



# Ogden City

## City Council Meeting Agenda

October 27, 2015 at 6:00 p.m.

City Council Chambers

Municipal Building – Third Floor

2549 Washington Boulevard, Ogden, Utah 84401

1. Roll Call.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Reports from Administration:
  - a. **Ogden City Justice Court Recertification.** Proposed Resolution 2015-15 requesting the recertification of the Ogden City Justice Court. (*Adopt/not adopt resolution – roll call vote*)
5. Public Hearings:
  - a. **Fiscal Year 2016 Budget Amendment.** Proposed Ordinance 2015-45 amending the budget for the Fiscal Year July 1, 2015 to June 30, 2016 by increasing the anticipated revenues for a gross increase of \$1,604,925. (*Adopt/not adopt ordinance – roll call vote*)
6. Public Comments: This is an opportunity to address the Council regarding your concerns or ideas. Please state your name and address clearly for the record, and limit your comments to three minutes.
7. Comments:
  - a. Mayor.
  - b. Council Members.
8. **Closed Executive Session.** Consideration of adjourning into a Closed Executive Session pursuant to one or more of the provisions of Section 52-4-205(1) of the Open and Public Meetings Law:
  - a. Discussion of the character, professional competence, or physical or mental health of an individual
  - b. Strategy session to discuss collective bargaining
  - c. Strategy session to discuss pending or reasonably imminent litigation
  - d. Strategy session to discuss the purchase, exchange, or lease of real property
  - e. Strategy session to discuss the sale of real property
  - f. Discussion regarding deployment of security personnel, devices, or systems
  - g. Investigative proceedings regarding allegations of criminal misconduct.  
(*Adjourn/not adjourn – roll call vote*)
9. Adjournment.

**Reminder:** A City Council work session will be held immediately following the regular Council meeting in the Council work room. The purpose of the work session is to observe the Weber State University Debate Team debate the topic of the role of police in a community and discuss Council business.

~~~~~

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the Management Services Department at 629-8701 (TDD # 629-8949) or by email: [ADACompliance@ci.ogden.ut.us](mailto:ADACompliance@ci.ogden.ut.us) at least 48 hours in advance of the meeting.

October 27, 2015  
Page Two

**CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and/or agenda was posted in three public places within the Ogden City Limits on this 23rd day of October, 2015. These public places being: 1) City Recorder's Office on the 2nd floor of the Municipal Building; 2) 2nd floor foyer of the Municipal Building; and 3) the Weber County Library. A copy was posted to the Utah State Public Notice Website and the Ogden City Website, as well as provided to the Standard-Examiner.

TRACY HANSEN, MMC  
OGDEN CITY RECORDER

Visit the City Council Meetings page at: [councilmeetings.ogdencity.com](http://councilmeetings.ogdencity.com)  
Ogden City Council Agenda Information Line – 801-629-8159



# City Council Meeting COUNCIL STAFF REVIEW

## JUSTICE COURT RECERTIFICATION

**DETERMINATION:** **Adopt or Not Adopt Resolution**

---

### *Executive*

#### *Summary*

The Council will consider a Resolution requesting recertification of the Ogden City Justice Court.

#### *Background*

##### **June 21, 2005**

Council approved Resolution 2005-17 constituting a written declaration to the State of Utah Judicial Council of Ogden City's intent to form a municipal justice court. The resolution also requested that the Judicial Council shorten the two year time period required between the written declaration and the effective date of the City's election to one year – or July 1, 2006.

##### **August 2005**

Ogden City received notification that the State approved the City's request to have a municipal justice court effective July 1, 2006.

##### **July 1, 2006**

The Ogden City Justice Court began operations.

##### **October 18, 2011**

The Council adopted Resolution 2011-25 requesting recertification of the Ogden City Justice Court by the State Justice Courts Standards Committee and the Judicial Council. Certification was granted February 6, 2012 for a four (4) year term.

##### **September 29, 2015**

The City Council Office received a transmittal from the Administration requesting the Council again request recertification of the Justice Court.

##### **Utah State Code Requirements**

Section 78A-7-103 of the Utah State Code, which establishes minimum standards of justice courts, reads as follows:



# City Council Meeting

## COUNCIL STAFF REVIEW

- (1) The Judicial Council shall ensure that:
  - (a) procedures include requirements that every municipality or county that establishes or maintains a justice court provide for the following minimum operating standards:
    - (i) a system to ensure the justice court records all proceedings with a digital audio recording device and maintains the audio recordings for a minimum of one year;
    - (ii) sufficient prosecutors to perform the prosecutorial duties before the justice court;
    - (iii) adequate funding to defend all persons charged with a public offense who are determined by the justice court to be indigent under Title 77, Chapter 32, Indigent Defense Act;
    - (iv) sufficient local peace officers to provide security for the justice court and to attend to the justice court when required;
    - (v) sufficient clerical personnel to serve the needs of the justice court;
    - (vi) sufficient funds to cover the cost of travel and training expenses of clerical personnel and judges at training sessions mandated by the Judicial Council;
    - (vii) adequate courtroom and auxiliary space for the justice court, which need not be specifically constructed for or allocated solely for the justice court when existing facilities adequately serve the purposes of the justice court; and
    - (viii) for each judge of its justice court, a current copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge; and
  - (b) the Judicial Council's rules and procedures shall:
    - (i) presume that existing justice courts will be recertified at the end of each four-year term if the court continues to meet the minimum requirements for the establishment of a new justice court; . . . .



# City Council Meeting COUNCIL STAFF REVIEW

Other sections of UCA 78A-7 outline requirements with more specificity.

## **Justice Court Revenue**

Prior to 2006, the general fund received an average of \$550,000 each year in court receipts from the District Court. The Justice Court was able to increase those receipts during the first few years. However revenues have decreased over the past several years. The economic downturn that began in 2008 has had a major impact on revenues. Court personnel report that more and more people are requesting community service in lieu of fines.

The FY2016 budget projects revenues of \$1,800,000, expenses of \$1,505,275, and debt service of \$147,500 for a projected net revenue of \$147,225.

## ***Proposal***

The Administration is requesting the Council adopt a Resolution requesting the State Justice Courts Standards Committee and the Judicial Council recertify the Ogden City Justice Court. The City Attorney has provided an Opinion Letter outlining the operational procedures of the Court and feasibility of continuing operations as required by law.

The Court's certification does not expire until February 2016. However, the Administrative Office of the Courts is requiring documentation for recertification be submitted by October 30, 2015.

## ***Questions***

Please give a general overview of the Justice Court's operations and the current challenges the Court is facing.

---

**Council Staff Contact: Janene Eller-Smith, (801)629-8165**

**RECEIVED**

SEP 29 2015

OGDEN CITY  
COUNCIL OFFICE

**Ogden City Council Transmittal**

**Date:** September 29, 2015  
**To:** Ogden City Council  
**From:** Ogden City Attorney's Office; Management Services  
**RE:** Ogden City Justice Court Recertification

**Staff Contact:** Gary Williams, City Attorney  
Paula Carr, Justice Court Administrator

**Requested Timeline:** Earliest opportunity

**Recommendation:** Adoption of a Resolution requesting recertification of the Ogden City Justice Court

**Documents:** Resolution; City Attorney Opinion Letter

**Executive Summary**

**History:**

The Ogden City Justice Court has been operational since July 1, 2006. It is required by law that municipal justice courts be recertified every four years. The current term expires in February, 2016.

**Action Requested:** Adoption of Resolution

A Resolution is attached that provides for the request for recertification of the Ogden City Justice Court. Also attached is an Opinion Letter from the City Attorney, setting forth the operational procedures of the Ogden City Justice Court and feasibility of continuing to maintain the same. A public hearing is not required for adoption.

**Fiscal Impact**

Operation of a Justice Court will continue to provide a revenue stream for the City that will likely exceed the costs of operation.



OFFICE OF CITY ATTORNEY  
Gary R. Williams, City Attorney

September 29, 2015

City Council Members  
Ogden City Corporation  
2549 Washington Boulevard  
Ogden, UT 84401

Re: City Attorney's Opinion Concerning Ogden City Justice Court Recertification

Dear City Council Members:

I am providing you with this Opinion in satisfaction of the requirements for recertification of the Justice Court as required by the laws of the State of Utah. The Opinion's purpose is to advise City Officials of all requirements for the operation of a Justice Court and the feasibility of Ogden City maintaining the Justice Court.

In my capacity as City Attorney and for the purposes of this Opinion I have reviewed the following:

The Justice Court Standards for Recertification, August 2015;

Title 78A, Chapter 7 of Utah Code Annotated setting forth the statutory standards for the creation and operation of a Justice Court;

The Utah Code of Judicial Administration ("CJA"); and

Court Certification Affidavit.

I, or other City personnel, have also examined our current operations, facilities and staffing to determine what we presently have and what we will need to do in order to continue operation of the Justice Court. Based upon such investigation and analysis, I am of the opinion that the recertification Justice Court is feasible and reasonable.

Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).

2. Each court shall be open and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-207 and 78A-7-211).
6. The entity creating a Justice Court shall assume the expenses of travel, meals and lodging for the judge of that court to attend required judicial education and training (78A-7-205).
7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).
8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (78A-7-103).
9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).
10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).
11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court. (10-7-76 and 17-50-319).
12. Any fine, surcharge or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).
13. Every entity creating a court shall pay the judge of that court a fixed compensation, within the pay range provided by statute (78A-7-206).
14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).
15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Justice Court Manual, state laws affecting local governments, Utah Court Rules Annotated, local ordinances and other necessary legal reference material (78A-7-103).
16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to section 78A-7-215.

17. All Justice Courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

In addition to those requirements which are directly imposed by statute, Section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

1. That the Court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in CJA Rule 9-105.
2. That the judge be available to attend court and conduct court business as needed.
3. That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.
4. A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration and necessary forms and supplies.
5. Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor and access to a copy machine.
6. A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
7. The entity must have at least one peace officer (which may be contracted).
8. A court security plan must be submitted consistent with CJA Rule 3-414.
9. Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting retrieval standards promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts. All justice court shall use the CORIS case management system (78A-7-213).
10. Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

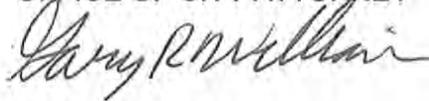
Additionally, the Judicial Council has divided Justice Courts into four categories based on the average number of cases filed monthly for the court. Certain minimum standards are required for each classification. Ogden's average monthly case filings place it in the Class I category. In addition to the base requirements mentioned above, the Ogden City Justice Court must meet the following requirements:

- Court must be open during regular business hours (5 days per week, 8 hours per day).
- Must have a courtroom which is dedicated for the exclusive use as a court and which meets the master plan guidelines adopted by the Judicial Council.
- The judge's chambers and clerk's offices cannot be shared by another entity.
- Judges must be available full time.
- At least three full-time clerks must be employed.

I am informed by the Justice Court Administrator and Presiding Judge that the Ogden City Justice Court is currently in compliance with each of the applicable requirements set forth above, and anticipates such compliance to continue throughout the next four-year term of the Court. Therefore, in my opinion recertification of the Justice Court is feasible and reasonable.

Very truly yours,

OFFICE OF CITY ATTORNEY



Gary R. Williams  
Ogden City Attorney

COURT CERTIFICATION AFFIDAVIT

Location: Ogden City Justice Court

Judges: Hon. Andrea W. Lockwood, Hon. Dee W. Smith

Address: 310 26<sup>th</sup> Street  
Ogden, Utah 84401

Telephone: 801-629-8560

Level of Court: I

Average Case Filings per month: 2000 +

Daily Court Hours By Day: 8 a.m. to 5 p.m.

Number of Full-time clerks: 9  
Hours worked per week per clerk: 40

Number of Part-time clerks: 5  
Hours worked per week per clerk: 25 to 29

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. 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 the applicant included with the application for certification.

Comes now Judge Andrea W. Lockwood, Justice Court Judge for the Ogden Justice Court, and except as specifically noted below, certifies as follows:

SECTION I

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 clerk attend court at regularly scheduled times based on the level of 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 judges 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 defendant, 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

13. Effective July 1, 2012, the court shall record all proceedings with a digital audio recording device and maintain the audio recordings for one year (78A-7-103) Yes

## SECTION II

**Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived for an extension granted pursuant to the procedure set forth in the instructions to the 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. At least one computer with internet access 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 and as needed during 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 Class II court:

a. Court is open (check one)

1. 201-300 average monthly filings: at least 4hrs./day

2. 301-400 average monthly filings: at least 5hrs./day

3. 401-500 average monthly filings: at least 6hrs./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 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.)

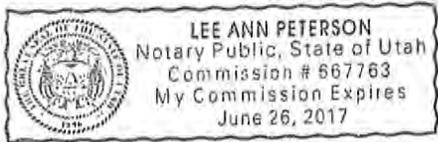
I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the City to review the budget of the court, review compliance with the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

DATED this 28<sup>th</sup> day of September, 2015.

Andrea Lockwood  
Andrea W. Lockwood  
Justice Court Judge

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of September, 2015.

Lee Ann Peterson  
NOTARY PUBLIC



Residing at: Weber County, Utah  
\_\_\_\_\_  
\_\_\_\_\_

Commission Expires:  
06-26-2017

## CHECKLIST

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

1. X Court Certification Affidavit completed and signed by the judge.
2. X A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental 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. X 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 30<sup>TH</sup>, 2015.**

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

RESOLUTION NO. 2015-15

**A RESOLUTION OF THE OGDEN CITY COUNCIL REQUESTING THE RECERTIFICATION OF THE OGDEN CITY 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 in February, 2016; and

**WHEREAS**, the members of the Ogden City Council have received an Opinion Letter from Gary R. Williams, City 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 Ogden City Council have determined that it is in to the best interests of Ogden City Corporation to continue to provide for a Justice Court;

**NOW, THEREFORE**, the Council of Ogden City hereby requests recertification of the Ogden City Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

**BE IT FURTHER RESOLVED**, that the City Council of Ogden City Corporation hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Ogden City 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
CITY RECORDER

APPROVED AS TO FORM:

*JM*      9/28/15  
\_\_\_\_\_  
LEGAL      DATE



# City Council Meeting COUNCIL STAFF REVIEW

## **FY2016 BUDGET AMENDMENT (\$1,604,925)**

- *Recognize and Appropriate Revenue from Comcast Grant and Private Donation (General Fund- \$29,925)*
- *Recognize and Appropriate Funds for Branding Project (\$100,000)*
- *Appropriate Grant Funds and Critical Contingency Funds for Airport Improvements and Grant Match (\$750,000)*
- *Transfer/Appropriate IT Funds (\$725,000)*

**DETERMINATION:**                      **Set or Not Public Hearing for October 27, 2015**

---

### *Executive Summary*

The Council will consider Ordinance 2015-45, a budget amendment that proposes to increase the FY2016 budget by \$1,604,925 by recognizing and appropriating funds from various grants and fund balance to the General Fund and transferring funds from the Critical Contingency CIP Account to cover Airport projects. The proposed amendment also transfers funds appropriated in the FY2016 Budget to the IT Fund.

### *Background*

#### **October 6, 2015**

The Council office received an Administrative Transmittal requesting an amendment to the FY2016 Budget.

#### **October 13, 2015**

The Council set a public hearing on Ordinance 2015-45 for October 27, 2015.

### *Proposal*

The Administration is proposing an Ordinance that will increase the FY2016 budget by \$1,604,925. The proposed amendment recognizes and appropriates funds from two grants and General Fund fund balance to the General Fund. The proposed amendment also transfers funds from the Critical Contingency CIP Account to cover Airport projects. Finally, the proposal transfers funds appropriated in the FY2016 Budget for IT Costs to the IT Fund.



# City Council Meeting COUNCIL STAFF REVIEW

The Administration is requesting the Council amend the FY2016 Budget as follows:

| <b>Revenue and Appropriations</b>                        |                     |
|----------------------------------------------------------|---------------------|
| <b>General Fund</b>                                      |                     |
| Comcast Grant for Volunteer Support                      | \$ 9,925            |
| Private Donation for Police Dog                          | \$ 20,000           |
| Fund Balance for Branding Project                        | \$ 100,000          |
| <b>AIRPORT FUND</b>                                      |                     |
| Critical Contingency from CIP to Airport for Grant Match | \$ 50,000           |
| Federal Grant for Airport Projects                       | \$ 700,000          |
| <b>IT FUND</b>                                           |                     |
| Revenue from Other Departments.                          | \$ 725,000          |
| <b>TOTAL</b>                                             | <b>\$ 1,604,925</b> |

***Question***

Please review the revenues and appropriations outlined in the proposed Budget Amendment.

---

**Board Staff Contact: Janene Eller-Smith, (801)629-8165**

RECEIVED

OCT 06 2015

OGDEN CITY  
COUNCIL OFFICE

OGDEN CITY TRANSMITTAL

Date: October 2, 2015  
To: Ogden City Council  
From: Lisa Stout, Comptroller  
RE: Budget Opening – FY 2016 Donations, Branding, Airport AIP and IT Funds

Staff Contact: Lisa Stout, Comptroller, ext. 8713   
Recommendation: Set public hearing and adopt ordinance  
Documents:

- Ordinance
- Schedule A (Revenue)
- Revenue Detail Schedule
- Schedule B (Appropriations)
- Appropriation Detail Schedule
- Airport AIP Transmittal
- Airport AIP Project Schedule

**Executive Summary**

This proposed action is to recognize various appropriations of new revenue or expected activities.

The City received a donation from Comcast Cares of \$9,925. These funds are included as donation revenue and an appropriation to the public services special supplies budget to help fund the costs associated with volunteer efforts by the City. A Comcast Cares Day was held on Saturday April 25<sup>th</sup>. The City earned a donation for employees who volunteer on April 25<sup>th</sup>. Additionally, this budget opening includes donation revenue given to the police department to help in the costs of replacing a police dog. This donation was made by a Citizen for the purchase of a new police dog in the amount of \$20,000.

The City is proposing an appropriation of general fund balance for a branding initiative in the amount \$100,000. The City currently has a budget of \$60,000 from prior years for committed to rebranding the City, which will be carried forward to the current year budget. It is estimated that the cost to rebrand Ogden City will exceed \$60,000, the additional funding will allow the City to pay for a consultant and help cover the any necessary printing, publishing and change out costs.

The City is proposing a use of Critical Contingency funding in the amount of \$50,000 to be transferred to the Airport to help fund the City portion of the Airport Improvement Projects (AIP) awarded to the Hinckley Airport. Detail regarding the AIP's have been provided by Jon Greiner, Airport Manager and attached. Use of \$50,000 from the Critical Project Contingency will leave a budget of \$61,065 available.

The City is also including the Airport AIP award not already budgeted in the amount of \$700,000, \$50,000 from the Ogden City Critical Contingency funding required as a match to the federal funds.

The final appropriation included is to recognize expected revenue and expenses in the IT fund from purchases made for and charged out to other City departments. This is normally done at year end, however the amount has been consistently \$750,000 in the past few years, it seems appropriate to move this budget action to a mid-year item and if any additional funding is necessary, add that funding at year end.

**Background**

Council action is required to appropriate.

**Proposal**

Review and adopt ordinance.

**Fiscal Impact**

An increase to the City Budget of \$1,604,925.

ORDINANCE NO. 2015-45

AN ORDINANCE OF OGDEN CITY AMENDING THE BUDGET FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 BY INCREASING THE ANTICIPATED REVENUES FOR A GROSS INCREASE OF \$1,604,925 FROM SOURCES AS DETAILED IN THE BODY OF THIS ORDINANCE; AND INCREASING THE APPROPRIATIONS FOR A GROSS INCREASE OF \$1,604,925 AS DETAILED IN THE BODY OF THIS ORDINANCE; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

WHEREAS, after due consideration, the Council of Ogden City has approved the proposed modifications as described herein.

**The Council of Ogden City hereby ordains:**

**SECTION 1.** Anticipated revenues, transfers and adjustments for the 2015-2016 budget altered, increased and decreased. The anticipated revenues, transfers and adjustments for the various funds of the 2015-2016 budget are hereby changed as hereinafter set forth, with net adjustments of \$1,604,925, as detailed in Schedule "A", which is attached hereto and made a part by reference.

**SECTION 2.** Appropriations from the 2015-2016 budget altered, increased and decreased. The appropriations for various funds of the 2015-2016 budget are herein altered, increased and decreased by net adjustments of \$1,604,925, as follows:

Appropriations increased since June 30, 2015 as detailed in Schedule "B", which is attached hereto and made a part hereof by reference.

**SECTION 3.** Effective date. This ordinance shall become effective immediately upon posting after final passage.

**PASSED, ADOPTED AND ORDERED POSTED** by the Council of Ogden City, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
Tracy Hansen, City Recorder

Transmitted to the Mayor on \_\_\_\_\_

Mayor's Action: \_\_\_\_ Approved \_\_\_\_ Vetoed

\_\_\_\_\_  
Michael P. Caldwell, Mayor

ATTEST:

\_\_\_\_\_  
Tracy Hansen, City Recorder

Posting Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Approved as to Form: \_\_\_\_\_  
Legal Date

**OGDEN CITY**  
**BUDGET OPENING - FY 2016 DONATIONS, BRANDING, AIRPORT AIP AND IT FUNDS**  
**REVENUE SCHEDULE**  
**SCHEDULE "A"**

| <u>Account Title</u>                 | <u>Account Number</u> | <u>Amount</u>                     |
|--------------------------------------|-----------------------|-----------------------------------|
| <b><u>GENERAL FUND</u></b>           |                       |                                   |
| VOLUNTEER COSTS SUPPORT              | 1000-1-37003          | \$ 9,925                          |
| POLICE DOG DONATION                  | 1000-1-37001          | \$ 20,000                         |
| USE OF FUND BALANCE                  | 1000-1-83002          | \$ 100,000                        |
| <b>SUB TOTAL GENERAL FUND</b>        |                       | <b><u>\$ 129,925</u></b>          |
| <b><u>AIRPORT FUND</u></b>           |                       |                                   |
| TRANSFERS - CIP CRITICAL CONTINGENCY | 5130-1-84003          | \$ 50,000                         |
| FEDERAL AIRPORT GRANTS               | 5130-1-32000          | \$ 700,000                        |
| <b>SUB TOTAL AIRPORT FUND</b>        |                       | <b><u>\$ 750,000</u></b>          |
| <b><u>IT FUND</u></b>                |                       |                                   |
| EQUIP-OTHER DEPTS REVENUE            | 6120-1-44309          | \$ 725,000                        |
| <b>SUB TOTAL IT FUND</b>             |                       | <b><u>\$ 725,000</u></b>          |
| <b>TOTAL REVENUE BUDGET</b>          |                       | <b><u><u>\$ 1,604,925</u></u></b> |

OGDEN CITY  
 BUDGET OPENING - FY 2016 DONATIONS, BRANDING, AIRPORT AIP AND IT FUNDS  
 REVENUE DETAIL SCHEDULE

| <u>Item Title</u> | <u>Description</u> | <u>Amount</u> |
|-------------------|--------------------|---------------|
|-------------------|--------------------|---------------|

**GENERAL FUND**

|                               |                                                          |                   |
|-------------------------------|----------------------------------------------------------|-------------------|
| VOLUNTEER COSTS SUPPORT       | Comcast Cares Volunteer Support Donations.               | \$ 9,925          |
| POLICE DOG DONATION           | Donation made for the purchase of a police dog.          | \$ 20,000         |
| USE OF FUND BALANCE           | Fund balance appropriation for use in branding contract. | \$ 100,000        |
| <b>SUB TOTAL GENERAL FUND</b> |                                                          | <b>\$ 129,925</b> |

**AIRPORT FUND**

|                                      |                                                                                                                                                                     |                   |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| TRANSFERS - CIP CRITICAL CONTINGENCY | Transfer of CIP critical contingency funds to Airport for match requirement on airport AIP funding from FAA.                                                        | \$ 50,000         |
| FEDERAL AIRPORT GRANTS               | Recognize an additional \$700,000 in federal funding at the Airport. \$1.3M was in adopted budgeted for FY16. This brings total FAA grant revenue for FY16 to \$2M. | \$ 700,000        |
| <b>SUB TOTAL AIRPORT FUND</b>        |                                                                                                                                                                     | <b>\$ 750,000</b> |

**IT FUND**

|                           |                                                                      |                   |
|---------------------------|----------------------------------------------------------------------|-------------------|
| EQUIP-OTHER DEPTS REVENUE | Recognize revenue from other departments for purchases of equipment. | \$ 725,000        |
| <b>SUB TOTAL IT FUND</b>  |                                                                      | <b>\$ 725,000</b> |

|                             |                     |
|-----------------------------|---------------------|
| <b>TOTAL REVENUE BUDGET</b> | <b>\$ 1,604,925</b> |
|-----------------------------|---------------------|

OGDEN CITY  
 BUDGET OPENING - FY 2016 DONATIONS, BRANDING, AIRPORT AIP AND IT FUNDS  
 APPROPRIATION SCHEDULE  
 SCHEDULE "B"

| <u>Account Title</u>             | <u>Account Number</u>  | <u>CIP #</u> | <u>Amount</u>                     |
|----------------------------------|------------------------|--------------|-----------------------------------|
| <b><u>GENERAL FUND</u></b>       |                        |              |                                   |
| SPECIAL SUPPLIES - PROJECTS      | 1000-1-01-850100-12204 |              | \$ 9,925                          |
| OPERATING SUPPLIES               | 1000-1-02-350101-12210 |              | \$ 20,000                         |
| PROFESSIONAL AND TECH - BRANDING | 1000-1-01-300300-134** |              | \$ 100,000                        |
| <b>SUB TOTAL GENERAL FUND</b>    |                        |              | <b><u>\$ 129,925</u></b>          |
| <b><u>CIP FUND</u></b>           |                        |              |                                   |
| CIP CRITICAL PROJECT CONTINGENCY | 4100-1-01-300300-14415 |              | \$ (50,000)                       |
| TRANSFER TO AIRPORT FUND         | 4100-1-09-300200-41000 |              | \$ 50,000                         |
| <b>SUB TOTAL CIP FUND</b>        |                        |              | <b><u>\$ -</u></b>                |
| <b><u>AIRPORT FUND</u></b>       |                        |              |                                   |
| CITY FUNDED CIP                  | 5130-1-03-551802-33005 |              | \$ 50,000                         |
| FEDERAL FUNDED CIP               | 5130-1-03-551802-33006 |              | \$ 700,000                        |
| <b>SUB TOTAL AIRPORT FUND</b>    |                        |              | <b><u>\$ 750,000</u></b>          |
| <b><u>IT FUND</u></b>            |                        |              |                                   |
| SPEC DEPT EQUIP                  | 6120-1-01-200802-34001 |              | \$ 16,000                         |
| SPEC DEPT EQUIP - NETWORK        | 6120-1-01-200801-34002 |              | \$ 60,000                         |
| EQUIP-OTHER DEPTS                | 6120-1-01-200801-34006 |              | \$ 649,000                        |
| <b>SUB TOTAL IT FUND</b>         |                        |              | <b><u>\$ 725,000</u></b>          |
| <b>TOTAL APPROPRIATIONS</b>      |                        |              | <b><u><u>\$ 1,604,925</u></u></b> |

