

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, UT 84032**  
**Planning Commission Meeting**

**September 24, 2024**

**6:00 p.m. – Regular Meeting**

**-Time and Order of Items are approximate and may be changed as Time Permits-**

Public notice is hereby given that the monthly meeting of the Heber City Planning Commission will be in the Heber City Office Building, 75 North Main, South door, in the Council Chambers upstairs.

**1. Regular Meeting:**

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance: By Invitation
- IV. Prayer/Thought by Invitation ()
- V. Recuse for Conflict of Interest

**2. Consent Agenda:**

- I. 08.27.2024 Draft Minutes for Approval

**3. Action Items: N/A**

**4. Work Meeting:**

- I. Discuss a proposal for an amendment to Day Care Standards (Tony Kohler)

**5. Administrative Items:**

- I. City Council Communication Item
- II. Planning Commission Training - [https://www.youtube.com/watch?v=K\\_8etqfOAd0](https://www.youtube.com/watch?v=K_8etqfOAd0)

**6. Adjournment:**

Ordinance 2006-05 allows Commission Members to participate in meetings via telecommunications media.

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Meshelle Kijanen at the Heber City Offices at 435.657.7898 at least eight hours prior to the meeting.

Posted on 09.22.2024, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at [www.heberut.gov](http://www.heberut.gov), and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave.

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, UT 84032**  
**Heber City Council Meeting Amended**  
**August 27, 2024**

**DRAFT Minutes**

**6:00 p.m. – Regular Meeting**

**1. Regular Meeting:**

**I. Call to Order**

Vice-Chairman Dave Richards called the Planning Commission Meeting to order at 6:03 p.m. and welcomed everyone present.

**II. Roll Call**

**Planning Commission Present:**

Vice-Chairman Dave Richards  
Commissioner Phil Jordan  
Commissioner Josh Knight  
Commissioner Tori Broughton  
Commissioner Robert Wilson  
Alt. Commissioner Greg Royall

**Planning Commission Absent:**

Chairman Dennis Gunn  
Commissioner Darek Slagowski

**Staff Present:**

Planning Manager Jamie Baron  
Planner Jacob Roberts  
Planning Office Admin Meshelle Kijanen  
City Engineer Ross Hansen

**Staff Participating Remotely:**

Planning Consultant GC Garcia  
IT Specialist Anthon Beales  
Alt.Commissioner Jami Hewlett  
City Council Member Aaron Cheatwood

**Also Present:**

N/A

**Also Attending Remotely:**

DW, Scott B, A L K,

**III. Pledge of Allegiance:** By Invitation

Commissioner Phil Jordan led the recitation of the Pledge of Allegiance.

**IV. Prayer/Thought by Invitation ()**

Commissioner Tori Broughton offered a thought.

V. Recuse for Conflict of Interest N/A

**2. Consent Agenda: N/A**

**3. Action Items:**

I. Edgewood Hangar Development~Site Plan, located at 158 W. 1780 S. (Planner Denna Woodbury/Engineer Ross Hansen)

Denna Woodbury presented the Agenda Item

Ross Hansen from Engineering spoke

Phil Jordan asked about the retention pond Ross Hansen answered

Jason Talley applicant spoke to the Planning Commission

Phil Jordan asked about the grease trap, applicant answered.

**Motion:** Commissioner Royall moved to approve the items on the Consent Agenda. Commissioner Jordan made the second.

**Discussion: N/A**

**Voting Yes:** Planning Commission Vice-Chair Richards, Commissioner Jordan, Commissioner Wilson, Commissioner Broughton, Commissioner Royall. **Voting No:** None. The Motion Passed 5-0.

II. Highlands Residential~Subdivision Preliminary, located at Intersection of US-40 and Commons Boulevard (Planner Denna Woodbury/Engineer Ross Hansen)

Commissioner Royall. **Voting No:** None. The Motion Passed 5-0. Denna Woodbury explained the Agenda Item.

Ross Hansen with Engineering commented to the application

DR Horton applicant spoke to the Planning Commission

Gregg Royal asked the applicant a question about the HOA applicant responded.

Phil Jordan asked Engineering a question. Engineering responded.

Planner Jamie Baron responded as well

Phil Jordan asked about projects in the NVOZ Jamie responded.

**Motion:** Commissioner Jordan moved to approve the items on the Consent Agenda. Commissioner Wilson made the second.

**Discussion: N/A**

**Voting Yes:** Planning Commission Vice-Chair Richards, Commissioner Jordan, Commissioner Wilson, Commissioner Broughton, Commissioner Royall. **Voting No:** None. The Motion Passed 5-0. Denna Woodbury explained the Agenda Item.

**4. Work Meeting:**

- I. \*Central Heber Overlay Zone (John Janson & Tony Kohler)

**5. Administrative Items:**

- I. City Council Communication Item

Jamie Baron explained the Agenda for the City Council meeting.

Dave Richards asked how long the rds will be closed. Jamie responded

Dave Richards asked the Engineer Ross Hansen to explain the rds process. Ross responded.

Phil Jordan asked another question, Jamie responded

Gregg Royall asked question, Jamie responded.

Jamie continued explaining the CC Agenda.

Phil Jordan asked about the Central Heber Overlay Zone that was removed from the Agenda Jamie responded.

Dave Richards responded to Jamie's explanation.

Dave shared information on an affordable housing meeting he attended.

Dave and Jamie continued conversation about affordable housing.

Greg Royal commented to the affordable housing conversation

Tori Broughton commented to the affordable housing convo, Jamie Baron responded

Tori Broughton asked another question, Jamie responded

- II. Planning Commission Training -

[https://www.youtube.com/watch?v=K\\_8etqfOAd0](https://www.youtube.com/watch?v=K_8etqfOAd0)

**6. Adjournment:**

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Meshelle Kijanen, Administrative Assistant



# Planning Commission Staff Report

**MEETING DATE:**

9/24/2024

**SUBJECT:**

Discuss a proposal for an amendment to Day Care Standards (Tony Kohler)

**RESPONSIBLE:**

Tony Kohler

**DEPARTMENT:**

Planning

**STRATEGIC RELEVANCE:**

Community Development

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## SUMMARY

See powerpoint for discussion

## RECOMMENDATION

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## BACKGROUND

## DISCUSSION

## FISCAL IMPACT

## CONCLUSION

## ALTERNATIVES

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## POTENTIAL MOTIONS

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### ACCOUNTABILITY

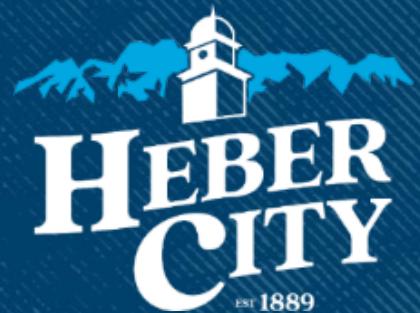
**Department:** Planning  
**Staff member:** Tony Kohler, Community Development Director

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### EXHIBITS

1. Day Care Presentation
2. Licensing Process Review

HEART OF THE WASATCH BACK



# Day Care Facilities

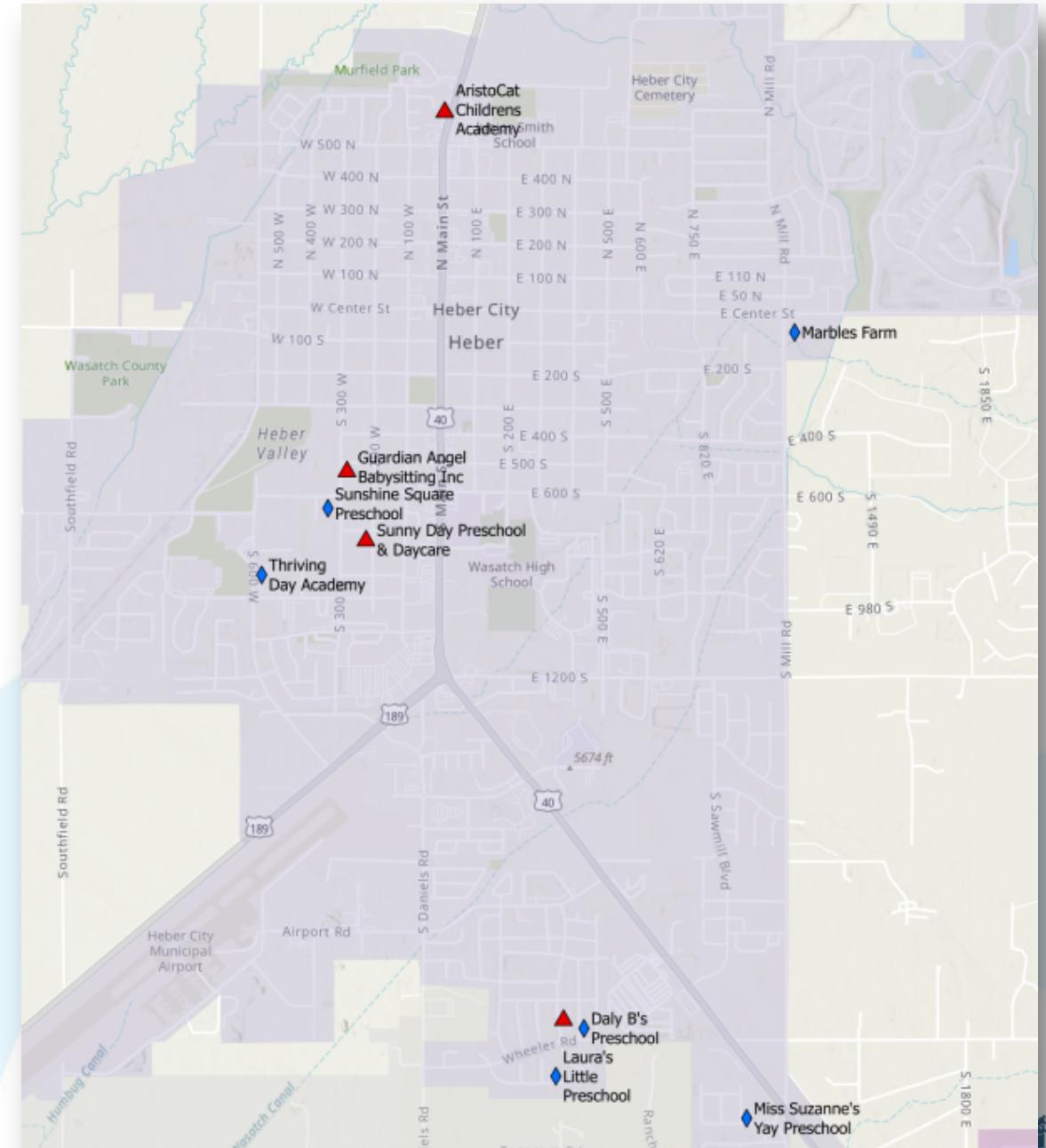
# Council Priority for FY 2024 - 2025

- How is city policy is adversely impacting the establishment of day care facilities?



# Child Care Facilities in Heber City

- 6 preschools
- 4 daycares



# Permitted Locations

Zone	Type	Use
A-2, RA-1, RA-2, MCZ, R-1, R-2, R-3, UV, NOS, RR	Res	P
C-2, C-3, C-4	Res	P
	Com	C
I-1, I-2 <sup>1</sup>	Com	C
BMP, MURCZ	Com	P
CMP, PFZ, PC, RC, NV	Res, Com	NP

1 Only in support of primary activity

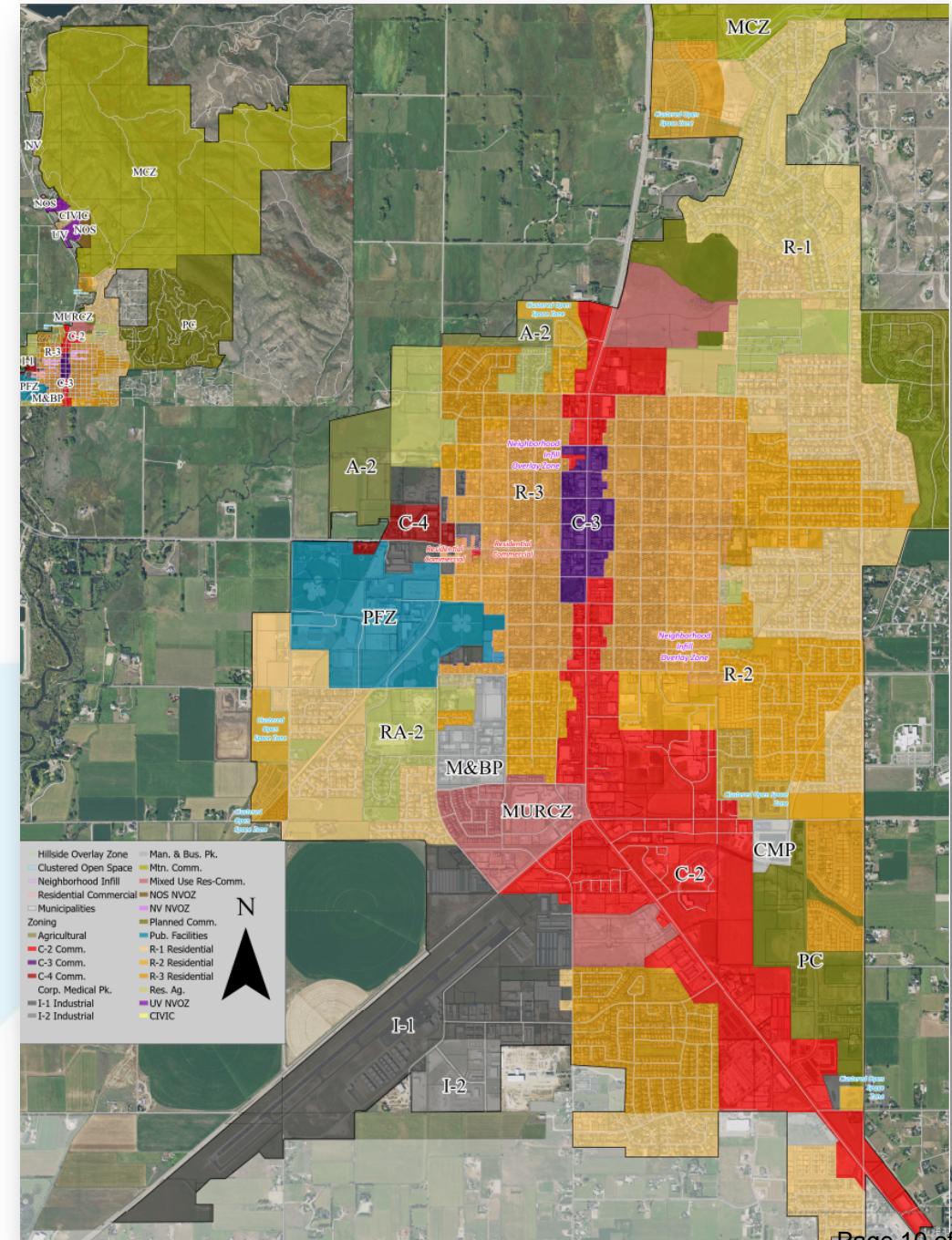
Res = Residential Day Care

Com = Commercial Day Care

P = Permitted Use

C = Conditional Use

NP = Not Permitted

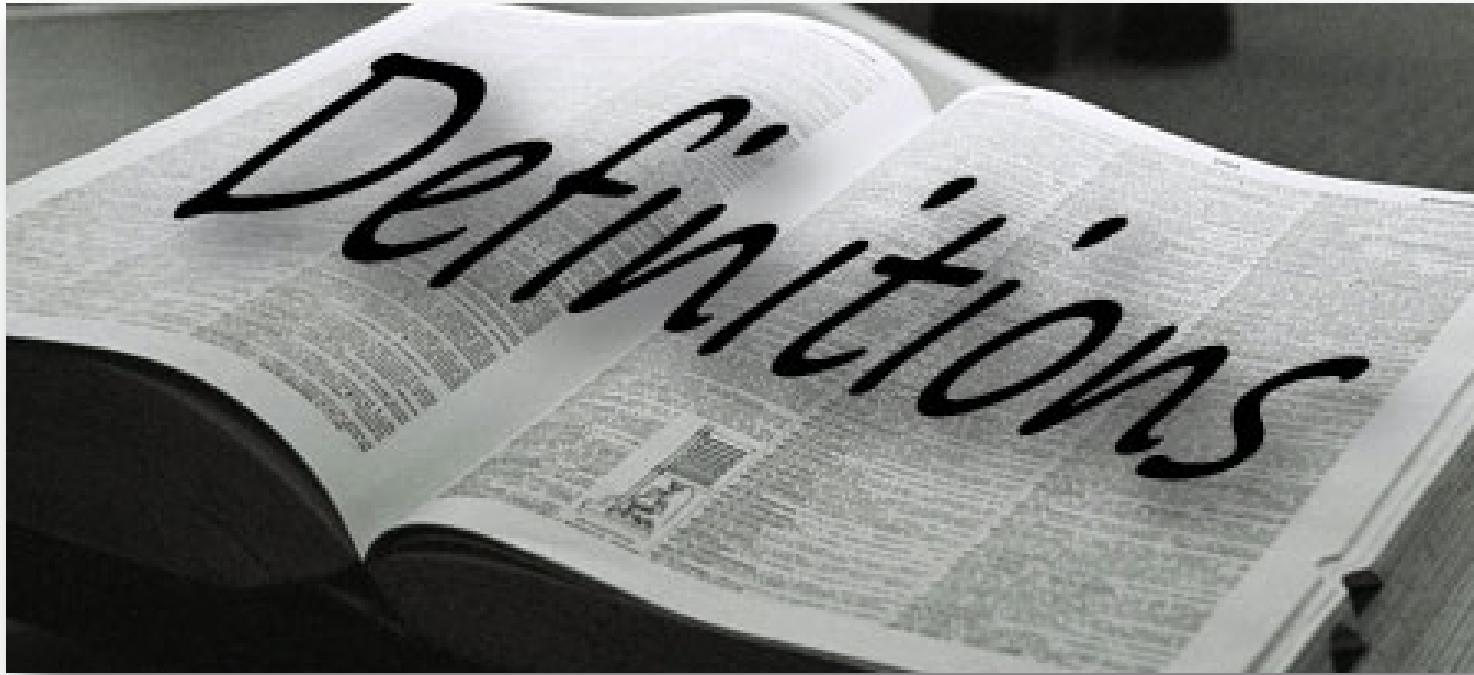


# Chapter 18.86 Day Care Summary

Issue	Standard
Outdoor Area	40* sf min per child (state = 40)*
Indoor Area	30** sf min per child (state = 35)*
Play Area Location	Not in front or side yard (state addresses proximity to danger)
Play Area Fence	5' fence with 6 or more children (state = 4' for all if near road)
R-1 Zone Limits	No day care employees in R-1 Zone (why?)
Residential Limits	<10 children under the age of 8 (conflicts with definitions & state)
Uses	Specifies type permitted by zone (outdated)
Parking	1 per employee & 1 loading/unloading space
Residential Streets	Prohibited location on a cul-de-sac
Background Check	Required (state requires as well)

\*State doesn't require I/O areas for Preschools

\*\*State excludes bathrooms, closets, hallways, lobbies and entryways



- **Commercial Day Care:** Commercial facility providing care for > 8 children
- **Nonregistered Home Day:** In-Home facility providing care for < 6\* children
- **Registered Home Day Care or Preschool:** In-Home facility providing care or education for < 8\* children < age 7
- **Other Terms Used in City Code**
  - Day Care, In-home day care, Nursery, Family Day Care, Mini Day Care, Preschool

\*Conflict: Chapter 18.86 limits children to < 10 and < age of 8

# State Day Care Types



## Center Based Providers (Commercial)

- **Licensed Center:** All ages, regular schedules
- **Licensed Hourly Center:** All ages, drop-in basis
- **Licensed Out of School Time Program:** Age 5 to 12, pre/post school
- **Licensed Commercial Preschool Program:** Ages 2 – 4, < 4 hours/day

## Home-based Providers (Residential)

- **Licensed Family:** All ages, up to 16 children, regular schedules
- **Residential Certified:** All ages, up to 8 children, regular schedules

# City Approval Process Summary

1. Site Plan/Conditional Use Permit (if applicable)
2. Business License Application
  - \$100 (\$115 commercial) city licensing fee
  - Background check (state requires also)
  - DBA registration
3. State Approval Process



# Obstacles to Day Care establishment

- Duplicatory city/state standards (**# children, I/O areas, fence**)
- Inconsistent use of terms
- Conditional Uses
- Not permitted in PC & NV Zone
- R-1 Zone prohibition on employees
- Continually changing state code



# Recommendations

Type	Children	P Zone	Culdesac	Parking	BG Check	License
Home Based Residential Certificate	Up to 8	All	Yes	No	Yes	Yes
Home Based Licensed Family	Up to 16	All	No	Yes	Yes	Yes
Commercial License	N/A	All	No	Yes	Yes	Yes

- **Simplify Chapter 18.86 to eliminate local regulations that duplicate state regulations**
- **Update uses to permit in all zones**
- **Update Definitions**
- **Thru-street.** All Locally Licensed Day Care Facilities shall be located upon a thru-street
- **Play Area.** Play area shall not be located within a front yard
- **Parking (existing).** Day Care Facilities shall have one (1) parking space for each employee plus one (1) loading/unloading space for every 20 people, or portion thereof enrolled. Loading space requirement may be eliminated if there is a circular drive-way.

# Questions & Comments

Next Step: Public Hearing October 8, 2024

# Child Care Licensing

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Licensing process review

# License types

Commercial and residential

## 4 commercial licenses

- Center
- Hourly
- Out of School Time
- Preschool

## 2 residential licenses

- Licensed Family
- Residential Certificate

# Center-based comparisons

# Center-based comparison

## Age of children

Center	Preschool	Hourly	Out of School Time
<ul style="list-style-type: none"><li>• All children birth to 12 years old</li><li>• Children 13-17 with a disability</li></ul>	<ul style="list-style-type: none"><li>• All children 2-5 years old</li></ul>	<ul style="list-style-type: none"><li>• All children birth to 12 years old</li><li>• Children 13-17 with a disability</li></ul>	<ul style="list-style-type: none"><li>• All children 5-12 years old</li><li>• Children 13-17 with a disability</li></ul>

# Center-based comparison, cont.

## Duration of care

Center	Preschool	Hourly	Out of School Time
<ul style="list-style-type: none"><li>For each individual child for less than 24 hours a day</li><li>On an ongoing basis for 4 or more weeks in a year</li></ul>	<ul style="list-style-type: none"><li>For each individual child for less than 4 hours per day</li><li>On an ongoing basis for more than 2 days a week and for 4 or more weeks in a year</li></ul>	<ul style="list-style-type: none"><li>For 4 or more hours per day</li><li>For each individual child for less than 24 hours a day</li><li>No child is cared for on a regular schedule.</li></ul>	<ul style="list-style-type: none"><li>For each individual child for less than 24 hours a day</li><li>On an ongoing basis, on 3 or more days a week and for 30 or more days in a calendar year</li></ul>

# Center-based comparison, cont.

## Outdoor play area

Center	Preschool	Hourly	Out of School Time
<ul style="list-style-type: none"><li>Total square footage of the outdoor area accommodates at least <math>\frac{1}{3}</math> of the approved capacity at one time or is at least 1,600 square feet.</li><li>Daily activities must include outdoor play as weather and air quality allow.</li></ul>	<ul style="list-style-type: none"><li>An outdoor play area is not required, but if there is an outdoor play area, it must be in compliance with all rules.</li></ul>	<ul style="list-style-type: none"><li>An outdoor play area is not required, but if there is an outdoor play area, it must be in compliance with all rules</li><li>If an outdoor area is available, daily activities must include outdoor play as weather and air quality allow.</li></ul>	<ul style="list-style-type: none"><li>Total square footage of the outdoor area accommodates at least one-third of the approved capacity at one time or is at least 1,600 square feet.</li><li>Daily activities must include outdoor play as weather and air quality allow.</li></ul>

# Center-based comparison, cont.

## Food and nutrition

<b>Center</b>	<b>Preschool</b>	<b>Hourly</b>	<b>Out of School Time</b>
Food may be served and prepared at the facility.	Food may be served but is <i>not</i> prepared at the facility.	Food may be served and prepared at the facility.	Food may be served and prepared at the facility.

# Home-based comparisons

## Capacity

Licensed family	Residential certificate
<ul style="list-style-type: none"><li>• May care for up to <b>16</b> children including provider's and caregiver's own children under age 4 with 2 caregivers.</li><li>• May care for an additional 3 school age children beyond the capacity stated on the license.</li></ul>	<ul style="list-style-type: none"><li>• May care for up to <b>8</b> children including provider's and caregiver's own children under age 4.</li><li>• May care for an additional 2 school age children beyond the capacity stated on the license.</li></ul>

# Home-based comparison, cont.

## Ratios

<b>Licensed family</b>	<b>Residential certificate</b>
<ul style="list-style-type: none"><li>• 1 caregiver for 1-8 children. Maximum group size: 12</li><li>• 2 caregivers for 9-16 children. Maximum group size: 24</li><li>• 1 caregiver may care for no more than 2 children under 18 months old in the group, and no more than 3 children under the age of 2.</li></ul>	<ul style="list-style-type: none"><li>• 1 caregiver for 1-8 children</li><li>• 1 caregiver may care for no more than 2 children under 18 months old in the group, and no more than 3 children under the age of 2.</li></ul>

## Records and documents

<b>Licensed family</b>	<b>Residential certificate</b>
<ul style="list-style-type: none"><li>• Fire and disaster drills must be documented in writing.</li><li>• A daily schedule of activities must be posted.</li></ul>	<ul style="list-style-type: none"><li>• It is not required to document fire and disaster drills.</li><li>• A posted daily schedule is not required.</li></ul>

# Home-based comparison, cont.

## Training

<b>Licensed family</b>	<b>Residential certificate</b>
<ul style="list-style-type: none"><li>• At least 20 hours of training are required annually for the provider and each caregiver.</li><li>• 10 of the 20 hours must be interactive training.</li></ul>	<ul style="list-style-type: none"><li>• At least 10 hours of training are required annually for the provider.</li><li>• 5 of the 10 hours must be interactive training.</li></ul>

# Home-based comparison, cont.

## Outdoor play area

<b>Licensed family</b>	<b>Residential certificate</b>
<ul style="list-style-type: none"><li>• Must have an outdoor play area that is safely accessible and meets licensing rules.</li><li>• Children must have a daily opportunity for outdoor play, weather permitting.</li></ul>	<ul style="list-style-type: none"><li>• Children may not play outside on premises unless the outdoor play area meets licensing rules.</li><li>• A daily opportunity for outdoor play is encouraged, but not required.</li></ul>

## From the Department of Workforce Services

<b>Licensed family</b>	<b>Residential certificate</b>
<ul style="list-style-type: none"><li>• State-funded child care reimbursements are paid at a higher rate.</li><li>• Possibly eligible for a start-up grant from Care About Childcare (CAC)</li></ul>	<ul style="list-style-type: none"><li>• State-funded child care reimbursements are paid at a lower rate.</li><li>• Possibly eligible for a start up grant from Care About Childcare (CAC)</li></ul>

# Capacity

## Commercial:

**Indoor capacity** is based on 35 square feet per child. Square footage cannot include kitchens, bathrooms, hallways, staff rooms or office space. Square footage can only include space used for children.

**Outdoor capacity** is based of 40 square feet per child and needs to accommodate at least  $\frac{1}{3}$  of the indoor capacity. Outdoor area square footage is also a factor in determining the maximum capacity of a facility.

## Residential:

**Indoor capacity** is based on 35 square feet per child including the provider's and caregiver's own children. Square footage cannot include, bathrooms, closets, hallways, lobbies and entryways.

**Outdoor capacity:** The outdoor space that will be used by the children ages 0-12 years old (including the provider's and employees' own children) must meet the square footage requirements of 40 square feet per child. Outdoor area square footage is also a factor in determining the maximum capacity of a facility.

***IF an outdoor area is required, the outdoor area must be enclosed with at least a 4-foot high fence or barrier to protect children from danger.***

# Facility requirements for licensing

1. At least 1 working toilet and 1 working sink for each 25 children over the age of 2 years.
2. Adequate lighting
3. Proper ventilation
4. Bathroom privacy for school-aged children
5. Facility must be well maintained inside and outside.
6. Barriers on raised decks or balconies and open stairwells
7. Shade in the outdoor area to protect children
8. Infant and toddler rooms in commercial facilities need 2 sinks, one for handwashing and one for food preparation.

Please see Facility Specific requirements for each license type: [Rules - Section 9](#)

# Requirements for licensing

- 1. Fire inspection** from local fire department approving the location
- 2. Kitchen inspection** from local health department approving facility
- 3. Business license or receipt of payment** if city requires a license from us before issuing a business license
- 4. Cleared background checks and fingerprints** from our department for all adults and caregivers who are 16 or 17 years old
- 5. Cleared background checks** for all children who **reside** in the facility between the ages of 12 and 17.

- 1. New provider** training for provider
  - a. [Link for online training](#)
- 2. Preservice training** through the Office of Licensing for all caregivers
  - a. [Link for online training](#)
- 3. New Center Director training** (centers)
  - a. [Link for schedule](#)
- 4. Pre-License Inspection** for approval
- 5. Payment** of all fees
  - a. [See fee schedule](#)

# Additional information

- **Residential providers** may have up to 2 approved homes as long as the city will allow it and as long as they assign someone to be at the other home as a Provider Designee.
- **Ratios** for each license type are listed in the rules: [Licensing Rules](#)
- **All facilities** will have one **Announced inspection** each year and one **Unannounced** inspection each year. Some may get additional inspections for complaints or may have follow-up inspections based on noncompliances. [See Inspection checklists](#)
- Licenses are **renewed** on an annual basis.
- **Licensing rules** require fire drill and disaster drill practice at various times each year.
- A provider cannot **exceed the capacity** listed on their license.

# Questions?

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***Please contact:***  
Kimberly Rice,  
Licensing Manager  
(385)232-0745 or email: [krice@utah.gov](mailto:krice@utah.gov)

## **CODE OF CONDUCT AND ETHICS FOR PUBLIC OFFICIALS (Mayor, City Council members, Commissions, Committees, Boards)**

### **A. DECLARATION OF POLICY**

It is the policy of the City of Heber to uphold, promote, and demand ethical conduct from its elected and appointed public officials. The citizens and businesses of Heber City are entitled to have fair, ethical, and accountable local government.

As members of the City Council, we recognize the importance of codifying and making known to the general public the ethical principles and laws that guide the work of elected officials and members of appointed boards, commissions, and committees (public officials). Public officials are to maintain the highest standards of personal integrity, truthfulness, and fairness in carrying out their public duties.

In order to fulfill this mission, the City of Heber hereby adopts a Code of Conduct and Ethics for public officials to assure public confidence in the integrity of local government and its effective and fair operation. This code describes the standards of behavior to which its leaders aspire. The constant and consistent theme through the conduct guidelines is “respect.” Public officials experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, public officials are called upon to exhibit appropriate behavior at all times. These guidelines help public officials to do the right thing in even the most difficult situations. Public officials have the duty to conduct City affairs in a businesslike manner, assuring timely consideration of matters before them and thoughtful expeditious decision-making. These guidelines incorporating best practices among city governments can help guide public officials to contribute to this end.

Furthermore, the effective functioning of democratic government requires that public officials comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

### **B. GENERAL PRINCIPLES UNDERLYING THE CODE OF CONDUCT AND ETHICS**

The stability and proper operation of a democratic representative government depends upon public confidence in the integrity of the government, and upon responsible exercise of the trust conferred by the people upon their public officials.

Governmental decisions and policy must be made and implemented through proper channels and processes of the government structure.

Public local government officials must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

Public local government officials must always remain aware that at various times they play different roles:

1. **As advocates**, who strive to advance the legitimate needs of their citizens,

2. **As legislators**, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions, and

3. **As fair and impartial decision-makers**, when making quasi-judicial and administrative determinations.

Public local government officials must know how to distinguish among these roles, to determine when each role is appropriated, and to act accordingly.

Public local government officials must be aware of their obligations to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his/her own conscience the touchstone by which to determine what conduct is appropriate.

## **C. APPLICABLE LAWS AND POLICIES**

### **1. Compliance with Law**

a. Public officials should take care to obey all laws that apply to their official actions as public officials. Public officials should be guided by the spirit as well as the letter of the law in whatever they do to give their best judgment.

b. At the same time, public officials should feel free to assert policy positions and opinions without fear of reprisal from fellow official members or citizens. To assert that a public official is behaving unethically based upon a disagreement with other officials on a question of policy (and not on the public officials ethical behavior) is unfair, dishonest, irresponsible, and itself unethical.

c. The commissions, committees, boards, and city's governing body shall endeavor to keep itself up-to-date, through its attorney or other sources, of new or on-going legal or ethical quandaries or difficulties that they may face in their official positions.

d. Public officials shall comply with the laws of the nation, the State of Utah, and the City of Heber in the performance of their public duties to foster respect for all government. These laws include, but are not limited to: the United States and Utah Constitutions and any City Codes, resolutions, ordinances and policies; laws pertaining to conflicts of interest, contracts with public entities, election campaigns, financial disclosures, and employer responsibilities and open processes of government.

### **2. Responsibility of Public Office**

a. Recognizing that stewardship of the public interest must be their primary concern, public officials shall work for the common good of the people of Heber City, avoiding actions that are inconsistent with the best interests of the city, and not for any private or personal interest; and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

b. Public officials should act with integrity and with independence from improper influence as they exercise the functions of their offices.

c. Public officials should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behavior.

d. City Council members and the Mayor - Because of the value of the independent advice of boards, committees or commissions to the public decision-making process, members of the City Council and Mayor shall, except when the City Council or Mayor is a member of the that public body, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing factual information relevant to the discussion at hand, and shall not otherwise attempt to unduly use their position to influence the deliberations or outcomes of the proceedings.

e. Public Officials should use their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner. They should be self-governing and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others. At the same time, public officials should recognize that they are part of a larger group and should act accordingly. They should respect their office and not behave in ways that reflect badly on it. They should treat other public officials and the public with respect, and should honor the opinions of others even when they disagree. They should recognize that they are not generally authorized to act on behalf of the board, commission, committee, or council, since the board, commission, committee or council must take official action as a body.

### 3. Impropriety

a. Public officials should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach.

b. A public official is considered to be acting with impropriety if a reasonable person who was made aware of the totality of the circumstance surrounding the public official's action would conclude that it was more likely than not that the behavior did not befit someone in the public official's position.

c. If a public official concludes that his/her actions, while legal and ethical, may be misunderstood, he/she may seek the advice of the City Attorney. He/she may also state on the record the facts of the situation and the steps taken to resolve it.

### 4. Performance of Duties

a. Public officials shall perform their duties in accordance with the processes and rules of order established by the State, City Council, boards, commissions, and committees, governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

b. Public officials shall be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives.

c. Public Officials of local governing boards should be faithful in the performance of the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. Public officials should be faithful in their attendance at meetings and in their preparation for those meetings. They should carefully analyze all credible information that is provided to them or which they obtained from outside sources.

d. Public officials shall publicly share with the body substantive information that is relevant to a matter under consideration by the council, boards, commissions, and committees, which they may have received from sources outside the public decision-making process.

e. Public officials should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.

f. As a group of citizens to whom much has been entrusted, the board should demand full accountability from those over whom it has authority. The board should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

g. All public officials should be willing to bear their fair share of the governing board's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

#### 5. Conduct of Public Meetings

a. Public officials of local governing boards should conduct the affairs of their meetings in an open and public manner. They should comply with all applicable laws of governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. This includes being sensitive to those matters recognized by law.

b. The public officials should remember when meeting that they are conducting the public's business. They should also remember that the records of their local government belong to the public and not to them or their employees or staff. They should make clear that a climate of openness is to be maintained at all times in their government units.

c. In order to ensure strict compliance with the laws governing openness, governing public officials should strive to be open.

d. They should prohibit unjustified delay in fulfilling public records requests.

e. They should take deliberate steps before they go into closed session for any reason, to ensure that the closed secession will be lawful.

f. Public officials shall inform themselves of public issues, listen courteously and attentively to public discussions before the body and focus on the business at hand.

g. Officials shall refrain from interrupting other speakers, making personal comments not relevant to the business of the body, or otherwise interfere with the orderly conduct of meetings.

h. Appropriate City staff should be involved when public officials meet in their regular meetings and with officials from other agencies and jurisdictions to ensure proper staff support and to keep staff informed.

6. Procedures of Public Meetings

a. During public meetings, public officials shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the city council.

b. A public official desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.

c. A public official, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another council member, or unless the speaker chooses to yield to questions from another member. If a public official member is called to order while speaking, that member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with rules of the city council.

d. Public officials shall confine their questions to the particular matters before the assembly and in debate shall confine their remarks to the issues before the body.

e. When there is more than one speaker on the same subject, the public official will delay their comments until after all speakers on the subject have been heard.

f. The City Manager and any other appointed, administrative level official shall be entitled at all times to any privilege of the floor for the purpose of speaking upon any question that pertains to their duties, responsibilities and authority.

7. Public Participation in Public Meetings

a. Any resident or interested party desiring to address the body shall be first recognized by the chair. She/he shall then step to the floor microphone and state her/his name and address in an audible tone for the City's record. Remarks shall be limited to the question under discussion.

b. The purpose of addressing the public officials body is to communicate formally with the regarding matters that relate to the public officials business or citizens' concerns within the subject matter jurisdiction of the public officials. Persons addressing the public officials' body on an agenda item shall confine their remarks to the matter under consideration by the public officials' body.

c. Members of the public may address the public officials' body during public comments and/or before consideration of any agenda item; however, no person shall address the public officials' body without first being recognized by the Mayor or chair. Any

person wishing to speak, during an agenda item, must wait until the chair calls for the particular agenda item.

d. Each person addressing the public officials' body shall do so in an orderly manner and shall not engage in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting. Any person, who so disrupts the meeting shall, at the discretion of the Mayor or a majority of the public body members, be subject to removal from that meeting.

e. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; clapping; whistling; stamping; or other acts that disturb, disrupt, impede, or otherwise render the orderly conduct of the public meeting unfeasible.

f. A member of the audience engaging in such conduct shall, at the discretion of the Mayor or a majority of the public officials' body, be subject to removal from that meeting.

## 8. Conduct of Public Officials in Open Public or Private Meetings and Using the Social Media Network

a. The professional and personal conduct of public officials must be above reproach and avoid even the appearance of impropriety.

b. Public officials shall refrain from abusive conduct, unsubstantiated personal charges or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, the staff or the public.

c. Public officials shall refrain from interrupting other speakers, making personal comments not relevant to the business of the body; or otherwise interfering with the orderly conduct of the meetings.

d. Public officials shall commit to practice civility and decorum in discussions and debates.

e. Public officials shall commit to honoring the role of the chair in maintaining order, keeping discussion on track, and focusing discussion on agenda items at hand.

f. Public officials shall avoid arguments with the public.

g. Public officials shall not engage in personal attacks of any kind under any circumstance.

h. Public officials should treat each other and the public with respect, regardless of their race, age, religion, gender, sexual orientation, or disability, and should not unlawfully discriminate against any person or group of persons.

## **D. PUBLIC OFFICIALS ACKNOWLEDGMENT AND COMMITMENT TO THE CODE OF CONDUCT AND ETHICS**

1. We respect the individual
2. I treat my fellow public officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
3. I promote consistency, equity and non-discrimination in public agency decision-making.
4. I respect the dignity and privacy of individuals and organizations.
5. I recognize the worth of individual members and appreciate their individual talents, perspectives and contributions.
6. I will conduct my public affairs with honesty, integrity, fairness, respect for others and will not slander or defame others.
7. I will avoid and discourage conduct that is divisive, harmful or not in the best interest of other individuals.
  - a. We Honor the Public Trust as Stewards of the Community
    1. I am a steward of the public trust.
    2. I understand that the community expects me to serve with dignity and respect for my office, as well as to be an agent of the democratic process in the public interest.
    3. I avoid actions that might cause the public to question my independent judgment.
    4. I do not use my office or the resources of the City for personal or political gain.
    5. I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City, its citizens and businesses.
    6. I am prepared to make decisions in the public's best interest based on the merits and substance of the matter at hand, and to take responsibility for my actions, whether those decisions are popular or not.
  - b. We Maintain Open and Honest Communication
    1. I am honest and forthright with my fellow officials, the public and others, even when it is uncomfortable to do so.
    2. I encourage diverse public engagement in our decision-making processes and support the public's right to know.

We, the public officials of Heber City, hold ourselves as individuals and the City of Heber organization as a whole, accountable for acting consistently with the Code of Conduct and Ethics.

*I affirm that I have read and understand the city of Heber Code of Conduct and Ethics and agree to uphold it.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

1. Implementation

a. The Code of Conduct and Ethics for the public officials of the City of Heber is intended to be self-enforcing. It therefore becomes most effective when officials are thoroughly familiar with it and embraces its provisions. For this reason ethical standards shall be included in the regular orientation for candidates for the City Council, applicants to boards, committees, and commissions, newly elected officials, and appointed members of boards, commissions and committees.

b. Public Officials entering office or appointment will receive a statement certifying they have read and understand the City of Heber Code of Conduct and Ethics. Signing the statement is optional. All public officials are subject to the provisions of the Code of Conduct and Ethics whether or not the statement is signed.

c. All Public officials (Mayor, City Council, boards, commissions, and committees) shall review and sign this personal code of conduct and ethics at the first meeting in February of each year when the Public Officials meet, as a symbol of each Public Official's continuing commitment to abide by the principles of this code. This code shall be evaluated by the city council in the first meeting of January of every even year.

2. Compliance and Enforcement

a. The City of Heber Code of Conduct and Ethics expresses standards of ethical conduct expected for the public officials of the Mayor, City Council, boards, commissions, and committees. Officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

b. The Chairs of commissions, boards, committees and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Conduct and Ethics are brought to their attention.

c. All City Council members shall have a responsibility to intervene when actions of another City Council member appear to be in violation of the Code of Conduct and Ethics are brought to their attention.

d. A person making a complaint against a public official of violation of this policy shall submit the complaint in writing, to the City Manager or Mayor who will determine legal sufficiency. The written complaint must be based substantially upon the personal knowledge of the complaint and signed under oath or affirmation by the person filing the complaint. The City Manager or Mayor when receiving a complaint shall report all complaints to the City Council regardless of determination.

e. The Mayor or City Manager shall investigate the complaint and shall give the person the opportunity to be heard. A written report of the findings and the recommendations of the Mayor or City Manager shall be filed with the governing body.

f. The governing body shall make a final determination upon a majority vote of all members, except or any member which is the subject of a complaint. No hearing shall be bound by the strict rule of evidence, and the standard of proof required for a final determination of violation of this policy shall be a preponderance of evidence. At the discretion of the City Council, sanction may include requesting a formal public apology reprimands or censure, or removal or exclusion from leadership positions, governing board, and other official positions or duties that do not conflict with Utah Statutes.

g. A violation of this code of conduct and ethics shall not be considered a basis for challenging the validity of a City Council, board, committee, or commission decision.

## **HEBER CITY PLANNING COMMISSION BYLAWS**

Adoption Date: March 8, 2012

### **Article 1:**

#### **Authority**

These rules and procedures are adopted pursuant to Section 10-9-202 (2a), of the Utah State Code, and 18.12.180, and 2.48 of the Heber City Code.

### **Article 2:**

#### **Jurisdiction**

The physical jurisdiction of the Planning Commission is the Heber City Limits.

### **Article 3:**

#### **Appointment and Terms of Members**

- A. The Planning Commission shall consist of seven (7) regular members and one (1) alternate member.
- B. Planning Commission members shall be residents of Heber City.
- C. The terms of office for Planning Commission members shall be six (6) years.
- D. Improper conduct and non-performance of duties shall result in removal for cause as stated in 2.48.020. Members may be removed after a public hearing, by a majority vote of the City Council.

### **Article 4:**

#### **Planning Commission Officers and their Duties**

- A. Chairperson
  1. The Planning Commission shall elect a Chairperson and a Vice-Chairperson from among its members at the first regular meeting in January.

2. The Chairperson and Vice-Chairperson shall serve for a term of two (2) years, beginning the first regular meeting in February, and may be re-elected.
3. The Chairperson shall preserve order, and decide all points of order, subject to appeal of the membership. Such an appeal shall be decided by a majority vote of the members present. The Chairperson may vote on all matters before the Planning Commission.
  - a. The Chairperson with the concurrence of a majority vote of the Planning Commission may create such special subcommittees as he/she may, from time-to-time, deem necessary or desirable.
  - b. The Chairperson or Vice-Chairperson shall sign all final plats and transmittals to the City Council.
  - c. In the event of absence or disability the Chairperson, the Vice-Chairperson shall preside. In the absence of both, the members shall appoint a Chairperson for that meeting.
4. The Chairperson shall sign all documents of the Planning Commission that require a signature.

**B. Vice-Chairperson**

1. Perform all of the above duties in the absence of the Chairperson;
2. Conduct the annual review of the Planning Commission actions;
3. Coordinate and conduct the annual meeting of the Commission; and
4. Provide orientation to new Planning Commission members.

**C. Secretary**

1. Assure true construction and maintenance of the public record, record the proceedings of all hearings and meetings; and prepare the minutes of the Commission.
  - a. Minutes shall include:
    - i. Findings or conclusions;
    - ii. Ordinance used as basis for decision;
    - iii. Motions made, seconded, voting, abstentions, reasons for.

**D. Chairperson Pro-Tempore**

In extraordinary cases, where both the Chairperson and Vice-Chairperson are absent from a meeting or hearing, the remainder of the Commission shall elect a Chairperson Pro-Tempore by majority vote.

**Article 5:**

**Staff of the Commission and their Duties**

**A. Planning Staff**

1. Shall advise the Planning Commission or Municipal Council, and Chief Administrative Officers regarding Planning, regulation of development, development and re-development.
2. Shall prepare all documents for presentation to the Planning Commission; and;
3. Assist the Chairperson and Vice-Chairperson of the Commission in the exercise of their duties.
4. All recommendations to the City Council, where necessary, shall be submitted by the Staff to the City Attorney for review. Once reviewed shall be returned to the Chairperson for verification before submittal to the City Council.

**B. Legal Counsel**

The City Attorney or his designee shall be the legal counsel for the Planning Commission and its committees.

**Article 6:**

**Meetings**

- A. The Planning Commission shall meet as set forth in the annual notice of meeting schedule to conduct its duly appointed business.
- B. A special meeting for any purpose may be held on the call of the Chairperson or of four (4) members of the Planning Commission. Commission members and public shall be notified of such meetings by the Secretary, in accordance with the provision of City and State law.
- C. A quorum of the Planning Commission shall consist of four (4) voting members. A quorum shall be necessary to conduct business. To recuse is to disqualify

oneself in a particular item or matter, and not participate because of possible bias or personal interest by removing oneself from participation to avoid a conflict of interest. Removal from participation in this instance shall mean leaving the chamber while the item or matter is discussed and adjudicated. If a member, after having disclosed a potential conflict, determines not to recuse himself and participates in discussion but chooses not to vote this shall be considered an abstention. A decision by a member to participate in any manner after a disclosure of a conflict does not necessarily, automatically require a recusal, nor does such a disclosure automatically resolve or absolve the issue of a potential conflict. However, whether to remain and vote, remain and discuss but not participate in the vote, or ultimately recuse and leave the chamber shall be left to the discretion of the individual member. All conflicts of interest must be disclosed. Notwithstanding proper disclosure of a potential conflict, participation of a member of the Planning Commission with a conflict of interest that rises to a violation of Utah State Code Sections 10-3-1304 and 10- 3-1305 may be cause for removal. The interests of that Planning Commission member may be represented before the Commission by agent or legal representative at the public hearing, regular meeting, or work session and entered into the public record.

1. Any agenda item must receive a majority of votes for approval or recommendation to City Council for approval.
2. A failure to vote by a member shall be counted as an abstention.
3. In the case of a tie, the alternate shall break the tie.
4. In case of a tie vote the item may be continued.

D. The Planning Commission Secretary shall prepare and deliver or mail an agenda to all necessary parties at least six (6) days prior to each Planning Commission meeting. No material received after this time will be considered unless approved for consideration by the Chairperson.

E. Order of Business for Regular Meetings

1. Call to order and determination of quorum
2. Approval of the minutes of the previous meeting
3. Announcements
4. Old Business
  - a. Matters regarding the comprehensive plan;

- b. Matters regarding capital improvements;
- c. Matters related to the subdivision of land;
- d. Matters related to the zoning ordinance;
- e. Matters related to other regulatory devices.

**F. New Business**

- 1. Matters regarding the comprehensive plan;
- 2. Matters regarding capital improvements;
- 3. Matters related to the subdivision of land;
- 4. Matters related to the zoning ordinance;
- 5. Matters related to other regulatory devices.

**G. Other Business**

- 1. Review of the Planning Commission Calendar
- 2. Adjournment or Recess at call of Chairperson

**Article 7:**

**Participation by Staff and Public**

- A. No person shall be permitted to speak unless recognized by the Chairperson, who shall designate time limits to persons permitted to speak on any matter properly before the Commission. Each person speaking before the Planning Commission shall first state his name, address and then the substance of his remarks.
- B. Matters before the Planning Commission shall be presented in the following manner:
  - 1. Presentation by staff;
  - 2. Presentation by applicant;
  - 3. Comments from the public, where appropriate, (decided by the Chairperson);
  - 4. Comment and questions from the Planning Commission;

5. Further comments by applicant and public; and
6. Concluding comments from the staff.

## **Article 8:**

### **Form and Character of Motions**

The Planning Commission observes Roberts Rules of Order.

1. Upon review of the public record on a request and due deliberation among the members of the Planning Commission, any member of the Commission, except; the Chairperson, may make a motion. The motion shall include not only the direction of the motion (approval, approval with conditions, or denial), but also a recitation of the specific findings and conclusions supporting such motion.
2. A second shall be required for each motion.
3. A motion shall die in absence of a second.
4. Discussion and amendments on the motion.
5. Where a motion to deny a request has been defeated, a member of the Commission initially in opposition shall make a motion to:
  - a. Approve the request;
  - b. To table, or
  - c. To continue the matter for further study or investigation.

## **Article 9:**

### **Requirements for the Submission of Requests**

- A. The Planning Commission shall adopt standard forms for the submission of requests. All requests shall have reasonable advance time requirements;
- B. The Planning Staff shall certify completeness of requests;
- C. Any request denied shall not be resubmitted for a period of six (6) months; and
- D. The Planning Commission may recommend to the City Council a fee schedule for the submission of requests to cover processing, duplication, and distribution of requests and related documents.

## **Article 10:**

### **Documents of the Commission**

- A. Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by a motion to "accept for the record".
- B. All notices, agendas, requests, agency or consultant letters or reports, staff reports, minutes of meetings, and resolutions or record shall constitute the documents of the Planning Commission and shall be indexed as public record.

## **Article 11:**

### **Administrative Calendar**

- A. Notice for all public hearings, work sessions and regular meetings shall conform to requirements of law.
- B. Regular meeting schedule for the calendar year following shall be determined at the annual meeting of the Planning Commission.
- C. The Planning Commission shall have an annual public meeting, to review the work of the previous year and plan the work program for the coming year.

## **Article 12:**

### **Conduct of Members of the Planning Commission**

- A. Members of the Planning Commission shall prepare themselves for hearings and meetings.
- B. An appointed member of the Planning Commission absent from three (3) consecutive regular meetings or four (4) regular meetings within a calendar year without being excused by the Chairperson may be removed from the Planning Commission for cause.
- C. Any Planning Commission member not present at the time the first matter of business is opened shall be replaced by the alternate for that meeting. If the late member shows up for the meeting, that member becomes the alternate.
- D. A Planning Commission member with a potential conflict of interest in a matter before the Commission shall publicly disclose to the members of the body immediately prior to any discussion by such body concerning matters relating to item or entity, the nature of his interest in that item or entity. The disclosure statement shall be entered in the minutes of the meeting. Disclosure by a member under this section is satisfied if the member makes the disclosure in the manner

required by Sections 10-3-1305 and 10-3-1306 of the Utah Code Annotated. To recuse is to disqualify oneself in a particular item or matter, and not participate because of possible bias or personal interest by removing oneself from participation to avoid a conflict of interest. Removal from participation in this instance shall mean leaving the chamber while the item or matter is discussed and adjudicated. If a member, after having disclosed a potential conflict, determines not to recuse himself and participates in discussion but chooses not to vote this shall be considered an abstention. A decision by a member to participate in any manner after a disclosure of a conflict does not necessarily, automatically require a recusal, nor does such a disclosure automatically resolve or absolve the issue of a potential conflict. However, whether to remain and vote, remain and discuss but not participate in the vote, or ultimately recuse and leave the chamber shall be left to the discretion of the individual member. All conflicts of interest must be disclosed.

1. Notwithstanding proper disclosure of a potential conflict, participation of a member of the Planning Commission with a conflict of interest that rises to a violation of Utah State Code Sections 10-3-1304 and 10-3-1305 may be cause for removal. The interests of that Planning Commission member may be represented before the Commission by agent or legal representative at the public hearing, regular meeting, or work session and entered into the public record.

## **Article 13:**

### **Changes Affecting the General Plan**

Anytime the Planning Commission would make a decision affecting the General Plan, it is the Planning Commission's intent to hold a public hearing.

## **Article 14:**

### **Adoption and Amendment of Bylaws**

- A. Bylaw adoption, or amendment, shall be made by the Planning Commission following review by the Commission's legal counsel.
- B. The Planning Commission bylaws shall be adopted or amended upon a vote of a majority plus one of the appointed members. Such shall take effect immediately after a successful vote to adopt or amend.

## **Article 15:**

The Planning Commission complies with current statutory requirements of the public and open meetings act.