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AGENDA
SUMMIT COUNTY COUNCIL
Wednesday, October 6, 2010

NOTICE is hereby given that the Summit County Council will meet in regular session
Wednesday, October 6, 2010, at the County Courthouse, 60 North Main Street, Coalville, UT 84017
All times listed are general in nature and are subject to change by the Council Chair

2:30 p.m. Closed Session Conference Room #2

- Pending litigation

3:15 p.m. Work Session, Conference Room #2 *Public comment may or may not be accepted*

- Review of Council mail and calendar
- Interviews for appointments to the Park City Fire Service District Administrative Control Board (30 minutes)
- Employee Recognition for the award-winning Summit County booth at the State Fair
- Overview of proposed flood response activities including a proposed debris removal process, RFP for flood engineering study, and timeline for future activities; *Kevin Callahan, Public Works Administrator* (1 hour)

Convene as the Board of Equalization

- Consideration of approval of Stipulations

5:00 p.m. Dismiss as the Board of Equalization and convene as the Summit County Council
Regular Session Consideration of Approvals, Council Chambers

- Pledge of Allegiance
- Advice and Consent of Manager's recommendations for appointments to the Snyderville Basin Open Space Advisory Committee (BOSAC); *Ashley Koehler, Sustainability Coordinator*
- Resolution # 2010-15, A Resolution Requesting the Recertification of the Summit County Justice Court; *Dave Thomas, Chief Civil Deputy Attorney*
- Authorization of funds for the Summit County Beef Program; *Ashley Koehler, Sustainability Coordinator*
- Resolution #2010-16, A Resolution Providing for an Inter-fund transfer and loan between the Tax Stability and Trust Fund and the General Fund*; County Manager and Auditor*
- Authorization of fund transfers and budget amendments*; County Manager and Auditor*
- Manager's report
- Council comments and questions

6:00 p.m. Council Chambers

- Public Input
- Public Hearing and Possible Approval of Amendments to the Snyderville Basin and Eastern Summit County Development Codes regarding permitting of kennels, by adoption of Ordinance #746; *Jennifer Strader, County Planner*

***Public Hearing on the Silver Creek Village Center Specially Planned Area in the southeast quadrant of I80 / Hwy 40 cancelled from 10/6/10 meeting and rescheduled at a future date*

Individuals with questions, comments, or needing special accommodations pursuant to the Americans with Disabilities Act regarding this meeting may contact Karen Brostrom, at 336-3025, 615-3025, 783-4351 x3025.

Distribution: A
Posted: October 1, 2010
Next Regular Meeting: October 20, 2010, at the Richins Building (*October 13, 2010 meeting cancelled*)

Summit County Council
P.O. Box 128
60 North Main
Coalville, UT 84017
(435) 336-3025
kbrostrom@co.summit.ut.us
www.summitcounty.org

September 30, 2010

Summit County's booth at the State Fair won the award for the most attractive booth and also won the peoples' choice award. Several County employees were instrumental in the creation, transportation, and presentation of the Fair booth. In addition, 2010 Summit County Queen, Brianna Bodily was praised by the State Fair staff for her attendance and involvement with the folks who were there.

It is commendable that so many showed Summit County in such a great light.

Special thanks to: Ryan Cowley, Jeff Ward, Kellie Robinson, Becky Downard, Ben Blonquist, Shane Sargent, Kaden Vernon, and John O'Brien for their efforts in making the booth a success. Thanks also to NaVee Vernon for the loan of the museum items that gave it the finishing touch.

Memo

Date: October 6, 2010
To: County Council
From: Kevin Callahan, Public Works Administrator
Subject: Weber River Flood Mitigation Process

Background:

The town of Oakley and other Weber River from Alpine Acres to Peoa suffered damages during the June 2010 flooding event. In the aftermath of the flooding, Summit County staff applied for emergency assistance under two federal programs. These were Federal Emergency Management Agency (FEMA) and the Natural Resource Conservation Service (NRCS). Under the FEMA application only damages to public infrastructure were eligible. However, Summit County did not meet the minimum damage thresholds required to qualify for FEMA flooding assistance. On June 16, 2010, Summit County applied for assistance from the NRCS for flood damage to private property along the Weber River. Staff estimated damages to private property in the $1-3 million range. On August 15, 2010, Summit County was notified that we had qualified for NRCS funding. In August, Summit County and NRCS staff conducted a damage assessment for known problem areas along the Weber River. The survey included a review of perhaps two dozen areas from Alpine Acres to the town of Henefer. Based on that survey, the NRCS identified about a dozen sites that would qualify for assistance to repair irrigation infrastructure or reinforce river banks eroded by the June floods. As a result of that review, the County Manager signed off on two cooperative agreements for flood planning mitigation. The first agreement is a $300,000 planning grant with no required local match. This grant will allow Summit County to hire an engineering firm to study the river's hydrology, the flood's impact to damage areas and propose engineering solutions. The second grant for $3,000,000 (with a 25% County match of $750,000 required) would fund those construction improvements approved by the County Council. The proposed mitigations that could be funded by the grant are:

Repair of irrigation structures (Peoa-South bench and North Bench Companies) **$1,250,000**
the 25% match would be provided by the irrigation companies to repair diversion structures in the Weber River. The repair of North Bench gates and canal features would not be covered by this grant

Repair to county bridges (Boulderville, Brown's Canyon, Holiday Park and gauge station). **$46,000**
The County's match would be 25% ($11,500) but could be in kind.

Repair to private property (Freed, Sanders, and Miller) **$315,000**
Property owners would have to provide the 25% match to qualify ($78,750)

Other agencies Provo River Water Users Oakley Overflow **$20,000**
Provo River would be responsible for the 25% match ($5,000)

County contracted debris removal in and along the Weber River **$500,000**
Estimate is very high .The County's 25% share could be covered by landfill fee waivers.

Preliminary project total cost **$2,131,000**

Proposed Project Work Program Actions

• File all paperwork for initiation of cooperative agreements	Completed September 6, 2010
• Prepare and release RFP for Engineering Consulting Firm	Completed September 17, 2010
• Prepare RFP for hiring contractor for debris removal	Estimated September 24, 2010
• Firms submit proposals for Engineering Study	Due September 28, 2010
• Debris removal RFP Circulated	September28, 2010
• County Council Work Session	Scheduled for October 6, 2010
• Council authorizes Debris Removal RFP	October 6, 2010
• Consulting Engineer Selection	October 14, 2010
• Debris Removal Contractor Selection	October 14, 2010
• Consulting Engineer Contract Executed	October 28, 2010
• Debris Removal Contract Executed	October 2 8, 2010
• Debris Removal Contract Completed	November 19, 2010
• Consulting Engineer Study Completed	December 2010
• Council work session on Engineering Study	January 2011
• Council direction on approved mitigation program	Jan-March 2011
• Adopted engineering Improvements constructed	April 2011

Policy Considerations

The June 2010 flooding event identified a number of issues which could involve Summit County in activities along the Weber River. Currently, staff has no adopted policy guidance reading the County's role in flood plain maintenance, mitigation or management. Staff needs to raise a number of challenging issues and seek the Council's guidance in defining our role and responsibilities.

<u>Management of the River</u>

Currently no state or local agency has the on-going responsibility to "manage" any river within the county. The State Engineer's Office has the regulatory authority to issue stream alteration permits for any modification of the river or its banks. The only known time that Summit County initiated such a permit was in 2005 at the direction of one county commissioner. We did work with the State Engineer on the design and installation of a series of J hooks just above the Sanders property on the river. The damage survey report conducted after the June flood event identified about a dozen sites which could qualify for repair or bank restoration under the NRCS guidelines. The policy questions regarding the county's role in river management that we need guidance on from the Council are:

- Based on the outcome of the engineering study should Summit County assume responsibility for initiating the repair of these structures and banks through the NRCS construction grant program? *Based on the specifics of the study, staff would recommend a County role.*

- Should we require the property owners who accept NRCS assistance to provide to also accept responsibility for maintaining the requested improvements? *Staff would recommend this action.*

Emergency Repairs

As the Council can see from the estimated schedule of actions, the actual construction work in the river, if approved, would not take place until early spring of 2011. NRCS would require the completion of the study and decisions by the Council on what actions the County would authorize before construction could take place. Some property owners, such as Sanders, Williams and Gilmore have indicated the need for remediation action before the next spring runoff. This disconnection between the federal rules and the need for emergency construction raises the following policy questions:

- Given the requirements of the grant, what, if anything, should Summit County do to assist property owners in making emergency construction improvements to prevent flooding from the 2011 spring runoff**?**
- Should the County urge the property owners seeking emergency repairs to pursue their own stream alteration permits independent of this NRCS process?

Enforcement Actions for Unauthorized Improvements

From the damage survey visits conducted in August, it became clear that dozens of river front property owners have constructed improvements without obtaining the State stream alteration permit. If we pursued it under county ordinance, this would be classified as a Class C misdemeanor subject to a fine of up to $500. It is likely that some of these improvements increased the damage to downstream properties by blocking or diverting the flood waters. This dilemma raises the following policy issues:

- Should the County take an aggressive approach in citing property owners who have installed improvements or modified banks without obtaining the required stream alteration permits?
- Should the County take an aggressive approach in requiring the removal of structures built in or on the river banks without a stream alteration permit
- If allowable, should we modify our county ordinance to increase the penalty for non-compliance with the stream alteration permit process?

Debris Removal

As a part of the damage survey report, the NRCS authorized the expenditure of up to $500,000 for the removal of debris from the river bed or river banks that has the potential to cause additional damage during the next spring runoff. The County would have a requirement for a 25% match for this action. This obligation could most probably be met by the waiving of landfill fees for flood debris brought by a contractor to the landfill. This action would require a stream alteration permit from the State Engineer's office. Summit County has applied for this type of permit in the past and has removed debris from the river. This debris has the likely potential of doing damage to county bridges and private property if left in the stream or on its banks .Under the draft debris removal specification being prepared by staff we

would place limits on the type, location and size of debris we would contract for removal. However, even a relatively straightforward program like this raises a few policy questions.

- Should the County agree to assume the responsibility for the removal of debris from the Weber River*? Staff would recommend that we do this.*
- Should we ask Weber Basin to partner with us in the debris removal program? *Staff would also recommend their continued involvement.*
- As a condition of debris removal contract, is the county willing to waive any landfill fees for the delivery of the debris to the landfill? The plan would be to grind and compost the debris for use at the landfill or at other locations. *Staff would also recommend this action*.

Flood Construction and Mitigation

The schedule of actions would provide the Council with an engineering report sometime towards the end of the year. The study should provide for a series of recommended actions at each location. Staff would then prepare reports asking the Council how they would like to proceed. Acceptance of the engineering report does not commit the Council to undertake all recommended actions. However, the process does require a thorough review of the study and deliberation and decision of what type of action should be taken. In the case of improvements to private property, it will be staff's recommendation that the 25% match for approved projects is funded by the affected property owners. However, at least five of the sites that will be study are county facilities (bridges) so there will be some cost sharing of these improvements for Summit County.

Conclusion

Staff is seeking Council guidance and answers to the following policy concerns;

Management of the River

- If shown to be required by the flood engineering study, should Summit County assume responsibility for initiating the repair of these structures and banks through the NRCS construction grant program?
- To what degree can we minimize our responsibility for the secondary effects of the proposed improvements?

Emergency Repairs

- Given the requirements of the grant, what, if anything, should Summit County do to assist property owners in making emergency construction improvements before spring to prevent flooding from the 2011 spring runoff?
- Should the County sponsor some improvements under the NRCS emergency guidelines or urge the property owners to pursue their own independent stream alteration permits?

Enforcement Actions for Unauthorized Improvements

- Should the County take an aggressive approach in citing property owners who have not complied with the State's stream alteration permit process?
- Should the County take an aggressive approach in requiring the removal of structures built without permit?
- Should we modify our county ordinance to increase the penalty for non-compliance with the stream alteration permit process?

Debris Removal

- Should the County agree to assume the responsibility for the removal of debris from the Weber River?
- As a condition of debris removal contract, is the county willing to waive any landfill fees for the delivery of the debris to the landfill? The plan would be to grind and compost the debris for use at the landfill or at other locations.

Auditor

Blake Frazier

September 21, 2010

County Council;

As the Clerk of The Board of Equalization I am requesting that you review and consider approving the stipulations for the weeks of Sept. 29th and Oct. 6th. A spreadsheet will be e-mailed to you on the afternoon of October 4th, 2010.

Thanks,

Kathryn Rockhill

Kathryn Rockhill
Boe Clerk

P.O. Box 128 • Coalville, UT 84017
Coalville: (435) 336-3016 • Park City: (435) 615-3016 • Kamas: (435) 783-4351 ext. 3016
Fax: (435) 336-3036 • Park City Fax: (435) 615-3036

Ashley Koehler
Sustainability Coordinator

STAFF REPORT

To: Summit County Council
Report Date: September 29, 2010
Meeting Date: October 6, 2010
Author: Ashley Koehler, Sustainability Coordinator
Title: Basin Open Space Advisory Committee (BOSAC) appointments
Type of Item: Advice & Consent

EXECUTIVE SUMMARY: This report identifies the current members of the BOSAC committee and those recommended by the County Manager to be re-appointed and/or to fill vacant positions. This report is provided to the Council to advise and give consent to the Manager in order to confirm the appointments.

BACKGROUND:
The Basin Open Space Advisory Committee (the "Open Space Committee") is created for the purpose of advising and providing input to the Summit County Manager regarding the creation, preservation, and identification of open space within the Snyderville Basin.

The by-laws of this advisory committee are currently under review by the County Council to determine the appropriate number of members and the entities that should be represented in the committee. Due to the extended lapse of term expiration and need to confirm a new committee prior to the potential for a new bond, it was recommended that the committee members be re-appointed or vacancies filled as soon as possible.

The members that have applied and been selected to be re-appointed are:

Chris Donaldson	Real Estate Appraiser
Max Greenhalgh	Local Business Representative

The new members that have applied and been selected to fill vacancies are:

Mindy Wheeler	At-Large Community Representative/Weed Board Member
Michael Howard	At-Large Community Representative

If these suggested members are all confirmed, the total voting members on BOSAC will remain at 8. The current by-laws state that these are two-year terms. Other members on BOSAC are nominated by the SBSRD, COSAC, and the Park City Board of Realtors. Those members are listed on the attached chart and for the Council's advice and consent as well.

Attachment(s): BOSAC member list
Proposed by-laws

Sustainability Coordinator
Summit County Manager's Office
Summit County Courthouse, 60 N. Main St., P.O. Box 128, Coalville, Utah 84017
Phone (435) 615-3128
akoehler@co.summit.ut.us

Basin Open Space Advisory Committee (BOSAC)

Name	Organization Represented	Status
Chris Donaldson, Chair	Real Estate Appraiser	to be re-appointed
Max Greenhalgh, Vice-Chair	Local Business Representative	to be re-appointed
Tracey Douthett	SBSRD Representative #1	
Scott McClelland	SBSRD Representative #2	
Kathy Mears	Realtor	
~~Debi Scoggan~~	At-Large Community Representative	to be replaced by Michael Howard
~~Donna VanBuren~~	Local Business Representative	To be replaced by Mindy Wheeler
Jan Wilking	COSAC Member	
Bonnie Park	SBSRD Respresenative	Ex-officio
Wendy Fisher	State Conservation Representative	Ex-officio
Cheryl Fox	Local Conservation Representative	Ex-officio

Chapter 19
THE SNYDERVILLE BASIN OPEN SPACE ADVISORY COMMITTEE

2-19-1: Purpose:

The Snyderville Basin Open Space Advisory Committee ("BOSAC") is created for the purpose of advising and providing input to the Ceounty M~~m~~anager regarding the creation, preservation, and identification of open space within the Snyderville Basin in order to ensure high conservation values and promote the resort and scenic character of the area.

2-19-2: Membership:

A. Members are appointed by the Ceounty ~~m~~Manager with the advice and consent of the Ceounty eCouncil at the first regular meeting in March of each calendar year, or at such other time as soon as practical.

B. Members may serve for three consecutive three-year terms ~~(not to include the one-year term of those members receiving the initial one-year staggered term), however, the first terms shall be staggered in one and two year increments.~~ ~~with re-appointment at the discretion of the county manager~~.

C. The Committee shall be comprised of no less than seven ~~nine (9)~~ (7) members and no more than eleven (11) ~~fifteen (15)~~ members, and may include members from among the following groups:

1. ~~Two representatives of the~~ A representative of the Snyderville Basin Special Recreation District
2. A real estate appraiser
3. A professional real estate agent
4. A local business representative
5. An at-large community representative

~~6. An open space advocate affiliated with an open space group with experience on statewide open space preservation (such as "Utah Open Lands")~~

~~6.~~ ~~7.~~ ~~An open space advocate affiliated with a local-based open space group (such as "Summit Land Conservancy")~~

~~7. A representative from a non-profit group focused on growth, education, or quality of life issues (such as "Citizens Allied for Responsible Growth")~~

8. ~~A representative from the Park City Citizen's Open Space Advisory Committee ("COSAC")~~
9. A representative from the Summit County Weed Board
10. A representative from Mountain Trails Foundation
11. Non-voting *ex officio* members:
    a. Representative(s) from the Summit County Department of Community Development
    b. Representative from the Office of the County Manager
    c. Staff Representatives from the Snyderville Basin Special Recreation District

Comment [AK1]: I changed it back to the original BOSAC by-law language, but Anita suggested that it be 3 3-y terms so it is consistent with Planning Commission.

Comment [AK2]: Can the Rec. Board not directly nominate anymore?

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D. The Committee is advisory and shall report directly to the Ceounty ~~m~~Manager and shall serve at the manager's pleasure.

E. All open space acquisitions-or conservation easement funding proposed by the committee shall be presented to the Ceounty M~~m~~anager for his or her decision.

F. Members shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid by the County.

G. The Ceounty M~~m~~anager shall appoint from among the voting members a chair, vice-chair, and secretary to the Committee.

2-19-3: Powers and Duties

A. The Committee shall advise the Ceounty-Mmanager on acquiring and permanently preserving open spaces in the Snyderville Basin. In order to better accomplish this task, the Committee shall consider implementing the following:

1. Creating criteria and a scoring system whereby open space can be evaluated in relation to its potential importance to the Snyderville Basin and broader Summit County community.
2. Developing recommendations for the Ceounty ~~m~~Manager on different methods that may be used to preserve and acquire open spaces including, but not limited to transfer of development rights, donated or purchased conservation easements, and public (including federal, state, and local) and private funding sources and mechanisms.

B. The Committee shall advise the Ceounty ~~m~~Manager on selecting a land trust to hold conservation easements on county owned properties. In order to facilitate this decision, the following criteria should be considered:

~~3.~~1. The land trust must be a qualified organization in accordance with Section 170H of the Internal Revenue Code.

~~4.~~2. The land trust have a 501(c)(3) non-profit status under federal law.

~~5.~~3. Only one land trust be selected per property to complete all of the related functions with a conservation easement, including the baseline, preparing the conservation easement, and the perpetutal monitoring.

4. To prepare or cause to be prepared and to recommend to the Snyderville Basin Planning Commission recommendations on Transfer of Development Rights "sending" and "receiving" locations in compliance with the General Plan and Development Code.

C. The Committee shall advise the County Manager on contributing or acquiring funds for the preservation of open space through conservation easements on open space to be held under private ownership.

~~C~~D. ~~In an effort to assist the cCounty Mmanager regarding Transferable Density Rights ("TDR"), it shall be the responsibility of the Committee:~~

~~1. To identify parcels for possible open space acquisition or preservation under the direction of the Ceounty mManager.~~

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~~2. To prepare or cause to be prepared written recommendations to the county manager on TDR "sending" and "receiving" locations in compliance with the Snyderville Basin General Plan and Development Code, Title 10 herein.~~

~~3. To prepare or cause to be prepared written recommendations to the county manager regarding the number of TDRs to be transferred to a "receiving" area, in compliance with the Snyderville Basin General Plan and Development Code, Title 10 herein.~~

~~4. To assist in indentifying proposals related to TDRs in accordance with the Snyderville Basin General Plan and Development Code, Title 10 herein.~~

~~5. To present written recommendations to the county manager regarding the advisability of selling or exchanging county held parcels acquired through the Snyderville Basin open space preservation efforts.~~

D. The chair of the Committee shall have responsibility of presenting all proposals from the Committee to the county manager.

E. Notwithstanding anything in the foregoing to the contrary, the county manager retains final authority regarding such transactions and if deemed necessary for the health, safety, or general welfare of the residents of the county, the county manager may take direct action on any issues discussed herein with or without the involvement of the Committee.

F. The Committee shall make an annual presentation to the county manager and county council on its goals, budget, and activities.

2-19-4: Conduct of Committee Members

A. Ethical Principles. The following ethical principles shall guide the actions of the Committee and its members in carrying out the powers and duties described above.

1. Serve the Public Interest. The primary obligation of the Committee and each member is to serve the public interest.
2. Support Citizen Participation in Planning. The Committee shall ensure a forum for meaningful citizen participation and expression in the planning process and assist in the clarification of community goals, objectives, and policies.
3. Recognize the Comprehensive and Long-Range Nature of Planning Decisions. The Committee and its members shall continuously gather and consider all relevant facts, alternatives and means of accomplishing them, and explicitly evaluate all consequences before making a recommendation of decision.
4. Facilitate Coordination Through the Planning Process. The Committee shall ensure that individuals and public and private agencies possibly affected by a prospective planning decision receive adequate information far enough in advance of the decision.
5. Avoid Conflict of Interest. Committee members shall avoid conflicts of interest and even the appearance of impropriety. At the commencement of any matter before the Committee, members shall divulge in public, any past, present, or expected relationship with any party affiliated with such matter. A member with a potential conflict of interest shall abstain from voting on the matter, not participate in any deliberations on the matter, and leave the

commission table, but may remain in the chamber. The member shall also not discuss the matter privately with any other official voting on the matter.

6. Render Thorough and Diligent Planning Service. If a Committee member has not sufficiently reviewed relevant facts and advice affecting a public planning decision, that member should not participate in that decision.
7. Not Seek or Offer Favors. A Committee member must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonable be expected to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
8. Not Disclose or Improperly Use Confidential Information for Financial Gain. A Committee member shall not disclose or improperly use confidential information for financial gain, and must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest.
9. Ensure Full Disclosure at Public Meetings. The Committee shall ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public meeting on the question, not in private, unofficially, or with other interested parties absent, and must make partisan information regarding the question received in the mail or by telephone or other communication part of the public record.
10. Maintain Public Confidence. A Committee member must conduct himself/herself publicly so as to maintain public confidence in the public planning body, and the commissioner's performance of the public trust.
11. Respect for and Courtesy to Other Commission Members, Public and Staff. Each Subcommittee member has the same rights and privileges as any other member. Any member has the right to be heard and to hear what others have to say about items being considered by the Subcommittee.

B. Representation of Applicants or Petitioners. No member of the Committee shall physically represent applicants or petitioners before the Committee on matters on which the Committee is to make determinations or recommendations.

Comment [AK3]: This would prohibit land trusts from being on the committee- if they are directly representing a land owner and seeking funds.

C. Ex-Parte Communication. Pre-arranged private meetings between a Committee member and an individual(s) and, their agents, or other interested parties with a matter pending before the Committee are prohibited. Partisan information on any application received by a commissioner whether by mail, telephone, or other communication should be avoided. When such communication does occur it must be made part of the public record by the Committee member.

D. Attendance. Each Committee member shall be responsible for attending all scheduled meetings of the Committee. Should circumstances arise where a member is unable to attend a scheduled meeting, the member shall be responsible for notifying the Director of Community Development as soon as possible. Committee members who fail

to attend three (3) regular meetings of the Committee within any consecutive three (3) month period may, at the discretion of the county manager, be removed from the Committee.

2-19-5: Meetings and Organization

A. Regular meetings of the Committee shall be scheduled at least twice a month unless there are mitigating circumstances, such as lack of quorum, lack of items to be discussed, holidays and other similar circumstances.

B. Special meetings, work sessions and field trips, for any purpose, may be held at the call of the chair, the County Manager or the Director of Community Development. Work session and field trip meetings shall be for discussion and informational purposes only; no action shall be taken on any item.

C. All regular, special, work sessions, and field trip meetings of the Committee are open to the public and will be noticed in accordance with the requirements of the Development Code and Utah Open Meetings Act.

D. All recommendations shall be made at a public meeting by motion, made and seconded and by a voice vote. The motion shall be in the form of findings of fact and shall state the reason for the findings by the Committee and a statement of any conditions to be attached to the action.

E. Executive sessions may be held to discuss real property acquisition, disposal or transfer.

~~E.~~ F. The Committee shall conduct its business according to bylaws, which shall be approved by the county council, with the Committee meeting as needed to act on the business of the Committee.

DAVID R. BRICKEY
COUNTY ATTORNEY

Criminal Division

PAUL R. CHRISTENSEN
Prosecuting Attorney

JOY E. NATALE
Prosecuting Attorney

COURTNEY Y. COOPER
Prosecuting Attorney

Summit County Courthouse, 60 N. Main #227, P.O. Box 128
Coalville, Utah 84017
Telephone (435) 336-3206 Facsimile (435) 336-3287
Email: (first initial)(last name)@co.summit.ut.us

Civil Division

DAVID L. THOMAS
Chief Deputy

JAMI R. BRACKIN
Deputy County Attorney

HELEN E. STRACHAN
Deputy County Attorney

MEMORANDUM

To: **County Council**
From: **David L. Thomas, Chief Civil Deputy**
Date: **October 6, 2010**
RE: **Justice Court Recertification**

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1. State statute requires that the Summit County Justice Court be recertified every four (4) years by the Utah Judicial Council. As a part of that recertification, the County makes application to the Utah Judicial Council.

2. The application is in three parts:

    a. Affidavit from the Justice Court Judge; in this case Judge Kerr.
    b. A legal opinion from the County Attorney; in this case myself, through this legal memorandum.
    c. A resolution from the County Council.

3. The legal opinion sets forth the standards for recertification and the feasibility of maintaining a Justice Court. The Affidavit shows compliance with those standards. The Resolution is the affirmation by the County that the standards have been fulfilled and that the County is willing to meet all requirements for the operation of the Justice Court during the next four (4) year certification period.

4. What follows are the legal requirements for recertification of the Summit County Justice Court, a Class I Court:

    a. The Justice Court must have 501 or more citations or cases filed per month.
    b. The Justice Court must be open full time and have a full time Justice Court Judge.
    c. The Justice Court must have a dedicated courtroom (with juror deliberation room), judge's chambers, clerk's office, and meet the master plan guidelines adopted by the Judicial Council (which includes the co-location of the clerk's office and judge's chambers).
    d. The Justice Court must have at least three (3) full time clerks.
    e. The Justice Court must have a prosecutor to screen cases and represent the County at trial.

f. The County must provide adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.
g. The Justice Court must have access to the Utah Code, local ordinances, the Justice Court Manual, the Code of Judicial Administration, the Uniform Bail Schedule, and any other legal resources required by UCA § 78A-7-214.
h. The County must have at least one employed or contracted peace officer.
i. The County must provide a sworn law enforcement officer to attend court when required and to provide security for the court.
j. The Justice Court must have a Court Security Plan that has been submitted consistent with C.J.A. Rule 3-414.
k. The County must be responsible for the payment of statutory juror and witness fees.
l. The County must be responsible for the costs of attendance at Judicial Council mandated training – at least 30 hours per year for the judge, and 10 hours for clerks.
m. The Justice Court must file all reports and audits as required by law or by Judicial Council rule in a timely fashion. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

5. It is my professional legal opinion that it continues to be feasible for Summit County to operate a Justice Court.

6. I have included for your inspection the Affidavit of Judge Kerr and the required Resolution that must be adopted by the Council to complete the application for recertification of the Summit County Justice Court.

Enclosures

Resolution No. 2010 -15

RESOLUTION REQUESTING THE RECERTIFCATION OF THE SUMMIT COUNTY JUSTICE COURT

WHEREAS, the provisions of UCA § 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and,

WHEREAS, the term of the present Court shall expire on the 31st day of December 2010; and,

WHEREAS, the members of the Summit County Council have received an opinion memorandum from David L. Thomas, Chief Civil Deputy County Attorney, which sets forth the requirements for the operation of a Justice Court and opines as to the feasibility of continuing to maintain the same; and,

WHEREAS, the members of the Summit County Council have determined that it is to the best interests of Summit County to continue to provide for a Justice Court;

NOW, THEREFORE, be it resolved by the County Council, Summit County, Utah, that it hereby requests recertification of the Summit County Justice Court by the Justice Court Standards Committee of the Utah Judicial Council.

BE IT FURTHER RESOLVED that the Summit County Council hereby affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Summit County Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council APPROVED AND ADOPTED this _____ day of October, 2010.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

ATTEST:

_____
Claudia McMullin, Chair

_____
Kent Jones
County Clerk

CHECKLIST

Please be sure that your application for recertification includes each of the following:

1. _____ Court Certification Affidavit completed and signed by the judge.

2. _____ A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental entity, advising that entity of all requirements for the operation of the justice court and the feasibility of maintaining the court.

3. _____ A copy of a duly passed resolution of the sponsoring governmental entity that

   a. requests recertification of the court, and

   b. affirms that the entity is willing to meet all requirements for the operation of the court during the period of certification.

4. _____ A copy of your court security plan, as required by C.J.A. Rule 3-414, unless it has not changed since last submitted.

ALL FOUR OF THESE DOCUMENTS MUST BE RECEIVED BY THE JUSTICE COURT STANDARDS COMMITTEE AT THE ADDRESS BELOW BY: OCTOBER 22, 2010.

Justice Court Standards Committee
Attention: Richard Schwermer
Administrative Office of the Courts
P. O. Box 140241
Salt Lake City, Utah 84114-0241

SAMPLE RESOLUTION

A RESOLUTION REQUESTING THE RECERTIFICATION OF

THE _____ COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on the _____ day of _____ 20____; and

WHEREAS, the members of the _____ (City Council or County Commission) have received an opinion letter from _____, City/County Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the _____ (City Council or County Commission) have determined that it is to the best interests of _____ _____ (Municipality or County) to continue to provide for a Justice Court;

BE IT RESOLVED, the _____ (name of Commission, Council or Board) hereby requests recertification of the _____ _____Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the_____

(name of Commission, Council, Board) of _____

(Municipality or County) hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the _____ Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

APPROVED and signed this _____ day of _____, 20___.

_____

(Municipality or County)

by_____

(Title)

ATTEST:

_____

COURT CERTIFICATION AFFIDAVIT

Court Location: Summit County Justice Court

Judge: Shauna L. Kerr

Address: 6300 N. Silver Creek Drive

Park City, Utah 84098

Telephone: (435) 615-3800

Level of Court (Circle one): (I) II III IV

Average Case Filings Per Month: 750

Daily Court Hours: 7am - 5pm

Number of Full-time Clerks: 4
Hours Worked Per Week Per Clerk: 40

Number of Part-time Clerks: 0
Hours Worked Per Week Per Clerk: _____

This form is divided into two parts. Section I contains those requirements that are statutory and are not waivable. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to applicant included with the application for certification.

Comes now Judge Shauna L. Kerr,

Justice Court Judge for Summit County

_____ and,

except as specifically noted below, certifies as follows:

SECTION I

THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED. CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.

Please indicate **Yes or No** to each of the following:

1. All official court business is conducted in a public facility. Yes

2. Court is open daily. Yes

3. The hours of court operation are posted conspicuously. Yes

4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. Yes

5. The judge is compensated at a fixed rate, within the statutory range. Yes

6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. Yes

7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. Yes

8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. Yes

9. The responsible governmental entity provides the Court with:

   a. Sufficient prosecutorial support Yes

   b. Funding for attorneys for indigent defendants, as appropriate Yes

   c. Sufficient local law enforcement officers to attend court as provided by statute Yes

   d. Security for the court as provided by statute Yes

   e. Witness and juror fees Yes

   f. Copies of the motor vehicle laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials Yes

10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. Yes

11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212). Yes

12. All required reports and audits are filed as required by law or Rule of the Judicial Council. Yes

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the instructions to applicant included with this application for recertification.

Please indicate **YES or NO** to each of the following:

1. Court is open each day as appropriate for the classification of the court. Yes

2. The judge is available to attend court and to conduct court business as needed. Yes

3. Minimum furnishings in the courtroom include:

   a. Desk and chair for the judge Yes

   b. A six inch riser Yes

   c. Desk and chair for the court clerk Yes

   d. Chairs for witnesses Yes

   e. Separate tables and appropriate chairs for plaintiffs and defendants Yes

   f. A Utah State flag Yes

   g. A United States flag Yes

   h. A separate area and chairs for at least four jurors Yes

   i. A separate area with appropriate seating for the public Yes

   j. An appropriate room for jury deliberations Yes

   k. An appropriate area or room for victims and witnesses which is separate from the public Yes

   l. A judicial robe Yes

   m. A gavel Yes

   n. Current bail schedules Yes

   o. A copy of the Code of Judicial Administration Yes

p. Necessary forms and supplies Yes

q. Office space for the judge Yes

r. Office space for the court clerk Yes

s. Secure filing cabinets Yes

t. Appropriate office supplies Yes

u. A cash register or secured cash box Yes

v. A typewriter or word processor Yes

w. Access to a copy machine Yes

4. The appropriate number of clerks as required by the classification of the court, are present during the time court is open each day and as needed during court sessions. Yes

5. Does the applicant have a law enforcement department? Yes

6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant:_____

7. A security plan has been filed consistent with C.J.A. Rule 3-414. Yes

8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. Yes

9. If the court is a **Class I** court:

a. Judge is employed on a full-time basis Yes

b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council Yes

c. Court has a jury deliberation room Yes

d. Judge's chambers, clerk's office, and courtroom are in the same building Yes

e. Judge has his or her own private chambers Yes

f. Clerk's office is separate from any other entity Yes

g. Court is open during normal business hours Yes

10. If the court is a **Class II** court:

a. Court is open (check one)

_____ 1. 201-300 average monthly filings: at least 4 hrs./day
_____ 2. 301-400 average monthly filings: at least 5 hrs./day
_____ 3. 401-500 average monthly filings: at least 6 hrs./day

b. Trial calendar is set at least weekly _____

c. Courtroom configuration is permanent _____

d. Courtroom, judge's chambers, and clerk's office are within the same building ___

e. Judge has his or her own private chambers _____

11. If the court is a **Class III** court:

a. Trial calendar is set at least every other week ____

b. Court is opened (check one):

_____ 1. 61-150 average monthly filings: at least 2 hrs./day
_____ 2. 151-200 average monthly filings: at least 3 hrs./day

12. If the court is a **Class IV** court:

a. Trial calendar is set at least monthly _____

b. Court is open at least 1 hour per day _____

13. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

_____

_____

_____

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the City to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 30th day of September, 20 10.

Justice Court Judge

SUBSCRIBED AND SWORN to before me this 30 day of September, 2010.

NOTARY PUBLIC

Residing at: Park City, Utah

Commission Expires:

1-13-13

LONNIE A. DAWSON
Notary Public State of Utah
Comm. Exp.: Jan. 13, 2013
Comm. Number: 577184

DAVID A. EDMUNDS
SUMMIT COUNTY SHERIFF

6300 North Silver Creek Drive
Park City, Utah 84098

Court Security Plan

Summit County Sheriff

Revised: September 2010

DAVID A. EDMUNDS
SUMMIT COUNTY
SHERIFF

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I. Introduction

The Summit County Justice Center is located at 6300 North Silver Creek Drive in Summit County, State of Utah and is within the Third Judicial District. The Justice Center consists of two buildings; the East Building which houses the Summit County Sheriff's Office, the Summit County Jail and the Summit County Justice Court. The West building houses the Third District Court, the Third District Juvenile Court, and a location of the Summit County Attorney's Office.

The general goal of the court security program is to establish appropriate protection for the court, staff, general public, property and the judicial process as a whole.

In accordance with Rule 3-414, this plan has been developed to establish procedures that shall be followed by staff of the Summit County Justice Center, the Third District Court building and its respective police agencies responsible for security in the event of a major disturbance and or emergency situations. All court employees shall be required to review these security procedures annually.

The Summit County Sheriff is responsible for court security in the Summit County Justice Center and should be contacted first in all emergencies.

The Summit County Sheriff is the security coordinator for the courts located at the Justice Center and as such should be in all emergency situations. When there is a breach of security such as: threat, suspicious incident, vandalism, theft/burglary/robbery, medical, or assault; a court incident form shall be completed soon after the incident. The form shall be given to the Sheriff who shall make an official report to the appropriate court administrator.

Common sense is needed to determine the most practical method in dealing with court security. A cooperative effort between the Sheriff's office and the courts is the key to a good court security program.

II. Emergency Contacts

Agency	Telephone Number
1. EMERGENCY Police / Fire / Medical	9,911
2. Sheriff Administration	615-3500
Dispatch	615-3600
Jail	615-3700
3. Utah Highway Patrol	647-7718
4. Park City Police	615-5500
5. Park City Fire District	647-6706
6. Summit County Health Department	336-3222
7. Justice Center Building Maintenance	615-3731
8. Emergency Utility Service	
Questar Gas	649-0670
To report gas odor, leak or break	1-800-541-2824
Rocky Mountain Power	1-888-221-7070
Snyderville Basin Water	649-7993
9. Court Services	
Sergeant	615-3827
West office	615-3860/62
East office	615-3758
10. District Court Clerks	
Peyton Smith (Court Administrator)	801-238-7315
Debbie	615-4310
Deb	615-4306
11. Justice Court Clerks	
Annette	615-3835
Nici	615-3811
Janalee	615-3816
Jennifer	615-3830
12. Juvenile Court Clerk	
Janet M	615-4320
13. Summit County Attorney Reception	615-3828

III. Courtroom Support

A. Court Services Training / Requirements

In the District Court, District Juvenile Court and Justice Courts there shall be a minimum of one Court Services Deputy present while court is in session. Court Services Deputy shall be qualified as a "Peace Officer" as defined in Section 53-13-102, U.C.A. or may, at the discretion of the law enforcement administrator and with the consent of the judge, judges or commissioners of a particular court, be qualified as "Special Function Officer" as defined by Section 53-13-105, U.C.A.

B. Court Services Conduct / Dress

Rules and regulations, policies and procedures, of the Sheriff's office shall be followed by the Court Services Deputy. Regulations relating to appearance, personal conduct and uniforms are explained in the Sheriff's Office "Policy and Procedure Manual".

C. Wearing of Weapons

Court Services, transportation officers, and other uniformed officers shall be allowed weapons in the courtroom. Any non-uniformed officer shall be allowed weapons in the courtroom but must check in with the Court Services office and provide current pictured ID. Weapons carried upon the person shall be concealed unless worn as part of a public law enforcement agency uniform. Exceptions to this may be approved on a case by case basis and at the request of a law enforcement agency and with the approval of the Summit County Sheriff and the Judge.
Under no circumstance may a litigant, police officer or not, possess a weapon of any kind. Gun lockers are provided by the Court Services office.

D. Responsibility of Court Services

The Court Services office is responsible and accountable to his / her assigned court(s). The court should inform the Deputy of particular needs, procedures, or special duties through the Court Services Sergeant. The Court Services Deputy's responsibilities are:

1. to search the interior of the courtroom prior to each court session;
2. to observe all persons entering the courtroom, their movement and activities;
3. to limit access to the bench and other restricted areas;

4. to ensure that criminal defendants who are in custody are prevented from having physical contact with family, friends, or spectators in order to prevent the passing of contraband of any kind;
5. be responsible for all prisoners in custody and shall remain present at all times during the prisoners court appearance. Waist chains and leg irons shall be used on all in custody defendants;
6. to be alert for any suspicious persons or devices;
7. to maintain order in the courtroom preventing unnecessary noises, disturbances, or conversations in or immediately adjacent to the courtroom;
8. when necessary, to remove disorderly persons;
9. to ensure the safety of the judge, courtroom staff, and the public;
10. report building maintenance problems to court personnel;
11. assist visitors and other persons needing services of the court;
12. be responsible for the care and custody of juries; and
13. be informed of the court calendar events and communicate with court personnel and department supervisors about special circumstances.

IV. High Profile / Risk Cases

A. Need for additional security

In cases where there is an indication of high risk / or a public interest, the judge, clerk, law enforcement officers, prosecutors and defense attorneys shall communicate their view of the appropriate level of risk. If there is a need for higher security, the Sheriff shall prepare a security plan based on the information received. This plan will be provided to the judge, prosecutor, and at the discretion of the judge, to the defense counsel.

If the potential for violence is a concern of anyone, notification to the court, Court Services, and law enforcement shall be made in sufficient time to allow the taking of adequate precautionary measures.

B. Metal Detectors and Physical Searches

Magnetometers and or x-ray machines are positioned at the public entrances of both buildings. If the need arises, the Court Services office shall use a metal detector and or physical search of persons desiring to enter the courtroom. Signs are posted to alert the public that they may be subject to search. **Only authorized security personnel shall conduct physical searches.**

C. High Community & Public Interest

When a court hearing is scheduled that may attract community attention and result in large numbers coming to court, the Court Services office should be notified at the earliest opportunity. The Court Services office will determine if additional deputy sheriffs are needed and will make the appropriate arrangements. In addition he / she shall notify the Sheriff of the potential risk.

D. News Media

Where a case may result in high media attention, staff is not to release any information without prior approval of the Judge or Court Executive. Members of the news media should be directed to the prosecutors' office, the Judge, or Court Executive.

The use of cameras or other recording devices is not allowed in the courtroom unless ordered by the court. Upon consent of the court, Rule 4-401, Utah Code of Judicial Administration shall be complied with.

V. Building Security

A. Description of Buildings

The Summit County Justice Center is located at 6300 North Silver Creek Drive in the Silver Summit area of Summit County. The Justice Center consists of two buildings. The main building (east side) houses the Sheriff's Office, Jail, and the Justice Court. The building faces north and has one public entrance on its north face. This is and shall be the only public entrance to both the Sheriff's Office and the Justice Court, however, other exits may be utilized in the case of an emergency. Prisoners shall be accompanied by a deputy and shall enter only through the jail's secured sally port. After hours, all areas are to be locked and employees must have a proximity card to enter the building.

The Justice Court courtroom is at the west end of the building adjacent to the sheriff's assigned offices. The judge and clerks access the building from the secured parking area situated between the two buildings. The Justice Court courtroom shall remain secured at all times. Court Services and the court clerk shall allow access as needed. Access to the clerk's office and judge's chambers is restricted to the judge, clerks and Court Services. All others shall be allowed access on a case by case basis and approved by the judge, clerks or Court Services.

The 3rd District Court building is the west building. It houses the Third District Court, the Third District Juvenile Court and a location of the Summit County Attorney's office. The building faces north and has one public entrance on its north face. This is and shall be the only public entrance to the west building, however, other exits may be utilized in the case of an emergency. Prisoners shall be accompanied by a deputy and shall enter only through the jail's secured sally port or through the secured sally port on the south side of the building. After hours, all areas are to be locked and employees must have a proximity card to enter the building.

B. Office Hours

Employees have computer card access into the building. Business hours generally range from 8:00 a.m. to 5:00 p.m. Any employee found to be abusive in maintaining a secure work environment, i.e. propping doors open, allowing unauthorized persons on the premises, loaning card keys, etc. shall receive disciplinary action and may loose the card access privilege.

C. Building Security Assignment

Court Services shall arrive at approximately 7:30 a.m. to open the buildings for public access. Court Services shall continue to provide security for the buildings during business hours.
During working hours, a Court Services supervisor shall be present and in charge of security. Court Services shall be in charge to handle any threat to security. Court Services deputy is responsible unless and until being replaced by a senior deputy or supervisor. All personnel are to cooperate, assist and perform as directed or trained during all emergencies.

D. Security Alarms

A silent alarm system hereafter shall be referred to as "Duress alarm". This alarm, when sounded shall summons immediate assistance. Any employee that feels the situation warrants it, should activate the alarm. When activated, a duress alarm will be sounded in the Court Services office and the jail's Central Control. Area cameras shall lock on and immediately begin recording in Central Control.

Court Services staff shall test the duress alarm occasionally to ensure the equipment is functioning properly. The tests shall be prearranged with the Jail Sergeant on duty and the Sheriff's dispatch office.

E. Security Measures in the Courtroom

1. A duress alarm is located at the judge's bench and the clerk's station. The alarm should be activated even if it appears the Court Services Deputy has the situation under control. If the nature of the situation warrants the clerk to "duck for cover", they should take the phone with them to the floor.

2. Courtrooms are to be locked when court is not in session.

F. Security Measures outside the Courtroom

1. Clerk's office: A silent alarm system is also located in the clerk's office at the counter and clerk's desk. The alarm shall be activated by any court staff if they feel the situation warrants it. Once activated, a duress alarm will sound in the Court Services office and in the jail's Central Control. Area cameras will lock on and immediately begin recording in the jail's Central Control.

2. Each Judge's Chambers has a duress alarm.

3. Each Juvenile Probation officer has been issued a hand held duress alarm. This should be kept nearby.

G. Security Measures of Court and Personal Property

Only when convenient and time permits, should the following be adhered to:

1. Security of Records: The clerk of the court is responsible for the security of all court records. Upon notification of any emergency and assuring all persons are out, the file room and or file cabinets are to be locked or be secured by a locked door to limit access. In all instances, the entire court staff should do everything reasonable to insure that the files are kept confidential and safe.

2. Security of Court Funds: If any emergency arises and the building needs to be evacuated, all monies must be locked up or put in a safe if possible. If time does not permit putting the money in a safe, all persons having control of the monies should take it with them, in an inconspicuous manner, for safe keeping until the emergency is over. The clerk of the court is ultimately responsible to ensure safe handling of court funds. The clerk of the court shall review these requirements in staff training meetings. In all cases, staff should take action to protect all furniture and equipment as the situation allows. At no time, however, should staff take risks to save equipment, files, or anything similar.

H. Security Measures Outside Buildings

The Summit County Sheriff's Office shall be responsible for disturbances that occur on the Justice Center grounds. The Summit County Sheriff's Office is responsible for security of the buildings and at the end of each day staff shall inspect and secure them.
During high profile cases, security officials should be mindful of demonstrators who may interfere with court proceedings or individuals entering through unmonitored entrances. Additional twenty-four hour security coverage of the Justice Center and its surrounding area may be conducted in extremely high profile cases.

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BURGLARY

Upon discovering a Burglary in or about the building, the following should take place:

1. Block off or otherwise secure the area;
2. Notify your supervisor and the Summit County Sheriff;
3. After the Summit County Sheriff arrives, try to determine what property was taken; and
4. Work with your judge, supervisor, and the Court Services office to determine the future steps that need to be taken to prevent a reoccurrence.

COURTHOUSE DISTURBANCE

If a courthouse disturbance should occur, the following should take place:

1. Notify your Court Services assigned deputy of office. He or she is trained in this matter and should be readily available;

2. If your Court Services assigned deputy is not available to diffuse the situation, you should remain calm, rational, and professional;

3. Don't get angry or argue;

4. Let your supervisor or leader handle the situation if at all possible;

5. Call 911 and let the Sheriff handle the situation if it persists;

6. Always remember to observe everything possible to help prosecute the parties, including;

    a. Gender
    b. Race
    c. Height
    d. Weight
    e. Eye color
    f. General information (Scars, marks, tattoos, beard, ring, shoes, etc.)

7. Resist being taken hostage. Don't go with someone unless your life would be placed in immediate jeopardy by not cooperating.

EARTHQUAKE

The Following should take place in the event of an earthquake:

1. Stay away from windows (they may shatter and could cause serious injury);

2. Position yourself in a safe location (under a desk, in a doorway or as close as you can get to a wall to prevent injury from falling objects);

3. Wait where you are after a quake unless told to evacuate. Aftershocks may make hallways and exits unstable;

4. If ordered to evacuate follow the standard evacuation plan, watch for falling objects and listen for potential problems;

5. Once outside, stay away from buildings, light and power poles and watch for blowing and falling debris;

6. Assemble on the front lawn of the courthouse, provided that it is clear and not hazardous, so it can be determined if everyone is out of the building. ***Do not leave or re-enter the building until instructed to do so.***

FIRE

The fire alarm system should detect most fires and automatically sound the alarm. However, if in the event a fire is not detected and can not be put out with a fire extinguisher, use a pull box to set off the alarm. In the event the pull box does not work, call 911.

If the fire is not bad and can be put out with the use of a fire extinguisher, attempt to put it out but don't try this alone, yell for help and be careful.

In the event you are required to evacuate the building, the following should take place:

1. Calmly and cautiously evacuate the building immediately;

2. Cashiers are to lock cash drawers prior to evacuation;

3. Do not stop to gather personal goods;

4. Feel doors before opening them. (If a door is hot, do not open it. There is fire on the other side.);

5. If there is smoke, crawl to your exit. The cleaner air is nearest to the floor;

6. If you become trapped:

    a. go to an external window;
    b. all doors should be closed tightly around you to prevent smoke penetration;
    c. wait at the window and signal for help (If there is no smoke outside the window, open or break it to call for help and alert others to your location.)

7. Assemble on the front lawn of the courthouse, provided that it is clear and not hazardous, so it can be determined if everyone is out of the building. ***Do not leave or re-enter the building until instructed to do so.***

HOSTAGE

If a hostage situation should take place, the following should be done:

1. Activate the silent duress alarm or call 911;
2. Notify the Summit County Sheriff immediately. (They will take charge of the situation);
3. Wait for instruction from them to evacuate the building.

If you are taken hostage:

1. Be cautious of heroics, don't be foolish;
2. Be cooperative without acting either servile or antagonistic;
3. Keep your cool and try to relax (think of other things);
4. Avoid making eye contact and the appearance of observing your captors but observe all you can to help police later;
5. Don't make threats or arouse your captors;
6. Be reluctant to give up your identification or clothing;
7. Try to drink water and eat to maintain your strength;
8. Look for protective cover in case an attempt is made to rescue you; and
9. If a rescue attempt occurs and shots are fired, drop to the ground and keep your hands on your head fully.

Cooperate with the authorities until you can be properly identified.

MEDICAL EMERGENCY

The supervisor shall be notified of all medical problems as soon as possible.

All medical problems shall require a signed waiver of medical treatment if the injury occurs in or about court property and the injured does not want the assistance of medical personnel.

For minor injuries or illness:

1. Have the waiver signed;
2. Obtain the supplies needed from the first-aid kit;
3. If necessary, call 911 to summon medical.

For major injuries or illness:

1. Call 911 to summon medical;
2. Stay on the line long enough to give the exact location of the patient;
3. provide as much information as you can;
4. ***Do not attempt to move the patient unless absolutely necessary.***

If one of the following medical problems occurs, react as follows:

If the patient is disoriented or a seizure victim, attempt to protect the victim from further harm from such things as desks, chairs, and walls. ***Do not*** place your fingers in the mouth of a seizure victim.

If the person is not breathing, has severe bleeding or no pulse, immediate action may be necessary to save the persons life. Trained personnel may attempt the following procedures:

1. If the patient has no pulse and is not breathing, cardio-pulmonary resuscitation (C.P.R.) may be necessary until medical arrives;
2. If the person is bleeding severely, apply direct pressure over the wound (use a pressure dressing if available). Pressure may be applied to major blood vessels near the wound to stop the blood flow.
3. If the person's airway is blocked, perform the Heimlich maneuver.

POWER OUTAGE

Upon a loss of power, remain at your work station.

Clerks are to secure cash drawers.

Advise the public to remain calm and assist them in locating the nearest exit if they wish to leave.

Court Services shall check for any persons caught inside.

Transportation officers are responsible for their prisoners.

The Assistant Clerk of the Court or senior clerk is to call the power company to report and determine the expected duration of the outage.

For personal safety, employees are encouraged to have a flashlight available.

Employees do not leave until a fire alarm sounds or you receive instruction to evacuate the building. If you are instructed to evacuate, assemble on the front lawn of the courthouse, provided that it is clear and not hazardous, so it can be determined if everyone is out of the building. ***Do not leave or re-enter the building until instructed to do so.***

PRISONER ESCAPE

Prisoner security is the responsibility of law enforcement or transportation officers. You should not attempt to pursue an escapee or try to apprehend them unless directed to do so by a law enforcement officer or transportation officer.

In the event of an attempted escape, the silent alarm should be depressed to start the video recording in Central Control, and so they can notify Court Services for additional deputies.

You should be observant of the prisoners' means and direction of escape. Determine if he has a weapon, whether someone is assisting him and any other details that may assist in his apprehension. However, you should not pursue the escapee yourself.

Resist any attempt to be taken hostage unless your life would be placed in immediate danger by not cooperating.

ROBBERY

If a robbery is taking place, the following should take place:

1. Remain calm and act rationally;
2. Cooperate fully with the robber;
3. **Do Not** endanger your life or the life of others with unnecessary heroics;
4. Summon the Sheriff and Court Services by using the silent alarm or calling 911;
5. Be as observant as possible without being obvious.

Any recollection of details can assist in the apprehension and prosecution.

Determine the loss when the situation has ended.

BOMB THREAT

A bomb threat can be received by anyone working in a courthouse and vital information can be gained from the caller that could save lives and property.

If a bomb threat should come in, the following should be done:

1. Be calm and courteous;
2. Listen carefully;
3. Take notes if possible;
4. **Do Not** interrupt the caller, **Do Not** place the caller on hold or try to transfer the call;
5. Try to notify your supervisor of Court Services while the caller is on the phone.

After the caller seems to be finished, attempt to ask:

1. When will the bomb go off?
2. Where is the bomb located?
3. What kind of bomb is it?
4. What does it look like?
5. Why was the bomb placed there?

When the call ends, immediately:

1. Complete the Bomb Threat call checklist;
2. Call 911 for the bomb squad; and
3. Notify your supervisor.

If requested to do so by police or the bomb squad, search your immediate work area.

If you locate a suspicious article, ***Do Not Touch It***. Immediately notify your supervisor and bomb squad.

After the article is looked at by police or the bomb squad, they will decide if all or part of the building should be evacuated and if standard evacuation procedures should be followed.

When dealing with letters and parcels, the following should make you suspicious that it may be a bomb:

1. Foreign mail, air mail, and special delivery;

2. Markings such as "Confidential", "Personal", etc;
3. Excessive postage or weight;
4. Hand written or poorly written addresses or no return address;
5. Incorrect title or a title but no name;
6. Misspelling of common words;
7. Oily stains or discolorations;
8. Rigid, lopsided or uneven envelope;
9. Protruding wires or tinfoil;
10. Excessive securing material such as tape, string, etc;
11. Visual distractions.

If evacuation is necessary, assemble on the front lawn of the courthouse, provided that it is clear and not hazardous, so it can be determined if everyone is out of the building. ***Do not leave or re-enter the building until instructed to do so.***

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Appendix A: Telephone Bomb Threat form 25

Appendix B: Medical Treatment form 26

EVACUATION PROCEDURES

THE FIRE ALARM WILL BE THE PRIMARY MEANS OF ORDERING THE BUILDING EVACUATED.

In the event you are required to evacuate the building, the following should take place:

1. Calmly and cautiously evacuate the building immediately;
2. Cashiers are to lock cash drawers prior to evacuation;
3. Do Not stop to gather personal goods.

Unless Court Services is present in the courtroom, the court clerk is responsible for the evacuation of the courtroom and jury rooms. Clerks are to direct people to the nearest exits. The Court Services office shall evacuate the lobby and the restrooms.

All employees should be familiar with the primary and secondary evacuation routes. (See map)

Assemble on the front lawn of the courthouse provided that it is clear and not hazardous, so it can be determined if everyone is out of the building. ***Do not leave or re-enter the building until instructed to do so.***

DAVID A. EDMUNDS
SUMMIT COUNTY SHERIFF

BOMB THREAT CALL CHECKLIST

Time of call: _____ Time caller hung up: _____

Exact words of the caller: _____

_____

_____

What of the following was acquired?

When is the bomb going to explode? _____

Where is the bomb right now? _____

What kind of bomb is it? _____

What does it look like? _____

Why was it placed there? _____

Description of caller:
Sex: Male ( ) Female ( ) Age: Young ( ) Middle Age ( ) Old ( ).

Loud	Raspy	Fast	Stutter	Poor	Obscene
Soft	Pleasant	Slow	Lisp	Fair	Profane
Deep	Nasal	Distinct	Slurred	Good	Abusive
High	Intoxicated	Distorted			

Local		Calm	Angry	Office machines	Trains
Foreign		Rational	Irrational	Factory machines	Air craft
German	Russian	Coherent	Incoherent	Party noise	Music
Italian	French	Deliberate	Emotional	Traffic	Voices
Australian	British	Laughing	Serious	Animals	Quiet

Is the voice familiar? _____ If so, who does it sound like? _____

Additional Comments: _____

_____

_____

_____

Person receiving the call: _____ Date / Time: _____

DAVID A. EDMUNDS
SUMMIT COUNTY SHERIFF

MEDICAL TREATMENT FORM

Date: _____ Time: _____

Location of Problem: _____

Person Name: _____

D.O.B.: _____ Social Security #: _____

Address: _____

City: _____ State: _____ Zip: _____

- ☐ Refused Care
- ☐ Minor First – Aid provided
- ☐ Supplies from First – Aid Cabinet used

Describe the nature of the medical problem, symptoms, signs, and complaints. Explain First – Aid provided, when ambulance was summoned, transport by ambulance, etc.

_____

_____

_____

_____

_____

_____

_____

_____

Court Personnel Sign: _____ SCSO Case #: _____

Injured Person Sign: _____ Date: _____

Staff Report

To:	Summit County Council
Report Date:	Thursday, September 30, 2010
Meeting Date:	Wednesday, October 6, 2010
From:	Ashley Koehler, County Sustainability Coordinator & Summit County Food Coalition
Project Name:	**Summit County Beef Program Request for funds**
Type of Item:	Consideration for an authorization of funds

EXECUTIVE SUMMARY: This October, the Summit County Food Coalition will be launching a fall and winter seasonal sale of locally raised Summit County Beef. In order to make this project happen, a one-time revolving loan is being requested from Summit County. Additional funds for marketing materials and website design are also being requested. The Council reviewed this program and the associated funding needs during a work session on September 22, 2010. This report further explains the funding needs and recommends that the County authorize a $15,000 short term revolving loan and $10,000 for marketing materials.

BACKGROUND: Earlier this year the County Council adopted the 2010 Vision Statement for Summit County that called for immediate action to "*[b]olster economic development and create a variety of initiatives including green energy, green agriculture, recreational open space, and a* ***Summit County "brand" for locally produced products***". County Staff has helped to coordinate an effort to respond to this action and actively participates in a stakeholder group that has labeled themselves as the Summit County Food Coalition. The Summit County Food Coalition is made up of Summit County ranchers, local and state government representatives, USU cooperative extension, local non-profits and businesses working together to support a local food initiative here in Summit County. The first project focuses on beef due to the large number of cattle raised in Eastern Summit County coupled with a high demand for local meat.

A successful pilot project was completed in June of this year where three calves of local grass fed beef were sold at the Market at Park City. Responses from surveys both in-store and online proved that there is a demand for the product and gave the Coalition and ranchers the confidence to proceed with a seasonal sale of local beef beginning this fall.

A brand and logo was created and a website assembled at www.summitcountybeef.com to direct interested parties to learn more about the product, the importance of buying local, and to purchase whole, ½ or ¼ calves as a frozen beef product.

Our long term goal as a Coalition is to provide a self-sustaining program that is open to all Summit County agricultural producers to sell their products in local markets year round. The beef program is the Coalition's main focus right now with this year's seasonal beef sale being the first. We hope the

success of this pilot project will allow the Coalition to seek federal, state, and other local grants to expand the program in the future.

CURRENT PROJECT:
More recently, the Coalition members have been working primarily under the organizational umbrella of the Uinta Headwaters RC&D Council, whose mission and stated goals directly align with the Summit County Beef Program. Uinta Headwaters RC&D is serving as the fiscal agent for the Summit County Food Coalition and will establish purchase contracts with local grocery stores, restaurants, and resorts so they can offer this product this fall. Local ranchers will provide 60 head of cattle to be used this fall and winter for these local beef markets. The cows will be broken up into 3 harvests from October through late December. For each harvest the cows will be transported to a processing facility that will cut, cryovac, store, and transport the beef on a weekly or bi-weekly basis. The processing facility will transport to a wholesale grocer warehouse for distribution to grocers and/or to a food distributor's warehouse for distribution to restaurants.

FUNDING NEEDS:
The Uinta Headwaters RC&D Council and the Coalition have calculated the actual upfront costs required and what the retail pricing for the beef products should be for the grocers and food distributors, including a certain profit margin that would remain with the program in order to be sustainable. However, in order to facilitate the initial purchase of the cattle, transportation to the processor and processing costs, up front funds will be an important part of the project's success. Without funds available up front, the ranchers and processor would go unpaid until the retail stores and distributors purchased the product. We plan on having contracts with the retailers and resorts indicating the amount of beef they intend on purchasing, but they would not be able to pay the Coalition in advance of receiving the product.

The Uinta Headwaters RC&D Council, with full support of the Coalition, is requesting that the Council consider an authorization to fund these up-front costs, amounting to $15,000, which would be completely refunded to the County by February 2011, when beef harvests have been paid for by grocers and distributors. Essentially, this is a request for a no interest, one-time revolving loan. The Coalition deems this loan necessary in order to ensure additional rancher participation in the future. Paying the rancher up front is consistent with their mode of operations and demonstrates that selling locally can be equally or more desirable than selling conventionally. Also, paying the processor on a timely basis is also key in establishing lasting business relationships.

Additionally, where the Council has made locally produced products an immediate priority for the County, the Coalition and marketing team would like to be able to further promote the "brand" and market the product in the stores and throughout the community. The Coalition aims to enhance the website, print window clings and meat case dividers, and also distribute brochures at the retail outlets. We estimate these costs to be $10,000 and are also asking if the County Council would consider funding these costs as well. The $10,000 is seed money to establish the program with the intent that profit margins during fall and winter sales will support future marketing efforts. The retail stores and distribution company require that identification signs or brand stickers be provided to them so the product is clearly labeled for the customer. The marketing funds will be used to specifically purchase the following materials:

- Meat case dividers & window clings (retail store)
- Stickers for smaller meat packages (retail store)

- Brochures (retail store)
- Larger stickers for box identification (distributor)
- Website design
- Kick-off event
- Newspaper ad

Since the program's inception, the Coalition members have donated professional services such as design services, market research services, promotional material, and transportation services (Utah Department of Agriculture and Food transported the calves to Lewiston, UT from Kamas) in the amount of approximately $5,040. Donated materials to-date total approximately $1,435 and there are an estimated 265 hours of volunteer time establishing and coordinating the program, with a value of over $5,300. Essentially, the contributed time would continue therefore providing a match to the $10,000 seed money.

The Uinta Headwaters RC&D Council often serves as a fiscal agent for programs which support their mission and goals and has the capacity to administer the Summit County Beef program, including a short-term loan from Summit County.

RECOMMENDATION:
Staff sees this project in direct alignment with the Council's vision statement and the potential for this program to create a more sustainable economy and agricultural practices in the County. Staff recommends the County Council authorize a total of $25,000 to be granted to the Summit County Food Coalition in care of the Uinta Headwaters RC&D. From this total amount, $15,000 is to be paid back in full to Summit County and $10,000 is to be used for necessary marketing needs as indicated in the staff report.

ATTACHMENT(S):
Funding Contract

SUMMIT COUNTY BEEF FUNDING AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____, 2010, by and between Summit County (herein called "County"), a body corporate and politic of the State of Utah, 60 N. Main Street, Coalville, Utah 84017, and Uinta Headwaters RC&D Council, a Non-Profit Entity as fiscal agent (herein called "UHC).

WITNESSETH:

WHEREAS, the County is seeking to promote local agriculture production and the sale of these products locally; and,

WHEREAS, Uinta Headwaters RC&D Council in coordination with the Summit County Food Coalition is qualified to provide these services; and,

WHEREAS, the County and UHC have agreed to the following terms and conditions of this Agreement for the performance of promoting Summit County beef and fulfilling the sale of locally raised beef and other agriculture products into Summit County markets;

NOW THEREFORE, in consideration of the promises and the mutual covenants contained in this Agreement, it is agreed as follows:

1. County's Responsibilities.

A. Payment. The County will pay UHC a one-time sum of $25,000. $15,000 of this total amount is to be re-paid in full to the County no later than February 28, 2011. If full payment is not received within ten (10) days after February 28, 2011, UHC shall pay County a late charge equal to five percent (5%) of the delinquent amount. County and UHC agree that any such late charge is fair compensation to the County for its loss suffered by reason of late payment by UHC. A portion of the $25,000 not to exceed $10,000 for work performed, and services provided in accordance with these terms and conditions will be paid to UHC not required to be re-paid.

2. Uinta Headwaters RC&D Council's Responsibilities.

A. UHC in coordination with the Summit County Food Coalition shall perform the following services:

(1) Facilitate the sale of Summit County raised cattle to Summit County residents and markets.
(2) Market and promote a Summit County "brand" for locally produced beef and agricultural products, including a website, logo, and marketing materials.
(3) Create a sustainable program for marketing and selling Summit County beef and agricultural products.

3. Term. The term of this Agreement shall commence on October _____, 2010, and shall continue until February 28, 2011 or until terminated by the County with or without cause by sending written notice of such termination to UHC.

4. Insurance. UHC, at their own expense, shall maintain sufficient liability insurance against claims or lawsuits which result from the actions of UHC or their employees or agents.

5. Indemnification. UHC agrees to indemnify and hold County harmless from any claim or damages for injuries resulting from actions of his employees or agents, including costs and reasonable attorney fees. Likewise, County agrees to indemnify and hold UHC harmless from any claim or damages for injuries resulting from actions of its employees or agents, including costs and reasonable attorney fees.

6. Assignability. The rights and obligations of UHC under this Agreement are not transferable or assignable in whole or in part without the written consent of County.

7. Waiver. No failure of County to exercise any power given to it under this Agreement, or to insist upon strict compliance by UHC with any obligation, responsibility, or condition under it, and no custom or practice of the parties at variance with its terms shall constitute a waiver of County's right to demand exact compliance with those terms upon any subsequent default.

8. Independent Contractor. In making and performing this Agreement, UHC acts and shall act at all times as an independent contractor, and nothing contained in this Agreement shall be so construed or applied as to create or imply the relationship of partners, of agency, joint adventurers, or of employer and employee between the parties hereto.

9. Identity Documents and Verification. In making and performing this Agreement, UHC agrees to comply with the provisions of UCA §§ 63-99a-101 thru 104, *as amended.*

10. Invalidity. If any term or provision of this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

11. Governing Law. This Agreement shall be interpreted according to the laws of the State of Utah.

12. Entire Agreement. This Agreement contains the entire agreement between the parties concerning its subject matter, and no representations, inducements, promises, or agreements, oral or otherwise, between the parties with reference to it and not embodied in this Agreement shall be of any force or effect.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

Uinta Headwaters RC&D:	**Summit County**:
By: _____	By: _____
Uinta Headwaters RC&D	Robert Jasper County Manager

Auditor's Office

To: Summit County Council
From: Bob Jasper, County Manager; Blake Frazier, Summit County Auditor, Matt Leavitt, Summit County Auditor's Office
Date: September 29, 2010
Subject: Budget transfers and deferrals to restore adequate General Fund balances for 2010.

Summit County Council:

As was reported earlier this year, the unreserved fund balance reported in the general fund in the 2009 financial report was a deficit of $753,603. As required by Utah State Code, Title 17 Chapter 36, general fund balance is to be maintained at a minimum of 5% of the general fund revenues. The maximum permitted by Utah State Code is 20% of the same general fund revenues.

According to Utah State Code, the Summit County general fund balance required to be maintained and not budgeted is not to be below $860.9 thousand. The maximum limit for the general fund balance is not to exceed $3.4 million.

In order to achieve the $860.9 thousand minimum, the following adjustments to various county funds are being recommended:

To Correct Fund Balance Deficit:

1. **Transfers from Other Funds:** (total amount $872,264.72)
    a. Inactive Funds: Special assessments in the past had been collected for various areas. As the County is primarily responsible for the collection and payment of these assessments, any assessments collected in excess of amounts due become the property of the County. The following assessment areas have amounts in excess of what was due: Old Ranch Road ($7,051.34) and Timberline Water ($65,213.38).
    b. Disaster Funds: Fund balance, as reported in the 2009 financial report, is $1.07 million. This fund is for re-insurance in the case of a disaster within the county. The County anticipates using a portion (approximately $40 thousand) of this money for the floods that occurred in June 2010. It is proposed to transfer from the Disaster Fund $800 thousand to the General Fund, leaving $230 thousand for disaster re-insurance.
2. **Interfund Loan:** (not to exceed $3 million) as is proposed by resolution. The initial recommendation is that the County will transfer $1 million as an interfund loan from the Tax Stability Fund to the General Fund. The remaining $2 million interfund loan will be contingent upon year end balances.

Subtotal of recommendations:

		Amount
2009 Year End Fund Balance	$	(753,603)
Inactive Funds		72,265
Disaster Fund		800,000
Interfund Loan		1,000,000
Subtotal	$	1,118,662

Matt Leavitt
60 North Main PO Box 128 Coalville, Utah 84017
Tel. (435) 615-3017 Email: *mleavitt@co.summit.ut.us* Fax (435) 615-3036

To Protect General Fund Balance:

3. **Budget Adjustments:** (total amount $1.275 million)
    a. Contribution from General Fund to Other Funds: For budget year 2010, the County budgeted transfers to other funds for other uses. It is proposed that in light of the current financial position and economic conditions within the county these transfers not be made during this year. Those recommended transfers, with the corresponding projects are: Open Space ($200,000) and Tax Stability ($250,000). The total amount of the Open Space transfer budget is $250,000. $50,000 of this budgeted transfer will still need to be made in order for maintenance of County-owned open space parcels.
    b. Capital Facility Projects: For budget year 2010, the County budgeted $875 thousand for capital facility projects. As of Sept. 13, 2010, the County has only spent $17,500 and does not expect to expend more than $50,000. The amount spent during 2010 is for architectural services, leaving approximately $825 thousand budgeted, but not likely to be spent. Projects will continue with new funding during the 2011 budget year.

Total of recommendations:

		Amount
Subtotal from above	$	1,118,662
Contributions		450,000
Capital Projects		825,000
Total	$	2,393,662

These recommendations do not include year-end revenue over expenditure amounts. As of the last council report, revenues were higher than prior year and expenditures were below budget and prior year amounts. In addition, transfers of interest income in the Tax Stability Fund have already been budgeted. This transfer will occur at year end. The amount of interest income in the Tax Stability Fund is estimated to be approximately $180 thousand.

Lastly, it is also recommended that when economic conditions improve amounts be transferred back into the Disaster Fund in order to restore fund balances in the event of a natural disaster within the county.

As always, if there are questions that concern the council that members would like addressed, I am available to respond. I can be contacted by phone at 336-3017 or by email to *mleavitt@co.summit.ut.us.*

DRAFT

RESOLUTION 2010-16

A RESOLUTION OF THE SUMMIT COUNTY COUNCIL PROVIDING FOR AN INTERFUND TRANSFER AND LOAN BETWEEN THE TAX STABILITY AND TRUST FUND AND THE GENERAL FUND

WHEREAS, UCA § 17-36-3(17) defines "General Fund" as "the fund used to account for all receipts, disbursements, assets, liabilities, reserves, fund balances, revenues, and expenditures not required to be accounted for in other funds;"and,

WHEREAS, UCA § 17-36-51 provides for the establishment by a county of a "Tax Stability and Trust Fund," which has at times been referred to as a county's "rainy day fund;" and,

WHEREAS, UCA § 17-36-3(18) defines an "Interfund Loan" as "a loan of cash from one fund to another, subject to future repayment; but it does not constitute an expenditure or a use of retained earnings, fund balance, or unappropriated surplus of the lending fund;" and,

WHEREAS, UCA § 17-36-52(1) provides that the Tax Stability and Trust Fund "may be invested as provided [for] in [UCA] Section 51-7-11;" and,

WHEREAS, UCA § 51-7-11(3)(k) provides that an appropriate investment may be in the form of a loan to a county so long as future revenue is specifically pledged "for payment of principle and interest" on the loan; and,

WHEREAS, in the Fall of 2008, a nationwide recession began, which has at times been referred to as the "Great Recession;" and,

WHEREAS, the revenues generated by sales tax in Summit County has been in decline, causing the County to reduce its operating budget; and,

WHEREAS, the Summit County General Fund had a beginning deficit for the 2010 budget year of Seven Hundred and Fifty Three Thousand, Six Hundred and Three Dollars ($753,603); and,

WHEREAS, the recession is expected to continue into the foreseeable future, which will further impact revenues and the County's operating budget; and,

WHEREAS, the Tax Stability and Trust Fund's purpose is to bridge revenue shortfalls during times of economic distress; and,

WHEREAS, UCA § 17-36-54 requires a vote of the electorate of the County in order to use the Tax Stability and Trust Fund without limitation and the window to have placed such a vote on the 2010 General Election ballot has passed; and,

WHEREAS, the Summit County Tax Stability and Trust Fund has a balance of Twelve Million, One Hundred and Ninety Two Thousand, Three Hundred and Fifty Four Dollars ($12,192,354); and,

WHEREAS, in accordance with UCA §§ 17-36-52(1) and 51-7-11(3)(k), the Summit County Council may authorize an interfund loan from the Tax Stability and Trust Fund to the General Fund so as to cure the deficit and provide for future anticipated shortfalls so long as the loan bears interest as an investment at a reasonable rate of return; and,

WHEREAS, the Summit County Council finds that it is in the best interests of the County and its citizens to authorize and approve an interfund loan from the Tax Stability and Trust Fund to the General Fund;

NOW THEREFORE, BE IT RESOLVED the Summit County Council authorizes and approves an interfund loan from the Tax Stability and Trust Fund to the General Fund on the terms and conditions that follow:

TERMS AND CONDITIONS

not to exceed

1. *Consideration.* In consideration of the promises and covenants contained herein, the Summit County Council authorizes and approves of the transfer of Three Million Dollars ($3,000,000.00) from the Tax Stability and Trust Fund to the General Fund by delivering a check drawn to the order of Summit County (the "County") at the time of approval of this Resolution, the receipt whereof is hereby acknowledged by the County (the "Loan").

2. *Repayment of Loan.* The County agrees to repay the loan to the Tax Stability and Trust Fund as follows:

   A. *Payment.* On December 31, 2012, the sum of Three Million Dollars ($3,000,000.00) on account of principal shall be paid. Interest shall be paid as provided in (c) below.

   B. *Prepayment.* Payment on principal and interest made to the Tax Stability and Trust Fund before the date of payment as set forth in (a) above shall not be subject to a penalty of any nature.

   C. *Interest.* In addition to the above payment on principal, the County shall pay

interest on the unpaid balance of principal, which shall be due and payable on each anniversary date of this Resolution, at the annual percentage rate of 1%, the total Finance Charge for this loan being the total of the interest paid hereunder.

3. *Collateral.* The County agrees to pledge its 2011 and 2012 General Fund revenues toward the repayment of the loan with interest. In the event that the County Council authorizes a ballot question for the release of monies from the Tax Stability and Trust Fund without limitation, and the electorate votes in favor of such, then the loan with interest shall be repaid from those proceeds.

4. *Assignability.* Neither this loan nor any rights under it may be assigned, pledged, hypothecated, or otherwise alienated, without the written consent of the Summit County Council.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this _____ day of October, 2010.

COUNTY COUNCIL
SUMMIT COUNTY, STATE OF UTAH

ATTEST:

By: _____
Claudia McMullin, Chair

_____
Kent Jones
County Clerk

APPROVED AS TO FORM:

_____
David L. Thomas
Chief Civil Deputy

Staff Report

To:	Summit County Council
From:	Jennifer Strader, County Planner
Report Date:	September 20, 2010
Meeting Date:	October 6, 2010
Type of Item:	Public Hearing - Development Code Amendments

EXECUTIVE SUMMARY: In response to a request from the Summit County Council (SCC), Staff is presenting potential amendments to the Eastern Summit County and Snyderville Basin Development Codes (the Codes) regarding the processing of kennel permits.

Staff recommends that the SCC conduct a public hearing and vote to approve the amendments to the Codes.

A. Community Review

Public notice was published in *The Park Record and the Summit County News*. As of the date of this report, Staff has not received any public comment.

The Eastern Summit County Planning Commission conducted a public hearing on August 4, 2010 and the Snyderville Basin Planning Commission conducted a public hearing on August 24, 2010. No public comment was received and both Commissions forwarded positive recommendations to the Summit County Council for the proposed amendments.

B. Background

The Use Chart in the 1996 Eastern Code established that "kennels for commercial or private use for more than five (5) dogs" required a Conditional Use Permit in all zones. In 2007, the Eastern Code was amended to add a definition of "kennel" and to amend the number of dogs from five (5) to four (4) to comport with Animal Control's regulations. There was little to no discussion among the ESCPC regarding this amendment which was subsequently approved by the Board of County Commissioners.

In May, 2010, Staff proposed amendments to the Snyderville Basin Code in order to amend the definition of "kennel" to be the same as the definition in the Eastern Code and to comport with Animal Control's regulations. This amendment added the word "private" to the definition and was approved by the SCC on May 26, 2010.

Both Codes currently require that a Conditional Use Permit be obtained in the event that someone has four (4) or more dogs or cats, whether for commercial or private use.

C. Identification and Analysis of Issues

Based upon recent inquiries from constituents, the SCC directed Staff to review the definition and processing of kennel permits and further amend the Codes so that a commercial kennel requires a Conditional Use Permit and private kennels require a Low Impact Permit.

After discussions with Animal Control, Staff found that they currently require kennel permits for both commercial and private use, which are subject to approval by the Planning Department.

The biggest difference between commercial and private kennels is the traffic impact, which is *not* reviewed by Animal Control. The Community Development Department feels that a Conditional Use Permit is appropriate for commercial operations; however, because Animal Control has regulations in place that provide for the health, safety, and welfare of the animals in a private kennel, Staff and the Planning Commissions don't think an additional Low Impact Permit is necessary from the Community Development Department for private kennels.

D. Findings/Code Criteria and Compliance

Before an application for an amendment to the Code can be approved, the following findings must be met.

1. The amendment shall be consistent with the goals, objectives, and policies of the General Plan.

   The proposed amendment is consistent with the goals, objectives, and policies of the General Plan.

2. The amendment shall not permit the use of land that is not consistent with the uses of properties nearby.

   The use of kennels in the Code is not new; Staff is only proposing to amend the process for approval.

3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restrained.

   The amendment is not adding any new uses to the Code. Kennels are currently allowed in all zone districts.

4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.

   Although the proposed amendment changes the type of permitting process for a private kennel, restrictions are still in place to ensure that nearby property owners are not unduly affected. Animal Control has specific

criteria in their Codes that regulate health, safety and welfare of exiting property owners.

5. The amendment will not grant special favors or circumstances solely for one property owner or developer.

   The amendment will result in a more streamlined development approval process for all property owners that are seeking kennel permits.

6. The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

   The amendment will continue to promote the health, safety, and welfare of the citizens of Summit County.

E. Recommendation

Staff recommends that the SCC conduct a public hearing on the proposed amendments to Section 11-3-13 of the Eastern Code and Section 10-2-10 and Chapter 11 of the Snyderville Code. Taking into consideration any public comment and Staff's analysis, Staff further recommends that the SCC choose one of the following options.

Option 1

Vote to approve the amendments to Section 11-3-13 of the Eastern Code and Section 10-2-10 and Chapter 11 of the Snyderville Code as identified in Exhibit A, *by adoption of an ordinance*. The amendment would result in the word "private" being removed from both the definition of "kennel" and the Use Chart, based upon the findings listed in Section D above and the additional following findings:

1. Animal Control has existing regulations in place that provide for the health, safety, and welfare of the general public as part of their kennel permitting.
2. Removing "private" from the definition of "kennel" is consistent with the Eastern Summit County and Snyderville Basin Planning Commission's recommendations.

Option 2

Vote to approve of the amendments to Section 11-3-13 of the Eastern Code and Section 10-2-10 and Chapter 11 of the Snyderville Code as identified in Exhibit B, *by adoption of an ordinance*. The amendment would result in private kennels being processed through the Low Impact Permit process, rather than through the Conditional Use Permit process, based upon the findings listed in Section D above.

Option 3

Vote to deny the proposed amendments to Section 11-3-13 of the Eastern Code and Section 10-2-10 and Chapter 11 of the Snyderville Code, resulting in commercial and private kennels being subject to the Conditional Use Permit process, based upon specific findings articulated by the SCC.

Option 4
Vote to continue the proposed amendments to another meeting, with specific direction provided to Staff on information necessary in order to render a decision.

EXHIBITS
Exhibit A: Option 1, Proposed Language
Exhibit B: Option 2, Proposed Language

OPTION 1

EASTERN SUMMIT COUNTY DEVELOPMENT CODE

Section 11-3-13, Use Chart:

	Kennels for commercial use for four (4) or more dogs or cats.	C	C	C	C	C	C		

Deleted: or private

Appendix A, Definitions

KENNELS: Any premises, except where accessory to an agricultural use, where domesticated animals, such as dogs and cats, are boarded, trained, groomed or bred for commercial use.

Deleted: or private

SNYDERVILLE BASIN DEVELOPMENT CODE

Section 10-2-10, Use Chart

Kennels for commercial use for 4 or more dogs or cats	~~C~~	~~C~~	~~C~~	~~L~~	~~L~~	~~C~~	

Deleted: or private

Chapter 11, Definitions

10-11-1.158 **Kennels**: Any premises, except where accessory to an agricultural use, where domesticated animals, such as dogs and cats, are boarded, trained, groomed or bred for commercial use.

Deleted: or private

EXHIBIT A

OPTION 2

EASTERN SUMMIT COUNTY DEVELOPMENT CODE

Section 11-3-13, Use Chart:

Kennels for commercial use for four (4) or more dogs or cats.	C	C	C	C	C	C		
Kennels for private use for four (4) or more dogs or cats.	L	L	L	L	L	L		

Deleted: or private

SNYDERVILLE BASIN DEVELOPMENT CODE

Section 10-2-10, Use Chart

Kennels for commercial use for 4 or more dogs or cats	C	C	C	L	L	C	
Kennels for private use for four (4) or more dogs or cats.	L	L	L	L	L	L	

Deleted: or private

EXHIBIT B