

CITY OF HELPER, UTAH
RESOLUTION CALLING ZAP TAX ELECTION
RESOLUTION NO. 2024-09

A RESOLUTION PROVIDING FOR A REFERENDUM TO BE HELD ON NOVEMBER 5, 2024, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF HELPER, CARBON COUNTY, UTAH, THE QUESTION OF THE REAUTHORIZATION OF THE IMPOSITION OF A ONE-TENTH OF ONE PERCENT (0.10)% SALES AND USE TAX FOR BOTANICAL, RECREATIONAL, AND ZOOLOGICAL TAX, FOR THE PURPOSE OF FUNDING RECREATIONAL AND CULTURAL FACILITIES; APPROVING THE FORM AND DIRECTING THE PUBLICATION; AND RELATED MATTERS

WHEREAS, the City Council (the “Council”) of the City of Helper, Carbon County, Utah (the “City”) desires to defray all or a portion of the costs related to recreational and cultural facilities; and

WHEREAS, the Council has determined that it is in the best interest of the residents of the City to submit a question to them regarding the reauthorization of the imposition of a one-tenth of one percent (0.10%) sales and use tax (Botanical, Cultural, Recreational, and Zoological sales and use tax, or “ZAP” tax) pursuant to the provisions under Title 59, Chapter 12, Part 14, Utah Code Annotated 1953, as amended, and applicable provisions of the Utah Election Code, Title 20A, Utah Code Annotated 1953, as amended, (collectively, the “Act”):

NOW THEREFORE, It is hereby resolved by the City Council of the City of Helper, Utah as follows:

Section 1. Definition of Terms. The terms defined or described in the recitals hereto shall have the same meaning when used in the body of this Resolution.

Section 2. Election Call. On November 5, 2024, there shall be held in the general election between the hours of 7:00 a.m. and 8:00 p.m., at which there shall be submitted to the qualified voters of the City the proposition appearing in the ballot proposition of the Notice of Election as substantially set forth in Section 5 hereof.

Section 3. Voting Places and Election Judges. For purposes of this Election, the voting precincts, voting places, election judges, and alternate election judges to serve at said voting places, shall be the same as those established for the general election held that day. The voting precincts and polling places shall be specified in the Notice of Election when published.

Section 4. Authorization. The Election shall be conducted and the registration thereof shall be governed in conformity with the laws of the State of Utah, including particularly the Act, and the officials of the City shall and are hereby authorized

and directed to perform and do all things necessary to the property calling and conduction of the Election and canvass of the results thereof.

Section 5. Notice of Election. In accordance with Section 11-14-202 of the Act, a notice of the Election shall be (i) posted in a place within the boundaries of the City that are most likely to give notice to the voters in the City (the “Locations”), with at least one additional notice posted per 2,000 population of the City (subject to a maximum of 10 notices), at least 21 days before the Election, posted on the Utah Public Meeting Notice website (<http://pmn.utah.gov>) for three weeks before the Election and (iii) posted on the City’s website for at least three weeks before the Election. The Council directs the Election Officers (defined herein) to select the sites meeting this criteria.

In addition, the Election Officers (defined herein) are to (i) publish the sample ballot before the election as required in Section 20A-5-405 of the Act and (ii) publish notice of and perform the election voting device and tabulation equipment test procedures as required by Section 20A-4-104 of the Act.

The Election notice shall be given in substantially the following form (with such completion, amendments, updates, changes, additions or alterations as may be required to conform such notices to the Act (including amendments thereto prior to such posting) and actual election information or calendar items (to be confirmed prior to the posting of such notice)):

ELECTION NOTICE

TO ALL QUALIFIED VOTERS OF THE CITY OF HELPER, UTAH

Take notice that on November 5, 2024, between the hours of 7:00 a.m. and 8:00 p.m., a special election (the “Election”) will be held in the City of Helper, Utah (the “City”) in conjunction with the general election to be held that day.

Information regarding polling places for each voting precinct, each early voting polling place, and each election day voting center, including changes to the location of a polling place and the location of an additional polling place, may be found at the Statewide Electronic Voter Information Website at vote.utah.gov or at the Carbon County Clerk’s Website at <https://www.carbon.utah.gov/departments/elections/> or at the City’s Website at <https://www.helpercity.net/>

To obtain information regarding the location of a polling place, voters may also call (435) 472-5301.

The Election will be held for the purpose of submitting the following ballot proposition:

PROPOSITION NO. ____
CITY OF HELPER, UTAH
ZAP TAX ELECTION
NOVEMBER 5, 2024

/s/ Seth Marsing
Carbon County Clerk/Auditor

Shall the City of Helper, Utah, be reauthorized to impose a one-tenth of one percent (0.10)% sales and use tax for the purpose of funding recreational and cultural facilities in the City of Helper?

- O FOR REAUTHORIZATIION OF THE IMPOSIITION OF A ONE-TENTH OF OE PERCENT (0.10)% ZAP TAX
- O AGAINST REAUTHORIZATIION OF THE IMPOSIITION OF A ONE-TENTH OF OE PERCENT (0.10)% ZAP TAX

To vote in favor of this tax, completely darken the circle in front of the words “FOR REAUTHORIZATIION OF THE IMPOSIITION OF A ONE-TENTH OF OE PERCENT (0.10)% ZAP TAX”. To vote against this tax, completely darken the circle in front of the words, “AGAINST REAUTHORIZATIION OF THE IMPOSIITION OF A ONE-TENTH OF OE PERCENT (0.10)% ZAP TAX”.

Pursuant to applicable provisions of Utah State law, the period allowed for any contest of the Election shall end forty (40) days after November 19, 2024 (the date on which the returns of the Election are to be canvassed and the results thereof declared). No such contest shall be maintained unless a complaint meeting the requirements of applicable law is filed with the City Recorder of the City in the District Court of Carbon County within the prescribed forty (40) day period.

GIVEN by order of the City Council of the City of Helper, Utah.

CITY OF HELPER

/s/ Lenise Peterman

Mayor

ATTEST:

/s/ Zach Tonic

City Recorder

Section 6. Mailing of Voter Information Pamphlet. The Council hereby directs the City Recorder of the City (the “City Recorder”) to mail at least fifteen (15) but not more than forty-five (45) days before the scheduled Election, a voter information pamphlet or a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail, to each household with a registered voter who is eligible to vote on the Ballot Proposition. Said voter information pamphlet shall include, in the following order: (a) the date of the Election, (b) the hours during which the polls will be open, (c) the address of the Statewide Electronic Voter Information Website and, if available, the address of the Carbon County Clerk’s website, and the Council’s City Recorder’s website, with a statement indicating that the election officer will post on the website the location of each polling place for each voting precinct, each early voting polling place, and each election day voting center, including any changes to the location of a polling place and the location of an additional polling place; (d) a phone number that a voter may call to obtain information regarding the location of a polling place; (e) the title and text of the ballot proposition, and (f) an explanation of the tax impact. Pursuant to 53G-4- 603 of the Utah Code Annotated 1953, as amended, the voter information pamphlet shall also include a plan of finance, including: (i) the specific project or projects anticipated to be funded by the ZAP tax, and (2) a priority designation for each project.

Section 8. Compliance with the Transparency of Ballot Propositions Act, Title 59, Chapter 1, Part 16, Utah Code Annotated 1953, as amended. The City shall comply with the requirements of the Transparency of Ballot Propositions Act, Title 59, Chapter 1, Part 16, Utah Code Annotated 1953, as amended and shall post the arguments and rebuttal arguments as required by such act on the Statewide Electronic Voter Information Website as described in Section 20A-7-801, Utah Code Annotated 1953, as amended, for thirty (30) consecutive days before the Election. The City shall further post all arguments and rebuttal arguments in a prominent place on the City’s website for thirty (30) consecutive days before the Election. If the City has a newsletter published between finalization of the arguments and rebuttal arguments and the date of the Election, it shall further post arguments and rebuttal arguments in such newsletter. When posting the argument and rebuttal argument, the City Recorder shall ensure that: (a) a rebuttal argument is posted in the same manner as a direct argument; (b) each rebuttal argument follows immediately after the direct argument that it seeks to rebut; and (c) information regarding the public meeting (described in the next sentence), follows immediately after the posted arguments, including the date, time, and place of the public meeting. The City shall conduct a public meeting on October 3, 2024, a date which is no more than forty-five (45), but at least four (4), days before the Election,

beginning at the hour of 7:00 p.m. at 19 S. Main, Helper, Utah. The purpose of the meeting is to hear arguments for and against the issuance of the Ballot Proposition. Information regarding this public meeting shall follow immediately after the posted arguments set forth on the Statewide Electronic Voter Information Website and the City's website described herein. Within three days following the public meeting, the City will post a digital audio recording of the meeting on its website and at the primary office of the City.

Section 9. Election Supplies and Ballots. The ballots to be used at the Election shall comply in all respects with the requirements of the Act at the time of the Election, including, but not limited to, Title 20A, Chapter 6 and Section 11-14- 206 of the Act, and the proposition and election instructions with respect to the Election shall be in substantially the form contained in the Election Notice set forth in Section 6 hereof.

Section 10. Appointment of Election Officers. Pursuant to Sections 20A-1- 102 and 20A-5-400.5 of the Act, the County Clerk of Carbon County and the City Recorder will act as election officers (the "Election Officers"). Other officials of the City are hereby directed and authorized to coordinate with the Election Officers as required for the Election. The Election Officers shall be authorized and directed to give appropriate notices as required by the Act.

Section 11. Canvass. The ballots shall be counted and the results delivered to the City in accordance with the procedures of Title 20A, Chapter 4, of the Act. The Council shall meet as a Council of Canvassers no sooner than seven (7) nor later than fourteen (14) days after the date of said election, currently set for Tuesday, November 19, 2024, at 7:00 p.m., at the regular meeting place of the Council at 19 S. Main, Helper, Utah, and if the majority of the votes cast at the Election are in favor of the propositions submitted, then the City Recorder shall cause an entry of that fact to be made upon its minutes. Thereupon the Council shall be authorized and directed to implement said ZAP tax.

Section 12. Severability. It is hereby declared that all parts of this resolution are severable, and if any section, clause, or provision of this resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause, or provision shall not affect the remaining sections, clauses, or provisions of this resolution.

Section 13. Conflict. All resolutions, orders, and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any resolution, order, regulation, or part thereof heretofore repealed.

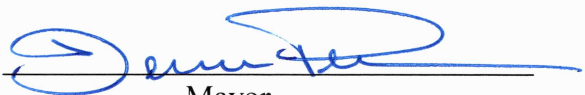
Section 14. Captions. The headings herein are for convenience of reference only and in no way define, limit, or describe the scope or intent of any provisions or sections of this resolution.

Section 15. Recording of Resolution; Effective Date; Notice to Lieutenant Governor and Election Officer. Immediately after its adoption, this Resolution shall be signed by the Mayor and City Recorder, shall be recorded in a book for that purpose, and shall take immediate effect. The City Recorder shall immediately furnish a certified copy of this Resolution to the Lieutenant Governor and the Carbon County Clerk in accordance with Section 11-14-201 of the Act by no later than August 21, 2024, a date at least 75 days before the Election.

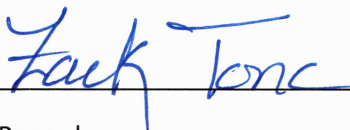
Section 16. Further Authority. The Council hereby authorizes the City Recorder to make changes to any notice or the ballot proposition described herein to complete the same, cure any ambiguity or defect therein or to make any other changes to such notice or ballot proposition as may be required or allowed by the laws of the State of Utah.

PASSED AND APPROVED this July 11, 2024.



By: 
Mayor

ATTEST:

By: 
City Recorder

ELECTION NOTICE

TO ALL QUALIFIED VOTERS OF THE CITY OF HELPER, UTAH

Take notice that on November 5, 2024, a general election (the “Election”) will be held in the City of Helper, Utah (the “City”) at the polling places determined by the Carbon County Clerk for the City. In conjunction therewith, a ballot proposition will be submitted to the qualified voters of the City as follows:

PROPOSITION NO. ____
CITY OF HELPER, UTAH
ZAP TAX ELECTION
NOVEMBER 5, 2024

/s/ Seth Marsing
Carbon County Clerk/Auditor

Shall the City of Helper, Utah, be reauthorized to impose a one-tenth of one percent (0.10)% sales and use tax for the purpose of funding recreational and cultural facilities in the City of Helper?

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CERTIFICATE OF POSTING

I, THE DULY APPOINTED AND ACTING RECORDER FOR THE CITY OF HELPER, HEREBY CERTIFY THAT COPIES OF THE FOREGOING RESOLUTION NO. 2024-09 WERE POSTED IN THE FOLOWING PLACES.

1. HELPER CITY HALL 58 SOUTH MAIN HELPER, UTAH.
2. UTAH PUBLIC NOTICE WEBSITE
[HTTPS://WWW.UTAH.GOV/PMN/SITEMAP/PUBLICBODY/5729.HTML.](https://www.utah.gov/pmn/sitemap/publicbody/5729.html)
3. HELPER CITY WEBSITE
[HTTPS://WWW.HELPERCITY.NET/CITY-COUNCIL.](https://www.helpercity.net/city-council)

DATED THIS 15TH DAY OF JULY 2024



ZACK TONC
HELPER CITY RECORDER