

MAGNA CITY COUNCIL

ORDINANCE NO. 2026-O-25

DATE: October 13, 2026

AN ORDINANCE OF THE MAGNA CITY COUNCIL RESTATING TITLE 3 (REVENUE AND FINANCE)

WHEREAS, Magna City (“**Magna**”) incorporated as a metro township on January 1, 2017, and adopted the entire Salt Lake County Code in effect at the time of its incorporation pursuant to Utah Code § Subsection 10-2a-414(3), which H.B. 35 repealed in 2024; and

WHEREAS, during the 2024 legislative session, the Utah Legislature enacted H.B. 35, which converted the metro townships into cities or towns based on their 2020 census population numbers and made the conversion effective on May 1, 2024; and

WHEREAS, on May 1, 2024, Magna became a city of the third class pursuant to Utah Code § 10-2-301(2)(c); and

WHEREAS, on January 1, 2026, Magna transitioned to a six-member council form of government governed under Title 10, Chapter 3b, Part 301 of the Utah Code; and

WHEREAS, Magna has the authority to exercise general powers as provided in Utah Code, Title 10, Chapter 8, Part 1, Powers and Duties of Municipalities, to encourage conformity and promote ease for residents and staff to interpret and implement the Magna Municipal Code, and to promote the health, safety, general welfare, and prosperity of the City and its inhabitants as provided in Utah Code §§ 10-8-2, 10-8-84, and 10-9a-102; and

WHEREAS, Magna is empowered and has the authority to revise, codify and compile from time to time and to publish in book, pamphlet or looseleaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified code of the ordinances then enforced shall be presented, but with errors, inconsistencies, repetitions, and ambiguities therein eliminated pursuant to Utah Code §10-3-707; and

WHEREAS, the Magna City Council (“**Council**”) is in the process of conducting a comprehensive update of the Magna Municipal Code to replace the remaining portions of the Salt Lake County Code the City inherited with Magna-specific code provisions; and

WHEREAS, concurrently with this ordinance, the Council adopted restated versions of Titles 1 (General Provisions) and Title 2 (Administration and Personnel), which include new definitions and rules of construction for the entire Code and related provisions that describe in greater detail the respective roles of the Council, the Mayor, and the City Manager; and

WHEREAS, the Council previously adopted Ordinance 2026-O-15 on July 2, 2026, which restated Title 3 (Revenue and Finance) with Magna-specific provisions; and

WHEREAS, the Council desires to restate Title 3 (Revenue and Finance) so that it may conform with the restated versions of Titles 1 and 2.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAGNA CITY COUNCIL AS FOLLOWS:

1. Enactment: Title 3, Revenue and Finance, of the Magna Municipal Code is repealed in its entirety and reinstated with the language attached hereto as **Exhibit 1**.

2. Severability: If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of this ordinance, or specific application of this ordinance, shall be severed from the remainder, which shall continue in full force and effect.

3. Direction to Staff: The City Manager and staff are authorized and directed to take such steps as may be needed: (a) for this ordinance to become effective under Utah law, including but not limited to compliance with the requirements of Utah Code § 10-3-711; and (b) to finalize and post the ordinance to Municode, including but not limited to making non-substantive edits to correct any scrivener's, formatting, and numbering errors.

4. Retroactive effect. A provision of the Magna Municipal Code is not retroactive, unless the provision is expressly declared to be retroactive.

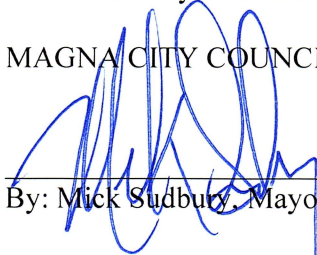
5. Effect of Repeal. The repeal of a provision in the Magna Municipal Code does not revive a city code provision which the City inherited from Salt Lake County on July 1, 2017, or affect any right which has accrued, any duty imposed, any penalty incurred, or any action or proceeding commenced under or by virtue of the county code provisions then incorporated by reference into the city code.

6. Effective Date: This ordinance shall become effective immediately upon its posting.

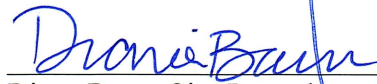
[execution on following page]

APPROVED AND ADOPTED at a duly called meeting of the Magna City Council
on this 13th day of October 2026.

MAGNA CITY COUNCIL


By: Mick Sudbury, Mayor

ATTEST:


Diana Baun, City Recorder

VOTING:

Council Member George	voting	<u>aye</u>
Council Member Jensen	voting	<u>aye</u>
Council Member Larson	voting	<u>aye</u>
Council Member Olsen	voting	<u>aye</u>
Council Member Prokopis	voting	<u>aye</u>

(Complete as Applicable)

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711:

Effective date of ordinance: _____

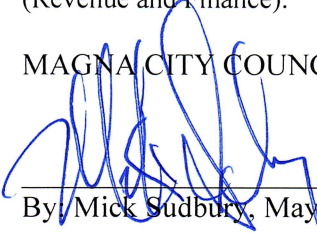
October 15, 2026

October 13, 2026

**SUMMARY OF
CITY OF MAGNA
ORDINANCE NO. 2026-O-25**

On October 13, 2026, the Magna City Council enacted Ordinance No. 2026-O-25 to restate Title 3 (Revenue and Finance).

MAGNA CITY COUNCIL


By: Mick Sudbury, Mayor

ATTEST:


Diana Baun, City Recorder

Voting:

Council Member George	voting	<u>aye</u>
Council Member Jensen	voting	<u>aye</u>
Council Member Larson	voting	<u>aye</u>
Council Member Olsen	voting	<u>aye</u>
Council Member Prokopis	voting	<u>aye</u>

A complete copy of Ordinance No. 2026-O-25 is available in the office of the Magna City Recorder, 860 Levoy Drive, Suite 300, Taylorsville, Utah 84123.

EXHIBIT 1

TITLE 3 REVENUE AND FINANCE

CHAPTER 3.01 BUDGET, ACCOUNTING, AND FINANCIAL REPORTING

3.01.010: Key Fiscal Management Practices

- A. Adoption. The key fiscal management practices are adopted for budgeting, accounting, and financial reporting and subject to applicable state law, federal law, and other policies, rules, and regulations as adopted by the Council.
- B. Annual Budget. A copy of the key fiscal management practices is included in the City's annual budget document.

CHAPTER 3.02 DEFINITIONS

The following definitions shall apply to this Title. If a conflict arises between these definitions, and the definitions set forth in Section 1.02.060 of the Code, the definitions in this Title shall control.

- A. “Business” means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.
- B. “Change Order” means a written order directing a suspension of, or change to a Contract, that does not require an amendment to the Contract, and signed by the Purchasing Agent or if Council approval is required, signed by the City Manager.
- C. “Construction Purchase” means the acquisition of goods, services, and resources for a construction project.
- D. “Consumer” means a person who acquires taxable energy for any use that is subject to the MET Act.
- E. “Contract” means any City agreement for the procurement or disposal of supplies, services, or construction.
- F. “Final budget” means the budget finally adopted by the Council pursuant to its legislative authority.

- G. “Installment and credit sale” means any closed transaction constituting a sale; and any transaction under which right to acquire, use, or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.
- H. “Invitation for Bids” means all documents, whether attached or incorporated by reference, used for soliciting bids.
- I. “MET” means Municipal Energy Sales and Use Tax.
- J. “MET Act” means Utah Code § 10-1-301 et seq., the "Municipal Energy Sales and Use Tax Act."
- K. “Person” means any business, individual, union, committee, club, other organization, or group of individuals.
- L. “Procurement” means buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies, construction, or other services.
- M. “Procurement item” means any equipment, materials, supplies, construction, or other services that the City may acquire pursuant to this Chapter.
- N. “Proposed budget” means the budget prepared in the format of the tentative budget by the Council in accordance with this Title and applicable Utah law.
- O. “Purchasing Agent” means the City Manager or another person the Council has authorized to enter into and administer contracts and make written determinations with respect thereto on behalf of the City.
- P. “Public Property” means, consistent with Utah Code Ann. § 76-8-101(5)(a) or applicable successor statute, real or personal property that is owned, held, or managed by the City, including real or personal property that is transferred by the City to an independent contractor which remains public property while in the possession of an independent contractor of the City for the purpose of providing a program or service for, or on behalf of the City.
- Q. “Request for Proposals” means all documents, whether attached or incorporated by reference, used for soliciting proposals.
- R. “Sale” shall mean any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy or fuel for consideration, including “installment and credit sale.”
- S. “Storage” means any keeping or retention of taxable energy in the City for any purpose, except the sales in the regular course of business.

- T. “Surplus Personal Property” means any Public Property including vehicles, that is not real property, which is no longer needed now or in the foreseeable future, or that is no longer of value or use to the City.
- U. “Surplus Real Property” means any Public Property that is real property, that is no longer needed now or in the foreseeable future, or that is no longer of value or use to the City.
- V. “Tentative budget” means the tentative budget the Council approves pursuant to this Title and applicable Utah law.
- W. “TLT” means a telecommunications license tax authorized under the TLT Act.
- X. “TLT Act” means the Telecommunications License Tax Act, Utah Code § 10-1-401 et seq., and any amendments thereto, or successor statutes.
- Y. “Use” means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy, excluding the sale, display, demonstration, or trial of the taxable energy in the regular course of business and/or taxable energy which is held for resale.

CHAPTER 3.03 PROCUREMENT

3.03.010 Purchasing Agent

The Purchasing Agent shall be responsible for making procurements, solicit bids and proposals, executing and administering contracts, and making written purchasing determinations for the City in accordance with this Chapter and applicable law.

3.03.020 Source Selection and Contract Formation

- A. Procurement not requiring competitive sealed bids.
 - 1. Small Purchases. Small purchases costing fifty thousand dollars (\$50,000) or less in total may not require bids of any type. Purchases may not be artificially divided to constitute a small purchase.
 - 2. Non-Construction Purchases Requiring Telephone Bids. Purchases for non-construction projects costing between fifty thousand and one dollars (\$50,001) and one hundred thousand dollars (\$100,000) total, shall require three (3) telephone bids.
 - 3. Construction Purchases Requiring Telephone Bids. Purchases for construction projects costing between fifty thousand and one dollars (\$50,001) and two hundred and fifty thousand dollars (\$250,000) total shall require three (3) telephone bids.

4. State Contracts. Purchases made through the cooperative purchasing contracts administered by the State Division of Purchasing or another governmental entity which has applied its purchasing and procurement policies.
5. Sole Source Procurement. Purchases made from a sole-source provider if the Purchasing Agent determines in writing that a Sole Source Procurement is in the best interests of the City and needed for one or more of the following reasons:
 - a. There is only one source for the Procurement Item;
 - b. The transitional costs are a significant consideration in selecting the Procurement Item and the results of a cost-benefit analysis demonstrate that transitional costs are unreasonable or cost-prohibitive, and that the award of a contract without engaging in a standard procurement process is in the best interest of the City; or
 - c. The award of a contract is under circumstances that make awarding the contract through a standard procurement process impractical and not in the best interest of the City.
6. Emergency Purchases. Emergency purchases are permitted when there is an eminent threat to the public's health, welfare, or safety. The Purchasing Agent shall facilitate as much competition as practicable for the Procurement Item. Emergency purchases shall be limited to amounts necessary for the resolution of the emergency or eminent threat. The Purchasing Agent shall document in writing the nature of the emergency or eminent threat that required the emergency purchases and the actions taken to procure the Procurement Item. The Purchasing Agent may notify the Council as soon as reasonably possible of the need for, amount of, and nature of any emergency purchase made pursuant to this Section.
7. Publication. If the City does not use competitive sealed bidding for a procurement that exceeds the highest amounts for Non-Construction Purchases and Construction Purchases under this Section, it shall provide notice of the procurement pursuant to Utah Code § 63G-6a-802, unless the procurement is a Small Purchase.

B. Purchases Requiring Competitive Sealed Bids.

1. General. The City shall award all contracts for a Procurement Item with an estimated value in excess of one hundred thousand dollars (\$100,000) for Non-Construction Purchases, and in excess of two hundred and fifty thousand dollars (\$250,000) for Construction Purchases, by competitive sealed bidding except as otherwise provided by this Title.
2. Invitation for Bids. An Invitation for Bids shall be issued when a contract is to be awarded by competitive sealed bidding, which shall include:
 - a. A description of the Procurement that the City seeks;

- b. Instructions for submitting a bid, including the deadline for submitting a bid;
 - c. The objective criteria that the City shall use to evaluate bids;
 - d. Responsibility factors that the City shall use to evaluate the bidder, if the City intends to evaluate responsibility;
 - e. Information about the time and manner of opening bids; and
 - f. Terms and conditions that the City intends to include in the Contract resulting from the bidding process.
3. Publication. The Purchasing Agent shall publish an Invitation for Bids in accordance with the requirements of Utah Code § 63G-6a-112, which means that the Purchasing Agent shall publish the bid at least seven (7) days prior to the date set forth therein for the opening of bids on the City's website or on a website owned, managed by, or provided by the State of Utah for the posting of public procurement notices. Purchasing Agent may, but is not required to, publish the Invitation for Bids in a newspaper of general circulation within City. The Purchasing Agent may reduce the seven (7) day period described in this Section in accordance with Utah Code § 63G-6a-112.
4. Opening of Bids. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitations for Bids. The amount of each bid and any other relevant information, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.
5. Acceptance of Bids. Bids shall be unconditionally accepted without alternation or correction, except as authorized in this Chapter. Bids shall be evaluated based on the requirements set forth in the Invitation for Bids.
6. Corrections and Withdrawals of Bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted, but not required. After bid opening no changes in bid prices or other provisions prejudicial to the interest of the City or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the Purchasing Agent.
7. Contract Negotiation and Awards. The Contract shall be awarded with reasonable promptness, by written notice, to the lowest responsive, responsible bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids, subject to the Purchasing Agent concluding any negotiations that may be needed to finalize the Contract.

8. Construction Contracts. The City shall follow the procedures contained in Utah Code § 11-39-101 et seq. for the award of contracts for the construction of building improvements or public works projects as defined therein and any provision of this Chapter that conflicts with the provisions of Utah Code § 11-39-101 et seq. may not apply to the award of contracts covered by this Chapter.
9. Prior Council Authorization. Prior Council authorization is required for all purchases requiring competitive sealed bids and competitive sealed proposals.
10. Cancellation and Rejection of Bids. An Invitation for Bids, a Request for Proposals, or other solicitations 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. The reasons shall be made part of the contract file.

C. Use of Competitive Sealed Proposals in Lieu of Bids (Requests for Proposals)

1. Competitive Sealed Proposals. When the Purchasing Agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be awarded by competitive sealed proposals. Competitive sealed proposals are most appropriately used for professional services or similar contracts.
2. Solicitation of Competitive Sealed Proposals. Competitive sealed proposals shall be solicited with a Request for Proposals, which shall include information and materials pertinent to the Procurement. The Request for Proposals shall state the relative importance of price and other evaluating factors. Public notice of the Request for Proposals shall be given at least ten (10) days prior to the advertised date of the opening of the proposals.
3. Opening of Competitive Sealed Proposals. Proposals shall be opened to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and shall be open for public inspection after contract award.
4. Fair and Equal Treatment. Offerors shall be accorded fair and equal treatment with respect to opportunity for discussion and revision of proposals, and revisions may be permitted, but not required, after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information contained in proposals submitted by competing offerors.
5. Awards for Competitive Sealed Proposals. Awards shall be made to the 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 Request for Proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

D. Architect-Engineer Services

Architect-engineering services are qualification-based procurements. Requests for such services should be publicly announced. Contracts should be negotiated by the Purchasing Agent based on demonstrated competence, required expertise, experience and fair and reasonable prices.

E. Contractor Eligibility

To be eligible to receive a contract from the City under this Chapter, a bidder shall:

1. Be on good standing with the City;
2. Comply with the applicable provisions of this Chapter;
3. Have the necessary licenses and other authorizations needed to conduct business in the State of Utah and to provide the services that are the subject of the procurement; and
4. Not be debarred by the City or the State of Utah.

F. Determination of Non-responsibility of Bidder or Offeror

1. Determination of non-responsibility of a bidder shall be made in writing. The unreasonable failure of a bidder to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to the bidder. Information furnished by a bidder pursuant to this section shall not be disclosed outside of the purchasing division without prior written consent by the bidder.
2. If the City terminates a contract with a bidder for cause and solicits proposals to replace the bidder, any additional proposals the terminated bidder may submit in response to the City's solicitation to provide the same service shall be deemed to be nonresponsive, unless the Purchasing Agent finds that good cause exists to consider the terminated bidder.

G. Cost-Plus-A-Percentage-Of-Cost Contracts Prohibited

Subject to the limitations of this Section, any type of contract which shall promote the best interests of the City may be used, provided that the use of a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the City than any other type or that it is impracticable to obtain the supplies, services, or construction required except under such a contract.

H. Change Orders

The Purchasing Agent is authorized to approve Change Orders to a Contract when the total amount of all such Change Orders is less than fifty thousand dollars (\$50,000). The Council must approve Change Orders to a Contract when the total amount of all such Change Orders exceeds fifty thousand and one dollars (\$50,001).

I. Form Contracts and Instruments

The City Manager is authorized to approve form Contracts and other instruments for the City's use to facilitate the Procurement requirements under this Chapter.

3.03.030 Appeals

A. Filing of Appeals. Any actual or prospective bidder who has standing to file an appeal and is aggrieved in connection with the solicitation or award of a contract may appeal the procurement by filing a written protest with the City Manager in accordance with the following:

1. To have standing to file an appeal under this section, the appellant shall:
 - a. Satisfy the requirements of Sections 3.03.030.F and 3.03.020.F on or before the date the City awarded the contract for the procurement that is the subject of the appeal; and
 - b. Have a reasonable likelihood of receiving the award if the error complained of in the appeal is corrected;
2. The appeal shall include the appellant's name, mailing address and daytime telephone number, the signature of the appellant or the attorney for the appellant, and the date the appeal is signed;
3. The appeal shall describe in reasonable detail 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; and
4. Appellants shall submit their appeals prior to the closing date for receiving bids or proposals unless the appellant did not know and could not reasonably have known of the facts giving rise to the appeal prior to such time, but in any event, all appeals shall be submitted within five (5) business days after the closing date for receiving bids or proposals.
5. The appellant bears the burden of proof and must show by a preponderance of the evidence that the City's actions with respect to the procurement were arbitrary, capricious, or illegal.

B. City Action on Appeals

1. The City Manager may request additional information from the appellant or from other persons to make a determination.
2. The appellant shall provide all information requested by the City Manager reasonably needed to decide the protest except information which is protected from disclosure by law, or which could reasonably be expected to result in unfair competitive injury to the protestor in spite of the protections for the appellant provided by law.
3. The City Manager shall review and hear the appeal. No later than (30) thirty business days after receiving a notice of appeal, the City Manager shall schedule an administrative hearing on the appeal. Unless otherwise agreed to by the Purchasing Agent and the appellant, the administrative hearing shall be held no sooner than (5) five business days and not later than thirty (30) business days from the date of the filing of the appeal.
4. At the administrative hearing before the City Manager, appellant and representatives of the City shall be allowed to testify, present evidence, and comment on the issues. The City Manager may allow other interested persons to testify, comment or provide evidence on the issues.
5. No later than thirty (30) business days after the administrative hearing, the City 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 City Manager shall include:
 - a. The decision, and any reasons for the decision the City Manager may wish to provide; and
 - b. A statement that the appellant may appeal the City Manager's decision to the City's Administrative Law Judge within five (5) business days of the City Manager's decision.
6. If the City Manager fails to issue a decision within (30) thirty business days after the administrative hearing, said failure shall be considered the equivalent of an order denying the appeal.
7. The City Manager may appoint another person to fulfill his or her respective responsibilities described in this Section.

C. Administrative Law Judge

1. The Administrative Law Judge shall review all appeals filed on a decision the City Manager makes under this Section on the record and shall not review such appeals on a de novo basis. If, however, the City Manager fails to issue a decision under this Section for any reason, the Administrative Law Judge shall review the appeal de novo.

2. The City Manager may, in their sole discretion, refer any appeal filed under this Chapter to the Administrative Law Judge pursuant to Section 1.03.050, in which case no decision from the City Manager on the appeal shall be required under this Section.
 3. The Administrative Law Judge shall hear and act upon all appeals or referrals from the City Manager that are made under this Chapter in accordance with Title 1, Chapter 3 and the applicable provisions of this Chapter. In the event of a conflict between Title 1, Chapter 3, and this Chapter, the provisions of this Chapter shall govern as applied to appeals the Administrative Law Judge reviews under this Chapter.
- D. Final Action. A written decision issued by the City Manager shall constitute the City's final administrative action on an appeal unless the appellant appeals the decision to the Administrative Law Judge. If the appellant appeals the decision to the Administrative Law Judge, or if the City Manager refers the appeal directly to the Administrative Law Judge under this Section, the Administrative Law Judge's written decision shall constitute the City's final administrative action on the appeal.
- E. City Actions During Pendency of Appeals. The City may proceed with a procurement that is subject to an appeal filed under this Chapter, including finalizing contracts with the selected bidder, except that the City Manager may suspend the procurement process for so long as they determine appropriate.

3.03.040 Remedies for Solicitations or Awards in Violation of Law

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

- 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 best interests of the City.

3.03.050 Procurement Ethics

- A. Acting in Violation of this Chapter. Any violation of this Chapter shall be grounds for disciplinary action, and civil and criminal prosecution at the discretion of the City.
- B. Conflicts of Interest Prohibited. No City official or staff involved in making procurement decisions may have personal investments in any business entity which shall create a substantial conflict between their private interests and their public duties. The Purchasing Agent and all applicable City officials, staff, and contractors shall comply with the City's ethics and nepotism ordinances, policies, and other applicable requirements when making procurement decisions or otherwise implementing this Chapter.
- C. Penalties. In accordance with applicable state law, any City official or staff involved in making procurement decisions is guilty of a felony if the that official or staff member asks, receives, or offers to receive any emolument, gratuity, contribution, loan, or reward, or any promise thereof, either for the person's own use or the use or benefit of any other person or organization from any person or organization interested in selling to the City.

CHAPTER 3.04 SALES TAX

3.04.010 Levy

- A. The City levies and collects a retail tax paid on every retail sale of items as provided in Utah Code § 59-12-103, made within the City at the rate of one percent (1%).
- B. The City levies and collects an excise tax paid on the storage, use, or other consumption within the City of tangible personal property or any items as provided in Utah Code § 59-12-103 and at the rate of one percent (1%).

3.04.020 Adoption of State Code

- A. Utah Code § 59-12-101 et seq. is adopted and made part of this Chapter.
- B. If the State is named or referred to as the "taxing entity" pursuant to Utah Code § 59-12-101 et seq., the name of the City shall be substituted therefor.

- C. Any amendments to Utah Code § 59-12-101 et seq., applicable to the City are incorporated herein by reference and shall be effective upon the effective date of the State statute.

3.04.030 State Tax Commission Services Agreement

The City has an agreement with the State Tax Commission to perform all functions related to the administration or operation of the sales and use tax ordinance of the City which may be supplemented to administer and collect the local sales and use tax as provided under State law.

3.04.04 Exemption from Tax

In compliance with Utah Code § 59-12-204, the City may not impose a tax on the sales and uses exempted pursuant to Utah Code § 59-12-104.

3.04.050 Tax Paid Not Part of Purchase Price

The amount of any tax paid pursuant to Utah Code § 59-12-101 et seq., may not be included as a part of the purchase price paid or charged for a taxable item.

3.04.060 Continuation of Previous Ordinances

The provisions of this Chapter which are not in conflict with any ordinances formerly enacted that remain in force and effect shall be considered in effect and any rights, duties, or obligations arising thereunder shall not be abrogated or terminated.

CHAPTER 3.05 MUNICIPAL ENERGY SALES AND USE TAX

3.05.010 Municipal Energy Sales and Use Tax Levied

Pursuant to Utah Code § 10-1-301 et seq., the Municipal Energy Sales and Use Tax Act, there is hereby levied, subject to the provisions of this Ordinance, a tax on every Sale or Use of taxable energy made within The City equaling six percent (6%) of the value of the taxable energy to the Consumer and effective on and after October 1, 2024. The MET shall be calculated on the delivered value of the taxable energy to the Consumer. The MET shall be in addition to any sales or use tax imposed by The City under Utah Code § 59-12-202 et seq., the Local Sales and Use Tax Act.

3.05.020 Exemptions

- A. Pursuant to Utah Code § 10-1-305(2)(b), the MET exempts from its terms the sale and use of:
1. Aviation fuel, motor fuel, or special fuel which is subject to taxation under Utah Code § 59-13;
 2. Taxable energy where the primary use is for compounding or producing taxable energy or a fuel which is subject to taxation under Utah Code § 59-13;

3. Taxable energy that The City is prohibited from taxing under federal law or the Constitutions of the United States or Utah;
 4. Taxable energy purchased or stored in the City for resale;
 5. Taxable energy brought into the state by a nonresident for his or her own personal use while in the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;
 6. Taxable energy for any purpose other than use as a fuel or energy; and
 7. Taxable energy for use outside of the City.
- B. Pursuant to Utah Code § 10-1-305(4), the sale, storage, use, or other consumption of taxable energy is exempt from the MET if:
1. The delivered value of the taxable energy has been subject to a municipal energy sales and use tax levied by another municipality within Utah under an ordinance enacted in accordance with the MET Act; and
 2. The City shall be paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under the MET if the tax due under the MET exceeds the tax paid to the other municipality.
- C. The MET further incorporates all other exemptions required by State law.

3.05.030 No Effect on Existing Franchises; Credits for Franchise Fees

This MET shall not alter any existing franchise agreements unless otherwise terminated or altered by agreement or applicable law. Any energy supplier who (a) pays a contractual franchise fee to The City pursuant to a contract which was in effect as of July 1, 1997, (b) passes the fee through to taxpayers as a separately itemized charge, and (c) accepts the franchise shall receive a tax credit equal to its contractual franchise fee.

3.05.040 Collection Contract with Tax Commission

On or before the effective date of the ordinance from which this Chapter is enacted, the City shall contract with the State Tax Commission to perform all functions related to the administration and collection of the MET, save those functions reserved to the City by law and described below. The Mayor and City Recorder are hereby authorized to enter into such agreement or amended agreement as needed with the State Tax Commission that may be necessary for the continued administration and operation of the MET.

- A. An energy supplier shall pay the MET collected from its Consumers directly to The City monthly if:
 - 1. The City is the energy supplier; or
 - 2. The energy supplier estimates that the MET collected annually from its Utah Consumers equals one million US. dollars (\$1,000,000.00) or more and (c) the energy supplier collects the MET.
- B. An energy supplier paying the MET directly to The City may retain the percent of the tax authorized under Utah Code § 59-12-108(2) for energy supplier's cost of collecting and remitting the tax.

3.05.050 Collection Contract with Tax Commission

- A. On or before the effective date of the ordinance from which this Chapter is enacted, the City shall contract with the State Tax Commission to perform all functions related to the administration and collection of the MET, save those functions reserved to the City by law and described below. The Mayor and City Recorder are hereby authorized to enter into such agreement or amended agreement as needed with the State Tax Commission that may be necessary for the continued administration and operation of the MET.
- B. An energy supplier shall pay the MET collected from its Consumers directly to The City monthly if:
 - 1. The City is the energy supplier; or
 - 2. The energy supplier estimates that the MET collected annually from its Utah Consumers equals one million US. dollars (\$1,000,000.00) or more and (c) the energy supplier collects the MET.
- C. An energy supplier paying the MET directly to The City may retain the percent of the tax authorized under Utah Code § 59-12-108(2) for energy supplier's cost of collecting and remitting the tax.

3.05.060 State Statutes Incorporated

- A. Except as provided in this Chapter, and except to the extent that they are inconsistent with the provisions of the MET Act, all of the provisions of Utah Code § 59-12-102 et seq., as to the extent that they relate to the sales and use taxes levied therein, as amended, in force and effect on the effective date hereof are hereby adopted and made a part of this Chapter as if fully set forth herein.
- B. Wherever, and to the extent that in Utah Code § 59-12-102 et seq. or the MET Act the State of Utah is named or referred to as the taxing agency, the name of The City shall be substituted, insofar as is necessary for the purposes of those parts. In no event shall the word "State" be substituted when used in junction with the "State Tax Commission," nor shall the State Tax Commission be substituted with The City in any way or for any matter of liability which is assigned by statute to the State Tax Commission.
- C. Any amendments made to Utah Code § 59-12-101 et seq. and § 10-1-301 et seq. that relate to levying or collecting a municipal energy sales and use tax are hereby adopted by reference.

3.05.070 No Additional License or Reporting Required

No additional license to collect or report the MET tax is required, provided the energy supplier collecting the tax has a license issued under Utah Code § 59-12-106.

CHAPTER 3.06 TELECOMMUNICATIONS SERVICE PROVIDERS TAX

3.06.010 TLT Levied

There is hereby levied, subject to the provisions of this Chapter, a tax on the gross receipts of telecommunications services attributable to the City in accordance with Utah Code §§ 59-12 and 10-1-407. The rate of the TLT shall equal three and one-half percent (3.5%) of each telecommunications provider's gross receipts from telecommunications services that are attributed to the City. The tax shall be effective on and after October 1, 2024. The City may exceed this rate if a higher rate is approved by a majority vote among those persons who vote in a municipal general election or a regular general election.

3.06.020 Agreement with the Tax Commission

On or before the effective date of the ordinance from which this Chapter is enacted, the City shall enter a uniform interlocal agreement described in Utah Code § 10-1-405 with the Utah Tax Commission.

3.06.030 Procedure for Taxes Erroneously Recovered from Customers

A customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer municipal telecommunications license taxes authorized by this ordinance unless the customer meets the same requirements that a purchaser is required to meet to bring a cause of action against a seller for a refund or credit as provided in Utah Code § 59-12-110.1(3).

CHAPTER 3.07 SURPLUS PROPERTY

3.07.010 Authority

Pursuant to Utah Code Ann. § 10-8-2, the City may purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the municipality, whether the property is within or without the municipality's corporate boundaries, if the action is in the public interest and complies with other law.

3.06.020 Inventory of Public Property

The City shall keep and maintain an inventory of Public Property valued in excess of ten thousand dollars (\$10,000.00).

3.06.030 Surplus Personal Property

- A. Surplus Personal Property Valued Less than \$10,000.00. The City Manager shall have the authority to dispose of Surplus Personal Property with a value of less than ten thousand dollars (\$10,000.00). The City Manager may sell, trade, or properly discard in accordance with the disposal method that provides the greatest benefit to the City. The City Manager

shall deposit all proceeds in the applicable City fund and shall not sell for less or assign a trade value of less than fair market value.

- B. Surplus Personal Property Valued in Excess of \$10,000.00. The Council shall have the authority to dispose of Surplus Personal Property with a value in excess of ten thousand dollars (\$10,000.00) through any one of, or a combination of, the following means and methods:
1. Sell or transfer to another governmental agency. If the asset is transferred to another agency the City should document how the transfer provides benefit to the entity or the citizens it serves;
 2. Acceptance of a cash offer that constitutes fair market value in accordance with at least three (3) different independent appraisals or expert opinions;
 3. Auction the item on the City's webpage, online retail sites, or via live auction. The City shall be responsible for all costs associated with this option and must allocate sufficient resources from a departmental budget line-item for this purpose. The City Manager shall coordinate the auction if online retail sites are used;
 4. Sell the item through a procurement process pursuant under this Title;
 5. Trade the item in for new replacement equipment;
 6. Surplus via Utah Division of Purchasing and General Services;
 7. Dispose as scrap metal if the item is broken, unusable, and/or hazardous;
 8. Properly discard the item if the item is broken, unusable, and/or hazardous.
- C. Requirements for Discard or Sale. Documentation and pictures must be retained for an item to be discarded. Discarding the item(s) being surplusd is the last option to be used unless the item is broken, unusable or has no commercial, salvage or donation value and/or the City has exhausted all other options for disposal. If the item is sold or transferred, the receiving individual or party must sign a liability waiver and release. If the City is responsible for the pickup or transfer of the item, it must obtain the signature of the individual or party receiving the item and forward the waiver and release to the City Recorder to maintain documentation of the sale.
- D. Vehicles. For vehicles being surplusd, the City shall attach a printout from Kelly Blue Book or similar credible vehicle appraisal entity with the estimated value of the vehicle and include it with the disposal documentation.
- E. Proceeds. Proceeds from the sale of Surplus Personal Property shall be deposited in a City fund determined by the Council.

3.06.040 Surplus Real Property

The disposal of all Surplus Real Property requires approval of the Council.

- A. Significant Parcel of Real Property. Surplus Real Property greater than one (1) acre in size shall be considered a “significant parcel of real property.” Prior to the disposal of a significant parcel of real property, the City shall provide an opportunity for the public to comment on the proposed disposal and public notice as a class A notice under Utah Code Ann. § 63G-30-102, for at least fourteen (14) days prior to the opportunity for public comment.
- B. Disposal of Surplus Real Property. The Council may dispose of Surplus Real Property by any means or methods that provides the City with the fair market value of the Surplus Real Property. Further, fair market value for the Surplus Real Property may be provided to the City in cash, other real property of equal or greater value, or another benefit that provides value equal to the fair market value of the Surplus Real Property. The fair market value of the Surplus Real Property shall be determined by at least one (1) appraisal by a qualified and accredited real estate appraiser.
- C. Records. The City Recorder shall keep and maintain all records associated with the disposal of the Surplus Real Property, including, but not limited to appraisals, contracts, correspondence, and other documentation evidencing the City’s compliance with this Chapter.

3.06.050 Unlawful Disposal

It shall be unlawful for the City, or any City staff or elected official, to dispose of Surplus Personal Property or Surplus Real Property by any means or methods not specifically set forth herein this Chapter. Further, it shall be unlawful for any City staff or elected official to personally benefit from the disposal of Surplus Personal Property or Surplus Real Property.

CHAPTER 3.07 SOLICITATION OF CITY FUNDS AND FEE WAIVERS

3.07.010 Definitions

The following adoptions shall apply to this Chapter. If a conflict arises between these definitions, and the definitions in Section 1.02.060 and the definitions in Chapter 3.02, the definitions in this Title shall control.

- A. “Agreement for Grant of City Funds” means a form agreement approved by the Council, which includes legally binding terms and conditions for the receipt and expenditure of City Funds granted by the Council pursuant to an Application for Funds.
- B. “Applicant” means the person or entity soliciting funds from the City and signer of the Application for Funds.

- C. "Application for Funds" means the official City application document that serves as a request for City Funds, which includes required information regarding the Applicant and the use of the requested funds.
- D. "City Funds" means the public funds owned, held, or administered by the City that are solicited or granted under this Chapter.
- E. "Disbursement of Funds Report" means the document that itemizes the expenditure of the total City Funds awarded to the Applicant.
- F. "Governmental Entity" means any organization, agency, or institution that is created by local, State, or federal law to provide essential services to the public.
- G. "Nonprofit Entity" means an entity registered as a nonprofit and in good standing with the State of Utah Department of Commerce, Division of Corporations, or any successor agency.
- I. "Nonprofit Organization" means any organization which is entitled to tax exempt status under the laws of either the United States or the State of Utah.
- J. "Public Purpose" means the promotion of the health, safety, or general welfare of the City's residents.

3.07.020 Solicitation of City Funds

Persons or entities soliciting City Funds shall submit a complete Application for Funds to the City Manager. Applications for Funds that are incomplete or that otherwise fail to meet the requirements of this Chapter may be rejected. The City Manager may request additional information from Applicant, and the Application for Funds shall not be considered for approval by the Council until the requested information is submitted.

3.07.030 Grant of City Funds

- A. General Provisions. Applications for Funds shall be considered for approval by the City Council. The Council may grant all or a portion of the City Funds requested as well as determine the timing of the release of any grant of City Funds. The Council may establish timeframes or other periods for acceptance of Applications for Funds and may budget amounts of City Funds annually available for grants under this Chapter. Applications for Funds shall not be accepted if submitted outside the timeframe or period established by the Council, if a timeframe or period is established. Applications for Funds shall not be granted if the City Funds budgeted as available for grants under this Chapter are fully expended, if such budget amounts are established for that fiscal year. Applicants are limited to one (1) Application for Funds for consideration by the City Council per fiscal year.

B. Approval. The Council may approve an Application for Funds provided that the expenditure and Applicant meet all the following criteria:

1. The City Funds are expended for a Public Purpose that benefits City residents;
2. The Public Purpose cannot be accomplished, or the benefits thereof cannot be realized unless City Funds are granted;
3. The City has the financial means to grant the City Funds;
4. The City Funds shall not be expended in any way or for any purpose that poses legal, financial, or reputational risk to the City; and
5. The Applicant has the capacity and resources to accomplish the Public Purpose, execute the representations in the Application for Funds, and comply with the requirements of this Chapter.

3.07.040 Requirements for Grant of City Funds by Total Amount Per Applicant

- A. Large Grants. For City Funds granted in a total amount of twenty-five thousand and one dollars (\$25,001) or more for the fiscal year, the Applicant is required to be a Nonprofit Organization and enter into an Agreement for Grant of City Funds prior to the release of the City Funds to the Applicant.
- B. Moderate Grants. For City Funds granted in a total amount of ten thousand and one dollars (\$10,001) to twenty-five thousand and one dollars (\$25,000) for the fiscal year, the Applicant is required to be a Nonprofit Entity and enter into an Agreement for Grant of City Funds prior to the release of the City Funds to the Applicant.
- C. Small Grants. For City Funds granted in a total amount of ten thousand dollars (\$10,000) or less for the fiscal year, Applicant shall execute any acknowledgement, receipt, or other documentation requested by the City prior to the release of the City Funds to the Applicant.
- D. Modifications and Additional Requirements. The Council may modify or waive the requirements of this Section. The Council may impose requirements for the release of City Funds in addition to the requirements of this Section as necessary to safeguard the City Funds, verify Applicant representations, secure assurances from Applicant, or protect the City from liability.

3.07.050 Reporting Requirements for City Funds; Financial Audit

- A. Disbursement of Funds Report. All persons and entities granted City Funds under this Chapter are required to submit a Disbursement of Funds Report to the City Manager within ten (10) months of receipt of the City Funds. The City may request, at any time, any information regarding the expenditure or status of City Funds and the person or entity in receipt of the City Funds shall comply with such requests in a timely manner.

- B. Inspection and Audit. All persons and entities granted City Funds under this Chapter are subject to a financial records inspection or financial audit as determined by the City. The City shall provide a reasonable amount of notice, but not less than seven (7) days, of the City's intent to inspect the person's or entity's financial records or conduct a financial audit.

3.07.060 Fee Waiver Requests

- A. Application. Persons or entities may submit requests for fee waivers by submitting a complete Application for Funds to the City Manager. Fee Waiver requests shall be processed and considered in accordance with the following:
1. All contributions made by the City must be made to help advance a bona fide public purpose.
 2. Contributions may be made by the Council appropriating funds through either the budget or a separate appropriation in a previously approved budget category. Contribution requests may also be directed to the City Manager for review and recommendation to the Council.
 3. Any request which involves a waiver of fees relating to a special event shall be submitted to the City Manager for recommendation to the Council.
 4. No contributions or waivers will be made to any organization which stands to gain commercially as a whole or individually.
 5. All requests for contribution or waiver of fees must be made on official application forms available from the City, which forms shall have been approved by the Council, and shall be submitted according to the guidelines and deadlines established by the Council. Questions may be directed to the City Manager.
 6. Unless good cause is shown, all applicants should be a nonprofit organization in good standing with the State of Utah, with adequate insurance to protect the City from claims that might arise from activities for which the City Funds are contributed or fees waived.
 7. All applicants receiving contributions are required to submit a "Disbursement of Funds Report" in accordance with this Chapter. These reports are to be submitted to the City Manager who shall provide copies to the Council. Any failure to submit the report on a timely basis may subject the applicant to potential legal action for recovery of the contributed amounts.
 8. All contributions must be approved by the Council.
 9. For any applicant organization which the Council determines to be worthy of on-going annual contributions to be included in the City's annual budgeting process, the initial request for a contribution shall be submitted by the applicant organization in

accordance with the terms of this ordinance. For each year thereafter when the Council determines to include that the organization's request in the City budget, the requesting organization shall file an annual recertification notice which sets out that the nature of the organization and that the services contemplated have not changed from the original request of that organization before any funds may be disbursed.

10. Payment of authorized contributions will be made by the Council upon receipt of either budget documents establishing that the contribution has been authorized, as to both amount and recipient, in the duly adopted budget or any amendment thereof or evidence that the Council has separately approved the contribution. As appropriate, approval will be accompanied by an agreement documenting the contribution amount and the uses for which it is authorized.

B. In addition to the criteria under Section 3.07.060.A, the Council may consider financial hardship for Fee Waiver requests. The City Manager may authorize Fee Waivers for Governmental Entities. Applicants are limited to one (1) fee waiver request for consideration by the Council per fiscal year.

CHAPTER 3.08 CITY BUDGET PROCESS

3.08.010 General Provisions

This Chapter shall define the process of preparing and adopting the annual fiscal year City budget. The Chapter further defines the Council's responsibilities, and the City's relationship with the MSD in the budget process as defined by law.

3.08.020 Authority

This Chapter is based upon the requirements of state law regarding the administration and operation of City, the responsibilities of the county and the MSD in the City's, and the Uniform Fiscal Procedures Act for Cities.

3.08.040 Tentative Budget

- A. The Council shall prepare and submit to the MSD a proposed budget in sufficient detail, content and scope and in a manner and on forms provided by the MSD pursuant to the Uniform Fiscal Procedures Act for Cities. The Council shall submit the proposed budget to the MSD before the deadline established by the MSD Board of Trustees. The time of submittal of the proposed budget may be extended if requested by a majority of the MSD Board of Trustees.
- B. Prior to submission of the proposed budget to the MSD, the Council shall review the proposed budget for consistency with statute, ordinance and fiscal and budget policies including the Uniform Fiscal Procedures Act for Cities and recommend modifications where necessary after consultation with the MSD Board of Trustees, other cities, and

affected county offices, agencies and departments.

- C. The proposed budget shall projected revenues, projected expenditures, and budget requests for all funds, along with any additional items deemed necessary by the Council, with recommendations as the Council feels appropriate.
- D. In preparing the proposed budget, the Council may include a budget for capital improvements and maintenance in the capital improvements fund.
- E. After the Council submits the proposed budget to the MSD, the Council and MSD Board of Trustees may hold joint meetings for purposes of preparing the tentative budget, which the City's budget officer shall do no later than the first regularly scheduled Council meeting in May.
- F. The Council may revise and update revenue projections and expenditure projections throughout the budget process and fiscal year and shall notify the MSD as soon as possible of any adjustments to the revenue projections in the proposed, tentative, and final budgets.
- G. The Council shall adopt the tentative budget in accordance with State law.

3.08.050 Final City Budget

After the MSD approves a tentative budget for the City, the Council shall adopt a final budget for the City on or before June 30 of each year for the following fiscal year. The Council shall set the date for the time and place of a public hearing to adopt a final budget, and cause notice of the same to be published and posted in accordance with state law. The Council shall also make the tentative budget available to the public in accordance with state law. All interested parties shall have an opportunity to be heard at the public hearing pursuant to rules established by the Council. The Council may make adjustments to the budget after the public hearing on the final budget. The Recorder shall file with the state auditor a certified copy of the final budget within thirty (30) calendar days after adoption.

3.08.060 Budget Limitations

The Council shall not propose or adopt any proposed, tentative or final budget or make any appropriation in the final budget of any fund that exceeds the estimated expendable revenue, including fund balances and reserves, of the fund for the fiscal year as required by state law.

3.08.070 Final Adopted Budget Amendments

The Council may amend a final fiscal year budget pursuant to law and any budget increase in any fund shall require five days' notice and a public hearing except under emergency conditions declared by the Council. If the Council amends the budget, the MSD shall amend the budget to account for the same.

3.08.080 Budget and Financial Policies

The Council may adopt policies or issue orders not inconsistent with law or this Chapter regarding the budget process.

EXHIBIT 1

TITLE 3 REVENUE AND FINANCE

CHAPTER 3.01 BUDGET, ACCOUNTING, AND FINANCIAL REPORTING

3.01.010: Key Fiscal Management Practices

- A. Adoption: The key fiscal management practices are adopted for budgeting, accounting, and financial reporting and subject to applicable state law, federal law, and other policies, rules, and regulations as adopted by the Council.
- B. Annual Budget: A copy of the key fiscal management practices is included in the City's _____ annual budget document.

CHAPTER 3.02 ~~PROCUREMENT DEFINITIONS~~

3.02.010 Definitions

~~A. _____~~

~~The following definitions shall apply to this Title. If a conflict arises between these definitions, and the definitions set forth in Section 1.02.060 of the Code, the definitions in this Title shall control.~~

- ~~A. “Business” means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.~~
- ~~B. _____~~
- ~~B. “Change Order” means a written order directing a suspension of, or change to a Contract, that does not require an amendment to the Contract, and signed by the Purchasing Agent or if Council approval is required, signed by the ~~Mayor~~City Manager.~~
- ~~C. _____~~
- ~~C. “Construction Purchase” means the acquisition of goods, services, and resources for a construction project.~~
- ~~D. _____~~
- ~~D. “Consumer” means a person who acquires taxable energy for any use that is subject to the MET Act.~~
- ~~E. “Contract” means any City agreement for the procurement or disposal of supplies, services, or construction.~~

~~E. _____ “Council” means the Magna City Council.~~

~~F. _____~~

F. “Final budget” means the budget finally adopted by the Council pursuant to its legislative authority.

G. “Installment and credit sale” means any closed transaction constituting a sale; and any transaction under which right to acquire, use, or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

H. “Invitation for Bids” means all documents, whether attached or incorporated by reference, used for soliciting bids.

G. ~~“May~~

I. “MET” means ~~an action is permissive~~ Municipal Energy Sales and Use Tax.

J. “MET Act” means Utah Code § 10-1-301 et seq., the "Municipal Energy Sales and Use Tax Act."

H. ~~“May not” means an action is prohibited.~~

I. ~~—~~

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

J. ~~—~~

L. “Procurement” means buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies, construction, or other services.

K. ~~—~~

M. “Procurement ~~Item~~item” means any equipment, materials, supplies, construction, or other services that the City may acquire pursuant to this Chapter.

L. ~~—~~

N. “Proposed budget” means the budget prepared in the format of the tentative budget by the Council in accordance with this Title and applicable Utah law.

O. “Purchasing Agent” means the ~~City Manager or another~~ person ~~duly~~the Council has authorized ~~by the Magna City Council~~ to enter into and administer contracts and make written determinations with respect thereto on behalf of the City.

P. “Public Property” means, consistent with Utah Code Ann. § 76-8-101(5)(a) or applicable successor statute, real or personal property that is owned, held, or managed by the City, including real or personal property that is transferred by the City to an independent contractor which remains public property while in the possession of an independent contractor of the City for the purpose of providing a program or service for, or on behalf of the City.~~N.—~~

Q. “Request for Proposals” means all documents, whether attached or incorporated by reference, used for soliciting proposals.

R. “Sale” shall mean any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy or fuel for consideration, including “installment and credit sale.”

S. “Storage” means any keeping or retention of taxable energy in the City for any purpose, except the sales in the regular course of business.

T. “Surplus Personal Property” means any Public Property including vehicles, that is not real property, which is no longer needed now or in the foreseeable future, or that is no longer of value or use to the City.

U. “Surplus Real Property” means any Public Property that is real property, that is no longer needed now or in the foreseeable future, or that is no longer of value or use to the City.

V. “Tentative budget” means the tentative budget the Council approves pursuant to this Title and applicable Utah law.

W. “TLT” means a telecommunications license tax authorized under the TLT Act.

X. “TLT Act” means the Telecommunications License Tax Act, Utah Code § 10-1-401 et seq., and any amendments thereto, or successor statutes.

O. ~~“Shall” means an action is mandatory or required.~~

Y. “Use” means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy, excluding the sale, display, demonstration, or trial of the taxable energy in the regular course of business and/or taxable energy which is held for resale.

CHAPTER 3.03 PROCUREMENT

3.02.20 3.03.010 Purchasing Agent

The ~~Council shall appoint a~~ Purchasing Agent, ~~who~~ shall be responsible for making procurements, solicit bids and proposals, ~~execute~~executing and ~~administer~~administering contracts, and ~~make~~making written purchasing determinations for the City in accordance with this Chapter and applicable law.

A. Procurement not requiring competitive sealed bids.

1. Small Purchases. Small purchases costing fifty thousand dollars (\$50,000) or less in total may not require bids of any type. Purchases may not be artificially divided to constitute a small purchase.
2. Non-Construction Purchases Requiring Telephone Bids. Purchases for non-construction projects costing between fifty thousand and one dollars (\$50,001) and one hundred thousand dollars (\$100,000) total, shall require three (3) telephone bids.
3. Construction Purchases Requiring Telephone Bids. Purchases for construction projects costing between fifty thousand and one dollars (\$50,001) and two hundred and fifty thousand dollars (\$250,000) total shall require three (3) telephone bids.
4. State Contracts. Purchases made through the cooperative purchasing contracts administered by the State Division of Purchasing or another governmental entity which has applied its purchasing and procurement policies.
5. Sole Source Procurement. Purchases made from a sole-source provider if the Purchasing Agent determines in writing that a Sole Source Procurement is in the best interests of the City and needed for one or more of the following reasons:
 - a. There is only one source for the Procurement Item;
 - b. The transitional costs are a significant consideration in selecting the Procurement Item and the results of a cost-benefit analysis demonstrate that transitional costs are unreasonable or cost-prohibitive, and that the award of a contract without engaging in a standard procurement process is in the best interest of the City; or
 - c. The award of a contract is under circumstances that make awarding the contract through a standard procurement process impractical and not in the best interest of the City.
6. Emergency Purchases. Emergency purchases are permitted when there is an eminent threat to the public's health, welfare, or safety. The Purchasing Agent shall facilitate as much competition as practicable for the Procurement Item. Emergency purchases shall be limited to amounts necessary for the resolution of the emergency or eminent threat. The Purchasing Agent shall document in writing the nature of the emergency or eminent threat that required the emergency purchases and the actions taken to procure the Procurement Item. The Purchasing Agent may notify the Council as soon as reasonably possible of the need for, amount of, and nature of any emergency purchase made pursuant to this Section.

7. Publication. If the City does not use competitive sealed bidding for a procurement that exceeds the highest amounts for Non-Construction Purchases and Construction Purchases under this Section, it shall provide notice of the procurement pursuant to Utah Code § 63G-6a-802, unless the procurement is a Small Purchase.

B. Purchases Requiring Competitive Sealed Bids.

1. General. The City shall award all contracts for a Procurement Item with an estimated value in excess of one hundred thousand dollars (\$100,000) for Non-Construction Purchases, and in excess of two hundred and fifty thousand dollars (\$250,000) for Construction Purchases, by competitive sealed bidding except as otherwise provided by this Title.
2. Invitation for Bids. An Invitation for Bids shall be issued when a contract is to be awarded by competitive sealed bidding, which shall include:
 - a. A description of the Procurement that the City seeks;
 - b. Instructions for submitting a bid, including the deadline for submitting a bid;
 - c. The objective criteria that the City shall use to evaluate bids;
 - d. Responsibility factors that the City shall use to evaluate the bidder, if the City intends to evaluate responsibility;
 - e. Information about the time and manner of opening bids; and
 - f. Terms and conditions that the City intends to include in the Contract resulting from the bidding process.
3. Publication. The Purchasing Agent shall publish an Invitation for Bids in accordance with ~~the~~ requirements of Utah Code § 63G-6a-112, which means that the Purchasing Agent shall ~~publish~~ the bid at least seven (7) days prior to the date set forth therein for the opening of ~~the~~ bids on the City's website or on a website owned, managed by, or provided by the State of Utah for the posting of public procurement notices. Purchasing Agent may, but is not required to, publish the Invitation for Bids in a newspaper of general circulation within City. The Purchasing Agent may reduce the seven (7) day period described in this ~~Section~~ in accordance with Utah Code § 63G-6a-112.
4. Opening of Bids. Bids shall be opened publicly in the presence of one or more witnesses ~~at the time and place designated in the Invitations for Bids.~~ The amount of each bid and ~~any other relevant information, together with the name of each bidder, shall be recorded.~~ ~~The record and each bid shall be open to public inspection.~~

5. Acceptance of Bids. Bids shall be unconditionally accepted without alternation or ~~—~~correction, except as authorized in this Chapter. Bids shall be evaluated based on the requirements set forth in the Invitation for Bids.
 6. Corrections and Withdrawals of Bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid ~~—~~mistakes, shall be permitted, but not required. After bid opening no changes in bid prices ~~—~~or other provisions prejudicial to the interest of the City or fair competition shall ~~-be —~~permitted. All ~~-~~decisions to permit the correction or withdrawal of bids or to cancel awards ~~—~~or contracts based on bid mistakes shall be supported by a written ~~—~~determination made ~~—~~by the ~~-~~Purchasing Agent.
 7. Contract Negotiation and Awards. The Contract shall be awarded with reasonable ~~—~~promptness, by written notice, to the lowest responsive, responsible bidder whose bid ~~—~~meets the requirements and criteria set forth in the Invitation for Bids, subject to the ~~—~~Purchasing Agent concluding any negotiations that may be needed to finalize the ~~—~~Contract.
 8. Construction Contracts. The City shall follow the procedures contained in Utah Code § 11-39-101 et seq. for the award of contracts for the construction of building improvements or public works projects as defined therein and any provision of this Chapter that conflicts with the provisions of Utah Code § 11-39-101 et seq. may not apply to the award of contracts covered by this Chapter.
 9. Prior Council Authorization. Prior Council authorization is required for all purchases requiring competitive sealed bids and competitive sealed proposals.
 10. Cancellation and Rejection of Bids. An Invitation for Bids, a Request for Proposals, or other solicitations 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. The reasons shall be made part of the contract file.
- C. Use of Competitive Sealed Proposals in Lieu of Bids (Requests for Proposals ~~-~~).
1. Competitive Sealed Proposals. When the Purchasing Agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be awarded by competitive sealed proposals. Competitive sealed proposals are most appropriately used for professional services or similar contracts.
 2. Solicitation of Competitive Sealed Proposals. Competitive sealed proposals shall be solicited with a Request for Proposals, which shall include information and materials pertinent to the Procurement. The Request for Proposals shall state the relative importance of price and other evaluating factors. Public notice of the Request for Proposals shall be given at least ten (10) days prior to the advertised date of the opening of the proposals.

3. Opening of Competitive Sealed Proposals. Proposals shall be opened to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and shall be open for public inspection after contract award.
4. Fair and Equal Treatment. Offerors shall be accorded fair and equal treatment with respect to opportunity for discussion and revision of proposals, and revisions may be permitted, but not required, after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information contained in proposals submitted by competing offerors.
5. Awards for Competitive Sealed Proposals. Awards shall be made to the 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 Request for Proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

D. Architect-Engineer Services:

Architect-engineering services are qualification-based procurements. Requests for such services should be publicly announced. Contracts should be negotiated by the Purchasing Agent based on demonstrated competence, required expertise, experience and fair and reasonable prices.

E. Contractor Eligibility

To be eligible to receive a contract from the City under this Chapter, a bidder shall:

1. Be on good standing with the City;
2. Comply with the applicable provisions of this Chapter;
3. Have the necessary licenses and other authorizations needed to conduct business in the State of Utah and to provide the services that are the subject of the procurement; and
4. Not be debarred by the City or the State of Utah.

E.F. Determination of Non-responsibility of Bidder or Offeror:

1. Determination of non-responsibility of a bidder ~~or offeror~~ shall be made in writing. The unreasonable failure of a bidder ~~or offeror~~ to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to the bidder ~~or offeror~~. Information furnished by a bidder ~~or offeror~~ pursuant to this ~~Section may~~section shall not be

~~publicly~~ disclosed outside of the purchasing division without prior written consent by the bidder ~~or offeror, unless public disclosure is required under applicable law.~~

2. If the City terminates a contract with a bidder for cause and solicits proposals to replace the bidder, any additional proposals the terminated bidder may submit in response to the City's solicitation to provide the same service shall be deemed to be nonresponsive, unless the Purchasing Agent finds that good cause exists to consider the terminated bidder.

F.G. Cost-Plus-A-Percentage-Of-Cost Contracts Prohibited-

Subject to the limitations of this Section, any type of contract which shall promote the best interests of the City may be used, provided that the use of a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the City than any other type or that it is impracticable to obtain the supplies, services, or construction required except under such a contract.

G.H. Change Orders-

The Purchasing Agent is authorized to approve Change Orders to a Contract when the total amount of all such Change Orders is less than fifty thousand dollars (\$50,000). The Council must approve Change Orders to a Contract when the total amount of all such Change Orders exceeds fifty thousand and one dollars (\$50,001).

H.I. Form Contracts and Instruments

The City Manager is authorized to approve form Contracts and other instruments for the City's use to facilitate the Procurement requirements under this Chapter.

3.02.04003.030 Appeals

A. A. — Filing of Appeals. Any actual or prospective bidder, ~~offeror, or contractor who~~ who has standing to file an appeal and is aggrieved in connection with the solicitation or award of a ~~Contract~~contract may appeal ~~to the Purchasing Agent.~~ An appeal the procurement by filing a written protest with the City Manager in accordance with the following:

1. To have standing to file an appeal under this section, the appellant shall:
 - a. Satisfy the requirements of Sections 3.03.030.F and 3.03.020.F on or before the date the City awarded the contract for the procurement that is the subject of the appeal; and
 - b. Have a reasonable likelihood of receiving the award if the error complained of in the appeal is corrected;

2. The appeal shall include the appellant's name, mailing address and daytime telephone number, the signature of the appellant or the attorney for the appellant, and the date the appeal is signed;
3. The appeal shall describe in reasonable detail 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; and
4. Appellants shall submit their appeals prior to the closing date for receiving bids or proposals unless the appellant did not know and could not reasonably have known of the facts giving rise to the appeal prior to such time, but in any event, all appeals shall be submitted in writing within five (5) business days after the aggrieved bidder, offeror, or contractor knows or should have known of the facts closing date for receiving bids or proposals.
5. ~~B. Written Decision Required.~~ The appellant bears the burden of proof and must show by a preponderance of the evidence that the City's actions with respect to the procurement were arbitrary, capricious, or illegal.

B. City Action on Appeals

1. The City Manager may request additional information from the appellant or from other persons to make a determination.
2. The appellant shall provide all information requested by the City Manager reasonably needed to decide the protest except information which is protected from disclosure by law, or which could reasonably be expected to result in unfair competitive injury to the protestor in spite of the protections for the appellant provided by law.
3. The City Manager shall review and hear the appeal. No later than (30) thirty business days after receiving a notice of appeal, the City Manager shall schedule an administrative hearing on the appeal. Unless otherwise agreed to by the Purchasing Agent ~~shall promptly~~ and the appellant, the administrative hearing shall be held no sooner than (5) five business days and not later than thirty (30) business days from the date of the filing of the appeal.
4. At the administrative hearing before the City Manager, appellant and representatives of the City shall be allowed to testify, present evidence, and comment on the issues. The City Manager may allow other interested persons to testify, comment or provide evidence on the issues.
5. No later than thirty (30) business days after the administrative hearing, the City Manager shall issue a ~~written~~ 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 City Manager shall include:

- a. The decision regarding, and any appeal, if it is not settled by a mutual agreement. The decision shall state the reasons for the action taken and the right to appeal to decision the City Council. Manager may wish to provide; and
- b. C. _____ A statement that the appellant may appeal the City Manager's decision to the City's Administrative Law Judge within five (5) business days of the City Manager's decision.
6. If the City Manager fails to issue a decision within (30) thirty business days after the administrative hearing, said failure shall be considered the equivalent of an order denying the appeal.
7. The City Manager may appoint another person to fulfill his or her respective responsibilities described in this Section.

C. Administrative Law Judge

1. The Administrative Law Judge shall review all appeals filed on a decision the City Manager makes under this Section on the record and shall not review such appeals on a de novo basis. If, however, the City Manager fails to issue a decision under this Section for any reason, the Administrative Law Judge shall review the appeal de novo.
2. The City Manager may, in their sole discretion, refer any appeal filed under this Chapter to the Administrative Law Judge pursuant to Section 1.03.050, in which case no decision from the City Manager on the appeal shall be required under this Section.
3. The Administrative Law Judge shall hear and act upon all appeals or referrals from the City Manager that are made under this Chapter in accordance with Title 1, Chapter 3 and the applicable provisions of this Chapter. In the event of a conflict between Title 1, Chapter 3, and this Chapter, the provisions of this Chapter shall govern as applied to appeals the Administrative Law Judge reviews under this Chapter.

D. Final Action. A written decision issued by the ~~Purchasing Agent~~ City Manager shall constitute the City's final administrative action on an appeal. unless the appellant appeals the decision to the Administrative Law Judge. If the appellant appeals the decision to the Administrative Law Judge, or if the City Manager refers the appeal directly to the Administrative Law Judge under this Section, the Administrative Law Judge's written decision shall constitute the City's final administrative action on the appeal.

E. City Actions During Pendency of Appeals. The City may proceed with a procurement that is subject to an appeal filed under this Chapter, including finalizing contracts with the selected bidder, except that the City Manager may suspend the procurement process for so long as they determine appropriate.

3.03.040 Remedies for Solicitations or Awards in Violation of Law

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

3.02.50 3.03.050 Procurement Ethics

- A. Acting in Violation of this Chapter. Any violation of this Chapter shall be grounds for disciplinary action, and civil and criminal prosecution at the discretion of the City.
- ~~A.B.~~ Conflicts of Interest Prohibited. No City official or staff involved in making procurement decisions may have personal investments in any business entity which shall create a substantial conflict between their private interests and their public duties. The Purchasing Agent and all applicable City officials, staff, and contractors shall comply with the City's ethics and nepotism ordinances, policies, and other applicable requirements when making procurement decisions or otherwise implementing this Chapter.
- ~~B.C.~~ Penalties. In accordance with applicable state law, any City official or staff involved in making procurement decisions is guilty of a felony if the that official or staff member asks, receives, or offers to receive any emolument, gratuity, contribution, loan, or reward,

or any promise thereof, either for the person's own use or the use or benefit of any other person or organization from any person or organization interested in selling to the City.

CHAPTER 3.~~03~~04 SALES TAX

3.03.10 3.04.010 Levy

- A. The City levies and collects a retail tax paid on every retail sale of items as provided in — Utah Code § 59-12-103, made within the City at the rate of one percent (1%).
- B. The City levies and collects an excise tax paid on the storage, use, or other consumption within the City of tangible personal property or any items as provided in Utah Code § 59-12-103 and at the rate of one percent (1%).

3.03.20 3.04.020 Adoption of State Code

- ~~A.~~
A. Utah Code § 59-12-101 et seq. is adopted and made part of this Chapter.
- B. If the State is named or referred to as the “taxing entity” pursuant to Utah Code § 59-12-101 et seq., the name of the City shall be substituted therefor.
- C. Any amendments to Utah Code § 59-12-101 et seq., applicable to the City are incorporated ——— herein by reference and shall be effective upon the effective date of the State statute.

3.~~03~~04.030 State Tax Commission Services Agreement

The City has an agreement with the State Tax Commission to perform all functions related to the administration or operation of the sales and use tax ordinance of the City which may be supplemented to administer and collect the local sales and use tax as provided under State law.

3.~~03~~04.04 Exemption from Tax

In compliance with Utah Code § 59-12-204, the City may not impose a tax on the sales and uses exempted pursuant to Utah Code § 59-12-104.

3.~~03~~04.050 Tax Paid Not Part of Purchase Price

The amount of any tax paid pursuant to Utah Code § 59-12-101 et seq., may not be included as a part of the purchase price paid or charged for a taxable item.

3.~~03~~04.060 Continuation of Previous Ordinances

The provisions of this Chapter which are not in conflict with any ordinances formerly enacted that remain in force and effect shall be considered in effect and any rights, duties, or obligations arising thereunder shall not be abrogated or terminated.

CHAPTER 3.0405 MUNICIPAL ENERGY SALES AND USE TAX

3.0405.010 Definitions

~~A. "Consumer" means a person who acquires taxable energy for any use that is subject to the MET Act.~~

~~B. "MET" means Municipal Energy Sales and Use Tax.~~

~~A. C. "MET Act" means Utah Code § 10-1-301 et seq., the "Municipal Energy Sales and Use Tax Act."~~

~~D. "Sale" shall mean any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy or fuel for consideration, including "installment and credit sale."~~

~~E. "Installment and credit sale" means any closed transaction constituting a sale; and any transaction under which right to acquire, use, or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.~~

~~F. "Storage" means any keeping or retention of taxable energy in Magna City for any purpose, except the sales in the regular course of business.~~

~~G. "Use" means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy, excluding the sale, display, demonstration, or trial of the taxable energy in the regular course of business and/or taxable energy which is held for resale.~~

3.04.020 Municipal Energy Sales and Use Tax Levied

Pursuant to Utah Code § 10-1-301 et seq., the Municipal Energy Sales and Use Tax Act, there is hereby levied, subject to the provisions of this Ordinance, a tax on every Sale or Use of taxable energy made within MagnaThe City equaling six percent (6%) of the value of the taxable energy to the Consumer and effective on and after October 1, 2024. The MET shall be calculated on the delivered value of the taxable energy to the Consumer. The MET shall be in addition to any sales or use tax imposed by MagnaThe City under Utah Code § 59-12-202 et seq., the Local Sales and Use Tax Act.

3.04.03005.020 Exemptions

A. Pursuant to Utah Code § 10-1-305(2)(b), the MET exempts from its terms the sale and use of:

1. Aviation fuel, motor fuel, or special fuel which is subject to taxation under Utah ~~Code~~ § 59-13;
2. Taxable energy where the primary use is for compounding or producing taxable ~~energy~~ or a fuel which is subject to taxation under Utah Code § 59-13;

3. Taxable energy that ~~Magna~~The City is prohibited from taxing under federal law or the Constitutions of the United States or Utah;
 4. Taxable energy purchased or stored in ~~Magnathe~~ City for resale;
 5. Taxable energy brought into the state by a nonresident for his or her own personal _____use while in the state, except taxable energy purchased for use in the state by a _____nonresident living or working in the state at the time of purchase;
 6. Taxable energy for any purpose other than use as a fuel or energy; and
 7. Taxable energy for use outside of ~~Magnathe~~ City.
- B. Pursuant to Utah Code § 10-1-305(4), the sale, storage, use, or other consumption of taxable energy is exempt from the MET if:
1. The delivered value of the taxable energy has been subject to a municipal energy _____sales and use tax levied by another municipality within Utah under an ordinance _____enacted in accordance with the MET Act; and
 2. ~~Magna~~The City shall be paid the difference between the tax paid to the other _____municipality and the tax that would otherwise be due under the MET if the tax due _____under the MET exceeds the tax paid to the other municipality.
- C. The MET further incorporates all other exemptions required by State law.

~~3.04.04005.030~~ No Effect on Existing Franchises; Credits for Franchise Fees

This MET shall not alter any existing franchise agreements unless otherwise terminated or altered by agreement or applicable law. Any energy supplier who (a) pays a contractual franchise fee to ~~Magna~~The City pursuant to a contract which was in effect as of July 1, 1997, (b) passes the fee through to taxpayers as a separately itemized charge, and (c) accepts the franchise shall receive a tax credit equal to its contractual franchise fee.

~~050-Tax~~

~~3.04.~~ 3.05.040 Collection Contract with Tax Commission

On or before the effective date of the ordinance from which this Chapter is enacted, ~~Magnathe~~ City shall contract with the State Tax Commission to perform all functions related to the administration and collection of the MET, save those functions reserved to ~~Magna City by law and described below. the City by law and described below. The Mayor and City Recorder are hereby authorized to enter into such agreement or amended agreement as needed with the State Tax Commission that may be necessary for the continued administration and operation of the MET.~~

A. An energy supplier shall pay the MET collected from its Consumers directly to The City monthly if:

1. The City is the energy supplier; or

2. The energy supplier estimates that the MET collected annually from its Utah Consumers equals one million US. dollars (\$1,000,000.00) or more and (c) the energy supplier collects the MET.

B. An energy supplier paying the MET directly to The City may retain the percent of the tax authorized under Utah Code § 59-12-108(2) for energy supplier's cost of collecting and remitting the tax.

3.05.050 Collection Contract with Tax Commission

- A. On or before the effective date of the ordinance from which this Chapter is enacted, the City shall contract with the State Tax Commission to perform all functions related to the administration and collection of the MET, save those functions reserved to the City by law and described below. The Mayor and City Recorder are hereby authorized to enter into such agreement or amended agreement as needed with the State Tax Commission that may be necessary for the continued administration and operation of the MET.
- B. An energy supplier shall pay the MET collected from its Consumers directly to ~~Magna~~The City monthly if:
 - 1. ~~The~~ City is the energy supplier; or
 - 2. The energy supplier estimates that the MET collected annually from its Utah Consumers equals one million US. dollars (\$1,000,000.00) or more and (c) the energy supplier collects the MET.
- C. An energy supplier paying the MET directly to ~~Magna~~The City may retain the percent of the tax authorized under Utah Code § 59-12-108(2) for energy supplier's cost of collecting and remitting the tax.

3.0405.060 State Statutes Incorporated

- A. Except as provided in this Chapter, and except to the extent that they are inconsistent with the provisions of the MET Act, all of the provisions of Utah Code § 59-12-102 et seq., as to the extent that they relate to the sales and use taxes levied therein, as amended, in force and effect on the effective date hereof are hereby adopted and made a part of this Chapter as if fully set forth herein.
- ~~B.~~
- B. Wherever, and to the extent that in Utah Code § 59-12-102 et seq. or the MET Act the State of Utah is named or referred to as the taxing agency, the name of ~~Magna~~The City shall be substituted, insofar as is necessary for the purposes of those parts. In no event shall the word "State" be substituted when used in junction with the "State Tax Commission," nor shall the State Tax Commission be substituted with ~~Magna~~The City in any way or for any matter of liability which is assigned by statute to the State Tax Commission.
- ~~C.~~
- C. Any amendments made to Utah Code § 59-12-101 et seq. and § 10-1-301 et seq. that relate to levying or collecting a municipal energy sales and use tax are hereby adopted by reference.

3.0405.070 No Additional License or Reporting Required

No additional license to collect or report the MET tax is required, provided the energy supplier collecting the tax has a license issued under Utah Code § 59-12-106.

CHAPTER 3.0506 TELECOMMUNICATIONS SERVICE PROVIDERS TAX

3.0506.010 Definitions

~~All words and phrases in this Chapter shall have the same meaning as set forth in the TLT Act, with the following additions:~~

~~A. "TLT" means a telecommunications license tax authorized under the TLT Act.~~

~~B.A. "TLT Act" means the Telecommunications License Tax Act, Utah Code § 10-1-401 et seq., and any amendments thereto, or successor statutes.~~

3.05.020 TLT Levied

There is hereby levied, subject to the provisions of this Chapter, a tax on the gross receipts of telecommunications services attributable to Magnathe City in accordance with Utah Code §§ 59-12 and 10-1-407. The rate of the TLT shall equal three and one-half percent (3.5%) of each telecommunications provider's gross receipts from telecommunications services that are attributed to Magnathe City. The tax shall be effective on and after October 1, 2024. MagnaThe City may exceed this rate if a higher rate is approved by a majority vote among those persons who vote in a municipal general election or a regular general election.

3.05.03006.020 Agreement with the Tax Commission

On or before the effective date of the ordinance from which this Chapter is enacted, Magnathe City shall enter a uniform interlocal agreement described in Utah Code § 10-1-405 with the Utah Tax Commission.

3.05.04006.030 Procedure for Taxes Erroneously Recovered from Customers

A customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer municipal telecommunications license taxes authorized by this ordinance unless the customer meets the same requirements that a purchaser is required to meet to bring a cause of action against a seller for a refund or credit as provided in Utah Code § 59-12-110.1(3).

CHAPTER 3.0607 SURPLUS PROPERTY

3.0607.010 Definitions

~~A. "Public Property" means, consistent with Utah Code Ann. § 76-8-101(5)(a) or applicable successor statute, real or personal property that is owned, held, or managed by the City, including real or personal property that is transferred by the City to an independent contractor which remains public property while in the possession of an independent contractor of the City for the purpose of providing a program or service for, or on behalf of the City.~~

~~A. B. "Surplus Personal Property" means any Public Property including vehicles, that is not real property, which is no longer needed now or in the foreseeable future, or that is no longer of value or use to the City.~~

~~A. C. "Surplus Real Property" means any Public Property that is real property, that is no longer needed now or in the foreseeable future, or that is no longer of value or use to the City.~~

3.06.020 Authority

Pursuant to Utah Code Ann. § 10-8-2, the City may purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the municipality, whether the property is within or without the municipality's corporate boundaries, if the action is in the public interest and complies with other law.

3.06.030020 Inventory of Public Property

The City shall keep and maintain an inventory of Public Property valued in excess of ten thousand dollars (\$10,000.00).

3.06.040030 Surplus Personal Property

- A. Surplus Personal Property Valued Less than \$10,000.00. The City Manager shall have the authority to dispose of Surplus Personal Property with a value of less than ten thousand dollars (\$10,000.00). The City Manager may sell, trade, or properly discard in accordance with the disposal method that provides the greatest benefit to the City. The City Manager shall deposit all proceeds in the applicable City fund and shall not sell for less or assign a trade value of less than fair market value.
- B. Surplus Personal Property Valued in Excess of \$10,000.00. The ~~City~~ Council shall have the authority to dispose of Surplus Personal Property with a value in excess of ten thousand dollars (\$10,000.00) through any one of, or a combination of, the following means and methods: _____
- ~~1.~~ _____
 1. Sell or transfer to another governmental agency. If the asset is transferred to another — agency the City should document how the transfer provides benefit to the entity or — the citizens it serves;
 - ~~2.~~ _____
 2. Acceptance of a cash offer that constitutes fair market value in accordance with at — least three (3) different independent appraisals or expert opinions;
 - ~~3.~~ _____
 3. Auction the item on the City's webpage, eBayonline retail sites, or via live auction. The City shall _____ be responsible for all costs associated with this option and must allocate sufficient _____ resources from a departmental budget line-item for this purpose. The City Manager _____ ~~will~~shall coordinate the auction if eBay isonline retail sites are used;
 - ~~4.~~ _____
 4. Sell the item through a procurement process pursuant under this Title;
 - ~~5.~~ _____

5. Trade the item in for new replacement equipment;
- ~~6.~~
6. Surplus via Utah Division of Purchasing and General Services;
- ~~7.~~
7. Dispose as scrap metal if the item is broken, unusable, and/or hazardous;
- ~~8.~~
8. Properly discard the item if the item is broken, unusable, and/or hazardous.

- C. Requirements for Discard or Sale. Documentation and pictures must be retained for an item to be discarded. Discarding the item(s) being surplus is the last option to be used unless the item is broken, unusable or has no commercial, salvage or donation value and/or the City has exhausted all other options for disposal. If the item is sold or transferred, the receiving individual or party must sign a liability waiver and release. If the City is responsible for the pickup or transfer of the item, it must obtain the signature of the individual or party receiving the item and forward the waiver and release to the City Recorder to maintain documentation of the sale.
- D. Vehicles. For vehicles being surplus, the City shall attach a printout from Kelly Blue Book or similar credible vehicle appraisal entity with the estimated value of the vehicle and include it with the disposal documentation.
- E. Proceeds. Proceeds from the sale of Surplus Personal Property shall be deposited in a City fund determined by the ~~City~~ Council.

3.06.~~050040~~ Surplus Real Property

The disposal of all Surplus Real Property requires approval of the ~~City~~ Council.

- A. Significant Parcel of Real Property. Surplus Real Property greater than one (1) acre in size shall be considered a “significant parcel of real property^{”.”} Prior to the disposal of a significant parcel of real property, the City shall provide an opportunity for the public to comment on the proposed disposal and public notice as a class A notice under Utah Code Ann. § 63G-30-102, for at least fourteen (14) days prior to the opportunity for public comment.
- B. Disposal of Surplus Real Property. The ~~City~~ Council may dispose of Surplus Real Property by any means or methods that provides the City with the fair market value of the Surplus Real Property. Further, fair market value for the Surplus Real Property may be provided to the City in cash, other real property of equal or greater value, or another benefit that provides value equal to the fair market value of the Surplus Real Property. The fair market value of the Surplus Real Property shall be determined by at least one (1) appraisal by a qualified and accredited real estate appraiser.
- C. Records. The City Recorder shall keep and maintain all records associated with the disposal of the Surplus Real Property, including, but not limited to appraisals, contracts,

correspondence, and other documentation evidencing the City's compliance with this Chapter.

3.06.~~060~~50 Unlawful Disposal

It shall be unlawful for the City, or any City staff or elected official, to dispose of Surplus Personal Property or Surplus Real Property by any means or methods not specifically set forth herein this Chapter. Further, it shall be unlawful for any City staff or elected official to personally benefit from the disposal of Surplus Personal Property or Surplus Real Property.

CHAPTER 3.07 SOLICITATION OF CITY FUNDS AND FEE WAIVERS

3.07.010 Definitions

The following adoptions shall apply to this Chapter. If a conflict arises between these definitions, and the definitions in Section 1.02.060 and the definitions in Chapter 3.02, the definitions in this Title shall control.

- A. "Agreement for Grant of City Funds" means a form agreement approved by the ~~City~~ Council, which includes legally binding terms and conditions for the receipt and expenditure of City Funds granted by the ~~City~~ Council pursuant to an Application for Funds.
- B. "Applicant" means the person or entity soliciting funds from the City and signer of the Application for Funds.
- C. "Application for Funds" means the official City application document that serves as a request for City Funds, which includes required information regarding the Applicant and the use of the requested funds.
- D. "City Funds" means the public funds owned, held, or administered by the City that are solicited or granted under this Chapter.
- E. "Disbursement of Funds Report" means the document that itemizes the expenditure of the total City Funds awarded to the Applicant.
- F. "Governmental Entity" means any organization, agency, or institution that is created by local, State, or federal law to provide essential services to the public.
- ~~G. "Mayor" means the person elected for this City office, or his/her designee.~~
- ~~H~~
- G. "Nonprofit Entity" means an entity registered as a nonprofit and in good standing with the State of Utah Department of Commerce, Division of Corporations, or any successor agency.
- I. "Nonprofit Organization" means any organization which is entitled to tax exempt status under the laws of either the United States or the State of Utah.

J. "Public Purpose" means the promotion of the health, safety, or general welfare of the City's residents.

3.07.020 Solicitation of City Funds

Persons or entities soliciting City Funds shall submit a complete Application for Funds to the ~~Mayer or~~ City Manager. Applications for Funds that are incomplete or that otherwise fail to meet the requirements of this Chapter may be rejected. The ~~Mayer or~~ City Manager may request additional information from Applicant, and the Application for Funds shall not be considered for approval by the ~~City~~ Council until the requested information is submitted.

3.07.030 Grant of City Funds

- A. General Provisions. Applications for Funds shall be considered for approval by the City Council. The ~~City~~ Council may grant all or a portion of the City Funds requested as well as determine the timing of the release of any grant of City Funds. The ~~City~~ Council may establish timeframes or other periods for acceptance of Applications for Funds and may budget amounts of City Funds annually available for grants under this Chapter. Applications for Funds shall not be accepted if submitted outside the timeframe or period established by the ~~City~~ Council, if a timeframe or period is established. Applications for Funds shall not be granted if the City Funds budgeted as available for grants under this Chapter are fully expended, if such budget amounts are established for that fiscal year. Applicants are limited to one (1) Application for Funds for consideration by the City Council per fiscal year.
- B. Approval. The ~~City~~ Council may approve an Application for Funds provided that the expenditure and Applicant meet all ~~of~~ the following criteria:
1. The City Funds are expended for a Public Purpose that benefits City residents;
 2. The Public Purpose cannot be accomplished, or the benefits thereof cannot be ~~_____~~ realized unless City Funds are granted;
 3. The City has the financial means to grant the City Funds;
 4. The City Funds shall not be expended in any way or for any purpose that poses ~~_____~~ legal, financial, or reputational risk to the City; and
 5. The Applicant has the capacity and resources to accomplish the Public Purpose, ~~_____~~ execute the representations in the Application for Funds, and comply with the ~~_____~~ requirements of this Chapter.

3.07.040 Requirements for Grant of City Funds by Total Amount Per Applicant

- A. Large Grants. For City Funds granted in a total amount of twenty-five thousand and one dollars (\$25,001) or more for the fiscal year, the Applicant is required to be a Nonprofit Organization and enter into an Agreement for Grant of City Funds prior to the release of the City Funds to the Applicant.
- B. Moderate Grants. For City Funds granted in a total amount of ten thousand and one dollars (\$10,001) to twenty-five thousand and one dollars (\$25,000) for the fiscal year, the Applicant is required to be a Nonprofit Entity and enter into an Agreement for Grant of City Funds prior to the release of the City Funds to the Applicant.
- C. Small Grants. For City Funds granted in a total amount of ten thousand dollars (\$10,000) or less for the fiscal year, Applicant shall execute any acknowledgement, receipt, or other documentation requested by the City prior to the release of the City Funds to the Applicant.
- D. Modifications and Additional Requirements. The ~~City~~ Council may modify or waive the requirements of this Section. The ~~City~~ Council may impose requirements for the release of City Funds in addition to the requirements of this Section as necessary to safeguard the City Funds, verify Applicant representations, secure assurances from Applicant, or protect the City from liability.

3.07.050 Reporting Requirements for City Funds; Financial Audit

- A. Disbursement of Funds Report. All persons and entities granted City Funds under this Chapter are required to submit a Disbursement of Funds Report to the ~~Mayor or~~ City Manager within ten (10) months of receipt of the City Funds. The City may request, at any time, any information regarding the expenditure or status of City Funds and the person or entity in receipt of the City Funds shall comply with such requests in a timely manner.
- B. Inspection and Audit. All persons and entities granted City Funds under this Chapter are subject to a financial records inspection or financial audit as determined by the City. The City shall provide a reasonable amount of notice, but not less than seven (7) days, of the City's intent to inspect the person's or entity's financial records or conduct a financial audit.

3.07.060 Fee Waiver Requests

A. Application. Persons or entities may submit requests for fee waivers by submitting a complete Application for Funds to the ~~Mayor or~~ City Manager. Fee Waiver requests shall be processed and considered in accordance with the following:

1. All requirements set forth contributions made by the City must be made to help advance a bona fide public purpose.
2. Contributions may be made by the Council appropriating funds through either the budget or a separate appropriation in Section 3.91.030, a previously approved budget category. Contribution requests may also be directed to the City Manager for review and recommendation to the Council.

3. Any request which involves a waiver of fees relating to a special event shall be submitted to the City Manger for recommendation to the Council.
 4. No contributions or waivers will be made to any organization which stands to gain commercially as a whole or individually.
 5. All requests for contribution or waiver of fees must be made on official application forms available from the City, which forms shall have been approved by the Council, and shall be submitted according to the guidelines and deadlines established by the Council. Questions may be directed to the City Manager.
 6. Unless good cause is shown, all applicants should be a nonprofit organization in good standing with the State of Utah, with adequate insurance to protect the City from claims that might arise from activities for which the City Funds are contributed or fees waived.
 7. All applicants receiving contributions are required to submit a "Disbursement of Funds Report" in accordance with this Chapter. These reports are to be submitted to the City Manager who shall provide copies to the Council. Any failure to submit the report on a timely basis may subject the applicant to potential legal action for recovery of the contributed amounts.
 8. All contributions must be approved by the Council.
 9. For any applicant organization which the Council determines to be worthy of on-going annual contributions to be included in the City's annual budgeting process, the initial request for a contribution shall be submitted by the applicant organization in accordance with the terms of this ordinance. For each year thereafter when the Council determines to include that the organization's request in the City budget, the requesting organization shall file an annual recertification notice which sets out that the nature of the organization and that the services contemplated have not changed from the original request of that organization before any funds may be disbursed.
 10. Payment of authorized contributions will be made by the Council upon receipt of either budget documents establishing that the contribution has been authorized, as to both amount and recipient, in the duly adopted budget or any amendment thereof or evidence that the Council has separately approved the contribution. As appropriate, approval will be accompanied by an agreement documenting the contribution amount and the uses for which it is authorized.
- B. In addition to the criteria under Section 3.~~91.0300~~7.060.A, the ~~City~~-Council may consider financial hardship for Fee Waiver requests. The ~~Mayor~~City Manager may authorize Fee Waivers for Governmental Entities. Applicants are limited to one (1) fee waiver request for consideration by the ~~City~~-Council per fiscal year.

CHAPTER 3.08 CITY BUDGET PROCESS

3.08.010 General Provisions

This Chapter shall define the process of preparing and adopting the annual fiscal year City budget. The Chapter further defines the Council's responsibilities, and the City's relationship with the MSD in the budget process as defined by law.

3.08.020 Authority

This Chapter is based upon the requirements of state law regarding the administration and operation of City, the responsibilities of the county and the MSD in the City's, and the Uniform Fiscal Procedures Act for Cities.

3.08.040 Tentative Budget

- A. The Council shall prepare and submit to the MSD a proposed budget in sufficient detail, content and scope and in a manner and on forms provided by the MSD pursuant to the Uniform Fiscal Procedures Act for Cities. The Council shall submit the proposed budget to the MSD before the deadline established by the MSD Board of Trustees. The time of submittal of the proposed budget may be extended if requested by a majority of the MSD Board of Trustees.
- B. Prior to submission of the proposed budget to the MSD, the Council shall review the proposed budget for consistency with statute, ordinance and fiscal and budget policies including the Uniform Fiscal Procedures Act for Cities and recommend modifications where necessary after consultation with the MSD Board of Trustees, other cities, and affected county offices, agencies and departments.
- C. The proposed budget shall projected revenues, projected expenditures, and budget requests for all funds, along with any additional items deemed necessary by the Council, with recommendations as the Council feels appropriate.
- D. In preparing the proposed budget, the Council may include a budget for capital improvements and maintenance in the capital improvements fund.
- E. After the Council submits the proposed budget to the MSD, the Council and MSD Board of Trustees may hold joint meetings for purposes of preparing the tentative budget, which the City's budget officer shall do no later than the first regularly scheduled Council meeting in May.
- F. The Council may revise and update revenue projections and expenditure projections throughout the budget process and fiscal year and shall notify the MSD as soon as possible of any adjustments to the revenue projections in the proposed, tentative, and final budgets.
- G. The Council shall adopt the tentative budget in accordance with State law.

3.08.050 Final City Budget

After the MSD approves a tentative budget for the City, the Council shall adopt a final budget for the City on or before June 30 of each year for the following fiscal year. The Council shall set the date for the time and place of a public hearing to adopt a final budget, and cause notice of the same to be published and posted in accordance with state law. The Council shall also make the tentative budget available to the public in accordance with state law. All interested parties shall have an opportunity to be heard at the public hearing pursuant to rules established by the Council. The Council may make adjustments to the budget after the public hearing on the final budget. The Recorder shall file with the state auditor a certified copy of the final budget within thirty (30) calendar days after adoption.

3.08.060 Budget Limitations

The Council shall not propose or adopt any proposed, tentative or final budget or make any appropriation in the final budget of any fund that exceeds the estimated expendable revenue, including fund balances and reserves, of the fund for the fiscal year as required by state law.

3.08.070 Final Adopted Budget Amendments

The Council may amend a final fiscal year budget pursuant to law and any budget increase in any fund shall require five days' notice and a public hearing except under emergency conditions declared by the Council. If the Council amends the budget, the MSD shall amend the budget to account for the same.

3.08.080 Budget and Financial Policies

The Council may adopt policies or issue orders not inconsistent with law or this Chapter regarding the budget process.