED OFFICIALS | Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, and David Spencer |
| APPOINTED STAFF | Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director, Greg Stephens, City Attorney; Karl Hirst, Recreation Director; Bill Bell, Development Services Director; Scott Gurney, Interim Public Safety Director; Charlene Crozier, Interim Library Director; Steven Downs, |

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|---|---|
| | Assistant to the City Manager; and Donna Weaver, City Recorder |
| EXCUSED | Councilmember Brent Sumner |

TOUR – Fitness Center Remodel

Mr. Hirst, Recreation Director, took the Council on a tour of the Fitness Center remodel, including the restrooms, basketball court, swimming pool, and the leisure pool addition. He noted that future needs included replacing the track and upgrading the spinning room.

**5:00 P.M. STUDY SESSION**

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| CONDUCTING | Mayor Richard F. Brunst, Jr. |
| ELECTED OFFICIALS | Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, and David Spencer |
| APPOINTED STAFF | Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director, Greg Stephens, City Attorney; Karl Hirst, Recreation Director; Bill Bell, Development Services Director; Chris Tschirki, Public Works Director; Scott Gurney, Interim Public Safety Director; Charlene Crozier, Interim Library Director; Steve Earl, Deputy City Attorney; Heather Schriever, Assistant City Attorney; Jake Summers, Prosecutor; Matt Pedersen, Public Safety; BJ Robinson, Public Safety; Steven Downs, Assistant to the City Manager; and Donna Weaver, City Recorder |
| EXCUSED | Councilmember Brent Sumner |

Council Update – Public Displays

Mr. Davidson introduced members from the City Attorney's office and Officers Pedersen and Robinson who had responsibility overseeing sex crimes that take place in Orem.

Sergeant Pedersen said most of the investigations they handled were split up into six areas. Since January 1, 2014, the 3 officers in the section had taken 150 calls. Many of the physical child abuse cases had to be sent to school resource officers due to the heavy work load. They concentrated their time on things like rapes (both adults and children), child pornography, etc.

He indicated that when they had first seen the PacSun pictures, they found them reminiscent of something from Victoria Secret or the tamer pictures from the *Sports Illustrated* swimsuit edition. Pictures like the PacSun advertisements were very common. In reviewing the City Code, they did not think they qualified for prosecution. The Attorneys Office reviewed State Code and found an item that the City could possibly use. The officers considered how doing that would impact future investigations and determined it would increase their workload because of the need to investigate many more stores.

Sergeant Robinson likened it to catching a speeder. An officer would have to visually estimate the speed and then confirm it with radar. Drivers had to be going ten to fifteen miles over the speed limit. Using that analogy, the PacSun pictures did not apply. He noted that there had been many similar cases that the courts had not upheld.

Sergeant Pedersen observed that *immoral* and *illegal* were not always the same thing.

Mr. Stephens said most of the Council had seen the news reports about the issue. Mrs. Cox asked the City to prosecute PacSun. He explained that, typically, the charging decision would be by the City's prosecutors without input from the other attorneys. Mr. Stephens said he requested that all the attorneys in the office screen it. All agreed with the decision not to prosecute the case. He called Mrs. Cox and notified her of their decision. His staff felt there was already a frenzy around the case, and they did not want to give PacSun anymore free advertising. They had prepared a statement explaining their decision not to file criminal charges, saying that while they did not endorse the display, they did not believe it constituted a criminal offense. The letter had not yet been distributed.

Mr. Stephens then reviewed case law, the current State statute (including the higher standard when dealing with children), and the City Code. He said Mrs. Cox argued that the shirts broke both State and City ordinance. While the shirt did show a partially nude buttock, none of the shirts showed sexual conduct. Mr. Stephens said he understood that Mrs. Cox believed they had made the wrong decision. His staff disagreed.

Mayor Brunst said he found the shirts offensive but understood the attorneys' decision. He offered time to Mrs. Cox to speak. She declined.

Mr. Seastrand asked if Mr. Stephens felt the City's current ordinance was in line with the State's or if something needed to be changed. Mr. Stephens said they had discussed that and have some suggestions for things that could be done to improve the City's ordinance, but they did not think those would have changed their decision on this issue.

Mr. Spencer asked if there was a warning system to notify stores. Mr. Stephens said, if they received a complaint about displays that did not quite meet the law, they would approach the store about removing the signs.

Mr. Macdonald asked if it would be treated differently if someone tried to walk around the mall dressed like the woman in the picture.

Mr. Earl said someone posed in a picture would be different than someone walking around. Jake Summers, prosecutor, indicated that someone walking around the mall would be charged with lewdness which was a different law.

Mayor Brunst reflected that society was made up of laws. It could be difficult when there were different interpretations, but the City must work within the realms of the law and how they were applied.

Preview of Upcoming Agenda Items

Staff presented a preview of upcoming agenda items to the Council.

Review Agenda Items

The Council and staff reviewed the agenda items.

City Council New Business

Mayor Brunst reviewed the current status of payments by UTOPIA member cities for operating expenses. The various mayors were having discussions about how to proceed. He noted it was not their intent for UTOPIA to run out of money.

Mr. Andersen inquired about the possibility of putting the issue to a vote of the people. Mayor Brunst reviewed the Macquarie milestone requirements, noting that their timeline would be completed before any election could be held.

The Council adjourned at 5:55 p.m. to the City Council Chambers for the regular meeting.

## 6:00 P.M. REGULAR SESSION

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|---|---|
| CONDUCTING | Mayor Richard F. Brunst, Jr. |
| ELECTED OFFICIALS | Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark E. Seastrand, David Spencer, and Brent Sumner |
| APPOINTED STAFF | Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director, Greg Stephens, City Attorney; Steve Earl, Deputy City Attorney; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Bill Bell, Development Services Director; Scott Gurney, Interim Public Safety Director; Charlene Crozier, Interim Library Director; Steven Downs, Assistant to the City Manager; and Donna Weaver, City Recorder |

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| **INVOCATION / INSPIRATIONAL THOUGHT** | Spencer Kressler |
| **PLEDGE OF ALLEGIANCE** | Calvin Shaw |

## APPROVAL OF MINUTES

Mrs. Black **moved** to approve the minutes from the following meetings:

- February 25, 2014 – City Council Meeting
- March 4, 2014 – City Council Work Session

Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard Brunst, Tom Macdonald, Mark E. Seastrand, and David Spencer. The motion **passed.**

## MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Upcoming Events

The Mayor referred the Council to the upcoming events listed in the agenda packet.

Appointments to Boards and Commissions

Mr. Andersen **moved** to appoint Bill Peperone, Carol Walker, Jim Michaelis, KC Shaw, Reed Price, Tai Riser, and Val Hale to the Public Works Advisory Commission. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard Brunst, Tom Macdonald, Mark E. Seastrand, and David Spencer. The motion **passed**.

Mr. Seastrand **moved** to reappoint Margarete Hlawatschek and Joyce Ottens to the Senior Advisory Commission. Mr. Spencer **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard Brunst, Tom Macdonald, Mark E. Seastrand, and David Spencer. The motion **passed.**

Recognition of New Neighborhoods in Action Officers

No new Neighborhood in Action officers were recognized.

Report – Sleepy Ridge Golf Course Committee

Golden Holt gave an annual report on the activity at Sleepy Ridge Golf Course.

- The golf course opened in 2008, and Sleepy Ridge had a few years of down-revenue but private funding subsidies helped Sleepy Ridge to weather the economic recession.
- Over the last two years, the revenues have provided the golf course to break even and turn a small profit.
- Home construction was going up around Sleepy Ridge, which lended to long-term benefits for the golf course.
- Discussions are happening regarding the Lakeside trail development which is being considered alongside Utah Lake.
- Because of the bad economic time, Sleepy Ridge would be approaching the City to extend its contract.
- Unlike all other municipal golf courses in Utah County, Sleep Ridge has never taken any subsidy from the City.
- Their revenue plan was to slowly raise rates commensurate with market competitiveness and to continue providing a good product in a fair location.

Mayor Brunst asked Mr. Holt about how the additional businesses were doing. Mr. Holt said the income from the office space the rental of the reception center had sustained the golf course.

Mayor Brunst asked if Sleepy Ridge was working with senior citizens in any way. Mr. Holt reported that due to the seniors' pace of play, providing resources had been difficult. Sleepy Ridge did not provide a senior punch card with senior rates, though organizing a senior league probably would not be aggressively pursued this year.

Mr. Davidson said the City had always maintained a good relationship with Mr. Holt and Sleepy Ridge Golf Course. Mr. Davidson noted the unique nature of that cooperation and commended those who had the foresight to craft this relationship. With no out-of-pocket cost to the City,

many acres of open space were being protected. Orem should do what was possible to keep the public/private partnership healthy.

Mr. Macdonald asked how long the lease was with the City. Mr. Holt said the lease had been amended in 2008, and that they were five years into a thirty-nine-year lease with the City.

## CITY MANAGER APPOINTMENTS

Mr. Davidson asked for the City Council's advice and consent on his appointments of Brenn Bybee, serving as the Assistant City Manager, and for Charlene Crozier, serving as the Orem Public Library Director Development Services Director.

Mr. Macdonald **moved** to provide the Council's advice and consent on the appointment Brenn Bybee and Charlene Crozier. Mr. Seastrand **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard Brunst, Tom Macdonald, Mark E. Seastrand, and David Spencer. The motion **passed**.
Donna Weaver, City Recorder, gave the oath of office to Mr. Bybee and Mrs. Crozier.

## PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

John Reinhard, resident, asked the Council to consider providing a form on the online bill pay system that would allow those wishing to contribute monetarily to specific departments within the City the opportunity to do so. Mr. Reinhard inquired about any updates on the possible partnership with Macquarie.

Barbara Petty, resident, spoke regarding the PacSun T-shirt incident. She said she disagreed with the City Attorney's Office on the issue and believed a letter should be sent to the store owners and to the mall, stating the material represented was illegal and should be stopped.

Wayne Burr shared a PowerPoint presentation regarding the proclamation of a day of prayer. He suggested that by signing the proclamation the Council would not designating this day as religious, but rather an opportunity for prayer.

Karen Zea, resident, spoke to the PacSun T-shirt incident saying it might be covered under the City's nuisance ordinance. Orem citizens under the age of eighteen should be protected. She did not believe the City was addressing the issue appropriately.

Judy Cox, resident, expressed disappointment in the City Attorneys' decision to not pursue criminal charges in reference to the PacSun T-shirt incident. She understood that the City's hands were tied due to precedent. Ms. Cox said she hopes that others will feel empowered to speak up as consumers.

Vauna Davis voiced concern with the impression received from the City Attorneys' PacSun decision. She said she thought the shirts were harmful for minors viewing them and believed the Council was working hard to justify the decision to not take action against PacSun.

Sharon Anderson said she was concerned Orem would be perceived as tolerating something in the PacSun ads that would not be allowed to be broadcast. Orem was setting a horrible example of what Family City, USA meant. She said she believed the City could do other things in lieu of criminal charges and requested the City Council to issue a statement as the community looks to the Council for example.

Dennis Hunsaker, resident, said he believed this t-shirt issue was a matter of great importance. He then went onto share a personal experience relating to this issue with calendars in the work place and likened it to the idea of the City employing a "double standard."

**CONSENT ITEMS**

There were no consent times.

**SCHEDULED ITEMS**

6:30 P.M. PUBLIC HEARING
RESOLUTION – CONDITIONAL USE PERMIT - Conditional Use Permit approval for a detached garage at 488 East 1320 North in the PD-14 zone

Jason Bench, Planning Division Manager, presented an applicant request for a Street Vacation. Currently, 900 South is a dead end without a connection to 800 East. Access to 900 South is from 750 East with 750 East connecting to 800 South. 900 South was dedicated to the City in 1977 with the recordation of Liston Subdivision, Plat "A", which was a one lot subdivision.

University Mall now requests that the City vacate 900 South from 800 East to 750 East. Typically, upon the vacation of a dedicated street, half the street area reverts to the property on one side and the other half reverts to the property on the other side. In this case, because the street was originally dedicated with Lot 1 of Liston Plat "A", the vacation of the entire street will automatically revert to the owner of Lot 1. University Mall owns Lot 1 of Liston Plat "A" as well as all of the property surrounding this portion of 900 South. The vacation should also reserve required and existing public utility easements.

University Mall LC proposes to use the vacated street area as a private access for their residential apartment development. This would make 750 East a dead end and will require the Mall to install an approved turn around.

The City Council may vacate the portion of 900 South Street between 750 East and 800 East if it finds (1) there is good cause for the vacation, and (2) the vacation will not be detrimental to the public interest. Additionally, the owners should be required to record a subdivision plat that incorporates the street vacation into the rest of their property and includes required and existing public utility easements.

Mr. Macdonald asked if anyone was living in the properties along this street. Mr. Bench indicated those properties had been sold, and the present Woodbury representative said the existing residents would be vacated by April 1, 2014.

Mr. Andersen asked if the City would be receiving any financial gain from vacating this street. Mr. Bench said this property was dedicated by the property owner years ago, and in the event the City Council approves the street vacation, the property would go back to the owner. The property is given to the City for use as long as necessary. If the city no longer needs the use of the property, the property reverts to the owner. This would be different if the property was "sold" to the City, but in this case the property was dedicated to the City for city use.

With no further comments or questions from the Council, Mayor Brunst opened the public hearing.

Ammon Avens, resident, voiced his frustration with the proposed street vacation. He said his family owned property in the area that would be difficult to develop should the Council approve the street vacation.

Taylor Candland, resident suggested the vacation should take place only after the PacSun store was no longer a tenant at the University Mall.

Mayor Brunst closed the public hearing.

Mr. Macdonald asked Mr. Avens to clarify his request. Mr. Avens suggested the City should connect the road to 800 East instead of vacating the property, and keep this road public.

Mayor Brunst called for a motion.

Mr. Andersen asked if he could make a motion to check to see if the City could make money on the street vacation. Mr. Bench reiterated that the property had been dedicated to the City, and when vacated, the property had to revert to the property owner who could do as they would with it.

Mrs. Black **moved** that the City Council, by ordinance, vacate approximately 0.26 acres of 900 South Street located between 750 East and 800 East. RB **seconded** the motion. Those voting aye: Councilmembers Margaret Black, Richard Brunst, Tom Macdonald, Mark E. Seastrand. Those voting nay: David Spencer and Hans Andersen. The motion **passed,** 4:2.

DISCUSSION – UTOPIA Operational Expenditures

Mayor Brunst requested that this item be placed on the agenda to (1) bring an update to the citizens with regard to UTOPIA; and (2) to bring discussion to the Council on the operating expense and operating losses of UTOPIA. This was not an action item on the agenda, but rather an opportunity to invite conversation and discussion between the Council.

Mayor Brunst reported on the legislative process taking place with Senator Valentine. Through that, the mayors of the eleven cities involved in UTOPIA and UIA were requested to meet to

discuss the legislation. The first of those meetings provided opportunity for the management of UTOPIA to make presentations on information regarding the operations of UTOPIA. Two meetings were spent relaying information and discussing what was presented.

Mayor Brunst drew attention to Macquarie being in the process of bringing forward the results of the first milestone in less than a month. At that time, the investigations of Macquarie would be made known. When the results were revealed, the cities will have a 30-day period to accept Macquarie's model before Macquarie's soft response turned hard. At that point, the cities would then have 60 days to formally accept or reject Macquarie model. The expense involved with the first milestone was approximately $450,000. If the first milestone was approved, the momentum would continue to the second milestone, which had an approximate duration of 7-to-10 weeks. The expense for the second milestone was $950,000. There were 4 milestones total, with a total cost approximately $4 million in consulting and investigation fees. Milestone 3 and 4 would involve financial commitment.

Each UTOPIA community had the right to accept or reject milestones one or two. Some cities might accept Macquarie's model and others might not. In order to accept the proposal by way of referendum, the City Council would have to pass some legislation that the referendum would take place in such a manner to allow a vote prior to Macquarie ending its ninety-day period. That was not a feasible option due to timing. The last option was to carry out a public poll or opinion vote. Mayor Brunst suggested a public survey to be conducted by BYU to get a feel for where Orem citizens stood on the topic. In order to make the proper decision the Council needed to know what the citizens are thinking.

Mayor Brunst indicated that UIA had picked up an additional $60,000 in revenue. UTOPIA requested the member cities to pay toward operational losses of UIA and UTOPIA. That figure was approximately $3.3 million per year. UTOPIA was involved in some legal suits, particularly one against the Rural Utility Service, which was a $120 million lawsuit brought by UTOPIA. Settlement terms for that suit would be requested in the coming weeks, and if those terms were not accepted, the law suit would go to trial in mid-July 2014. The trial carried a potential cost of $2 million.

Mayor Brunst added that previously $250,000 had been approved as a loan for operational expenses. This loan was to be paid back, with interest, within a certain number of years. Sometime thereafter another $575 million had been passed in loans for operational expenses. All cities had been requested to pay with money separate from bond funds.

Mayor Brunst reviewed the current legislation put forth by Senator John Valentine. The Mayor said a law had been passed stipulating the inability of new bonds to be used to pay for operational expense after the first twelve months of said bond. That only applied for taxable bonds. Mayor Brunst indicated tax-exempt bonds were less expensive for the City than the taxable bond counterpart.

This bond information was used to illustrate the concern and disparity with the involved UTOPIA cities paying for operational expenses. Mayor Brunst said that of the eleven UTOPIA cities, one city only had three connections to UTOPIA and was therefore not paying any operational expense. Of the remaining ten cities involved with UTOPIA, four cities were paying

operational expenses, and six were not. Orem had paid those its committment through January 2014.

Mayor Brunst then asked for Council input and discussion on the question of why Orem should continue paying operational expenses when other cities were not. He cautioned that, if operational expenses and losses were not paid, UTOPIA will be out of money come July 2014.

Mr. Andersen asked what the City could do for the citizens with regard to a utility fee as it pertained to the Macquarie model. He said he believed it was time the City provided the citizens with information. He asked Mr. Stephens what would happen if the City opted for an initiative to approve/deny Macquarie's model. Mr. Stephens said each Council member could decide to vote how they want, but the law only went into effect when the citizens voted on it. The signatures alone did not create the law.

Mayor Brunst said the reality was the City Council could vote to join with Macquarie, or they could opt not to. If the City decided not to join, the City could join at a later time, though that would cost more money.

Mayor Brunst expressed his opinion that he would like to see Orem continue to pay the operational expenses. His suggestion would be to fund the deficit with bond funds in order to allow one more year to determine a solution.

Mr. Spencer said he would be in favor of utilizing the bond money.

Mr. Seastrand said the intent of bond money was to generate growth and revenue, which would, in turn, cover operational costs. Taking away from these funds would reduce revenue-generating opportunities. He said shutting down UTOPIA was not a viable option and acknowledged that there was an element of inequality within the UIA. Mr. Seastrand said he was unaware of the options being considered by UIA to address the inequality within the UTOPIA cities.

Mayor Brunst said part of the operational losses were litigation costs. If there came a settlement, the awarded settlement would go to the cities who helped pay for the litigation. To this, Mr. Seastrand said he could support Mayor Brunst's recommendation to utilize bond funds to carry UTOPIA one more year.

Mr. Andersen said giving more money would only extend the inevitable and expressed he was opposed to giving any more money.

Mr. Spencer asked how much Orem had spent on litigation. Mayor Brunst said, collectively, UTOPIA had spent approximately $500,000 on litigation, and if UTOPIA were to win the lawsuit, the award from would be divided between the cities that had helped fund the litigation through paying their portion of operation expenses.

Mr. Macdonald said the discussion was something that affects the entire city of Orem. From a business owner perspective, it was difficult to sell a business that was losing money. The real question was what the City would need to do to turn UTOPIA into a winner. He acknowledged that they were on the verge of potentially winning a $100 million dollar lawsuit, which winnings

could go to pay some of the expenses back. He was not in favor of strangling a thing that has cost so much. Mr. Macdonald affirmed that there are bridges yet to be crossed on the issue.

Mrs. Black said she believed the wise course of action would be to continue to fund operational expenses, though she did not favor the idea to use contingency money to see where the City was at in a few months. The bond should not be involved. She asked Mayor Brunst what other mayors were considering bond money.

Mayor Brunst said some were and some were not, just as some cities were will to pay operating expenses and some were not. He personally believed it would be a good idea to use the bond because the money would be difficult to gather at the end of the fiscal year.

Mrs. Black encouraged Mayor Brunst to continue to have conversations with other involved cities to determine what their methods would be in coming up with the funds to address the deficit. She noted that any potential utility fees were not part of the discussion at this time, and she would rather discuss real facts than numbers pulled from a hat.

Mr. Andersen asked how long the lawsuit had been going on. Mayor Brunst said the thought it was since 2010. He also reiterated that if the law suit is won, the cities who participated in the litigation would share any award money.

Mr. Andersen and Mrs. Black spoke to the utility fee being a specific figure. Mrs. Black pointed out that the current discussion did not involve utility fees.

Mayor Brunst said no one knew what a utility fee might be. That information would be part of Macquarie's results after they completed milestone one.

## CONTINUATION OF PERSONAL APPEARANCES

James Fawcet voiced concern that the lawsuit would take forever, and he felt the idea of putting more money into UTOPIA should not even be brought up.

## COMMUNICATION ITEMS

There were no communication items.

## CITY MANAGER INFORMATION ITEMS

Mr. Davidson reported on the joint City Council meeting held with the Alpine School District.

Mr. Davidson gave a brief overview of an agenda item coming to the Council on March 25, 2014, regarding the separation of the Public Safety Department into separate police and fire departments. Ideally that separation would take effect on July 1, 2014. He presented this item to the council in advance to give him an opportunity to actively recruit a police chief before the change would take effect.

Mr. Macdonald addressed Judy Cox's statement. He believed the City was doing what was right and reiterated that competent legal counsel has instructed the Council that pursuing the issue further would not be in the best interest of the City from a sound financial perspective.

Mr. Spencer agreed with Mr. Macdonald. Mr. Spencer suggested the possibility of the City Council sending a letter indicating the dislike for the display.

Mr. Davidson asked the Woodbury representative to take the information and concerns brought forth in the meeting back to the Woodbury Corporation.

Mr. Seastrand added that the City Council was not a judicial body and did have authority in how the law was enforced. The City Council did have the opportunity to look at current laws and improve the laws already in place.

Mayor Brunst said he felt offended by what he saw in the PacSun ads and would like Orem to remain "Family City USA." He said it was important to preserve a moral standard. He was unsure if the Council writing a letter would be deemed appropriate, but he said he could look over the possibility.

Mr. Davidson spoke to the proclamation presented by Mr. Burr. He advised the Council to be mindful of the recommendation made by the City Attorney relative to the proclamation presented. Mrs. Black, Mr. Macdonald and Mayor Brunst all spoke to the desire of supporting the request in the most appropriate way.

## ADJOURNMENT

Mr. Andersen **moved** to adjourn the meeting. Mr. Spencer **seconded** the motion. Those voting aye: Councilmembers Hans Andersen, Margaret Black, Richard Brunst, Tom Macdonald, Mark E. Seastrand, and David Spencer. The motion **passed** unanimously.

The meeting adjourned at 8:03 p.m.

OREM CITY COUNCIL/ALPINE SCHOOL DISTRICT
SPECIAL JOINT MEETING
56 North State, Orem, Utah
March 12, 2014

*This meeting was for discussion purposes only. No official action was taken.*

| | |
|---|---|
| CONDUCTING | Mayor Richard Brunst |
| OREM ELECTED OFFICIALS | Mayor Richard Brunst; Councilmembers Margaret Black, Tom Macdonald, and Mark Seastrand |
| OREM STAFF | Jamie Davidson, City Manager; Dawnie Larsen, Deputy City Recorder |
| ALPINE BOARD OF EDUCATION | Paula Hill, Jodee Sundberg, and Debbie Taylor |
| ALPINE SCHOOL DISTRICT ADMIN. | Vern Henshaw, Superintendent; Rob Smith, Assistant Superintendent |
| EXCUSED | Councilmembers Brent Sumner and David Spencer |
| ABSENT | Councilmember Hans Andersen |
| INVOCATION | Tom Macdonald |

Mayor Brunst invited everyone to introduce themselves.

**Items of Common Interest**

New Assessment System

Mr. Henshaw indicated that the district was having meetings where local schools informed parents of a new assessment test that would be used. The new system was adaptive, where students would take a test. Missed questions would then be given that were easier, adapting to the student's ability. If the student answered all the questions correctly, the next questions would be harder. The point of an adaptive test was to establish a baseline for individual students, helping them to progress over time. The schedule of information meetings was posted on the district's website.

Construction

Mr. Smith reviewed construction work around the district:

- New gym at Orem Junior High – would be one larger gym that could be divided into two rather than two smaller gyms. It would also have some classrooms in it which would lead up to an eventual rebuilding of the school.
- Addition to Pleasant Grove High School
- Reviewed the reasoning behind the phased reconstruction of Lehi High School

- Roofing project at Sharon Elementary, including some seismic work
- Working through some boundary issues with some neighbors by Scera Park Elementary
- Permanent entrance to the playground at Scera Park Elementary
- Detention ponds on school properties—Lakeridge, Cascade, Bonneville
- The Orchard Elementary Community Council had concerns about the current drop off. They are looking at various options, including a second location.
- Cherry Hill Elementary open house was scheduled for April 22, 2014, and the Council was invited to attend.

Legislative Session

Mr. Smith said they have been working on House Bill 109. The bill would provide prioritization for the use of excess, one-time revenues for low-assessed districts and high-growth districts. The Alpine School District qualified as both. He noted the bill was currently being held in the Rules Committee.

In response to queries from Mrs. Black and Mr. Davidson, Mr. Smith explained how the current funding process for schools worked. If passed, the bill could provide the district with an additional $6 million.

Mayor Brunst said he recognized that the recently approved apartment complexes had not yet and might never be built. He wondered how they could impact the schools.

Mr. Henshaw said that would depend upon the kind of apartments. Small units were less likely to have young families that would stay long enough for school-aged children. If the units had more bedrooms, families were more likely to live in them longer which could have an impact.

Mr. Davidson noted that when the University Place development was proposed, he had a discussion with Mr. Smith, who indicated the Alpine School District could accommodate the expected growth.

Charter Schools

Mr. Macdonald asked (1) how charter schools impacted the school district; and (2) who owned the buildings. Mr. Smith indicated that could depend. It was usually a management company. The school buildings were usually constructed by a contractor and then leased to the charter schools.

Mr. Smith reviewed how charter schools work. He said one area of concern was when a charter school was placed in an area where the enrollment was flat or declining for a nearby traditional school. It created a more rapid decline in the student population of the regular school. This resulted in empty space in an existing building. This results in the tax payers essentially paying for seats in both places. A bill was being considered in the legislature that would require giving priority to locating charter schools in areas of growth. Mr. Smith then reviewed the funding of charter schools.

Mrs. Black shared a discussion she had had with a teacher about a situation where a large influx of high school-aged students who had previously attended a charter school had flooded the regular high school. Mr. Smith said the Alpine School District tried to track that kind of thing.

Mr. Henshaw said it was financially more difficult to administer a program in the junior high and high school levels. He heard recently that one charter school would be dropping seventh and eighth grades, and he passed that information on Mr. Smith to include in projections.

Mr. Seastrand observed that traffic is a big problem with charter schools because it was not a neighborhood school. Parents had to drive the children there. Referring to the future growth in Vineyard, Mr. Seastrand asked how the Alpine School District anticipated accommodating those new students without building new schools.

Mr. Henshaw said if the area developed as currently planned, there would need to be a new elementary school there. The size of the school and its location would be decided after considering how to shift other Orem student populations. Shifting students sounded good on paper, until it was time to talk to the parents of the students who would have to be moved.

Technology in Schools

Mayor Brunst said he had seen how technology could help student scores, sometimes as high as 20-30 percent.

Mr. Henshaw said their first priority was to get infrastructure in place. In order to utilize the technology, it was also necessary to train staff how to use it to improve learning in a different way. He said he was not sure using technology the same way paper had always been used was the best way. Their goal was to designate technology funding that individual schools or teachers could apply for. They would have to explain how the technology would be used to impact learning. Their successes could be shared. Mr. Henshaw noted that most children already had access to higher levels of technology than the school district could provide.

100 Year Celebration

Mrs. Sundberg noted that in 2015 the Alpine School District would be celebrating its 100th birthday as a district. They had a lot of fun things planned.

Latinos in Action Conference

Mrs. Black said she had attended the conference the day before. The program that began in the Alpine School District has grown. She was very impressed.

Orem Issues

Mr. Davidson reviewed the following:

- 800 East rebuild - the project would begin in June and run all summer long. The City would do everything possible not to negatively impact the schools.
- Fitness Center remodel
- Private cosponsored groups – as the staff has had discussions with the groups that use the City's facilities, people had said if they could not get what they wanted from Orem, and they would go to the Alpine School District for a better deal. Some groups would represent themselves as Orem organizations but a review of their rosters show that more than half the participants came from other cities. The City's goal was to take care of the needs of Orem residents. New fee schedules being proposed would lean in behalf of groups whose members were largely from Orem. Other groups would have to pay more

for use of Orem facilities. The City would be using a model similar to one the school district already used.

- Assault on a Cherry Hill student – the Orem police were actively working on the case. They had been discussing ways to have a stronger public safety presence in the schools.

Set Date and Time for Next

The next meeting was scheduled for May 14, 2014, at noon in Orem.

The meeting adjourned at 1:30 p.m.

# UPCOMING EVENTS

| DATE | BUSINESS AND LOCATION | TYPE |
|---|---|---|
| MAR 22 | MISS OREM<br>7:00 PM<br>Mountain View HS | SCHOLARSHIP PAGEANT |
| APRIL 9 – 11 | ULCT<br>Dixie Center, St. George | MIDYEAR CONFERENCE |
| MAY 13 | CITY OF OREM / UTA<br>7:30 AM<br>TBD | BIKE TO WORK DAY |
| MAY 26 | CITY OF OREM<br>9:00 AM<br>Orem City Cemetery | MEMORIAL DAY PROGRAM |
| JUNE 13 – 14 | CITY OF OREM<br>City Center Park | SUMMERFEST |
| SEPT 10 -12 | ULCT<br>SL Sheraton | ANNUAL CONFERENCE |

| CITY OF OREM<br>**CITY COUNCIL MEETING**<br>MARCH 25, 2014 | |
|---|---|
| **REQUEST:** | **6:00 P.M. PUBLIC HEARING**<br>**Receive Public Comment on the Community Development Block Grant (CDBG) Projected Use of Funds for Fiscal Year 2014-2015** |
| **APPLICANT:** | City of Orem Community & Neighborhood Services |
| **FISCAL IMPACT:** | $738,821 (estimate) |

**NOTICES:**
-Posted in 2 public places
-Posted on City webpage
-Posted on City hotline
-Faxed to newspapers
-E-mailed to newspapers
-Neighborhood Chair

**SITE INFORMATION:**
General Plan Designation:
**N/A**
Current Zone:
**N/A**
Acreage:
**N/A**
Neighborhood:
**N/A**
Neighborhood Chair:
**N/A**

**PREPARED BY:**
Charlene Crozier
Former CNS Manager

**RECOMMENDATION:**
**The Community & Neighborhood Services Manager recommends the City Council hold the first of two public hearings to receive public comment on the projected uses of funds for the 2014-2015 Community Development Block Grant.**

**BACKGROUND:**
During the past few months, the CDBG Citizen Advisory Commission heard funding proposals from various applicants who wish to receive CDBG funding. The Commission will present its recommendations to the City Council, after which a public hearing will be opened for comment on the proposed uses of funds.

Following a second public hearing that is scheduled for April 22, 2014, at 6:20 p.m., the City Council will adopt a resolution approving the CDBG Final Statement of Projected Uses of Funds for 2014-2015.

Projected funding includes new entitlement, program income, and reprogrammed unspent funds from previous years. The total funding amount is an estimate that will be finalized as soon as the City of Orem receives the actual CDBG entitlement amount from the U.S. Department of Housing and Urban Development.

**Community Development Block Grant Summary of Requests for 2014-2015**

Overview:

The City of Orem receives an annual entitlement of funding from the Department of Housing and Urban Development (HUD). These funds are known as the Community Development Block Grant (CDBG), and they are designed to improve the lives of lower-income residents in our community. CDBG funds come directly to Orem because it is a community over 50,000 in population. The exact amount of funding that we receive each year varies due to federal budgeting, formula determinations, and statewide allocation. Orem's entitlement funding for Fiscal Year 2014-2015 is $609,734. Additionally, we are reprogramming unspent funding from previous projects and program income.

| | |
|---|---|
| New Entitlement | $609,734 |
| Reprogrammed from Housing Rehab: | $100,000 (unspent from previous years) |
| Reprogrammed from other projects: | $ 5,064 (unspent from non public service projects) |
| Housing Rehab Income: | $ 10,000 (estimate) |
| Business Revolving Loan Fund Income: | $ 25,000 (estimate) |
| **Total** | **$749,798** |

Because HUD considers itself to be a "brick and mortar" agency, we are limited to spending 15% of our funding on activities that are considered public services. By policy, Orem makes 15% of its new entitlement funding available for public services. The amount available for public services for 2014-2015 is $91,460. The amount for other activities that aren't public service is $658,338 for 2014-2015.

The following is a summary of applications and recommendations for the funding from the CDBG Citizen Advisory Commission:

| **Proposals - Other** | | | |
|---|---|---|---|
| **Organization** | **Proposed Use of CDBG Funds** | **Request** | **Recommendation** |
| Habitat for Humanity | Funding would be used to implement a grant/loan program to help low-income Orem homeowners make critical repairs to their homes. | $35,000 | $35,000 |
| City of Orem | Funding would be used to pay for two full-time Code Enforcement officers (Neighborhood Preservation Unit) to provide additional support to income-qualified neighborhoods. | $120,000 | $120,000 |
| City of Orem | Funding would be used to improve infrastructure such as curb, gutter, sidewalk, street, storm water drains, and waste water pipes in income-qualified Orem neighborhoods. | $258,338 | $258,338 |
| City of Orem | Funding would be used to repay a Section 108 Loan that was obtained for economic development and job creation. | $105,000 | $105,000 |

| | | | |
|---|---|---|---|
| City of Orem | Funding would be used for program administration, including staff costs, office expenses, and audit costs. | $115,000 | $115,000 |
| City of Orem | Funding would be used for economic-development loans/grants for the purpose of creating jobs. | $25,000 | $25,000 |

| Proposals – Public Service | | | |
|---|---|---|---|
| **Organization** | **Proposed Use of CDBG Funds** | **Request** | **Recommendation** |
| Family Support & Treatment Center | Funding would be used to pay for therapy services to abused children. | $10,000 | $10,000 |
| Project Read | Funding will be used to help provide a Literacy Specialist to help with adult literacy programs. | $7,500 | $3,000 |
| PERC – Parent Education Resource Center | Funding will be used for new materials and operational expenses for a lending library of educational items. | $3,000 | $2,000 |
| Center for Women and Children in Crisis | Funding will be used to pay for operations of a shelter for women/children who are victims of domestic violence (maintenance, utilities, and communication expenses). | $10,000 | $10,000 |
| Community Action Services and Food Bank | Funding would be used to pay for costs related to the food pantry and the distribution of food orders to low-income individuals and families. | $16,500 | $16,500 |
| Mountainlands Community Health Center | Funding would be used to provide primary, medical, dental, and mental healthcare to qualifying Orem residents. | $15,000 | $5,000 |
| House of Hope | Funding would be used to pay a portion of the cost for a Children's Services Supervisor for an organization that provides inpatient substance abuse treatment for mothers and services to their children. | $10,000 | $5,000 |
| Big Brothers Big Sisters of Utah | Funding would be used to pay for operating expenses for an organization that matches children with adult mentors – approximately 1 Orem child would be matched. | $2,000 | $1,000 |
| Literacy Resources | Funding would be used to pay for operating expenses for a literacy program that focuses on child and family literacy. | $4,500 | $2,000 |
| RAH – Recreation and Habilitation | Funding would be used to pay for operating expenses for a program that serves disabled adults through activities, classes, and other support. | $19,425 | $7,000 |

| | | | |
|---|---|---|---|
| Utah County Drug and Alcohol Prevention | Funding would be used to pay for a new electronic health record system to serve county clients. | Request was withdrawn by the applicant because other funding was secured. | |
| Friends of the Utah County Children's Justice Center | Funding would be used to pay for therapy services for abused children. | $35,000 | $10,960 |
| Friends of the Food and Care Coalition | Funding would be used to provide a meals program to homeless and very low-income individuals and families. | $7,500 | $7,000 |
| Utah County 4-H | Funding would be used to provide a portion of program expenses for an after-school mentoring program for youth at four Orem schools. | $5,516 | $2,000 |
| Community Health Connect | Funding would be used to provide for program expenses for an agency that recruits volunteer medical/dental providers to donate services to low-income clients who need care. | $5,000 | $4,000 |
| Kids on the Move | Funding would be used to for a portion of staff and program expenses for health services literacy training for low-income families who have children with developmental delays or disabilities. | $16,015 | $6,000 |

**If you have any questions about the proposals or the requesting agencies, please feel free to contact Charlene Crozier at ccrozier@orem.org or (801) 229-7047.**

| CITY OF OREM<br>**CITY COUNCIL MEETING**<br>MARCH 25, 2014 | |
|---|---|
| **REQUEST:** | **6:20 PUBLIC HEARING**<br>**ORDINANCE - Amending Appendix X (Page X.7) of the Orem City Code pertaining to the concept plan of the PD-11 zone at 1430 South Sandhill Road** |
| **APPLICANT:** | Alexis Gevorgian |
| **FISCAL IMPACT:** | None |

**NOTICES:**
-Posted in 2 public places
-Posted on City webpage
-Posted on City hotline
-Faxed to newspaper
-Emailed to newspaper
-Posted on utah.gov/pmn
-Posted property
-Mailed 31 notices on February 7, 2014

**SITE INFORMATION:**
- General Plan
  **Low Density Residential**
- Current Zone
  **PD-11**
- Acreage
  **11.07**
- Neighborhood
  **Lakeview**
- Neighborhood Chair
  **Garr Judd**

| PLANNING COMMISSION RECOMMENDATION |
|---|
| **Approve: 5-0** |

| PREPARED BY: |
|---|
| David Stroud, AICP<br>Planner |

**REQUEST:** Alexis Gevorgian requests the City Council, by ordinance, approve to amend the concept plan of the PD-11 zone at 1430 South Sandhill Road as contained in Appendix X (PageX.7) of the Orem City Code.

**BACKGROUND:** The PD-11 zone was approved by the City Council on May 22, 2012, to permit the construction of residential townhome units at a maximum density of 14 units per acre. The zone comprises 11.07 gross acres divided between two owners. The applicant owns 10.65 acres and Jerald Jones owns 0.42 acres, consisting of two parcels at the southeast corner of 1430 South and Sandhill Road. Each of Mr. Jones' parcels contains an existing dwelling.

The approved concept plan in Appendix X has a density of 13.45 units per acre which is less than the maximum approved density of 14 units per acre. Mr. Jones' property, as shown on the current concept plan, has a density greater than 14 units per acre, while Mr. Gevorgian's property density is less than 14 units per acre.

The applicant proposes to relocate units from the Jones property in addition to adding an additional five units to his property bringing each owner as close as possible to the maximum of 14 units per acre. Based on the current concept plan, the applicant has 13.2 units per acre and Mr. Jones has 19.04 units per acre. Overall, the approved density does not change since the PD-11 zone is permitted 14 units per acre. Mr. Jones will have 5 units on 0.42 acres which is 11.09 units per acre. Mr. Gevorgian will have 149 units on 10.65 acres, which is 13.9 units per acre. If an additional unit was included on each owner's property, each would then be over the maximum of 14 units per acre. The revised concept plan has an overall density of 13.91 units per acre. The applicant also proposes to relocate the clubhouse facility to a more central location.

Mr. Jones has expressed his approval of this request. A neighborhood meeting was held on August 6, 2013, in the City Council chambers with zero residents in attendance.

Advantages
- Each property meets the density requirements individually.
- The overall project density is under the current maximum density of

14 units per acre.

- The clubhouse is relocated to a central location
- Allows each property owner to develop their property separately

Disadvantages

- None identified

**RECOMMENDATION:** Based on compliance with the Orem City Code and the advantages outlined above, the Planning Commission recommends the City Council approve the request to amend Appendix X (Page X.7) of the Orem City Code pertaining to the concept plan of the PD-11 zone at 1430 South Sandhill Road. Staff also recommends approval of this request.

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING PAGE X.7 OF APPRENDIX X OF THE OREM CITY CODE PERTAINING TO THE CONCEPT PLAN OF THE PD-11 ZONE AT 1430 SOUTH SANDHILL ROAD

WHEREAS on May 9, 2013, Alexis Gevorgian filed an application with the City of Orem requesting the City amend page X.7 of Appendix X of the Orem City Code pertaining to the concept plan of the PD-11 zone at 1430 South Sandhill Road; and

WHEREAS on March 5, 2014, the Planning Commission held a public hearing to consider the subject application and forwarded a positive recommendation to the City Council; and

WHEREAS on March 25, 2014, the City Council held a public hearing to consider the subject application; and

WHEREAS a public hearing notice was posted at 56 North State Street, orem.org, utah.gov/pmn, and in a newspaper of general circulation; and

WHEREAS notices to were mailed to all property owners within three hundred feet of the subject property and the property was posted; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety, and general welfare of the City; the orderly development of land in the City; the effect upon the surrounding neighborhoods; the compliance of the request with all applicable City ordinance and the Orem General Plan; and the special conditions applicable to the request.

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

1. The City Council hereby finds this request is in the best interest of the City because it will allow property in the PD-11 zone to be more efficiently developed, will allow each parcel in the PD-11 zone to be independently developed at the maximum density allowed in the zone, and will not have any negative impact on adjacent properties.

2. The City Council hereby amends page X.7 of Appendix X of the Orem City Code as shown on Exhibit A which is attached hereto and incorporated herein by reference.

3. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

4. All other ordinances in conflict herewith are hereby repealed.

5. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

PASSED, APPROVED and ORDERED PUBLISHED this **25th** day of **March** 2014.

_____

Richard F. Brunst, Jr., Mayor

ATTEST:

_____

Donna R. Weaver, City Recorder

| COUNCIL MEMBERS VOTING "AYE" | COUNCIL MEMBERS VOTING "NAY" |
| --- | --- |
| | |
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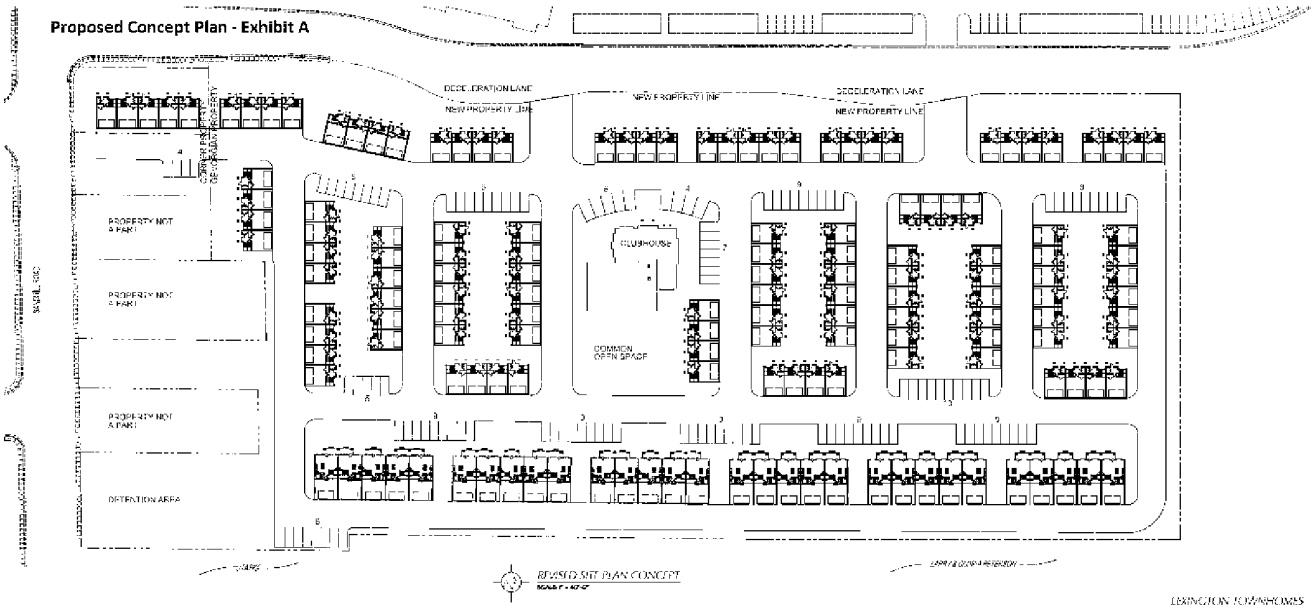
| | |

# EXHIBIT "A"

**Proposed Concept Plan - Exhibit A**




LEXINGTON TOWNHOMES
REVISED SITE PLAN
OREM, UTAH

CURTIS ABBOTT

*PROJECT DATA - NORTH WEST CORNER PROPERTY*

| | |
|---|---|
| *GROSS PROPERTY AREA:* | *0.47 ACRES* |
| *DENSITY ALLOWED:* | *14 UNITS PER GROSS ACRE* |
| *TOTAL UNITS ALLOWED* | *7.9 UNITS* |
| *TOTAL UNITS SHOWN:* | *7 UNITS* |
| *GUEST PARKING REQUIRED:* | *3.5 (0.78 STALLS PER UNIT)* |
| *GUEST PARKING PROVIDED:* | *4* |

*PROJECT DATA - GEORGIAN PROPERTY ONLY*

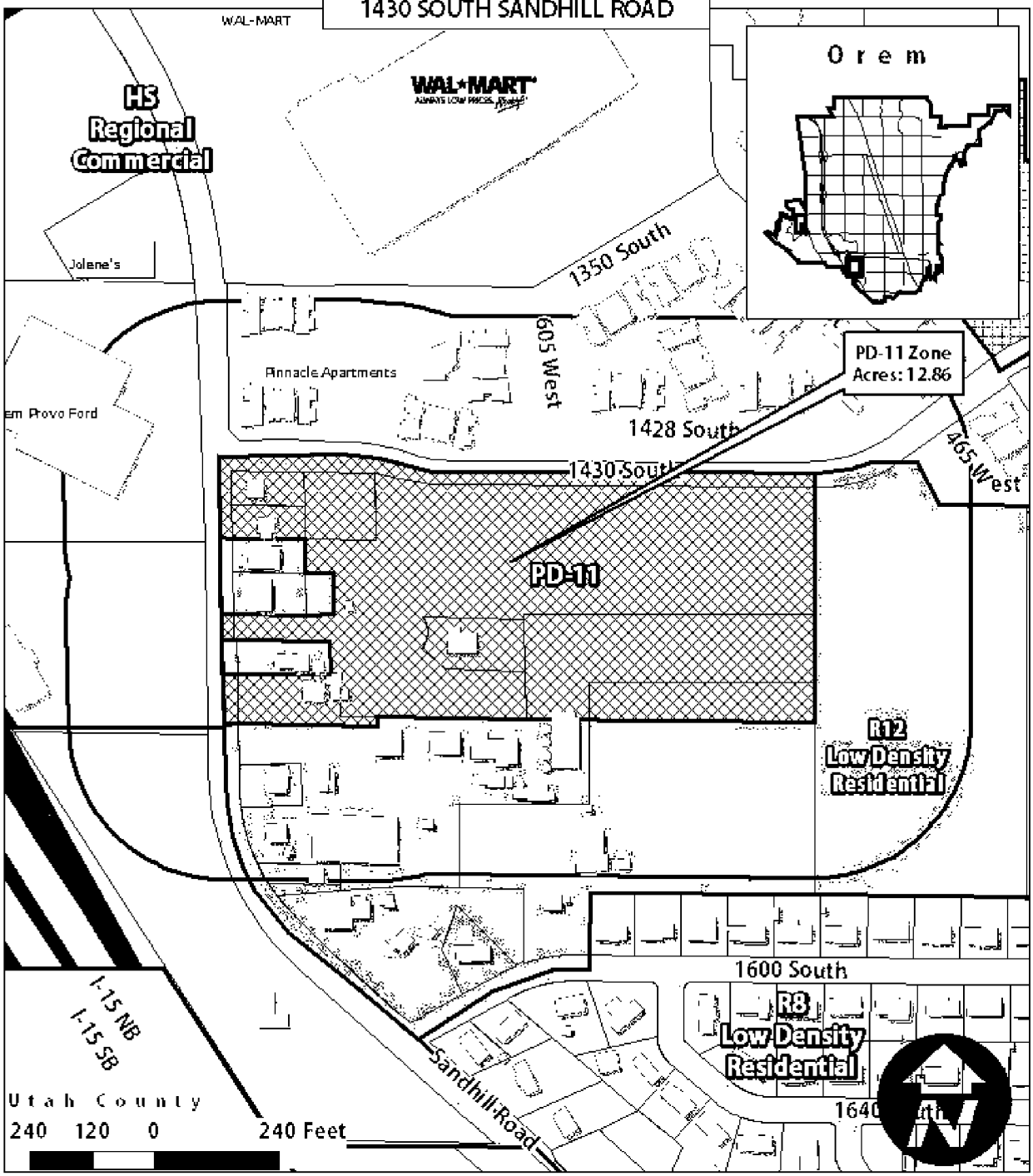
| | |
|---|---|
| *GROSS PROPERTY AREA:* | *10.65 ACRES* |
| *DENSITY ALLOWED:* | *14 UNITS PER GROSS ACRE* |
| *TOTAL UNITS ALLOWED:* | *149.1 UNITS* |
| *TOTAL UNITS SHOWN:* | *149 UNITS* |
| *GUEST PARKING REQUIRED:* | *117 (0.78 STALLS PER UNIT)* |
| *GUEST PARKING PROVIDED:* | *119* |

*PROJECT DATA - TOTAL PROJECT*

| | |
|---|---|
| *GROSS PROPERTY AREA:* | *11.02 ACRES* |
| *DENSITY ALLOWED:* | *14 UNITS PER GROSS ACRE* |
| *TOTAL UNITS ALLOWED:* | *154.9 UNITS* |
| *TOTAL UNITS SHOWN:* | *156 UNITS* |
| *GUEST PARKING REQUIRED:* | *121 (0.78 STALLS PER UNIT)* |
| *GUEST PARKING PROVIDED:* | *123* |
| *LANDSCAPED AREA:* | *41.3%* |

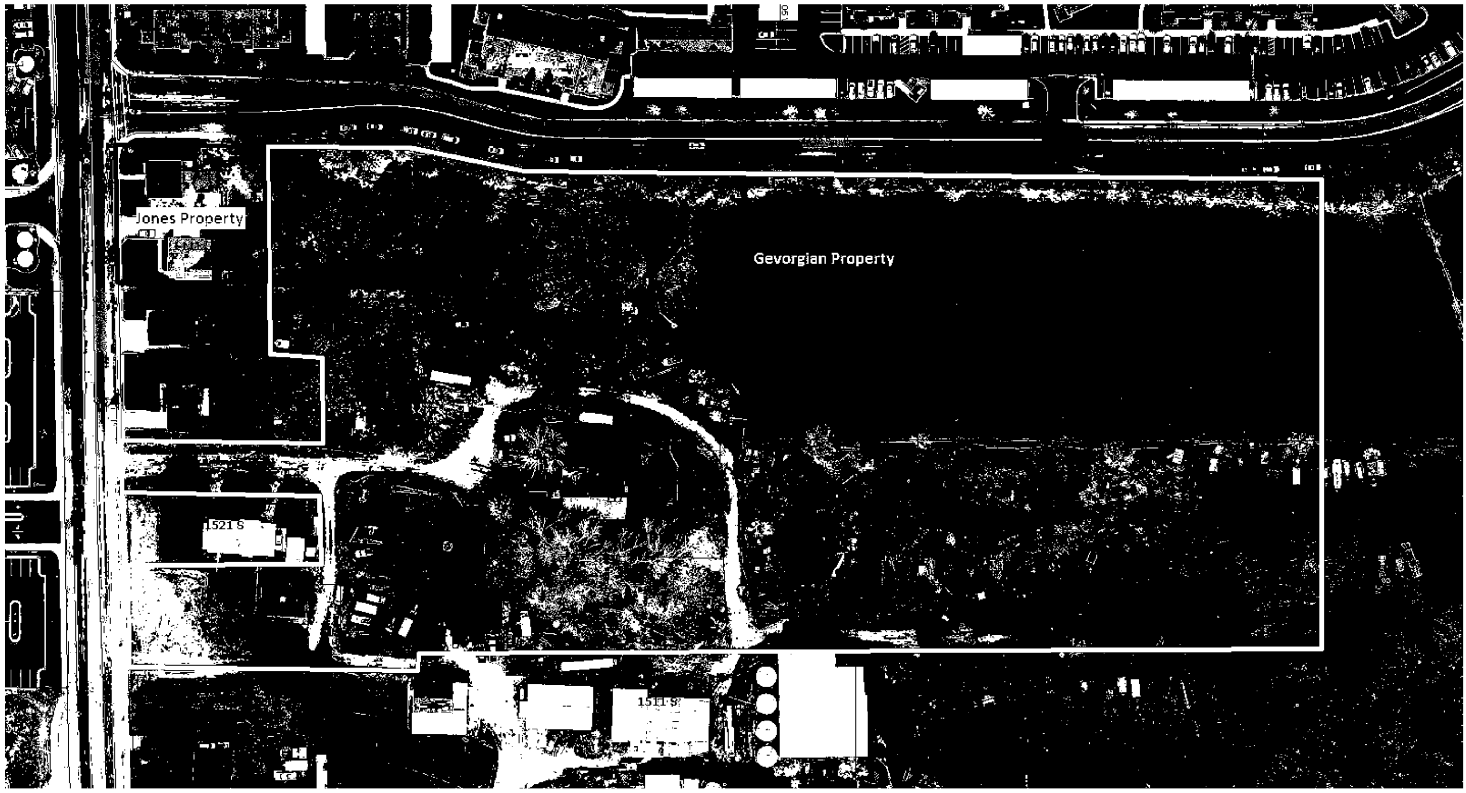
# PD-11 Zone

1430 SOUTH SANDHILL ROAD

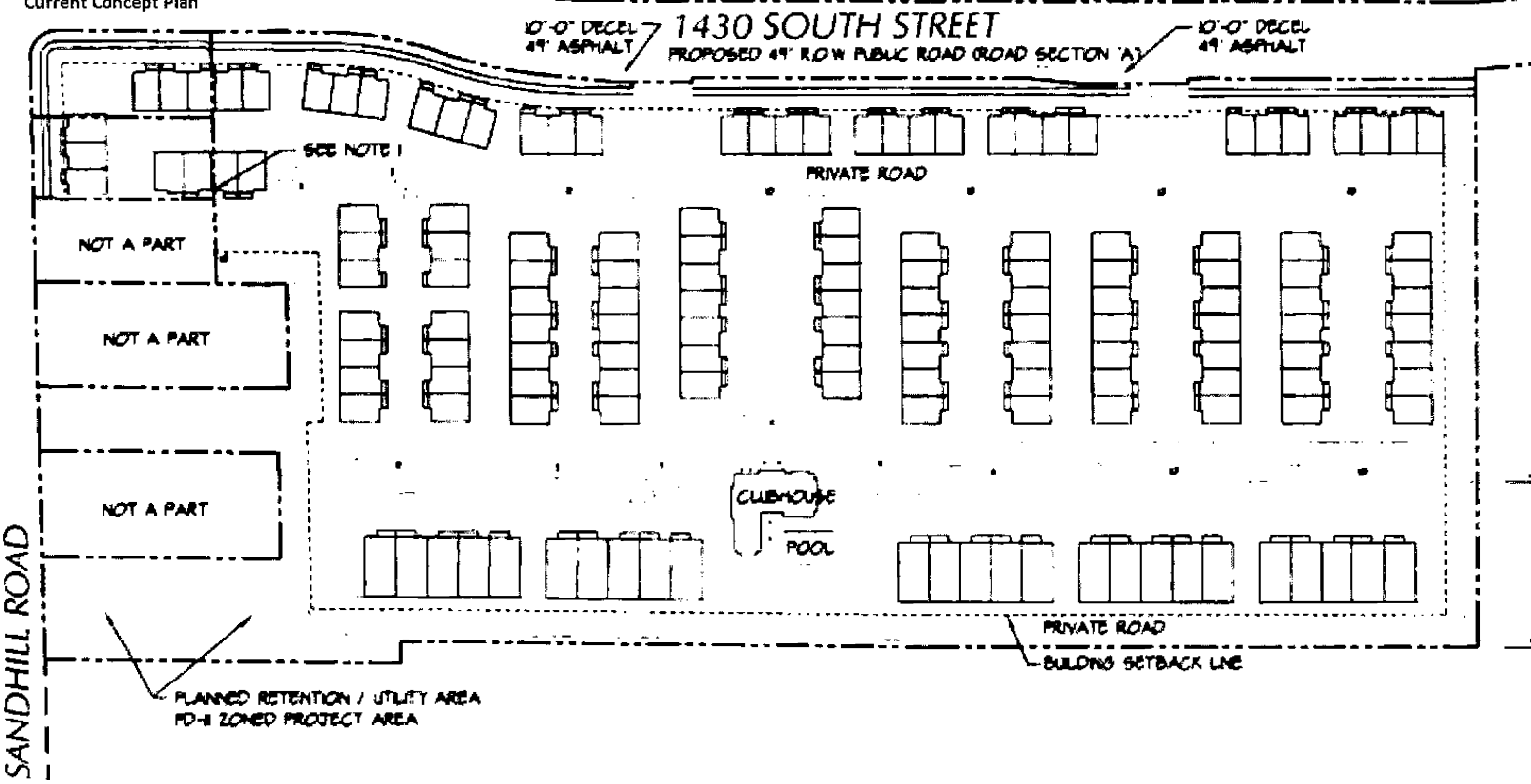



PD-11 Zone:
12.86 Acres.

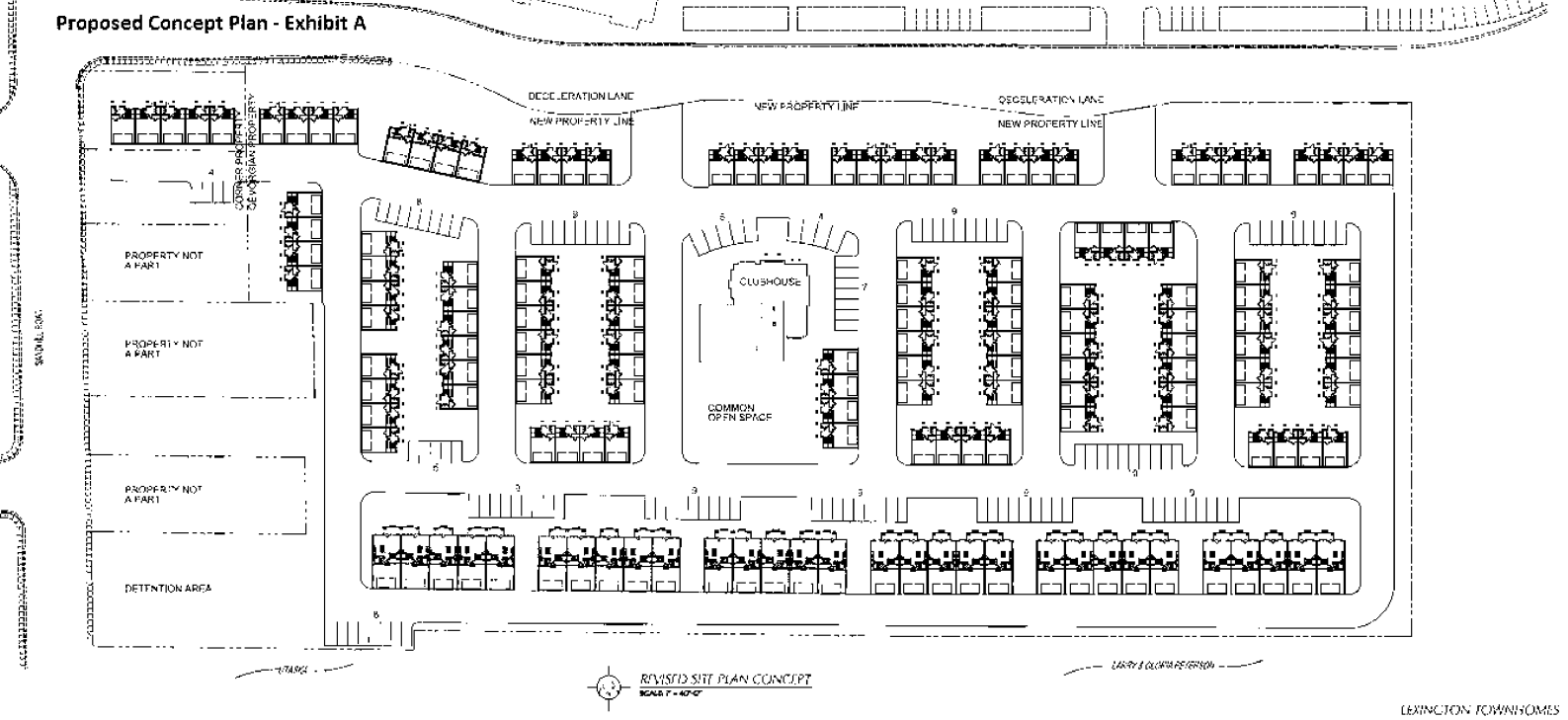
NIA CONTACT:
Lakeview Neighborhood
Garr Judd


Jones Property
1521 S
Gevorgian Property
1511 S

Current Concept Plan



## Proposed Concept Plan - Exhibit A




LEXINGTON TOWNHOMES
REVISED SITE PLAN
OREM, UTAH

CURTIS MAKER

*PROJECT DATA - NORTH WEST CORNER PROPERTY*

| | |
|---|---|
| GROSS PROPERTY AREA: | 0.42 ACRES |
| DENSITY ALLOWED: | 14 UNITS PER GROSS ACRE |
| TOTAL UNITS ALLOWED: | 5.9 UNITS |
| TOTAL UNITS SHOWN: | 5 UNITS |
| GUEST PARKING REQUIRED: | 3.9 (0.78 STALLS PER UNIT) |
| GUEST PARKING PROVIDED: | 4 |

*PROJECT DATA - GEVORGIAN PROPERTY ONLY*

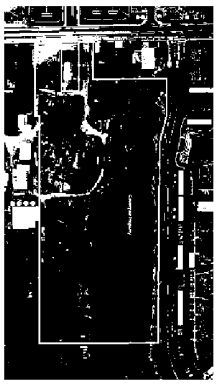
| | |
|---|---|
| GROSS PROPERTY AREA: | 10.65 ACRES |
| DENSITY ALLOWED: | 14 UNITS PER GROSS ACRE |
| TOTAL UNITS ALLOWED: | 149.1 UNITS |
| TOTAL UNITS SHOWN: | 149 UNITS |
| GUEST PARKING REQUIRED: | 117 (0.78 STALLS PER UNIT) |
| GUEST PARKING PROVIDED: | 119 |

*PROJECT DATA - TOTAL PROJECT*

| | |
|---|---|
| GROSS PROPERTY AREA: | 11.07 ACRES |
| DENSITY ALLOWED: | 14 UNITS PER GROSS ACRE |
| TOTAL UNITS ALLOWED: | 154.9 UNITS |
| TOTAL UNITS SHOWN: | 154 UNITS |
| GUEST PARKING REQUIRED: | 121 (0.78 STALLS PER UNIT) |
| GUEST PARKING PROVIDED: | 123 |
| LANDSCAPED AREA: | 43.3% |

**DRAFT PLANNING COMMISSION MEETING – MARCH 5, 2014**
**AGENDA ITEM 3.2** is a request by Alexis Gevorgian to amend **APPENDIX X PERTAINING TO THE CONCEPT PLAN OF THE PD-11 ZONE** of the Orem City code at 1430 South Sandhill Road.

**Staff Presentation:** The PD-11 zone was approved by the City Council on May 22, 2012, to permit the construction of residential townhome units at a maximum density of 14 units per acre. The zone comprises 11.07 gross acres between two owners. The applicant owns 10.65 acres and Jerald Jones owns 0.42 acres consisting of two parcels at the southeast corner of 1430 South and Sandhill Road. Each of Mr. Jones' parcels contains a dwelling.



The approved concept plan in Appendix X has a density of 13.45 units per acre which less than the maximum approved density of 14 units per acre. Mr. Jones' property as shown on the current concept plan has a density greater than 14 units per acre while Mr. Gevorgian's property density is less than 14 units per acre.

The applicant proposes to relocate units from the Jones property plus add an additional five units to his property so that each owner is as close as possible to the maximum of 14 units per acre. Based on the current concept plan, the applicant has 13.2 units per acre and Mr. Jones has 19.04 units per acre. Overall, the approved density does not change since the PD-11 zone is permitted 14 units per acre. Mr. Jones will have 5 units on 0.42 acres which is 11.09 units per acre. Mr. Gevorgian will have 149 units on 10.65 acres which is 13.9 units per acre. If an additional unit was included on each owner's property, each would then be over the maximum of 14 units per acre. The revised concept plan has an overall density of 13.91 units per acre.

The applicant also proposes to relocate the clubhouse facility to a more central location.

Mr. Jones has expressed his approval of this request. A neighborhood meeting was held on August 6, 2013, in the City Council chambers with zero residents in attendance.

Advantages
- Density is maximized under current zoning
- Clubhouse is located in a better location

Disadvantages
- None identified

**Recommendation:** The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission forward a positive recommendation to the City Council to amend Appendix X of the Orem City Code pertaining to the concept plan of the PD-11 zone at 1430 South Sandhill Road.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Mr. Earl asked if the owner of the corner property had consented. Mr. Stroud said yes through e-mail.

Ms. Jeffreys asked how this is different from the original concept plan. Mr. Stroud indicated that this moves density off of the Jones property and will max out both Mr. Jones and Mr. Gevorgian's properties.

Mr. Whetten asked if this was a site plan. Mr. Stroud said no this is the concept plan from the rezone. There can be minor changes at site plan, but the development must generally follow the concept plan. Each property can do individual site plans.

Chair Moulton invited the applicant to come forward. Curtis Miner, Curtis Miner Architecture, introduced himself.

When no one had any questions for Mr. Miner, Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

**Planning Commission Action:** Ms. Buxton said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommend the City Council amend Appendix X pertaining to the concept plan of the PD-11 zone at 1430 South Sandhill Road of the Orem City Code. Mr. Whetten seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Derek Whetten. The motion passed unanimously.

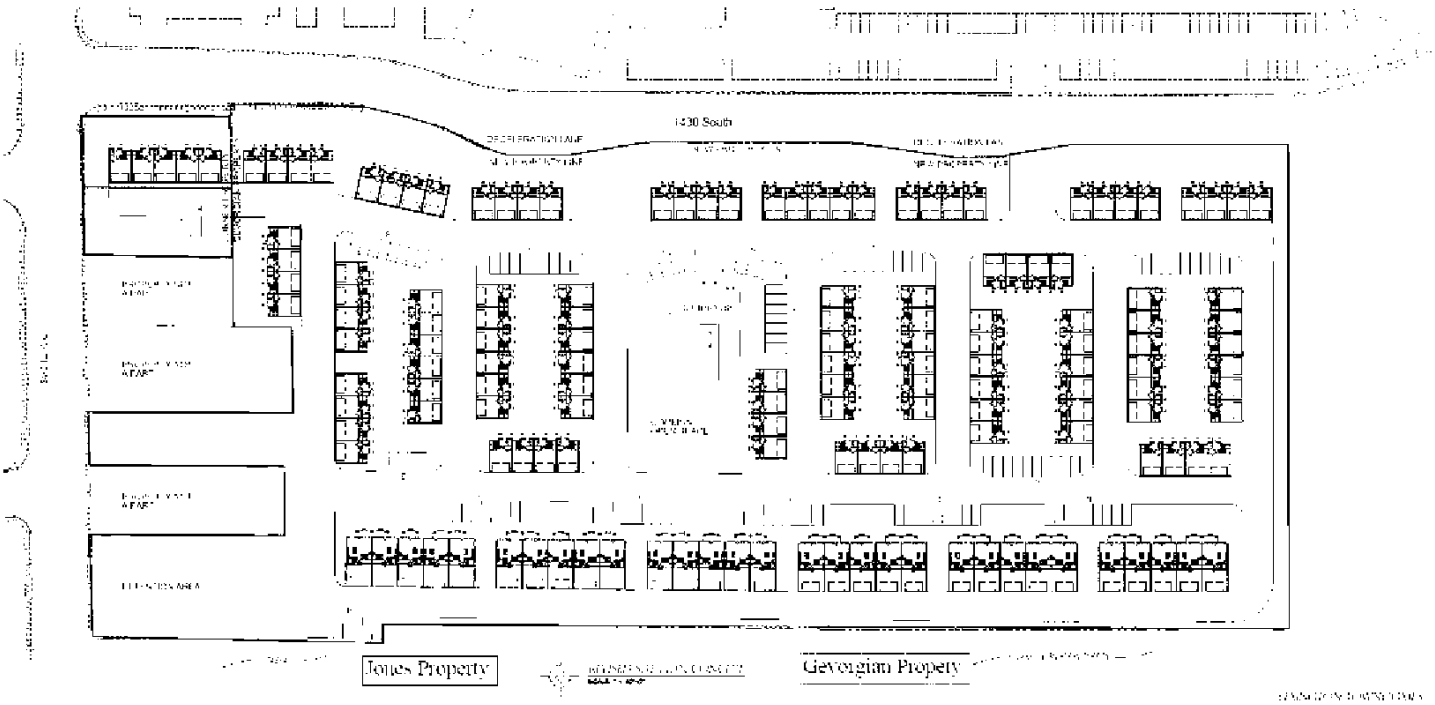
**Orem City Public Hearing Notice**
**RESCHEDULED**

**Planning Commission Meeting**
Wednesday, March 5, 2014,
5:00 PM, City Council Chambers, 56 North State Street.

**City Council Meeting**
Tuesday, March 25, 2014
6:20 PM, City Council Chambers, 56 North State Street.

Alexis Gevorgian requests the City amend the concept plan of the PD-11 zone at 1430 South Sandhill Road. The proposal does not add additional units. The request relocates several units from the Jones property at the southeast corner of 1430 South and Sandhill Road to the Gevorgian property. The density remains the same as approved by the City Council at a maximum of 14 units per acre. A copy of the proposed concept plan is on the reverse of this notice.

**For more information, special assistance or to submit comments, contact David Stroud at drstroud@orem.org or 801-229-7095.**


1430 South
Jones Property
Gevorgian Property

ANTHEM PROPERTIES LLC
PO BOX 1157
CRYSTAL BAY, NV 89402

RWP COMPANY INC
PO BOX 971075
OREM, UT 84097

SANTA CLARITA LAND JME LLC
20 HONORS DR
NEWPORT BEACH, CA 92660

EVANGELICAL FREE CHURCH (ET AL)
253 S OREM BLVD
OREM, UT 84058

GARR JUDD
LAKEVIEW NEIGHBORHOOD CHAIR
273 W 2000 SOUTH
OREM, UT 84058

JONES, JENNIFER
202 E 1800 S
OREM, UT 84058

NUTTALL, SANDRA
522 W 40 N
OREM, UT 84057

PETERSON, GLORIA & LARRY
558 W 1600 S
OREM, UT 84058

GEVORGIAN, ALEXIS M & ODET
--OR CURRENT RESIDENT--
347 W 1800 SOUTH
OREM, UT 84058

OREM AUTOMOTIVE PROPERTIES INC (ET AL)
1390 S SANDHILL RD
OREM, UT 84058

BBF REAL ESTATE LLC
1400 S SANDHILL RD
OREM, UT 84058

PETERSON, LARRY & RO MELL
588 W 1600 S
OREM, UT 84058

SANTA CLARITA LAND JME LLC
--OR CURRENT RESIDENT--
1413 S 465 WEST
OREM, UT 84058

BBF REAL ESTATE LLC
--OR CURRENT RESIDENT--
1420 S SANDHILL RD
OREM, UT 84058

SANTA CLARITA LAND JME LLC
--OR CURRENT RESIDENT--
1401 S SANDHILL RD
OREM, UT 84058

JONES, JENNIFER
--OR CURRENT RESIDENT--
1441 SANDHILL RD
OREM, UT 84058

ANTHEM PROPERTIES LLC
--OR CURRENT RESIDENT--
1480 S SANDHILL RD
OREM, UT 84058

SANDHILL PROPERTY LLC
--OR CURRENT RESIDENT--
1439 SANDHILL RD
OREM, UT 84058

GEVORGIAN, ALEXIS M & ODET
--OR CURRENT RESIDENT--
1500 S SANDHILL RD
OREM, UT 84058

LAGLO ENTERPRISES LC
--OR CURRENT RESIDENT--
1509 S SANDHILL RD
OREM, UT 84058

NUTTALL, SANDRA
--OR CURRENT RESIDENT--
1485 SANDHILL RD
OREM, UT 84058

PETERSON, JEFF M & BRITA
--OR CURRENT RESIDENT--
1521 S SANDHILL
OREM, UT 84058

EVANGELICAL FREE CHURCH (ET AL)
--OR CURRENT RESIDENT--
1550 S SANDHILL RD
OREM, UT 84058

RWP COMPANY INC
1511 S SANDHILL RD
OREM, UT 84058

RE COMPANY INC (ET AL)
1605 W INDIANA AV
SALT LAKE CITY, UT 84104

PETERSON, JEFF M & BRITA
1621 S GENEVA RD
OREM, UT 84058

PETERSON, GLORIA & LARRY
--OR CURRENT RESIDENT--
1555 S SANDHILL RD
OREM, UT 84058

GEVORGIAN, ALEXIS M & ODET
16633 VENTURA BLVD STE 1014
ENCINO, CA 91436

GEVORGIAN, ALEXIS M & ODET
16633 VENTURA BLVD STE 104
ENCINO, CA 91436

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057

MAYOR RICHARD BRUNST
900 EAST HIGH COUNTRY DRIVE
OREM, UT 84097

# OREM DRC APPLICATION

www.orem.org

Development Services Department • 56 North State Street, Orem, Utah 84057 • (801) 229-7183 • FAX (801) 229-7191

**FORM EXPIRES: 06-30-2013**

## APPLICANT INFORMATION

Name: CURTIS MINER FOR ALEXIS GEVORGIAN
Phone: (801) 769-3000
Address: 233 S. PG BLVD. # SUITE 105
FAX: (801) 769-3001
City: PLEASANT GROVE, State: UTAH Zip: 84062
e-mail: CURTISME@CMAUTH.COM

## PROJECT INFORMATION

**Project Name:** LEXINGTON CONDOS – PD-11
**Project Address:** SANDHILL RD. 1430 S.

**Nature of Request** (Check all that apply) and Filing Fee Amount

| Subdivision Plats/Lot Line Adjustment | Ordinance Amendments | Orem General Plan Amendments | Miscellaneous | Appeals/Other |
|---|---|---|---|---|
| Preliminary PRD $500 + $25/lot/unit | Site Plan $500 | Land Use Map Change $500 + $25/acre | Site Plan Administrative Approval $100 | To City Council $100 |
| Preliminary Subdivision $500 + $25/lot/unit | Subdivision $500 | Text Change $500 | Site Plan $500 + $25/acre for Planning PD Zone or $5/10/21 | To Planning Commission $100 |
| Final $500 + $25/lot/unit or $500 + $25/acre for non-residential | Zoning: PAL $500 + $25/acre for Planning | | Conditional Use Permit $100 | Street Vacation $400 |
| Vacation/Amendment $100 + $25/lot/unit | Rezone $500 + $25/acre | | Temporary Site Plan Approval $100 | Annexation $500 + $25/acre |
| Final PRD $500 + $25/lot/unit | | | Conditional Use Permit $100 + $5/acre | Driveway Entrance Modification $125 |
| | | | Site Modification/Waiver $100 | Resubmittal Fee $100 + $25/acre |
| | | | Condominium Conversion $50/lot + $25/unit + $25/acre | Other $ |

## FILING FEES AND REQUIRED COPIES

**FILING FEES:** The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

**REQUIRED COPIES:** Two (2) full size copies 24" by 36", one (1) copy reduced to an 11" by 17", and one (1) copy reduced to an 8½" by 11" shall be submitted with each application for Subdivision Plats, Conditional Use Permits, Site Plans, and Condominium Conversions.

## APPLICANT NOTES, SIGNATURE, AND CONTACT PERSON

PLANNING COMMISSION/CITY COUNCIL MEETINGS: Once the Development Review Committee determines your application is complete the Staff will forward it to the Planning Commission and City Council. **The applicant's attendance at the Planning Commission and City Council meetings is required.** The City Council is the final approving authority relative to hearing items: Conditional Use Permits; Appeals; City Code amendments; General Plan Amendments; Fence Modifications and site plans in the following zones: PD-1, PD-3, PD-5, PD-15, PD-16, and PD-21.

NEIGHBORHOOD MEETINGS: The applicant shall hold a neighborhood meeting in accordance with the City Code for the following requests: General Plan Amendments; Zoning Ordinance Amendment; Major Conditional Developments adjacent to residential zones; all non-residential uses in a residential zone.

DRC APPLICATION VALIDITY: This DRC Application must be **complete** at the time it is submitted to the City or it may not be accepted.

FEES AND NOTICES: Applications filed after July 1 are subject to fee changes.

Applicant's Signature: [signature]

Contact Person: Name: CURTIS MINER Phone: (801) 769-3000

OFFICE USE ONLY

Date Filed: 5/8/13 Fees Paid: 5/13 Received By: [signature]

**Please Note:** The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Beach, 229-7238, David Stroud, 229-7095; or Clinton Spencer, 229-7267.

# Project Timeline

# PD-11 Concept Plan

1. DRC application date: 5/9/2013
2. Obtained Development Review Committee clearance on: 5/16/2013
3. Publication notice for PC sent to Recorders office on: 2/7/2014
4. Applicant held neighborhood meeting on: 8/6/2013
5. Neighborhood notice for PC/CC mailed on: 2/7/2014
6. Planning Division Manager received neighborhood notice on: 2/8/2014
7. Planning Commission recommended approval on: 3/5/2014
8. Publication notice for CC sent to Recorders office on: 2/20/2014
9. Property posted for CC on: 3/7/2014
10. City Council approved/denied request on: 3/25/2014

| CITY OF OREM<br>**CITY COUNCIL MEETING**<br>MARCH 25, 2014 | |
|---|---|
| **REQUEST:** | **6:30 P.M. PUBLIC HEARING**<br>**ORDINANCE - Amending the Current Fiscal Year 2013-2014 Budget** |
| **APPLICANT:** | City Manager |
| **FISCAL IMPACT:** | $104,700 |

**NOTICES:**
-Posted in 2 public places
-Posted on City webpage
-Posted on State Noticing Website
-Faxed to newspapers
-E-mailed to newspapers
-Neighborhood Chair

**SITE INFORMATION:**
**N/A**
Neighborhood:
**Citywide**
Neighborhood Chair:
**All**

**PREPARED BY:**
Richard Manning,
Admin. Services Dir.

**REQUEST:**
**The City Manager requests that the City Council, by ordinance, amend the current Fiscal Year 2013-2014 Budget as proposed.**

**BACKGROUND:**
The City, as a matter of practice, amends the fiscal year budget quarterly to recognize the many changes that occur throughout the fiscal year. These adjustments include grants received from Federal, State, and other governmental or private entities/organizations; and various other smaller technical corrections or minor budget adjustments that need to be made.

This proposed budget amendment will address job classification. Positions within the City classification system have not been adjusted to the market since FY 2007-2008. The proposed amendment will provide for a 2% market adjustment for each classified position. Employees who are within the range of their classification will receive a 2% adjustment to their compensation. This is the first step in achieving the Council's goal of maintaining competitive compensation for City employees. The next step will be a revised compensation plan that is planned to be implemented during Fiscal Year 2014-2015.

**RECOMMENDATION:**
**The City Manager recommends the City Council, hold a public hearing to discuss amending the current Fiscal Year 2013-2014 Budget and, by ordinance, amend the Fiscal Year 2013-2014 Budget.**

ORDINANCE NO. O-2014-

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, AMENDING THE FISCAL YEAR 2013-2014 BUDGET

WHEREAS On June 11, 2013, the City Council adopted a final budget following State law; and

WHEREAS the City Council held a public hearing on March 25, 2014, to receive input from the public regarding proposed amendments to the Fiscal Year 2013-2014 budget; and

WHEREAS the budget has been revised as deemed appropriate to accommodate unexpected revenues and expenses.

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

1. The City Council hereby amends the Fiscal Year 2013-2014 Budget as shown in Exhibit "E" which is attached hereto and incorporated herein by reference.

2. The City Manager is directed to implement this budget amendment in accordance with State laws and appropriate City procedures.

3. This ordinance shall take effect immediately upon publication.

PASSED, APPROVED and ORDERED PUBLISHED this **25th** day of **March** 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

| COUNCIL MEMBERS VOTING "AYE" | COUNCIL MEMBERS VOTING "NAY" |
| --- | --- |
| | |
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| | |
| | |
| | |

# EXHIBIT "E"

## BUDGET AMENDMENTS
## FISCAL YEAR 2013-2014

### REVENUES

| Account Number | Note | Description | Previous Budget | Current Budget |
|---|---|---|---|---|
| | | GENERAL FUND | | |
| 10-3997-018 | 1 | App. Surp - Operations | $ 157,000.00 | $ 244,180.08 |
| Total | | | $ 157,000.00 | $ 244,180.08 |
| Net Fund Increase | | | | $ 87,180.08 |
| | | WATER FUND | | |
| 51-3997-018 | 1 | App. Surp - Operations | $ - | $ 5,095.84 |
| Total | | | $ - | $ 5,095.84 |
| Net Fund Increase | | | | $ 5,095.84 |
| | | WATER RECLAMATION FUND | | |
| 52-3997-018 | 1 | App. Surp - Operations | $ - | $ 6,002.67 |
| Total | | | $ - | $ 6,002.67 |
| Net Fund Increase | | | | $ 6,002.67 |
| | | STORM SEWER FUND | | |
| 55-3997-018 | 1 | App. Surp - Operations | $ - | $ 2,677.09 |
| Total | | | $ - | $ 2,677.09 |
| Net Fund Increase | | | | $ 2,677.09 |
| | | RECREATION FUND | | |
| 56-3997-018 | 1 | App. Surp - Operations | $ - | $ 1,458.31 |
| Total | | | $ - | $ 1,458.31 |
| Net Fund Increase | | | | $ 1,458.31 |
| | | FLEET MAINTENANCE FUND | | |
| 61-3997-018 | 1 | App. Surp - Operations | $ - | $ 1,180.09 |
| Total | | | $ - | $ 1,180.09 |
| Net Fund Increase | | | | $ 1,180.09 |
| | | PURCHASING & WAREHOUSING FUND | | |
| 62-3997-018 | 1 | App. Surp - Operations | $ - | $ 842.04 |
| Total | | | $ - | $ 842.04 |
| Net Fund Increase | | | | $ 842.04 |
| | | SELF-INSURANCE FUND | | |
| 63-3997-018 | 1 | App. Surp - Operations | $ - | $ 214.60 |
| Total | | | $ - | $ 214.60 |
| Net Fund Increase | | | | $ 214.60 |
| Total City Funds | | | $ 157,000.00 | $ 261,650.72 |
| Net City Funds Increase | | | | $ 104,650.72 |

1

**BUDGET AMENDMENTS**
**FISCAL YEAR 2013-2014**

**EXPENDITURES**

| Account Number | Note | Description | Previous Budget | Current Budget |
|---|---|---|---|---|
| | | GENERAL FUND | | |
| City Manager's Office | 1 | Salaries & Wages - Permanent | 1,191,708.00 | 1,198,603.81 |
| Administrative Services | 1 | Salaries & Wages - Permanent | 910,153.00 | 915,750.68 |
| Legal Services | 1 | Salaries & Wages - Permanent | 540,901.00 | 543,867.21 |
| Development Services | 1 | Salaries & Wages - Permanent | 1,302,595.00 | 1,309,520.47 |
| Public Safety | 1 | Salaries & Wages - Permanent | 9,846,053.00 | 9,892,773.09 |
| Public Works | 1 | Salaries & Wages - Permanent | 1,615,854.00 | 1,625,305.87 |
| Recreation | 1 | Salaries & Wages - Permanent | 270,678.00 | 272,295.43 |
| Library | 1 | Salaries & Wages - Permanent | 1,071,548.00 | 1,078,553.52 |
| Total | 1 | Salaries & Wages - Permanent | $ 16,749,490.00 | $ 16,836,670.08 |
| Net Fund Increase | | | | $ 87,180.08 |
| | | WATER FUND | | |
| Total | 1 | Salaries & Wages - Permanent | $ 1,133,154.00 | $ 1,138,249.84 |
| Net Fund Increase | | | | $ 5,095.84 |
| | | WATER RECLAMATION FUND | | |
| Total | 1 | Salaries & Wages - Permanent | $ 1,206,415.00 | $ 1,212,417.67 |
| Net Fund Increase | | | | $ 6,002.67 |
| | | STORM SEWER FUND | | |
| Total | 1 | Salaries & Wages - Permanent | $ 403,783.00 | $ 406,460.09 |
| Net Fund Increase | | | | $ 2,677.09 |
| | | RECREATION FUND | | |
| Total | 1 | Salaries & Wages - Permanent | $ 189,918.00 | $ 191,376.31 |
| Net Fund Increase | | | | $ 1,458.31 |
| | | FLEET MAINTENANCE FUND | | |
| Total | 1 | Salaries & Wages - Permanent | $ 226,807.00 | $ 227,987.09 |
| Net Fund Increase | | | | $ 1,180.09 |
| | | PURCHASING & WAREHOUSING FUND | | |
| Total | 1 | Salaries & Wages - Permanent | $ 156,377.00 | $ 157,219.04 |
| Net Fund Increase | | | | $ 842.04 |
| | | SELF-INSURANCE FUND | | |
| Net Fund Increase | 1 | Salaries & Wages - Permanent | $ 62,379.00 | $ 62,593.60 |
| | | | | $ 214.60 |
| Total City Funds | | | $ 20,128,323.00 | $ 20,232,973.72 |
| Net City Funds Increase | | | | $ 104,650.72 |

**Budget Amendments**
**Fiscal Year 2013-2014**

**NOTES**

These notes are attached to the budget amendments summary to provide a brief description. Please contact Brandon Nelson, Accounting Division Manager, at 801-229-7010, if you have any questions or concerns.

1) These budget amendments address employee classification and compensation. Positions within the city classification system have not been adjusted to the market since FY 2007-2008. The proposed amendment will provide for a 2% market adjustment for each classified position. This is the first step in achieving the City Council's goal of maintaining competitive compensation for city employees.

Exhibit "A"

# CITY OF OREM

## EMPLOYEE COMPENSATION PROGRAM FOR THE BUDGET YEAR BEGINNING JULY 1, 2013 Amended March 25, 2014

**This Budget Book is provided for general guidance only and does not create a binding contract or any other obligation or liability on the City. The City reserves the right to change the information in the Budget Book at any time and for any reason, formally or informally, and with or without notice. The conditions set forth in this Budget Book do not create an express or implied contract with any person.**

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**EXHIBIT "C2"**

**CITY OF OREM**

**FISCAL YEAR 2013/2014**

**EMPLOYEE COMPENSATION PROGRAM**

This document contains the compensation program, including salaries and benefits for Management and Classified employees for the fiscal year beginning July 1, 2013 and supersedes all previous policies and procedures affecting compensation and benefit plans except for special programs adopted by the City Council.

## PRIMARY EMPLOYER

The City of Orem is considered the primary employer for all full-time, regular status employees.

## FLSA, REGULAR HOURS and WORKWEEK

All employees working for the City of Orem shall be compensated not less than the federal or state minimum wage, whichever is higher.

The Human Resources Division Manager shall designate each classification in the City as exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA) guidelines. A list of the designations shall be attached to this policy.

The City authorizes employees to work in one of the following defined workweeks:

A. A traditional workweek which is seven (7) consecutive days beginning each Sunday morning at 12:00am and ending the following Saturday at midnight.

B. A 9/80 schedule, or 80-hours over 9 days in the pay period, with every other Friday off. Employees authorized to work a 9/80 schedule will be classified as either "A" or "B" depending on the start of their workday and their Friday rotation. The workweek for these employees is seven (7) consecutive days beginning at noon on Friday, October 31st, 2008 and repeating every seven days thereafter.

C. For Plant Process Operators working in the Treatment Plant, the workweek is 7 consecutive days beginning at 12:00AM every Saturday, starting with the March 21, 2010 pay period.

D. For Fire Division employees working 24-hour shifts, the workweek is eighteen (18) consecutive days from 7:00am on April 6, 1986 and repeating every 18 days thereafter.

E. For all other Public Safety classifications, the workweek begins Sunday at 7:00am and ends the following Sunday at 7:00am.

## OVERTIME

For non-exempt employees (defined in the Salary Policy section of this booklet) all hours of work officially ordered and/or approved in excess of 40 hours per workweek are overtime. For firefighters working 24-hours shifts, overtime is based on any hours worked over 136 in the 18-day work period. Hours worked shall not include holiday, vacation or sick leave hours.

Overtime worked shall be paid at the rate of time and one-half and may be in the form of compensatory time off or monetary compensation. The decision of whether to give comp time or pay will be at the discretion of the City. Nothing in this or any other City policy shall be construed to give an expectation or right to continued or future overtime hours.

The maximum accumulation of comp time is 80 hours (112 hours for 24-hour shift employees). Prior to the end of the pay period that includes April 1 of each year, all comp hours must be used or all employees will be paid for the hours. Comp time will not be allowed to be carried beyond the dates noted above. The City may require the employee to use accumulated comp time. Payment for unused comp time shall be made in the event of separation from service for any reason.

Exempt employees (defined in the Salary Policy section of this booklet) required to work beyond the regular work period shall be compensated in accordance with the Administrative Leave Section. However, the City reserves the right to pay exempt employees at an overtime rate for actual overtime worked during a declared emergency.

## CALL BACK

Non-exempt employees who have completed their work shift and have left the work premises and then are required to return to work shall receive a minimum of two (2) hours pay at the overtime rate. Hours worked in excess of the two (2) hours shall be paid at the overtime rate. The employee shall also be paid for travel time, mileage, and personal expenses for long distance phone calls incurred as a result of the call back. For shift employees in the Police Division, call back shall only apply when the employee receives less than 12 hours notice to return to work.

## COURT TIME

Public Safety employees, who are required to appear in court as part of their job, shall receive a minimum of two (2) hours pay at the overtime rate. Hours spent in court in excess of the two (2) hours shall be paid at the overtime rate. In return, Public Safety employees who receive a witness fee for appearing in court shall be required to remit the payment to the City.

## ADMINISTRATIVE LEAVE

Exempt employees who as part of their normal duties spend more than (40) hours a week in work assignments are eligible to receive Administrative Leave in accordance with the City's Exempt

Employees Work Policy provided in the General Policy Manual.

## HOLIDAYS

Employees, except those in the Fire Division working 24 hour shifts, and employees working ten hour shifts in patrol and communication sections shall receive the following twelve (12) paid Holidays. Full-time employees receive 8 or 9 hours pay for each Holiday (depending on their authorized workweek); part-time employees receive 4 hours pay for each Holiday.

| HOLIDAY | DATE |
|---|---|
| New Years Day | January 1st |
| Civil Rights Day | Third Monday in January |
| President's Day | Third Monday in February |
| Memorial Day | Last Monday in May |
| Independence Day | July 4th |
| Pioneer Day | July 24th |
| Labor Day | First Monday in September |
| Thanksgiving Day | Fourth Thursday in November |
| Day After Thanksgiving | Friday after Thanksgiving |
| Christmas Eve | December 24th |
| Christmas Day | December 25th |
| Personal Day | As authorized – not available to all employees. Must be used prior to Dec 15th of each year. |

Employees who work their regularly scheduled shift on a Holiday will be compensated four, eight or nine hours of Holiday pay (depending on full-time or part-time status and their authorized workweek) plus regular pay for the number of hours actually worked.

Holidays that fall on a Saturday, the preceding Friday shall be treated as the Holiday. Holidays that fall on a Sunday, the following Monday shall be treated as the Holiday.

In the event a Holiday falls on an employee's regularly scheduled day off, except for fire, patrol and communication employees, equivalent time shall be added to the employee's vacation time.

Fire Service - 24 Hour Shift Employees

Firefighters will be paid 11.20 hours for each holiday in the pay period the holiday occurs.

Patrol and Communication Section Employees

Patrol and Communication Section employees will be paid 8 hours for full-time and 4 hours for part-time for each holiday in the pay period the holiday occurs.

## VACATION

Employees shall earn vacation time as follows:

| | Years of Service | Hours earned Annually |
|---|---|---|
| 24 Hr. Shift Employees | l-5 | 168 |
| | 6-10 | 192 |
| | 11 or more | 240 |

| | | |
|---|---|---|
| All Other Employees | 1-5 | 120 |
| | 6-10 | 144 |
| | 11 or more | 168 |

There shall be a maximum accumulation of two (2) years of vacation time beyond the year it is earned.

Vacation scheduling shall be approved by the City prior to being taken with consideration for the employee's needs and the City's need to provide services.

Upon separation from service for any cause, an employee shall be paid a lump sum payment for any accumulated and unused vacation.

Upon the death of an employee, a lump sum payment for accumulated vacation time shall be made to the employee's beneficiary(ies) or estate.

Vacation shall not be used to extend a date of separation for any cause unless specifically approved by the City Manager.

No advance of vacation time shall be permitted without approval of the City Manager.

## SICK LEAVE

Employees may use sick leave when they are unable to work because of on-duty or off-duty injury or illness or for visits to hospitals, clinics, dentists, etc. for diagnosis of illness or injury, examination and related purposes.

### *General Management & Classified Employees*

Each employee shall earn and may accumulate sick leave as follows:

| Regular Work Shift | Hrs Earned Monthly | Hrs Earned Annually | Maximum Hours of Accumulation |
|---|---|---|---|
| 24 Hour | 11.2 | 134.4 | Unlimited |
| All Others | 8.0 | 96.0 | Unlimited |

### *Executive Management Employees*

An executive management employee shall receive 2,080 hours (one year) of sick leave on the date of hire or promotion into an executive management position. The employee shall earn 8 hours of sick leave per month in which to replenish any sick leave time used. Any hours earned over the 2,080 hours will not be credited to the employees account. Upon leaving the City, the executive management employee shall not receive any pay for his/her unused sick leave except as provided in the Sick Bank Section.

### *Guidelines*

Sick leave shall not be considered as a right which employees may use at their discretion and shall be allowed only in case of actual sickness or disability. No punitive actions shall be imposed on employees for taking justifiable sick leave. However, employee abuse of sick leave may be grounds for disciplinary action up to and including termination of employment.

For the purpose of charging sick leave, the minimum sick leave chargeable shall be one (l) hour.

No sick leave shall be payable for any sickness, disability or injury which results or occurs as follows:

1. Intentionally self-inflicted;
2. Participating in a criminal act;
3. Participating in a riot;
4. The portion of an employee's time that is covered by worker's compensation benefits as a result of an injury or illness sustained on another job.
5. During vacation unless the employee was confined to hospital or other fixed location under doctor's written orders;
6. During a layoff, leave of absence or disciplinary suspension; and/or
7. After a termination date.

When taking sick leave time, employees shall notify their department either prior to or within one (l) hour after the time set for beginning daily duties or by another time specified by the City.

The City may revoke pay, sick leave time, and take appropriate disciplinary action if the employee using sick leave is not sick or has engaged in private or other public work while on sick leave. An employee who works at some other job while on sick leave will be presumed to be not sick and medically able to do his/her job unless he/she has a note from a doctor indicating that they are unable to perform their job.

If a full-time employee is unable to perform their duties at the city due to their injury or illness and continues to work at their outside employment, the City will expect that the outside employment not conflict with the employee's mandatory light duty or work restrictions at the City (if any), and/or impede the employee's recovery and return to full-duty at the City.

The City may require an employee to provide a medical doctor's written statement which outlines the nature of the illness and the prognosis for recovery prior to permitting the employee to return to work following the use of any sick leave.

If an employee has not recovered by the time accumulated sick leave has been exhausted, the Human Resource Division Manager may grant the employee a leave of absence in accordance with Medical Leave of Absence Section in this booklet.

Sick leave shall continue to accrue while an employee is on vacation or sick leave.

Sick leave shall not be used to extend a date of separation for any cause unless approved by the City Manager.

## *Sick Leave - Initial Probationary Period*

The Human Resource Division Manager may allow a probationary employee up to forty-eight (48) hours sick leave with pay before it has been earned. This section does not apply to promotional or disciplinary probationary periods.

### *Sick Leave - Family Illness*

Employees may use up to forty (40) hours of accumulated sick leave during the fiscal year to care for a spouse, child or parent who is ill.

Eligible employees may use up to 12 weeks of accumulated sick leave for the serious illness of their spouse, child or parent if family medical leave (FMLA) has been requested and approved in accordance with city policy.

The City Manager may grant additional sick leave hours for special circumstances.

### *Sick Leave at Termination of Employment*

Upon termination of employment from the City, employees shall not receive any pay for his/her unused sick leave except as provided in the Sick Bank Section.

### *Sick Bank*

On June 30, 1981, employee's accumulated hours of sick leave up to a maximum of 720 hours (960 hours for 24 hour shift employees) frozen in a sick leave bank. Upon separation from service for any cause, employees shall be paid for one-half of the hours in the sick leave bank, if any.

### *Sick Leave - Buy-Back Option*

For FY 14/15, the sick leave buy-back option is not available.

## FAMILY AND MEDICAL LEAVE OF ABSENCE

Family and medical leave (FMLA) is available to eligible employees under the following conditions:

1. the birth or placement of a child for adoption or foster care;
2. care for a child, parent or spouse with a serious health condition, and
3. the employee is unable to work because of a serious health condition.

Employees are eligible for up to 12 weeks of FMLA leave during a "rolling" 12-month period measured backward from the date on which an employee uses any FMLA leave.

To be eligible for FMLA benefits, an employee must have worked for the City for at least 12 months and must have worked at least 1,250 hours in the prior 12 months.

As approved, employees may take FML intermittently if it is medically necessary to care for a seriously ill family member or because the employee is seriously ill. If intermittent leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the leave time.

The City will invoke FML time for any eligible employee who is away from work for at least one week for any of the qualifying situations listed above, including Workers Compensation.

An employee taking a family or medical leave of absence must submit a written request for the leave to the Human Resource Division Manager. The request must be accompanied with a health care provider's certification that the illness of the employee or family member necessitates the leave. The certification must state the date on which the serious health condition commenced, the

probable duration of the condition and the appropriate medical facts about the condition. The Human Resource Division Manager shall notify the employee in writing when approved.

For FMLA leave, employees must first use all accrued sick leave before using accrued vacation hours.

Eligible spouses employed by the City are jointly entitled to a combined total of 12 weeks of family leave for the birth or placement of a child for adoption or foster care. Leave for birth or adoption (including foster care placement) must conclude within 12 months of the birth or placement.

For additional information regarding this leave, refer to the City's Compliance Guide to the Family and Medical Leave Act booklet.

If the employee's accrued vacation and sick hours are exhausted before the employee is able to return to work, he/she shall be placed on a leave without pay for the remaining time up to the 12 week limit. During this time, the City shall continue to pay it's portion of the health and life insurance premium, and the employee must make arrangements with the Human Resource Office to continue to pay his/her portion of the insurance premium. The employee shall not accrue any other benefits while on the leave of absence.

If the leave was granted because of an employee's serious health condition, the employee must furnish the Human Resource Division Manager with a medical doctor's written release before being allowed to return to work.

In 2008, Federal legislation was passed that expanded FMLA protection for military family members as follows:

1. Leave for "Qualifying Exigency": The law modifies the FMLA by adding a new qualifying event for the 12-weeks of FMLA leave: a "qualifying exigency" (to be determined by the Secretary of Labor) arising out of the fact that the employee's spouse, child or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

   When an employee requests leave for a qualifying exigency and the necessity for the leave is foreseeable, the employee must provide the employer with "reasonable and practicable" notice.

   Additionally, an employer may require that a request for leave for a qualifying exigency be supported by a certification that the service member is on active duty or has been called to active duty.

2. Leave to Care for Injured Servicemember: The law also provides that the spouse, child, parent, or "next of kin" (defined as the "nearest blood relative") of a "covered servicemember" is entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember.

   "Covered servicemember" means a servicemember who is "undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary

disability retired list, for a serious injury or illness."

"Serious illness or injury," in turn, is defined as a condition that may render the servicemember "medically unfit to perform the duties of the member's office, grade, rank, or rating."

This leave is only available during a single 12-month period, and the 26-week limit would include any leave granted pursuant to the new "qualifying exigency" provision.

## TIME OFF FOR VOTING

Any employee who does not have three or more hours to vote from the time that polls open until they close, may take up to two hours of paid time in order to vote, in accordance with Utah State Law.

## MEDICAL LEAVE OF ABSENCE

In conjunction with the family and medical leave of absence policy listed above, the City provides for an extended medical leave of absence for an eligible employee who is seriously ill and unable to perform their essential duties and who, after 12 weeks is still unable to return to work.

The employee may submit a written request for a medical leave of absence to the Human Resource Division Manager. The request must be accompanied with a health care provider's certification that the employee's serious health condition prevents him/her from performing his/her duties.

To be eligible for the medical leave of absence, the employee must have worked for the City as a full or part time employee for at least one year. This leave of absence must be approved by the Human Resource Division Manager and the Department Director.

In approving the extended leave, factors such as the following shall be considered:

1. length of time that the employee has already been off work on accrued vacation and sick leave time;
2. expected date that the employee will be able to return to work; and
3. the effect of the leave upon the department operation.

The total medical leave of absence, including the initial 12 weeks, shall not exceed 120 calendar days.

During any period of time when the employee is off on a leave without pay, the City shall continue to pay its portion of the health and life insurance premium. The employee must make arrangements with the Human Resource Office to continue to pay his/her portion of the insurance premium.

The employee shall not accrue any other benefits during the leave of absence.

Before returning to work, the employee must furnish the Human Resource Division Manager a medical doctor's written statement permitting the employee to return to assigned duties.

The City has the right at any time to require a second medical opinion from a health care provider selected by the City. The City shall pay for the cost of the second opinion.

## PERSONAL LEAVE OF ABSENCE

Upon recommendation of the Department Director, the Human Resource Division Manager may grant an employee a leave of absence, without pay, for a period up to sixty (60) consecutive calendar days. No benefits of any type shall be earned by an employee for the duration of the leave of absence. Employees may continue to participate in the health insurance program at their own cost.

## EMPLOYEE ASSISTANCE PROGRAM

The City provides an Employee Assistance Program (EAP) for employees. An EAP is a confidential counseling and referral service that is designed to help employees and their family members deal with personal or work-related problems. Additional information about the EAP program is available from the Human Resource Office.

## MILITARY LEAVE

The City of Orem will comply with the Uniformed Services Employment and Reemployment Rights Act (**USERRA**).

In the event that an employee is absent due to being called into the military service of the United States or the State of Utah for duty, the employee may receive full compensation from the military while on military status. The City shall pay any difference in salary the employee would have received if they would have remained working with the City during the same period of time. The employee shall furnish to the Human Resource Division Manager satisfactory proof of orders to report for duty and of actual service and military salary pursuant to such orders.

## WORKER'S COMPENSATION

An employee injured during the performance of duties is covered by Worker's Compensation as provided by State Law. In order for the employee to continue at a full salary during a disability from an on-the-job injury, worker's compensation payments may be supplemented by accrued sick leave and vacation time. After all leave time is exhausted the employee must revert to worker's compensation payments within the definition of State Law.

## JURY LEAVE

Employees who are required to serve as jurors shall be provided jury leave for the duration of the jury duty. Employees serving as jurors shall receive full salary and benefits for up to four (4) weeks per fiscal year of jury duty provided all money, less travel expenses, received by the employee for the jury duty is remitted to the City.

## BEREAVEMENT LEAVE

An employee may, upon approval of the Department Director, be granted up to three (3) days leave with pay in the case of a death of a relative of the employee's family defined as a husband, wife, parents, brother, sister, child, step-child, grandchild, grandparent, mother or father-in-law, sister-in-law, brother-in-law or a spouses grandchild or grandparent. Any additional leave days required shall be charged against vacation time. Firefighters working a 24-hour shift shall be granted up to 34 hours of leave with pay.

## UNIFORM POLICY

The City will provide uniforms to both permanent and flexible employees based upon their job duties. Employees will be supplied with uniforms according to their job duties as outlined below. Employees who are provided a uniform by the City are expected to wear that uniform when they are working and to keep the uniform clean and in good repair. Employees who fail to wear the appropriate uniform will be sent home to change into the proper uniform. The employee will not be paid for the time lost while changing into the proper uniform.

Public Safety employees in the following job categories will be issued appropriate uniforms and safety equipment:

Animal Control Officers
Commissioned Firefighters/Paramedics
Community Service Officers
Dispatchers
Fire Marshall
Fire Prevention Inspectors
Public Safety records office personnel
Public Safety Volunteers
Sworn Police Officers

Employees with the following job titles will be issued shirts, hats and pants and the appropriate safety equipment to accomplish their jobs:

Building Inspector
Building Maintenance Technician
Cemetery Sexton
City Surveyor
Construction Engineer
Construction Technician
Custodian
Electronic Specialist
Engineering Specialist
Fitness Center Maintenance Technician
Fleet Mechanic
Fleet Maintenance Section Manager
Instrumentation/Control Specialist
Instrumentation/Control Technician
Laboratory Specialist
Lead Mechanic
Maintenance Helper
Plant Operator
Pre-treatment Coordinator
Parks Section Manager
Pre-Treatment Inspector
Public Works Program Specialist
Public Works Field Supervisor
Public Works Technician
Public Works Crew Leader
Sr. Building Inspector
Sr. Plant Operator
Store Keeper
Street Section Manager
Traffic Sign Specialist
Traffic Signal Specialist
UrbanForester/Horticulturist
Utilities Technician
Water Reclamation Section Manager
Water Section Manager

Employees with the following job titles will be provided shirts and hats:

Flexible employee (whose typical job duties require the employee to work outside)
Water Resources Utility Technician
Street Section Manager
Water Section Manager

Employees whose duties are typical of an office environment may be provided one Orem logo shirt per year as budget permits. These employees are not required to wear these shirts to work. They may wear them on Fridays or other appropriate days.

***Shirts*** All shirts are to have the Orem logo. The body of the shirt will be solid in color. The logo color will be a contrasting color to the shirt color. Shirt colors will be limited to those available from the distributor for the particular style of shirt. The style of shirt is to be appropriate for the employee's work environment. Employees who work in the street are to wear an orange, strong- yellow, or yellow-green shirt.

***Pants*** Pants will generally be a durable dark denim fabric. The pants are to be kept clean and in good repair.

***Short Pants*** Employees will not be permitted to wear shorts while on duty. The only exceptions to this are recreation employees as allowed by their division manager and bicycle patrol officers.

***Nametags*** Nametags are considered a part of the employee uniform.

***Orem Logo*** The Orem logo used on uniforms will be the City's official logo. Wherever possible this logo should utilize the same multi-color scheme as found on the official logo. Public Safety employees will follow department guidelines for identification.

## TOOL ALLOWANCE

Employees required to use their own tools shall be reimbursed up to a maximum of $40.00 per month for the purchase of tools that are approved by the Division Manager.

## MILEAGE REIMBURSEMENT

Employees shall be reimbursed for all authorized miles traveled in the employee's personal vehicle. The reimbursement rate shall be the standard I.R.S. mileage rate.

The City Manager may establish reimbursement programs for City employees who use their cars for City work.

## VEHICLE ALLOWANCE

Executive Management employees, except those who are assigned a city vehicle, shall receive $325.00 per month as an allowance for the use of their personal vehicles for City business.

## RECREATION PASS

Employees actively participating in a physical fitness program are entitled to Fitness Center privileges within the guidelines of City Policy. Employees participating in a Physical Fitness Program may purchase an annual family pass for $100 either through a biweekly payroll deduction or a lump sum payment.

The City shall provide a retired employee a pass to the Fitness Center or a family pass may be purchased for $100 per year.

## TUITION ASSISTANCE PROGRAM

The tuition assistance program remains discontinued for the 2014/15 fiscal year.

## MOVING EXPENSES

Executive Management employees may be reimbursed at the discretion of the City Manager for the moving expenses for himself, his family, and his personal property from his previous employment to his employment with the City. Said costs shall include packing, transportation, necessary storage costs, and insurance charges.

## INSURANCE PROGRAMS

The City shall provide the insurance programs described in this Section. The City reserves the right to provide these insurance programs by self-insurance, through an insurance company or by any other method which provides the coverage outlined.

### *Travel Insurance*

The City shall provide $100,000 travel insurance for Executive Management Employees while they are traveling on City business. In the event of employee's death, payment will be made to the employee's beneficiary.

### *Medical and Dental Insurance*

Employees have these options:
Health Insurance - SelectMed Plus or Altius Peak Plus
Dental Insurance - Dental Select.

The City shall provide each employee a description of the selected insurance plan.

### *Extended Health Care Coverage (COBRA)*

Health care benefit options will be extended to spouses and dependents of employees who become divorced, separated, deceased, terminated, or eligible for Medicare. Extended coverage will also be available for a dependent child who reaches the maximum age limit. In order to be eligible for this coverage, the employee or employee's spouse must notify the Human Resource Office within 60 days after the qualifying event. Individuals receiving the coverage are responsible for the costs of the extended coverage. Employees should refer to the plan documents for specific time limits on this coverage. Participation in a Health Maintenance Organization (HMO) may limit COBRA benefits if the covered individual moves from the HMO's service area.

If an active, benefited employee dies, the city will pay the first four (4) months COBRA insurance premium for the deceased employee's family, if the family elects COBRA coverage, as long as the employee was currently enrolled in the city's health and/or dental insurance at the time of death.

The city will cover only those family members who are named on the deceased employee's current health and/or dental insurance enrollment form or those family members who would otherwise be eligible for COBRA coverage.

### *Life Insurance*

The City shall provide term life insurance for each employees in an amount equal to their annual salary, to a maximum of $125,000. Employees making less than $20,000 per year shall be covered for $20,000.

Amounts are reduced 50% at age 70. Additional term life insurance may be purchased by each employee at their cost through payroll deduction.

The City shall provide each employee a certificate of coverage.

### *Line of Duty Life Insurance Benefit*

The City shall pay the premium for a police officer's $50,000 line of duty life insurance benefit provided through the Utah State Group Insurance Department, a division of the State Retirement System. Coverage is available to all employees who are members of the Utah State Public Safety Retirement System.

### *Short-Term Disability Insurance*

The City provides short-term disability benefits to employees who are disabled beginning on the 60th day of disability and continuing up to the 119th day of disability. Benefits will be paid in accordance with City policy.

### *Long-Term Disability Insurance*

The City provides a long-term disability insurance plan for employees who are disabled for 120 days or more. The City shall provide each employee a description of benefits. The premium for this policy will be shared equally between the City and the employee.

## Medicare Coverage

Employees hired after March 31, 1986, will be covered by Medicare. Contribution rates are as follows:

| City Participation | Employee Participation |
|---|---|
| 1.45% of salary | 1.45 % of salary |

## RETIRED EMPLOYEES BENEFITS

### *Employees Who Retire after January 1, 2012*

Benefits eligible employees who retire after January 1, 2012 will be able to access their Retirement Health Savings Plan (RHS) to assist with the cost of health insurance and other health care costs following retirement.

Participation in the RHS is mandatory and employees will be eligible for City paid contributions.

### Life Insurance

Retired employees with at least 15 years of service with the City, their spouse and dependents will have life insurance coverage as follows:

| Type of Coverage | Amount | City Pays | Employee Pays |
|---|---|---|---|
| Employee | $5,000 | 100% | 0% |
| Spouse | $5,000 | 0% | 100% |
| Dependent | $2,000 | 0% | 100% |

Amounts will be reduced by 50% at age 70.

Although the City expects to continue the insurance programs as outlined above, the City reserves the right to change or discontinue all or any part of these plans and programs at any time.

## FLEXIBLE SPENDING REIMBURSEMENT ACCOUNT

The City provides a program that allows employees to use before-tax salary dollars to pay for certain health and dependent care expenses. Each year during open enrollment, employees must decide how much money to set aside for the upcoming year. The money is automatically deducted from each paycheck before federal, state and medicare taxes are taken out. As employees pay out-of-pocket bills for health and/or dependent care during the year, they submit a claim requesting a reimbursement. The employee is then reimbursed with tax-free dollars.

## RETIREMENT PLANS

All classified and general management employees are required to participate in the Utah State Retirement System. All employees may participate in the City's Alternate 401(k) Retirement Plan.

For the Fiscal Year beginning July 1, 2014 the City shall make the following contributions to employees' retirement DC and/or DB plans:

| **Retirement System or Retirement Plan (DC)** | **Public Employees, Contributory** | **Public Employees, Non Contributory** | **Public Safety, Contributory with 4% COLA** | **Public Safety, Noncontributory with 4% COLA** | **Firefighters** |
|---|---|---|---|---|---|
| **Tier I– Employed prior to July 1, 2011** | | | | | |
| Utah Retirement Systems DB | 20.46% | 18.47% | 39.45% | 38.94% | 23.30% |
| Orem City 401(k) DC | 0% | 0% | 0% | 0% | 0% |
| **TOTAL** | **20.46%** | **18.47%** | **39.45%** | **38.94%** | **23.30%** |
| **Tier II– Employed on or after July 1, 2011** | | | | | |
| Hybrid Option – to URS DB | 18.48% | 16.72% | 28.00% | 28.00% | 12.08% |
| Orem City 401(k) DC | 0% | 1.18% | 0% | 0% | 5.82% |
| **TOTAL** | **18.48%** | **17.90%** | **28.00%** | **28.00%** | **17.90%** |
| Defined Contribution Option – to URS DC | 18.48% | 16.72% | 28.00% | 28.00% | 12.08% |
| Orem City 401(k) DC | 0% | 1.18% | 0% | 0% | 5.82% |
| **TOTAL** | **18.48%** | **17.90%** | **28.00%** | **28.00%** | **17.90%** |

All Executive Management Employees have the option of participating in the Utah State Retirement system or the alternate plan, in accordance with State law and regulations as follows:

| OPTION A | State | Alternate (401k) | Total |
|---|---|---|---|
| Contributory | 19.28% | 0% | 19.28% |
| Noncontributory | 17.29% | .61% | 17.90% |

| OPTION B | |
|---|---|
| Alternate | 18.47% |

Division Managers (or positions at the Division Manager level) may, under limited circumstances, opt out of the Utah Retirement System as authorized by the City Manager on a case-by-case basis. Qualifying circumstances will typically be limited to a situation where an employee would not qualify for a URS pension benefit, typically due to the employee's age and number of years needed to work in order to vest in URS.

## DEFERRED COMPENSATION

As part of the Social Security Replacement Program, employees may choose to participate in the City's Optional Matching Deferred Compensation Plan. Employees may elect to contribute, in l/2 percent increments, a percentage of their gross pay to the Optional Deferred Compensation Plan. The City will match the employee's contribution with an equal amount not to exceed the percentage indicated below:

| | |
|---|---|
| General Management and Classified Employees: | Employees hired prior to April 1, 1986 5.5%<br>Employees hired after March 31, 1986 4.0% |
| Executive Management Employees: | Employees hired prior to April 1, 1986 7.5%<br>Employees hired after March 31, 1986 6.0% |

## INDEMNIFICATION

Subject to the requirements of federal, state or local law, the City shall indemnify all City employees for any claim for alleged personal legal liability arising out of any act or omission by any employee during the performance of duties, within the scope of employment, or under color of authority.

The employee shall be responsible to comply with all legal requirements concerning notice to the City, cooperation in the defense of the claim, as well as all other requirements. Failure of the employee to meet all such requirements may result in the City's refusal to defend or indemnify the employee.

## SALARY POLICY

Salary ranges are subject to change at anytime. The following pay grades and ranges are effective March 30, 2014 and are established in accordance with the City's compensation philosophy and policies:

| Pay | ANNUAL | | | MONTHLY | | | HOURLY | | |
|---|---|---|---|---|---|---|---|---|---|
| Grade | Minimum | Mid-Point | Maximum | Minimum | Mid-Point | Maximum | Minimum | Mid-Point | Maximum |
| CM | $102,502 | $128,127 | $153,752 | $8,542 | $10,677 | $12,813 | Exempt | | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **19** | $87,355 | $109,194 | $131,033 | $7,280 | $9,100 | $10,919 | Exempt | | |
| **18** | $80,868 | $101,085 | $121,302 | $6,739 | $8,424 | $10,109 | Exempt | | |
| **17** | $76,543 | $95,679 | $114,815 | $6,379 | $7,973 | $9,568 | Exempt | | |
| **16** | $74,106 | $92,632 | $111,158 | $6,175 | $7,719 | $9,263 | Exempt | | |
| **15** | $67,615 | $84,519 | $101,423 | $5,635 | $7,043 | $8,452 | Exempt | | |
| **14** | $61,132 | $76,415 | $91,698 | $5,094 | $6,368 | $7,642 | Exempt | | |
| **13** | $52,186 | $65,233 | $78, 280 | $4,349 | $5,436 | $6,523 | $25.09 | $31.36 | $37.63 |
| **12** | $46,968 | $58,373 | $70,047 | $3,892 | $4,864 | $5,837 | $22.45 | $28.06 | $33.68 |
| **11** | $43,907 | $54,884 | $65,861 | $3,659 | $4,574 | $5,488 | $21.11 | $26.39 | $31.66 |
| **10** | $40,651 | $50,814 | $60,977 | $3,388 | $4,235 | $5,081 | $19.54 | $24.43 | $29.32 |
| **9** | $37,232 | $46,540 | $55,848 | $3,103 | $3,878 | $4,654 | $17.90 | $22.38 | $26.85 |
| **8** | $32,968 | $41,210 | $49,452 | $2,747 | $3,434 | $4,121 | $15.85 | $19.81 | $23.78 |
| **7** | $29,260 | $36,575 | $43,890 | $2,438 | $3,048 | $3,658 | $14.07 | $17.58 | $21.10 |
| **6** | $26,210 | $32,751 | $39,301 | $2,183 | $2,729 | $3,275 | $12.60 | $15.74 | $18.89 |
| **5** | $23,420 | $29,275 | $35,130 | $1,952 | $2,440 | $2,928 | $11.26 | $14.04 | $16.89 |
| **4** | $21,752 | $27,190 | $32,627 | $1,813 | $2,266 | $2,719 | $10.46 | $13.07 | $15.69 |

| **EXECUTIVE POSITIONS** | **PAY GRADE** | **EXECUTIVE POSITIONS** | **PAY GRADE** |
|---|---|---|---|
| Director - Administrative Services | 19 | Director - Library | 17 |
| Assistant City Manager | 19 | Director – Public Safety | 19 |
| City Attorney | 19 | Director - Public Works | 19 |
| City Manager | CM | Director - Recreation | 18 |
| Director - Development Services | 19 | | |
| **EXEMPT POSITIONS** | **PAY GRADE** | **EXEMPT POSITIONS** | **PAY GRADE** |
| Accounting Division Manager | 15 | Water Resources Div Manager | 16 |
| Assistant City Attorney | 15 | Neighborhood Organization Spec | 10 |
| Assistant to the City Manager | 14 | Parks Section Manager | 13 |
| CEDO Division Manager | 15 | Planning Division Manager | 14 |
| City Engineer | 16 | Planner | 13 |
| City Recorder | 12 | Police Lieutenant | 14 |
| City Surveyor | 12 | PS Computer Programmer Analyst | 12 |
| Computer Programmer Analyst | 12 | Prosecutor | 15 |
| Deputy City Attorney | 16 | Public Safety Division Manager | 16 |
| Emergency Manager | 12 | Recreation Manager - Programs | 13 |
| Engineering Section Manager | 14 | Recreation Manager - Facilities | 14 |
| Fire Battalion Chief | 14 | Risk Manager | 12 |
| Fire Marshall | 14 | Senior Computer Programmer/Analyst | 13 |
| Human Resources Div Manager | 16 | Senior Engineer | 13 |
| Information Systems Engineer | 13 | Staff Engineer | 12 |
| Information Technology Div Mgr | 16 | Streets Section Manager | 14 |
| Information Technology Sect Mgr | 14 | Transportation Eng Section Mgr | 14 |
| Justice Court Administrator | 14 | Treasury Division Manager | 14 |
| Library Division Manager | 14 | Librarian | 13 |
| Maintenance Division Manager | 16 | Water Reclamation Section Mgr | 14 |
| | | Water Section Manager | 14 |
| **NON-EXEMPT POSITIONS** | **PAY GRADE** | **NON-EXEMPT POSITIONS** | **PAY GRADE** |
| ACCOUNT CLERK | 6 | JUSTICE COURT CLERK | 7 |
| ACCOUNTANT | 9 | JUSTICE COURT LEAD CLERK | 8 |
| ADMINISTRATIVE ASSISTANT | 9 | JUSTICE COURT CHIEF CLERK | 9 |
| ADMINISTRATIVE SECRETARY | 8 | LEAD MECHANIC | 9 |
| ANIMAL CONTROL OFFICER | 7 | LIBRARY COMP NETWORK ADMIN | 10 |
| ASSISTANT BUILDING OFFICIAL | 12 | LIBRARY COMP SYS ANALYST | 12 |
| ASSISTANT LIBRARIAN | 7 | MAINTENANCE WORKER | 6 |
| ASSOCIATE ENGINEER, DESIGN | 10 | PC COORDINATOR | 9 |

| | | | |
|---|---|---|---|
| ASSOCIATE LIBRARIAN | 9 | PLANNER | 13 |
| ASSOCIATE PLANNER | 10 | PLANS EXAMINER | 10 |
| BUILDING INSPECTOR | 10 | PLANT OPERATOR | 8 |
| BUSINESS LICENSE SPECIALIST | 8 | POLICE SERGEANT | 12 |
| CEMETERY SEXTON | 9 | PRE-TREATMENT COORDINATOR | 10 |
| COMMUNITY SERVICES SPEC | 6 | PRE-TREATMENT INSPECTOR | 8 |
| CONSTRUCTION ENGINEER | 12 | PRIVATE DEVELOPMENT ENG | 12 |
| CONSTRUCTION TECHNICIAN | 8 | PUBLIC SAFETY OFFICER | 10 |
| CUSTODIAN | 4 | PUBLIC WORKS FIELD SUPV | 11 |
| DEPUTY CITY RECORDER | 8 | PUBLIC WORKS TECHNICIAN | 7 |
| DEVELOPMENT SERVICES TECH | 7 | PUBLIC WORKS CREW LEADER | 9 |
| DISPATCH | 7 | PURCHASING AGENT | 10 |
| ENGINEERING/GIS SPECIALIST | 10 | RECORDS OFFICE SUPERVISOR | 7 |
| EVIDENCE TECHNICIAN | 10 | RECREATION FAC MAINT SUPV | 9 |
| EXEC/NIA ASSISTANT | 9 | RECREATION PROGRAM COORD | 9 |
| FIRE CAPTAIN | 12 | RECREATION SPECIALIST | 7 |
| FIRE ENGINEER | 11 | RESIDENTIAL PLANS EXAMINER | 8 |
| FIRE PREVENTION SPECIALIST | 9 | RISK COORDINATOR | 10 |
| FACILITY MAINT TECH – REC CTR | 7 | SECRETARY | 6 |
| FLEET MANAGER | 11 | SENIOR BUILDING INSPECTOR | 11 |
| FLEET MECHANIC | 8 | SENIOR PLANT OPERATOR | 9 |
| HORTICULTURE/URB FORESTER | 10 | STOREKEEPER | 5 |
| HUMAN RESOURCES SPECIALIST | 8 | STORM WATER PROJECT MGR | 10 |
| HUMAN RESOURCES TECH | 7 | STREET LIGHTS SPECIALIST | 10 |
| INSTRUMENTATION CONT SPEC | 10 | TRAFFIC SIGN SPECIALIST | 8 |
| INSTRUMENTATION CONT TECH | 9 | TRAFFIC SIGNAL SPECIALIST | 9 |
| ITS ENGINEER | 12 | VICTIM ASSISTANCE COORD | 9 |
| LEAD DISPATCH | 8 | WATER RES UTILITY SPECIALIST | 8 |
| PUBLIC WORKS PROGRAM SPEC | 9 | WATER RES UTILITY TECH | 7 |

Individual pay shall be adjusted in accordance with the City's financial capability and salary plan. A few positions in grades 10 thru 13 are classified as exempt.

Differential Pay

The City offers differential pay to employees in specific classifications who receive professional certifications which improve their knowledge and proficiency in carrying out their assigned functions through additional training. Differentials shall be paid in accordance with City policy.

Hazard Pay

Upon approval of the City Manager, employees may be awarded additional pay while performing hazardous duties.

## PART-TIME EMPLOYEES

A part time employee provides less than full time service to the City. Part time employees shall be paid at the same hourly rate as the equivalent full time position according to the salary plan.

Employees hired on a part time basis shall be eligible for pro-rated benefits based on their regularly scheduled work hours.

## VARIABLE-HOUR EMPLOYEES

The City of Orem will hire variable-hour employees as needed throughout the city. A variable-hour employee may or may not work a regular schedule and is not reasonably expected to work an

average of at least 30 hours per week during a calendar year, based on the facts and circumstances on the employee's date of hire. Variable-hour employees work a maximum of 1,500 hours in a calendar year.

## SEASONAL EMPLOYEES

The City of Orem will hire seasonal employees as needed throughout the city. A seasonal employee performs labor at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year. Seasonal employees work a maximum of 1,500 hours in a calendar year.

## EMPLOYEE RECOGNITION PROGRAM

All employees of the City of Orem will be appropriately recognized and rewarded for their year of service, meritorious performance, and supportive attitude according to established City policy.

## COST SAVINGS INCENTIVES

The City Council shall consider the adoption of an Employee Awards Program that provides financial remuneration for cost-saving suggestions and ideas that are implemented by the City.

| CITY OF OREM<br>**CITY COUNCIL MEETING**<br>MARCH 25, 2014 | |
|---|---|
| **REQUEST:** | **RESOLUTION - Approve HOME Investment Partnership Grant Final Statement of Projected Uses of Funds – 2014-2015** |
| **APPLICANT:** | City of Orem Community & Neighborhood Services |
| **FISCAL IMPACT:** | $1,456,917 (estimate) |

**NOTICES:**
-Posted in 2 public places
-Posted on City webpage
-Posted on City hotline
-Faxed to newspapers
-E-mailed to newspapers
-Neighborhood Chair

**SITE INFORMATION:**
General Plan Designation:
**N/A**
Current Zone:
**N/A**
Acreage:
**N/A**
Neighborhood:
**N/A**
Neighborhood Chair:
**N/A**

**PREPARED BY:**
Charlene Crozier
Former CNS Manager

**RECOMMENDATION:**
**The Community & Neighborhood Services Manager recommends that the City Council, by resolution, adopt the Final Statement of Projected Uses of Funds for the 2014-2015 HOME Investment Partnership Act.**

**BACKGROUND:**
Following presentations by applicants and a vote by the Utah Valley Consortium of Cities and County Board, the final statement for the 2014-2015 HOME allocation is ready to be adopted by consortium entities.

HOME funds are used for a variety of housing projects within Utah County, including: down-payment assistance, rental assistance, housing rehabilitation, property acquisition, and other projects.

Projected funding includes new entitlement, program income, and reprogrammed unspent funds from previous years. The total funding amount is an estimate that will be finalized as soon as the Consortium receives the actual HOME entitlement amount from the U.S. Department of Housing and Urban Development. The resolution exhibit articulates how funding shall be increased or cut based on the final dollar amount. Additional approval shall be required if the final funding is 25% higher than estimated.

RESOLUTION NO._____

A RESOLUTION APPROVING THE PROJECTED USES OF HOME INVESTMENT PARTNERSHIP ACT (HOME) FUNDS FOR THE UTAH VALLEY CONSORTIUM OF CITIES AND COUNTY, 2014-2015

WHEREAS the City of Orem has entered into the Utah Valley Consortium of Cities and County (UVCCC) in order to receive HOME program funding; and

WHEREAS the UVCCC is required by the U. S. Department of Housing and Urban Development to develop a Program Description of Projected Uses of HOME Funds as a prerequisite for receiving HOME program funding; and

WHEREAS the UVCCC has developed a Consolidated Plan to assist in providing decent, safe, sanitary, and more affordable housing for individuals of low and moderate income; and

WHEREAS the Program Description of Projected Uses of HOME Funds is consistent with the Consolidated Plan; and

WHEREAS HOME funds from each member of the UVCCC will be needed to cover the costs of all proposed projects;

WHEREAS a representative of the City of Orem participated in the UVCCC Board's application and voting process.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The Program Description of Projected Uses of HOME Funds attached hereto as "Exhibit A" and incorporated herein by this reference is hereby adopted. Final awards will be determined based on final allocation, so recommendations shall be adjusted accordingly.
2. All ordinances, resolutions, or policies in conflict herewith are hereby repealed.
3. This resolution shall take effect upon passage by the City of Orem City Council.

PASSED AND APPROVED this **25th** day of **March**, 2014

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
Donna R. Weaver, City Recorder

| COUNCIL MEMBERS VOTING "AYE" | COUNCIL MEMBERS VOTING "NAY" |
| --- | --- |
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| | |

# 2013/14 HOME Funding Allocations
## Exhibit A Final

| | Estimated Funding | FINAL ALLOCATION | TOTAL ALLOCATION |
|---|---|---|---|
| **2014/15 HOME CONSORTIUM ENTITLEMENT FINAL** | $ 903,985 | | **$ 1,049,016** |
| **Provo's FY 14/15 HOME Share** | $ 406,793.34 | **$ 472,057** | |
| **Consortium's FY 14/15 HOME Share** | $ 497,191.86 | **$ 576,959** | |
| **Administration** 10% of Grant | $ 90,398.52 | **$ 104,902** | |
| **AVAILABLE FOR REPROGRAMMING PROVO CITY** | | | |
| PROVO Program Income (Loan Repayments FY 12/13) | | $ 291,591 | |
| County/Orem Program Income (Loan Repayments FY 12/13) | | $ 261,341 | |
| **Total Available for Reprogramming** | | | **$ 552,932** |
| **2014/15 HOME FUNDS ESTIMATED AVAILABLE** | | | **$ 1,601,948** |

**PROPOSED USES 2014/15:**

| | Estimated Recommended Funding: | Final Allocations to be Appropriated | |
|---|---|---|---|
| **HOME Administration** | $ 90,399 | **$ 104,902** | **$ 104,902** |
| **CHDO Funding** | | | |
| **NeighborWorks** - Neighborhood Stabilization Program-Purchase/Rehab/Rent | $ - | $ - | |
| **Habitat for Humanity** - Land Acquisition/New Construction Consortium | $ 67,799 | **$ 78,676** | |
| **Rural Housing Development Corp.** - Mutual Self Help Program | $ 67,799 | **$ 78,676** | |
| **CHDO Available (15% of Entitlement)** | | | **$ 157,352** |
| **Proposed Project** | | | |
| Home Purchase Plus-Down Payment Assistance (Provo RDA) | $ 305,095 | **$ 354,043** | |
| Golden Spike Treatment Ranch-REAP (TBRA) | $ 29,500 | **$ 64,850** | |
| Habitat for Humanity-New Construction | $ 232,200 | **$ 221,324** | |
| Housing Authority of Utah County-Single Family Rehab. County-wide | $ 50,000 | $ 50,000 | |
| Housing Authority of Utah County - True North, LLC | $ 192,313 | **$ 227,664** | |
| Housing Authority of Utah County - Rental Rehabilitation | $ 19,500 | $ 19,500 | |
| Rural Housing Development Corp. - Mutual Self Help Program | $ 192,313 | $ 192,313 | |
| Loan-to-Own County Wide DPA | $ 210,000 | $ 210,000 | **$ 1,339,694** |
| **TOTAL PROPOSED USES** | | | **$ 1,601,948** |
| ***To Be Committed (over committed)*** | | | ***$ 0*** |

3/19/2014

| CITY OF OREM<br>**CITY COUNCIL MEETING**<br>MARCH 25, 2014 | |
|---|---|
| **REQUEST:** | **ORDINANCE – Establishing a Separate Police Department and Fire Department and Defining the Functions and Duties of Each City Department** |
| **APPLICANT:** | City Manager |
| **FISCAL IMPACT:** | Limited |

**NOTICES:**
-Posted in 2 public places
-Posted on City webpage
-Posted on the State noticing website
-Faxed to newspapers
-E-mailed to newspapers
-Neighborhood Chair

**SITE INFORMATION:**
General Plan Designation:
**N/A**
Current Zone:
**N/A**
Acreage:
**N/A**
Neighborhood:
**N/A**
Neighborhood Chair:
**N/A**

| PLANNING COMMISSION RECOMMENDATION |
|---|
| Vote: |

| PREPARED BY: |
|---|
| Jamie Davidson, City Manager |

**REQUEST:** The City Manager requests that the City Council consider an ordinance establishing a separate Police Department and Fire Department and further define the functions and duties of each city department.

**BACKGROUND:** The Utah Code authorizes the City Council, upon recommendation of the City Manager, to enact an ordinance creating, consolidating or abolishing departments and defining the functions and duties of each city department.

On July 1, 1981, with passage of the FY 1981-1982 fiscal budget and by motion of the City Council, the City Manager moved forward with consolidation of the Orem Police Department and the Orem Fire Department, thereby creating the Orem Department of Public Safety. At the time of consolidation, the City Council and the City Manager believed certain economies of scale and savings could be garnered with personnel who could serve both as police officers and firefighters during emergency situations. Given call volumes and service demands at the time of this decision, the move was intended to provide improved customer service and additional career opportunities for public safety personnel. In facilitating this change, all police officers and firefighters were classified as public safety officers and public safety personnel were invited to cross train as both police officers and firefighters. While not all department personnel were cross trained, a number of frontline public safety officers were certified as police officers and firefighter/EMTs. The consolidation effort resulted in personnel being assigned equipment and resources to function in both capacities. In addition, personnel were paid differential pay for holding both police and fire/paramedic certifications. At the time of consolidation, (1) the position of Director of Public Safety was created, (2) a director was appointed (at the time, the Police Chief became the Director of Public Safety) and, (3) a Fire Division was created within the department to meet the city's fire suppression and emergency medical response needs.

As the city matured, call volumes increased and level of service demands changed (for example, the city transitioned from operating out of two fire stations to four today), management and resource decisions began to reflect a natural separation between the police and fire sides of the public safety department. Given the intense training and certification requirements for both police officers and firefighters, personnel naturally gravitated to one side of the department or the other. Moreover, based on budget limitations, public safety officers were no longer equipped as both police officers and

firefighters.
Staffing and scheduling models also began to reflect a clear separation between police and fire functions.

While initially touted as a move that would result in cost savings, the consolidated Orem Department of Public Safety no longer provides significant financial benefits or savings to the City of Orem. Moreover, under the current operational model, the department's fire division has historically operated under department leadership whose background has been in law enforcement, a situation that has led to the feeling of some that one core function of the department has been subservient to the other.

**Advantages of the Recommended Change**

- The reorganization of the Orem Public Safety Department will lead to will lead to a dedicated and direct focus by personnel on services directly tied to the preservation of life and property (Fire) and law enforcement (Police).
- Morale and department unity will increase in both departments. "Team concept" will continue to grow and develop.
- Departmental planning and goal setting will exclusively focus on core service-related issues and concerns. For example, Fire personnel can exclusively focus on fire safety programs and initiatives, while Police personnel can address community-policing, investigations and neighborhood enforcement.
- The creation of a separate police department and fire department will formalize existing structure and operational policies.
- The position of Director of Public Safety will be eliminated and an additional frontline police officer position will be returned to service.
- The change will align Orem's public safety services with other municipal organizations in the state and throughout the United States. Of the 18,000 police and fire agencies in the United States, only 128 operate under a public safety model.
- The change facilitates the hiring of personnel that have specific expertise in either police or fire services, including department leadership.

**Disadvantages of the Recommended Change**

- The separation changes department dynamics and may impact unity and cooperation between both departments.
- Each distinct department will now compete for resources, consistent with other operating departments within the city.
- Updates and a review of departmental policies and procedures will need to take place to reflect the change.
- Physical changes will need to take place within the current public safety building to provide for appropriate departmental separation for officer/employee safety, chain of custody matters, HIPAA

regulations, etc.

- The change will require the recruitment and hiring of a new police chief.
- The separation will result in one-time costs that may include facility adjustments, uniform modifications, signage changes, etc.

**Definition of Department Functions of Each City Department**

Section 2-6-1 of the Orem City Code outlines the specific functions and duties of each city department. With the establishment of a separate police department and fire department, the city manager requested that each city department review, revise and update department functions to reflect current operations. The last time city department functions were revised was April 10, 1990.

**RECOMMENDATION**: The City Manager recommends adoption of the ordinance establishing a separate police department and fire department, effective July 1, 2014, and defining the functions and duties of each city department.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A SEPARATE POLICE DEPARTMENT AND FIRE DEPARTMENT AND DEFINING THE FUNCTIONS AND DUTIES OF EACH CITY DEPARTMENT.

WHEREAS the Utah Code authorizes the City Council, upon recommendation of the City Manager, to enact an ordinance creating, consolidating or abolishing departments and defining the functions and duties of each City department; and

WHEREAS the City Manager recommends that the Department of Public Safety be divided into a Police Department and a Fire Department and that the functions and duties of each City department be defined as set forth in the proposed ordinance; and

WHEREAS the City Council considered the proposed ordinance at a public meeting held on March 25, 2014.

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

1. The City Council hereby approves the City Manager's recommendation to divide the Department of Public Safety into a Police Department and a Fire Department.

2. The City Council hereby amends Section 2-6-1 of the Orem City Code as set forth below:

**2-6-1. City Administration.**

A. The administration of the City shall be conducted by and through the City Manager's Office and the following operating departments:

1. **City Manager's Department.** The City Manager's Department provides oversight to all of the operating departments of the City and implements City Council policies.
2. **Administrative Services Department.** The Administrative Services Department provides the following functions for the City: Finance, Human Resources, and Risk Management. The department also has a liaison relationship with the Justice Court.
3. **Development Services Department.** The Development Services Department works with contractors, other City Departments, State agencies and the public to design, build and maintain City infrastructure and buildings, oversees business licensing, and reviews/monitors all private development and construction in the City.
4. **Fire Department.** The Fire Department saves lives and protects property and the environment through fire suppression, paramedic emergency medical services, and other special response emergency services.
5. **Legal Services Department.** The Legal Services Department provides legal counsel and support to the City Council and City departments; it also prosecutes misdemeanor crimes committed in Orem.
6. **Orem Public Library.** The Orem Public Library provides print and non-print media items, reference and advisory service, cultural programs, and fine art and touring exhibits.
7. **Police Department.** The Police Department enforces the law, preserves the peace, maintains order, resolves problems, and provides a safe and secure environment for all citizens and visitors to the City of Orem.
8. **Public Works Department.** The Public Works Department operates and maintains streets, sidewalks, parks, cemetery, street signs, street striping, traffic signals, fiber optics, fleet services, and water, storm water, waste water and street lighting utilities.
9. **Recreation Department.** The Recreation Department offers fitness, recreation, leisure, learning, and sports opportunities for all ages, across a wide spectrum of outdoor and indoor venues and interests.

(Ord. No. 661, Revised, 04/10/90)

B. Each department shall be administered by a director, who shall be the head of that department.
(Ord. No. 661, Revised, 04/10/90)

C. Department directors shall be appointed by the City Manager, subject to the provisions of this Chapter.
(Ord. No. 661, Revised, 04/10/90)

D. Each department director shall have the authority, under the general supervision of the City Manager, to take any action necessary to accomplish the duties and responsibilities of the director's office, as well as those duties and responsibilities imposed by law or the City Manager.

3. All acts, orders, resolutions and ordinances, and parts thereof, in conflict with this ordinance are hereby rescinded.

4. If any portion of this ordinance is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

5. Except for the division of the Department of Public Safety into a separate Police Department and Fire Department, this ordinance shall become effective immediately after a summary of this ordinance has been published or posted as required by law. The new Police Department and the new Fire Department will formally begin operations on July 1, 2014.

PASSED, APPROVED, and ORDERED PUBLISHED this **25th** day of **March,** 2014

_____
Richard F. Brunst, Mayor

ATTEST:

_____
Donna R. Weaver, City Recorder

| COUNCIL MEMBERS VOTING "AYE" | COUNCIL MEMBERS VOTING "NAY" |
|---|---|
| | |
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| | |

**2-6-1. City Administration.**

A. The administration of the City shall be conducted by and through the City Manager's Office and the following operating departments ~~deemed necessary by the City Manager.~~:

1. **City Manager's Department.** The City Manager's Department provides oversight to all of the operating departments of the City and implements City Council policies.

2. **Administrative Services Department.** The Administrative Services Department provides the following functions for the City: Finance, Human Resources, and Risk Management. The department also has a liaison relationship with the Justice Court.

3. **Development Services Department.** The Development Services Department works with contractors, other City Departments, State agencies and the public to design, build and maintain City infrastructure and buildings, oversees business licensing, and reviews/monitors all private development and construction in the City.

4. **Fire Department.** The Fire Department saves lives and protects property and the environment through fire suppression, paramedic emergency medical services, and other special response emergency services.

5. **Legal Services Department.** The Legal Services Department provides legal counsel and support to the City Council and City departments; it also prosecutes misdemeanor crimes committed in Orem.

6. **Orem Public Library.** The Orem Public Library provides print and non-print media items, reference and advisory service, cultural programs, and fine art and touring exhibits.

7. **Police Department.** The Police Department enforces the law, preserves the peace, maintains order, resolves problems, and provides a safe and secure environment for all citizens and visitors to the City of Orem.

8. **Public Works Department.** The Public Works Department operates and maintains streets, sidewalks, parks, cemetery, street signs, street striping, traffic signals, fiber optics, fleet services, and water, storm water, waste water and street lighting utilities.

9. **Recreation Department.** The Recreation Department offers fitness, recreation, leisure, learning, and sports opportunities for all ages, across a wide spectrum of outdoor and indoor venues and interests.

(Ord. No. 661, Revised, 04/10/90)

B. Each department shall be administered by a director, who shall be the head of that department.
(Ord. No. 661, Revised, 04/10/90)

C. Department directors shall be appointed by the City Manager, subject to the provisions of this Chapter.
(Ord. No. 661, Revised, 04/10/90)

D. Each department director shall have the authority, under the general supervision of the City Manager, to take any action necessary to accomplish the duties and responsibilities of the director's office, as well as those duties and responsibilities imposed by law or the City Manager.

| CITY OF OREM<br>**CITY COUNCIL MEETING**<br>MARCH 25, 2014 | |
|---|---|
| **REQUEST:** | **RESOLUTION - Approve the amendments to the Commission for Economic Development in Orem's Articles of Incorporation and Bylaws, approve CEDO's decision to accept a plan of dissolution, and authorize the dissolution of CEDO.** |
| **APPLICANT:** | City of Orem Economic Development Division |
| **FISCAL IMPACT:** | |

**NOTICES:**
-Posted in 2 public places
-Posted on City webpage
-Posted on the State noticing website
-Faxed to newspapers
-E-mailed to newspapers
-Neighborhood Chair

**SITE INFORMATION:**
General Plan Designation:
**N/A**
Current Zone:
**N/A**
Acreage:
**N/A**
Neighborhood:
**N/A**
Neighborhood Chair:
**N/A**

| PLANNING COMMISSION RECOMMENDATION |
|---|
| Vote: |

| PREPARED BY: |
|---|
| Ryan Clark,<br>Economic Development Division Manager |

**RECOMMENDATION:**
**The Economic Development Division Manager recommends that the City Council, by resolution, approve the amendments to the Commission for Economic Development in Orem's Articles of Incorporation and Bylaws, approve CEDO's decision to accept a plan of dissolution, and authorize the dissolution of CEDO.**

**BACKGROUND:**
Prior to February 29, 2012, over the previous twenty-five years, the City of Orem, by agreement, had recognized the Commission on Economic Development in Orem (CEDO) as the "official economic development arm of the City." In an effort to be more responsive and proactive in the achievement of the City's economic development goals and objectives, the City Manager proposed that CEDO and its day-to-day operations become a part of the City of Orem as a formal division of the City Manager's Office.

During the January 10, 2012 City Council meeting, by motion, the City Council voted 7-0 to terminate the July 8, 1986 Agreement with the Commission for Economic Development in Orem, which became effective February 29, 2012. After the agreement was terminated, economic development operations were moved into the city center and the Economic Development Division was created within the Office of the City Manager.

Since that time, Legal Services, the Economic Development Division, the CEDO Board of Trustees, and the CEDO Executive Director have worked together to complete the dissolution of CEDO. Recently, the CEDO Board of Trustees voted 5-0, with one member not participating in the vote, in favor of the following actions: to amend CEDO's Articles of Incorporation and Bylaws to accurately reflect CEDO's tax exempt status as a §501(c)(6) entity and permit transfer of assets to the City and the Revolving Loan Fund upon dissolution, adopt the proposed Plan of Dissolution, recommend and authorize the dissolution of CEDO, pass the resolution adopting the Plan of Dissolution and authorizing the officers of CEDO to take all necessary steps to dissolve the corporation, and authorize the Executive Director and the Chairman of the Board of Trustees to execute the Assignment Agreement with the City.

CEDO's Articles of Incorporation and Bylaws require City Council

approval of these actions before the actions become effective. After the City Council approves this resolution, the corporation will conclude its winding up process and will file articles of dissolution with the appropriate state and federal authorities.

RESOLUTION NO. R-2014-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OREM APPROVING THE AMENDMENTS TO THE COMMISSION FOR ECONOMIC DEVELOPMENT IN OREM'S ARTICLES OF INCORPORATION AND BYLAWS, APPROVING CEDO'S DECISION TO ACCEPT A PLAN OF DISSOLUTION, AND AUTHORIZING THE DISSOLUTION OF CEDO

WHEREAS the City of Orem (City) has terminated its July 8, 1986 agreement with Commission of Economic Development in Orem (CEDO); and

WHEREAS CEDO is no longer responsible for overseeing and implementing economic development in the City; and

WHEREAS CEDO is in the process of winding up its affairs; and

WHEREAS the Board of Trustees (by written ballot) has voted that it the best interests of CEDO to be liquidated and dissolved; and

WHEREAS more than two-thirds and a majority of the members of the Board of Trustees have voted (by written ballot) to amend CEDO's Articles of Organization and Bylaws to add the City of Orem (City) as an organization Member. A copy of the amendments is attached as Exhibit A; and

WHEREAS the City of Orem has been assigned all right, title, and interest to any outstanding loans owed to CEDO on behalf of the City as the City's CDBG Revolving Loan Program administrator by agreement dated March 12, 2014 a copy of which is attached hereto as Exhibit B; and

WHEREAS the Chairman of the Board of Trustees has signed and a requisite number of the members of the Board of Trustees has voted to approve a Resolution Authorizing CEDO's dissolution which is attached hereto as Exhibit C.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, as follows:

1. The City Council hereby approves the amendment of CEDO's Articles of Incorporation and Bylaws.

2. The City Council hereby approves the Board of Trustee's decision to accept the Plan of Dissolution.

3. The City Council hereby approves CEDO's Resolution dissolving the corporation.

PASSED, RESOLVED and ORDERED PUBLISHED this **25th** day of **March** 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

| COUNCIL MEMBERS VOTING "AYE" | COUNCIL MEMBERS VOTING "NAY" |
| --- | --- |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

# EXHIBIT

# A

# Proposed Amendment to Articles of Incorporation of Commission for Economic Development in Orem

As provided for in Article X of the Articles of Incorporation of Commission for Economic Development in Orem (as amended) dated January 23, 1986, the Board of Trustees amends the articles as follows:

**Article III Purposes**

(n) Notwithstanding any other provision of this certificate, the corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt under Section 501(c)(6) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended, or by an organization, contributions to which are deductive under Section 170(c)(2) or such Code and Regulations as they now exist or as they may hereafter be amended.

**Article IV Members**

The corporation shall have one member.

**Article VI Dissolution**

Upon dissolution or liquidation of the corporation, the assets shall be distributed according to the provisions of Section 16-6-63(3), Utah Code Annotated (1953, as amended), and a plan of distribution which shall be adopted by the corporation upon dissolution pursuant to Section 16-6-64, Utah Code Annotated (1953, as amended). The plan shall provide that the assets be distributed to organizations that qualify under the provisions of Section 501(c)(6) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended or as provided for in Section 16-6a-1302, Utah Code Annotated (1953, as amended).

# Proposed Amendment to Revised Bylaws of the Commission for Economic Development in Orem

As provided for in Article IX of the Revised Bylaws of Commission for Economic Development in Orem dated September 21, 1994, the Board of Trustees amends the Bylaws as follows:

**Article X Members**

Section 1. Membership: The corporation shall have one member, the City of Orem. The City of Orem may not transfer its membership or any rights arising from that membership to another party.

Section 2. No annual meeting of the Member is required.

# EXHIBIT

# B

# Assignment Agreement Between the City of Orem and the Commission for Economic Development in Orem

This Assignment Agreement (Agreement) is dated below by and between the Commission for Economic Development in Orem (CEDO) with its principal place of business located at 56 North State Street, Orem, Utah 84057 and the City of Orem, a municipal corporation and political subdivision of the State of Utah, with its principal offices located at 56 North State Street, Orem, Utah 84057 (City).

## RECITALS

WHEREAS, CEDO formally acted as the economic development arm for the City under an agreement executed on July 8, 1986 (1986 Agreement); and

WHEREAS, by agreement dated May 22, 1990, CEDO was established as the Administrator of the CDBG Small Business Revolving Loan Program (RLF); and

WHEREAS, the Orem City Council terminated its 1986 Agreement with CEDO on January 10, 2012 which all subsequent agreements with CEDO were premised upon; and

WHEREAS, CEDO is in the process of winding up its business and preparing for dissolution; and

WHEREAS, it is now the City's Economic Development Division that is administering the RLF; and

WHEREAS, there are a number of outstanding RLF loans that are in various stages of repayment; and

WHEREAS, a list of the outstanding loans, their loans balances, and the property securing those loans is attached hereto as Exhibit A (hereinafter referred to as the "Outstanding RLF Loans"); and

WHEREAS the right, title, and interest in the Outstanding RLF Loan repayment proceeds may be assigned to the City under the loan documents establishing the Outstanding RLF Loans; and

WHEREAS pursuant to Article V, Section 1 of CEDO's Revised Bylaws, the Executive Director together with the Chairman of the Board may enter into any contract or execute and deliver any instrument in the name and on behalf of CEDO; and

WHEREAS a notice of assignment will be provided to each of the parties obligated on the Outstanding RLF Loans; and

WHEREAS, it is necessary for CEDO to assign to the City its interest in the Outstanding RLF Loans so that the City may service the loans and continue to administer the RLF.

## CONVENANTS

NOW THEREFORE, in consideration of the foregoing recitals, the mutual covenants contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, CEDO and the City hereby agrees as follows:

1. **Assignment**: CEDO hereby transfers, sets over, and assigns to the City all of its right, title, and interest in and to the Outstanding Loans listed in Exhibit A and all of the responsibilities, liabilities, and obligations thereunder, and the City accepts the same.
2. **Release**: As of the date of this Agreement, CEDO shall be released from all liabilities and obligations under the terms of the Outstanding RLF Loans.
3. **Authority**: CEDO and the City represent that they have the full power, authority and legal right to execute this Agreement and to keep and observe all of the terms of this Agreement.
4. **Lawful Agreement**: The parties represent that each of them has lawfully entered into this Agreement, having complied with all relevant statutes, ordinances, resolutions, bylaws and other legal requirements applicable to their operation.
5. **Utah law governs**: This agreement shall be interpreted pursuant to the laws of the State of Utah.
6. **Time of essence**: Time shall be of the essence of the Agreement.
7. **Interpretation of Agreement**: The invalidity of any portion of this Agreement shall not prevent the remainder from being carried into effect. Whenever the context of any provision shall require it, the singular number shall be held to include the plural number, and vice versa, and the use of any gender shall include the other gender. The paragraph and section headings in this Agreement contained are for convenience only, and do not constitute a part of the provisions hereof.
8. **Amendments**: No oral modifications or amendments to this Agreement shall be effective, but this Agreement may be modified or amended by written agreement.
9. **No presumption**: Should any provision of this Agreement require judicial interpretation, the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

10. **Binding effect**: This Agreement shall be binding upon the heirs, successors, administrators and assigns of each of the parties hereto.

SIGNED AND ENTERED INTO THIS 12th day of March, 2014.

City of Orem
James P. Davidson,

James P. Davidson
TITLE: City Manager

ATTEST:

Donna Weaver, City Recorder

CEDO

By: Brad Whitaker

TITLE: Executive Director

STATE OF UTAH)

: ss.

COUNTY OF UTAH)

JENNIFER SISOUTHAM
Notary Public, State of Utah
Commission #670629
My Commission Expires
September 30, 2017

The foregoing instrument was acknowledged before me this 14 day of February, 2014, by Brad Whitaker, as Executive Director of CEDO, who acknowledged that he executed this Agreement on behalf of CEDO.

NOTARY PUBLIC

CEDO
By: Steve Hortin

TITLE: Chairman of the Board of Trustees

CEDO

By: Brad Whitaker

TITLE: Executive Director

STATE OF UTAH)

: ss.

COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this day of , 2014, by Brad Whitaker, as Executive Director of CEDO, who acknowledged that he executed this Agreement on behalf of CEDO.

NOTARY PUBLIC

CEDO
By: Steve Hortin

TITLE: Chairman of the Board of Trustees

STATE OF UTAH)

: ss.

COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 6th day of February, 2014 2014, by Steve Hortin, as Chairman of the Board of Trustees of CEDO, who acknowledged that he executed this Agreement on behalf of CEDO.

NOTARY PUBLIC

DEBORAH L. BARNEY
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 660597
COMM. EXP. 12-07-2016

# EXHIBIT A

| Obligated Party | Loan Date | Original Loan Amount | Loan Balance | Collateral Securing the Loan |
|---|---|---|---|---|
| Frontline Phonics | July 1999 | $80,000.00 | $23,071.40 | 2nd position lien on general |
| Frontline Phonics | March 2003 | $80,000.00 | $10,300.00 | General and option to purchase stock |
| Vuz, Inc. | June 2003 | $80,000.00 | | General |
| Norma's Kitchen | April 2004 | $39,000.00 | $36,787.00 | General (but no Ex C attached to Loan and Security Agreement) |
| Family 180 | June 2007 | $80,000.00 | $77,051.00 | General |
| Superior Equine Pharmaceuticals | December 2007 | $80,000.00 | $42,389.17 | General |
| Family Odyssey | April 2010 | $80,000.00 | $9,893.28 | General |
| ClearCenter I | June 2010 | $80,000.00 | $69,932.44 | General "less Central Pointe Inc., assets" |
| ClearCenter II | April 2010 | $39,861.32 | $33,861.90 | General and Notice of Interest in real property 1183 East 130 South, Lindon, Utah |
| Amano Chocolates | August 2010 | $80,000.00 | $57,429.97 | General |
| Marketecture | November 2011 | $80,000.00 | $35,964.18 | General |
| Unetx | May 2012 | $80,000.00 | $30,191.79 | General |

General: CEDO takes a first position lien interest on inventory, furniture, technology, intellectual property, fixtures and equipment, and receivables now owned or hereinafter acquired.

# EXHIBIT

# C

RESOLUTION NO. R-_____

A RESOLUTION AUTHORIZING THE COMMISSION FOR ECONOMIC DEVELOPMENT IN OREM TO APPROVE THE PLAN OF DISSOLUTION AND A RESOLUTION AUTHORIZING THE DISSOLUTION OF CEDO

WHEREAS the City of Orem (City) has terminated its July 8, 1986 agreement with Commission of Economic Development in Orem (CEDO); and

WHEREAS CEDO is no longer responsible for overseeing and implementing economic development in the City; and

WHEREAS CEDO is in the process of winding up its affairs; and

WHEREAS the Board of Trustees deems it advisable and in the best interests of CEDO to be liquidated and dissolved; and

WHEREAS the City of Orem (City) has been assigned all right, title, and interest to any outstanding loans owed to CEDO on behalf of the City as the City's CDBG Revolving Loan Program administrator by agreement dated MARCH 12, 2014; and

WHEREAS the Board of Trustees has had an opportunity to review the proposed Plan of Dissolution which is attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF CEDO, as follows:

1. The Board of Trustees hereby adopts the proposal to dissolve the corporation. The sole member of the corporation having voted to approve the proposal to dissolve the corporation.
2. The Board of Trustees hereby recommends and authorizes the Dissolution of CEDO.
3. The Board of Trustees authorizes the officers of CEDO to execute the Articles of Dissolution pursuant to applicable law and in conformity with its bylaws and the applicable provisions of the Utah Revised Nonprofit Corporations Act, and to do all other things necessary or convenient to effectuate the dissolution of CEDO and to take such steps as may be necessary or convenient to carry this resolution into effect.
4. The officers of CEDO are hereby authorized to perform such acts and directed to execute any and all forms, reports, and returns required by any federal, state, or local government in connection with or by reason of the dissolution of CEDO (including Internal Revenue Service for 966 if required) and any and all other forms, reports, and returns as are deemed necessary on behalf of CEDO.

5. This resolution shall become effective when approved by the Orem City Council as required by the corporations articles and bylaws.

PASSED, APPROVED, AND ORDERED PUBLISHED this 17 day of March 2014.

Chairman of the Board of Trustees

| BOARD MEMBERS VOTING "AYE" | BOARD MEMBERS VOTING "NAY" |
| --- | --- |
| CHRIS DEXTER | |
| REX S. GOODWIN | |
| RANDY R. PARK | |
| THOMAS DICKSON | |
| STEVEN K. HORTIN | |
| | |
| | |

# EXHIBIT

# A

**PLAN OF DISSOLUTION AND DISTRIBUTION OF ASSETS**

The Board of Trustees of the Commission for Economic Development in Orem pursuant to notice given in accordance with the applicable law, written consents having been obtained by the requisite number of Board Members, a quorum having participated through voting by ballot and having considered the advisability of voluntarily dissolving the corporation, and it being the (majority or unanimous) opinion of the Board that dissolution is advisable and in the best interests of the corporation, and the Board having adopted, by (unanimous or majority) vote a plan for a voluntary dissolution of the corporation, and the sole member of the corporation having accepted all of the above, does hereby resolve that the corporation be dissolved in accordance with the following plan:

1. There being one member who has voted to approve the dissolution of CEDO.

2. Approval of the dissolution of the corporation shall be obtained from the City Council of the City of Orem as required by the corporation's Articles of Incorporation and Bylaws.

3. The corporation has assets. Such assets are not legally required to be used for any particular purpose. Below is a list of the assets and their values:

| Description | Value |
|---|---|
| Miscellaneous office equipment | Less than $2,000 |
| JAB Wireless Stock Certificate | Unknown but could have a value of up to $27,000. |
| | |
| | |

4. The assets owned by the corporation subject to any unpaid liabilities of CEDO shall be distributed to the corporation's member pursuant to the corporations Articles of Incorporation, Bylaws, and Utah Code § 16-6a-1302. Any funds obtained from the sale of the JAB Wireless stock certificate will be placed in the Revolving Loan Fund.

5. The corporation has no liabilities.

**Certification**

I, Jennifer Sisoutham, Secretary of the CEDO hereby certify under penalties of perjury that the necessary number of consents pursuant to Utah Code § 16-6a-707 and votes pursuant to Utah Code §16-6a-709 of the Board of Trustees of CEDO were obtained and the within Plan of Dissolution was duly submitted and passed by a (majority or unanimous) vote of the Board (by unanimous written consent) and approved by an affirmative vote of the corporation's sole member.

Jennifer Sisoutham
Secretary, CEDO
Dated the 12 day of March 2014.

S

AGENDA MEETING 3/25/14

Once agenda is completed and on its way to the CC, the following steps can be completed:

- Agenda faxed to the press on: 3/21/14
- Agenda posted—Lib. & City on: 3/21/14
- Emailed to Executive Staff & Council: 3/21/14
- Agenda emailed to the press on: (blind copy) 3/21/14
- Agenda posted on website on: 3/21/14
- NIA Chairs informed on: 3/21/14
- State Website: 3/21/14
- Add agenda link to Facebook: 3/21/14
- Contact applicants:
  - Gevorgian (Appendix X)
  - 
  - 
  - 
  - 

Revised February 20, 2014

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*****************************
***   MULTI TX/RX REPORT   ***
*****************************

TX/RX NO                1181
PGS.                      8
TX/RX INCOMPLETE
                        [  01]918019734176                          KTVX
                        [  02]98013442985                           DAILY HERALD
                        [  07]
TRANSACTION OK
                        [  04]918012578525                          SALT LAKE TRIBUN
                        [  05]98013738988                           EVANS GRADER
                        [  06]98012256908                           RANDY FARNWORTH
                        [  08]98017854510                           LINDON CITY
                        [  09]98018526107                           PROVO CITY
ERROR INFORMATION
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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
March 25, 2014

*This meeting may be held electronically to allow a Councilmember to participate.*

**3:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM**

1. **PRESENTATION – URMMA – 20 min**
2. **DISCUSSION – Slack Line Regulations at Parks – Karl Hirst – 10 min**
3. **DISCUSSION – Cosponsored Groups – Karl Hirst – 45 min**
4. **DISCUSSION – SW Annexation Area – 15 min**
5. **DISCUSSION – 2014 Orem Citizen Survey – 30 min**

**5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

PREVIEW UPCOMING AGENDA ITEMS

5. **Staff will present to the City Council a preview of upcoming agenda items.**

AGENDA REVIEW

6. **The City Council will review the items on the agenda.**

CITY COUNCIL - NEW BUSINESS

7. **This is an opportunity for members of the City Council to raise issues of information or concern.**

# URMMA Training Highlights

Over fifty topics are offered to URMMA Cities-Examples include the following:

1. **New Supervisors Communication Skills Training**
2. **Advanced Supervisors Communications Skills Workshops**
3. **Police Liability/Emotional Survival Training**
4. **Verbal Defense and Influence**
   Joanne Glantz, Education Manager, is the only instructor in Utah (through the Vistelar organization) certified to conduct training to both Public Safety and non-public safety. Formerly known as Verbal Judo, this training teaches stress management and communication skills for any employee who must communicate under pressure.
5. **Anti-harassment/bullying Training**
6. **Working with Different Personalities, Genders and Generations**
7. **Customer Service Skills**
8. **Defensive Driver Training**, including one-on-one commentary drives with employees involved in preventable vehicle accidents
9. **"Roundtables"** held where individuals attend from several cities to discuss current hot topics–past topics include Volunteer Liability, Sewer Backups, and Employee Terminations
10. **Risk Management Conference** for supervisors and department heads URMMA staff and outside speakers, often nationally recognized, are brought in for our conferences. This year's conference features Dr. Marianne Jennings of Arizona State University speaking on **ethics**
11. **Lunch and Learn**
    Customized topics are developed for specific employee groups at the request of our URMMA cities
12. **Professional Presence** - Training for employees who are new to municipal government, especially our part-time and seasonal personnel
13. **Utah LTAP** - LTAP serves local agencies, UDOT and FHWA. One of their many training programs is certifying municipal employees in the Road Scholar Program. Joanne Glantz conducts the Supervisory Communications sessions for this certification

**98% of all URMMA training is conducted at your city for your convenience**

Utah Risk Management Mutual Association • 502 East 770 North, Orem, Utah 84097
www.urmma.org • Phone: (801) 225-6692 • Fax: (801) 225-6879

**Orem Citizens Survey**
**Draft Questionnaire**
**March 2014**

Note to reviewers: This document is for finalizing survey question wording and available response options. For the final survey instrument these questions will be formatted for online survey administration, including HTML interactive sliders and buttons for recording opinions.

QQUALIFY. Do you currently live in Orem City?

1 Yes
2 No [TERMINATE]
3 DK [TERMINATE]
4 REF [TERMINATE]

**OVERALL SATISFACTION QUESTIONS**

QDIRECTION*. Overall, would you say the city of Orem is headed in the right direction or the wrong direction?

1 Right direction
2 Wrong direction
3 Don't know/Unsure

QOVERALL. All things considered, on a scale from 0 to 100, with 0 being very low and 100 being very high, how would you rate your overall quality of life in Orem?

QELECTED. Do you approve or disapprove of how the Orem Mayor and City Council are handling their jobs?

1 Strongly approve
2 Approve
3 Disapprove
4 Strongly disapprove

Q5YRRATE*. How would you rate the City of Orem today compared to five years ago? Would you say it is…

1 Much better
2 Somewhat better
3 About the same
4 Somewhat worse
5 Much worse
6 Don't know, I haven't been here that long

QLIKEMOST*. What do you like most about living in Orem? (OPEN ENDED)

QTOPISSUE1. In your opinion, what is the most important problem facing Orem today? (OPEN ENDED)

Please rate each of the following aspects of quality of life in the Orem using a 1-5 scale with one meaning "poor" and five meaning "excellent."

QQUALITY1*. Overall quality of your neighborhood?
QQUALITY2*. Physical attractiveness of the city as a whole?
QQUALITY3*. Overall quality of life?

1 Poor
2
3 (Neutral)
4
5 Excellent

QCITYIMAGE*. Now, thinking about the image of Orem, in your opinion has the overall image of Orem improved, stayed the same, or deteriorated in the past 5 years?

1 Definitely deteriorated
2 Probably deteriorated
3 Stayed the same
4 Probably improved
5 Definitely improved

QRECOMMEND*. How likely are you to recommend the City of Orem to others as a good place to live?

1 Very likely
2 Somewhat likely
3 Somewhat unlikely
4 Very unlikely

QTAXVALUE. In general, how do you rate the service you receive from Orem for your tax dollar?

1 Excellent
2 Good
3 Fair
4 Poor

QSAFE*. Do you agree or disagree with the following statement using a 1-5 scale with one meaning you "strongly disagree" and five meaning you "strongly agree."

Overall, I feel safe living in Orem and my neighborhood.

1 Strongly disagree
2
3
4
5 Strongly agree

**CITY SERVICES SATISFACTION**

Orem provides a number of services to its residents. Please rate each of the following city services using a 0 to 100 scale with 0 meaning you are completely dissatisfied and 100 meaning you are completely satisfied. If you are unfamiliar with a service, select Not applicable.

| | |
|---|---|
| QPOLICE1. | Police / crime prevention |
| QPOLICE2. | Police / response times |
| QPOLICE3. | Police / traffic enforcement |
| QANIMAL. | Animal control services |
| QFIRE. | Fire protection services |
| QMEDICAL. | Emergency medical services |
| QEMER. | Emergency management |
| QGARBAGE. | Garbage collection |
| QRECYCLE. | Recycling program |
| QSNOW. | Snow removal services |
| QRDSFIX. | Surface maintenance on city streets |
| QRDSCLEAN. | Street sweeping |
| QUTILBILLS. | Utility billing system |
| QWATER. | Drinking (culinary) water services |
| QDRAINS. | Storm water drainage |
| QLIGHTS. | Street lighting |
| QLIBRARY. | Orem Library |
| QCOURT. | Justice Court |
| QLANDUSE. | Land use, planning, and zoning |
| QCITYCODE. | City code enforcement, neighborhood preservation |
| QCEMETARY. | Cemetery |

QSERVICES. If you have any comments you would like to briefly share about your experience with any Orem City service, please enter them here.

## CITY EVENTS SATISFACTION

Orem also organizes a number of city events. Please rate each of the following events using a 0 to 100 scale with 0 meaning you are completely dissatisfied and 100 meaning you are completely satisfied. If you are unfamiliar with an event, select Not applicable.

| | |
|---|---|
| QSUMMER. | Orem Summerfest |
| QTIMP. | Timpanogos Storytelling Festival |
| QLIBRARYE. | Library events |
| QCOUTDOOR. | City Center Park outdoor stage events |
| QFIRE. | Fire Prevention Day |

QEVENTS. If you have any comments you would like to briefly share about your experience with any Orem City event, please enter them here.

## CITY RECREATION & FACILITIES SATISFACTION

Orem also runs a number of recreational programs and facilities. Please rate each of the following recreational programs and facilities using a 0 to 100 scale with 0 meaning you are completely dissatisfied and 100 meaning you are completely satisfied. If you are unfamiliar with a recreational program or facility, select Not applicable.

| | |
|---|---|
| QYOUTH. | Youth Recreation programs |
| QTRAILS. | Trails and open space |
| QPARKS. | Appearance of city parks |
| QFITNESS. | Orem Fitness Center |
| QSENIORS. | Orem Senior Friendship Center |
| QSCERA. | Scera Park Pool |

QRECREATION. If you have any comments you would like to briefly share about your experience with any Orem City recreational program or facility, please enter them here.

## CITY EMPLOYEE SATISFACTION QUESTIONS

Please rate each of the following using a 0 to 100 scale with 0 meaning you are completely dissatisfied and 100 meaning you are completely satisfied.

| | |
|---|---|
| QCOURTESY. | Courtesy of city employees |
| QPERFORM. | Overall work performance of city employees |

QEMPLOYEES. If you have any comments you would like to briefly share about your experience with Orem City employees, please enter them here.

QNEWS*. From which source do you currently receive most of your information about the City of Orem?

1 City newsletter
2 Email from the city
3 City website
4 Utility bill stuffer
5 Newspaper
6 Insert in water or other municipal bill
7 Social media (i.e. Twitter, Facebook, etc)
8 Other (SPECIFY)

QCOMPLAINT*. During the past year have you contacted any Orem office to seek service, information, or to file a complaint?

1 Yes
2 No

(IF QCOMPLAINT = 2 SKIP TO QNEEDONLINE)

QRESPONSE*. Were you generally satisfied or dissatisfied with the city's response?

1 Very satisfied
2 Somewhat satisfied
3 Neither satisfied nor dissatisfied
4 Somewhat dissatisfied
5 Very dissatisfied

QNEEDONLINE. Do you agree or disagree with the following statement: I need to have access to the internet every day.

1 Strongly agree
2 Agree
3 Neither agree nor disagree
4 Disagree
5 Strongly disagree

QUTOPIA. At home, do you connect to the internet through the UTOPIA network?

1 Yes
2 No
3 I'm not sure

[IF QISP = 1, ASK QFIBERISP]

QFIBERISP. At home, through which UTOPIA service provider do you connect to the internet?

1 XMission
2 InfoWest
3 Veracity
4 Webwave
5 Sumo
6 Fibernet
7 Brigham.net
8 Beehive Broadband
9 Other (SPECIFY)

[IF QISP = 2, ASK QOTHERISP]

QOTHERISP. At home, through which service provider do you connect to the internet?

1 Comcast
2 CenturyLink
3 Digis
4 Other (SPECIFY)

[IF QISP = 3, ASK QALLISPS]

QALLISPS. At home, through which service provider do you connect to the internet?

1 Comcast
2 CenturyLink
3 Digis
4 XMission
5 InfoWest
6 Veracity
7 Webwave
8 Sumo
9 Fibernet
10 Brigham.net
11 Beehive Broadband
12 Other (SPECIFY

QINTERNETFEAT. When thinking about access to the internet, what do you think is the most important feature?

1 Connection speed
2 Reliability
3 Affordability
4 Other

**MACQUERIE PROPOSAL RANDOMIZED SELECTION**

[RANDOMLY ASSIGN RESPONDENT TO ONE QUESTION IN QMAC SERIES]

QMAC1. One proposal that is being considered in Orem is an agreement with a private company to manage the UTOPIA high-speed internet system. This company would use their own funds to connect every home in Orem to UTOPIA. Orem City would maintain ownership of the UTOPIA system, but would share revenues with this company for the duration of the agreement.

QMAC2. One proposal that is being considered in Orem is an agreement with a private company to manage the UTOPIA high-speed internet system. This company would use their own funds to connect every home in Orem to UTOPIA. Orem City would maintain ownership of the UTOPIA system, but would share revenues with this company for the duration of the agreement. Every home would receive a basic internet package comparable in speed to the basic package offered by Google Fiber in Provo.

QMAC3. One proposal that is being considered in Orem is an agreement with a private company to manage the UTOPIA high-speed internet system. This company would use their own funds to connect every home in Orem to UTOPIA. Orem City would maintain ownership of the UTOPIA system, but would share revenues with this company for the duration of the agreement. There would be a utility fee of $XX per month for almost all Orem households

QMAC4. One proposal that is being considered in Orem is an agreement with a private company to manage the UTOPIA high-speed internet system. This company would use their own funds to connect every home in Orem to UTOPIA. Orem City would maintain ownership of the UTOPIA system, but would share revenues with this company for the duration of the agreement. Every home would receive a basic internet package comparable in speed to the basic package offered by Google Fiber in Provo. There would be a utility fee of $XX per month for almost all Orem households.

Do you favor or oppose the agreement? (0 = Oppose, 100 = Favor)

And now just a few more questions that will help us categorize responses.

QSEX. What is your gender?

1 Male
2 Female

QYEARBORN. Please select the year you were born:

QTIMELIVED. How long have you lived in Orem?

1 Less than 2 years
2 3-5 years
3 6-10 years
4 11-20 years
5 21 or more years

QOWNRENT. Which of the following best describes where you are currently living?

1 Own or buying my own home
2 Rent my home or apartment
3 College or university housing
4 Live with parents
5 Other

QPARTYID. Generally speaking, do you think of yourself as a Republican, a Democrat, an independent or what?

1 Republican
2 Democrat
3 Independent
4 No preference/Neither
5 Other (SPECIFY)

[IF QPARTYID = 1 OR 2 ASK QINTENSE OTHERWISE GO TO FILTER ABOVE QLEAN]

QINTENSE. Would you call yourself a strong (Rep./Dem.) or a not very strong (Rep./Dem.)?

1 Strong
2 Not very strong

[IF QPARTYID = 3-5 ASK QLEAN OTHERWISE GO TO QIDEOLOGY]

QLEAN. Do you think of yourself as closer to the Republican or the Democratic Party?

1 Republican
2 Democratic
3 Neither

QIDEOLOGY. On most political matters do you consider yourself:

1 Strongly conservative
2 Moderately conservative
3 Neither, middle of the road
4 Moderately liberal
5 Strongly liberal

QEDOFR. What is the last year of school you completed?

1 Some high school or less
2 High school graduate
3 Some college
4 College graduate
5 Post graduate degree (e.g. MA, MBA, LLD, PhD)
6 Vocational school or technical school

QEMPLOY. What is your employment status?

1 Self-employed
2 Employed by someone else
3 Unemployed
4 Homemaker
5 Retired
6 Student

QSTUDENT. Are you currently enrolled at a college or university?

1 Yes
2 No

(IF QSTUDENT = 1)

QCOLLEGE. At which college or university are you currently enrolled?

1 Utah Valley University
2 Brigham Young University
3 University of Utah
4 Other

(IF QSTUDENT = 1)

QSTUDENTTIME. Are you enrolled as a:

3 Full-time student
4 Part-time student

QMARRIAGE. Are you currently…

1 Married
2 Divorced
3 Widowed
4 Living with partner
5 Single

QRACE. Are you:

1 American Indian / Native American
2 Asian
3 Black / African American
4 Hispanic / Latino
5 White / Caucasian
6 Pacific Islander
7 Other (SPECIFY)

QINCOME. What do you expect your 2014 family income to be? Just stop me when I read the correct category.

1 Under $25,000
2 $25,000 – 39,999
3 $40,000 – 49,999
4 $50,000 – 74,999
5 $75,000 – 99,999
6 $100,000 – 124,999
7 $125,000 – 149,999
8 Over $150,000

QPANEL. Now that you have completed this Orem Citizens Survey, we would like to invite you to join the Orem Citizens Panel.

As a participant in the Orem Citizens Panel, you will be contacted occasionally by email during the coming months with a request to fill out a brief internet survey on topics related to government and city policy. Your responses will remain completely confidential and your participation will help city elected officials and staff be more informed about public opinion on issues important to you. All surveys will be conducted through the internet. We will never use your email address for commercial purposes and you can withdraw from the Orem Citizens Panel at anytime.

Would you like to participate in future Orem Citizens Surveys?

1 Yes
2 No

[IF QPANEL = 1, ASK QEMAIL]

QEMAIL. Thank you for your willingness to participate in future Orem Citizens Surveys.

Please enter your email address here: _____

QQUALITY. Finally, for quality control purposes, please rate your experience taking this poll. Would you consider the experience:

1 Excellent
2 Good
3 Fair
4 Poor
**5** Don't know

QCOMMENTS. Thank you for completing the survey. If you have any comments about this survey or Orem City in general, please enter them here:

**BACKPAGE**

Thank you for your time and opinions. Good bye.

# CO-SPONSORED SPORTS GROUPS

Orem Recreation

# CO-SPONSORED SPORTS GROUPS

- Agenda:
  - Field Use Policy
    - Selection Committee
    - Group Field Use Requirements
    - Pricing
  - Field Use Agreements
    - Group 2
    - Groups 3 and 4

# CO-SPONSORED SPORTS GROUPS

- Group 2 Field Use Requirements
  - Selection of President and Board members must be made in an advertised and open public meeting
  - Presidents and Board members may not service on the Board or as an officer for more than eight (8) years.
  - Group 2 priority status will not be granted to groups that conduct their activity for commercial or individual financial gain or for the financial gain of their Boards of Directors
  - All conflicts of interests must be reported to the Recreation Director
  - Maintain nonprofit 501(c) status with the State of Utah and the Internal Revenue Service

# CO-SPONSORED SPORTS GROUPS

- Group 2 Field Use Requirements
  - Not offer programs that compete with programs offered through the Department
  - One voting position on the leadership board will be allocated to the City of Orem
  - All meetings will be advertised on the organization's website and notice sent to all member's e-mail addresses or public notice shall be given in some other form
  - Board meeting minutes will be posted on the organization's website or otherwise made available to the public
  - Financial disclosures including costs, revenues, inventory lists and compensation of all board members, employees, and contractors will be required annually.

# CO-SPONSORED SPORTS GROUPS

- Group 2 Field Use Requirements
  - Adhere to all City, County, and State business and health codes pertaining to the sale or preparation of concession items
  - Conduct background checks on all volunteers and coaches.
  - Offer scholarships to low-income participants
  - Adhere to all requirements listed in this policy

# CO-SPONSORED SPORTS GROUPS

- Groups 3 and 4 Field Use Requirements
  - Notify the Department of all board meetings
  - Forward board meeting minutes to the Recreation Director
  - Make financial disclosures as requested by the Recreation Director
  - Maintain nonprofit 501(c) status with the State of Utah and the Internal Revenue Service

# CO-SPONSORED SPORTS GROUPS

- Groups 3 and 4 Field Use Requirements
  - Offer scholarships to low income participants
  - Conduct background checks on all volunteers and coaches.
  - Adhere to all requirements listed in this Policy

# CO-SPONSORED SPORTS GROUPS

- **<u>Orem Timpanogos Aquatic Club (OTAC)</u>**
  - Anticipated Grouping: Group 3
  - <u>Issue:</u> Cost per lane fee
    - Resolution: Defines what constitutes a lane and adjusted short course fee

# CO-SPONSORED SPORTS GROUPS

- **Utah Valley Football League (UVFL)**
  - Anticipated Grouping: (per Randy Park) maybe Group 3 but probably Group 4
  - Issue: At this point I think all issues have been resolved with UVFL
  - Issue: Second tackle football group would like access to the fields

# CO-SPONSORED SPORTS GROUPS

- **Ranger Soccer/Celtic Storm Soccer**
  - Anticipated Grouping: Group 4
  - Issue: These groups have expressed thanks to Orem City for what they have provided in the past and realize that times have changed and what Orem City is asking is less costly and less controlling than other Cities.
  - Issue: Difficulty in recruiting Orem participants.

# CO-SPONSORED SPORTS GROUPS

- **Orem Youth Baseball (OYB)**
  - Anticipated Grouping: Group 2 – Recreation; Group 3 – Monday Night
  - Issue: **Field Rental Fee**
    - Resolution: Adjusted second and third game rental fee for the Monday Night League.
  - Issue: **Board Representation**
    - Resolution: Remains in agreement. Having representation on the board is important.
  - Issue: **Field Preparation Fee**
    - Resolution: Ongoing topic of discussion.

# CO-SPONSORED SPORTS GROUPS

- **Orem Youth Soccer (OYS)**
  - Anticipated Grouping: Group 2 – Recreation; Group 3 – Competition
  - Issues: **Board Representation; Board Term Limits; Financial Gain of Board Members; Conflict of Interest Disclosure; Financial Disclosure**
  - Issue: **Appeals Process**
    - Resolution: Added an appeals process and remedy period to agreement.
  - Issue: **Compensation—President, Board Members, and Board Member Families**

# CO-SPONSORED SPORTS GROUPS

- **Orem Youth Soccer (OYS) Continued**
  - Issues: **Investigation Report**
  - Issue: **Soccer Goals - Ownership**
  - Issue: **Parking—Lakeside Sports Park**
  - Issue: **Perception—Orem Youth Soccer is part of Orem City**

# CO-SPONSORED SPORTS GROUPS

- **Orem Youth Soccer (OYS) Continued**
  - Recommendations:
    - Orem Recreation Department run the recreational soccer program in Orem.
    - OYS to continue to function as a Group 3 or Group 4 organization.
  - Benefits from Recommendations:
    - Levels the playing field for Rangers and Celtic Storm in participant recruitment.
    - Eliminates the perception of a for- profit business on public property.
    - Allows latitude in solving any existing and potential parking issues.

# CO-SPONSORED SPORTS GROUPS

- **Individual Participant Financial Impact**

| Group | Current | Change | Increase |
|---|---|---|---|
| OTAC | $4/yr | $6-$10/month | $72 to $120 per year |
| Rangers | $4/yr | $6-$10/season | $2 to $6 per season |
| Celtic | $4/yr | $6-$10/season | $2 to $6 per season |
| OYB Group 2 | $4/yr | $14 - $18/season | $10 to $14 per season |
| OYB Group 3 | $4/yr | $14 - $18/season | $14 to $18 per season |
| OYS Group 2 | $4/yr | No Change | No Change |
| OYS Group 3 | $4/yr | $6 - $8/season | $2 to $4 per season |

# CO-SPONSORED SPORTS GROUPS

**Any Questions?**

INTER-OFFICE MEMORANDUM

TO: Mayor and City Council
City Manager Jamie Davidson
Asst. City Manager Brenn Bybee

FROM: Karl Hirst, Director of Recreation

DATE: 18 March 2014

**SUBJECT: Slack Lining in Orem Parks**

## Slacklining Options

Previously a proposal was brought to the council that would have prohibited slack lining in Orem parks. The recommendation by the council was that they wanted more information before taking that step. I have talked with a number of slack liners, and also joined the Happy Valley High liners Facebook page. They are a very loosely knit group of line walkers that coordinate and share equipment to promote slack lining in the area. Common communication is "setting up a line at Orem City Center park if anyone would like to meet me there".

I did set up a meeting with a small group of slack liners, but none of them showed up. So the information I have gathered is through informal channels and just talking with the participants in the a parks.

Issues:

- Attaching straps to pavilions
- Damage to trees
- Participant injury and liability
- Injury to those using the park (Logan incident)

Options: Prohibit the activity
Regulate the activity
Monitor the level of slack liners and watch for damage

**Prohibit the Activity:** Probably the safest from a liability standpoint, but does eliminate a recreational opportunity that is growing in popularity.

**Regulate the activity:** In talking with the participants in the park. If the council chose to regulate the activity the following restrictions would only eliminate a handful of the top participates who engage in activities at a high level.

- No attachment to pavilion or park structures

- Minimum tree trunk size for attachment 12 inches
- Require a pad be placed between strap and tree
- Maximum attachment height of 7 feet
- Maximum strap length of 100 feet
- Strap is to be attended at all times
- Strap can't cross any walking path or vehicle access

**Monitor:** The 2014 park use period is approaching and the only restriction that I feel is of critical important is **No Attachment to pavilions or park structures**.

Recreation and park staff can monitor the slack lining activity levels and see if the participant levels increase, cause damage or safety issues arise.

Recommendation: Recreation and Park staff monitor the level of participants in the park and evaluate how the recommended regulations would impact the activity. If problems arise then the issue would be brought back to the council for regulation.

# Estimated costs for ball field prep, clay only

| | | |
|---|---|---|
| 1 each, tractor with combo plane, | $26 hour, 1 hour/week | $26 |
| 1 each, tractor with aerivator, | $32 hour, 1 hour/week | $32 |
| 1 each utility vehicle, | $15 hour, 4 hours/week | $60 |
| 2 each spray cans of paint foul line paint, | $10/week | $10 |
| 1 each, bag of line marker, | $10/week | $10 |
| Misc repairs/maintenance, | $20/ week | $20 |
| 4 each, flexible employees, 15/hour, $60, 1 hour/week, | $60/ week | $60 |
| 1 each, Park tech, $23/hour, .25 hours $6, 1 hour/week, | $6/week | $6 |
| | Total estimated cost per field per week | $224 |

Estimated cost per sports park area per week:

Lakeside Park, 5 fields, $1120
Orem Elementary, 4 fields, $896
City Park, 6 fields, $1344
Windsor Park, 2 fields, $448

17 total fields

**Note: (May need to add to maintenance cost per field per week.)**

Prepping wet fields cost $300 per field per prep (extra Turface Quick Dry and manpower).

Soil Conditioner, Turface MVP, 3 pallets = 40 bags/pallet @ $11/bag = $1,320 per field/year

Start-up Cost (bases, drags, chalk, rakes, pitching rubbers, etc.) = $300 per field per year

Trimming Infield/Outfield Lips, renting equipment = $60/field/year

Netting (batting cages, soft pitch net = $176/field every two years.

Spectator Awning/Canopy expenses, new cost (whatever you figure based on costs you have) =

Lighting and Scoreboard maintenance (does not include power expenses) = $300/field/year

Sprinkler Repairs (wet down the infield, dust control) = $400 per field per year

Form **990**

Department of the Treasury
Internal Revenue Service

# Return of Organization Exempt From Income Tax

**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)**

▶ The organization may have to use a copy of this return to satisfy state reporting requirements

OMB No 1545-0047

**2012**

Open to Public Inspection

**A** For the 2012 calendar year, or tax year beginning , 2012, and ending , 20

**B** Check if applicable
- ☐ Address change
- ☐ Name change
- ☐ Initial return
- ☐ Terminated
- ☐ Amended return
- ☐ Application pending

C Name of organization: Utah Youth Soccer Incorporated, Orem League #20

Doing Business As: Orem Youth Soccer

Number and street (or P O box if mail is not delivered to street address): P.O. Box 632 | Room/suite

City, town or post office, state, and ZIP code: Orem, UT 84059-0632

D Employer identification number: 87-0523306

E Telephone number: 801-687-1185

G Gross receipts $ 303132.08

F Name and address of principal officer: Steve Bowler, 1422 North 770 West Orem, UT 84057

H(a) Is this a group return for affiliates? ☐ Yes ☑ No

H(b) Are all affiliates included? ☐ Yes ☑ No
If "No," attach a list (see instructions)

H(c) Group exemption number ▶

**I** Tax-exempt status ☑ 501(c)(3) ☐ 501(c) ( ) ◀ (insert no ) ☐ 4947(a)(1) or ☐ 527

**J** Website: ▶ www.oremyouthsoccer.net

**K** Form of organization ☑ Corporation ☐ Trust ☐ Association ☐ Other ▶

L Year of formation 2002

M State of legal domicile UT

## Part I Summary

**Activities & Governance**

1 Briefly describe the organization's mission or most significant activities. Provide recreational and competitive playing opportunities in the sport of soccer for youth and children ages 4-19 in the city of Orem, Utah and surrounding vicinities

2 Check this box ▶ ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets.

| | | | |
|---|---|---|---|
| 3 | Number of voting members of the governing body (Part VI, line 1a) | 3 | 5 |
| 4 | Number of independent voting members of the governing body (Part VI, line 1b) | 4 | 4 |
| 5 | Total number of individuals employed in calendar year 2012 (Part V, line 2a) | 5 | 14 |
| 6 | Total number of volunteers (estimate if necessary) | 6 | 26 |
| 7a | Total unrelated business revenue from Part VIII, column (C), line 12 | 7a | 0 |
| b | Net unrelated business taxable income from Form 990-T, line 34 | 7b | 0 |

| | | | Prior Year | Current Year |
|---|---|---|---|---|
| Revenue | 8 | Contributions and grants (Part VIII, line 1h) | 159208 | 182809 |
| | 9 | Program service revenue (Part VIII, line 2g) | 95575 | 69815 |
| | 10 | Investment income (Part VIII, column (A), lines 3, 4, and 7d) | 711 | 755 |
| | 11 | Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e) | 20327 | 24380 |
| | 12 | Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12) | 275821 | 277759 |
| Expenses | 13 | Grants and similar amounts paid (Part IX, column (A), lines 1–3) | | |
| | 14 | Benefits paid to or for members (Part IX, column (A), line 4) | | |
| | 15 | Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10) | 8080 | 9887 |
| | 16a | Professional fundraising fees (Part IX, column (A), line 11e) | | |
| | b | Total fundraising expenses (Part IX, column (D), line 25) ▶ | | |
| | 17 | Other expenses (Part IX, column (A), lines 11a–11d, 11f–24e) | 245743 | 240480 |
| | 18 | Total expenses. Add lines 13–17 (must equal Part IX, column (A), line 25) | 253823 | 250367 |
| | 19 | Revenue less expenses. Subtract line 18 from line 12 | 21998 | 250367 |
| | | | **Beginning of Current Year** | **End of Year** |
| Net Assets or Fund Balances | 20 | Total assets (Part X, line 16) | 146570 | 175507 |
| | 21 | Total liabilities (Part X, line 26) | 2473 | 4019 |
| | 22 | Net assets or fund balances. Subtract line 21 from line 20 | 144097 | 171488 |

RECEIVED APR 2 2013 OGDEN, UT IRS-OSC

## Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge

**Sign Here**

▶ Donna Brocco — Signature of officer — Date 4/12/13

▶ Donna Brocco, Treasurer — Type or print name and title

**Paid Preparer Use Only**

| Print/Type preparer's name | Preparer's signature | Date | Check ☐ if self-employed | PTIN |
|---|---|---|---|---|
| | | | | |

Firm's name ▶ | Firm's EIN ▶

Firm's address ▶ | Phone no

May the IRS discuss this return with the preparer shown above? (see instructions) ☐ Yes ☐ No

SCANNED MAY 9 8 2013

**Part III** **Statement of Program Service Accomplishments**

Check if Schedule O contains a response to any question in this Part III . . . . . ☐

1 Briefly describe the organization's mission:

Provide recreational and competitive soccer leagues for youth ages 4-19 in the city of Orem, Utah and its surrounding vicinities.
Promote education about and training in the rules, strategy, and skills of the sport of soccer for coaches and players in the league.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? . . . . . ☐ Yes ☑ No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? . . . . . ☐ Yes ☑ No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code: ) (Expenses $ 250367 including grants of $ ) (Revenue $ 277759 )

Recreational and competitive soccer league for youth in Orem, Utah and surrounding vicinities:
# of recreation teams (players ages 4-19): 128
# of district-level competitive teams (players ages 8-19): 31
# of state-level competitive teams (players ages 10-19): 17

4b (Code: ) (Expenses $ including grants of $ ) (Revenue $ )

4c (Code: ) (Expenses $ including grants of $ ) (Revenue $ )

4d Other program services (Describe in Schedule O.)
(Expenses $ including grants of $ ) (Revenue $ )

4e **Total program service expenses** ▶ 250367

## Part IV Checklist of Required Schedules

| | | | Yes | No |
|---|---|---|---|---|
| 1 | Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? *If "Yes," complete Schedule A* | 1 | ✓ | |
| 2 | Is the organization required to complete *Schedule B, Schedule of Contributors* (see instructions)? | 2 | | ✓ |
| 3 | Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? *If "Yes," complete Schedule C, Part I* | 3 | | ✓ |
| 4 | **Section 501(c)(3) organizations.** Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? *If "Yes," complete Schedule C, Part II* | 4 | | ✓ |
| 5 | Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? *If "Yes," complete Schedule C, Part III* | 5 | | ✓ |
| 6 | Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? *If "Yes," complete Schedule D, Part I* | 6 | | ✓ |
| 7 | Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? *If "Yes," complete Schedule D, Part II* | 7 | | ✓ |
| 8 | Did the organization maintain collections of works of art, historical treasures, or other similar assets? *If "Yes," complete Schedule D, Part III* | 8 | | ✓ |
| 9 | Did the organization report an amount in Part X, line 21, for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? *If "Yes," complete Schedule D, Part IV* | 9 | ✓ | |
| 10 | Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi-endowments? *If "Yes," complete Schedule D, Part V* | 10 | | ✓ |
| 11 | If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable. | | | |
| a | Did the organization report an amount for land, buildings, and equipment in Part X, line 10? *If "Yes," complete Schedule D, Part VI* | 11a | ✓ | |
| b | Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part VII* | 11b | | ✓ |
| c | Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part VIII* | 11c | | ✓ |
| d | Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part IX* | 11d | | ✓ |
| e | Did the organization report an amount for other liabilities in Part X, line 25? *If "Yes," complete Schedule D, Part X* | 11e | | ✓ |
| f | Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? *If "Yes," complete Schedule D, Part X* | 11f | | ✓ |
| 12 a | Did the organization obtain separate, independent audited financial statements for the tax year? *If "Yes," complete Schedule D, Parts XI and XII* | 12a | | ✓ |
| b | Was the organization included in consolidated, independent audited financial statements for the tax year? *If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional* | 12b | | ✓ |
| 13 | Is the organization a school described in section 170(b)(1)(A)(ii)? *If "Yes," complete Schedule E* | 13 | | ✓ |
| 14 a | Did the organization maintain an office, employees, or agents outside of the United States? | 14a | | ✓ |
| b | Did the organization have aggregate revenues or expenses of more than $10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at $100,000 or more? *If "Yes," complete Schedule F, Parts I and IV* | 14b | | ✓ |
| 15 | Did the organization report on Part IX, column (A), line 3, more than $5,000 of grants or assistance to any organization or entity located outside the United States? *If "Yes," complete Schedule F, Parts II and IV* | 15 | | ✓ |
| 16 | Did the organization report on Part IX, column (A), line 3, more than $5,000 of aggregate grants or assistance to individuals located outside the United States? *If "Yes," complete Schedule F, Parts III and IV* | 16 | | ✓ |
| 17 | Did the organization report a total of more than $15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? *If "Yes," complete Schedule G, Part I (see instructions)* | 17 | | ✓ |
| 18 | Did the organization report more than $15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? *If "Yes," complete Schedule G, Part II* | 18 | ✓ | |
| 19 | Did the organization report more than $15,000 of gross income from gaming activities on Part VIII, line 9a? *If "Yes," complete Schedule G, Part III* | 19 | | ✓ |
| 20 a | Did the organization operate one or more hospital facilities? *If "Yes," complete Schedule H* | 20a | | ✓ |
| b | If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return? | 20b | | |

**Part IV Checklist of Required Schedules** *(continued)*

| | | | Yes | No |
|---|---|---|---|---|
| 21 | Did the organization report more than $5,000 of grants and other assistance to any government or organization in the United States on Part IX, column (A), line 1? *If "Yes," complete Schedule I, Parts I and II* | 21 | | ✓ |
| 22 | Did the organization report more than $5,000 of grants and other assistance to individuals in the United States on Part IX, column (A), line 2? *If "Yes," complete Schedule I, Parts I and III* | 22 | | ✓ |
| 23 | Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? *If "Yes," complete Schedule J* | 23 | | ✓ |
| 24a | Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than $100,000 as of the last day of the year, that was issued after December 31, 2002? *If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25* | 24a | | ✓ |
| b | Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception? | 24b | | ✓ |
| c | Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds? | 24c | | ✓ |
| d | Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year? | 24d | | ✓ |
| 25a | **Section 501(c)(3) and 501(c)(4) organizations.** Did the organization engage in an excess benefit transaction with a disqualified person during the year? *If "Yes," complete Schedule L, Part I* | 25a | | ✓ |
| b | Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? *If "Yes," complete Schedule L, Part I* | 25b | | ✓ |
| 26 | Was a loan to or by a current or former officer, director, trustee, key employee, highest compensated employee, or disqualified person outstanding as of the end of the organization's tax year? *If "Yes," complete Schedule L, Part II* | 26 | | ✓ |
| 27 | Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, substantial contributor or employee thereof, a grant selection committee member, or to a 35% controlled entity or family member of any of these persons? *If "Yes," complete Schedule L, Part III* | 27 | | ✓ |
| 28 | Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions): | | | |
| a | A current or former officer, director, trustee, or key employee? *If "Yes," complete Schedule L, Part IV* | 28a | | ✓ |
| b | A family member of a current or former officer, director, trustee, or key employee? *If "Yes," complete Schedule L, Part IV* | 28b | | ✓ |
| c | An entity of which a current or former officer, director, trustee, or key employee (or a family member thereof) was an officer, director, trustee, or direct or indirect owner? *If "Yes," complete Schedule L, Part IV* | 28c | | ✓ |
| 29 | Did the organization receive more than $25,000 in non-cash contributions? *If "Yes," complete Schedule M* | 29 | | ✓ |
| 30 | Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? *If "Yes," complete Schedule M* | 30 | | ✓ |
| 31 | Did the organization liquidate, terminate, or dissolve and cease operations? *If "Yes," complete Schedule N, Part I* | 31 | | ✓ |
| 32 | Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? *If "Yes," complete Schedule N, Part II* | 32 | | ✓ |
| 33 | Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301 7701-3? *If "Yes," complete Schedule R, Part I* | 33 | | ✓ |
| 34 | Was the organization related to any tax-exempt or taxable entity? *If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1* | 34 | | ✓ |
| 35a | Did the organization have a controlled entity within the meaning of section 512(b)(13)? | 35a | | ✓ |
| b | If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? *If "Yes," complete Schedule R, Part V, line 2* | 35b | | |
| 36 | **Section 501(c)(3) organizations.** Did the organization make any transfers to an exempt non-charitable related organization? *If "Yes," complete Schedule R, Part V, line 2* | 36 | | ✓ |
| 37 | Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? *If "Yes," complete Schedule R, Part VI* | 37 | | ✓ |
| 38 | Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? **Note.** All Form 990 filers are required to complete Schedule O | 38 | ✓ | |

**Part V** **Statements Regarding Other IRS Filings and Tax Compliance**

Check if Schedule O contains a response to any question in this Part V . . . . . ☐

| | | | | Yes | No |
|---|---|---|---|---|---|
| 1a | Enter the number reported in Box 3 of Form 1096 Enter -0- if not applicable . . . . | 1a 18 | | | |
| b | Enter the number of Forms W-2G included in line 1a. Enter -0- if not applicable . . . | 1b 0 | | | |
| c | Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners? . . . . . | | 1c | ✓ | |
| 2a | Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return | 2a 14 | | | |
| b | If at least one is reported on line 2a, did the organization file all required federal employment tax returns? . | | 2b | ✓ | |
| | **Note.** If the sum of lines 1a and 2a is greater than 250, you may be required to *e-file* (see instructions) . . | | | | |
| 3a | Did the organization have unrelated business gross income of $1,000 or more during the year? . . . | | 3a | | ✓ |
| b | If "Yes," has it filed a Form 990-T for this year? *If "No," provide an explanation in Schedule O* . . . . . | | 3b | | |
| 4a | At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)? . . . . . | | 4a | | ✓ |
| b | If "Yes," enter the name of the foreign country: ▶ _____ See instructions for filing requirements for Form TD F 90-22 1, Report of Foreign Bank and Financial Accounts. | | | | |
| 5a | Was the organization a party to a prohibited tax shelter transaction at any time during the tax year? . . . | | 5a | | ✓ |
| b | Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction? | | 5b | | ✓ |
| c | If "Yes" to line 5a or 5b, did the organization file Form 8886-T? . . . . . | | 5c | | |
| 6a | Does the organization have annual gross receipts that are normally greater than $100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions? . . . . . | | 6a | | ✓ |
| b | If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible? . . . . . | | 6b | | |
| 7 | **Organizations that may receive deductible contributions under section 170(c).** | | | | |
| a | Did the organization receive a payment in excess of $75 made partly as a contribution and partly for goods and services provided to the payor? . . . . . | | 7a | | ✓ |
| b | If "Yes," did the organization notify the donor of the value of the goods or services provided? . . . . . | | 7b | | |
| c | Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282? . . . . . | | 7c | | ✓ |
| d | If "Yes," indicate the number of Forms 8282 filed during the year . . . . . | 7d | | | |
| e | Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? | | 7e | | ✓ |
| f | Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? . | | 7f | | ✓ |
| g | If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required? | | 7g | | |
| h | If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C? | | 7h | | |
| 8 | **Sponsoring organizations maintaining donor advised funds and section 509(a)(3) supporting organizations.** Did the supporting organization, or a donor advised fund maintained by a sponsoring organization, have excess business holdings at any time during the year? . . . . . | | 8 | | |
| 9 | **Sponsoring organizations maintaining donor advised funds.** | | | | |
| a | Did the organization make any taxable distributions under section 4966? . . . . . | | 9a | | |
| b | Did the organization make a distribution to a donor, donor advisor, or related person? . . . . . | | 9b | | |
| 10 | **Section 501(c)(7) organizations.** Enter: | | | | |
| a | Initiation fees and capital contributions included on Part VIII, line 12 . . . . . | 10a | | | |
| b | Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities . | 10b | | | |
| 11 | **Section 501(c)(12) organizations.** Enter: | | | | |
| a | Gross income from members or shareholders . . . . . | 11a | | | |
| b | Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.) . . . . . | 11b | | | |
| 12a | **Section 4947(a)(1) non-exempt charitable trusts.** Is the organization filing Form 990 in lieu of Form 1041? | | 12a | | |
| b | If "Yes," enter the amount of tax-exempt interest received or accrued during the year . . | 12b | | | |
| 13 | **Section 501(c)(29) qualified nonprofit health insurance issuers.** | | | | |
| a | Is the organization licensed to issue qualified health plans in more than one state? . . . . . | | 13a | | |
| | **Note.** See the instructions for additional information the organization must report on Schedule O. | | | | |
| b | Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans . . . . . | 13b | | | |
| c | Enter the amount of reserves on hand . . . . . | 13c | | | |
| 14a | Did the organization receive any payments for indoor tanning services during the tax year? . . . . . | | 14a | | ✓ |
| b | If "Yes," has it filed a Form 720 to report these payments? *If "No," provide an explanation in Schedule O* . | | 14b | | |

**Part VI** **Governance, Management, and Disclosure** *For each "Yes" response to lines 2 through 7b below, and for a "No" response to line 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.*

Check if Schedule O contains a response to any question in this Part VI . . . . . ☑

## Section A. Governing Body and Management

| | | | | Yes | No |
|---|---|---|---|---|---|
| 1a | Enter the number of voting members of the governing body at the end of the tax year . If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O. | 1a 5 | | | |
| b | Enter the number of voting members included in line 1a, above, who are independent . | 1b 4 | | | |
| 2 | Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee? | | 2 | | ✓ |
| 3 | Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors, or trustees, or key employees to a management company or other person? | | 3 | | ✓ |
| 4 | Did the organization make any significant changes to its governing documents since the prior Form 990 was filed? | | 4 | | ✓ |
| 5 | Did the organization become aware during the year of a significant diversion of the organization's assets? | | 5 | | ✓ |
| 6 | Did the organization have members or stockholders? | | 6 | | ✓ |
| 7a | Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body? | | 7a | | ✓ |
| b | Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body? | | 7b | | ✓ |
| 8 | Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following: | | | | |
| a | The governing body? | | 8a | ✓ | |
| b | Each committee with authority to act on behalf of the governing body? | | 8b | ✓ | |
| 9 | Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? *If "Yes," provide the names and addresses in Schedule O* | | 9 | | ✓ |

## Section B. Policies *(This Section B requests information about policies not required by the Internal Revenue Code.)*

| | | | Yes | No |
|---|---|---|---|---|
| 10a | Did the organization have local chapters, branches, or affiliates? | 10a | | ✓ |
| b | If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes? | 10b | | |
| 11a | Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form? | 11a | ✓ | |
| b | Describe in Schedule O the process, if any, used by the organization to review this Form 990. | | | |
| 12a | Did the organization have a written conflict of interest policy? *If "No," go to line 13* | 12a | ✓ | |
| b | Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts? | 12b | ✓ | |
| c | Did the organization regularly and consistently monitor and enforce compliance with the policy? *If "Yes," describe in Schedule O how this was done* | 12c | ✓ | |
| 13 | Did the organization have a written whistleblower policy? | 13 | ✓ | |
| 14 | Did the organization have a written document retention and destruction policy? | 14 | ✓ | |
| 15 | Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision? | | | |
| a | The organization's CEO, Executive Director, or top management official | 15a | | |
| b | Other officers or key employees of the organization | 15b | | |
| | If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions). | | | |
| 16a | Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year? | 16a | | ✓ |
| b | If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements? | 16b | | |

## Section C. Disclosure

17 List the states with which a copy of this Form 990 is required to be filed ▶

18 Section 6104 requires an organization to make its Forms 1023 (or 1024 if applicable), 990, and 990-T (Section 501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.

☐ Own website ☐ Another's website ☑ Upon request ☐ Other *(explain in Schedule O)*

19 Describe in Schedule O whether (and if so, how), the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.

20 State the name, physical address, and telephone number of the person who possesses the books and records of the organization: ▶ Donna Brocco, 17 East 1700 North, Orem, UT 84057 (801)224-6102

**Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors**

Check if Schedule O contains a response to any question in this Part VII . . . . . ☐

**Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees**

**1a** Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's **current** key employees, if any See instructions for definition of "key employee."
- List the organization's five **current** highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than $100,000 from the organization and any related organizations
- List all of the organization's **former** officers, key employees, and highest compensated employees who received more than $100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than $10,000 of reportable compensation from the organization and any related organizations.

List persons in the following order: individual trustees or directors; institutional trustees; officers, key employees; highest compensated employees; and former such persons.

☐ Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

| (A) Name and Title | (B) Average hours per week (list any hours for related organizations below dotted line) | (C) Position (do not check more than one box, unless person is both an officer and a director/trustee): Individual trustee or director | Institutional trustee | Officer | Key employee | Highest compensated employee | Former | (D) Reportable compensation from the organization (W-2/1099-MISC) | (E) Reportable compensation from related organizations (W-2/1099-MISC) | (F) Estimated amount of other compensation from the organization and related organizations |
|---|---|---|---|---|---|---|---|---|---|---|
| (1) Steve Bowler, President<br>1422 North 770 West, Orem, UT 84057 | 20 | | | ✓ | | | | 48370 00 | | |
| (2) Heather Karns, Vice President, Competition<br>345 West 200 South, Lindon, UT 84042 | 10 | | | ✓ | | | | 8155 50 | | |
| (3) Heather Michaelis, Vice President, Recreation<br>1173 North 1080 West, Orem, UT 84057 | 15 | | | ✓ | | | | 0 | | |
| (4) Donna Brocco, Treasurer<br>17 East 1700 North, Orem, UT 84057 | 10 | | | ✓ | | | | 1900.00 | | |
| (5) Kelli Lacerda, Secretary<br>1686 South 350 West, Orem, UT 84058 | 10 | | | ✓ | | | | 0 | | |
| (6) | | | | | | | | | | |
| (7) | | | | | | | | | | |
| (8) | | | | | | | | | | |
| (9) | | | | | | | | | | |
| (10) | | | | | | | | | | |
| (11) | | | | | | | | | | |
| (12) | | | | | | | | | | |
| (13) | | | | | | | | | | |
| (14) | | | | | | | | | | |

**Part VII Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees** *(continued)*

| (A) Name and title | (B) Average hours per week (list any hours for related organizations below dotted line) | (C) Position (do not check more than one box, unless person is both an officer and a director/trustee): Individual trustee or director | Institutional trustee | Officer | Key employee | Highest compensated employee | Former | (D) Reportable compensation from the organization (W-2/1099-MISC) | (E) Reportable compensation from related organizations (W-2/1099-MISC) | (F) Estimated amount of other compensation from the organization and related organizations |
|---|---|---|---|---|---|---|---|---|---|---|
| (15) | | | | | | | | | | |
| (16) | | | | | | | | | | |
| (17) | | | | | | | | | | |
| (18) | | | | | | | | | | |
| (19) | | | | | | | | | | |
| (20) | | | | | | | | | | |
| (21) | | | | | | | | | | |
| (22) | | | | | | | | | | |
| (23) | | | | | | | | | | |
| (24) | | | | | | | | | | |
| (25) | | | | | | | | | | |
| **1b Sub-total** ▶ | | | | | | | | 58425.50 | | |
| **c Total from continuation sheets to Part VII, Section A** ▶ | | | | | | | | | | |
| **d Total (add lines 1b and 1c)** ▶ | | | | | | | | 58425.50 | | |

2 Total number of individuals (including but not limited to those listed above) who received more than $100,000 of reportable compensation from the organization ▶ 0

| | | Yes | No |
|---|---|---|---|
| 3 Did the organization list any **former** officer, director, or trustee, key employee, or highest compensated employee on line 1a? *If "Yes," complete Schedule J for such individual* | 3 | | ✓ |
| 4 For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than $150,000? *If "Yes," complete Schedule J for such individual* | 4 | | ✓ |
| 5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? *If "Yes," complete Schedule J for such person* | 5 | | ✓ |

**Section B. Independent Contractors**

1 Complete this table for your five highest compensated independent contractors that received more than $100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

| (A) Name and business address | (B) Description of services | (C) Compensation |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

2 Total number of independent contractors (including but not limited to those listed above) who received more than $100,000 of compensation from the organization ▶

**Part VIII Statement of Revenue**

Check if Schedule O contains a response to any question in this Part VIII. . . . . ☐

| | | | | (A) Total revenue | (B) Related or exempt function revenue | (C) Unrelated business revenue | (D) Revenue excluded from tax under sections 512, 513, or 514 |
|---|---|---|---|---|---|---|---|
| Contributions, Gifts, Grants and Other Similar Amounts | 1a Federated campaigns | 1a | | | | | |
| | b Membership dues | 1b | 180276 56 | | | | |
| | c Fundraising events | 1c | | | | | |
| | d Related organizations | 1d | | | | | |
| | e Government grants (contributions) | 1e | | | | | |
| | f All other contributions, gifts, grants, and similar amounts not included above | 1f | 2532 60 | | | | |
| | g Noncash contributions included in lines 1a-1f. $ | | | | | | |
| | h Total. Add lines 1a–1f ▶ | | | 182809.16 | | | |
| Program Service Revenue | | Business Code | | | | | |
| | 2a Player balls, trophies, uniforms | 713940 | | 49807.60 | 49807.60 | | |
| | b Field setup, goal rental | 713940 | | 17350.00 | 17350.00 | | |
| | c Tournament Fees | 713940 | | 2657.00 | 2657.00 | | |
| | d | | | | | | |
| | e | | | | | | |
| | f All other program service revenue | | | | | | |
| | g Total. Add lines 2a–2f ▶ | | | 69814.60 | | | |
| Other Revenue | 3 Investment income (including dividends, interest, and other similar amounts) ▶ | | | 755.22 | | | |
| | 4 Income from investment of tax-exempt bond proceeds ▶ | | | | | | |
| | 5 Royalties ▶ | | | | | | |
| | | (i) Real | (ii) Personal | | | | |
| | 6a Gross rents | | | | | | |
| | b Less: rental expenses | | | | | | |
| | c Rental income or (loss) | | | | | | |
| | d Net rental income or (loss) ▶ | | | | | | |
| | | (i) Securities | (ii) Other | | | | |
| | 7a Gross amount from sales of assets other than inventory | | | | | | |
| | b Less cost or other basis and sales expenses | | | | | | |
| | c Gain or (loss) | | | | | | |
| | d Net gain or (loss) ▶ | | | | | | |
| | 8a Gross income from fundraising events (not including $ ____ of contributions reported on line 1c). See Part IV, line 18 | a | 19058.00 | | | | |
| | b Less: direct expenses | b | 11340 00 | | | | |
| | c Net income or (loss) from fundraising events ▶ | | | 7718.00 | | | |
| | 9a Gross income from gaming activities. See Part IV, line 19 | a | | | | | |
| | b Less: direct expenses | b | | | | | |
| | c Net income or (loss) from gaming activities ▶ | | | | | | |
| | 10a Gross sales of inventory, less returns and allowances | a | 29977.96 | | | | |
| | b Less: cost of goods sold | b | 14033 57 | | | | |
| | c Net income or (loss) from sales of inventory ▶ | | | 15944.39 | 15944.39 | | |
| | Miscellaneous Revenue | Business Code | | | | | |
| | 11a VISA Reward | 522210 | | 600.00 | 600.00 | | |
| | b Discover Card Rebate | 522210 | | 116.97 | 116.97 | | |
| | c | | | | | | |
| | d All other revenue | | | .17 | .17 | | |
| | e Total. Add lines 11a–11d ▶ | | | 717.14 | | | |
| | 12 Total revenue. See instructions. ▶ | | | 277758.51 | 277758.51 | | |

## Part IX Statement of Functional Expenses

*Section 501(c)(3) and 501(c)(4) organizations must complete all columns All other organizations must complete column (A).*

Check if Schedule O contains a response to any question in this Part IX . . . . . ☑

| *Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.* | (A) Total expenses | (B) Program service expenses | (C) Management and general expenses | (D) Fundraising expenses |
|---|---|---|---|---|
| 1 Grants and other assistance to governments and organizations in the United States See Part IV, line 21 | | | | |
| 2 Grants and other assistance to individuals in the United States See Part IV, line 22 . . . | | | | |
| 3 Grants and other assistance to governments, organizations, and individuals outside the United States See Part IV, lines 15 and 16 . . | | | | |
| 4 Benefits paid to or for members . . . . | | | | |
| 5 Compensation of current officers, directors, trustees, and key employees . . . . | | | | |
| 6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B) . . | | | | |
| 7 Other salaries and wages . . . . . | 8771.82 | 8771.82 | | |
| 8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions) | | | | |
| 9 Other employee benefits . . . . . | 443.66 | 443.66 | | |
| 10 Payroll taxes . . . . . | 671.05 | 671.05 | | |
| 11 Fees for services (non-employees): | | | | |
| a Management . . . . . | | | | |
| b Legal . . . . . | | | | |
| c Accounting . . . . . | | | | |
| d Lobbying . . . . . | | | | |
| e Professional fundraising services See Part IV, line 17 | | | | |
| f Investment management fees . . . . . | | | | |
| g Other. (If line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O.) | 112178 | 112178 | | |
| 12 Advertising and promotion . . . . . | | | | |
| 13 Office expenses . . . . . | 12268.39 | 12268.39 | | |
| 14 Information technology . . . . . | 423.08 | 423.08 | | |
| 15 Royalties . . . . . | | | | |
| 16 Occupancy . . . . . | | | | |
| 17 Travel . . . . . | 13627.79 | 13627.79 | | |
| 18 Payments of travel or entertainment expenses for any federal, state, or local public officials | | | | |
| 19 Conferences, conventions, and meetings . | 1876 | 1876 | | |
| 20 Interest . . . . . | | | | |
| 21 Payments to affiliates . . . . . | | | | |
| 22 Depreciation, depletion, and amortization . | 2626.70 | 2626.70 | | |
| 23 Insurance . . . . . | | | | |
| 24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.) | | | | |
| a Uniforms | 36935.77 | 36935.77 | | |
| b Equipment (balls, nets, trophies) | 21726.29 | 21726.29 | | |
| c Tournaments, Indoor Soccer Reg. | 10298.01 | 10298.01 | | |
| d Field Marking Supplies | 9159.44 | 9159.44 | | |
| e All other expenses State,City,DistrictFee | 19361.44 | 19361.44 | | |
| 25 Total functional expenses. Add lines 1 through 24e | 250367.44 | 250367.44 | | |
| 26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation Check here ▶ ☐ if following SOP 98-2 (ASC 958-720) . . . . | | | | |

## Part X Balance Sheet

Check if Schedule O contains a response to any question in this Part X . . . . . ☐

| | | | | (A) Beginning of year | | (B) End of year |
|---|---|---|---|---|---|---|
| Assets | 1 | Cash—non-interest-bearing | | 11184 | 1 | 2682 |
| | 2 | Savings and temporary cash investments | | 110313 | 2 | 151058 |
| | 3 | Pledges and grants receivable, net | | | 3 | |
| | 4 | Accounts receivable, net | | 1133 | 4 | 698 |
| | 5 | Loans and other receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L | | | 5 | |
| | 6 | Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions). Complete Part II of Schedule L | | | 6 | |
| | 7 | Notes and loans receivable, net | | | 7 | |
| | 8 | Inventories for sale or use | | 1210 | 8 | 965 |
| | 9 | Prepaid expenses and deferred charges | | | 9 | |
| | 10a | Land, buildings, and equipment. cost or other basis. Complete Part VI of Schedule D | 10a 26267 | | | |
| | b | Less. accumulated depreciation | 10b 6163 | 22730 | 10c | 20104 |
| | 11 | Investments—publicly traded securities | | | 11 | |
| | 12 | Investments—other securities. See Part IV, line 11 | | | 12 | |
| | 13 | Investments—program-related See Part IV, line 11 | | | 13 | |
| | 14 | Intangible assets | | | 14 | |
| | 15 | Other assets. See Part IV, line 11 | | | 15 | |
| | 16 | **Total assets.** Add lines 1 through 15 (must equal line 34) | | 146570 | 16 | 175507 |
| Liabilities | 17 | Accounts payable and accrued expenses | | 2473 | 17 | 2949 |
| | 18 | Grants payable | | | 18 | |
| | 19 | Deferred revenue | | | 19 | |
| | 20 | Tax-exempt bond liabilities | | | 20 | |
| | 21 | Escrow or custodial account liability. Complete Part IV of Schedule D | | | 21 | 1070 |
| | 22 | Loans and other payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons Complete Part II of Schedule L | | | 22 | |
| | 23 | Secured mortgages and notes payable to unrelated third parties | | | 23 | |
| | 24 | Unsecured notes and loans payable to unrelated third parties | | | 24 | |
| | 25 | Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17-24). Complete Part X of Schedule D | | | 25 | |
| | 26 | **Total liabilities.** Add lines 17 through 25 | | 2473 | 26 | 4019 |
| Net Assets or Fund Balances | | **Organizations that follow SFAS 117 (ASC 958), check here ▶ ☐ and complete lines 27 through 29, and lines 33 and 34.** | | | | |
| | 27 | Unrestricted net assets | | | 27 | |
| | 28 | Temporarily restricted net assets | | | 28 | |
| | 29 | Permanently restricted net assets | | | 29 | |
| | | **Organizations that do not follow SFAS 117 (ASC 958), check here ▶ ☐ and complete lines 30 through 34.** | | | | |
| | 30 | Capital stock or trust principal, or current funds | | | 30 | |
| | 31 | Paid-in or capital surplus, or land, building, or equipment fund | | | 31 | |
| | 32 | Retained earnings, endowment, accumulated income, or other funds | | | 32 | |
| | 33 | Total net assets or fund balances | | 144097 | 33 | 171488 |
| | 34 | Total liabilities and net assets/fund balances | | 146570 | 34 | 175507 |

## Part XI Reconciliation of Net Assets

Check if Schedule O contains a response to any question in this Part XI . . . . . ☐

| | | | |
|---|---|---|---|
| 1 | Total revenue (must equal Part VIII, column (A), line 12) | 1 | 277758.51 |
| 2 | Total expenses (must equal Part IX, column (A), line 25) | 2 | 250367.44 |
| 3 | Revenue less expenses Subtract line 2 from line 1 | 3 | 27391 |
| 4 | Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A)) | 4 | 144097 |
| 5 | Net unrealized gains (losses) on investments | 5 | |
| 6 | Donated services and use of facilities | 6 | |
| 7 | Investment expenses | 7 | |
| 8 | Prior period adjustments | 8 | |
| 9 | Other changes in net assets or fund balances (explain in Schedule O) | 9 | |
| 10 | Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 33, column (B)) | 10 | 171488 |

## Part XII Financial Statements and Reporting

Check if Schedule O contains a response to any question in this Part XII . . . . . ☐

| | | | Yes | No |
|---|---|---|---|---|
| 1 | Accounting method used to prepare the Form 990: ☑ Cash ☐ Accrual ☐ Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O. | | | |
| 2a | Were the organization's financial statements compiled or reviewed by an independent accountant? | 2a | | ✓ |
| | If "Yes," check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both: ☐ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis | | | |
| b | Were the organization's financial statements audited by an independent accountant? | 2b | | ✓ |
| | If "Yes," check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both: ☐ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis | | | |
| c | If "Yes" to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? | 2c | | |
| | If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O. | | | |
| 3a | As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133? | 3a | | ✓ |
| b | If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits | 3b | | |

**SCHEDULE A**
**(Form 990 or 990-EZ)**

Department of the Treasury
Internal Revenue Service

# Public Charity Status and Public Support

**Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.**

**▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.**

OMB No 1545-0047

**2012**

Open to Public Inspection

**Name of the organization**: Utah Youth Soccer Incorporated, Orem League #20

**Employer identification number**: 87-0523306

## Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 11, check only one box.)

1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i).**

2 ☐ A school described in **section 170(b)(1)(A)(ii).** (Attach Schedule E.)

3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii).**

4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii).** Enter the hospital's name, city, and state:

5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv).** (Complete Part II.)

6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v).**

7 ☐ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi).** (Complete Part II.)

8 ☐ A community trust described in **section 170(b)(1)(A)(vi).** (Complete Part II )

9 ☑ An organization that normally receives: (1) more than 33⅓% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33⅓% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2).** (Complete Part III.)

10 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4).**

11 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2) See **section 509(a)(3).** Check the box that describes the type of supporting organization and complete lines 11e through 11h.

**a** ☐ Type I **b** ☐ Type II **c** ☐ Type III–Functionally integrated **d** ☐ Type III–Non-functionally integrated

**e** ☐ By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2).

**f** If the organization received a written determination from the IRS that it is a Type I, Type II, or Type III supporting organization, check this box . . . . . ☐

**g** Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?

| | | Yes | No |
|---|---|---|---|
| **(i)** A person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the supported organization? | 11g(i) | | |
| **(ii)** A family member of a person described in (i) above? | 11g(ii) | | |
| **(iii)** A 35% controlled entity of a person described in (i) or (ii) above? | 11g(iii) | | |

**h** Provide the following information about the supported organization(s)

| (i) Name of supported organization | (ii) EIN | (iii) Type of organization (described on lines 1–9 above or IRC section (see instructions)) | (iv) Is the organization in col (i) listed in your governing document? Yes | No | (v) Did you notify the organization in col (i) of your support? Yes | No | (vi) Is the organization in col (i) organized in the U S ? Yes | No | (vii) Amount of monetary support |
|---|---|---|---|---|---|---|---|---|---|
| (A) | | | | | | | | | |
| (B) | | | | | | | | | |
| (C) | | | | | | | | | |
| (D) | | | | | | | | | |
| (E) | | | | | | | | | |
| Total | | | | | | | | | |

**Part II** **Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)**
(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

## Section A. Public Support

| Calendar year (or fiscal year beginning in) ▶ | (a) 2008 | (b) 2009 | (c) 2010 | (d) 2011 | (e) 2012 | (f) Total |
|---|---|---|---|---|---|---|
| 1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.") | | | | | | |
| 2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf | | | | | | |
| 3 The value of services or facilities furnished by a governmental unit to the organization without charge | | | | | | |
| 4 **Total.** Add lines 1 through 3 | | | | | | |
| 5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f) | | | | | | |
| 6 **Public support.** Subtract line 5 from line 4. | | | | | | |

## Section B. Total Support

| Calendar year (or fiscal year beginning in) ▶ | (a) 2008 | (b) 2009 | (c) 2010 | (d) 2011 | (e) 2012 | (f) Total |
|---|---|---|---|---|---|---|
| 7 Amounts from line 4 | | | | | | |
| 8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources | | | | | | |
| 9 Net income from unrelated business activities, whether or not the business is regularly carried on | | | | | | |
| 10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.) | | | | | | |
| 11 **Total support.** Add lines 7 through 10 | | | | | | |

12 Gross receipts from related activities, etc. (see instructions) . . . . . 12

13 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** . . . . . ▶ ☐

## Section C. Computation of Public Support Percentage

14 Public support percentage for 2012 (line 6, column (f) divided by line 11, column (f)) . . . . 14 %

15 Public support percentage from 2011 Schedule A, Part II, line 14 . . . . . 15 %

16a **33 1/3% support test—2012.** If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization . . . . . ▶ ☐

b **33 1/3% support test—2011.** If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization . . . . . ▶ ☐

17a **10%-facts-and-circumstances test—2012.** If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization . . . . . ▶ ☐

b **10%-facts-and-circumstances test—2011.** If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization . . . . . ▶ ☐

18 **Private foundation.** If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions . . . . . ▶ ☐

**Part III** **Support Schedule for Organizations Described in Section 509(a)(2)**

(Complete only if you checked the box on line 9 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

**Section A. Public Support**

| Calendar year (or fiscal year beginning in) ▶ | (a) 2008 | (b) 2009 | (c) 2010 | (d) 2011 | (e) 2012 | (f) Total |
|---|---|---|---|---|---|---|
| 1 Gifts, grants, contributions, and membership fees received (Do not include any "unusual grants.") | 212880 | 209862 | 218885 | 238358 | 235042 | 1115027 |
| 2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose | 42208 | 53798 | 53259 | 60539 | 67335 | 277139 |
| 3 Gross receipts from activities that are not an unrelated trade or business under section 513 | | | | | | |
| 4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf . . . | | | | | | |
| 5 The value of services or facilities furnished by a governmental unit to the organization without charge . . . . | | | | | | |
| 6 **Total.** Add lines 1 through 5 . . . | 255088 | 263660 | 272144 | 298897 | 302377 | 1392166 |
| 7a Amounts included on lines 1, 2, and 3 received from disqualified persons . | | | | | | |
| b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of $5,000 or 1% of the amount on line 13 for the year | | | | | | |
| c Add lines 7a and 7b . . . . . | | | | | | 0 |
| 8 **Public support** (Subtract line 7c from line 6.) . . . . . | | | | | | 1392166 |

**Section B. Total Support**

| Calendar year (or fiscal year beginning in) ▶ | (a) 2008 | (b) 2009 | (c) 2010 | (d) 2011 | (e) 2012 | (f) Total |
|---|---|---|---|---|---|---|
| 9 Amounts from line 6 . . . . . | 255088 | 263660 | 272144 | 298897 | 302377 | 1392166 |
| 10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources | 0 | 1359 | 729 | 711 | 755 | 3554 |
| b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975 | | | | | | |
| c Add lines 10a and 10b . . . . | 0 | 1359 | 729 | 711 | 755 | 3554 |
| 11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on | | | | | | |
| 12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.) . . . . . | | | | | | |
| 13 **Total support.** (Add lines 9, 10c, 11, and 12.) . . . . . | 255088 | 265019 | 272873 | 299608 | 303132 | 1395720 |

14 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** . . . . . ▶ ☐

**Section C. Computation of Public Support Percentage**

| | | | |
|---|---|---|---|
| 15 | Public support percentage for 2012 (line 8, column (f) divided by line 13, column (f)) . . . . . | 15 | 99.75 % |
| 16 | Public support percentage from 2011 Schedule A, Part III, line 15 . . . . . | 16 | 99.79 % |

**Section D. Computation of Investment Income Percentage**

| | | | |
|---|---|---|---|
| 17 | Investment income percentage for **2012** (line 10c, column (f) divided by line 13, column (f)) . . . | 17 | 0.25 % |
| 18 | Investment income percentage from **2011** Schedule A, Part III, line 17 . . . . . | 18 | .21 % |

19a **33⅓% support tests—2012.** If the organization did not check the box on line 14, and line 15 is more than 33⅓%, and line 17 is not more than 33⅓%, check this box and **stop here.** The organization qualifies as a publicly supported organization . ▶ ☑

b **33⅓% support tests—2011.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33⅓%, and line 18 is not more than 33⅓%, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

20 **Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions ▶ ☐

**Part IV** **Supplemental Information.** Complete this part to provide the explanations required by Part II, line 10; Part II, line 17a or 17b; and Part III, line 12. Also complete this part for any additional information. (See instructions).

**SCHEDULE D (Form 990)**

Department of the Treasury
Internal Revenue Service

# Supplemental Financial Statements

▶ Complete if the organization answered "Yes," to Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.
▶ Attach to Form 990. ▶ See separate instructions.

OMB No 1545-0047

**2012**

Open to Public Inspection

Name of the organization: Utah Youth Soccer Incorporated, Orem League #20

Employer identification number: 87-0523306

**Part I** **Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.** Complete if the organization answered "Yes" to Form 990, Part IV, line 6.

| | | (a) Donor advised funds | (b) Funds and other accounts |
|---|---|---|---|
| 1 | Total number at end of year | | |
| 2 | Aggregate contributions to (during year) | | |
| 3 | Aggregate grants from (during year) | | |
| 4 | Aggregate value at end of year | | |

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? ☐ Yes ☐ No

6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit? ☐ Yes ☐ No

**Part II** **Conservation Easements.** Complete if the organization answered "Yes" to Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply)
- ☐ Preservation of land for public use (e.g., recreation or education)
- ☐ Preservation of an historically important land area
- ☐ Protection of natural habitat
- ☐ Preservation of a certified historic structure
- ☐ Preservation of open space

2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

| | | | Held at the End of the Tax Year |
|---|---|---|---|
| a | Total number of conservation easements | 2a | |
| b | Total acreage restricted by conservation easements | 2b | |
| c | Number of conservation easements on a certified historic structure included in (a) | 2c | |
| d | Number of conservation easements included in (c) acquired after 8/17/06, and not on a historic structure listed in the National Register | 2d | |

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year ▶ _____

4 Number of states where property subject to conservation easement is located ▶ _____

5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds? ☐ Yes ☐ No

6 Staff and volunteer hours devoted to monitoring, inspecting, and enforcing conservation easements during the year ▶ _____

7 Amount of expenses incurred in monitoring, inspecting, and enforcing conservation easements during the year ▶ $ _____

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)? ☐ Yes ☐ No

9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

**Part III** **Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.** Complete if the organization answered "Yes" to Form 990, Part IV, line 8.

1a If the organization elected, as permitted under SFAS 116 (ASC 958), not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIII, the text of the footnote to its financial statements that describes these items.

b If the organization elected, as permitted under SFAS 116 (ASC 958), to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenues included in Form 990, Part VIII, line 1 ▶ $ _____

(ii) Assets included in Form 990, Part X ▶ $ _____

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 (ASC 958) relating to these items:

a Revenues included in Form 990, Part VIII, line 1 ▶ $ _____

b Assets included in Form 990, Part X ▶ $ _____

**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets** *(continued)*

3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):

a ☐ Public exhibition
b ☐ Scholarly research
c ☐ Preservation for future generations
d ☐ Loan or exchange programs
e ☐ Other _____

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.

5 During the year, did the organization solicit or receive donations of art, historical treasures, or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? . . ☐ Yes ☐ No

**Part IV Escrow and Custodial Arrangements.** Complete if the organization answered "Yes" to Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? . . . . . ☐ Yes ☑ No

b If "Yes," explain the arrangement in Part XIII and complete the following table:

| | | Amount |
|---|---|---|
| c Beginning balance | 1c | |
| d Additions during the year | 1d | |
| e Distributions during the year | 1e | |
| f Ending balance | 1f | |

2a Did the organization include an amount on Form 990, Part X, line 21? . . . . . ☑ Yes ☐ No

b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided in Part XIII . . . ☑

**Part V Endowment Funds.** Complete if the organization answered "Yes" to Form 990, Part IV, line 10.

| | (a) Current year | (b) Prior year | (c) Two years back | (d) Three years back | (e) Four years back |
|---|---|---|---|---|---|
| 1a Beginning of year balance | | | | | |
| b Contributions | | | | | |
| c Net investment earnings, gains, and losses | | | | | |
| d Grants or scholarships | | | | | |
| e Other expenditures for facilities and programs | | | | | |
| f Administrative expenses | | | | | |
| g End of year balance | | | | | |

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

a Board designated or quasi-endowment ▶ _____ %
b Permanent endowment ▶ _____ %
c Temporarily restricted endowment ▶ _____ %

The percentages in lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

| | | Yes | No |
|---|---|---|---|
| (i) unrelated organizations | 3a(i) | | |
| (ii) related organizations | 3a(ii) | | |
| b If "Yes" to 3a(ii), are the related organizations listed as required on Schedule R? | 3b | | |

4 Describe in Part XIII the intended uses of the organization's endowment funds.

**Part VI Land, Buildings, and Equipment.** See Form 990, Part X, line 10.

| Description of property | (a) Cost or other basis (investment) | (b) Cost or other basis (other) | (c) Accumulated depreciation | (d) Book value |
|---|---|---|---|---|
| 1a Land | | | | |
| b Buildings | | | | |
| c Leasehold improvements | | | | |
| d Equipment | | 26267 | 6163 | 20104 |
| e Other | | | | |
| **Total.** Add lines 1a through 1e. *(Column (d) must equal Form 990, Part X, column (B), line 10(c).)* . . . ▶ | | | | 20104 |

**Part VII Investments—Other Securities.** See Form 990, Part X, line 12.

| (a) Description of security or category (including name of security) | (b) Book value | (c) Method of valuation Cost or end-of-year market value |
|---|---|---|
| (1) Financial derivatives | | |
| (2) Closely-held equity interests | | |
| (3) Other | | |
| (A) | | |
| (B) | | |
| (C) | | |
| (D) | | |
| (E) | | |
| (F) | | |
| (G) | | |
| (H) | | |
| (I) | | |
| Total. (Column (b) must equal Form 990, Part X, col (B) line 12) ▶ | | |

**Part VIII Investments—Program Related.** See Form 990, Part X, line 13.

| (a) Description of investment type | (b) Book value | (c) Method of valuation Cost or end-of-year market value |
|---|---|---|
| (1) | | |
| (2) | | |
| (3) | | |
| (4) | | |
| (5) | | |
| (6) | | |
| (7) | | |
| (8) | | |
| (9) | | |
| (10) | | |
| Total. (Column (b) must equal Form 990, Part X, col. (B) line 13) ▶ | | |

**Part IX Other Assets.** See Form 990, Part X, line 15.

| (a) Description | (b) Book value |
|---|---|
| (1) | |
| (2) | |
| (3) | |
| (4) | |
| (5) | |
| (6) | |
| (7) | |
| (8) | |
| (9) | |
| (10) | |
| **Total.** *(Column (b) must equal Form 990, Part X, col. (B) line 15.)* ▶ | |

**Part X Other Liabilities.** See Form 990, Part X, line 25.

| 1. (a) Description of liability | (b) Book value |
|---|---|
| (1) Federal income taxes | |
| (2) | |
| (3) | |
| (4) | |
| (5) | |
| (6) | |
| (7) | |
| (8) | |
| (9) | |
| (10) | |
| (11) | |
| Total. (Column (b) must equal Form 990, Part X, col (B) line 25) ▶ | |

2. FIN 48 (ASC 740) Footnote. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII . . . . . ☐

## Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return

| | | | | | |
|---|---|---|---|---|---|
| 1 | Total revenue, gains, and other support per audited financial statements | | | 1 | |
| 2 | Amounts included on line 1 but not on Form 990, Part VIII, line 12: | | | | |
| a | Net unrealized gains on investments | 2a | | | |
| b | Donated services and use of facilities | 2b | | | |
| c | Recoveries of prior year grants | 2c | | | |
| d | Other (Describe in Part XIII.) | 2d | | | |
| e | Add lines 2a through 2d | | | 2e | |
| 3 | Subtract line 2e from line 1 | | | 3 | |
| 4 | Amounts included on Form 990, Part VIII, line 12, but not on line 1 : | | | | |
| a | Investment expenses not included on Form 990, Part VIII, line 7b | 4a | | | |
| b | Other (Describe in Part XIII.) | 4b | | | |
| c | Add lines 4a and 4b | | | 4c | |
| 5 | Total revenue. Add lines 3 and 4c. *(This must equal Form 990, Part I, line 12.)* | | | 5 | |

## Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return

| | | | | | |
|---|---|---|---|---|---|
| 1 | Total expenses and losses per audited financial statements | | | 1 | |
| 2 | Amounts included on line 1 but not on Form 990, Part IX, line 25: | | | | |
| a | Donated services and use of facilities | 2a | | | |
| b | Prior year adjustments | 2b | | | |
| c | Other losses | 2c | | | |
| d | Other (Describe in Part XIII.) | 2d | | | |
| e | Add lines 2a through 2d | | | 2e | |
| 3 | Subtract line 2e from line 1 | | | 3 | |
| 4 | Amounts included on Form 990, Part IX, line 25, but not on line 1: | | | | |
| a | Investment expenses not included on Form 990, Part VIII, line 7b | 4a | | | |
| b | Other (Describe in Part XIII.) | 4b | | | |
| c | Add lines 4a and 4b | | | 4c | |
| 5 | Total expenses. Add lines 3 and 4c. *(This must equal Form 990, Part I, line 18 )* | | | 5 | |

## Part XIII Supplemental Information

Complete this part to provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4, Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Part IV: Utah Youth Soccer Incorporated, Orem League #20 has been designated as the custodian for the funds of the Utah Valley Competition League (UVCL). UVCL was formerly a separate organization known as Utah Youth Soccer District 5. District 5 was dissolved in 2011. Utah Youth Soccer Incorporated, Orem League #20 collects funds from each league in the UVCL and uses those funds to pay expenses for the registrar, referees, trophies and medals, etc.

**Part XIII Supplemental Information** *(continued)*

**SCHEDULE G**
**(Form 990 or 990-EZ)**
Department of the Treasury
Internal Revenue Service

# Supplemental Information Regarding Fundraising or Gaming Activities

**Complete if the organization answered "Yes" to Form 990, Part IV, lines 17, 18, or 19, or if the organization entered more than $15,000 on Form 990-EZ, line 6a.**
**▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.**

OMB No 1545-0047
**2012**
Open to Public Inspection

Name of the organization: Utah Youth Soccer Incorporated, Orem League #20

Employer identification number: 87-0523306

**Part I** **Fundraising Activities.** Complete if the organization answered "Yes" to Form 990, Part IV, line 17. Form 990-EZ filers are not required to complete this part.

1 Indicate whether the organization raised funds through any of the following activities. Check all that apply

a ☐ Mail solicitations
b ☐ Internet and email solicitations
c ☐ Phone solicitations
d ☐ In-person solicitations
e ☐ Solicitation of non-government grants
f ☐ Solicitation of government grants
g ☐ Special fundraising events

2a Did the organization have a written or oral agreement with any individual (including officers, directors, trustees or key employees listed in Form 990, Part VII) or entity in connection with professional fundraising services? ☐ Yes ☐ No

b If "Yes," list the ten highest paid individuals or entities (fundraisers) pursuant to agreements under which the fundraiser is to be compensated at least $5,000 by the organization

| | (i) Name and address of individual or entity (fundraiser) | (ii) Activity | (iii) Did fundraiser have custody or control of contributions? Yes | No | (iv) Gross receipts from activity | (v) Amount paid to (or retained by) fundraiser listed in col (i) | (vi) Amount paid to (or retained by) organization |
|---|---|---|---|---|---|---|---|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | | | | | | | |
| 9 | | | | | | | |
| 10 | | | | | | | |
| Total . . . . . ▶ | | | | | | | |

3 List all states in which the organization is registered or licensed to solicit contributions or has been notified it is exempt from registration or licensing.

**Part II** **Fundraising Events.** Complete if the organization answered "Yes" to Form 990, Part IV, line 18, or reported more than $15,000 of fundraising event contributions and gross income on Form 990-EZ, lines 1 and 6b. List events with gross receipts greater than $5,000.

| | | (a) Event #1 Sales of Ice Cream (event type) | (b) Event #2 (event type) | (c) Other events (total number) | (d) Total events (add col (a) through col (c)) |
|---|---|---|---|---|---|
| Revenue | 1 Gross receipts | 19058 | | | 19058 |
| | 2 Less: Contributions | | | | |
| | 3 Gross income (line 1 minus line 2) | 19058 | | | 19058 |
| Direct Expenses | 4 Cash prizes | | | | |
| | 5 Noncash prizes | | | | |
| | 6 Rent/facility costs | | | | |
| | 7 Food and beverages | | | | |
| | 8 Entertainment | | | | |
| | 9 Other direct expenses | 11340 | | | 11340 |
| | 10 Direct expense summary. Add lines 4 through 9 in column (d) ▶ | | | | ( 11340 ) |
| | 11 Net income summary. Combine line 3, column (d), and line 10 ▶ | | | | 7718 |

**Part III** **Gaming.** Complete if the organization answered "Yes" to Form 990, Part IV, line 19, or reported more than $15,000 on Form 990-EZ, line 6a.

| | | (a) Bingo | (b) Pull tabs/instant bingo/progressive bingo | (c) Other gaming | (d) Total gaming (add col (a) through col (c)) |
|---|---|---|---|---|---|
| Revenue | 1 Gross revenue | | | | |
| Direct Expenses | 2 Cash prizes | | | | |
| | 3 Noncash prizes | | | | |
| | 4 Rent/facility costs | | | | |
| | 5 Other direct expenses | | | | |
| | 6 Volunteer labor | ☐ Yes ____ % ☐ No | ☐ Yes ____ % ☐ No | ☐ Yes ____ % ☐ No | |
| | 7 Direct expense summary. Add lines 2 through 5 in column (d) ▶ | | | | ( ) |
| | 8 Net gaming income summary. Combine line 1, column d, and line 7 ▶ | | | | |

9 Enter the state(s) in which the organization operates gaming activities: _____

a Is the organization licensed to operate gaming activities in each of these states? ☐ Yes ☐ No

b If "No," explain: _____

10a Were any of the organization's gaming licenses revoked, suspended or terminated during the tax year? ☐ Yes ☐ No

b If "Yes," explain: _____

11 Does the organization operate gaming activities with nonmembers? . . . . . ☐ Yes ☐ No

12 Is the organization a grantor, beneficiary or trustee of a trust or a member of a partnership or other entity formed to administer charitable gaming? . . . . . ☐ Yes ☐ No

13 Indicate the percentage of gaming activity operated in:

a The organization's facility . . . . . 13a %

b An outside facility . . . . . 13b %

14 Enter the name and address of the person who prepares the organization's gaming/special events books and records:

Name ▶ _____

Address ▶ _____

15a Does the organization have a contract with a third party from whom the organization receives gaming revenue? . . . . . ☐ Yes ☐ No

b If "Yes," enter the amount of gaming revenue received by the organization ▶ $ _____ and the amount of gaming revenue retained by the third party ▶ $ _____ .

c If "Yes," enter name and address of the third party:

Name ▶ _____

Address ▶ _____

16 Gaming manager information:

Name ▶ _____

Gaming manager compensation ▶ $ _____

Description of services provided ▶ _____

☐ Director/officer ☐ Employee ☐ Independent contractor

17 Mandatory distributions:

a Is the organization required under state law to make charitable distributions from the gaming proceeds to retain the state gaming license? . . . . . ☐ Yes ☐ No

b Enter the amount of distributions required under state law to be distributed to other exempt organizations or spent in the organization's own exempt activities during the tax year ▶ $

**Part IV** **Supplemental Information.** Complete this part to provide the explanations required by Part I, line 2b, columns (iii) and (v), and Part III, lines 9, 9b, 10b, 15b, 15c, 16, and 17b, as applicable. Also complete this part to provide any additional information (see instructions).

SCHEDULE O
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

# Supplemental Information to Form 990 or 990-EZ

Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

OMB No 1545-0047

2012

Open to Public Inspection

Name of the organization: Utah Youth Soccer Incorporated, Orem League #20

Employer identification number: 87-0523306

Part VI, Section B, 11b The board holds regular monthly meetings during the spring and fall soccer seasons. Prior to the April or May meeting, the treasurer completes the annual Form 990 and e-mails it to the other four members of the board. At the next meeting, the Form 990 is reviewed and any questions or proposed changes are discussed prior to the Form 990 being filed with the IRS.

Part VI, Section B, 12c The conflict of interest policy for Orem Youth Soccer is contained in Section 2:09 of the Bylaws. The policy requires that no member of the league shall engage in any position or function of the league in an effort to gain advantage for their personal or business gain. Any potential conflict of interest shall be declared in a disclosure statement to the board. If there were any disclosure statements or suspicions of a conflict of interest, they would be discussed at the next board meeting

Part VI, Section C, 19 The secretary maintains the files of the league including the bylaws and constitution. The treasurer maintains all financial files of the league Any person requesting a copy of the annual financial statements or governing documents is given a copy. A copy is submitted annually to the Orem City Department of Parks and Recreation.

Part IX, Line 11g, List of fees paid to non-employees for services rendered

Referee Assigner fees $4178.00, League Registrar fees $1715.00, Fees paid for Field Marking and Painting $23425.00

Fees paid for setting up and taking down goals $12745.00, Fees paid to referees $33305.00, Fees paid to trainers $11810.00

Fees paid to run soccer summer camp $25,000.00

| Name of the organization | Employer identification number |
| --- | --- |
| | |

OREM YOUTH SOCCER **SPRING 2014** MASTER SCHEDULE MARCH 22 - APRIL 30, 2014 (all dates are subject to change)

| FIELDS | MONDAY | TUESDAY | | WEDNESDAY | | THURSDAY | |
|---|---|---|---|---|---|---|---|
| | 5:00PM | 5:00PM | 6:30PM | 5:00PM | 6:30PM | 5:00PM | 6:30PM |
| 1 & 2 | | | | GU6 D1 | BU8 D2 | | |
| 3 & 4 | BU6 D2 | BU6 D1 | | GU6 D1 | BU8 D2 | | |
| 5 & 6 | BU6 D2 | BU6 D1 | BU8 D1 | GU6 D1 | BU8 D2 | | |
| 7 & 8 | BU6 D2 | BU6 D1 | BU8 D1 | GU6 D1 | BU8 D2 | GU8D1 | GU8D1 |
| 9 & 10 | BU6 D2 | BU6 D1 | BU8 D1 | BU8D3 | BU8 D2 | GU8D1 | GU8D1 |
| 11 &12 | BU6 D2 | BU6 D1 | BU8 D1 | BU8D3 | BU8D3 | GU8D1 | GU8D1 |
| 13 &14 | BU6 D2 | BU6 D1 | BU8 D1 | BU8D3 | BU8D3 | GU8D1 | GU8D1 |
| 15 | COED | GU12D1 | BU10 D1 | GU10 D1 | GU10 D1 | BU12 D1 | BU10 D2 |
| 16 | COED | GU12D1 | BU10 D1 | GU10 D1 | GU10 D1 | BU12 D1 | BU10 D2 |
| 17 | COED | BU10 D1 | BU10 D1 | GU10 D1 | GU10 D1 | BU12 D1 | BU10 D2 |
| 18 | COED | | BU10 D1 | | | BU10 D2 | BU10 D2 |
| 19 | COED | | | | | | |
| 20 | | | | | | | |
| 21 | | | | | | | |
| 22 | | | | | | | |
| # of fields per time | 17 | 15 | 14 | 17 | 17 | 12 | 12 |

| FIELDS | SATURDAY | | | | | |
|---|---|---|---|---|---|---|
| | 8:30AM | 10:00AM | 11:30AM | 1:00PM | 2:30PM | 4:00PM |
| 1 & 2 | | BU8D3 | BU8 D2 | BU8 D1 | | |
| 3 & 4 | BU6 D1 | BU8D3 | BU8 D2 | BU8 D1 | GU8D1 | BU6 D2 |
| 5 & 6 | BU6 D1 | BU8D3 | BU8 D2 | BU8 D1 | GU8D1 | BU6 D2 |
| 7 & 8 | BU6 D1 | BU8D3 | BU8 D2 | BU8 D1 | GU8D1 | BU6 D2 |
| 9 & 10 | BU6 D1 | BU8D3 | BU8 D2 | BU8 D1 | GU8D1 | BU6 D2 |
| 11 &12 | BU6 D1 | GU6 D1 | GU6 D1 | GU8D1 | GU8D1 | BU6 D2 |
| 13 &14 | BU6 D1 | GU6 D1 | GU6 D1 | GU8D1 | GU8D1 | BU6 D2 |
| 15 | | BU10 D1 | GU10 D1 | GU10 D1 | BU12 D1 | BU10 D2 |
| 16 | | BU10 D1 | GU10 D1 | GU10 D1 | BU12 D1 | BU10 D2 |
| 17 | | BU10 D1 | GU10 D1 | GU10 D1 | BU12 D1 | BU10 D2 |
| 18 | | BU10 D1 | BU10 D1 | GU12D1 | BU10 D2 | BU10 D2 |
| 19 | COED | COED | COED | GU12D1 | COED | COED |
| 20 | | | | | | |
| 21 | | | | | | |
| 22 | | | | | | |
| # of fields per time | 13 | 19 | 19 | 19 | 17 | 17 |

**Play Dates**

22-Mar
24-Mar
25-Mar
26-Mar
27-Mar
29-Mar
31-Mar
1-Apr
2-Apr
3-Apr
14-Apr
17-Apr
19-Apr
21-Apr
22-Apr
23-Apr
24-Apr
26-Apr
28-Apr
29-Apr
30-Apr

**Dates Reserved for Make-up Games**

1-May
3-May

**Exception Day of Play**

| MONDAY | |
|---|---|
| 28-Apr | 5:00PM |
| 1 & 2 | GU6 D1 |
| 3 & 4 | GU6 D1 |
| 5 & 6 | GU6 D1 |
| 7 & 8 | GU6 D1 |
| # of fields per time | 8 |

| AGE | D1 | D2 | D3 | TOTAL |
|---|---|---|---|---|
| BU6 | 12 | 12 | | 24 |
| GU6 | 9 | | | 9 |
| BU8 | 10 | 10 | 10 | 30 |
| GU8 | 16 | | | 16 |

| AGE | D1 | D2 | D3 | TOTAL |
|---|---|---|---|---|
| BU10 | 10 | 10 | | 20 |
| GU10 | 12 | | | 12 |
| BU12 | 6 | | | 6 |
| GU12 | 4 | | | 4 |
| COED | 10 | | | 10 |

**131**

| City | Baseball | Soccer | Swimming | Football |
|---|---|---|---|---|
| Pleasant Grove | -City run UBBA<br>-No super leagues allowed on their fields | -City run Recreation Soccer<br>-Comp and premier leagues use schools | -City run Rec Team<br>-Used to be parent run in the past, but taken over by City | -City run flag football<br>-Utah County Football uses schools |
| Springville | -City run UBBA<br>-Rocky Mountain Baseball and Utah's Perfect Game both rent field space for super leagues | -City run Recreation Soccer<br>-HC Storm Premier teams rent their fields | -City run rec team- SSAT (Springville Seals Aquatic Team)<br>-UV Rays (Comp team) rents pools time | -City run flag football<br>-Partners with parent run group "Springville Youth Football" for tackle program. City collects fees. |
| Provo | -City run UBBA<br>-No super leagues | -City run Soccer<br>Pre-K through 9th grade<br>-No premier leagues | -UV Rays (Comp team) rents pools time | -City run flag football 1-6th grades co-ed<br>-No tackle |
| Lehi | -City run UBBA<br>-Rocky Mountain, Utah's Perfect Game, Utah Select all pay to rent fields for super leagues | -City run Soccer<br>-Arsenal, Forza, LaRoca, Stars United, North Utah County all pay to rent fields for premier | -City run comp team (Frenzy). City takes registrations, provides pool time, schedules and pays coaches. Volunteer parent board helps run the program | -City run flag football<br>-Lehi Youth Tackle Football is parent run organization co-sponsored by the City, and currently gets free fields, but "this may be coming to an end". |
| Spanish Fork | -City run UBBA<br>-All comp and super leagues pay to rent fields | -City run Soccer (K-9th)<br>-Utah FC, Shooters pay to rent fields for premier | | -City run Flag: 3rd-6th grade<br>-City run Tackle (Nebo Football League): 6-9 grade<br>-UVFL uses some of their fields |
| American Fork | -City run UBBA<br>-No super leagues | -City run soccer (PreK-9th)<br>-Rent fields to premier teams | -City run comp team (HAST) | -City run flag football: grades 1-12<br>-No tackle |
| Orem | -Run by Orem Youth Baseball (Parent group)<br>-Super league run by OYB<br>-Other super leagues can pay to rent fields if available | -Rec and Comp run by Orem Youth Soccer (parent group)<br>-Comp and Premier leagues run by Celtic and Ranger<br>-Other super leagues can pay to rent fields if available | -City run summer rec team<br>-Comp team run by OTAC (parent group) | -City run flag football: grades 3-9<br>-Tackle run by UVFL |

My name is Bob Wright  I live at 1010 N. 700 W. In Orem

I believe that this ordinance amending the 2013 2014 budget to provide for a 2% pay increase to employees,  is putting the buggy ahead of the horse..

I believe that the City job classification system should be modified first,  to address the market differential, and then a new 2014-2015 pay increase proposal in the new budget to be presented to the new Mayor and City Council for authorization effective July 1, 2014.  .

# City of Orem Police & Fire Separation

# Agenda

- Request
- Background
- Advantages
- Disadvantages
- Recommended Ordinance Change

# Request

- Request consideration of an ordinance establishing a separate Police Department and Fire Department and further define the functions and duties of each city department.

# Background

- On July 1, 1981, the city consolidated the Orem Police and Fire departments, thereby creating the Department of Public Safety.
- Given call volumes and service demands at the time of this decision, the move was intended to provide improved customer service and additional career opportunities for public safety personnel.
- While not all department personnel were cross trained, a number of frontline public safety officers were certified as police officers and firefighter/EMTs.
- The position of Director of Public Safety was created, the former Police Chief was appointed as the new director, and a Fire Division was created within the department.

# Background (cont.)

- As the city matured, the level of service demands changed, for example:
  - call volumes increased and the city transitioned from operating out of two fire stations to four today,
  - Management and resource decisions began to reflect a natural separation between the police and fire,
  - Intense training and certification requirements naturally gravitated to one function or the other,
  - Based on budget limitations, public safety officers were no longer equipped for both functions,
  - Staffing and scheduling models began to reflect a clear separation.
- While initially the move may have resulted in cost savings, the consolidated Dept. of Public Safety no longer provides significant financial benefits or savings to the City of Orem.

# Advantages

- The reorganization of the Orem Public Safety Department will lead to a dedicated and direct focus by personnel on services directly tied to the preservation of life and property (Fire) and law enforcement (Police).
- Morale and department unity will increase in both departments. "Team concept" will continue to grow and develop.
- Fire personnel can exclusively focus on fire safety programs and initiatives, while Police personnel can address community-policing, investigations and neighborhood enforcement.
- The separation will formalize existing structure and operational policies.

# Advantages (cont.)

- The position of Director of Public Safety will be eliminated.
- The change will align Orem's public safety services with other municipal organizations in the state and throughout the United States.
- The change facilitates the hiring of personnel that have specific expertise in either police or fire services, including department leadership.

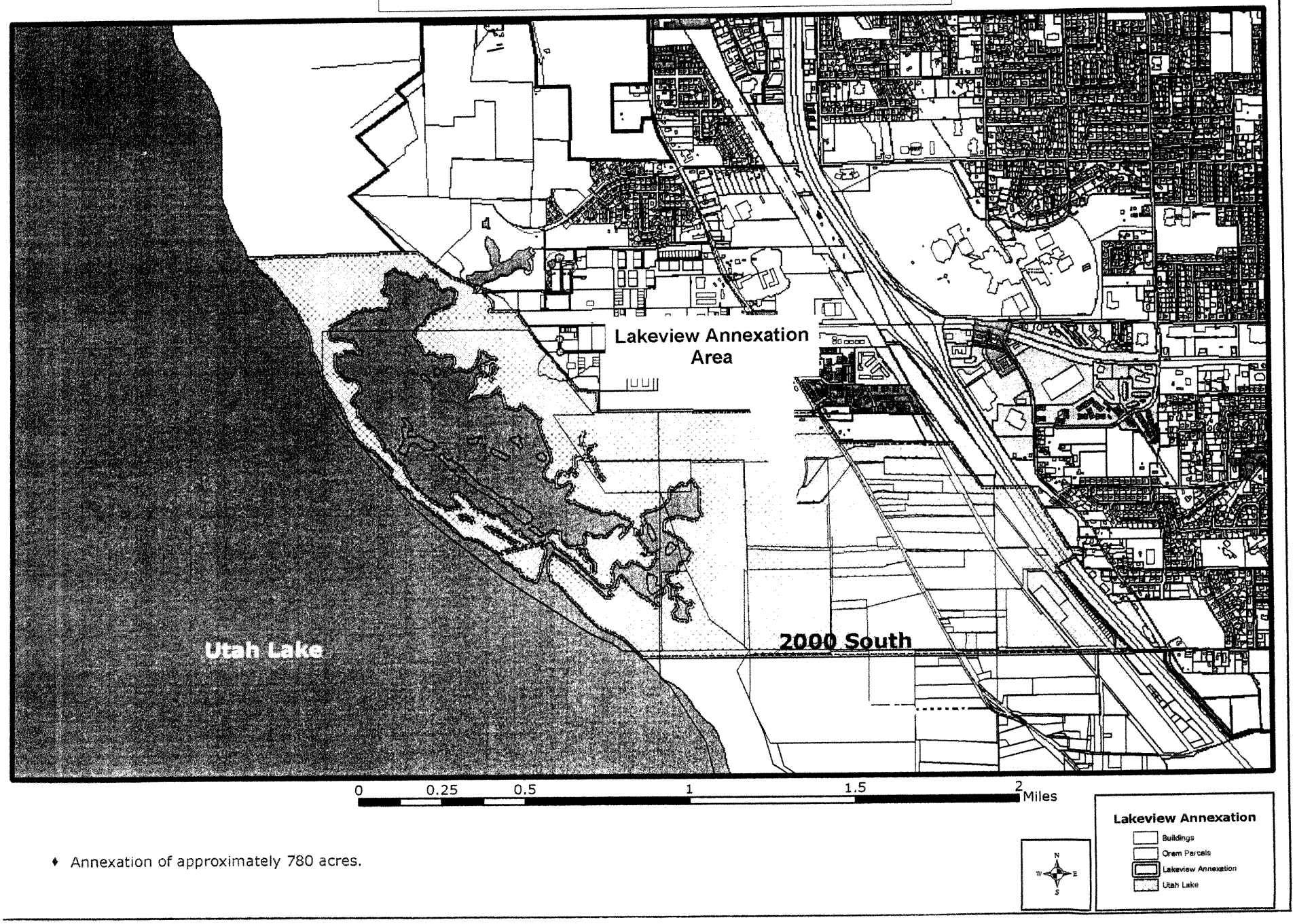
# Disadvantages

- The separation changes department dynamics and may impact unity between both departments.
- Each distinct department will now compete for resources.
- Updates to departmental policies and procedures will need to take place to reflect the change.
- Physical changes will need to take place within the current public safety building.
- The change will require the recruitment and hiring of a new police chief.
- The separation will result in one-time costs (e.g. changes to the facility, uniform, signage, etc.).

# Recommended Ordinance Change

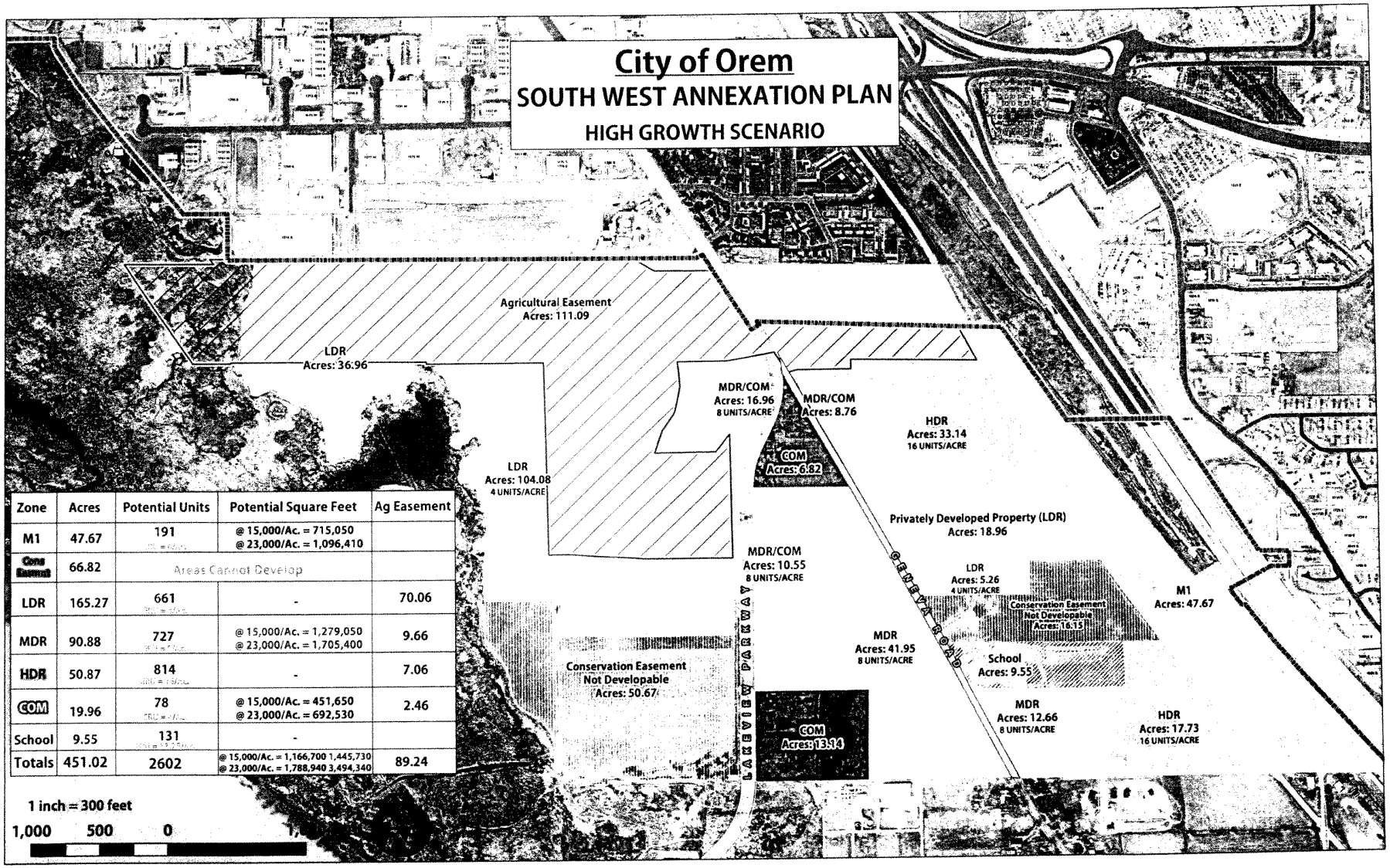
- Section 2-6-1 of the Orem City Code outlines the specific functions and duties of each city department.
- With the establishment of a separate police department and fire department, each city department reviewed, revised and updated department functions to reflect current operations.
- Recommend adoption of the ordinance which establishes the separate police department and fire department, effective July 1, 2014.

# LAKEVIEW ANNEXATION AREA

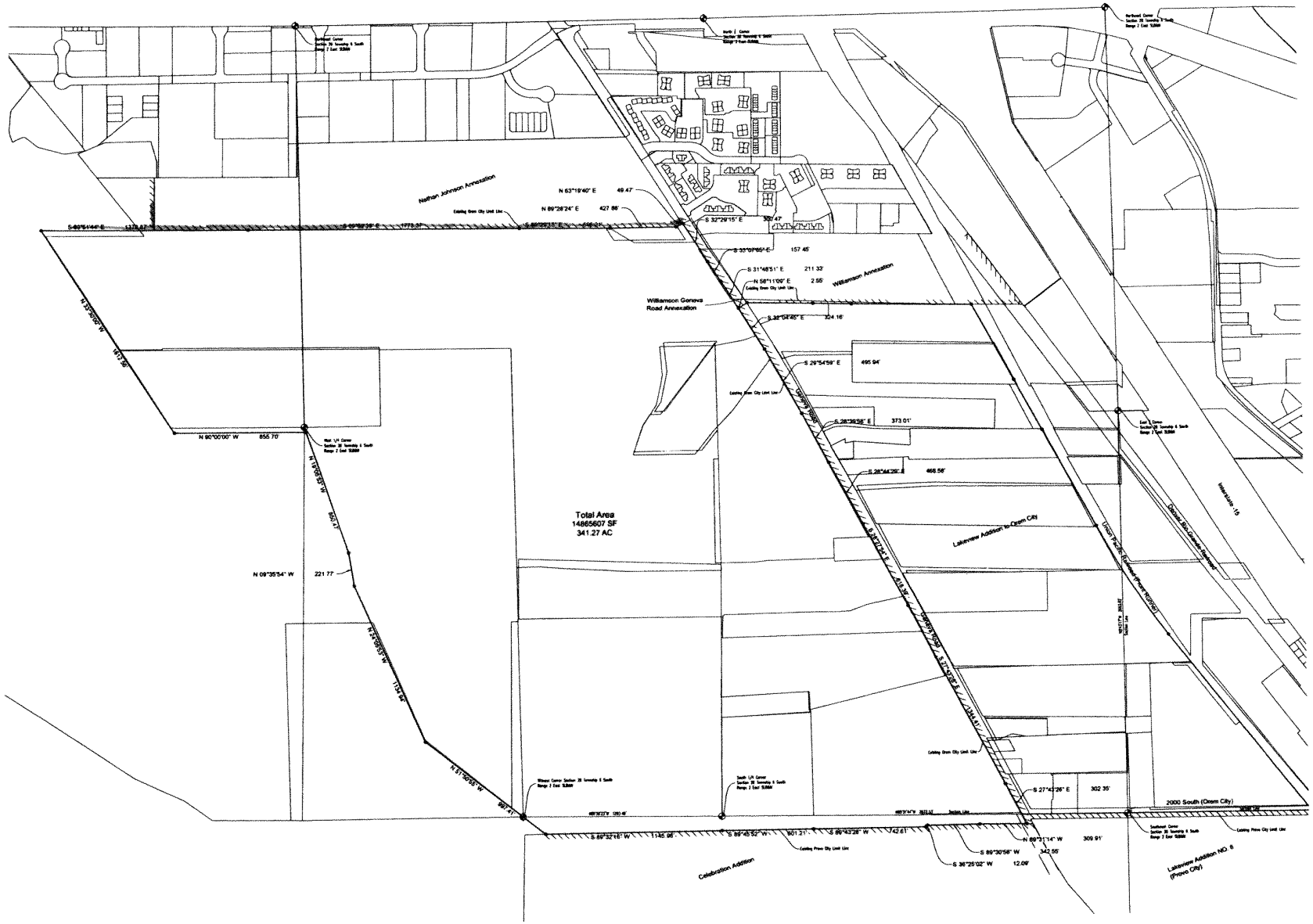



- Annexation of approximately 780 acres.

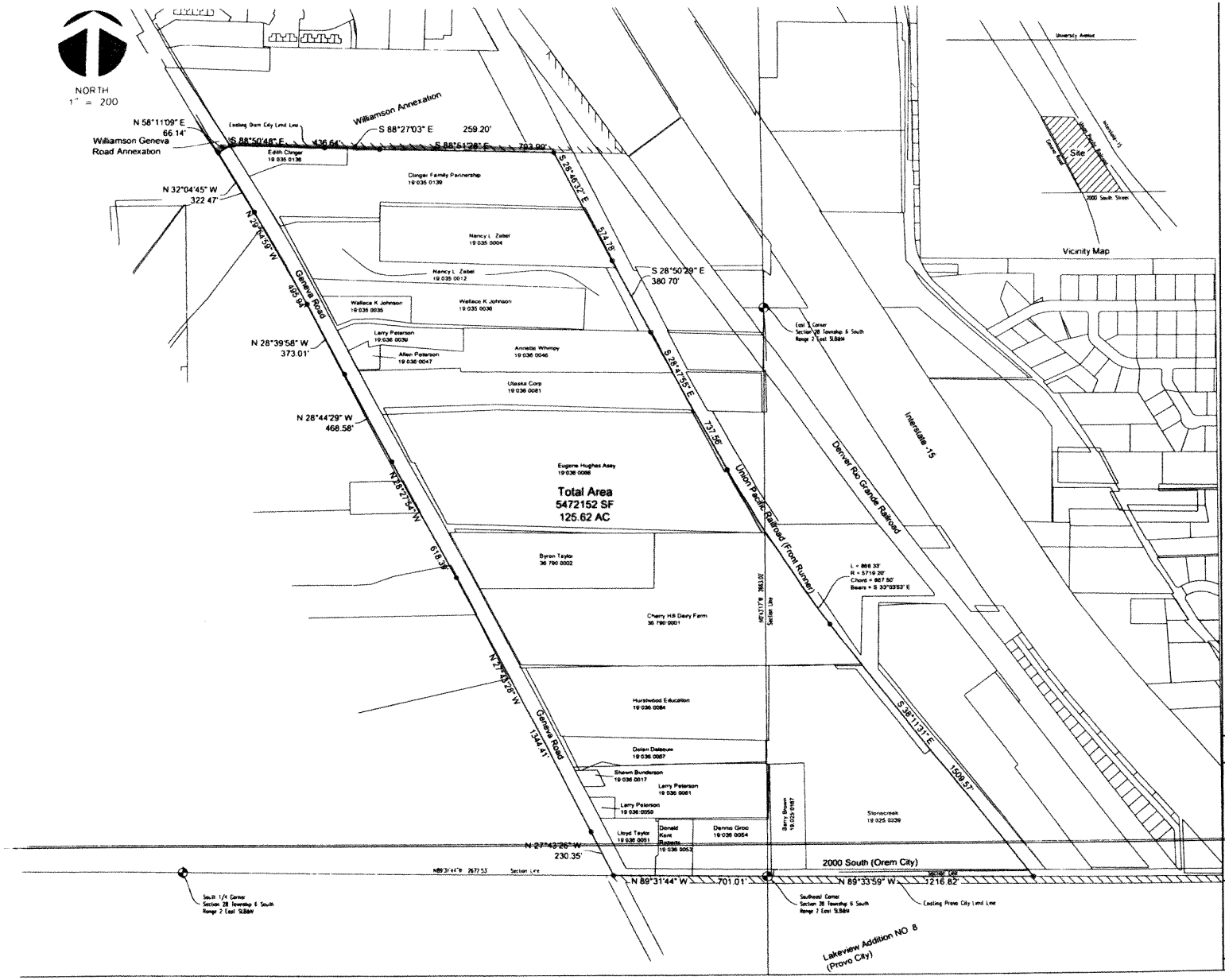
# City of Orem
## SOUTH WEST ANNEXATION PLAN
### HIGH GROWTH SCENARIO




| Zone | Acres | Potential Units | Potential Square Feet | Ag Easement |
|---|---|---|---|---|
| M1 | 47.67 | 191 | @ 15,000/Ac. = 715,050<br>@ 23,000/Ac. = 1,096,410 | |
| Cons Easement | 66.82 | Areas Cannot Develop | | |
| LDR | 165.27 | 661 | - | 70.06 |
| MDR | 90.88 | 727 | @ 15,000/Ac. = 1,279,050<br>@ 23,000/Ac. = 1,705,400 | 9.66 |
| HDR | 50.87 | 814 | - | 7.06 |
| COM | 19.96 | 78 | @ 15,000/Ac. = 451,650<br>@ 23,000/Ac. = 692,530 | 2.46 |
| School | 9.55 | 131 | - | |
| Totals | 451.02 | 2602 | @ 15,000/Ac. = 1,166,700 1,445,730<br>@ 23,000/Ac. = 1,788,940 3,494,340 | 89.24 |



Nathan Johnson Annexation
Williamson Annexation
Williamson Geneva Road Annexation
Total Area
14865607 SF
341.27 AC
Lakeview Addition to Orem City
Union Pacific Railroad (Front Runner)
Dorset Bus Garage Railroad
Interstate 15
2000 South (Orem City)
Celebration Addition
Lakeview Addition NO. 8 (Provo City)
N 63°19'40" E 49.47'
N 89°28'24" E 427.86'
S 32°29'15" E 302.47'
S 33°07'05" E 157.45'
S 31°48'51" E 211.33'
N 58°11'09" E 2.55'
S 32°04'45" E 324.16'
S 29°54'59" E 495.94'
S 28°39'58" E 373.01'
S 28°44'29" E 468.56'
S 27°43'26" E 302.35'
N 89°31'14" W 309.91'
S 89°30'56" W 342.55'
S 36°25'02" W 12.09'
S 89°45'52" W 601.21'
S 89°43'28" W 742.61'
S 89°32'16" W 1145.96'
N 90°00'00" W 855.70'
N 09°35'54" W 221.77'
N 51°50'55" W 997.41'
N 24°09'53" W 1134.84'
N 19°05'53" W 850.47'
N 33°50'00" W 1912.56'




## Surveyor's Certificate

I hereby certify that this is a true and accurate map of the tract of land to be annexed to Orem City, Utah County, Utah

## Boundary Description

Commencing at the Southeast corner of Section 28, Township 6 South, Range 2 East, Salt Lake Base and Meridian, thence North 89°31'44" West along the Section line 701.01 feet more or less to the Westerly boundary of Geneva Road, thence along the said Westerly boundary of Geneva Road the following 11 courses: North 27°43'26" West 230.35 feet, North 27°43'28" West 1344.41 feet, North 26°27'54" West 618.38 feet, North 28°44'29" West 468.58 feet, North 28°39'58" West 373.01 feet, North 29°54'59" West 455.34 feet, North 32°04'45" West 322.47 feet, thence North 58°11'09" East along Williamson Geneva Road Annexation 66.14 feet, thence South 88°50'48" East along Williamson Annexation 436.64 feet, thence South 88°27'03" East along said annexation 259.20 feet, thence South 88°51'28" East along said annexation 793.99 feet more or less to the Westerly boundary of the Union Pacific Railroad right-of-way, thence along said Westerly boundary of the Union Pacific Railroad right-of-way the following five courses: South 28°45'32" East 574.78 feet, South 28°50'29" East 380.70 feet, South 28°47'55" East 737.56 feet, along the arc of a 5719.20 foot radius curve to the left 868.33 feet (chord bears South 33°03'53" East 867.50 feet), South 38°11'31" East 1509.57 feet, thence North 89°33'59" West along the Section line 1216.82 feet to the point of beginning

AREA=125.62 acres

Basis of Bearing North 89°31'44" West along the Section line

Date

Surveyor
(Sign, Seal Below)

Surveyor

## Acceptance by Legislative Body - Orem City

This is to certify that we, the Orem City has received a request to adjust the boundary line shown hereon between Orem City and Provo City and that a copy of the ordinance has been prepared for filing. We have examined and do hereby approve and accept the boundary line adjustment as shown

Dated this _____ day _____ 2014

Richard Brunsel - Mayor _____

Sam Kelly - City Engineer _____

Attest by Orem City Clerk Recorder _____

Orem City Recorder

## Acceptance by Utah County Surveyor

This plat has been reviewed by the County Surveyor and is hereby certified as a final plat, pursuant to Utah Code annotated 17-23-20 as amended.

Gary Ridstall - Professional Land Surveyor _____

Date _____

Utah County Surveyor

# Annexation Plat

# Lakeview Addition to Orem City

Utah County, Utah

Scale

Utah County Recorders Data

RECEIVED
MAR 17 2014
By
CITY OF OREM

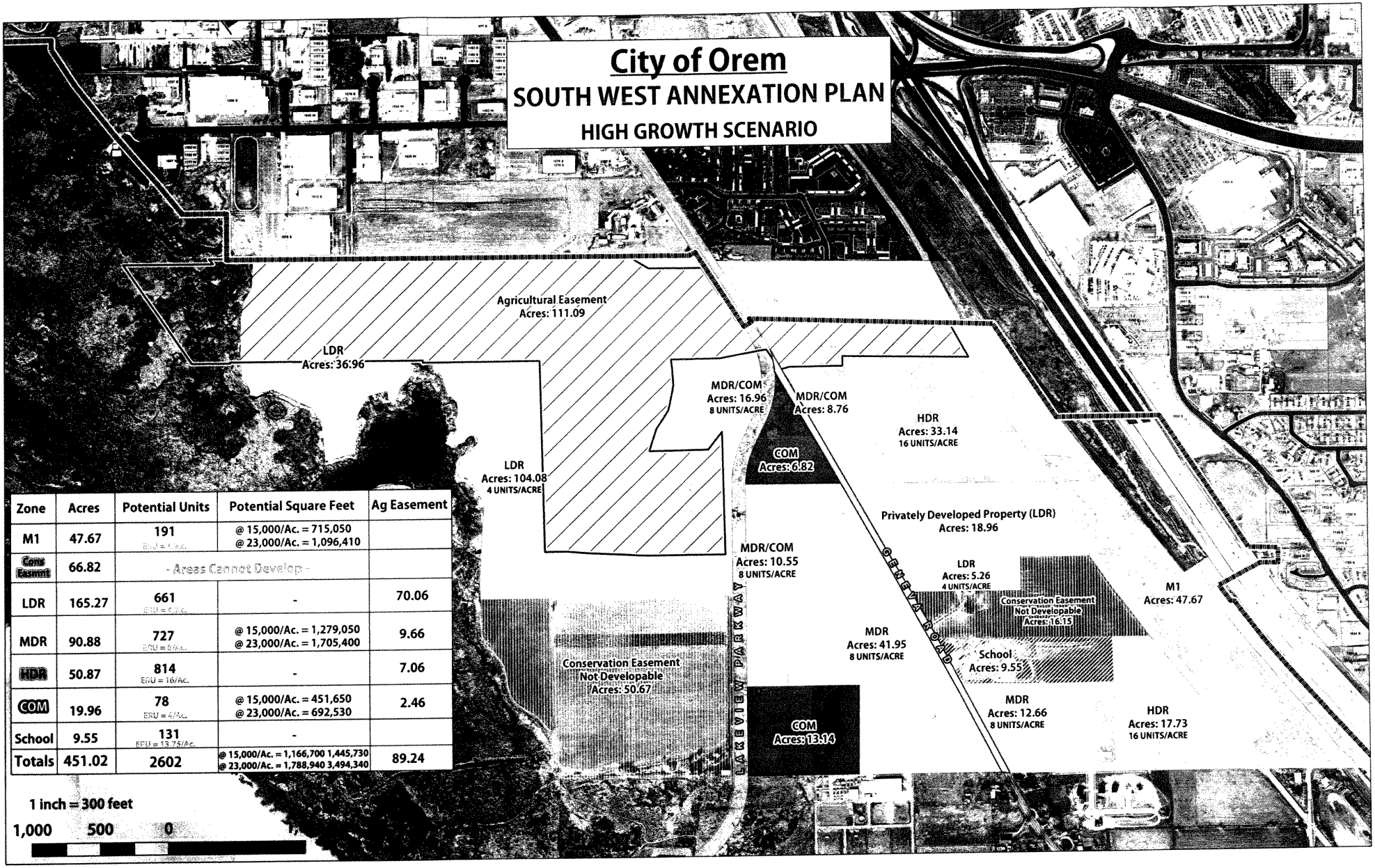
THIS FORM APPROVED BY UTAH

Geneva Road
I-15
2000 South

# City of Orem

## SOUTH WEST ANNEXATION PLAN

### HIGH GROWTH SCENARIO




| Zone | Acres | Potential Units | Potential Square Feet | Ag Easement |
|---|---|---|---|---|
| M1 | 47.67 | 191 ERU = 4/Ac. | @ 15,000/Ac. = 715,050<br>@ 23,000/Ac. = 1,096,410 | |
| Cons Easmnt | 66.82 | - Areas Cannot Develop - | | |
| LDR | 165.27 | 661 ERU = 4/Ac. | - | 70.06 |
| MDR | 90.88 | 727 ERU = 8/Ac. | @ 15,000/Ac. = 1,279,050<br>@ 23,000/Ac. = 1,705,400 | 9.66 |
| HDR | 50.87 | 814 ERU = 16/Ac. | - | 7.06 |
| COM | 19.96 | 78 ERU = 4/Ac. | @ 15,000/Ac. = 451,650<br>@ 23,000/Ac. = 692,530 | 2.46 |
| School | 9.55 | 131 ERU = 13.75/Ac. | - | |
| Totals | 451.02 | 2602 | @ 15,000/Ac. = 1,166,700 1,445,730<br>@ 23,000/Ac. = 1,788,940 3,494,340 | 89.24 |