



**NOTICE OF A MEETING OF THE
CITY OF HOLLADAY CITY COUNCIL
THURSDAY, MAY 1, 2025**

- 5:00 p.m.** **Council Dinner** – *Council members will be eating dinner. No city business will be discussed.*
- 5:30 p.m.** **Briefing Session** - *The Council will review and discuss the agenda items; NO decisions will be made*

PUBLIC NOTICE IS HEREBY GIVEN that the Holladay City Council will hold a meeting on **Thursday, May 1, 2025, at 6:00 p.m.** Members of the Council may participate by electronic means if needed. The Council Chambers shall serve as the anchor location.

** Agenda items may be moved in order, sequence and time to meet the needs of the Council*

All documents available to the City Council are accessible on the City's website or in this agenda. Interested parties are encouraged to watch the **live video stream** of the meeting - [agendas/https://holladayut.gov/government/agendas_and_minutes.php](https://holladayut.gov/government/agendas_and_minutes.php)

To provide a public comment or make a comment during any public hearing, may do so in the following ways:

1. **In-person attendance:** at Holladay City Hall
2. **Email** your comments by 5:00 pm on the date of the meeting to scarlson@holladayut.gov

AGENDA

- I. **Welcome** – *Mayor Dahle*
- II. **Pledge of Allegiance**
- III. **Public Comments**
Any person wishing to comment on any item not otherwise on the agenda may provide their comment via email to the Council before 5:00 p.m. on the day of the meeting to scarlson@holladayut.gov with the subject line: Public Comment. Comments are subject to the Public Comment Policy set forth below
- IV. **Presentations:**
 - a. *Utah Recycling Alliance*
 - b. *Central Wasatch Commission - Lindsey Nielsen, Exec. Dir.*
- V. **Public Hearing on Title 2 Code Update**
- VI. **Consideration of Ordinance 2025- Restricting the Use of Personal Fireworks**
- VII. **Presentation of 2025-26 Tentative Budgets** – *Manager Chamness*

- VIII. ***Consideration of Resolution 2025- Acknowledging Receipt of and Adopting the Tentative 2025-26 Fiscal Year Budgets & Setting a Public Hearing for June 4, 2025***
(the budget is required to be adopted by the city council for each new fiscal year. This proposed resolution adopts the tentative budget for the city's 1 July 2025 through 30 June 2026 fiscal year, establishes the date of the public hearing for such budget, and provides for public notice of the hearing)
- IX. ***City Manager Report - Gina***
- X. ***Council Reports & District Issues***
- XI. ***Adjourn***

Public Comment Policy & Procedure: During each regular Council Meeting there will be a Public Comment Time. The purpose of the Public Comment Time is to allow citizen's access to the Council. Citizens requesting to address the Council will be asked to complete a written request form and present it to the City Recorder. In general, the Chairman will allow an individual three minutes to address the Council. A spokesman, recognized as representing a group in attendance, may be allowed up to five minutes. Comments which cannot be made within these time limits should be submitted in writing to the City Recorder prior to noon the day before the meeting so they can be copied and distributed to the Council. At the conclusion of the Citizen Comment time, the Chairman may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all Public Hearings.

CERTIFICATE OF POSTING

I, Stephanie N. Carlson, the City Recorder of the City of Holladay, certify that the above agenda notice was posted at City Hall, the City website www.holladayut.gov, the Utah Public Notice website www.utah.gov/pmn, and was emailed to the Salt Lake Tribune and Desert News and others who have indicated interest.

DATE POSTED: Monday, April 28, 2025 at 10:30 am

*Stephanie N. Carlson MMC,
City Recorder, City of Holladay*

Reasonable accommodation for individuals with disabilities or those needing language interpretation services can be provided upon request. For assistance, please call the City Recorder's office at 272-9450 at least three days in advance. TTY/TDD number is (801)270-2425 or call Relay Utah at #7-1-1



Utah Recycling Alliance

P.O. Box 927, Salt Lake City, UT 84110

recycle@utahrecyclingalliance.org

(385) 955-1872

April 18, 2025

City of Holladay
4580 S 2300 E
Holladay, UT 84117



Dear Mayor Dahle & Council Members,

On behalf of the Utah Recycling Alliance (URA), thank you for hosting us on March 29th at Prophet Elias Greek Orthodox Church for the Collection of Hard to Recycle Materials (CHaRM) event. It was a great success! The materials collected at the event are not readily accepted in the City's curbside collection bins (i.e. mattresses, electronics, tires, scrap metal, etc.), though they were all capable of being recycled.

Diversion Data – Thanks to the City's support, the URA collected **7,683 lbs.** of materials in just 3-hours, including 600 lbs. of scrap metal, 3,600 lbs. of electronics, 800 lbs. of tires, and 1,200 lbs. of mattresses among other items.

Participation – A total of 163 vehicles participated in the event, of which 53% were from the Holladay area. Participants donated \$610.00 to assist the URA in paying for related disposal fees. In terms of how the participants heard about the event, 63% were via the City's marketing channels.

Looking ahead, what is being asked of the City?

1. Recurring Events: given the success of this event, the URA would be honored to co-host a bi-annual (2x/year) event with the City at a location designated by the City.
2. Financial Support: while participants donated \$610.00, the URA incurred \$1,650.00 in expenses. Aside from the \$130.61 that the City avoided in landfill fees (which at scale could save the City up to \$126,778 on tipping fees on an annual basis), this event supports the City's sustainability goals and depicts how much impact can be had in such a short period of time. To make this event self-sustaining on an ongoing basis, the URA requests \$1,500.00 per event.

With the support of Holladay City, future CHaRM events will help move the City one step closer towards zero waste.

Thank you again for your time and consideration.

Most sincerely,

Jill Fletcher
URA President

Jason Utgaard
URA Board Member

Robi Overson
CHaRM Lead



CHaRM Events

Collection of Hard-to-Recycle Materials

March 29th, 2025

City of Holladay



Meeting Agenda



 Results of March 29th CHaRM Event

 Future Partnership with the City

 Next Steps



CHaRM: Holladay City (March 29th, 2025)





CHaRM: Holladay City (March 29th, 2025)



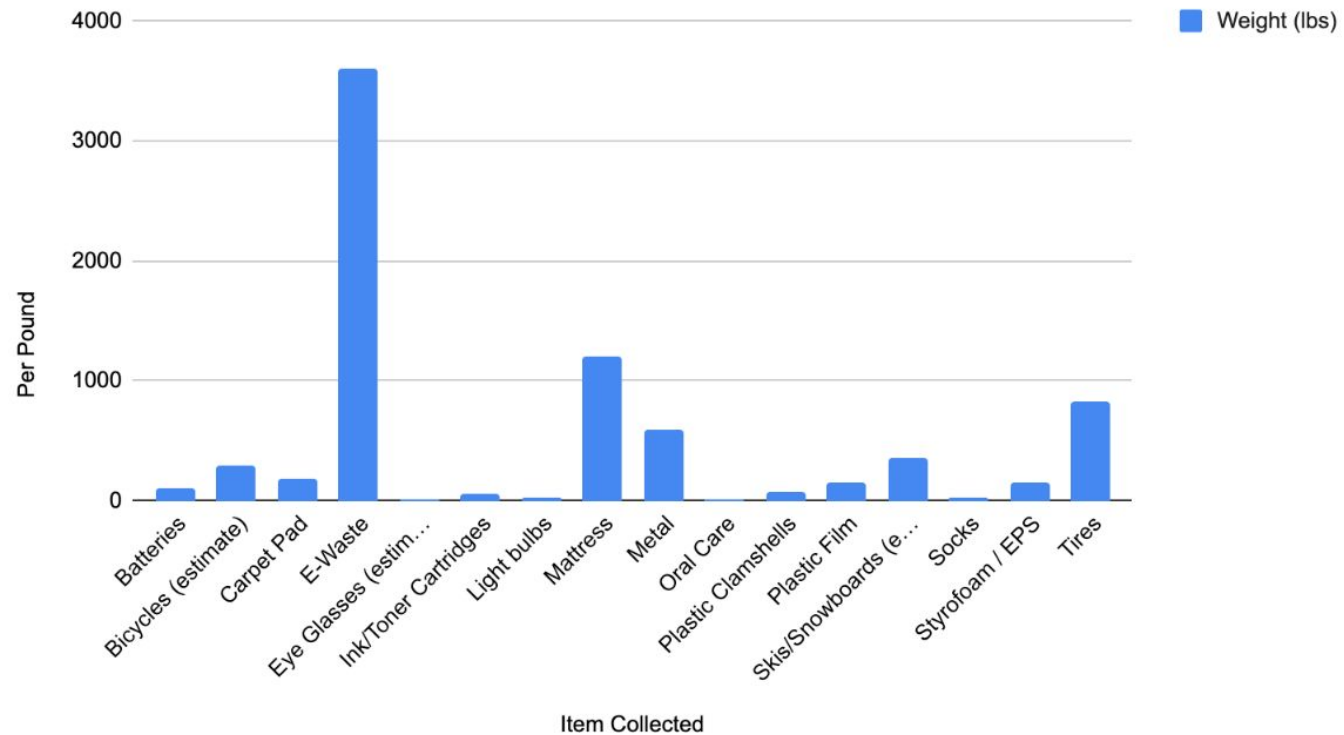


CHaRM: Holladay City (March 29th, 2025)

Success!

163 cars that dropped off 7,600+ lbs. of material in 3-hours.

Per Pound vs. Item Collected





Future Partnership with Holladay City

2x per Year: more frequent events increase material diversion and provide added convenience for residents.

Outreach: the URA will partner with the City to help move towards a zero waste future.

Funding: to help cover operational costs & disposal fees, we hope that the City can provide \$1,500/event.

Questions?



Jill Fletcher

Board President

(385) 955-1872

boardchair@utahrecyclingalliance.org

Jason Utgaard

Board Member

(651) 335-0035

recycle@utahrecyclingalliance.org

Robi Overson

CHaRM Committee Chair

(801) 835-5772

charm@utahrecyclingalliance.org

TITLE 2 GOVERNMENT

CITY COUNCIL 2.01
MAYOR 2.02
ELECTION AND QUALIFICATION 2.03
LEGISLATION 2.04
CONSTITUTIONAL TAKING ISSUES 2.05
CITY MANAGER 2.06
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COMMITTEES 2.08
EMPLOYEE APPEALS HEARING OFFICER 2.09
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PROCUREMENT 2.11

CHAPTER 2.01 CITY COUNCIL

SECTION:

2.01.010: Governing Body
2.01.020: Election To Office
2.01.030: Powers And Duties
2.01.040: Meetings
2.01.050: Open Meetings Law
2.01.060: Notice Of Meetings
2.01.070: Agenda
2.01.080: Minutes And Recordings
2.01.090: Mayor Presides
2.01.100: Quorum
2.01.110: Voting
2.01.120: Reconsideration
2.01.130: Summary Action
2.01.140: Rules Of Order And Procedure
2.01.150: Attendance
2.01.160: Disorderly Conduct
2.01.170: Required Attendance Of Witnesses And Production Of Evidence
2.01.180: Council Committees

2.01.010: GOVERNING BODY:

The governing body of the City of Holladay shall be a six (6) member council consisting of five (5) council members elected from districts of the City and the Mayor, who shall be

elected at large. Districts shall be constituted as determined by ordinance of the City Council. The council is hereinafter referred to as the "City Council".

2.01.020: ELECTION TO OFFICE:

The Mayor of the City shall be elected in an at large election. Council members shall be elected from geographic districts of the City. The five (5) council districts shall be substantially equal in population. A council member must be a qualified elector residing in the district from which he or she is elected. The term of office for the Mayor and council members shall be four (4) years, except when the term may be shorter by virtue of an appointment to fill a remaining term.

2.01.030: POWERS AND DUTIES:

The City Council is the legislative body of the City and shall exercise the legislative powers and perform the legislative duties and functions of the City and may perform such other functions as may be specifically provided or necessarily implied by law.

2.01.040: MEETINGS:

- A. Regular Meetings: The City Council shall hold regular meetings to conduct the business of the City at least once each month and shall prescribe by ordinance the time and place for holding its regular meetings. The City Council shall prepare and provide notice of its annual meeting schedule in accordance with applicable law.
- B. Special Meetings: If at any time the business of the City requires a special meeting of the City Council, such a special meeting may be ordered by the Mayor or any two (2) council members. Notice of the special meeting shall be provided in accordance with the provisions of the Utah open and public meetings act and Utah Code Annotated section 10-3-502, as amended. The order of the special meeting shall be entered into the minutes of the City Council.
- C. Closed Meetings: The affirmative vote of at least two-thirds (2/3) of the City Council present at an open meeting for which notice is given and a quorum is present may call a closed meeting to discuss certain items as provided under Utah Code Annotated section 52-4-205, as amended. The reason or reasons for holding a closed meeting and the vote, by name, of each member of the City Council, either for or against the motion to hold the closed meeting, shall be entered on the minutes of the meeting. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.
- D. Electronic Meetings: The City Council may convene and conduct an electronic meeting in accordance with the provisions of Utah Code Annotated section 52-4-207, as amended. The City Council shall establish and adopt written rules and procedures governing such electronic meetings.

2.01.050: OPEN MEETINGS LAW:

All meetings of the City Council shall be open to the public, except closed meetings, and shall be conducted in accordance with the open and public meetings act as set forth in Utah Code Annotated section 52-4-101 et seq., as amended.

2.01.060: NOTICE OF MEETINGS:

The City shall give public notice at least once each year of its annual meeting schedule. Notice of the agenda, date, time and place of each of its meetings, other than emergency meetings, shall be in accordance with Utah Code Annotated sections 52-4-202, as amended, and 63F-1-701, as amended, regarding postings on the Utah public notice website.

2.01.070: AGENDA:

A written agenda for each regular meeting shall be prepared by the City Manager or his or her designee and approved by the Mayor or Mayor pro tempore in the Mayor's absence. Any two members of the City Council may request that one or more items be placed on the agenda. Each agenda shall provide reasonable specificity to notify the public as to the topics to be considered at the public meeting and topics discussed at the meeting shall comply with applicable provisions of Utah Code Annotated section 52-4-202, as amended.

2.01.080: MINUTES AND RECORDINGS:

Except as otherwise provided by law, written minutes and a recording shall be kept of all meetings of the City Council in accordance with the provisions set forth in Utah Code Annotated sections 52-4-203 and 206, as amended, and shall be presented to the City Council for review, correction and approval. The City Council shall establish and implement procedures for approval of written minutes of its meetings.

2.01.090: MAYOR PRESIDES:

The Mayor shall be the chairperson and preside at the meetings of the City Council. In the absence of the Mayor or because of his or her inability or refusal to act, the City Council may elect a member of the City Council to preside over the meeting as Mayor pro tempore in accordance with the procedures set forth in chapter 2.02 of this title.

2.01.100: QUORUM:

No action of the City Council shall be official or of any effect except when a quorum of the council members are present, provided, that fewer than a quorum may adjourn a meeting. The number of council members necessary to constitute a quorum is four (4).

2.01.110: VOTING:

- A. How Taken: A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the City and in any other case at the request of any member of the City Council by a "yes" or a "no" vote. Every resolution or ordinance shall be in writing before the vote is taken. A written resolution or ordinance may be amended by oral motion.
- B. Number Required: The minimum number of "yes" votes required to pass any ordinance, resolution, or to take any action by the City Council, unless otherwise prescribed by law, shall be a majority of the voting members of the City Council without considering any vacancy in the City Council. Any ordinance, resolution, or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid. Notwithstanding the foregoing, a council meeting may be adjourned by a majority vote of the council even though the majority is less than required herein, and a majority of the council members, regardless of number, may fill any vacancy in the council as provided in Utah Code Annotated section 20A-1-510, as amended.

2.01.120: RECONSIDERATION:

Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

2.01.130: SUMMARY ACTION:

When two (2) or more agenda items for a City Council meeting are determined by the City Manager to be of a routine nature, such items may be placed upon a summary action calendar on the agenda. The summary action calendar may be voted upon by the council as one matter and shall have the same effect as if a separate vote on each summary action calendar item was taken. Prior to a final vote on the summary action calendar, any member of the City Council may request to take any or all items on the summary action calendar off the summary action calendar for discussion, debate or question. Any question, debate or discussion regarding an item on the summary action calendar, except in the nature of clarification or brief explanation of the content of an item, shall require a request to remove the item from the summary action calendar. No items requiring a public hearing shall be placed on the summary action calendar.

2.01.140: RULES OF ORDER AND PROCEDURE:

- A. Adoption Of Rules: Pursuant to Utah Code Annotated section 10-3-606, as amended, the City Council shall adopt rules of order and procedure governing public meetings of the City Council ("rules of order and procedure"). All public meetings of the City Council shall be conducted in accordance with the adopted rules of order and procedure. The rules of order and procedure shall be made available to the public at each public meeting of the City Council and on the City's website. Members of the

City Council are elected officers within the meaning of the Utah municipal officers' and employees' ethics act, as set forth in Utah Code Annotated section 10-3-1301 et seq., as amended. City Council members shall comply with the provisions of the ethics act in all matters pertaining to the City and in public meetings of the City Council.

- B. Civil Discourse: Remarks and comments made in public meetings of the City Council should be relevant to the matters before the City Council. Speakers should speak in an audible and clear tone and refrain from attacking City Council members or others or their motives. City Council meetings should be conducted in a courteous manner to promote an atmosphere in which all points of view may be expressed and heard. Council members should not interrupt other members during discussion and debate. Remarks should be addressed through the Mayor

2.01.150: ATTENDANCE:

The City Council shall have the power to compel the attendance of its own members at its meetings and to provide penalties it considers necessary for the failure to comply with an exercise of authority to compel attendance.

2.01.160: DISORDERLY CONDUCT:

The City Council on a two-thirds (2/3) vote of its members may expel any person who is disorderly and/or disruptive during the meeting of the City Council. The City Council may also on a two-thirds (2/3) vote of its members expel or fine any council member for disorderly and/or disruptive conduct. This section or any action taken by the governing body pursuant hereto shall not preclude prosecution under any other provision of law. (Ord. 2016-09, 5-26-2016)

2.01.170: REQUIRED ATTENDANCE OF WITNESSES AND PRODUCTION OF EVIDENCE:

The City Council may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of the City. The City Council may issue subpoenas in its own name in the manner provided in the Utah rules of civil procedure or may by ordinance establish its own procedure for issuing subpoenas under this section.

2.01.180: COUNCIL COMMITTEES:

- A. Generally: The City Council may from time to time delegate portions of its authority by resolution to committees composed of at least two (2) members of the City Council.
- B. Authority: Committees of the City Council shall be limited in authority to the specific assignment of the City Council and shall exercise their authority subject to a standard specified by the council in making the delegation.

- C. As A Whole: The authority delegated to any committee of the council must be exercised by vote of the committee as a whole and no individual committee member may exercise the delegated authority independently.
- D. Administrative Directives Limited: A committee of the council may not issue instructions or recommendations to the City Manager or other City employees other than for routine support services without express delegation of authority to do so by the City Council.
- E. Reporting: The committee may return any recommendation or suggestions to the City Council which may at any time extend, restrict, or otherwise alter the delegation of authority to the committee.
- F. Designation Of Chair: The assignment of a committee chair may be made by the City Council when delegating any portion of its authority to a committee of the council.

CHAPTER 2.02 MAYOR

SECTION:

2.02.010: General Powers

2.02.020: Voting Authority

2.02.030: Mayor Pro Tem

2.02.040: Restrictions And Appointments

2.02.010: GENERAL POWERS:

The Mayor of the City of Holladay shall be the Chief Ceremonial Officer of the City, the Chair of the City Council and may represent the City in external relationships. Subject to the provisions of 2.11.290, the Mayor may execute contracts and interlocal agreements.

2.02.020: VOTING AUTHORITY:

The Mayor shall be elected at large and shall be a voting member of the City Council and shall have the associated powers and privileges.

2.02.030: MAYOR PRO TEM:

In the absence of the Mayor or because of his or her inability or refusal to act, the City Council may elect a member of the City Council to preside over the meeting as Mayor Pro Tempore. The election of a Mayor Pro Tempore shall be entered in the minutes of the City Council meeting at which he or she is elected. The Mayor Pro Tempore shall preside at the Council meeting and perform, during the Mayor's absence, disability, or refusal to act, the

duties and functions of the Mayor. Any member of the City Council elected as Mayor Pro Tempore shall still retain his or her power and authority as a member of the Council and shall be entitled to vote as a member of the City Council on all matters.

2.02.040: RESTRICTIONS AND APPOINTMENTS:

The Mayor may not serve as the City Recorder or the City Treasurer.

CHAPTER 2.03 ELECTION AND QUALIFICATION

SECTION:

2.03.010: Elections

2.03.020: Declaration Of Candidacy

2.03.030: Nomination Petition

2.03.040: Residency And Registered Voter Requirements

2.03.050: Term Of Office

2.03.060: Vacancies

2.03.070: Oath Of Office

2.03.080: Bond

2.03.090: Salaries

2.03.100: Transfer Of Records

2.03.110: Campaign Finance Statement

2.03.120: Ethics Act

2.03.010: ELECTIONS:

The offices of Mayor and council member shall be filled by election of the registered voters of the City of Holladay in a municipal election held on the Tuesday after the first Monday in November, as provided in title 10, chapter 3 of the Utah Code Annotated. Municipal elections for the offices of Mayor or council member shall be conducted in the manner provided in the Utah election code, set forth in title 20A of the Utah Code Annotated. Council members shall be elected from districts, as more fully set forth below. The Mayor shall be elected at large. Primary elections, as required, shall be conducted in accordance with all applicable provisions of state law.

2.03.020: DECLARATION OF CANDIDACY:

Any eligible and qualified person desiring to run for the elected municipal offices of Mayor or council member shall file a declaration of candidacy with the City Recorder in accordance with the filing requirements set forth in title 20A, chapter 9 of the Utah Code Annotated.

2.03.030: NOMINATION PETITION:

Any resident of the City may nominate a candidate for elected municipal office by filing a nomination petition with the City Recorder in accordance with the filing requirements set forth in title 20A, chapter 9 of the Utah Code Annotated.

2.03.040: RESIDENCY AND REGISTERED VOTER REQUIREMENTS:

Persons eligible to file a declaration of candidacy or to be nominated for the elected office of Mayor or council member shall have been a resident of the City of Holladay for at least three hundred sixty five (365) consecutive days immediately before the date of the election, shall be a registered voter of the City, and shall meet the requirements of Utah Code Annotated section 20A-9-203, as amended. Each person elected to the office of Mayor or council member shall maintain residency within the boundaries of the City and for council members the appropriate district during his or her term of office. If a person elected to the office of Mayor or council member establishes his or her principal place of residence outside the municipality or the appropriate district during his or her term of office, the office is automatically vacant. If a person elected to the office of Mayor or council member is absent from the City anytime during his or her term of office for a continuous period of more than sixty (60) days without the consent of the City Council, that person's elected office is automatically vacant.

2.03.050: TERM OF OFFICE:

Persons elected to the office of Mayor or council member shall begin their term of office at twelve o'clock (12:00) noon on the first Monday in January following their election, and shall continue in office for four (4) years thereafter and until their respective successors are chosen and qualified, except in case of death, resignation, removal, or disqualification from office.

2.03.060: VACANCIES:

Vacancies in the offices of Mayor or council member shall be filled in accordance with the provisions of Utah Code Annotated section 20A-1-510, as amended.

2.03.070: OATH OF OFFICE:

- A. Required: All elected officials shall take, subscribe and file the constitutional oath of office before entering upon the duties of their respective offices. Elected officials shall take their oath of office at twelve o'clock (12:00) noon on the first Monday in January following their election or as soon thereafter as is practical.
- B. Administered: The oath of office shall be administered by the City Recorder, any judge, or any notary public.
- C. Filed: All oaths of office shall be filed with the City Recorder.

- D. Failure To Comply: No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

2.03.080: FIDELITY BONDS AND THEFT OR CRIME INSURANCE:

- A. Required: All elected officers, appointees and employees shall be bonded or insured as required by state law. The City Council shall prescribe the amount of a general fidelity bond or have in place theft or crime insurance acquired for each municipal officer.
- B. The premium charge required by this section shall be paid for by the City.

2.03.090: SALARIES:

Elected officers shall receive such compensation for their services as the City Council may fix or amend by ordinance in accordance with the notice and hearing requirements set forth in Utah Code Annotated section 10-3-818, as amended. The compensation of elected officers shall be paid at least monthly. City staff, as part of the regular budget process, may review the appropriateness of the compensation received by the Mayor and City Council members and recommend adjustments thereto as deemed appropriate, taking into consideration the impact of inflation, consumer price index, and the compensation of elected officials in nearby cities of similar size.

2.03.100: TRANSFER OF RECORDS:

Every officer of the City upon expiration of his or her term for any cause whatsoever shall, within five (5) days after notification and request to do so, deliver to his or her successor all books and records, electronic data and any technology which may be the property of the City.

2.03.110: CAMPAIGN FINANCE STATEMENT:

Statement Required: Each candidate for municipal office shall comply with the provisions of Section 10-3-208 of the Utah Code Annotated in the filing of campaign finance disclosure statements.

2.03.120: ETHICS ACT:

All elected officers, appointed officers and employees of the City shall comply with the provisions, conditions and requirements of the Utah municipal officers' and employees' ethics act as set forth in Utah Code Annotated section 10-3-1301 et seq., as amended.

SECTION:

2.04.010: Ordinances

2.04.020: Resolutions

2.04.030: Public Records

2.04.010: ORDINANCES:

- A. Legislative Power: Except as otherwise specifically provided, the City Council shall exercise its legislative powers through ordinances.
- B. Extent Of Power: The City Council may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by law.
- C. Form: Any ordinance passed by the City Council shall contain and be in substantially the order and form as set forth in Utah Code Annotated Section 10-3-704, as amended. No ordinance shall be void or unlawful by reason of its failure to conform to certain provisions of said law.
- D. Effective Date: Unless otherwise provided in the ordinance, ordinances shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the City Council, whichever is sooner. Ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance.
- E. Signed: Ordinances passed or enacted by the City Council, before taking effect, shall be signed by the Mayor, or if he is absent, by the Mayor pro tempore .
- F. Publication: All ordinances, before taking effect, shall be posted and/or published as required by law.
- G. Recording: The City Recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the City Council. The City Recorder shall give each ordinance a number, if the City Council has not already done so. The City Recorder shall make or cause to be made a certificate stating the date of passage and the date of publication or posting of the ordinance, as required. (UCA 10-3-713)
- H. Prima Facie Evidence: The record and certificate prepared by the City Recorder, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification. In addition, the ordinances printed and published by the authority of the City Council, shall be prima facie evidence of the contents, passage, and legal publication of such ordinances, as of the dates mentioned in the publication in all courts and administrative proceedings.

- I. Proved Under Seal: The contents of all ordinances of the City of Holladay, the dates of passage, and the dates of publication or posting, may be proved by the certification of the City Recorder under the seal of the City of Holladay.

2.04.020: RESOLUTIONS:

- A. Administrative Authority: Unless otherwise required by law, the City Council may exercise any administrative authority by resolution.
- B. Form: Any resolution passed by the City Council shall be in a form and contain sections substantially similar to that prescribed for ordinances.
- C. Effective Date: Resolutions may take effect on passage or at a later date as the City Council may determine, but resolutions may not become effective more than three (3) months from the date of passage.
- D. Publication: Resolutions may become effective without publication or posting.
- E. Limitation: No punishment, fine, or forfeiture may be imposed by resolution.

2.04.030: PUBLIC RECORDS:

The ordinances, resolutions, and any other books, records, accounts or documents of the City shall be kept at the office of the City Recorder. Approved copies shall be open and available to the public during regular business hours for examination and copying in accordance with the Utah government records access and management act, as adopted by the City.

CHAPTER 2.05 CONSTITUTIONAL TAKINGS ISSUES

SECTION:

- 2.05.010: Purpose And Intent
- 2.05.020: Constitutional Taking
- 2.05.030: Guidelines And Procedures For Review
- 2.05.040: Limitations

2.05.010: PURPOSE AND INTENT:

The purpose of this chapter is to provide advisory guidelines to assist the City in identifying and reviewing actions of the City which may involve the physical taking or exaction of private real property that may involve constitutional taking issues in accordance with the advisory provisions of Utah Code Annotated section 63L-4-101 et seq.

2.05.020: CONSTITUTIONAL TAKING:

- A. As used herein "constitutional taking issues" means actions involving the physical taking or exaction of private real property by the City that might require compensation to a private real property owner because of:
 - 1. The fifth or fourteenth amendment of the constitution of the United States;
 - 2. Article I, section 22 of the Utah constitution; or
 - 3. Any recent court rulings governing the physical taking or exaction of private real property by a governmental entity.
- B. Actions by the City involving the physical taking or exaction of private real property is not a constitutional taking if the physical taking or exaction:
 - 1. Bears an essential nexus to a legitimate governmental interest; and
 - 2. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

2.05.030: GUIDELINES AND PROCEDURES FOR REVIEW:

Any owner of private real property who claims there has been a constitutional taking of the owner's private real property by the City shall request a review of the final decision of any official, employee, board, commission or council of the City implicating such constitutional taking. The following guidelines and procedures shall be followed in the event such review is requested:

- A. Final Decision: The person requesting a review must have obtained a final and authoritative determination, internally, within the City, relative to the decision from which they are requesting review.
- B. Time For Filing: The person requesting a review shall file his or her request in writing to the office of City Recorder within thirty (30) days from the date of the final decision that gave rise to the concern that a constitutional taking has occurred.
- C. Date For Review: The City Council or its designee shall immediately set a time to review the decision that gave rise to the constitutional taking claim.
- D. Additional Information: In addition to the written request for review, the applicant shall submit prior to the date of review the following information. An application shall not be deemed "complete" or "submitted" until the reviewing body certifies to the applicant that all the materials and information required herein has been

received. The reviewing body shall promptly notify the applicant of an incomplete application.

1. Name of the applicant requesting review;
2. Name and business address of current owner of the property, form of ownership, and name and address of all principal shareholders or partners if a business entity is involved;
3. A detailed description of the grounds for the claim that there has been a constitutional taking;
4. A detailed description of the property alleged to have been taken;
5. Evidence and documentation as to the value of the property alleged to have been taken, including any evidence of the value of the property before and after the alleged taking, the name of the party from whom the property was purchased and the relationship if any between the person requesting review and the party from whom the property was acquired;
6. The nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold, etc.;
7. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of application;
8. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application;
9. The assessed value of and the ad valorem taxes on the property for the previous three (3) years;
10. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of loan and other significant provisions, including, but not limited to, right of purchasers to assume the loan;
11. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three (3) years;
12. All studies commissioned by the applicant within the previous three (3) years concerning feasibility of development or utilization of the property;
13. Itemized income and expense statements from the property for the previous three (3) years for income producing property;

14. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
 15. Any other additional information requested by the City which is reasonably necessary in its opinion to arrive at a conclusion concerning whether there has been a constitutional taking.
- E. Review: The City Council or its designee shall hear all the evidence related to and submitted in connection with the request for review to determine whether or not the action by the City constitutes a constitutional taking as defined herein, including consideration of the following:
1. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest;
 2. Whether a legitimate governmental interest exists for the action taken by the City; and
 3. Whether the taking or exaction is roughly proportionate and reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.
- F. Decision: The City Council or its designee shall render a final decision on the review within fourteen (14) days from the date the complete application for review was submitted to the City Recorder. The decision of the City Council or its designee regarding the results of the review shall be given in writing to the applicant and the official, employee, board, commission or council that rendered the final decision that gave rise to the constitutional taking claim. When determined to be necessary and appropriate, the reviewing body shall make a recommendation to the official, employee, board, commission or council that made the decision that gave rise to the constitutional taking claim.
- G. Failure To Render Decision: If the City fails to hear and decide the appeal within fourteen (14) days, the acting body's decision or action is presumed to be approved.

2.05.040: LIMITATIONS:

The guidelines set forth herein and any decision rendered pursuant to the provisions of this chapter are advisory only and shall not be construed to expand or limit the scope of the City's liability for a constitutional taking. The City shall have no legal liability to any person, firm or entity of any nature whatsoever and a court may not impose liability upon the City for failure to comply with the provisions of this chapter.

CHAPTER 2.06

CITY MANAGER

SECTION:

2.06.010: Appointment Of City Manager

2.06.020: Functions And Duties

2.06.030: Intergovernment Cooperation

2.06.010: APPOINTMENT OF CITY MANAGER:

The City Council shall select and appoint by majority vote of at least four (4) affirmative votes, an individual to serve as the City Manager. Said individual shall perform such duties and responsibilities as set forth in this title. In the absence of the City Manager, a qualified individual shall be appointed as the interim City Manager. In the event the Manager will be absent from his or her position, or unable to perform the duties of the job for more than three (3) consecutive weeks, the City Council shall approve and appoint an interim City Manager.

2.06.020: FUNCTIONS AND DUTIES:

The City Manager shall be the chief executive and administrative officer of the City. He or she shall have the power and duty to:

- A. Supervise the administration and enforcement of all laws, this code, and other ordinances of the City as they affect the administrative departments;
- B. Execute the policies affecting the administrative departments that are adopted by the City Council;
- C. Conduct performance evaluations and administrative pay adjustments as prescribed by this code and other City ordinances or policy;
- D. Authorize the issuance of administrative rules and outline general administrative procedures;
- E. Investigate, examine, or inquire into the affairs or operations of any department or office; and when authorized by the City Council, employ consultants and professional counsel to aid such investigations or inquiries;
- F. Exercise general supervision over all public buildings, parks and other public property under the control and jurisdiction of the City;
- G. Supervise the preparation and presentation of the annual budget for the City;
- H. Direct activities relating to contracts for services for the City;

- I. Examine performance requirements, delivery schedules and estimates of costs of various contracts involving the City, to ensure completeness and accuracy;
- J. Prepare bids, specifications, progress reports and other items that may be required in connection with contracts, or proposed contracts, involving the City;
- K. Review bids and proposals from other agencies for conformity to contract requirements and help determine acceptable bids and proposals;
- L. Appoint and remove administrative assistants, including a chief administrative officer, and with the advice and consent of the City Council, appoint department heads, all statutory officers, commissions, boards and committees of the City, except as may otherwise be specifically limited by law;
- M. Remove department heads and officers and employees, commissions, boards and committees;
- N. Exercise control of all departments, divisions and bureaus within the City government;
- O. Attend all meetings of the City Council with the right to take part in all discussions and the responsibility to inform the City Council of the condition and needs of the municipality, and make recommendations and freely give advice to the City Council;
- P. Appoint a budget officer to serve in place of the City Manager for the purpose of conforming with the requirements of the uniform municipal Fiscal Procedures Act for Utah Cities and in all other respects fulfill the requirements of that Act;
- Q. Appoint, with the advice and consent of the City Council, a qualified person to each of the Offices of City Engineer, Recorder, Treasurer, Finance Director and Attorney; create any other offices as may be deemed necessary for good government, and make appointments to them; and regulate and prescribe the powers and duties of all other officers of the City, within the general provisions of law and ordinance;
- R. Furnish the City Council with a report, periodically or as determined by ordinance, setting forth the amounts of all budget appropriations, the total disbursements to date from these appropriations, and the amount of indebtedness incurred or contracted against each appropriation (including disbursements and indebtedness incurred and not paid) and the percentage of the appropriations encumbered to date, which reports shall be made available for public inspections;
- S. Execute agreements within certified budget appropriations on behalf of the City, or delegate by written executive order the power to execute such agreements to executive officials, subject to the procedure described in Utah Code Annotated section 10-6-138;

- T. When necessary, call on the residents of the City over the age of twenty one (21) years to assist in enforcing the laws of the State and ordinances of the City; and
- U. Perform such other duties as may be prescribed by this title or may be required by ordinance not inconsistent with the form of government.

2.06.030: INTERGOVERNMENT COOPERATION:

- A. Information To City Council: The City Manager, or departments designated by the City Manager, shall provide such information concerning City finances, operations and procedures, as reasonably requested by the City Council and necessary for the City Council to fulfill its statutory duties, which are not privileged, private or confidential.
- B. Interference By Council Prohibited: No member of the City Council shall direct or request, except in writing, the appointment of any person to, or his removal from, office or to interfere in any way with the performance by the officers of their duties. The City Council shall not give orders to any subordinate of the City Manager either publicly or privately, but may make suggestions and recommendations regarding the work of subordinate employees to the City Manager.
- C. Investigations By Council Authorized: Nothing in this section shall prevent the City Council from appointing committees of its own members or citizens to conduct investigations into the conduct of any officer, department or agency of City government, or any matter relating to the welfare of this City, and delegating to these committees such power of inquiry as the City Council may deem necessary.

CHAPTER 2.07 APPOINTED OFFICERS

SECTION:

- 2.07.010: Departments
- 2.07.020: Office Creation
- 2.07.030: Vacancies
- 2.07.040: City Recorder
- 2.07.050: City Treasurer
- 2.07.060: City Attorney
- 2.07.070: City Engineer
- 2.07.080: City Finance Director

2.07.010: DEPARTMENTS:

The administration of the City shall be organized into departments and/or divisions, as directed by the City Manager and approved by the City Council. Department heads shall be at will employees of the City and shall serve at the pleasure of the City Manager. The City may, from time to time, have and maintain a public works department or may contract for the performance of public works services, at the discretion of the City Manager, and with the concurrence of the City Council. In the event the City maintains a public works department, the head of that department shall be an at will employee of the City, appointed by the City Manager with the advice and consent of the City Council.

2.07.020: OFFICE CREATION:

The City Council may create any office deemed necessary for the government of the City of Holladay and shall, by resolution or ordinance, prescribe the power and duties to be performed by appointed officials.

2.07.030: VACANCIES:

The City Manager, with the advice and consent of the City Council, may appoint and fill vacancies in all appointed offices provided for by law or ordinance. All appointed officers shall continue in office until their successors are appointed and qualified.

2.07.040: CITY RECORDER:

- A. Appointment: The City Manager with the advice and consent of the City Council shall appoint a qualified person to the office of City Recorder.
- B. Office: The City Recorder shall occupy an office in the City hall or at some other place convenient thereto as the City Council may direct.
- C. Corporate Seal: The City Recorder shall keep the corporate seal. When certified by the City Recorder under the corporate seal, copies of all papers filed in the City Recorder's office and transcripts from all records of the City Council shall be admissible in all courts as originals.
- D. Meetings Of City Council: The City Recorder shall attend the meetings as assigned and keep the record of the proceedings of the City Council.
- E. Actions Of The City Council: The City Recorder shall record all ordinances, resolutions, and regulations passed by the City Council in the manner provided in this title.
- F. Contracts: The City Recorder shall countersign all contracts made on behalf of the City or to which the City is a party and shall maintain a properly indexed record of all such contracts.

- G. Bonds: The City Recorder shall maintain a list of all outstanding bonds of the City, including their purpose, amount, terms, date and place payable.
- H. Elections And Appointments: The City Recorder shall manage all municipal election procedures and requirements as provided in the Utah Code Annotated, as amended, and shall keep a record of all persons elected or appointed to any office within the City, including the date of appointment or election, term of office, date of death, resignation, or removal, and name of person appointed to fill any vacancy.
- I. Limitations: The City Recorder shall not serve as the City Treasurer.
- J. Records Of The City: The City Recorder shall keep all the books, records, accounts and documents of the City at the Recorder's Office. Such records shall be open for public inspection pursuant to the provisions of the City of Holladay Government Records Access and Management Act. Records shall be maintained in accordance with a Records Retention Schedule, consistent with State Retention Schedules and which may be approved by administrative order of the City Manager. The City may maintain records in an electronic format and may convert existing records to electronic or digital format.
- K. Additional Duties: The City Recorder shall perform such other and further duties as the City may provide by ordinance, resolution, regulation or directive.

2.07.050: CITY TREASURER:

- A. Appointment: The City Manager with the advice and consent of the City Council shall appoint a qualified person to the Office of City Treasurer.
- B. Custodian: The City Treasurer shall be the custodian of all money, bonds, or other securities belonging to the City.
- C. Collections: The City Treasurer shall ensure collections and receipt of all monies payable to the City, including taxes, assessments, licenses, fines, forfeitures, service charges, fees and other revenues of the City. The City Treasurer shall keep an accurate account of all monies received hereunder and shall verify the prompt deposit all such monies in the appropriate bank accounts of the City. The City Treasurer shall keep all money belonging to the City separate and distinct from his or her own money.
- D. Receipts: The City Treasurer shall give or cause to be given to every person paying money to the City treasury, a receipt or other evidence of payment therefor, specifying the date of payment and the account paid.
- E. Checks: The City Treasurer may sign all checks prepared by the Accounts Payable Clerk and shall, prior to affixing said signature, determine or cause to be determined

that sufficient funds are on deposit in the appropriate bank account of the City to honor such check.

- F. Warrants: The City Treasurer shall ensure the payment of all warrants in the order in which presented and as money available for payment thereof in the appropriate funds of the City. The City Treasurer shall make provisions for the payment of all warrants issued prior to signing any subsequently issued checks.
- G. Special Assessments: The City Treasurer shall ensure receipt of all monies received by the City on any special assessment and shall apply the payments thereof to the cost of the improvement for which assessment was made.
- H. Accounting: The City Treasurer shall keep an accurate and detailed accounting of all transactions, receipts, collections, disbursements and other matters within the Treasurer's charge as provided by State law or as the City may by ordinance or resolution direct.
- I. Limitations: The City Treasurer shall not serve as the City Recorder.
- J. Additional Duties: The City Treasurer shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

2.07.060: CITY ATTORNEY:

- A. Appointment: The City Attorney shall be appointed by the City Manager, with the advice and consent of the Council. The City may contract with or retain an attorney licensed to practice law in the State of Utah. The City may make a separate contract with an attorney or attorneys for the performance of criminal prosecutorial legal services. Attorneys under contract with the City shall work under the general direction of the City Attorney, and the City Manager and shall communicate with the City Attorney and City Manager as necessary to properly correlate their efforts.
- B. Duties: The City Attorney shall act as legal advisor to the City in all matters pertaining to contracts with or by the City or questions of legality arising out of any law, ordinance or otherwise. The City Attorney or counsel designated by the City in consultation with the City Attorney shall appear on behalf of the City in all suits at law or in equity in which the City is a party, and shall prosecute or defend them, as the case may be, in all courts until they are finally disposed of. The City Attorney shall advise all City officers in relation to their official duties, prepare and draft all such ordinances, resolutions and regulations as the City Manager may from time to time request and perform such other duties as the ordinances of the City and the general laws require or as the City Council may direct. The City Attorney shall attend meetings of the City Council and other meetings of the City when requested to do so. The City Attorney shall, when requested to do so, furnish written opinions on subjects submitted by the City Council or by the City Manager.

- C. Additional Duties: The City Attorney shall perform such other duties as the City Council may provide by ordinance, resolution, regulation, or directive.

2.07.070: CITY ENGINEER:

The City Council may, by ordinance, establish the office of City engineer and prescribe the duties and obligations for that office. Each person appointed as City engineer shall be a registered professional engineer under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.

2.07.080: CITY FINANCE DIRECTOR:

- A. The City Council may, by ordinance, create a director of finance position to perform the financial duties and responsibilities of the City Recorder as established by the Utah Fiscal Procedures Act.
- B. A director of finance:
 - 1. shall be:
 - a. a qualified person; and
 - b. appointed and removed by the City Manager, with the advice and consent of the City Council; and
 - 2. may not assume the duties of the City or town treasurer.
- C. The legislative body may adopt the financial administrative duties of the director of finance prescribed in the Uniform Accounting Manual for Utah Cities.

CHAPTER 2.08 COMMITTEES

SECTION:

2.08.010: General

2.08.010: GENERAL:

- A. Intent And Purpose:
 - 1. It is the intent and purpose of this chapter to encourage citizen involvement and obtain citizen advice and input by creating certain committees, councils, and commissions of the City as hereinafter discussed. Any and all committees,

councils or commissions established pursuant to this chapter have no authority to bind the City or impose any conditions on the City or its citizens.

2. Nothing in this chapter shall prevent or preclude the City Manager from establishing or creating executive committees, task forces, etc., to give advice and recommendations to the Office of the City Manager.
- B. Composition; Appointment: Unless otherwise specifically stated in a committee, council or commission enabling ordinance, all committees, councils, and commissions established pursuant to the provisions of this chapter should be composed of at least seven (7) members, all of whom shall be appointed by the City Manager with the advice and consent of the City Council. Committee members shall be residents of the City. The appointed members shall serve as the decision making body for the committee. Committees shall make reasonable efforts to assure that voting committee membership is comprised of an odd number of members. Each committee may seek nonvoting members/volunteers who desire to participate consistent with the purpose and/or mission of the respective committee.
- C. Term; Removal; Vacancies:
1. Terms; Vacancies: Unless otherwise specifically stated in a committee, council or commission enabling section, the following provisions shall govern the membership on any committee, council or commission established pursuant to this chapter. The members shall serve for a term of three (3) years and may be removed by the City Manager only for cause, with the provision that the first appointment of two (2) members shall be for a term of one (1) year; the first appointment of the next two (2) members shall be for a term of two (2) years; the first appointment of the remaining member(s) shall be for a term of three (3) years; thereafter the members shall be appointed for three (3) year terms. Vacancies occurring through expiration of terms of appointment, death, disability, resignation or removal from the City, if applicable, shall be filled by appointment of the City Manager with the advice and consent of the City Council. Members shall not serve more than two (2) consecutive terms.
- D. Rules Of Procedures; Meetings: Unless otherwise specifically stated in a committee, council or commission enabling section, each committee, council and commission established pursuant to the provisions of this chapter shall formulate its own rules for the selection of a Chairman, that there shall be at least one (1) meeting of the committee, council or commission each quarter at City Hall, unless a different location for a meeting is approved by the City Manager. Each committee shall prepare written minutes of all meetings which shall be approved by each committee at subsequent meetings. The original approved minutes shall be maintained in the Office of the City Recorder.
- E. Historical Commission: A Historical Commission is hereby created. The commission shall be composed of up to seven (7) members. Members shall be appointed by the

City Manager, with the advice and consent of the City Council and shall serve terms of three (3) years. The initial terms of the members shall be staggered to provide for continuity. Members shall not serve for more than two (2) consecutive terms. Appointed members should, to the extent reasonably possible, represent all the council districts of the City. The purpose and duties of the commission shall be:

1. To provide information to the City regarding the identification and documentation of local historic and archeological resources;
2. To work towards the continuing education of citizens regarding community history;
3. To research and preserve history of the areas that now comprise the City of Holladay;
4. To sponsor events to share the history of the area with residents of the City; and
5. To identify historic resources, including photographs, documents, and other media related to the area.

F. Arts Council: An Arts Council is hereby created. The council shall be composed of up to eleven (11) members. The council may also have non-voting ex-officio members as approved by the City Council. Members shall be appointed by the City Manager, with the advice and consent of the City Council and shall serve terms of three (3) years. The initial terms of the members shall be staggered to provide for continuity. Members shall not serve for more than two (2) consecutive terms. Appointed voting members should, to the extent reasonably possible, represent all the council districts of the City. The purpose and duties of the council shall be:

1. To foster the visual and performing arts within the City of Holladay by creating opportunities for display and performance and by identifying those residents of the City with talent and ability that can benefit the community;
2. To provide opportunities for the community to be benefitted by the performing and visual arts through the sponsorship and/or identification of community events providing such opportunities; and
3. To provide information to the City Council and City administration regarding ways and opportunities to enhance the quality of life within the City through the support of visual and performing arts.

G. Tree Committee: A Tree Committee is hereby created. The committee shall be composed of five to seven (7) members. The committee may also have non-voting ex-officio members as approved by the City Council. Members shall be appointed by the City Manager, with the advice and consent of the City Council and shall serve terms of three (3) years. The initial terms of the members shall be staggered to

provide for continuity. Members shall not serve for more than two (2) consecutive terms, unless a suitable successor cannot be found. Appointed voting members should, to the extent reasonably possible, represent all the council districts of the City. The purpose and duties of the committee shall be:

1. To encourage the planting, maintenance and preservation of the City's tree canopy for the benefit of City residents;
2. To encourage and administer programs, as directed by the City Council from time to time, regarding the City's inventory of trees; and
3. To provide recommendations for the planting of different species of trees on City property.

CHAPTER 2.09 EMPLOYEE APPEALS HEARING OFFICER

SECTION:

2.09.010: Appointed

2.09.010: APPOINTED:

Pursuant to Utah Code Annotated section 10-3-1106(7), the City hereby designates that the hearing of employee appeals pursuant to the above referenced section shall be by a hearing officer to be appointed by the City Manager. The City Manager may appoint the same hearing officer or officers designated to hear appeals of land use matters pursuant to the land use and zoning ordinances of the City of Holladay. The process utilized to hear employee appeals shall observe all required due process protections and shall be conducted consistent with the provisions of Utah Code Annotated Section 10-3-1106(3) - (4). A final action or order of the hearing officer may be reviewed by the Utah Court of Appeals by filing with that court a petition for review.

CHAPTER 2.10 GOVERNMENT RECORDS AND ACCESS MANAGEMENT ACT

SECTION:

2.10.010: Purpose And Intent; State Provisions Adopted

2.10.020: Records Custodian And Management

2.10.030: Limitation On Disposal Of Records

2.10.040: Denials

2.10.050: Appeals

2.10.060: Confidential Treatment Of Records For Which No Exemption Applies

2.10.070: Criminal Penalties; Liability For Damages

2.10.010: PURPOSE AND INTENT; STATE PROVISIONS ADOPTED:

- A. Purpose: It is the purpose and intent of the City Council in enacting this chapter to adopt the provisions applicable to municipalities for the City of Holladay, guidelines and procedures for retention, and an appeals process in accordance with the government records access management act (hereinafter referred to as "GRAMA"), Utah Code Annotated, title 63G, chapter 2. All entities of the City shall comply with the provisions of this chapter and with GRAMA, and shall also comply with other federal and state statutory and regulatory recordkeeping requirements.
- B. Constitutional Rights: In enacting this chapter, the City Council recognizes two (2) fundamental constitutional rights: the right of privacy in relation to personal data gathered by the City; and the public's right of access to information concerning the conduct of the public's business.
- C. Access Restricted: The City Council also recognizes a public policy interest in allowing the City government to restrict access to certain records, as specified in this chapter, for the public good.
- D. Intent: It is the intent of the City Council:
 - 1. That all records of the City, which are defined by applicable Utah statutory and case law as public records, shall be made available to citizens within a reasonable time after request and at a reasonable cost as set forth in this GRAMA;
 - 2. To establish and maintain an active, continuing program for the economical and efficient management of the City's records as provided in this chapter;
 - 3. To provide guidelines for both disclosure and restrictions on access to government records, which are based on the equitable weighing of the pertinent interests and which are consistent with nationwide standards of information practices; and
 - 4. Favor public access when, in the application of this chapter, countervailing interests are of equal weight.
- E. Adoption Of State Provisions: Utah Code Annotated title 63G, chapter 2, parts 1 and 3; sections 63G-2-201; 63G-2-202; 63G-2-205; 63G-2-206; 63G-2-601; 63G-2-602; and are hereby adopted as part of the GRAMA of the City and are made part of this chapter as if fully set forth herein.

2.10.020: RECORDS CUSTODIAN AND MANAGEMENT:

- A. Records Custodian Designated: The City Recorder is hereby designated the records custodian for purposes of GRAMA.
- B. Retention Schedule: For those records not covered under the Utah municipal general records retention schedule developed by the state archives, the City Recorder shall develop a retention schedule as approved by the state records committee.
- C. Documents To State Archives: The City Recorder shall provide to the state archives, all retention schedules, and all designations and classifications applied to record series maintained by the City, including a statement explaining the purposes for which record series designated private or controlled are collected and used by the City.

2.10.030: LIMITATION ON DISPOSAL OF RECORDS:

- A. Specified: Any City record which has been requested in accordance with this chapter and GRAMA, that is disposable by an approved retention schedule, may not be disposed of until the request is granted and fulfilled, or sixty (60) days after the request is denied if no appeals are filed, or sixty (60) days after all appeals are completed, pursuant to section 2.10.050 of this chapter.
- B. Litigation Or Audit Pending: No City record, disposable by an approved retention schedule, which is subject to pending litigation or audit shall be disposed of until the litigation or audit has been completed or resolved.

2.10.040: DENIALS:

- A. Notice Of Denial: If the City denies a records request, in whole or in part, it shall provide a notice of denial to the requester either in person or by sending the notice to the requester's address as provided.
- B. Content: The notice of denial shall contain the following information:
 - 1. A description of the record or portions of the record to which access was denied; provided, that the description does not disclose private, controlled or protected information, or information exempt from disclosure;
 - 2. Citations to the provision of this chapter, court rule or order, GRAMA, or another state statute, federal statute, or federal regulation that exempts the record or portions of the record from disclosure; provided, that the citations do not disclose private, controlled or protected information or information exempt from disclosure;
 - 3. A statement that the requester has the right to appeal the denial;

4. The time limits for filing an appeal, and the address where an appeal is filed.

2.10.050: APPEALS:

Persons aggrieved by the City's classification or designation of a record, or of an access decision or by a response to a record request may appeal the determination to the City Manager. in accordance with the provisions of *Utah Code Ann.* Section 63G-2-401.

2.10.060: CONFIDENTIAL TREATMENT OF RECORDS FOR WHICH NO EXEMPTION APPLIES:

Notwithstanding the provisions regarding classifications and right of access contained in this chapter, the City reserves the right to request a court to restrict access to a record under Utah Code Annotated section 63G-2-405.

2.10.070: CRIMINAL PENALTIES; LIABILITY FOR DAMAGES:

- A. Prohibited Disclosure; Defenses: A City employee or other person who has lawful access to any private, controlled or protected record under this chapter, and who intentionally discloses or provides a copy of a private, controlled or protected record to any person knowing that such disclosure is prohibited, is guilty of a class B misdemeanor. It is a defense under this subsection that:
 1. The person released the information in the reasonable belief that the disclosure of the information was necessary to expose a violation of law involving government corruption, abuse of office, or misappropriation of public funds or property; or
 2. The record could have lawfully been released to the recipient if it had been properly classified.
- B. Prohibited Access: A person who by false pretenses, bribery or theft gains access to or obtains a copy of any private, controlled or protected record to which they are not legally entitled is guilty of a class B misdemeanor. No person shall be guilty under this subsection who receives the record, information or copy after the fact and without prior knowledge of or participation in the false pretenses, bribery or theft.
- C. Limitation Of Liability: In accordance with GRAMA, neither the City nor any of its agencies, officers, or employees shall be liable for damages resulting from the release of a record where the requester presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority.

- D. Intentional Refusal: A City employee who intentionally refuses to release a record the disclosure of which the employee knows is required by law or by final unappealed order of the City or a court is guilty of a class B misdemeanor.

CHAPTER 2.11

PROCUREMENT

SECTION:

- 2.11.010: Purpose
- 2.11.020: Application And Compliance
- 2.11.030: General Guidelines
- 2.11.040: Definitions
- 2.11.050: Bid Evaluation
- 2.11.060: Responsibility Of Bidders And Offerors
- 2.11.070: Right To Inspect Facilities And Audit Records
- 2.11.080: Reporting Of Anticompetitive Practices
- 2.11.090: Prequalification
- 2.11.100: Competitive Bidding
- 2.11.110: Competitive Proposals (RFP)
- 2.11.120: Minimal Purchases
- 2.11.130: Small Purchases
- 2.11.140: State Contract Purchasing
- 2.11.150: Recent Purchases By Another Government Agency
- 2.11.160: Contracting For Designated Professional Services
- 2.11.170: Contracts With Other Governmental Entities
- 2.11.180: Sole Source Procurement
- 2.11.190: Emergencies, Public Threats And Unforeseen Conditions
- 2.11.200: Procurement Protests
- 2.11.210: Sanctions
- 2.11.220: Remedies For Solicitations Or Awards In Violation Of Law
- 2.11.230: Routine Expenditures
- 2.11.240: Providing Information And Records
- 2.11.250: Blanket Purchase Order
- 2.11.260: Administrative Regulations And Policies
- 2.11.270: Authorized Contract Types
- 2.11.280: Signing Authority
- 2.11.290: Disposal Of Surplus Property

2.11.010: PURPOSE:

The purpose of this chapter is to ensure that the City purchases goods and services in a manner that ensures that all such purchases are made fairly, equitably, efficiently, and economically and in the best interest of its residents.

2.11.020: APPLICATION AND COMPLIANCE:

- A. This chapter applies to agreements for the procurement of supplies, services and construction entered into by the City. This chapter applies to every expenditure of public funds by the City for public purchasing irrespective of the source of the funds. Any expenditure involving Federal funds shall comply with applicable Federal law and regulations. Nothing in this chapter shall prevent the City from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law.
- B. The City may take any action with respect to purchasing, bidding and contracting that is in the best interest of the City, including rejecting any bid from a bidder in an adverse position to the City in a present, pending or threatened litigation. The City may also reject a nonresponsive bid, and may reject bids when the City's interest will be served, unless this rejection would be contrary to existing law or be considered arbitrary. Finally, the City may waive or modify requirements within a particular bid process when it is in the best interest of the City, and when it is consistent with mandatory applicable legal requirements and fair and equitable practices.

2.11.030: GENERAL GUIDELINES:

- A. The City Manager may act as the Purchasing Agent. The City Manager may delegate authority to purchase certain supplies, services or construction items to other City officials, if the delegation is necessary for the effective procurement of those items. The City Manager may designate a Purchasing Agent whose duties include procurement, soliciting bids and proposals, advising City departments regarding procurements, maintaining a bidders' list and vendor files, as well as records needed for purchasing. Responsibility rests with employees who purchase goods and services, department directors, and the City Manager.
- B. Purchasing Agent or any department or division may prepare, file or amend specifications, requisitions or quantity estimates for supplies and services.
 - 1. Purchases less than ten thousand dollars (\$ \$10,000) may be made with the approval of department directors or the City Manager, with or without competitive bids or quotes. Departments should take reasonable steps to assure fair pricing.
 - 2. Subject to the provisions of section 2.11.130, Purchases between ten thousand dollars (\$10,000.00) and seventy- five thousand dollars (\$75,000.00) shall be made only after soliciting at least three (3) formal quotes or completing the competitive bidding process.
 - 3. All purchases of or exceeding seventy five thousand dollars (\$75,000.00) shall be made only after completing the competitive bidding process.

2.11.040: DEFINITIONS:

BUSINESS: Any corporation, limited liability company, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

BUSINESS DAY: Any day when the City administration offices are open for public business.

CONSTRUCTION: The process of building, altering, repairing, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine repair or routine maintenance of existing structures, buildings, or real property.

CONTRACTOR: Any person having an agreement with the City.

DEPARTMENT: Any City department, commission, committee, board, or agency requiring the procurement of supplies, services, or construction pursuant to this chapter.

DIRECTOR OF FINANCE: The City's appointed director of finance.

EMPLOYEE: An individual drawing a salary or wages from the City, whether elected or not; any noncompensated individual performing personal services for the City or any department, agency, commission, council, board, or any other entity established by the executive or legislative branch of the City; and any individual serving as an elected official of the City.

INVITATION FOR BIDS: All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

MANAGER: The City's appointed Manager.

PERSON: Any business, individual, union, committee, club, other organization, or group of individuals.

PROCUREMENT: The buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction, including description of requirements, selection, and solicitation of sources, preparation and award of agreement, and all phases of agreement administration.

PROFESSIONAL SERVICES: Those services that are provided by a person skilled in the practice of a learned 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. Disciplines may include, but are not limited to, accounting, auditing, court reporting, experts in a specialized field, finance, law, materials testing, medicine, and others.

PUBLIC AGENCY: A public entity subject to or created by the City.

PURCHASING AGENT: The City Manager or other persons designated in this chapter to procure supplies, services, or construction on behalf of the City.

REQUEST FOR PROPOSALS OR RFP: All documents, whether attached or incorporated by reference, utilized for soliciting proposals.

RESPONSIBLE BIDDER OR OFFEROR: A person who has the capability in all respects to perform fully the agreement requirements, and the experience, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.

RESPONSIVE BIDDER: A person who has submitted a bid which conforms in all material respects to the requirements set forth in the invitation for bids.

SERVICES: The furnishing of labor, time, or effort by any person, including professional services.

SUPPLIES: All property, including, without limitation, equipment, materials, printing, insurance, and leases of real property, but excluding land or a permanent interest in land.

2.11.050: BID EVALUATION:

- A. Generally: Bids, proposals, and related matters shall be evaluated using the criteria in this section.
- B. City's Evaluation Process: When evaluating matters, the City shall consider the following:
 - 1. Solicitation Criteria: The City shall consider the evaluation criteria stated in a bid or proposal package or other solicitation document.
 - 2. Policy Criteria: As further described in this section, the City shall consider whether a bid, proposal or other offer or submission is responsive to the City's request; whether the bidder or offeror is responsible; and whether any element conflicts with the other criteria of this chapter.
 - a. Due Diligence: The City may take steps as it deems appropriate to verify and determine any matter. The City shall determine in its sole discretion what steps may be appropriate in light of the matters being considered and the resources of the City. The failure to discover any matter shall not preclude any subsequent evaluation or action.
 - b. Records: In the manner it shall determine, the purchasing agent shall retain in the procurement file records relevant to a solicitation or award; provided,

however, that if the award contract is approved by resolution of the City Council, the City Recorder shall keep the procurement file records.

- c. Evaluating Responsiveness: To be responsive, a bid, proposal or other offer or submission must conform in all material respects to the terms of the City's solicitation documents. Such terms may include, without limitation, using bid forms, mandatory submittals, required securities, and appropriate substantive responses. Ministerial errors and other matters in a bid, proposal or other offer or submission will not necessarily render it nonresponsive, and the purchasing agent shall review such matters and determine whether the submission is responsive. The purchasing agent may evaluate responsiveness based on any additional reasonable criteria.
- d. Evaluating Responsibility: To be responsible, a bidder or offeror must have the capability in all respects to fully perform the agreement requirements, and the integrity, capacity and reliability which will assure timely, proper performance.
- e. Factors: The City may consider any relevant factors when evaluating responsibility, including, without limitation, the following:
 - i. The bidder's capacity to perform the contractual requirements, including whether the bidder has available appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain them. Without limitation, capacity may also include legal capacity to enter agreements, the ability to perform within required times, or the ability to perform any necessary future service and maintenance.
 - ii. The bidder's ability, skill and quality of performance.
 - iii. The bidder's character, integrity, reputation, judgment, experience and efficiency.
 - iv. The bidder's ability to work cooperatively with the City, including, without limitation, whether the bidder has previously failed to comply with City agreements or other requirements; nonpayment of sums due to the City; poor working relationships with or adversarial actions against the City; prior suspension or other proceedings by the City against the bidder; or failure to assist the City in determining responsibility.
- f. Making A Determination: The submission of any bid, proposal or other offer or submission constitutes an agreement by the bidder or offeror to reasonably assist the City with its determination of responsibility.

- g. **Effect Of Determination:** The City's determination of responsibility relates solely to a bidder's overall ability to perform for a specific procurement, and is not a general assessment of a bidder's capabilities.
- h. **Evaluating Specific Matters:** For any bid, proposal, other offer, or submission:
 - i. **Tie Bids:** Tie bids occur when identical prices are submitted from responsive and responsible bidders and that price is the low bid. The purchasing agent shall make an award in a manner that is beneficial to the City, and may make an award in a manner that will discourage tie bids. Such may include:
 - (A) Award to the person closest to the point of delivery.
 - (B) Award to the person who previously held the agreement.
 - (C) Award to the person with the earliest delivery date.
 - ii. **Only One Bid Received:** If the City receives only one responsive bid, proposal or other offer or submission, the City may make an award to that bidder or offeror if the purchasing agent determines that the bid, proposal or other offer or submission is fair and reasonable and conforms to all applicable requirements, and that other prospective bidders or offerors had reasonable opportunity to respond or that there is not adequate time for a resolicitation. The written determination and basis for decision by the purchasing agent shall be placed in the procurement file. Alternatively, the City may reject the sole bid, proposal or other offer or submission.
- i. **Inspections And Tests:** The City may perform inspections, tests and other evaluations in any manner conducive to the City's interest, including, without limitation, the use of third parties. All prospective and actual recipients of a bid or agreement shall provide all reasonable assistance and information required by the City to perform any such inspection, test or other evaluation.
- j. **Modifying Submissions:** After the time for submission, a bid, proposal or other offer or submission may be modified as follows:
 - i. **Confirmation:** 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 in writing such bid, proposal or other offer or submission.
 - ii. **Notification Of Error:** A bidder or offeror shall notify the purchasing agent of any error contained in a bid, proposal or other offer or submission within two (2) 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 such modification or withdrawal.

- iii. Modifications By Agreement: The purchasing agent may agree with a bidder or offeror to any modifications so long as they do not prejudice fair competition or the City's interests. Modifications may include such matters as the following:

- (A) Time For Accepting: The purchasing agent and bidder or offeror may agree that a bid, proposal or other offer or submission will remain effective for a longer period of time than that stated in the bid, proposal or other offer or submission.

- (B) 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.

- (C) Change In Specifications: The purchasing agent and bidder or offeror may agree to a change in specifications when such change is in the City's interest, is reasonably related to the work originally solicited, and would not be prejudicial to 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. Ministerial or minor informalities are clerical errors and matters 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 price. Examples include a failure to:

- (1) Sign the bid, proposal, or other submissions requiring signature, but only where they are accompanied by other materials indicating intent to be bound.

- (2) 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, proposal or other offer or submission.

(E) City's Correction Of Mistakes Where The Intent Is Evident: If the intent of the bid, proposal 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:

(1) Typographical errors. Errors in extending unit prices.
Transposition errors. Arithmetical errors.

(2) Differences in written and numerical prices (written shall control).

(F) No Withdrawal For Mistakes Where Intent Is Not Evident: If the bidder or offeror's intent is not clearly evident on the face of the document, the bid, proposal or other offer or submission may not be withdrawn except as agreed by the purchasing agent.

(G) Correcting Errors In Judgment: Errors in judgment may not be corrected, and the bid, proposal or other offer or submission may not be withdrawn, except as agreed by the purchasing agent. The purchasing agent may allow correction of an error in judgment 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.

2.11.060: RESPONSIBILITY OF BIDDERS AND OFFERORS:

Bid and performance bonds or other security as specified on the City's bid form are required on all construction contracts in excess of one hundred thousand dollars (\$100,000) (or such lesser threshold as may be required from time to time by state law) and may be requested for supply agreements or service agreements as the purchasing agent deems advisable to protect the City's interests. Any such bonding requirements shall be set forth in the solicitation. Bid or performance bonds shall not be used as a substitute for a determination of a bidder or offeror's responsibility.

2.11.070: RIGHT TO INSPECT FACILITIES AND AUDIT RECORDS:

The City may, at reasonable times:

- A. Inspect the part of the plant, place of business, or worksite of a contractor or subcontractor which the City determines is pertinent to the performance of any agreement awarded or to be awarded by the City; and
- B. Audit the books, accounting and any applicable records of any contractor or subcontractor.

2.11.080: REPORTING OF ANTICOMPETITIVE PRACTICES:

When for any reason collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice of the relevant facts shall be transmitted to the City attorney.

2.11.090: PREQUALIFICATION:

Where deemed appropriate by the City, bidders, proponents and/or suppliers may be prequalified for particular types of supplies, services and construction to determine the responsibility of such persons.

- A. Standard Of Responsibility: Factors to be considered in determining whether the standard of responsibility has been met by a bidder or supplier in connection with a prequalification include:
 - 1. Availability of the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain them, necessary to indicate the capability of the bidder or supplier to meet all contractual requirements;
 - 2. A satisfactory record of performance;
 - 3. A satisfactory record of integrity;
 - 4. Legal qualifications to contract with the City; and
 - 5. Whether all necessary information has been supplied in connection with the inquiry concerning responsibility.
- B. Information Pertaining To Responsibility: In connection with a proposed prequalification, the bidder, proponent or supplier shall supply information requested by the City concerning the responsibility of such person. If such information is not supplied, the City shall base its determination of responsibility upon any available information or may find the bidder or supplier nonresponsible if such failure is unreasonable, as determined by the City.

2.11.100: COMPETITIVE BIDDING:

- A. Conditions For Use: The City may use competitive sealed bidding or other processes designed to assure competitive bidding except as otherwise provided in this chapter.
- B. Invitation For Bids: Each bid proceeding shall be commenced by the purchasing agent or designee issuing an invitation for bids, which shall include specifications and all contractual terms and conditions applicable to the procurement, and otherwise shall be in compliance with this chapter. All specifications shall be drafted

so as to promote overall economy for the purposes intended and to encourage competition in satisfying the City's needs, and shall not be unduly restrictive. The policy set forth in this section applies to all specifications including, without limitation, those prepared for the City by architects, engineers, designers, and draftsmen.

- C. **Public Notice:** All noticing shall be processed through the City Recorder or designee. Adequate public notice of the invitation for bids shall be given for a reasonable time, and not less than five (5) working days prior to the date set forth therein for the opening of bids. Notice will be shared on the public notice website and on other websites and in other appropriate forums. Notice may also be shared directly with potential providers or vendors. The public notice shall state the place, date, and time of bid opening.
- D. **Bid Opening:** All bids shall be accepted and opened by the City Recorder or designee. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, the name of each bidder, and such other relevant information as the purchasing agent deems appropriate, shall be recorded; the record and each bid shall be open to public inspection.
- E. **Bid Acceptance And Evaluation:** Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include, without limitation, criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the invitation for bids. Those criteria that will affect the bid price and be considered in evaluation for award (such as discounts, transportation costs, and total or life cycle costs) shall be objectively measurable.
- F. **Correction Or Withdrawal Of Bids; Cancellation Of Awards:** Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or agreements based on such bid mistakes, may be permitted by the purchasing agent where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written, digital or facsimile notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. After the bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:

1. The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 2. The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or agreements based on bid mistakes, shall be supported by a written determination made by the purchasing agent.
- G. Award: Award shall be made with reasonable promptness by reasonable notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, unless otherwise provided for in this chapter. Such notice shall be sent by mail, electronic mail and/or by posting on the City's website.
- H. Multistep Sealed Bidding: When it is considered impractical to prepare an initial purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.
- I. Cancellation Of Invitation For Bids: An invitation for bids 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 in the City's interest. 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 when in the best interests of the City. Notice of cancellation shall be sent to all persons responding to the solicitation, which notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurement of similar items.

2.11.110: COMPETITIVE PROPOSALS (RFP):

- A. Conditions For Use: When the purchasing agent determines in writing that the use of competitive bidding is either not practicable or not advantageous to the City, a purchase may be made by use of the competitive proposals method described in this section.
- B. Request For Proposals: Competitive 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 subsection 2.11.100C 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 after submissions and prior to award to obtain best and final offers. In conducting such 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 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 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 when in the City's best interest. Notice of cancellation shall be sent to all persons responding to the solicitation.

2.11.120: MINIMAL PURCHASES:

- A. Applicability: This section applies to the purchase of goods, supplies, materials, equipment or services having a total value of not more than ten thousand dollars (\$10,000). So long as funds used for such purchases are part of the approved annual budget for the department making the purchase, purchases may be approved.
 - 1. Purchases of operational or construction related supplies or nonprofessional services having a total value of less than ten thousand dollars (\$10,000.00).
 - 2. Purchases of professional services having a total value of less than sixty thousand dollars (\$60,000.00), but only when such purchase is approved in writing in advance by the department director, the purchasing agent and the Director of Finance and Administration.

3. Purchases of construction work, but not architectural and engineering services, having a total value of less than thirty-five thousand dollars (\$35,000.00), but only when such purchase is approved in writing in advance by the department director, the purchasing agent and the Director of Finance and Administration.
 4. Purchases of building improvements or public works projects having a total value of less than thirty-five thousand dollars (\$35,000.00).
- B. Required Accounting Procedures: Any department making purchases under this section shall implement and follow accounting procedures that are acceptable to the Finance Director.
- C. Agreement: Any purchases of professional services or construction under this section shall be formalized using an agreement, and such agreement shall state the minimum terms necessary to protect the City's interest. The fully executed agreement shall be filed with the City Recorder's Office.
- D. Authorized Parties: Only the purchasing agent, department heads and employees designated by department heads may make minimal purchases under this section.
- E. Procedure: Minimal purchases may be made by any reasonable means. Documentation shall be retained by the purchaser and archived in the individual department's purchase records to demonstrate reasonableness.
- F. Manipulation Prohibited: Purchases shall not be artificially divided into smaller amounts to fall within this section. Such prohibition includes, without limitation, awarding numerous purchases to a single person for substantially similar performances, or by dividing the work required for a single project solely for purposes of making use of this section.

2.11.130: SMALL PURCHASES:

- A. Applicability: The following purchases may be made by the authorized parties set forth in subsection B., below:
1. Contracts for operational or construction related supplies or nonprofessional services having a total value of ten thousand dollars (\$10,000.00) and not more than seventy-five thousand dollars (\$75,000.00).
 2. Purchases of building improvements having a total value of thirty-five thousand dollars (\$35,000.00) and not more than the bid limit specified in Section 11-39-101(1) of the Utah Code Annotated.
 3. Purchases of public works projects having a total value of thirty-five thousand dollars (\$35,000.00) and not more than the bid limit specified in Section 11-39-101 of the Utah Code Annotated.

- B. Authorized Parties: Only the purchasing agent, department heads and employees designated by department heads shall make small purchases as defined in this section. In making small purchases, the following procedures shall be used in lieu of a bid or proposal process:
1. Solicitation And Award: Purchases shall be made by soliciting quotes from no fewer than three (3) vendors. Such solicitation may be completed in any reasonable manner including, without limitation, telephone inquiry, internet search or other price comparison. Award shall be made to the vendor offering the lowest responsible quotation.
 2. Records: Any department making a small purchase shall retain a record of the names of the prospective vendors contacted, those offering quotations, and the date and amount of each quotation, and shall document all quotes received.
- C. Manipulation Prohibited: Purchases shall not be artificially divided to fall within this section. Such prohibition includes, without limitation, awarding numerous purchases to a single person for substantially similar performances, or by dividing the work required for a single project solely for purposes of making use of this section.
- D. Small Purchase Modifications And Renewals: Any agreement solicited under this section shall not be modified in excess of the maximum dollar limit specified above, or renewed on a successive basis with the same party, without written approval of the purchasing agent or the Manager.

2.11.140: STATE CONTRACT PURCHASING:

Because an appropriate bid procedure has already been completed by the state of Utah, any item that is a state contract or cooperative pricing contract item may be purchased without following any otherwise applicable bid requirements, provided that the purchasing agent or department head making the purchase shall document the state contract number used and record that information in the purchase file.

2.11.150: RECENT PURCHASES BY ANOTHER GOVERNMENT AGENCY:

When purchasing supplies, material or equipment from a vendor who has been awarded a bid for the same items from another governmental entity within the preceding ninety (90) days, the price paid by the other governmental entity shall be deemed to be the lowest price available for such items and the City need not follow any other bidding requirements, provided that the purchasing agent or department head making the purchase shall maintain in the purchase file appropriate documentation demonstrating compliance with the requirements of this section.

2.11.160: CONTRACTING FOR DESIGNATED PROFESSIONAL SERVICES:

The City may procure the services of financial and legal advisors, planners, architects, engineers, accountants, and construction Managers as defined by the laws of the state of Utah, and other professional services, as negotiated based on demonstrated competence and qualification and at fair and reasonable prices.

2.11.170: CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES:

Whenever the City agrees to make purchases together with another governmental entity, and the agreement is entered in compliance with the solicitation procedures of that other entity, the City shall be deemed to have complied with the City's solicitation requirements. Contracted services from other governmental entities are exempt from any requirements to obtain bids or quotes. Unless not legally required, all contracts with other governmental entities shall comply with the Utah Interlocal Cooperation act and shall be approved by resolution of the City Council.

2.11.180: SOLE SOURCE PROCUREMENT:

A. Definition: Without limitation, sole source procurement may arise when:

1. The City needs a supply or service of a unique or specialized nature, and only one known supplier is reasonably available to meet the need.
2. Specific parts, accessories, equipment, materials, services, proprietary items or other items are necessary to meet the City's needs, and there are no comparable items reasonably available.
3. Items are procured for resale.

B. Procedure: To use sole source procurement, the purchasing agent shall place a written determination in the procurement file after conducting a good faith review of available sources, stating why no other sources are reasonably available, or why competition would not be likely to produce other acceptable offers. Sole source procurement shall not be used only to accommodate a desire for a particular proprietary item unless the City has a very specific need for such item which can be justified in writing. The City shall be deemed to have a very specific need when there is a need to procure matching or compatible supplies and services and when other similar supplies and services would not be reasonably beneficial to the City's needs. The purchasing agent or designee shall negotiate and use appropriate means to obtain the best price available for any item procured under this section.

2.11.190: EMERGENCIES, PUBLIC THREATS AND UNFORESEEN CONDITIONS:

A. Generally: Notwithstanding any other provisions of this chapter, and conditioned on prior appropriation of necessary funds by the City Council, the purchasing agent may make, or authorize others to make, emergency procurement of supplies, services, or construction items when there exists a threat to public health, welfare,

or safety; provided that procurement in response to such emergencies, public threats or unforeseen conditions shall be made with such competition as is practicable under the circumstances. Procurement made on this basis shall occur as set forth in this section, subject, however, to any contrary requirements of, or procedures under, Utah state law or any emergency management plan for the City from time to time in effect.

B. Definitions: The conditions specified in this section are defined as follows:

EMERGENCY CONDITION: Creates an immediate and serious need for supplies or services that cannot adequately be addressed using normal procurement methods. Such a need may arise by reason of a natural disaster, epidemic, riot, equipment failure or other reason.

PUBLIC THREATS: Circumstances that appear likely to adversely impact the public's health, welfare, convenience or safety. They may arise when circumstances appear to create a risk of environmental contamination, traffic congestion or hazards, disruption of utility or other public services, or other matters.

UNFORESEEN CONDITION: Creates a need to procure supplies or services within time frames that could not reasonably be anticipated or accommodated under normal procurement methods.

C. Procedure: The purchasing agent shall examine the circumstances and determine whether they constitute a condition set forth above. If so, the purchasing agent may take any action required by such condition. The purchasing agent shall place in the procurement file a written determination and explanation of the condition. Procurement should be as competitive as possible under the circumstances, but priority shall be given to meeting the needs of the emergency or combating the public threat. Only those supplies and services impacted by the condition in question may be acquired under this section.

2.11.200: PROCUREMENT PROTESTS:

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:

- A. 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; 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.

- C. 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 (5) business days after the closing date for receiving bids or proposals.
- D. The City may proceed with the procurement despite the protest, except that the purchasing agent may suspend the procurement process for so long as they determine is appropriate.
- E. 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.
- F. The purchasing agent or designee 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.
- G. 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.
- H. The protesting party may appeal the written decision of the purchasing agent by filing a written appeal with the Manager within five (5) business days of the purchasing agent's written determination. Unless otherwise agreed to by the City and the appellant, the hearing shall be held no sooner than five (5) business days and no later than thirty (30) business days after the date that the appeal is filed.
- I. At the hearing before the Manager, the appellant and the City's representative shall be allowed to testify, present evidence, and comment on the issues. The Manager also may allow other interested persons to testify, comment or provide evidence on the issues.
- J. No later than fifteen (15) business days after the hearing, the Manager 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 Manager shall include:
 - 1. The decision, and any reasons for the decision the Manager may wish to provide; and
 - 2. A statement that any party to the appeal may appeal the decision to the district court.

- K. If the Manager 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.
- L. The Manager may appoint a person other than the purchasing agent to fulfill the Manager's responsibilities under this section.

2.11.210: SANCTIONS:

- A. It is unlawful:
 - 1. For any bidder or prospective bidder, or City employee or City officer, in restraint of freedom of competition or otherwise, by agreement with any other person, bidder, or prospective bidder, to bid a fixed price, or to "rotate" bidding practices among competitors unless specifically authorized by the City's policies, rules and regulations;
 - 2. For any person to offer or to give to any employee of the City or any member of his immediate family, any gain, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or other form, under circumstances in which it could reasonably be intended to influence him or could reasonably be expected to influence him in his duties concerning the award of any contract or order of purchase, or for any City employee to directly or indirectly solicit or directly or indirectly accept any such gift for such purpose;
 - 3. For any City employee or City officer to disclose, in advance of the opening of the bids, the content of any bid invited through the formal competitive bidding procedure;
 - 4. For any City employee or City officer to actively participate in the awarding of a contract from which he will directly benefit; and
 - 5. For any City employee or City officer or other person to appropriate for personal or private use any item of public property.
- B. Any City employee or City officer committing any of the foregoing acts may be discharged or suspended from employment, and the City may seek additional appropriate legal redress.
- C. At the discretion of the City Council, the following contracts are voidable:
 - 1. Contracts which result from a conflict of interest under this chapter or other applicable law;

2. Contracts awarded to a person or firm that tried to influence the award of such contract by offering something of value to any City officer or City employee; and
 3. Contracts awarded by a City officer or City employee circumventing the requirements of this chapter or other applicable statute.
- D. The City Council hereby declares its intent that the contracts described in subsections C1 through C3 of this section would not have been entered into on behalf of the City if such misconduct had been discovered prior to the execution of the contract. In this regard, the council further states that no City officer or City employee has authority, either actual, apparent or implied, to negotiate or execute any such contract and that such contract shall, at the discretion of the City Council, be voidable, unless the action of the City officers or City employees in executing the contract is ratified by affirmative action of the City Council after the misconduct was discovered and made known to the City Council.
- E. All persons or firms responsible for any misconduct prohibited by this section shall be liable to the City for any losses incurred by the City resulting from any contract awarded due to such misconduct.

2.11.220: 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 applicable 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 applicable 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 City's best interests; or
 - b. The agreement may be terminated and the person awarded the agreement shall be compensated for the actual costs reasonably incurred under the agreement, plus a reasonable profit, prior to the termination; or

2. If the person awarded the agreement has acted fraudulently or in bad faith, the agreement may be declared null and void or voidable, if such action is in the City's best interests.

2.11.230: ROUTINE EXPENDITURES:

- A. Notwithstanding anything in this chapter to the contrary, but subject to statutory compliance by the City's director of finance and treasurer, the Manager or designee may approve for payment routine expenditures such as utility bills, leases and payroll related expenses, provided that such expenditures are referenced in the then approved budget, that the funds are available for such expenditures, and that sufficient documentation is provided concerning such expenditures.
- B. The Manager or designee also similarly may approve payments for supplies, nonprofessional and professional services and payments on City approved contracts, provided that such expenditures are referenced in the then approved budget, that the funds are available for such expenditures, and that sufficient documentation is provided concerning such expenditures.

2.11.240: PROVIDING INFORMATION AND RECORDS:

- A. Information and copies of records under this chapter may be requested from the City Recorder pursuant to the government records access and management act ("GRAMA"), Utah Code Annotated Section 63G-2-101 et seq.
- B. Quotations shall remain confidential until all quotations have been received.
- C. Sealed bids shall remain confidential until the bids are opened, after which they shall be available for public inspection if provided by GRAMA, except for information or data that the bidder designates as proprietary or confidential.

2.11.250: BLANKET PURCHASE ORDER:

Notwithstanding anything in this chapter to the contrary, the Manager, purchasing agent or designee may arrange blanket purchase orders with suppliers which shall authorize continuing charges against the City. Such purchase orders shall be reviewed and renewed at least once each fiscal year. The Manager, purchasing agent or designee shall, in advance of any transaction negotiated upon such blanket purchase order, notify the merchant or supplier of the specific City employee authorized to take delivery and sign the purchase order. No billing against the City shall be valid as applied against the purchase order unless the person taking delivery was authorized to do so and the blanket purchase order shall be available for public inspection if required by GRAMA.

2.11.260: ADMINISTRATIVE REGULATIONS AND POLICIES:

The Manager may prescribe administrative regulations and procedures which are consistent with the provisions of this chapter and other written financial procedures approved by the City Council.

2.11.270: AUTHORIZED CONTRACT TYPES:

As authorized by Utah Code Annotated 63G-6a-1205(4), the City is authorized to use any of the following contract types:

- A. A fixed price contract;
- B. A fixed price contract with price adjustment;
- C. A time and materials contract;
- D. A labor hour contract;
- E. A definite quantity contract;
- F. An indefinite quantity contract;
- G. A requirements contract;
- H. A contract based on a rate table in accordance with industry standards; or
- I. A contract that includes one (1) or more of the following construction delivery methods:
 - 1. Design-build;
 - 2. Design-bid-build; or
 - 3. Construction contractor.

2.11.280: SIGNING AUTHORITY:

- A. The City Council may authorize the Manager to sign any agreement, purchase order, obligation, form, or other document. In addition, the Manager has authority to sign all documents necessary to allow the City to make minimal purchases and small purchases, as defined in this chapter, provided that funds have been previously appropriated by the City Council. When a specific appropriation has been made by the City Council, or for any contract or written obligations less than \$100,000, the Manager may sign. In any document accepted by the City in which a signature is required or used, the City may authorize the use of an electronic signature, so long as it complies with the requirements of this section.

- B. The use of an electronic signature shall have the same force and effect as the use of a “wet” or manual signature if:
 - 1. The signature is capable of verification;
 - 2. The signature is under the sole control of the person using it; and
 - 3. The signature is linked to the data in such a manner that it is readily ascertainable if the data is changed after the signature is applied.
- C. The City Manager shall determine acceptable technologies and vendors under this section consistent with industry best practices to ensure the security and integrity of the data and the signature. The City Manager shall further determine the documents for which the City will accept electronic signatures.

2.11.300: DISPOSAL OF SURPLUS PROPERTY:

- A. Purpose: For purposes of this section, significant parcel of real property shall be defined as either a parcel or lot at least one-fourth (1/4) acre in size or having a value of more than one hundred thousand dollars (\$100,000.00) or property of any size dedicated to public use. Significant personal property shall be defined as an item or a collection of like items having a value in excess of fifty thousand dollars (\$50,000.00) as determined by reasonable estimates based on other like surplus property sales of public entities or like sales by private entities.
- B. Authority: The City Manager shall have the authority to sell, lease, convey and dispose of real and personal property for the benefit of the City as provided by Utah Code Annotated section 10-8-2, as amended.
- C. Requirements: Before the City may dispose of a significant parcel of real property, or significant personal property the City Council shall:
 - 1. Provide reasonable notice of the proposed disposition at least fourteen (14) days before a scheduled meeting at which the City will hear public comment; and
 - 2. Hold a meeting at which the City Council accepts public comment on the proposed disposition.
 - 3. Close or remove property from public use, if necessary.
- D. Conditions, Limitations: All disposal, leases or subleases of such property of the City other than a significant parcel of real property, shall be made, as nearly as possible, under the same conditions and limitations as required by City ordinances and State law for the purchase and sale of property.

- E. Methods Of Sale: The City Council may also authorize at its discretion and under such terms and conditions as it may deem desirable, fair and appropriate, considering intended use, property tax value and the interests of the City, the sale of any surplus property, through public auction or other method designed to best serve the interests of City residents and produce a fair return; the trade or exchange of any surplus property; and the lease or sublease of any surplus property.

CITY OF HOLLADAY

ORDINANCE NO. 2025-06

**AN ORDINANCE ADOPTING RESTRICTIONS ON THE USE OF FIREWORKS
WITHIN CERTAIN AREAS OF THE CITY**

WHEREAS, there currently is, and may be in the future, a high risk of fire during the times when fireworks are allowed to be discharged; and

WHEREAS, the City's Fire Marshall has recommended that fireworks be prohibited in the certain areas of the City which present unique hazards for the ignition of trees and significant challenges in fighting fires and the City Council hereby finds that hazardous fire conditions, due to drought conditions, have existed within certain areas of the City, defined in Exhibit A, below, for at least two of the preceding five years; and

WHEREAS, the City Council finds it is in the best interest of the municipality and the general health, safety and welfare of the public that this Ordinance should be passed.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THIS MUNICIPALITY AS FOLLOWS:

1. Definition. All terms relating to fireworks used in this ordinance shall have the same meaning as they are defined in *Utah Code Ann.* § 53-7-202 of the Utah Fire Prevention Act.

2. Sale, Discharge and Possession of Certain Fireworks Restricted.

a. It is unlawful for any person to sell or offer for retail sale, to ignite, or to discharge, or to have in their possession any fireworks in this municipality, other than class C common Utah State approved explosives used in accordance with, and only on the dates allowed, by *Utah Code Ann.* § 53-7-220 through 225; the rules adopted pursuant thereto; and this Ordinance, except as otherwise permitted by State law;

b. Due to unusually hazardous fire conditions in certain portions of the municipality, the discharge of any and all fireworks is prohibited within those certain areas of the City more particularly identified on Exhibit "A," attached hereto and incorporate herein by reference.

3. Public Displays. This ordinance and restrictions contained herein do not apply to the City's 4th of July Civic Celebration because of adequate fire prevention preparations.

4. Enforcement.

a. Every officer charged with enforcement of State and municipal laws, including the Fire Marshal, is hereby charged with the responsibility to enforce this Ordinance;

b. Fireworks possessed, sold or offered for sale in violation of this Ordinance may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

5. Punishment. Violation of this Ordinance shall be a Class B misdemeanor punishable by both fine and imprisonment as set forth in Utah law.

6. Effective Date. This Ordinance shall take effect immediately upon passing and shall expire unless extended by an affirmative vote of the City Council at 11:59 p.m. on August 31, 2025.

PASSED AND APPROVED this ____ day of May, 2025.

By: _____
Robert Dahle, Mayor

[SEAL]

VOTING:

Ty Brewer	Yea	Nay ____
Matt Durham	Yea	Nay ____
Paul Fotheringham	Yea	Nay ____
Drew Quinn	Yea	Nay ____
Emily Gray	Yea	Nay ____
Robert Dahle	Yea	Nay ____

ATTEST:

Stephanie N. Carlson, MMC
City Recorder

DEPOSITED in the office of the City Recorder this ____ day of May, 2025.

RECORDED this ____ day of May, 2025.

EXHIBIT A

ALL AREA EAST OF I-215 INCLUDING THE FREEWAY RIGHT-OF-WAY with the exception of Old Mill Golf Course, the Park-N-Ride, and the Millrock area. This area runs from the north-east corner of the City at 3900 South to 6200 South. All I-215 UDOT property, including the western upward slope leading up to I-215, including Stratton Park is part of this area. Residential areas include the Heughs Canyon Subdivision (all streets east of Wasatch Blvd.), and the Tolcate Hills area east of the freeway (Tolcate Lane, Silver Hawk Drive, Whitewater Drive, Whitewater Circle, and Tolcate Hills Drive).

COTTONWOOD AREA

This takes in much of the south end of the City within the following borders: Beginning at the south border of the City of Holladay at 2300 East and I-215, continuing north along 2300 East to Big Cottonwood Road (6200 South), following Big Cottonwood Road west to Highland Drive, following Highland Drive north to Arbor Lane, following Arbor Lane east and north to Viewmont Street, following Viewmont Street east to Marilyn Drive, following Marilyn Drive south and east to Edgemoor Drive, following Edgemoor Drive east to Cottonwood Lane, following Cottonwood Lane north to Holladay Blvd., following Holladay Blvd. south to 6200 South, following 6200 South east to I-215, following I-215 west along the south border of the City of Holladay to 2300 East, and including the full boundary of Knudsen Park.

SPRING CREEK.

The area bounded by I-215 on the east and Holladay Blvd. on the west, with Valley View Drive merging into Branch Street on the south and Murray Holladay Road merging into Apple Blossom Lane, and then extending to 4430 South east of Wallace Lane on the north, all surrounding Spring Creek.

BIG COTTONWOOD CREEK and CREEKSIDE PARK

This area includes all areas bounded by Cottonwood Lane on the east and Murray Holladay Road on the west, and within 200 feet of the center of Big Cottonwood Creek and all areas within the borders of Creekside Park (Frisbee Park) and also includes the Wasatch Waldorf Charter School.

NEFF'S CREEK

The area east of 2700 East bounded by Morningside Drive and Morningside Cir on the south and Nila Way on the north, extending east to Lisa Drive. Includes any area within one hundred feet of the center of Neff's Creek between Lisa Drive and Shanna Street. Neff's Creek is located just north of Nila Way in the northeast corner of the City.

OLYMPUS HILLS PARK

This includes all areas within the borders of Olympus Hills Park and 3080 E and Coronet Street on the north.

COUNTY ROAD AREA

This area includes property east of Holladay Blvd. and west of the I-215 freeway and bounded by County Road on the north and 6200 South on the south.

CITY OF HOLLADAY

RESOLUTION NO. 2025-09

**A RESOLUTION ADOPTING THE TENTATIVE 2025-2026 FISCAL
YEAR BUDGET FOR THE CITY OF HOLLADAY.**

WHEREAS, Section 10-6-111 requires the City Manager to submit tentative budgets for the various general and capital funds for each upcoming fiscal year on or before the first regularly scheduled City Council meeting in May; and

WHEREAS, the City Manager has submitted the required budget in a timely fashion to the City Council; and

WHEREAS, the City Council has determined a public hearing should be held on June 5, 2025, to receive citizen comments regarding the proposed budgets;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Holladay as follows:

(1) That the FY 2025-2026 Tentative Budgets submitted by the City Manager are hereby accepted and tentatively adopted.

(2) That a public hearing to consider the proposed budgets be set for June 5, 2025, at 6:00 p.m. at the City Offices, 4580 South 2300 East, Holladay, Utah 84117.

(3) That the Tentative Budgets shall be made available for inspection by the general public for a minimum of ten (10) days prior to the scheduled public hearing.

PASSED AND APPROVED this ___ day of May, 2025.

HOLLADAY CITY COUNCIL

By: _____
Robert Dahle, Mayor

[SEAL]

VOTING:

Ty Brewer	Yea	Nay ____
Matt Durham	Yea	Nay ____
Paul Fotheringham	Yea	Nay ____
Drew Quinn	Yea	Nay ____
Emily Gray	Yea	Nay ____
Robert Dahle	Yea	Nay ____

ATTEST:

Stephanie N. Carlson, MMC