



**South Salt Lake City Council
REGULAR MEETING AGENDA**

Public notice is hereby given that the South Salt Lake City Council will hold a Regular Meeting on **Wednesday, July 31, 2024**, in the City Council Chambers, 220 East Morris Avenue, Suite 200, commencing at **7:00 p.m.**, or as soon thereafter as possible.

To watch the meeting live click the link below to join:

<https://zoom.us/j/93438486912>

Watch recorded City Council meetings at: [youtube.com/@SouthSaltLakeCity](https://www.youtube.com/@SouthSaltLakeCity)

CITY COUNCIL

MEMBERS:

LEANNE HUFF
COREY THOMAS
SHARLA BYNUM
NICK MITCHELL
PAUL SANCHEZ
NATALIE PINKNEY
CLARISSA WILLIAMS

ARIEL ANDRUS
CITY RECORDER
220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE
UTAH
84115
P 801.483.6019
F 801.464.6770
SSLC.GOV

Conducting Council Chair Sergeant at Arms LeAnne Huff, District 1
Sharla Bynum
South Salt Lake PD

Opening Ceremonies

1. Welcome/Introductions
2. Pledge of Allegiance

LeAnne Huff
Natalie Pinkney

Approval of Minutes

- June 5th, Work Meeting
- June 5th, Regular Meeting
- June 12th, Work Meeting
- June 12th, Regular Meeting

No Action Comments

1. Scheduling
2. Public Comments/Questions
 - a. Response to Comments/Questions
(at the discretion of the conducting Council Member)
3. Mayor Comments
4. City Attorney Comments
5. City Council Comments
6. Information
 - a. Utility Assistance Program

City Recorder

Crystal Makin

Action Items

Unfinished Business

1. An Ordinance of the South Salt Lake City Council Amending Sections 15.01.200 and 15.01.210 of the South Salt Lake City Municipal Code to Modify Fees Relating to the City's Culinary Water Impact Fee and Calculation in South Salt Lake City
2. An Ordinance of the South Salt Lake City Council Amending Section 3.11.040(B) of the South Salt Lake City Municipal Code to Modify Fees Relating to Culinary Impact Fees in South Salt Lake City

Hansen, Allen & Luce

Hansen, Allen & Luce

See page two for continuation of Agenda

3. An Ordinance of the South Salt Lake City Council
Amending Chapter 3.12 of the South Salt Lake City
Municipal Code to Make Technical Corrections, Amend
Definitions, and Amend Purchasing and Procurement Procedures
- Ariel Andrus

4. A Resolution of the South Salt Lake City Council
Amending Rules 6, 7, and 12 of the South Salt Lake
City Council Rules of Procedure Regarding the Conduct
of Attendees at Council Meetings
- Sharla Bynum

Public Hearing – 7:30 (Or As Soon Thereafter as Possible)

To receive public input regarding the adoption of an amended Impact Fee Analysis and Impact Fee Facilities Plan, and Ordinances amending Titles 3 and 15 of the City of the South Salt Lake Municipal Code relevant to impact fees related to the South Salt Lake Drinking Water System.

1. Craig Giles, for the City, to present information and answer questions on:
 - a. An Ordinance of the South Salt Lake City Council Adopting an Amended and Updated Impact Fee Facilities Plan and Impact Fee Analysis for the City of South Salt Lake Drinking Water System
 - b. An Ordinance of the South Salt Lake City Council Amending Sections 15.01.200 and 15.01.210 of the South Salt Lake City Municipal Code to Modify Fees Relating to the City’s Culinary Water Impact Fee and Calculation in South Salt Lake City
 - c. An Ordinance of the South Salt Lake City Council Amending Section 3.11.040(B) of the South Salt Lake City Municipal Code to Modify Fees Relating to Culinary Impact Fees in South Salt Lake City
2. Open Public Hearing
3. Receive Public Input
4. Close Public Hearing
5. Discussion by the City Council
6. At Conclusion of Discussion by the Council, Motion and Second by Council
 - a. To move action until a future specified meeting date;
 - b. To take it to a work meeting for further discussion; or
 - c. To take final action on each matter by adopting the Ordinances separately

Motion for Closed Meeting

Adjourn

Posted July 26, 2024

Those needing auxiliary communicative aids or other services for this meeting should contact Ariel Andrus at 801-483-6019, giving at least 24 hours’ notice.

In accordance with State Statute and Council Policy, one or more Council Members may be connected electronically.

Public Comments/Question Policy

Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business. When a member of the audience addresses the Council and/or Mayor, they will come to the podium and state their name and City they reside in. The Public will be asked to limit their remarks/questions to three (3) minutes each. The conducting Council Member shall have discretion as to who will respond to a comment/question. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks. Some comments/questions may have to wait for a response until the next regular council meeting. The conducting Council Member will inform a citizen when they have used the allotted time. Grievances by City employees must be processed in accordance with adopted personnel rules.

Have a question or concern? Call the connect line 801-464-6757 or email connect@sslc.gov

CITY OF SOUTH SALT LAKE
CITY COUNCIL MEETING

COUNCIL MEETING Wednesday July 31, 2024
7:01 p.m.

CITY OFFICES 220 East Morris Avenue
South Salt Lake, Utah 84115

PRESIDING: Council Chair Sharla Bynum

CONDUCTING: LeAnne Huff

PLEDGE OF ALLEGIANCE: Natalie Pinkney

SERGEANT AT ARMS: Carson Aprato

COUNCIL MEMBERS PRESENT:
LeAnne Huff, Corey Thomas, Sharla Bynum, Nick Mitchell,
Paul Sanchez (Zoom), Clarissa Williams, and Natalie Pinkney

COUNCIL MEMBERS EXCUSED:
None

STAFF PRESENT:
Mayor Wood
Josh Collins, City Attorney
Danielle Croyle, Police Chief
Terry Addison, Fire Chief
Jonathan Weidenhamer, Community & Economic Development Director
Crystal Makin, Finance Director
Ariel Andrus, City Recorder
Sara Ramirez, Deputy City Recorder
Jared Christensen, Deputy Fire Chief
Anthony Biamont, Parks Project Manager
Jason Taylor, Water Division Manager
Edward Lopez, Deputy Promise Director
Rebecca Yund, Housing Navigator
Carson Aprato, Police Officer
Spencer Redden, Police Officer

OTHERS PRESENT:
See list

APPROVAL OF MINUTES
June 5th, Work Meeting
June 5th, Regular Meeting
June 12th, Work Meeting
June 12th, Regular Meeting

Council Member Williams made a motion to approve the minutes listed above.

MOTION: Clarissa Williams

SECOND: Natalie Pinkney

Voice Vote:

Bynum:	Yes
Huff:	Yes
Mitchell:	Yes
Pinkney:	Yes
Thomas:	Yes
Williams:	Yes
Sanchez:	Yes

NO ACTION COMMENTS

1. **SCHEDULING.** The City Recorder informed those at the meeting of upcoming events, meetings, activities, etc. **Next Council Meeting— August 14th @ 7pm.**

August 1st – Ribbon cutting ceremony for new playground at Bickley Park at 2:30 p.m.

August 2nd – ‘Movies in the Park’ at Central Park Community Center from 7- 10 p.m.

August 6th – ‘National Night Out’ at Central Park Community Center from 5-7:30 p.m.

August 7th – ‘Truth in Taxation’ Public Hearing at City Hall at 7 p.m.

August 16th – ‘Movies in the Park’ at Central Park Community Center from 7-10 p.m.

2. **PUBLIC COMMENTS/QUESTIONS.**

South Salt Lake resident, Jane Qualizza, shared some thoughts on e-bikes, providing a truck stop in the City, and some concerns over rentals in her neighborhood.

Granite Library Manager, Kim Bryant, shared information about upcoming classes and events at the Granite Library.

3. **MAYOR COMMENTS.**

Mayor Wood shared some City highlights:

South Salt Lake resident, Ann Marie, heard about the Adopt-a-Storm-Drain program and adopted 41 storm drains and is using that to educate her neighbors about keeping storms drains clean and free of debris.

The City’s Promise Housing Navigator, Rebecca Yund, came across a couple of opportunities and wanted to share them with the Council. The first is a state grant called the ‘Utah Homeowners Assistance Fund’, that’s time limited and has limited

funding. It's a program to assist homeowners that have been impacted by COVID-19 and helps people that may be delinquent on their mortgage, property taxes, insurance premiums, HOA fees, etc. A person can receive up to \$50,000 and the income cut off is 150% of the area median income (around \$170,000 income for a family of four).

The other program is a critical home repair program that covers up to \$18,000 in home repairs such as leaking roofs, obsolete wiring, plumbing, window insulation, and helps people to stay in their homes and for them to be habitable. The income cut off is up to 100% of the area median income (around \$115,000 income for a household of four). Residents can reach out to Ms. Yund, who works as the City's Housing Navigator, to get guidance in applying for these programs and can also find more information at: homeownersassistance.utah.gov

Additionally, the City has received a lot of calls regarding the Lead Pipe testing. Water Division Manager, Jason Taylor, talked about the recent changes to the Lead and Copper Rule that require the City to maintain an inventory of the service lines that are owned by property owners in the City. The Water Division teamed up with CRS Engineering to create an inventory. The process included evaluating aerial images and reviewing available construction plans. CRS Engineering identified 389 services that needed to be identified. In April staff sent out letters to the property owners letting them know that the City needed to pothole their lines to identify these services.

4. CITY ATTORNEY COMMENTS.

None.

5. CITY COUNCIL COMMENTS.

Council Member Bynum shared her excitement for the 2034 Olympics and said that the City should consider creating a task force to prepare for the economic benefits it can have for the City. She also addressed the resident's comments and said that she would discuss the matters with the Mayor.

Council Members Pinkney and Huff both said that they loved the idea of creating a task force for the 2034 Olympics.

6. INFORMATION.

a. Utility Assistance Program

Finance Director, Crystal Makin, along with Housing Navigator, Rebecca Yund, and Promise Deputy Director, Edward Lopez, spoke about the City's newest program that will become available to residents who need help with their utilities. The City is partnering with Utah Community Action, who will administer the program, process the applications, and distribute the funds. The program is available to homeowners and tenants who live in South Salt Lake, meet the income qualification, or have suffered a life-changing event. The assistance will be limited to \$150 and one time per year. The program is funded 100% by donations. Anyone who wishes to donate money to the fund may do so through: <https://sslc.gov/440/Utility-Assistance-Program> or

the QR Code that will be on a flyer that's sent out with everyone's utility bill. Donations may also be accepted at the Finance Department's window on the second floor of City Hall.

Action Items

Unfinished Business

- 1. An Ordinance of the South Salt Lake City Council Amending Sections 15.01.200 and 15.01.210 of the South Salt Lake City Municipal Code to Modify Fees Relating to the City's Culinary Water Impact Fee and Calculation in South Salt Lake City.**

City Attorney, Josh Collins, noted that part of updating impact fees requires an update to City Code that details its impact fees. Updating the City Code when changes are made helps to provide consistency in language, terms, and definitions as a part of the legal aspect and protection for the City.

Final action for this matter is to be considered after the Public Hearing at 7:30 p.m.

A copy of the Ordinance is attached and incorporated by this reference.

- 2. An Ordinance of the South Salt Lake City Council Amending Section 3.11.040(B) of the South Salt Lake City Municipal Code to Modify Fees Relating to Culinary Impact Fees in South Salt Lake City.**

City Attorney, Josh Collins, noted that this Ordinance lists the actual fees itself based on meter size and the way that rates are imposed. For larger developments it'd be based on actual usage and for smaller developments it would be based on the size of the meter, which is typically smaller.

Final action for this matter is to be considered after the Public Hearing at 7:30 p.m.

A copy of the Ordinance is attached and incorporated by this reference.

- 3. An Ordinance of the South Salt Lake City Council Amending Chapter 3.12 of the South Salt Lake City Municipal Code to Make Technical Corrections, Amend Definitions, and Amend Purchasing and Procurement Procedures.**

City Recorder, Ariel Andrus, reviewed the matter that had been discussed at the preceding Work Meeting. This change would make technical corrections, remove the newspaper noticing requirements that are no longer required by State law, and adjust the threshold for informal and formal bids.

Council Member Bynum made a motion to approve the Ordinance.

A copy of the Ordinance is attached and incorporated by this reference.

MOTION: Sharla Bynum
SECOND: Corey Thomas

Roll Call Vote:

Bynum: Yes
 Huff: Yes
 Mitchell: Yes
 Pinkney: Yes
 Thomas: Yes
 Williams: Yes
 Sanchez: Yes

4. A Resolution of the South Salt Lake City Council Amending Rules 6, 7, and 12 of the South Salt Lake City Council Rules of Procedure Regarding the Conduct of Attendees at Council Meetings.

Council Chair Bynum talked about adopting this recommendation from the ULCT (Utah League of Cities and Towns) to not allow signs to be brought into public meetings.

City Attorney, Josh Collins, added that this mirrors what the State Legislature does for their committee hearings.

Council Member Thomas made a motion to approve the Resolution.

A copy of the Resolution is attached and incorporated by this reference.

MOTION: Corey Thomas

SECOND: Nick Mitchell

Roll Call Vote:

Bynum: Yes
 Huff: Yes
 Mitchell: Yes
 Pinkney: Yes
 Thomas: Yes
 Williams: Yes
 Sanchez: No

Public Hearing – 7:30 (Or As Soon Thereafter as Possible)

To receive public input regarding the adoption of an amended Impact Fee Analysis and Impact Fee Facilities Plan, and Ordinances amending Titles 3 and 15 of the City of the South Salt Lake Municipal Code relevant to impact fees related to the South Salt Lake Drinking Water System.

City Attorney, Josh Collins, reiterated that these items have been discussed in length at previous meetings, in the preceding Work Meeting, as well as in Items 1 and 2 in Unfinished Business for this meeting.

The public hearing opened at 7:32 p.m.

No public comment was made.

The public hearing closed at 7:32 p.m.

Council Member Williams made a statement about how impact fees are not going to affect current residents and are done so that they don't have to front the cost for these types of developments or repairs in the City.

Conducting Member Huff opened the floor for the Council to take final action.

- 1. An Ordinance of the South Salt Lake City Council Adopting an Amended and Updated Impact Fee Facilities Plan and Impact Fee Analysis for the City of South Salt Lake Drinking Water System.**

Council Member Bynum made a motion to approve the Ordinance.

A copy of the Ordinance is attached and incorporated by this reference.

MOTION: Sharla Bynum
SECOND: Clarissa Williams

Roll Call Vote:

Bynum:	Yes
Huff:	Yes
Mitchell:	Yes
Pinkney:	Yes
Thomas:	Yes
Williams:	Yes
Sanchez:	Yes

- 2. An Ordinance of the South Salt Lake City Council Amending Sections 15.01.200 and 15.01.210 of the South Salt Lake City Municipal Code to Modify Fees Relating to the City's Culinary Water Impact Fee and Calculation in South Salt Lake City.**

Council Member Pinkney made a motion to approve the Ordinance.

A copy of the Ordinance is attached and incorporated by this reference.

MOTION: Natalie Pinkney
SECOND: Corey Thomas

Roll Call Vote:

Bynum:	Yes
Huff:	Yes
Mitchell:	Yes
Pinkney:	Yes
Thomas:	Yes
Williams:	Yes
Sanchez:	Yes

3. An Ordinance of the South Salt Lake City Council Amending Section 3.11.040(B) of the South Salt Lake City Municipal Code to Modify Fees Relating to Culinary Impact Fees in South Salt Lake City.

Council Member Williams made a motion to approve the Ordinance.

A copy of the Ordinance is attached and incorporated by this reference.

MOTION: Clarissa Williams

SECOND: Nick Mitchell

Roll Call Vote:

Bynum:	Yes
Huff:	Yes
Mitchell:	Yes
Pinkney:	Yes
Thomas:	Yes
Williams:	Yes
Sanchez:	Yes

Council Member Thomas made a motion to Adjourn.

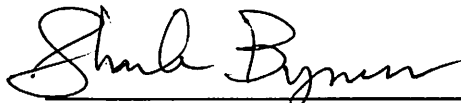
MOTION: Corey Thomas

SECOND: Clarissa Williams

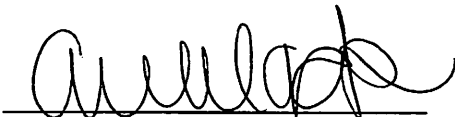
Voice Vote:

Bynum:	Yes
Huff:	Yes
Mitchell:	Yes
Pinkney:	Yes
Thomas:	Yes
Williams:	Yes
Sanchez:	Yes

The meeting adjourned at 7:36 p.m.



Sharla Bynum, Council Chair



Ariel Andrus, City Recorder

ORDINANCE NO. 2024- 10

AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL AMENDING SECTIONS 15.01.200 AND 15.01.210 OF THE SOUTH SALT LAKE CITY MUNICIPAL CODE TO MODIFY FEES RELATING TO THE CITY'S CULINARY WATER IMPACT FEE AND CALCULATION IN SOUTH SALT LAKE CITY.

WHEREAS, The South Salt Lake City Council (the "City Council") is authorized to enact and amend ordinances establishing regulations related to the health, safety, and welfare of the residents of the City of South Salt Lake (the "City"); and

WHEREAS, the City, with the assistance of its consultants, has researched and analyzed the factors set forth in the Utah Impact Fees Act located at Utah Code 11-36a-101 et seq. (the "Act"), and caused to be prepared a drinking water impact fee facilities plan and impact fee analysis, as part of the South Salt Lake Culinary Water Impact Fee Facilities Plan and Impact Fee Analysis for the City (the IFFP/IFA); and

WHEREAS, the City Council met in regular session and reviewed the IFFP/IFA on July 10, 2024, and held a duly noticed public hearing on July 31, 2024, to receive comment on and consider adoption of an amended IFFP/IFA; and

WHEREAS, the City Council, after the public hearing, considering all input received adopted the amended IFFP/IFA; and

WHEREAS, as a result of the adoption of that IFFP/IFA, the City's municipal code in sections 15.01.200 and 15.01.210 regarding the City's Culinary Water Impact Fee service area and the City's Culinary Water Impact Fee Calculation, should be updated to reflect the newly adopted IFFP/IFA; and

WHEREAS, the City Council hereby determines that amending sections 15.01.200 and 15.01.210 of the South Salt Lake Municipal Code to modify impact fee service area and calculation as shown in "Exhibit A," which is attached hereto and incorporated by this reference, is in the best interest of the health, safety, and welfare of the residents of South Salt Lake City.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake as follows:

SECTION 1. Enactment. Sections 15.01.200 and 15.01.210 are hereby amended, as attached hereto, and incorporated by reference in "Exhibit A."

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION 4. Effective Date. This ordinance shall become effective upon Mayor's signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

DATED this 31st day of July, 2024.

BY THE CITY COUNCIL:

Sharla Bynum
Sharla Bynum, Council Chair

ATTEST: Ariel Andrus
Ariel Andrus, City Recorder

City Council Vote as Recorded:

Huff	<u>yes</u>
Thomas	<u>yes</u>
Bynum	<u>yes</u>
Mitchell	<u>yes</u>
Sanchez	<u>yes</u>
Pinkney	<u>yes</u>
Williams	<u>yes</u>



Transmitted to the Mayor's office on this 1st day of August, 2024.

Ariel Andrus
Ariel Andrus, City Recorder

MAYOR'S ACTION: Approve

Dated this 2nd day of August, 2024.

Cherie Wood
Cherie Wood, Mayor

ATTEST: Ariel Andrus
Ariel Andrus, City Recorder

PART II. SPECIFIC IMPACT FEES

15.01.200 Culinary water impact fee—Service area, IFFP and IFA.

- A. Service Area. The service area for culinary water impact fees includes Pressure Zone 1 (shaded red) on the South Salt Lake City Drinking Water System Master Plan, which was previously adopted by this Council, as shown at Figure 1.

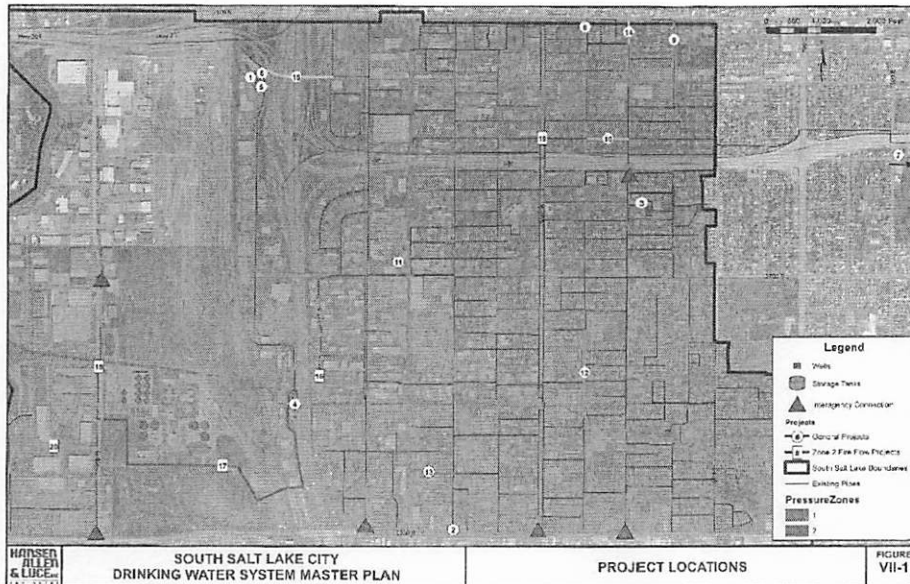


Figure 1

- B. Culinary Water Impact Fee Facilities Plan. Pursuant to Section 15.01.050 of this Chapter and Section 11-36a-302 of the Act, the City has, through its consultants, researched and analyzed the factors set forth in the Act and caused to be prepared a culinary water impact fee facilities plan, as part of the Culinary Water Impact Fee Facilities Plan and Impact Fee Analysis: City of South Salt Lake. The culinary water IFFP establishes the current and proposed level of service. The City currently maintains a system which meets the state's requirements for drinking water systems related to peak and average distribution, and future development will require the City to expand its water source, distribution and storage systems in a manner which continues to meet the state's standards for drinking water systems. The Culinary South Salt Lake Drinking Water Impact Fee Facilities Plan and Impact Fee Analysis: City of South Salt Lake, attached as Exhibit A to Ordinance 2014-24 2024-09, is hereby adopted in its entirety by the City in accordance with applicable provisions of this Chapter and the Act.
- C. Impact Fee Analysis. Pursuant to Section 15.01.050 of this Chapter, and Section 11-36a-303 of the Act, the City has, through its consultants, researched and analyzed the factors set forth in the Act and prepared a culinary water impact fee analysis, as part of the Culinary South Salt Lake Drinking Water Impact Fee Facilities Plan and Impact Fee Analysis: City of South Salt Lake, which is attached as Exhibit A to Ordinance 2014-24 2024-09, is hereby adopted in its entirety by the City in accordance with the applicable provisions of this Chapter and the Act.

15.01.210 Culinary water impact fee—Calculation.

- A. Based upon the culinary water IFA, equivalent residential connections in the City are those which connect to the City's culinary water system within the service area with a three-quarter-inch or smaller water meter.

- B. The maximum impact fee for culinary water for each equivalent residential connection is ~~seven hundred thirty-three dollars (\$733.00)~~ six thousand three hundred forty-five dollars (\$6,345).
- C. The City Council may, by amending the consolidated fee schedule, implement impact fees for development within the service area, with fees based upon the number of equivalent residential connections for a development, which fee shall be determined by the size of meter or meters installed for the development.

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL AMENDING SECTION 3.11.040(B) OF THE SOUTH SALT LAKE CITY MUNICIPAL CODE TO MODIFY FEES RELATING TO CULINARY IMPACT FEES IN SOUTH SALT LAKE CITY.

WHEREAS, The South Salt Lake City Council (the "City Council") is authorized to enact and amend ordinances establishing regulations related to the health, safety, and welfare of the residents of the City of South Salt Lake (the "City"); and

WHEREAS, the City, with the assistance of its consultants, has researched and analyzed the factors set forth in the Utah Impact Fees Act located at Utah Code 11-36a-101 et seq. (the "Act"), and caused to be prepared a drinking water impact fee facilities plan and impact fee analysis, as part of the Culinary Water Impact Fee Facilities Plan and Impact Fee Analysis for the City (the IFFP/IFA); and

WHEREAS, the City Council met in regular session and reviewed the IFFP/IFA on July 10, 2024, and held a duly noticed public hearing on July 31, 2024, to receive comment on and consider adoption of an amended IFFP/IFA; and

WHEREAS, the City Council, after the public hearing, considering all input received adopted the amended IFFP/IFA; and

WHEREAS, as a result of the adoption of that IFFP/IFA, the City's consolidated fee schedule, codified in South Salt Lake Municipal Code 3.11.040(B), should be updated to reflect the newly adopted IFFP/IFA; and

WHEREAS, the City Council hereby determines that amending section 3.11.040(B) of the South Salt Lake Municipal Code to modify impact fees as shown in "Exhibit A," which is attached hereto and incorporated by this reference, is in the best interest of the health, safety, and welfare of the residents of South Salt Lake City.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake as follows:

SECTION 1. Enactment. Section 3.11.040(B) is hereby amended, as attached hereto and incorporated by reference in "Exhibit A."

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION 4. Effective Date. This ordinance shall become effective upon Mayor's signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

(signatures appear on separate page)

DATED this 31st day of July, 2024.

BY THE CITY COUNCIL:

Sharla Bynum
Sharla Bynum, Council Chair

ATTEST:

Ariel Andrus
Ariel Andrus, City Recorder

City Council Vote as Recorded:

Huff	<u>yes</u>
Thomas	<u>yes</u>
Bynum	<u>yes</u>
Mitchell	<u>yes</u>
Sanchez	<u>yes</u>
Pinkney	<u>yes</u>
Williams	<u>yes</u>

Transmitted to the Mayor's office on this 18th day of August, 2024.

Ariel Andrus
Ariel Andrus, City Recorder



MAYOR'S ACTION: Approve

Dated this 2nd day of August, 2024.

Cherie Wood
Cherie Wood, Mayor

ATTEST:

Ariel Andrus
Ariel Andrus, City Recorder

Exhibit A:

3.11.040 Building, Planning, and Zoning.

- B. Impact Fees. Impact fees are applicable if construction attributable to new growth is taking place within the specific fee's service area.

Culinary water impact fee	
¾" meter	\$733.00 \$6,345
1" meter	\$1,557.00 \$6,345
1.5" meter	\$5,690.00 \$12,690
2" meter	\$7,611.00 \$20,304
3" meter	\$16,664.00
4" meter	\$28,558.00
6" meter	\$46,676.00
Other meter connection	\$733.00/ERC, determined by director Impact fee = (water consumption, gpd)/(1,364 gpd/ERU)*(\$6,345 per ERC)

Sanitary sewer impact fee (meter size)	City multiplier	Impact fee
¾" meter	1.00	\$1,063.00
1" meter	2.12	\$2,259.00
1.5" meter	7.76	\$8,252.00
2" meter	10.38	\$11,038.00
3" meter	22.73	\$24,167.00
4" meter	38.96	\$41,417.00
6" meter	63.68	\$67,694.00

Parks impact fee	Fee per household
Single-family	\$1,677.00
Multi-Family	\$1,608.00

ORDINANCE NO. 2024- 03

AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL AMENDING CHAPTER 3.12 OF THE SOUTH SALT LAKE CITY MUNICIPAL CODE TO MAKE TECHNICAL CORRECTIONS, AMEND DEFINITIONS, AND AMEND PURCHASING AND PROCUREMENT PROCEDURES.

WHEREAS, The South Salt Lake City Council (the “City Council”) is authorized to enact and amend ordinances establishing regulations related to the health, safety, and welfare of the residents of the City of South Salt Lake (the “City”); and

WHEREAS, the City’s purchasing agent, after a review of the City’s current purchasing and procurement code determined that updates were needed based on the current economic climate in the United States and the State of Utah; and

WHEREAS, the City Council hereby determines that amending chapter 3.12 of the South Salt Lake Municipal Code as shown in “Exhibit A,” which is attached hereto and incorporated by this reference, is in the best interest of the health, safety, and welfare of the residents of South Salt Lake City, as it allows for increased efficiency, reduced workload, and a better approach to purchasing and procurement by correcting outdated practices and language and updating definitions.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake as follows:

SECTION 1. Enactment. Chapter 3.12 is hereby amended, as attached hereto and incorporated by reference in “Exhibit A.”

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION 4. Effective Date. This ordinance shall become effective upon Mayor’s signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

(signatures appear on separate page)

DATED this 31st day of July, 2024.

BY THE CITY COUNCIL:
Sharla Bynum
Sharla Bynum, Council Chair

ATTEST: Ariel Andrus
Ariel Andrus, City Recorder

City Council Vote as Recorded:

- Huff yes
- Thomas yes
- Bynum yes
- Mitchell yes
- Sanchez yes
- Pinkney yes
- Williams yes



Transmitted to the Mayor's office on this 1st day of August, 2024.

Ariel Andrus
Ariel Andrus, City Recorder

MAYOR'S ACTION: Approve

Dated this 2nd day of August, 2024.

Cherie Wood
Cherie Wood, Mayor

ATTEST: Ariel Andrus
Ariel Andrus, City Recorder

EXHIBIT A:

Chapter 3.12 PURCHASING AND PROCUREMENT*

Sections:

3.12.010 Definitions.

The terms used in this chapter shall have the following meanings:

"Bid," or "proposal" ~~or "offer"~~ means an offer to perform.

"Bidding" means procedure used to solicit quotations on price and delivery from various prospective suppliers of supplies, equipment, ~~and or~~ contractual services.

"Bid limit" means the estimated dollar cost of a building improvement or public work project which, if exceeded, requires bids to be requested for the project, and which shall be as follows:

a. For a building improvement:

i. For the year 2003, forty thousand dollars (\$40,000.00); and

ii. For each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of three percent or the actual percent change in the Consumer Price Index during the previous calendar year; and

b. For a public works project:

i. For the year 2003, one hundred twenty-five thousand dollars (\$125,000.00); and

ii. For each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of three or the actual percent change in the Consumer Price Index during the previous calendar year

"Building improvement" means the construction or repair of a city building or structure.

"Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other legal entity ~~offering supplies, equipment, or contractual services.~~

"City" means the city of South Salt Lake, the redevelopment agency of South Salt Lake City, and all departments, divisions, and enterprise funds of the city.

"City-funded" means the use of funds from a budget approved by the city council to pay a contractor or subcontractor for work on a building improvement or public works project regardless of whether city obtains funds from a state or federal government grant, or any other source of funds, to pay the cost of a particular project.

"Consumer Price Index" means the "Consumer Price Index For All Urban Consumers" as published by the bureau of labor statistics of the United States Department of Labor.

"Contract" means all types of city agreements, regardless of what they may be called, for the purchase or disposal of supplies, equipment, services, or construction. It includes awards and notices of award; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for the issuance of job or task orders; leases; letter contracts; and purchase orders. It also includes supplemental agreements with respect to any of the foregoing.

"Contractor" means any person having a contract with a governmental body. **"Contractor" includes a person or entity who is or may be awarded a construction contract for a building improvement or a public works project.**

"Covered employee" means an individual who provides part time or full time services directly related to a construction contract for a contractor or subcontractor, including, but not limited to, an individual in a safety sensitive position such as a design position responsible for the safety of a building improvement or public works project.

"Debarment" means the disqualification of a person, firm, business, supplier, etc., to receive invitations for bids or requests for proposals, or the award of a contract by the city, for a specified period of time commensurate with the seriousness of the offense or the failure or the inadequacy of performance.

"Designee" means a duly authorized representative of a person, ~~holding a superior position.~~

"Drug and alcohol testing policy" means a policy under which a contractor or subcontractor tests a covered employee to establish, maintain, or enforce the prohibition of:

a. The manufacture, distribution, dispensing, possession, or use of drugs or alcohol, except the medically prescribed possession and use of a drug, and

b. The impairment of judgment or physical abilities due to the use of drugs or alcohol. "Employee" means an individual drawing a salary from a governmental body, whether elected or not, and any nonsalaried individual performing personal services for any governmental body.

"Enterprise fund" means a special fund as defined in Section 10-6-106, Utah Code Annotated. An example of such fund include the water and sewer funds.

"Health benefit plan" means an insurance policy that provides healthcare coverage, including major medical expenses, or that is offered as a substitute for hospital or medical expense insurance, such as a hospital confinement indemnity or limited benefit plan; but a health benefit plan does not include an insurance policy that provides benefits solely for accidents, dental, income replacement, long term care, a Medicare supplement, a specific disease, vision, or a short term limited duration where it is offered and marketed as supplemental health insurance.

"Invitation for bids" means all documents, whether attached or incorporated by reference, utilized for soliciting bids.

"Lowest responsive responsible bidder" means a prime contractor who:

a. Has submitted a bid in compliance with an invitation to bid and within the requirements of the plans and specifications for a building improvement or public works project;

b. Is the lowest bidder that satisfies the requirements of this chapter relating to financial strength, past performance, integrity, reliability, and other factors used to assess the ability of a bidder to perform fully and in good faith the contract requirements;

c. Has furnished a bid bond or equivalent in money as a condition to the award of a prime contract; and

d. Furnishes a payment and performance bond as required by law or city policy.

"Person" means any business, individual, union, committee, club, or other organization or group of individuals.

"Procurement" means the buying, purchasing, renting, leasing, or otherwise obtaining any supplies, ~~equipment, services, or construction.~~ **"Procurement" also includes all functions that pertaining to each phase of contract administration, including description of requirements, selection and solicitation of sources, and preparation and award of contract** ~~the obtaining of any public procurement, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.~~

"Professional services" means those services that are provided by a person skilled in the practice of advanced or technical discipline. Providers of professional services often require prolonged and specialized intellectual training, and profess attainments in special knowledge as distinguished from mere skills. Discipline may include, without limitation, accounting, auditing, architecture, court reporting, engineering, experts in a specialized field, finance, law, materials testing, medicine, planning, and surveying and others.

"Public works project" means the construction, replacement, or repair of:

- a. A park or recreational facility;**
- b. A pipeline, culvert, dam, canal, or other system for water, sewage, stormwater, or flood control;**
- c. Class "C" roads, including maintenance and resurfacing; and**
- d. Any other city facility except a building improvement.**

"Purchasing agent" means any person authorized by a governmental body, in accordance with procedures prescribed by regulations, to enter into and administer contracts and make written determinations and findings with respect thereto. The term also includes an authorized representative acting within the city limits of authority.

"Qualified health insurance coverage" means at the time a contract is entered into or renewed:

- a. A health benefit plan, not including dental coverage, and employer contribution level with a combined actuarial value at least actuarially equivalent to the combined actuarial value of the benchmark plan under Utah Code Ann. section 26-40-106, as amended, and a contribution level of fifty (50) percent of the premium for the employee and the dependents of the employee who reside or work in the state of Utah under which:**
 - i. The employer pays at least fifty (50) percent of the premium for the employee and the dependents of the employee who reside or work in the state of Utah; and**
 - ii. For purposes of calculating actuarial equivalency under this provision, rather than benchmark plan's deductible and the benchmark plan's out-of-pocket maximum based on income levels:**
 - (1) The annual deductible is one thousand dollars (\$1,000.00) per individual and three thousand dollars (\$3,000.00) per family; and**
 - (2) The annual out of pocket maximum is three thousand dollars (\$3,000.00) per individual and nine thousand dollars (\$9,000.00) per family; or**
- b. A federally qualified high deductible health plan, not including dental coverage, that, at a minimum:**
 - i. Has a deductible that is either:**
 - (1) The lowest deductible permitted for a federally qualified high deductible plan; or**
 - (2) A deductible that is higher than the lowest deductible permitted for a federally qualified high deductible health plan, but includes an employer contribution to a health savings account in a dollar amount at least equal to the dollar amount difference between the lowest deductible permitted for a federally qualified high deductible plan and the deductible for an employer offered federal qualified high deductible plan; ii. Has an out of pocket maximum that does not exceed three times the amount of the annual deductible; and**

iii. The employer pays at least sixty (60) percent of the premium for the employee and the dependents of the employee who work or reside in the state of Utah.

"Random testing" means periodic examination of a covered employee, selected on the basis of chance, for drugs and alcohol in accordance with a drug and alcohol testing policy.

"Request for proposals" or "RFP" means soliciting to receive sealed proposals.

"Responsible bid" means an offer, submitted by a responsible bidder to furnish supplies, ~~equipment or contractual~~ services in conformity with the specifications, delivery terms and conditions and other requirements included in the invitation for bids.

"Responsible bidder" means a bidder who submits a responsible bid who has furnished, when requested, information and data to prove that said financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery of the supplies, ~~equipment or contractual~~ services on said bids, and who has not violated or attempted to violate any provisions of this chapter and who has the reliability which will assure good faith performance.

"Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

"Specification" means any description of the physical or functional characteristics, or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service or construction item for delivery.

"Subcontractor" means any person or entity who may be awarded a contract with a contractor or another subcontractor to provide services or labor for a building improvement or public works project, and includes a trade contractor or specialty contractor but does not include a supplier who provides only materials, equipment, or supplies to a contractor or subcontractor.

"Supplies" means all property, including, but not limited to, equipment, printing, insurance, and leases on real property ~~excluding~~. **"Supplies" does not include land** and real property or a permanent interest in ~~land~~ real property.

"Suspension" means the disqualification of a person to receive invitations for bids or requests for proposals, or the award of a contract by the city for a temporary period pending the completion of an investigation, and any legal proceedings that may ensue because a person is suspected upon probable cause of engaging in criminal, fraudulent, or serious improper conduct or failure of adequacy of performance which may lead to debarment.

"Veteran" means an individual who:

- a. Has served in the United States Armed Forces for at least one hundred eighty (180) days:**
 - i. On active duty; or**
 - ii. In a reserve component, to include the National Guard; or**
- b. Has incurred an actual service-related injury or disability while in the United States Armed Forces regardless of whether the individual completed one hundred eighty (180) days; and**
- c. Was separated or retired under conditions characterized as honorable or general.**

3.12.020 Purchasing agent.

The city recorder is the purchasing agent of the city.

3.12.030 Purchasing agent—Authority.

- A. The city recorder or city recorder's designee shall administer the purchasing system provided by this chapter.
- B. All rights, powers, duties, and authority relating to the procurement of supplies, materials, and ~~equipment~~ services and the management, control, warehousing, sale and disposal thereof, regardless of source of funding, are assigned to the purchasing agent.

3.12.040 Purchasing agent—Scope of responsibilities and duties.

The scope of the purchasing agent's responsibilities and duties are to:

- A. Serve as the central procurement officer for the city;
- B. Administer and maintain the purchasing system and other rules and regulations established by this chapter and its authority;
- C. Prescribe and maintain such forms as reasonably necessary to the operation of this chapter;
- D. Recommend to the city such new or revised purchasing systems, rules and regulations as deemed desirable and in conformance with other statutory requirements, and to ~~interpret~~ determine compliance with the provisions of this chapter and applicable statutes in conjunction with the city attorney's office;
- E. Keep informed of current developments in the field of purchasing, i.e., prices, market conditions, new products, etc.;
- F. Seek to obtain as full and open competition as possible on ~~all purchases~~ throughout the procurement process;
- G. Negotiate and recommend execution of contracts for the purchase of supplies, materials, and ~~equipment~~ services ;
- H. Supervise the inspection and testing of all supplies and equipment to assure conformance with specifications;
- I. Transfer surplus or unused supplies and equipment between departments as needed;
- J. Maintain a bidder's list, vendor's catalog file, and other records needed for the efficient operation of the purchasing system.

3.12.050 Civil and administrative remedies.

- A. Civil and administrative remedies which are in existence on the effective date of the ordinance codified in this chapter shall not be impaired under the direction of the purchasing agent.
- B. Suspension of all purchasing transactions with a vendor may be imposed during an investigation of charges based on probable cause indicating the existence of a breach of ethical standards under this section or other irregularities which would affect the integrity of the city's purchasing procedure.
- C. In addition to existing remedies of this section or regulations promulgated thereunder, the city may impose any one or more of the following sanctions against a vendor that is a party to a violation of this chapter:
 - 1. Written warnings or reprimands;
 - 2. Termination of the questioned transaction; or
 - 3. Suspension or debarment from contracting with the city.

- D. Appeals from a decision of the purchasing agent pursuant to this section shall be made to the administrative law judge.
- E. All procedures under this section shall be in accordance with due process requirements, including, but not limited to, a right to notice and an opportunity for a hearing prior to imposition of any remedies provided in this section.
- F. The value of anything transferred or received in breach of ethical standards of this section or regulations promulgated thereunder by an employee or a nonemployee may be recovered from both the employee and the nonemployee.

3.12.060 Correction of errors, modification of submissions.

After the time for submission, a ~~Bbid, or Pproposal or other offer or submission~~ may be modified as follows:

- A. Confirmation of ~~a Bbid, or Pproposal or Other Matter~~. When it appears a mistake has been made, or when the city desires an assurance of any matter, the city may request a bidder or offeror to confirm the ~~Bbid, or Pproposal or other offer or submission~~ in writing.
- B. Notification of Error. A bidder or offeror shall notify the purchasing agent of any error contained in a ~~Bbid, or Pproposal or other offer or submission~~ within two business days after bid opening or the time for submitting proposals unless the purchasing agent waives this requirement. The purchasing agent shall have sole discretion to determine whether to permit any modification or withdrawal.
- C. Modification by Agreement. The purchasing agent may agree with a bidder or offeror to any modifications as long as they do not prejudice fair competition or the city's interests. Modifications may include such matters as:
 - 1. Time for Accepting. The purchasing agent and bidder or offeror may agree that a Bid or Proposal will remain effective for a longer period of time than that stated in the Bid or Proposal.
 - 2. Subcontractor or Supplier Changes. Any proposed change in subcontractors or suppliers must be submitted to the purchasing agent, and the purchasing agent may reject any such proposed change. The bidder or offeror will receive no additional compensation as a result of a change to any subcontractors or suppliers, and must continue to meet the requirements of any federally mandated program and other contractual and legal requirements.
 - 3. Change in Specification. The purchasing agent and bidder or offeror may agree to a change in specification when such a change is in the city's interest in fair competition.
- D. City's Correction of Ministerial Mistakes. The purchasing agent may at any time correct mistakes in a bid or proposal that are of a ministerial or minor nature as follows:
 - 1. Ministerial Mistakes. Ministerial or minor informalities are clerical errors and matter of form, rather than substance, that are evident from the document, or insignificant mistakes or informalities that can be waived or corrected without prejudice to other bidders or offerors. They generally do not have a substantial effect on process. Examples include a failure to:
 - a. Sign the Bid or Proposal but only where they are accompanied by other materials indicating an intent to be bound;
 - b. Acknowledge receipt of an addendum, but only if the materials demonstrate the bidder or offeror received the addendum and intended to be bound by it, or the addendum has a negligible effect on the Bid or Proposal.
 - 2. Mistakes Where Intent is Evident. If the intent of the ~~Bbid, or Pproposal or other offer or submission~~ is clearly evident on the face of the document, the purchasing agent shall correct it as intended and it may not be withdrawn. Examples include:
 - a. Typographical errors;

- b. Errors in extending unit process;
 - c. Transposition errors;
 - d. Arithmetical errors;
 - e. Differences in written and numerical process (written shall control).
3. Mistakes Where Intent Not Evident. If the bidder or offeror's intent is not clearly evident on the face of the document, the Bid or Proposal may not be withdrawn except as agreed by the purchasing agent.
- E. Correcting Errors in Judgement. Errors in judgement may not be corrected and the Bid or Proposal may not be withdrawn, except as agreed by the purchasing agent. The purchasing agent may allow correction of an error in judgement if it can be done without prejudice to other bidders or offerors. The purchasing agent may allow withdrawal if it is in the city's interest.

3.12.070 Authority to resolve controversy.

The purchasing agent or ~~an appropriate purchasing agent's~~ designee is authorized, prior to commencement of an action in court concerning the controversy, to settle and resolve a controversy which arises between the city and a contractor under or by virtue of a contract between them. This includes, without limitation, controversies based upon breach of contract, mistakes, misrepresentation, or other cause for contract modification or rescission.

3.12.080 Retention of records.

The purchasing agent shall keep records of all public contracts and related bid documents for four years or the applicable record retention schedule period.

3.12.090 Sole source purchasing.

A contract in any amount may be awarded to a sole supplier for supplies, materials or equipment if the requesting department justifies in writing to the satisfaction of the city purchasing agent that there is only one source for the supply, service or item sought.

3.12.100 Purchases under two thousand dollars.

Purchases of supplies, materials, or equipment having a total value of less than ~~two~~ five thousand dollars (\$~~25~~,000.00) may occur without informal or formal bid procedures.

3.12.110 Informal bid procedure—Purchases generally between ~~two~~ five thousand dollars and ~~ten~~ fifteen thousand dollars.

- A. Except as provided in Section 3.12.120, purchases of supplies, materials or equipment ~~valued costing~~ between ~~two~~ five thousand dollars (\$~~25~~,000.00) and ~~ten~~ fifteen thousand dollars (\$~~10~~15,000.00) ~~may shall,~~ at a minimum, be made by informal bid procedure as provided in this section.
- B. Price quotation bids shall be solicited from prospective vendors by written or telephone requests or by published notices as the city purchasing agent may determine.
- C. Informal bid purchases shall be selected from at least three price quotation bids, and shall be awarded to the lowest responsible bidder.

3.12.120 Formal bid required.

- A. Except as otherwise provided herein, a purchase of supplies, materials, or equipment ~~of a cost~~costing in excess of ~~ten-fifteen~~ thousand dollars (~~\$1015,000.00~~) shall comply with formal bidding procedures.
- B. Purchases may not be split or divided to avoid this requirement.
- C. If the mayor determines that the safety of police personnel or operatives or criminal investigations would be compromised by the publicity inherent in the competitive bidding process, the police department may request the purchase of items for security or investigative purposes without the necessity of competitive bidding.

3.12.130 Special procedures for public works projects and building improvements, including the construction or repair of a public building.

- A. Except as provided in subsections B and D of this section, all purchases of supplies, materials, or equipment shall be made according to the same regulations described in Sections 3.12.100, 3.12.110 and 3.12.120.
- B. All public works projects or building improvements shall adhere to the bidding requirements of Utah State Code Title 11, Chapter 39 and Title 72, Chapter 6, Sections 108 and 109.
- C. Prior to undertaking a public works project or building improvement, the city shall require plans and specifications to be made and prepare an estimate of the cost of the public works project and/or building improvement.
- D. Public works projects and building improvements are subject to the following bidding requirements:
 - 1. Public works projects and building improvements at or below thirty thousand dollars (\$30,000.00), based on the city's prepared estimate, are not subject to the bidding requirements of this section.
 - 2. All public works projects and building improvements falling below the state limit requiring a formal bid and above thirty thousand dollars (\$30,000.00), based on the city's prepared estimate, shall be required to follow the informal bidding procedures of Section 3.12.110, except as provided in subsection 4.
 - 3. All public works projects and building improvements in excess of the state bid limit, based on the city's prepared estimate, require a formal bidding procedure as set forth in Utah State Code Ann 11-39-103 and 72-6-108.
 - 4. Public works projects and building improvements falling below the state bid limit may be awarded to a contractor pursuant to a current, state-procured agreement for job order contracting, without following the bidding procedures of this chapter. The city shall follow the procedures established in the state contract when utilizing these agreements.
- E. Notwithstanding Section 3.12.150, a public works project or building improvement shall be awarded as follows:
 - 1. When the city undertakes a city-funded public works project or building improvement under two hundred fifty thousand dollars (\$250,000.00), based on the city's prepared estimate, the city shall award the contract to the lowest responsive responsible bidder;
 - 2. When the city undertakes a city-funded public works project or building improvement over two hundred fifty thousand dollars (\$250,000.00), based on the city's prepared estimate, the city shall seek bids inquiring as to the preferences outlined in 3.12.130(F)(1) and apply the preference system of Section 3.12.130(F)(2) in determining award of the contract.
- F. Preference System.

1. When soliciting bids for public works projects or building improvements exceeding two hundred fifty thousand dollars (\$250,000.00), the contractor and every subcontractor, if any, shall certify to the Purchasing Agent and provide appropriate documentation whether they have and will maintain the following preference criteria:
 - a. An offer of qualified health insurance available to a contractor's and subcontractor's covered employees and the employee's dependents;
 - b. A drug and alcohol testing policy during the period of the contract that:
 - i. Applies to all covered employees of the contractor and any subcontractor; and
 - ii. Requires covered employees to submit to random testing under the drug and alcohol testing policy;
 - c. A program to actively recruit and employ veterans;
 - d. A federal or state recognized job training program or a city-approved job training program;
 - e. A safety program; and
 - f. A formal policy of nondiscrimination consistent with federal, state, and local law.
 2. The purchasing agent shall apply the preference system by designating one point for each of the preference criteria set forth in Subsection (F)(1) that both the contractor and all subcontractors, if any, qualify for. In awarding a contract, the purchasing agent shall give preference to the responsible bidder who qualifies for the most points based on the preference criteria and whose bid is within one hundred four (104) percent of the lowest responsive responsible bid. In the event of a tie, the bid shall be awarded to the lowest of those bidders.
 3. The failure of a contractor or subcontractor to meet the requirements of this section:
 - a. May not be the basis for a protest under this chapter or other action;
 - b. May not be used as the basis for any action or suit that would suspend, disrupt, or terminate a building improvement or public works project; and
 - c. May not be used by an employee of a contractor or subcontractor or any other third party as a basis for any private action or suit against the city for damages for the failure of a contractor or subcontractor to meet the requirements of this section.
 4. Should the city determine that any contractor or subcontractor, deemed to be the lowest responsible bidder under subsection F(2), inappropriately certified the preference criteria listed in Subsection F(1), the Purchasing Agent, at the city's sole discretion and in addition to any other remedies available at law, may:
 - a. Terminate the contract for the contractor's failure to comply with the terms of the bid;
 - b. Suspend or debar the contractor and/or subcontractor from contracting with the city;
 - c. Immediately award the contract to the next lowest responsible bidder;
 - d. Order an audit, at the sole expense of the contractor or subcontractors, to determine the extent of the inappropriate certification; or
 - e. Bring legal action against the contractor or subcontractor, on behalf of the city and affected employees, for monetary damages.
 5. All procedures under Subsection F(4) shall be in accordance with Section 3.12.050.
- G. Nothing in this section shall be construed to apply to:
1. A change order or a modification to an existing contract;

2. A sole source contract;
3. An emergency procurement contract; and
4. A contract subject to a grant requirement or other legal obligation that the city must honor as a condition of receiving the grant or other funds.

H. As used in this section:

1. ~~"Bid limit" means the estimated dollar cost of a building improvement or public work project which, if exceeded, requires bids to be requested for the project, and which shall be as follows:~~
 - a. ~~For a building improvement:~~
 - i. ~~For the year 2003, forty thousand dollars (\$40,000.00); and~~
 - ii. ~~For each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of three percent or the actual percent change in the Consumer Price Index during the previous calendar year; and~~
 - b. ~~For a public works project:~~
 - i. ~~For the year 2003, one hundred twenty five thousand dollars (\$125,000.00); and~~
 - ii. ~~For each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of three or the actual percent change in the Consumer Price Index during the previous calendar year.~~
2. ~~"Building improvement" means the construction or repair of a city building or structure.~~
3. ~~"City funded" means the use of funds from a budget approved by the city council to pay a contractor or subcontractor for work on a building improvement or public works project regardless of whether city obtains funds from a state or federal government grant, or any other source of funds, to pay the cost of a particular project.~~
4. ~~"Consumer Price Index" means the "Consumer Price Index For All Urban Consumers" as published by the bureau of labor statistics of the United States Department of Labor.~~
5. ~~"Contractor" means a person or entity who is or may be awarded a construction contract for a building improvement or a public works project.~~
6. ~~"Covered employee" means an individual who provides part time or full time services directly related to a construction contract for a contractor or subcontractor, including, but not limited to, an individual in a safety sensitive position such as a design position responsible for the safety of a building improvement or public works project.~~
7. ~~"Drug and alcohol testing policy" means a policy under which a contractor or subcontractor tests a covered employee to establish, maintain, or enforce the prohibition of:~~
 - a. ~~The manufacture, distribution, dispensing, possession, or use of drugs or alcohol, except the medically prescribed possession and use of a drug, and~~
 - b. ~~The impairment of judgment or physical abilities due to the use of drugs or alcohol.~~
8. ~~"Health benefit plan" means an insurance policy that provides healthcare coverage, including major medical expenses, or that is offered as a substitute for hospital or medical expense insurance, such as a hospital confinement indemnity or limited benefit plan; but a health benefit plan does not include an insurance policy that provides benefits solely for accidents, dental, income replacement, long term care, a Medicare supplement, a specific disease, vision, or a short term limited duration where it is offered and marketed as supplemental health insurance.~~

9. ~~"Lowest responsive responsible bidder" means a prime contractor who:~~
- a. ~~Has submitted a bid in compliance with an invitation to bid and within the requirements of the plans and specifications for a building improvement or public works project;~~
 - b. ~~Is the lowest bidder that satisfies the requirements of this chapter relating to financial strength, past performance, integrity, reliability, and other factors used to assess the ability of a bidder to perform fully and in good faith the contract requirements;~~
 - c. ~~Has furnished a bid bond or equivalent in money as a condition to the award of a prime contract; and~~
 - d. ~~Furnishes a payment and performance bond as required by law or city policy.~~
10. ~~"Public works project" means the construction, replacement, or repair of:~~
- a. ~~A park or recreational facility;~~
 - b. ~~A pipeline, culvert, dam, canal, or other system for water, sewage, stormwater, or flood control;~~
 - c. ~~Class "C" roads, including maintenance and resurfacing; and~~
 - d. ~~Any other city facility except a building improvement.~~
11. ~~"Qualified health insurance coverage" means at the time a contract is entered into or renewed:~~
- a. ~~A health benefit plan, not including dental coverage, and employer contribution level with a combined actuarial value at least actuarially equivalent to the combined actuarial value of the benchmark plan under Utah Code Ann. section 26-40-106, as amended, and a contribution level of fifty (50) percent of the premium for the employee and the dependents of the employee who reside or work in the state of Utah under which:~~
 - i. ~~The employer pays at least fifty (50) percent of the premium for the employee and the dependents of the employee who reside or work in the state of Utah; and~~
 - ii. ~~For purposes of calculating actuarial equivalency under this provision, rather than benchmark plan's deductible and the benchmark plan's out-of-pocket maximum based on income levels:~~
 - (1) ~~The annual deductible is one thousand dollars (\$1,000.00) per individual and three thousand dollars (\$3,000.00) per family; and~~
 - (2) ~~The annual out-of-pocket maximum is three thousand dollars (\$3,000.00) per individual and nine thousand dollars (\$9,000.00) per family; or~~
 - b. ~~A federally qualified high deductible health plan, not including dental coverage, that, at a minimum:~~
 - i. ~~Has a deductible that is either:~~
 - (1) ~~The lowest deductible permitted for a federally qualified high deductible plan; or~~
 - (2) ~~A deductible that is higher than the lowest deductible permitted for a federally qualified high deductible health plan, but includes an employer contribution to a health savings account in a dollar amount at least equal to the dollar amount difference between the lowest deductible permitted for a federally qualified high deductible plan and the deductible for an employer offered federal qualified high deductible plan;~~
 - ii. ~~Has an out-of-pocket maximum that does not exceed three times the amount of the annual deductible; and~~

~~iii. The employer pays at least sixty (60) percent of the premium for the employee and the dependents of the employee who work or reside in the state of Utah.~~

~~12. "Random testing" means periodic examination of a covered employee, selected on the basis of chance, for drugs and alcohol in accordance with a drug and alcohol testing policy.~~

~~13. "Subcontractor" means any person or entity who may be awarded a contract with a contractor or another subcontractor to provide services or labor for a building improvement or public works project, and includes a trade contractor or specialty contractor but does not include a supplier who provides only materials, equipment, or supplies to a contractor or subcontractor.~~

~~14. "Veteran" means an individual who:~~

~~a. Has served in the United States Armed Forces for at least one hundred eighty (180) days;~~

~~i. On active duty; or~~

~~ii. In a reserve component, to include the National Guard; or~~

~~b. Has incurred an actual service-related injury or disability while in the United States Armed Forces regardless of whether the individual completed one hundred eighty (180) days; and~~

~~c. Was separated or retired under conditions characterized as honorable or general.~~

3.12.140 Notice required for formal bid.

A. Notices inviting bids pursuant to formal bid procedures shall be published ~~in a newspaper of general publication or circulation within the city in all locations required by law.~~

~~1. Notices inviting bids shall include a general description of the items to be purchased and all contractual terms and conditions, shall state where bid specifications may be secured, and the time and place for the opening of the bids;~~

~~2. The last publication of a notice inviting bids shall be published at least five days before the date of the opening of the bids. A notice inviting a bid for a municipal building or public works project shall be published twice in a newspaper of general circulation. A notice inviting a bid for Class "C" road projects shall be published once a week for three consecutive weeks. The notice for all other items shall be published once.~~

B. Notice inviting bids shall may be mailed to qualified vendors on the bidder's list.

3.12.150 Award of bid or contract.

A. The purchasing agent shall have the authority to award bids and contracts within the limits of this chapter, rules, and regulations, and the city retains the right to accept or reject any or all parts of any bids presented and all bid proposals shall so state. However, all bids and contracts in excess of five thousand dollars (\$5,000.00) shall be approved by the mayor.

B. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. No criteria may be used in bid evaluation that are not set forth in the invitation for bids.

C. When the contract is not awarded to the lowest bidder, a full and complete statement of the reasons for awarding the contract to another bidder shall be submitted, along with the recommendation to award the bid from the requesting department, and shall be retained in the contract file.

D. If the low bid is a tie bid with the same amount or unit price, quality and service being equal, the contract shall be awarded to the lowest bid made by and after negotiation with the tie bidders.

- E. If bids received pursuant to an invitation for bids are unreasonable, noncompetitive, or the low bid exceeds available funds, all bids may be rejected and new bids may be solicited. If, after twice, no satisfactory bid is received, the city may proceed at its own discretion to complete the purchase or proposed improvement as directed by the mayor.

3.12.160 Bidder qualification.

In determining the qualification of the responsible bidder, the purchasing agent shall consider any or all of the following:

- A. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- B. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- C. The quality of performance of previous contracts or services;
- D. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- E. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- F. The quality, availability and adaptability of supplies, or contractual services to the particular use required.

3.12.170 Cancellation or rejection of invitation for bids.

The cancellation or rejection of invitations for bids will be accepted only if the determination is submitted in writing from the requesting department head, signed by the mayor, to the purchasing agent that such action is taken in the best interest of the city.

3.12.180 Exemptions to competitive bidding—Auction, closeout and bankruptcy sales.

If the purchasing agent determines that supplies, materials, or equipment can be purchased at any public auction, closeout sale, bankruptcy sale or other similar sale, a contract or contracts may be let, or the purchase made upon approval from the mayor.

3.12.190 Exemptions to competitive bidding—Governmental purchases.

- A. The city may purchase supplies, materials or equipment which have been declared surplus by any governmental agency.
- B. Exchanges of supplies, materials, or equipment between the city and any other public agency which are not by sale or auction shall be by mutual agreement of the respective public agencies.
- C. The city may purchase supplies, materials, or equipment from state, federal or local units of government who have active procurement contracts with prior approval from the purchasing agent.

3.12.200 Cooperative purchasing—Authorization.

The city may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the acquisition of any supplies ~~or, materials, or equipment~~ with one or more public agencies in accordance with an agreement entered into between the participants. ~~Such A~~ cooperative purchasing agreement may include, ~~but is not limited to,~~ joint or multi-party contracts and open-ended state contracts.

3.12.210 Contractual services—Professional.

Contracts for professional services are not subject to the bid procedures described in this chapter. Departments seeking professional services shall obtain the approval of the mayor for professional services contracts.

3.12.220 Multi-year contracts—Determination of use.

Prior to utilization of a multi-year contract, it shall be determined that:

- A. Estimated requirements cover the period of the contract and are reasonably firm and continuing;
- B. Such a contract will serve the best interest of the city and;
- C. ~~All multi-year~~ The contracts shall reasonably comply with Governmental Accounting Standards Board requirements.

3.12.230 Multi-year contracts—Termination.

When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent year of a multi-year contract, the contract for such subsequent years shall be terminated.

3.12.240 Contract changes.

- A. Purchase order changes must be made on the form titled "Request for Purchase Order Correction."
- B. Type of changes:
 - 1. An error in extension or addition;
 - 2. An over/under shipment which the city is willing to accept;
 - 3. An increase in the total of the purchase order of more than ten percent.

3.12.250 Prohibition against subdivision.

A contract or purchase may not be subdivided to avoid the bid procedures described in Sections 3.12.110 through 3.12.180 of this chapter.

3.12.260 Inspection and testing.

- A. Inspection. The purchasing agent or purchasing agent's designee shall inspect or supervise the inspection of all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order of the contract. The purchasing agent or purchasing agent's designee shall have the authority to authorize using agencies having the staff and facilities for adequate inspection to inspect all deliveries made to such using agencies under the rules and regulations which the purchasing agent shall prescribe.
- B. Testing. The purchasing agent or purchasing agent's designee shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the purchasing agent shall have the authority to make use of laboratory facilities of any agency of the city government or of any outside laboratory.

3.12.270 Preference to local vendors.

- A. Only for the purpose of calculating the low bid in either a formal or informal bid situation, and not to establish the actual contract price, prior to comparing bids, the city purchasing agent shall reduce by five

percent the bid of each vendor that provides an affidavit attesting that for the two years preceding the bid deadline the vendor:

1. Operated a physical business location within the corporate limits of the city on property that it either leased or owned;
 2. Held a valid city business license for the business location within the corporate limits of the city;
 3. Timely paid all sums due and owing to the city;
 4. Had no judgment entered against it for violation of any federal or state law or city ordinance relating to its business activity within the city;
 5. Remitted sales tax receipts from its business location within the city to the State Tax Commission; and
 6. Paid franchise tax to the city as part of its utility bill.
- B. In order to offer the preference for local vendors established in subsection A of this section, the city shall first give notice of the availability of the local preference in the invitation to bid.
- C. If for any reason the local preference should be found to be invalid, all bids shall be rejected automatically.

3.12.290 Ethics.

- A. **Generally.** All persons participating in a procurement process shall act in accordance with federal, state and city ethics and conflict of interest requirements. All personnel dealing with procurement shall prevent abuses of the procurement system as described below.
- B. **Prohibited Acts.** With respect to procurement matters, city employees, officers and appointees, or any other person participating in a procurement process shall comply with all applicable ethics and conflict of interest laws, which shall include the following:
1. **Special Benefits.** They shall not use the procurement system to secure special privileges or exemptions for themselves or others because of their positions. See also Utah Code Annotated Section 10-3-1304.
 2. **Gifts or Loans.** They shall not knowingly receive gifts or loans that tend to influence the discharge of their official duties. However, they may accept occasional nonpecuniary gifts of less than fifty dollars (\$50.00), publicly presented awards, or bona fide loans or political campaign contributions. See also, Utah Code Annotated Section 10-3-1304.
 3. **Payment for Assisting in Transactions.** They shall not receive or agree to receive compensation for assisting another in a transaction with city unless they file a disclosure of information with the mayor as required by state law, and with their supervisors and others who rely on their representations during the transaction. See also Utah Code Annotated Section 10-3-1305.
 4. **Interest in Business Within Regulatory Authority.** When they are officers, directors, agents, employees or owners of a substantial interest in an entity under their regulatory authority, they must file a disclosure of information as required by the state law. See also Utah Code Annotated Section 10-3-1306.
 5. **Interest in Business Seeking City Business.** When they are officers, directors, agents, employees or owners of a substantial interest in an entity anticipating doing business with the city, they must file a disclosure of information as required by state law. See also Utah Code Annotated Section 10-3-1307.
 6. **Interests Conflicting with Public Duties.** When their personal interests and investments conflict with their public duties, the conflict must be disclosed as required by state law. See also Utah Code Annotated Section 10-3-1308.
 7. **Individual Material Benefits.** When their actions may result in a specific financial, professional or personal material benefit to them, they must disclose those interests in the manner provided by city

- code. 8. Use of Confidential Information. They shall not disclose or use confidential information acquired in their jobs for their or another's private gain or benefit.
9. Contracts Benefitting Self or Family. They shall not enter contracts in which they or members of their immediate family have any private pecuniary interest, whether direct or indirect, when they have participated in making, recommending or preparing the contract, or when they have performed or will perform some function in connection with the contract requiring the exercise of discretion on their part, unless the contract is awarded through a public competitive process and the interest is disclosed as provided by city code.
- C. Manner of Disclosure. Disclosure under this chapter must comply with all applicable law, and shall include the following:
1. Relating to Transaction. When disclosure relates to a specific transaction, the disclosing employee, officer or appointee must do the following:
 - a. Disclosure to Mayor. The employee, officer or appointee must file a sworn statement with the mayor giving his or her name and address, the name and address of the third party involved in the transaction, and a brief description of the transaction, and the nature of the employee's, officer's or appointee's involvement.
 - b. Disclosure to Others. The employee, officer or appointee must disclose the same information described above to his or her immediate supervisor, to the responsible purchasing agent, and to any other city employees, officer or appointee who may rely on his or her representation. If a member of a public body, that body must also receive notice.
 - c. Time of Disclosure. The above disclosures must occur at least ten days before the date of any agreement relating to the transaction, or ten days before the date when any compensation may be received, whichever is earlier. See also Utah Code Annotated Section 10-3-1305.
 - d. Relating to Conflict of Interest. When disclosure relates to a conflict of interest, the disclosing employee, officer or appointee must do the following:
 - i. Required Disclosure. Upon becoming employed or taking office, the employee, officer or appointee must disclose any positions held, or the nature and value of any substantial interests held, in any business or entity conflicting with city duties, or any business or entity which is subject to regulation by the city and over which that person may have influence. This disclosure must be updated whenever the employee's, officer's or appointee's position in the business changes, or the value of his or her interests significantly increases.
 - ii. Manner of Disclosure. Disclosure must be made in a sworn statement filed with the mayor, with a copy to the responsible purchasing agent. See also Utah Code Annotated Section 10-3-1306.
- D. Duty of Procurement Personnel. All personnel dealing with procurement shall comply with requirements imposed on city employees as described above. If they become aware of circumstances that may indicate a violation of any provision of this chapter on the part of the city employee, officer, appointee or other person to explain in writing the nature of these circumstances, they shall forward the written explanation to the city recorder. The city recorder shall consult with the city attorney's office as needed.

3.12.300 Request for proposals.

- A. Conditions for Use. When the purchasing agent or ~~his~~ the purchasing agent's designee designated representative determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the city, a contract may be made by use of the competitive sealed proposals method.
- B. Request for Proposals. Competitive sealed proposals shall be solicited through a request for proposals ("RFP").

- C. **Public Notice.** Adequate public notice of the RFP shall be given in the same manner as provided in Section 3.12.140 of this chapter.
- D. **Receipt of Proposals.** No proposal's contents, except for the names of the offerors, shall be disclosed to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after award.
- E. **Evaluation Factors.** The RFP shall state the relative importance of price and other evaluation factors, including the quantitative basis for evaluation. No criteria may be used in an RFP response evaluation that is not set forth in the RFP.
- F. **Discussion with Responsible Offerors and Revisions to Proposals.** As provided in the RFP, discussions may be conducted with responsible offerors who submit proposals determined to have a reasonable chance of being selected in order to clarify and assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment to discuss and revise proposals in writing and such written revisions may be permitted by the selection committee after submissions and prior to award to obtain best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors, except for the names of the offerors.
- G. **Award.** Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the city, taking into consideration the price and the evaluation factors set forth in the RFP. No other factors or criteria shall be used in the evaluation. The file shall contain the basis on which the award is made.
- H. **Cancellation of an RFP.** An RFP, or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is for good cause and in the best interests of the city. Each solicitation issued by the city shall state that the solicitation may be canceled and that any bid or proposal may be rejected in whole or in part for good cause when in the best interests of the city. Notice of cancellation shall be sent to all businesses responding. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurement of similar items. Reasons for rejection shall be provided upon request by unsuccessful bidders or offerors.

3.12.310 Appeals and remedies.

- A. Any actual or prospective bidder or offeror who is aggrieved in connection with the solicitation or award of a contract for procurement may protest the procurement by filing a written protest with the purchasing agent. The protest shall contain the following information:
 - 1. The protesting party's name, mailing address and daytime telephone number, the signature of the protesting party or the attorney for the protesting party, and the date the protest is signed;
 - 2. The relief sought, a statement of facts and a recitation of the reasons and legal authority in support of the protest sufficient to permit review;
 - 3. Protests shall be submitted prior to the closing date for receiving bids or proposals unless the protestor did not know and could not reasonably have known of the facts giving rise to the protest prior to such time, but in any event, all protests shall be submitted within five business days after the closing date for receiving bids or proposals;
 - 4. The purchasing agent may designate another individual to assist in reviewing the matter, which assistance may include finding facts, analyzing the protest, and making recommendations to the purchasing agent;
 - 5. The purchasing agent or the purchasing agent's designated representative may request additional information from the protesting party or from other persons to make a determination. The protesting party shall provide all information requested by the purchasing agent reasonably needed to decide the

protest except information which is protected from disclosure by law, or which could reasonably be expected to result in unfair competitive injury to the protestor in spite of the protections for the protestor provided by law;

6. The purchasing agent shall review and decide protests, and shall issue a written determination to the protesting party within fifteen (15) business days of receipt of the protest;
7. The protesting party may appeal the written decision of the purchasing agent by filing a written appeal with the administrative law judge within five business days of the purchasing agent's written determination. The notice of appeal shall contain the following information:
 - a. The appellant's name, mailing address and daytime telephone number, the signature of the appellant or of the attorney for the appellant, and date, and
 - b. The relief sought, a statement of facts and a recitation of the reasons and legal authority in support of the protest sufficient to permit review;
8. The administrative law judge shall review and hear the appeal. No later than five business days after receiving a notice of appeal, the administrative law judge shall schedule a hearing on the appeal. Unless otherwise agreed to by the city and the appellant, the hearing shall be held no sooner than five business days and not later than thirty (30) business days from the date of the filing of the appeal;
9. At the hearing before the administrative law judge, the appellant and the city's representative shall be allowed to testify, present evidence, and comment on the issues. The administrative law judge may allow other interested persons to testify, comment or provide evidence on the issues;
10. No later than fifteen (15) business days after the hearing, the administrative law judge shall issue a signed order either granting the appeal in whole or in part, or upholding the determination of the purchasing agent in whole or in part. The order of the administrative law judge shall include:
 - a. The decision, and any reasons for the decision the administrative law judge may wish to provide, and
 - b. A statement that any party to the appeal may appeal the decision to the State District Court;
11. If the administrative law judge fails to issue a decision within fifteen (15) business days after the hearing, said failure shall be considered the equivalent of an order denying the appeal;
12. The administrative law judge may appoint a person other than the purchasing agent to fulfill his or her respective responsibilities described in this section.

3.12.320 Remedies for solicitations or awards in violation of law.

- A. Prior to Bid Opening or Closing Date for Receipt of Proposals. If prior to the bid opening or the closing date for receipt of proposals, the purchasing agent, after consultation with the city attorney, determines that a solicitation is in violation of federal, state, or local law, then the solicitation or proposed award shall be canceled or revised to comply with applicable law.
- B. Prior to Award. If after a bid opening or the closing date for receipt of proposals, the purchasing agent, after consultation with the city attorney, determines that a solicitation or a proposed award of an agreement is in violation of federal, state, or local law, then the solicitation or proposed award shall be canceled.
- C. After Award. If after an award the purchasing agent, after consultation with the city attorney, determines that a solicitation or award of an agreement was in violation of applicable law, then:
 1. If the person awarded the agreement has not acted fraudulently or in bad faith:
 - a. The agreement may be ratified and affirmed, provided it is determined that doing so is in the best interests of the city; or

RESOLUTION NO. R2024-29

A RESOLUTION OF THE SOUTH SALT LAKE CITY COUNCIL AMENDING RULES 6, 7,
AND 12 OF THE SOUTH SALT LAKE CITY COUNCIL RULES OF PROCEDURE
REGARDING THE CONDUCT OF ATTENDEES AT COUNCIL MEETINGS

WHEREAS, Utah Code Ann. Section 10-3b-203 authorizes the City Council to adopt rules for the government of the Council, preservation of order, and transaction of the Council's business; and

WHEREAS, the South Salt Lake City Council has adopted the South Salt Lake City Council Rules of Procedure (last amended February 28, 2024) to govern its procedures; and

WHEREAS, Rule 17 of the City Council Rules of Procedure allows for amendments to the Council Rules and governs the process by which a Council Rule may be amended; and

WHEREAS, consistent with its Rules of Procedure, the Council met in regular meeting on July 31, 2024, to consider, among other things, amending Rules 6, 7, and 12 of its Rules of Procedure; and

WHEREAS, the Council expressed its desire to update the aforementioned rules of its Rules of Procedure regarding the conduct of attendees at council meetings as shown in the attached exhibit and finds that such adoption is in the best interests of the City of South Salt Lake; and

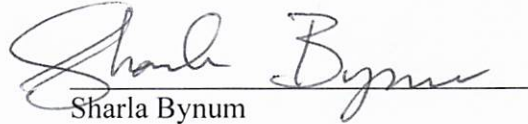
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of South Salt Lake, that the South Salt Lake City Council Rules of Procedure be adopted as amended and shown in the attached Exhibit A.

(signatures appear on separate page)

(remainder of page intentionally left blank)

APPROVED AND ADOPTED by the South Salt Lake City Council, South Salt Lake, Utah, on this 31st day of July, 2024.

BY THE CITY COUNCIL:


Sharla Bynum
Council Chair

City Council Vote as Recorded:

Bynum	<u>yes</u>
Huff	<u>yes</u>
Mitchell	<u>yes</u>
Pinkney	<u>yes</u>
Sanchez	<u>no</u>
Thomas	<u>yes</u>
Williams	<u>yes</u>



ATTEST:



Ariel Andrus
City Recorder

EXHIBIT A

**Relevant Portions of the South Salt
Lake City Council Rules of Procedure**

SOUTH SALT LAKE CITY
CITY COUNCIL RULES OF PROCEDURE
(Last Amended July 31~~February 28~~, 2024)

Listed below are the rules of procedure used by the South Salt Lake City Council. The Council has not adopted the formality of Robert's Rules of Order. However, the following rules are based on Robert's Rules of Order, with modifications, and more fully suit the needs of the South Salt Lake City Council. These are not the only rules followed by the South Salt Lake City Council. They are in addition to rules set forth in Utah Code Annotated (Title 10, Utah Municipal Code, and Title 52, Chapter 4, Open and Public Meetings). All rules and procedures of the South Salt Lake City Council must remain consistent with the Utah Code. These rules shall be made available to the public at each public meeting held by the Council and shall be posted on the City's website.

When the Rules refer to "2/3 vote of Council Members", 2/3 will be defined as follows:

If there are	7	Council Members present,	5	will be	2/3
If there are	6	Council Members present,	4	will be	2/3
If there are	5	Council Members present,	3	will be	2/3
If there are	4	Council Members present,	3	will be	2/3

Rule 6: Order of Business and Organization of Council Agenda

1. The Council will consider business in the following order:
 - A. Opening Ceremonies:
 1. Welcome/Introductions - Acknowledge Visitors
 2. Pledge of Allegiance
 3. Special recognitions
 - B. Approval of Minutes
 - C. No Action Comments
 1. Scheduling
 2. Public Comments/Questions
 - (a) Response to Comments/Questions (at discretion of Conducting Council

Member)

3. Mayor
4. City Attorney
5. City Council Members
7. Information (must be listed on Agenda)

D. Action Items

1. Consent Agenda
2. Unfinished Council Business
3. New Council Business

E. Public Hearings

F. Closed Meeting

2. The conducting Council Member, by polling the Council Members, may, by affirmative consensus, proceed out of order to any order of business or return to an order already past. If two or more Council Members oppose, the original agenda will be followed. Information agenda items may be held prior to Public Comment where state law requires a specific Information item to have public comment (such as when a taxing entity other than the City is required to present information to the Council regarding a tax rate that entity is adopting, which exceeds the certified tax rate and public comment is required on that topic)**or at the discretion of the Council Chair.**
3. An item which appears on New Council Business may be referred to (a) the Consent Agenda for final action, (b) Unfinished Council Business for further discussion or action, (c) a work meeting of the Council for further study, or (d) a future meeting for a public hearing, if required.

The Council may suspend the rules to vote to adopt on first reading if immediate action is necessary, or otherwise deemed appropriate. Suspension of the rules requires the affirmative vote of a majority of the Council Members. See Rule 17 for more information about suspension of the rules.

4. An item may be placed on the Consent Agenda after discussion at a work meeting for the next regular meeting or may be placed on the agenda for a regular

meeting on the same date as the work meeting, so long as it is done in compliance with state law.

5. Matters appearing on the Agenda may be discussed by the Council prior to any motion being made.
6. All open meetings of the Council shall be open to the public. Any Council Member, administrative staff or member of the public may request time to discuss matters of City business or to place an item on the agenda. Request for time to discuss a matter shall be made to the Chairperson with sufficient time for it to be placed on an agenda in compliance with state law, and whenever practical, shall be scheduled by the Chairperson for the first available regular or work Council meeting.

Rule 7: Conducting of Meetings and Agenda Definitions

The Chairperson shall serve as Conducting Council Member for special, emergency, or work meetings, or the Chairperson may designate another Council Member to conduct.

Each Council Member, other than the current Chairperson, shall conduct at regular Council meetings for a period of one month, not less than once per year nor more than twice per year, progressing in order from the representative for District #1 to the representative for District #5. At-large representatives shall rotate after the District representatives in alphabetical order.

The powers of the Conducting Council Member shall be limited to conducting the regular meetings of the Council only.

The Conducting Council Member will sit at the center of the podium, with the Council Chairperson at his or her right and with the Council Vice-Chair at his or her left.

The following steps are detailed to coincide with the form of the Agenda (as discussed in Rule 6 above) when conducting a regular Council meeting:

1. Opening Ceremonies.
 - (a) Welcome/Introductions - Acknowledge Visitors.

The Conducting Council Member will strike the gavel, call the meeting to order, welcome those in attendance and acknowledge visitors.

- (b) Pledge of Allegiance. The assigned Council Member will ask the audience to rise for the Pledge of Allegiance and lead the Pledge.
 - (c) Special Recognitions. Occasionally, ceremonial tasks are performed at the beginning of the Council meeting. Normally, such items do not require a motion and very seldom require discussion. Resolutions of Appreciation do require a motion to adopt, a second, and a vote.
2. Approval of Minutes. The next agenda item is approval of the Minutes of preceding meeting(s). The Conducting Council Member will ask if there are any changes or corrections. When changes and corrections have been made, the Conducting Council Member will ask for a motion and second to adopt the minutes as corrected, and a voice vote will be taken. Once the minutes have been adopted pursuant to a vote by the council, no alterations can be made and they are the official record of the meeting.
3. No Action Comments. The Conducting Council Member will not need to ask for a motion concerning any items listed under this section of the Agenda. However, any Council Member can make a request to schedule an item to appear on a future Agenda as an "Action Item."
- (a) Scheduling. The Recorder will inform those in attendance of up-coming events, meetings, etc., in the community which may be of interest to members of the public.
 - (b) Public Comments/Questions. Time shall be made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business. Sign-up cards for Public Comments shall be made available to attendees at all regular meetings to gather names and addresses for the Recorder's purposes. Persons who sign such cards ahead of time may be given priority to speak.

(1) When a member of the audience addresses the Council and/or Mayor, that individual will come to the podium and state the individual's name and city/town in which the individual resides. Individuals will be asked to limit their remarks/questions to three (3) minutes each. Comments shall be civil in decorum. All comments shall be directed to the Mayor and City Council. During the comment period, no person shall be allowed to comment more than once. Speakers should not expect any debate or dialogue with the Mayor, City Council, or City Staff during the meeting.

(2) In meetings during which numerous individuals wish to comment, the time for all public comments may be limited to less than three (3) minutes each, at the discretion of the Conducting Council Member. The Conducting Council Member shall have discretion as to who, if anyone, may respond to a comment/question. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks. Some comments/questions may have to wait for a response until the next regular Council meeting or may be referred to the Mayor's office to receive information from or input by staff. The Conducting Council Member (or another individual designated by the Conducting Council Member) will inform a member of the public when that individual's allotted time for comment has ended.

(3) Public comments regarding specific matters on a Council meeting agenda may be postponed until later in the regular Council meeting in order to be heard following the presentation of the specific business item at the discretion of the Conducting Council Member.

(4) Members of the public who are not able to personally attend a meeting may present written comments, addressed to the City Council and/or Mayor, to the City Recorder at least two (2) hours prior to the meeting. Written comments may be delivered to the City Recorder via letter or electronic mail and should be labeled as "written

comment" for a particular meeting. Appropriately labeled and timely received written comments will be distributed to all Council members and attached to the written minutes of the meeting. Council members and/or the Mayor may, in their discretion, reference the receipt of particular written comments. In no event is there a guarantee that written comments will be read verbatim or otherwise referred to during the council meeting. Additionally, anyone who is unable to personally attend a meeting may present a comment by leaving a recorded message with the City at a number, or through another method designated by the City, for that purpose. Each recorded comment shall clearly state at the beginning of the message that it is intended for the Public Comment portion of the City Council meeting, shall clearly state the name of the individual providing comment, and shall clearly state the City in which the individual leaving the comment resides.

All comments, whether written, **oral**, or recorded, must be civil and conform to the same rules as all other public comments. **All attendees at Council Meetings shall comply with the rules of decorum regarding Conduct of Attendees at council Meetings as stated in these rules, and any other laws, ordinances, or rules governing those in attendance.**

(5) Grievances by City employees must be processed in accordance with adopted personnel rules.

- (c) Mayor. The Mayor will have the opportunity to address the meeting and inform the Council and the audience of any matters the Mayor desires to present which do not require action of the Council, such as community events, letters from members of the public, happenings within the City, etc. Mayor comments will be limited to a maximum of five (5) minutes.
- (d) City Attorney. The City Attorney will have the opportunity to address the meeting and inform the Council of any matters which do not require

action of the Council. City Attorney comments will be limited to a maximum of five (5) minutes.

- (e) City Council Members. Each Council Member likewise will have the opportunity to address the other members of the Council, the Mayor and the audience. Council Member comments will be limited to a maximum of five (5) minutes each.
- (f) Information. Items may be placed on this portion of the agenda and presented by the Mayor, City Council Members, City staff, members of the public, etc. Items presented are for information only, but must be listed on the printed Agenda for the meeting. The Council will decide what further action, if any, it desires. Information items shall be limited to ten (10) minutes. Lengthier presentations shall be scheduled for a work meeting.

4. Action Items. The Conducting Council Member will ask for a motion on any items listed under this section of the Agenda after discussion, as needed, has concluded.

- (a) Consent Agenda. As a courtesy, the Conducting Council Member should ask if there are any questions concerning the "Consent" items. The Conducting Council Member should identify and briefly explain the items on the Consent Agenda to all those present at the meeting. The Consent Agenda, generally, shall consist of matters which require no further discussion or which are routine in nature. Usually, all items on the Consent Agenda shall be adopted by a single motion, second and vote. However, prior to the motion to adopt the Consent Agenda, a Council Member may have an item removed from the Consent Agenda without a motion to Unfinished Council Business for further discussion. Items moved to the Unfinished Council Business agenda will be addressed in that section of the agenda ahead of agenda items listed for discussion.

A motion, second, and vote will be called for the adoption of items remaining on the Consent Agenda.

(b) Appointments by the Mayor. Individuals subject to Mayoral appointment shall initially be introduced to the Council by The Mayor, or a designee, in a work meeting. The Council shall be provided with the resume of any candidate who is subject to appointment prior to the work meeting in which the candidate is introduced. The Council may pose questions to the candidate or request further information from the administration at the work meeting. The conducting Council Member may elect to poll the Council members during the work meeting to determine whether there is Council support for a candidate's appointment. The matter may then be referred to a future work meeting or regular meeting for further action by the Council. Advice and consent of the Council requires a majority vote.

(c) Unfinished Council Business. The Unfinished Council Business section shall consist of those items which have received a first reading in a prior regular Council meeting or a work meeting. All items on Unfinished Council Business are subject to further discussion. After discussion, any Council Member may make a motion to vote, such motion to be seconded and a vote taken on these items.

The purpose of the Unfinished Council Business portion of the agenda is to finish the items that appear thereon.

(d) New Council Business. The New Council Business section is defined as the introduction or first reading of items on the Council's agenda. New Council Business items shall have a Council Member, Mayor, staff, or presenter's name listed next to each item as the sponsor of the item. Items are dealt with individually.

Matters before the Council, which require decision of the Council, will first be presented to and discussed by the Council. No New Council Business item shall receive Council action unless, at the discretion of the Council Chairperson, the item is deemed an emergency, or if immediate action is desirable, and the Council

chooses to vote on the item. (See Rule 17, Suspension of the Rules.) Any Council Member can request deferral of an item on the New Council Business section.

After discussion, all New Council Business items not designated emergency shall be referred by a motion and a second to a work meeting or to a future Council agenda for further action.

5. Public Hearings. A public hearing generally is a part of a regularly scheduled and noticed Council meeting.

Public Hearings shall consist of those items for which the Council would like to receive public input. Such hearings shall include, but not be limited to, those requiring legal advertisement under state law.

When a public hearing is held, a member of the City staff having knowledge about the issue will first present information on the issue and answer questions. Then, all parties interested in addressing the issue are invited to speak before any discussion is held by the Council and before motions are made. Each individual who speaks will state the individual's name and city/town in which the individual resides before proceeding. Individuals who wish to speak during the Public Hearing portion of a meeting, including those who are unable to attend the meeting in person, must be civil and shall follow the same rules stated above relating to Public Comments. Any comment submitted that fails to comply with these rules shall not be allowed.

After all individuals have spoken, the Conducting Council Member will close the public hearing. The City Council then proceeds with its discussion on the matter. When discussion by the Council is finished, a motion is made and seconded concerning the item. The Council will vote to (a) table action until a future specified meeting date, (b) take it to a work meeting for further discussion, or (c) take final action on the matter immediately after the hearing.

6. Closed Meeting. In certain circumstances, the Council may take certain matters under discussion at a noticed meeting to a Closed Meeting with only the Council

Members and City staff personnel essential to the meeting present. Such meeting may be held upon the affirmative vote of 2/3 of the Council Members present at such meeting. (U.C.A. Sec. 52-4-204(1)(a)(iii) as amended).

Closed meetings may only be held for purposes deemed lawful under Utah State law, as provided in U.C.A. § 52-4-205, as amended, which are:

- (a) Discussion of the character, professional competence, or physical or mental health of an individual;
- (b) Strategy sessions to discuss collective bargaining;
- (c) Strategy sessions to discuss pending or reasonably imminent litigation;
- (d) Strategy sessions to discuss the purchase, exchange or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration, or prevent the public body from completing the transaction on the best possible terms;
- (e) Strategy sessions to discuss the sale of real property including any form of a water right or water shares, if:
 - (1) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;
 - (2) the public body previously gave public notice that the property would be offered for sale; and
 - (3) the terms of the sale are publicly disclosed before the public body approves the sale;
- (f) Discussion regarding deployment of security

personnel, devices or systems; and

- (g) Investigative proceedings regarding allegations of criminal misconduct.

The reason for holding a Closed Meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name, shall be entered on the minutes of the meeting. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved in a Closed Meeting.

Unless a meeting is closed to discuss the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices or systems, the City Council shall record the closed portion of the meeting and may keep detailed written minutes that disclose the content of the closed portion of the meeting. Recordings and written minutes of closed meetings are protected records under the Utah Government Records Access and Management Act (GRAMA) and unauthorized disclosure triggers criminal penalties.

If the City Council closes a meeting exclusively to discuss the character, professional competence, or physical or mental health of an individual, or to discuss the deployment of security personnel, devices or systems, the person presiding shall sign a sworn statement affirming that such was the sole purpose for closing the meeting.

Actions challenging the legality of a closed meeting are governed by U.C.A. § 52-4-304.

7. Adjournment.

When all items on the Council agenda have been disposed of, a motion to adjourn is made, seconded and voted upon. The presiding officer may state: "If there is no further business, we'll stand adjourned." The gavel is struck and the meeting is over.

Rule 12: Decorum

1. Conduct of Attendees at Council Meeting.

Those in attendance are admonished to avoid personal attacks, demonstrations, or outbursts without being recognized. Individuals shall address their remarks directly to the Council as a body concerning the agenda business.

When speaking about or discussing matters before the Council, all individuals, including Council Members, shall confine any remarks to the question under discussion. Anyone engaging in discussion beyond the question before the Council shall be ordered to stop by the Conducting Council Member and no further discussion will be allowed by said person.

Prohibited items. A member of the public attending Council Meetings shall not:

(a) Bring into the meeting or any location where a Council meeting is being held any of the following items:

- (1) A sign, poster, banner, or placard;**
- (2) Glitter or confetti;**
- (3) A laser pointer;**
- (4) Paint;**
- (5) An open flame;**
- (6) An incendiary device;**
- (7) A noise maker;**
- (8) Flammable liquid; or**
- (9) Any harmful or hazardous substance; or**

(b) Engage in any of the following while in the Council Meeting or any location where a Council Meeting is being held:

- (1) Commercial solicitation;**
- (2) Leafletting;**
- (3) Throwing an item; or**
- (4) Adhering any item to a furnishing, wall, or other City property.**

Individuals engaged in disruptive behavior shall be removed by the Sergeant-at-Arms at the direction of the Council Chair or Conducting Council Member.

2. Conduct of Members of the Council.

As elected representatives, Council Member conduct is of utmost importance. Each Council Member is expected to and is relied upon to represent the City and the Council Member's community with dignity and respect. The expectations set out below are not an exhaustive list of all considerations.

(a) Established Role:

- (1) As elected representatives of the Council and as stewards of City resources, Council Members are charged with finding common ground and working toward the best interests of the City as a whole.
- (2) All members of the City Council have equal voting power and have committed to serve in the role of an elected official. All members of the body shall be treated with equal respect.
- (3) Upon taking the oath of office, Council Members are provided the code of conduct and are asked to sign and abide by the Model of Excellence Member Statement (see Appendix A), and file it with the City Recorder's office as a public record.

(b) Overview of Standards of Responsibility

All Council Members shall:

- (1) Participate fully in City Council meetings and other public forums while demonstrating respect, consideration, and courtesy to their colleagues on the Council, the public, and City staff. It is not acceptable to show antagonism or hostility, lie or mislead, speak recklessly, spread rumors, or unnecessarily stir up divisiveness or controversy.
- (2) Plan to attend and prepare in advance of Council meetings in order to be familiar with issues on the agenda. As outlined in these rules, fines may be imposed in the event of excessive absences.
- (3) Practice fiscal responsibility with public funds.

- (4) Be attentive and act efficiently during public meetings. The actions of each Council Member shall not cause disruption or detract from the focus of the meeting either through conversations with other Council Member or attendees when not recognized as the speaker, use of electronic devices for personal reasons during the meeting, or any other behavior that could distract from the meeting's purpose of conducting the business of the City.
- (5) Serve as a model of civility to the community.
- (6) When required to perform the functions of a Council Member, either in a public meeting or otherwise, no Council Member shall be under the influence of any substance that has the effect of impairing that Council Member's ability to perform their required duties.
- (7) Instill public confidence in the City through an engaged approach.
- (8) Demonstrate honesty and integrity.
- (9) If committing to a meeting or activity, make the best effort to attend.
- (10) Recognize the role of the Mayor as the official spokesperson of the City administrative positions, while the Council Chair/Vice Chair speak on behalf of the Council as a public body, and individual Council Members speak only in an individual capacity.
- (11) Abide by these rules and sign and abide by the South Salt Lake City Council Code of Conduct.

(c) Ethics

Council Members are expected to comply with State law and City code and policy, including ethical requirements. If a Council Member has a conflict of interest under applicable law or policy and if the Council holds a closed session as permitted by Utah law, the conflicted Council Member may be excluded from participation in that closed session in the Council Chair's reasonable discretion, or that of the authorized conducting

Council Member for that meeting.

(d) Conduct Guidance

- (1) Council Member Conduct with Colleagues
 - i. Practice civility and professionalism in discussions and debate.
 - ii. In public meetings use formal titles, honor the role of the Council Chair in maintaining order and recognition of the selected speaker, and avoid personal commentary.
 - iii. Council Members should avoid engaging in private discourse or committing any other act which may tend to distract the attention of the Council or the audience from business before the Council, or which might interfere with any person's right to be heard after recognition by the Conducting Council Member.
 - iv. Be aware of the potential public disclosure of written notes, voicemail messages, email, text messages, or social media posts and comments. Social media platforms should be used in a positive and respectful manner free from personal attacks or threats.
 - v. Robust legislative debates and differences of opinion will occur and should center on policy, actions, and ideas; Members of the Council shall avoid personal attacks and restrict comments to issues before the body.
 - vi. Council Members should respect the personal and work life of other Council Members and should refrain showing up at fellow Council Member's homes or places of work uninvited.
 - vii. Violations of Decorum or Conduct of Council Members shall be resolved as outlined below at the direction of the Council Chair.

- (2) Council Member Conduct with City Staff
 - i. The Mayor's role is to direct the administration. Council Members are prohibited by State law from directing

- City staff or functions.
- ii. Treat all City employees as professionals.
 - iii. Limit communications with Staff to business hours and schedule meetings in advance, unless absolutely necessary.
 - iv. Keep in mind the professional boundary necessary to allow City employees to complete tasks associated directly with their employment.
 - v. Avoid romantic or sexual relationships with any City employee. Any such relationship should be disclosed to the Council Chair and the City Attorney. In the case of a relationship by the Chair, disclosure should be made to the Vice Chair as well. Council Members engaging in these types of relationships must recuse themselves from any actions impacting the City employee's direct responsibilities.
 - vi. Recognize the power dynamic as an elected official. Council Members, by virtue of their position, have power over staff members' livelihood and should be cognizant to not take advantage of that power dynamic.
 - vii. Recognize the training and experience of City staff members, which makes those staff members experts on certain topics.
 - viii. Do not solicit political support from City staff during business hours or on City property.
 - ix. Do not use City staff for unauthorized purposes such as personal tasks, social events not attended on behalf of the Council, or work to benefit the Council Member or the Council Member's family personally.
 - x. Do not use City resources to prepare or publish controversial positions. Controversial positions include those that: a) attack or criticize other Council Members or the Mayor, b) address an issue which is being discussed by candidates opposing an incumbent Council Member during an election year, c)

address an issue which is an integral part of an incumbent Council Member's platform for elected office during an election year, or d) address sensitive subjects on which Council Members are sharply divided.

- (3) In Public Meetings
 - i. Be welcoming to speakers and treat them with respect.
 - ii. Actively listen to presenters and commenters with an open mind. Avoid debate and argument with the public during meetings.
 - iii. Demonstrate effective problem-solving approaches.
 - iv. Strive to be succinct and keep comments and debate relative to topics discussed.
 - v. Be fair and equitable in allocating public hearing time to individual speakers.
 - vi. Disagreements with the public will occur. Comments and questions should center on policy, ideas, and actions. Refrain from criticizing an individual person.
 - vii. Follow the Council's rules of procedure in conducting public meetings.

- (4) Council Conduct while Traveling on City Business (travel paid with taxpayer funds)
 - i. Taxpayer funds are paying for Council Member travel, conferences, seminars, and meetings to benefit the City through the Council Member's enrichment and opportunity.
 - ii. When registering for an event that requires travel, strive to participate in the event to make the most of the available opportunities.
 - iii. Be professional and act according to the setting of the activity.
 - iv. When traveling, be mindful of the following considerations:
 - a) You are a representative of the City's elected leaders through the duration of the travel.

- b) Comments or positions may be attributed to you or the City.
- c) Consuming alcohol or other substances may impair your ability to remain professional or to conduct yourself to these standards.

(5) Council Conduct in Other Public and Professional Settings

- i. As an individual of a deliberative body, do not make promises or assurances on behalf of the Council, any City board, any City commission, or the City.
- ii. Refrain from sharing unfavorable personal commentary or personal opinions of your Council colleagues as individuals.
- iii. In dealing with other public agencies or state legislative meetings, be clear in communications that you are either leadership representing the City or are there representing your personal interests.
- iv. When attending a City board or commission meeting, state explicitly whether you are attending as a Council member or are providing your personal opinions.
- v. With the media, choose words carefully and best practice is never to go "off the record."

(e) Compliance and Enforcement

This Code of Conduct expresses the standards of ethical conduct expected of Council Members. Council Members are responsible for assuring that the public can continue to have full confidence in the integrity of government. Council Members have the additional responsibility to intervene when actions of other members appear to be in violation of this Code of Conduct are brought to their attention.

- (1) If a Council Member violates this Code of Conduct, the following steps should be taken as appropriate. These steps are not all

required; however, the alleged offending Council Member should be given notice prior to any public Council discussions. At any step in this process, if the Chair is the individual whose actions are being challenged, then the matter should be referred to the Vice Chair. Council Members are encouraged to discuss any concerns or questions with the City Attorney at any time.

- i. A Council Member who believes that a violation has occurred should first discuss the potential violation with the other Council Member. If such discussion is not appropriate for any reason, the concerned Council Member should talk directly to the Council Chair.
 - a) If a potential violation becomes known to City staff, the concerned City staff member should bring the concern to the Mayor who shall then communicate the concern to the Chair or Vice Chair.
- ii. If the offense is significant, not resolved by discussion, or the concerned Council Member can't discuss the matter with the other Council Chair. The Council Chair should discuss the matter with the offending Council Member in private. If the matter is significant or continues to be unresolved, the Council Chair should discuss it with the Mayor and City Attorney.
- iii. It is the responsibility of the Chair to bring the matter to the entire Council if a Council Member's behavior warrants sanctions under this Code. If no action is taken by the Chair, the alleged violation can be brought up with the full Council in a public meeting as a point of personal privilege or as an agenda item. Prior to any discussion with Council, the Chair or other Council Member should provide written notice to the offending Council Member of the alleged violation.
- iv. The majority of the Council may call for an investigation of member conduct. Should

the City Attorney believe an investigation is warranted, they shall confer with the Council in a closed meeting. The Council may ask the City Attorney to investigate the allegations and report the findings. The City Attorney may designate an outside investigator to investigate any allegations where appropriate.

- v. It shall be the Council's responsibility to determine the next appropriate action. Any such action taken by the Council, with the exception of a determination to "take no further action," shall be conducted at a noticed public meeting, which may be closed if appropriate pursuant to Utah law, and shall require a 2/3 vote of Council Members.

Any such closed meeting for violations of this Code of Conduct may exclude the offending Council Member in the Council Chair's reasonable discretion, or that of the authorized Council Member conducting the meeting.

- a) The Council may find that no further action is warranted.
- b) If the Council determines that sanctions are appropriate, the Council action imposing sanctions should specify the length of time for which those sanctions will be in place. Actions taken by the Council may include one or more of the following:
 1. Discussing and counseling the individual on the violation;
 2. Placing the matter on a future public meeting agenda to consider sanctions;
 3. Censuring the offending Council Member in a Council meeting and/or in writing;
 4. Suspending the offending Council Member from writing the Council Corner message in the City Newsletter;
 5. Suspending the offending

- Council Member from placing items on the Council agenda;
6. Suspending the offending Council Member from conducting formal meetings;
 7. Suspending the offending Council Member from City or Council related travel;
 8. Removing the offending Council Member from leadership or committee roles;
 9. Requiring the offending member to participate in Council Meetings remotely; and
 10. Requesting that the offending Council Member resign their Council position.

(2) A Council Member's conduct may create legal liability on the part of the City, and it is not the Council member's role to determine whether the potential for liability is acceptable. The City Attorney may advise taking additional actions not included in this Code of Conduct to minimize legal liability for the City. If there is legal action taken naming the City and/or a Council Member, a Council member may be entitled to indemnification by the City for actions taken within the role of Council Member. However, Council Member actions taken outside of the role as Council Member may result in personal liability. The City Attorney is the attorney for the City and the elected officials on all matters related to public business.

(f) Implementation

As an expression of the standards of conduct for Council Members expected by the City, this Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, this document must be included in the regular orientations for Council Members. Council Members entering office shall sign the attached Model of Excellence

statement affirming that the Council member read and understood Code of Conduct. This Code of Conduct is in effect regardless of a Council Member's execution of the Model of Excellence Member Statement. The City Attorney's office or designee will provide annual training to the Council on this Code.

ORDINANCE NO. 2024-09

AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL ADOPTING AN AMENDED AND UPDATED IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS FOR THE CITY OF SOUTH SALT LAKE DRINKING WATER SYSTEM.

WHEREAS, The City of South Salt Lake (the "City") is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law;

WHEREAS, the City has legal authority, pursuant to Title 11, Chapter 36a Utah Code Annotated, as amended ("Impact Fees Act" or "Act"), to impose Impact Fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to growth activity;

WHEREAS, the City has previously enacted and imposed impact fees for public facilities, as defined in Utah Law, Title 11, Chapter 36a, Section 102, as more particularly set forth in the South Salt Lake Consolidated Fee Schedule;

WHEREAS, the City desires to amend its previously adopted Culinary Water Impact Fees in accordance with applicable provisions of the Impact Fee Act in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner as more particular described herein;

WHEREAS, the City noticed its intent to prepare an amended culinary impact fee facilities plan and impact fee analysis (the "IFFP/IFA") for Culinary Water;

WHEREAS, the City has completed the IFFP/IFA for Culinary Water systems, a copy of which is attached hereto and incorporated by reference as "Exhibit A", to meet the requirements of the Act and state law and city ordinance; and

WHEREAS, the City and consultants retained by the City have reviewed and evaluated the land within the City boundaries and have determined that the Service Area for Culinary Water shall include all areas as shown in Exhibit A and Title 15.01.200 of the South Salt Lake City Municipal Code;

WHEREAS, the City held a public hearing on July 31, 2024, gave public notice of the IFFPs, said hearing and the City's intent to adopt this Ordinance at least ten (10) days before the date of said hearing by posting notice on the City's website, and on the Utah Public Notice Website, made a copy of this Ordinance, the IFFP/IFA and the Summary available to the public on the City's website and at the City's offices, and placed copies of the IFFPs and the Summary in each public library within the City, all in conformity with the requirements of Utah Code Annotated 11-36a-502 and 17B-1-111;

WHEREAS, the South Salt Lake City Council finds that the IFFP meets the statutory requirements for impact fee facilities plans as set out in Utah Codes Annotated 11-36a-301 and 11-36a-302 and the IFA meets all of the statutory requirements for an impact fee analysis in Utah Codes Annotated 11-36a-303 and 11-36a-304; a n d

WHEREAS, the City Council finds the adoption of the IFFP/IFA is in the best interests of the City and will appropriately assign capital infrastructure costs to development in an equitable and proportionate manner.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of South Salt Lake as follows:

SECTION 1. Adoption. The IFFP/IFA attached as Exhibit A is hereby adopted and replaces the previously adopted Culinary Water Impact Fee facilities Plan and Impact Fee Analysis: City of South Salt Lake, adopted by Ordinance 2014-24.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION 4. Effective Date. Except as otherwise specifically provided herein, this Impact Fee Ordinance shall not repeal, modify or affect any Impact Fee of the City in existence as of the effective date of this Ordinance, other than those expressly referenced in Section 1 above. All Impact Fees established, including amendments and modifications to previously existing Impact Fees, after the effective date of this Ordinance shall comply with the requirements of this Ordinance. This Ordinance shall take effect ninety (90) days after the day on which it is approved by the City Council.

[remainder of page intentionally left blank]

DATED this 31st day of July, 2024.

BY THE CITY COUNCIL:

Sharla Bynum
Sharla Bynum, Council Chair

ATTEST: Ariel Andrus
Ariel Andrus, City Recorder

City Council Vote as Recorded:

Huff	<u>yes</u>
Thomas	<u>yes</u>
Bynum	<u>yes</u>
Mitchell	<u>yes</u>
Sanchez	<u>yes</u>
Pinkney	<u>yes</u>
Williams	<u>yes</u>



Transmitted to the Mayor's office on this 1st day of August, 2024.

Ariel Andrus
Ariel Andrus, City Recorder

MAYOR'S ACTION: Approve

Dated this 2nd day of August, 2024

Cherie Wood
Cherie Wood, Mayor

ATTEST: Ariel Andrus
Ariel Andrus, City Recorder

Exhibit A



SOUTH SALT LAKE

DRINKING WATER IMPACT FEE FACILITY PLAN AND IMPACT FEE ANALYSIS

(HAL Project No.: 126.52.100)

July 2024

SOUTH SALT LAKE CITY
DRINKING WATER IMPACT FEE FACILITY PLAN
AND IMPACT FEE ANALYSIS

(HAL Project No.: 126.52.100)

Kai M. Krieger, P.E.
Project Manager

HANSEN
ALLEN
& LUCE_{inc}
E N G I N E E R S

July 2024

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IMPACT FEE CERTIFICATION

The Utah Impact Fee Act requires certifications for the Impact Fee Facilities Plan (IFFP) and the Impact Fee Analysis (IFA). Hansen, Allen & Luce provides these certifications with the understanding that the recommendations in the IFFP and IFA are followed by City Staff and elected officials. If all or a portion of the IFFP or IFA are modified or amended, or if assumptions presented in this analysis change substantially, this certification is no longer valid. All information provided to Hansen, Allen & Luce, Inc. is assumed to be correct, complete, and accurate.

IFFP Certification

Hansen, Allen & Luce, Inc. certifies that the IFFP prepared for the drinking water system:

1. Includes only the costs of public facilities that are:
 - a. Allowed under the Impact Fees Act; and
 - b. Actually incurred; or
 - c. Projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. Does not include:
 - a. Costs of operation and maintenance of public facilities;
 - b. Costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. An expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. Complies in each and every relevant respect with the Impact Fees Act.

IFA Certification

Hansen, Allen & Luce, Inc. certifies that the IFA prepared for the drinking water system:

1. Includes only the costs of public facilities that are:
 - a. Allowed under the Impact Fees Act; and
 - b. Actually incurred; or
 - c. Projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. Does not include:
 - a. Costs of operation and maintenance of public facilities;
 - b. Costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. An expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
 - d. Costs with grants or other alternate sources of payment; and complies in each and every relevant respect with the Impact Fees Act

HANSEN, ALLEN & LUCE, INC.

IMPACT FEE SUMMARY

PURPOSE OF STUDY

The **purpose** of the IFFP and IFA is to comply with the requirements of the Utah Impact Fees Act by identifying demands placed on the existing drinking water system by new development and by identifying the means by which the City of South Salt Lake (City) will meet these new demands. The South Salt Lake City Drinking Water System Master Plan (DWMP) has been used in support of this analysis. There are several growth-related capital facilities anticipated to be needed in the next 10 years, so the calculated impact fee is based on anticipated capital facility projects as well as existing excess capacity and documented historic costs.

The impact fee **service area** is the current City drinking water system boundary.

LEVEL OF SERVICE

The existing and proposed **level of service** for the drinking water system includes the following:

Level of Service

- Peak Day Source Capacity: 1,364 gallons per day per equivalent residential connection (gpd/ERC)
- Source Volume: 0.60 acre-feet/ERC (Annual Demand)
- Storage Capacity: 531 gallons/ERC
- Distribution Capacity: 50 pounds per square inch (psi) minimum pressure during peak day demand conditions and during peak instantaneous conditions

Fire Suppression

- Minimum Fire Flow: 1,500 gallons per minute (gpm) for 2 hours (180,000 gallons fire suppression storage)
- Minimum Pressure: 20 psi residual during peak day + fire flow event

IMPACT FEE CALCULATION

The existing system served about 5,484 ERCs at the end of 2021. Projected **growth** adds 1,097 ERCs in the next 10 years for a total of 6,581 ERCs.

The costs calculated for the capacity required for growth in the next 10 years comes from the new projects required entirely to provide capacity for new development.

The **drinking water impact fee** is calculated based on the estimated cost of projects required to support future growth. These costs were added together and divided by the number of ERCs that are projected to be added within the next 10 years.

Components of the impact fee are presented in Table S-1.

**Table S-1
Proposed Impact Fee by Component**

Component	Per Typical Residential Connection
Source	\$4,956
Storage	\$1,311
Planning	\$78
Total	\$6,345

CHAPTER 1 INTRODUCTION

BACKGROUND

The City is located in Salt Lake County, alongside I-15 and on the southern end of the Salt Lake metropolitan area. The City had an estimated population of 27,117 in July 2021 (United States Census Bureau, 2022). The primary drinking water sources for the City are wells and interconnections with Jordan Valley Water Conservancy District (JVWCD).

PURPOSE AND SCOPE

The City has recognized the need to plan for increased demands on its drinking water system as a result of growth from the redevelopment of four transit-oriented development (TOD) areas. To do so, an IFFP and IFA were completed to allow the City to charge an impact fee to help pay for capital projects necessary to support future growth.

This report identifies those items that the Utah Impact Fees Act specifically requires, including demands placed upon existing facilities by new development and the proposed means by which the municipality will meet those demands. A DWMP was prepared to support this analysis. The DWMP identified several growth-related projects needed within the 10-year planning window. Therefore, the calculated impact fee is based on excess capacity and documented historic costs, as well as future capital projects.

IMPACT FEE COLLECTION

Impact fees enable local governments to finance public facility improvements necessary for growth, without burdening existing customers with costs that are exclusively attributable to growth.

An impact fee is a one-time charge on new development to pay for that portion of a public facility that is required to support that new development.

In order to determine the appropriate impact fee, the cost of the facilities associated with future development must be proportionately distributed. As a guideline in determining the “proportionate share”, the fee must be found to be roughly proportionate and reasonably related to the impact caused by the new development.

SCHOOL RELATED INFRASTRUCTURE

As part of the noticing and data collection process for this plan, information was gathered regarding existing and future school district and charter school development. Where the City is aware of the planned location of a school, required public facilities to serve the school have been included in the impact fee analysis.

Each school will directly result in the need for additional improvements to public facilities. Future elementary schools will be charged for a 2-inch lateral, future junior high schools will be charged for a 3-inch lateral, future high schools will be charged for a 6-inch lateral, and future charter and special purpose schools will be charged for a 2-inch lateral.

MASTER PLANNING

A DWMP was prepared in conjunction with this analysis, and is incorporated by reference into this analysis.

The master plan for the City's drinking water system is more comprehensive than the IFFP and IFA. It provides the basis for the IFFP and IFA and identifies all capital facilities required of the drinking water system for the 20-year planning range, including maintenance, repair, replacement, and growth-related projects. The recommendations made within the DWMP are in compliance with current City policies and standard engineering practices.

A hydraulic model of the drinking water system was prepared to aid in the analyses performed to complete the DWMP. The model was used to assess existing performance, to establish a proposed level of service and to confirm the effectiveness of the proposed capital facility projects to maintain the proposed level of service over the next 10 years.

CHAPTER 2 SYSTEM DEMAND AND CAPACITY

GENERAL

The purpose of this section is to identify the current level of service, characterize the facilities of the existing system, and determine the remaining capacity of these facilities.

The City's existing drinking water system is comprised of a pipe network, water storage facilities, and water sources. These facilities are found within one pressure zone. Figure 1-1 in Appendix A illustrates the existing water system and its service area.

EXISTING EQUIVALENT RESIDENTIAL CONNECTIONS

Water demands from non-residential water users, such as commercial, industrial, or civic water users have been determined in terms of an ERC. The use of ERCs is a common engineering practice used to describe the entire system's usage based on a common unit of measurement. An ERC is equal to the average demand of one residential connection. Using ERCs for analysis is a way to allocate existing and future demands over non-residential land uses. For this analysis, all residential connections, including townhouses and apartments were equated to one ERC for water demands.

The City operates one water system with both indoor and outdoor water demand being served by the drinking water system. At the end of 2021, the City was estimated to have 5,484 ERCs served by the drinking water system.

LEVEL OF SERVICE

The City has established a level of service for the drinking water system through its minimum sizing requirements established by the Division of Drinking Water (DDW). The minimum sizing requirement establishes the sizing criteria for the City's distribution (pipes), source, and storage facilities. Details regarding the level of service are included in the DWMP. The level of service standards are shown below:

Level of Service

- Source Capacity: 1,364 gpd/ERC (Peak Day)
- Source Volume: 0.60 ac-ft/ERC (Annual Demand)
- Storage Capacity: 531 gallons/ERC
- Distribution Capacity: 50 psi minimum during peak day demand conditions and peak instantaneous conditions

Fire Suppression

- Minimum Fire Flow: 1,500 gpm for 2 hours (180,000 gallons fire suppression storage)
- Minimum Pressure: 20 psi residual during peak day + fire flow event

METHODOLOGY USED TO DETERMINE EXISTING SYSTEM CAPACITY

Each component of the drinking water system was assessed as capacity in terms of gpm (for peak day source), acre-feet per year (for annual source), or gallons (for storage). Demands on each component were computed by applying the level of service to the amount of ERCs served by each component. The difference between the capacity of the component and the demand on the component is the component's remaining capacity, which can be used to serve future ERCs. A hydraulic model was developed for the purpose of assessing system operation and distribution capacity.

WATER SOURCE & REMAINING CAPACITY

The City's sources of drinking water are wells and interconnections with JVVCD. Table 2-1 summarizes the information for each source and total source capacity.

**Table 2-1
Demand and Capacity of Existing Drinking Water Source**

Source	Peak Day Source Capacity (gpm)¹
300 East Well	725
700 East Well	1,200
Davis Well	2,900
JVVCD Connections	600
Total	5,425
Demand at Level of Service²	5,195
Capacity Remaining	+230

1. See Table 3-1 of the DWMP
2. See Tables 3-4 and 3-5 of the DWMP

STORAGE FACILITIES AND REMAINING CAPACITY

The City currently operates three concrete water storage tanks totaling 7.0 million gallons (MG). Table 2-2 shows the demand and capacity of each tank. Demands were calculated by applying the level of service to the ERCs served by each tank. The fire flow storage requirements were provided by the Fire Marshal as per IFC.

**Table 2-2
Demand and Capacity of Existing Drinking Water Storage**

Tank	Capacity (MG)	Existing Equalization Demand (MG)	Fire Storage (MG)	Emergency Storage (MG)	Existing Storage Demand (MG)	Remaining Capacity (MG)
300 East Tank	1.00	-	-	-	-	-
1300 East Tank	4.00					
Davis Tank	2.00					
Totals	7.00	2.91	2.50	1.08	6.49	0.51

DISTRIBUTION SYSTEM

Pipe diameters range from 4 inches to 24 inches, with the majority being 8 inches in diameter. The function of the larger pipes in the system is to fill the storage tanks and meet peak day and fire flow demands. Smaller pipes facilitate local distribution. Figure 1-1 in Appendix A illustrates the existing distribution pipes. A hydraulic model was used to identify areas with existing deficiencies and pipes required for future growth. Costs to fix deficiencies are not impact fee-eligible and are not considered in this report. The model was also used to identify pipes required for future growth. These projects are impact fee-eligible and are discussed further in Chapter 3.

CHAPTER 3 IMPACT FEE FACILITY PLAN AND ANALYSIS

This section relies on data presented in the previous sections to calculate a proposed impact fee based on the cost of projects needed to support projected growth. The costs of the drinking water system facility projects are presented. Also included in this section are the possible revenue sources that the City may consider to fund the recommended projects.

GROWTH PROJECTIONS

The development of impact fees requires growth projections over the next 10 years. Growth projections for the City were made by incorporating the growth rate presented in the DWMP. Total growth projections for the City through 2032 are summarized in Table 3-1. Most growth in the City is expected to occur in the TOD areas.

**Table 3-1
10 Year Growth Projections**

Year	ERCs
2022	5,484
2023	5,593
2024	5,702
2025	5,811
2026	5,921
2027	6,031
2028	6,141
2029	6,251
2030	6,361
2031	6,471
2032	6,581
10-year Difference	+1,097

The existing system served 5,484 ERCs at the end of 2021. Projected growth adds 1,097 ERCs in the next 10 years for a total of 6,581 ERCs. See Figures 2-1 and 2-2 in Appendix A for areas of projected growth.

COST OF EXISTING AND FUTURE DRINKING WATER FACILITIES

Future growth can be served either by excess capacity in existing facilities or by constructing new facilities. The proposed impact fee will be based on both existing capacity and the projected cost of future construction projects. Costs attributable to existing facilities were not provided by the City and are not included in this analysis. In cases where the City is expected to upsize a developer-installed pipe, only the portion attributable to the upsize is considered impact fee eligible.

Future facilities needed to support growth are shown in Table 3-2 and on Figure 6-1 in Appendix A. Detailed estimates for future project costs have been included in Appendix B.

**Table 3-2
Estimated Impact Fee-Eligible Cost of Future Facilities**

Project	Map ID ¹	Total Cost	Percent Eligible for Impact Fee ²	Eligible Source Cost	Eligible Storage Cost	Total Eligible Cost	Capacity Added
Price Avenue Well ³	10-1	\$8,766,000	87.3%	\$7,653,000	\$0.00	\$7,653,000	1,500 gpm
Davis Booster Distribution Line	10-3	\$900,000	40.0%	\$360,000	\$0.00	\$360,000	1,826 ERCs
Central Valley Road Distribution Line ³	10-4	\$5,460,000	100.0%	\$5,460,000	\$0.00	\$5,460,000	3,410 ERCs
1300 East 1.5 MG Tank	10-5	\$4,950,000	100.0%	\$0.00	\$4,950,000	\$4,950,000	1.5 MG
TOTAL		\$20,076,000		\$13,473,000	\$4,950,000	\$18,423,000	

1. Refer to Figure 6-1 in the City's DWMP for the project and its corresponding ID number. This figure has been included in Appendix A for reference.
2. In cases where the City is expected to upsize a developer-installed pipe, only the portion attributable to the upsize is considered impact fee eligible.
3. Transmission lines have been sized to accommodate 1,500 gpm of additional capacity beyond the 10 year window. Costs for the additional capacity beyond 10 years have been omitted from the impact fee.

IMPACT FEE UNIT CALCULATION

Only those costs attributed to the new growth in the next 10 years can be included in the impact fee. The following sections describe the impact fee calculation for each component.

Source

Projected growth in the system will require the construction of one additional well. The source impact fee was calculated considering the estimated cost and estimated capacity of one future well. See Table 3-3.

**Table 3-3
Source Impact Fee Unit Calculation**

	Existing¹	Future²	Total
Eligible Cost	\$0.00	\$9,054,250.00	\$9,054,250.00
Capacity (gpm)	230	1,500	1,730
Source impact (per gpm)³			\$5,233.67
Source impact (per ERC)⁴			\$4,956.29

1. No existing costs are applicable but remaining capacity was considered. See Table 2-1.
2. See Table 3-2.
3. Calculated as the sum of existing and future eligible costs divided by the sum of existing and future eligible capacity.
4. Calculated at a proposed level of service of 1,364 gpd/ERC or 0.947 gpm/ERC.

Expected source costs by time period are listed in Table 3-4. Source facilities are expected to support growth for more than 10 years. The portion of their costs attributable to growth outside of the 10-year planning window is not impact fee-eligible.

**Table 3-4
Source Cost by Time Period**

Time Period	ERCs served	Buy-in Cost	Growth Cost	Total Cost
Existing	5,484	\$0.00	\$0.00	\$0.00
Next 10 years	1,097	\$0.00	\$5,436,959.72	\$5,436,959.72
Beyond 10 years	730	\$0.00	\$3,617,290.28	\$3,617,290.28
Total	7,311	\$0.00	\$9,054,250.00	\$9,054,250.00

Storage

A future 1.5 MG tank will need to be constructed to provide the system additional capacity to accommodate future growth. The storage impact fee was calculated as shown in Table 3-5.

**Table 3-5
Storage Impact Fee Unit Calculation**

	Existing¹	Future²	Total
Eligible Cost	\$0.00	\$4,950,000.00	\$4,950,000.00
Capacity (gal)	505,595	1,500,000	2,005,595
Storage impact (per gal)³			\$2.47
Storage impact (per ERC)⁴			\$1,310.56

1. No existing costs are applicable but remaining capacity was considered. See Table 2-2.
2. See Table 3-2.
3. Calculated as the sum of existing and future eligible costs divided by the sum of existing and future eligible capacity.
4. Calculated at the proposed level of service of 531 gal/ERC.

Expected storage costs by time period are listed in Table 3-6. Storage facilities are expected to support growth for more than 10 years. The portion of their costs attributable to growth outside of the 10-year planning window is not impact fee-eligible.

**Table 3-6
Storage Cost by Time Period**

Time Period	ERCs served	Buy-in Cost	Growth Cost	Total Cost
Existing	5,484	\$0.00	\$0.00	\$0.00
Next 10 years	2,263	\$0.00	\$2,965,794.07	\$2,965,794.07
Beyond 10 years	1,514	\$0.00	\$1,984,205.93	\$1,984,205.93
Total	9,261	\$0.00	\$4,950,000.00	\$4,950,000.00

Planning

The planning portion of the impact fee was calculated as shown in Table 3-7. Portions of the City's 2022 DWMP that are attributable to growth (approximately 60% of total expenditures) are impact fee eligible. 100% of costs associated with the IFFP and IFA are impact fee eligible.

**Table 3-7
Planning Component of Impact Fee**

Planning Document	Cost	% of Plan Associated with Growth	Cost Associated with Growth	ERCs Served ¹	Cost per ERC
2022 DWMP	\$30,804.00	60%	\$18,482.40	547	\$33.79
2022 IFFP and IFA	\$14,539.00	100%	\$14,539.00	327	\$44.46
Total	\$45,343.00	-	\$33,021.40		\$78.25

1. It is assumed that the DWMP will serve 5-years of growth and the IFFP and IFA will serve 3-years of growth.

TOTAL IMPACT FEE CALCULATION

Table 3-8 is a summary of the components of the impact fee for each type of use.

**Table 3-8
Total Proposed Impact Fee**

Component	Per Typical Residential Connection
Source	\$4,956
Storage	\$1,311
Planning	\$78
Total	\$6,345

Table 3-9 shows the recommended impact fee by meter size. Users requiring larger meters will individually be assessed an ERC capacity based on projected water use.

**Table 3-9
South Salt Lake City Drinking Water
Impact Fee Based on Meter Size**

Water Meter Size	ERC	Impact Fee
¾" or 1"	1.00	\$6,345
1 ½ "	3.33	\$12,690
2"	5.33	\$20,304

For other meter sizes, or when the values listed in Table 3-9 may not lead to an equitable result, the impact fee may alternatively be calculated based on anticipated peak day water consumption gallons per day as follows:

$$\text{Impact fee} = (\text{water consumption, gpd}) / (1,364 \text{ gpd/ERU}) * (\$6,345 \text{ per ERC})$$

For example, a nonresidential customer anticipated to discharge 2,000 gpd would have an impact fee calculated as follows:

$$\text{Impact fee} = (2,000 \text{ gpd}) / (1,364 \text{ gpd/ERU}) * (\$6,345 \text{ per ERU}) = \$9,304$$

Table 3-10 is a summary of the existing and future facility costs by drinking water system component and by time period. Costs attributed to the next 10 years will support projected growth inside of the 10-year impact fee planning period and are impact fee-eligible. Costs attributed to beyond 10 years are not impact fee-eligible.

**Table 3-10
Facility Cost by Time Period**

	Existing	Next 10 Years	Beyond 10 Years	Total
Source	\$0.00	\$5,436,959.72	\$3,617,290.28	\$9,054,250.00
Storage	\$0.00	\$1,437,682.76	\$3,512,317.24	\$4,950,000.00
Planning	\$0.00	\$85,840.73	\$0.00	\$85,840.73
Total	\$0.00	\$6,960,483.21	\$7,129,607.52	\$14,090,090.73

REVENUE OPTIONS

General Obligation Bonds through Property Taxes

This form of debt enables the City to issue general obligation bonds for capital improvements and replacement. General Obligation (G.O.) Bonds would be used for items not typically financed through the Water Revenue Bonds (for example, the purchase of water source to ensure a sufficient water supply for the City in the future). G.O. bonds are debt instruments backed by the full faith and credit of the City which would be secured by an unconditional pledge of the City to levy assessments, charges or ad valorem taxes necessary to retire the bonds. G.O. bonds are the lowest-cost form of debt financing available to local governments and can be combined with other revenue sources such as specific fees, or special assessment charges to form a dual security through the City's revenue generating authority. These bonds are supported by the City as a whole, so the amount of debt issued for the water system is limited to a fixed percentage of the real market value for taxable property within the City. For growth related projects this type of revenue places an unfair burden on existing residents as they had previously paid for their level of service.

Revenue Bonds

This form of debt financing is also available to the City for utility related capital improvements. Unlike G.O. bonds, revenue bonds are not backed by the City as a whole, but constitute a lien against the water service charge revenues of a Water Utility. Revenue bonds present a greater risk to the investor than do G.O. bonds, since repayment of debt depends on an adequate revenue stream, legally defensible rate structure /and sound fiscal management by the issuing jurisdiction. Due to this increased risk, revenue bonds generally require a higher interest rate than G.O. bonds, although currently interest rates are at historic lows. This type of debt also has very specific coverage requirements in the form of a reserve fund specifying an amount, usually expressed in terms of average or maximum debt service due in any future year. This debt service is required to be held as a cash reserve for annual debt service payment to the benefit of bondholders. Typically, voter approval is not required when issuing revenue bonds. For growth related projects

this type of revenue places an unfair burden on existing residents as they had previously paid for their level of service.

State/Federal Grants and Loans

Historically, both local and county governments have experienced significant infrastructure funding support from state and federal government agencies in the form of block grants, direct grants in aid, interagency loans, and general revenue sharing. Federal expenditure pressures and virtual elimination of federal revenue sharing dollars are clear indicators that local government may be left to its own devices regarding infrastructure finance in general. However, state/federal grants and loans should be further investigated as a possible funding source for needed water system improvements.

It is also important to assess likely trends regarding federal / state assistance in infrastructure financing. Future trends indicate that grants will be replaced by loans through a public works revolving fund. Local governments can expect to access these revolving funds or public works trust funds by demonstrating both the need for and the ability to repay the borrowed monies, with interest. As with the revenue bonds discussed earlier, the ability of infrastructure programs to wisely manage their own finances will be a key element in evaluating whether many secondary funding sources, such as federal/state loans, will be available to the City.

Not charging impact fees or significantly lowering them could be viewed negatively from the perspective of State/Federal funding agencies. Charging a proper impact fee signals to these agencies that the community is using all possible means to finance the projects required to provide vital services their residents.

User Fees

Similar to property taxes on existing residents, user fees to pay for improvements related to new growth-related projects places an unfair burden on existing residents as they had previously paid for their level of service.

Impact Fees

As discussed in Chapter 1, an impact fee is a one-time charge to a new development for the purpose of raising funds for the construction of improvements required by the new growth and to maintain the current level of service. Impact fees in Utah are regulated by the Impact Fee Statute and substantial case law. Impact fees are a form of a development exaction that requires a fee to offset the burdens created by the development on existing municipal services. Funding the future improvements required by growth through impact fees does not place the burden on existing residents to provide funding of these new improvements.

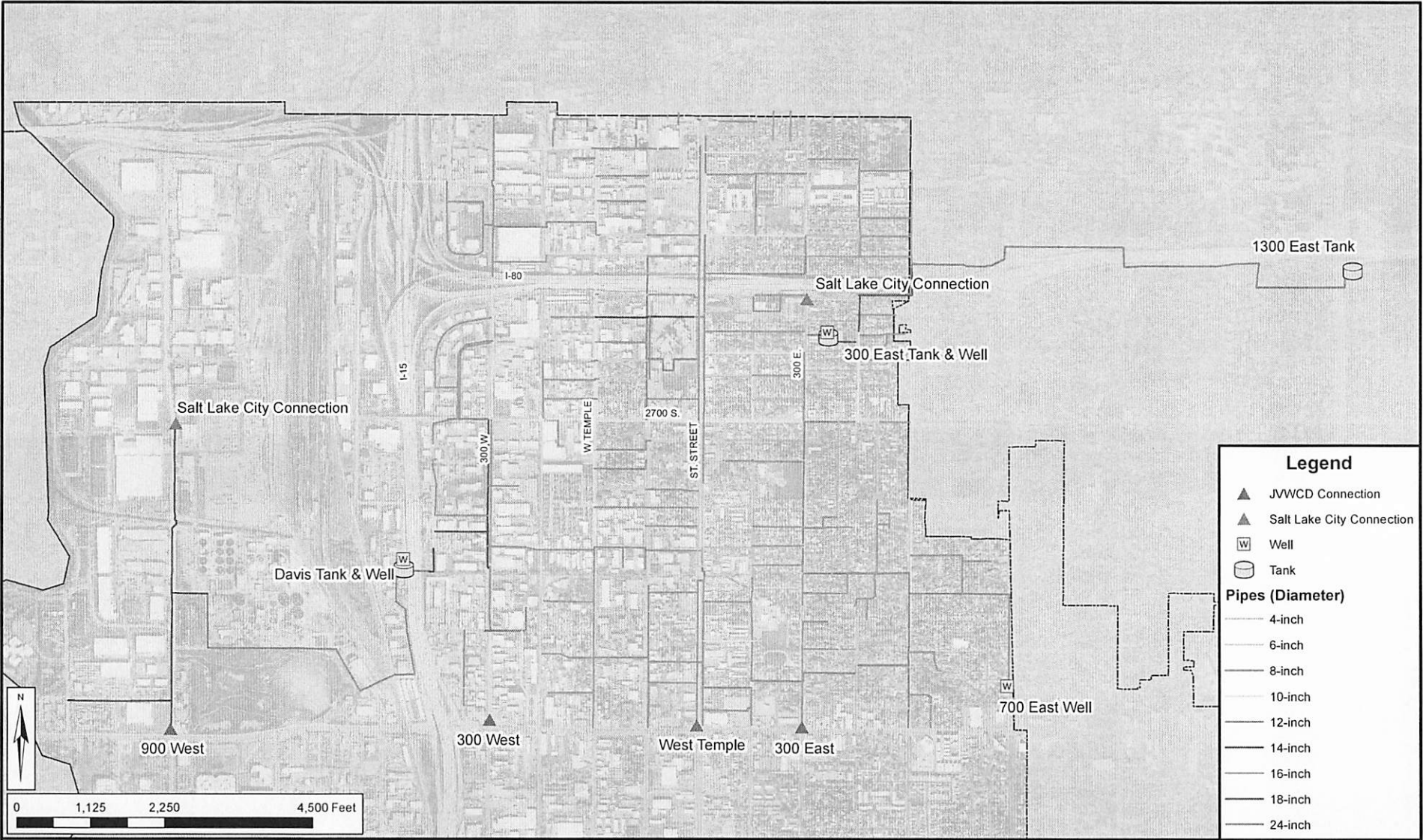
REFERENCES

State of Utah. 2014c. Utah Code Annotated, Section Utah Code 11-36a: Impact Fees Act

APPENDIX A

Information from the Drinking Water Master Plan

Date: 8/15/2023
Document Path: H:\Projects\126 - South Salt Lake City\52,100 - Master Plan Update 2022\Drinking Water Master Plan Update\GIS\Figures\Updated Figures\Figure 1-1 - Existing System.mxd



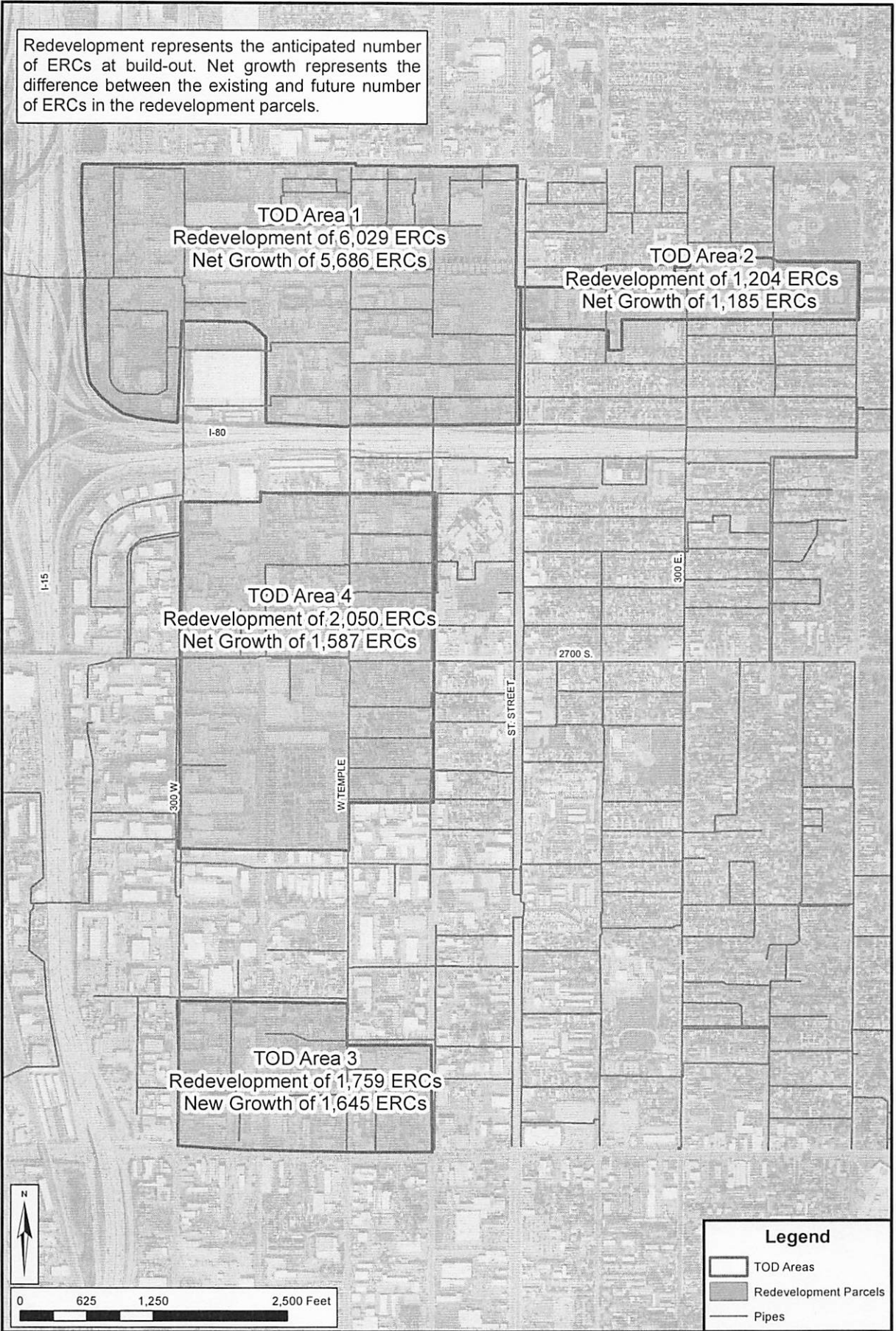
**SOUTH SALT LAKE CITY
DRINKING WATER SYSTEM MASTER PLAN**

EXISTING SYSTEM

**FIGURE
1-1**



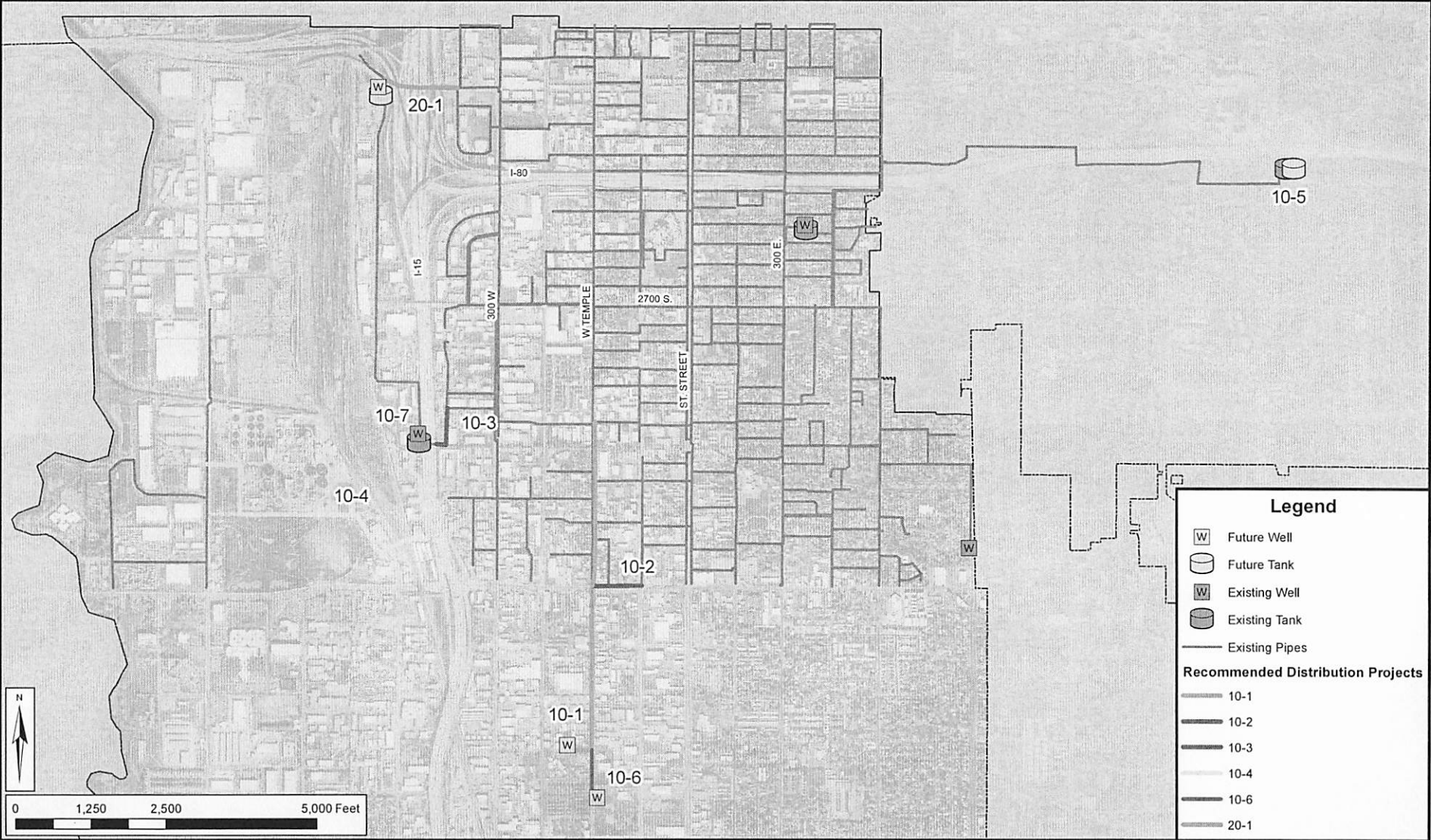
Redevelopment represents the anticipated number of ERCs at build-out. Net growth represents the difference between the existing and future number of ERCs in the redevelopment parcels.



Date: 8/22/2023
 Document Path: H:\Projects\126 - South Salt Lake City\52.100 - Master Plan Update 2022\Drinking Water Master Plan Update\GIS\Figures\Updated Figures\Figure 2-1 - Transit Oriented Development (TOD) Areas.mxd



Date: 8/14/2023
Document Path: H:\Projects\126 - South Salt Lake City\52.100 - Master Plan Update 2022\Drinking Water Master Plan Update\GIS\Figures\Updated Figures\Figure 6-1 - Capital Improvement Projects.mxd



Legend

- Future Well
- Future Tank
- Existing Well
- Existing Tank
- Existing Pipes

Recommended Distribution Projects

- 10-1
- 10-2
- 10-3
- 10-4
- 10-6
- 20-1



**SOUTH SALT LAKE CITY
DRINKING WATER SYSTEM MASTER PLAN**

CAPITAL IMPROVEMENT PROJECTS

**FIGURE
6-1**

APPENDIX B

Estimated Future Project Costs

**South Salt Lake City Capital Facility Plan
Drinking Water Recommended Improvements
Preliminary Engineers Cost Estimates**

Item	Unit	Unit Price	Quantity	Total Price
10-1 Price Avenue Well				
Well drilling and development (1,500 gpm)	LS	\$ 2,000,000	1	\$ 2,000,000
Well equipment and well house	LS	\$ 1,000,000	1	\$ 1,000,000
Install new 20" pipe	LF	\$ 900	2700	\$ 2,430,000
Install new 16" pipe	LF	\$ 700	500	\$ 350,000
Replace 8" pipe with 16" pipe	LF	\$ 700	1000	\$ 700,000
Replace 8" pipe with 12" pipe	LF	\$ 500	1650	\$ 825,000
Total				\$ 7,305,000
Engineering & Admin. (10%)				\$ 730,500
Contingency (10%)				\$ 730,500
Total to Price Avenue Well				\$ 8,766,000
10-2 3300 South Distribution Line				
Install new 12" pipe	LF	\$ 500	825	\$ 412,500
Total				\$ 412,500
Engineering & Admin. (10%)				\$ 41,250
Contingency (10%)				\$ 41,250
Total to 3300 South Distribution Line				\$ 495,000
10-3 Davis Booster Distribution Line				
Install new 24" pipe	LF	\$ 1,000	750	\$ 750,000
Total				\$ 750,000
Engineering & Admin. (10%)				\$ 75,000
Contingency (10%)				\$ 75,000
Total to Davis Booster Distribution Line				\$ 900,000
10-4 Central Valley Road Distribution Line				
Install parallel 16" pipe	LF	\$ 700	6500	\$ 4,550,000
Total				\$ 4,550,000
Engineering & Admin. (10%)				\$ 455,000
Contingency (10%)				\$ 455,000
Total to Central Valley Road Distribution Line				\$ 5,460,000
10-5 1300 East 1.5 MG Tank				
Construct 1.5 MG tank	GAL	\$ 2.75	1,500,000	\$ 4,125,000
Total				\$ 4,125,000
Engineering & Admin. (10%)				\$ 412,500
Contingency (10%)				\$ 412,500
Total to 1300 East 1.5 MG Tank				\$ 4,950,000
10-6 Harmony Park Well				
Well drilling and development (1,500 gpm)	LS	\$ 2,000,000	1	\$ 2,000,000
Well equipment and well house	LS	\$ 1,000,000	1	\$ 1,000,000
Install new 16" pipe	LF	\$ 700	875	\$ 612,500
Total				\$ 3,612,500
Engineering & Admin. (10%)				\$ 361,250
Contingency (10%)				\$ 361,250
Total to Harmony Park Well				\$ 4,335,000
10-7 Davis Well Treatment				
Treatment	LS	\$ 1,950,000	1	\$ 1,950,000
Total				\$ 1,950,000
Engineering & Admin. (10%)				\$ 195,000
Contingency (10%)				\$ 195,000
Total to Davis Well Treatment				\$ 2,340,000