

COPPERTON METRO TOWNSHIP

ORDINANCE NO. _____, 2019

AN ORDINANCE OF THE COPPERTON METRO TOWNSHIP COUNCIL REPEALING AND REPLACING TITLE 2 OF THE COPPERTON METRO TOWNSHIP CODE REGARDING COUNCIL ADMINISTRATION

RECITALS

WHEREAS, Title 2 of the Copperton Metro Township Code (the “**Code**”) addresses the administration of the Copperton Metro Township Council (the “**Council**”) and related matters.

WHEREAS, Salt Lake County (the “**County**”) originally adopted Title 2 prior to Copperton’ incorporation and the title is specific to County Council rather than the Council and does account for the metro township form of municipal governance;

WHEREAS, Title 2, as currently constituted, became part of the Code when Copperton incorporated pursuant to Utah Code Ann. § 10-2a-414(3), which specifies that each County ordinance in effect on the day a metro township incorporates remains in effect as a metro township ordinance until the metro township amends or repeals the ordinance; and

WHEREAS, the Council desires to repeal and replace Title 2 to more specifically address the needs of Copperton, to better reflect the Council’s actual administration, and to comport with the metro township form of municipal government; and

WHEREAS, the Council has determined that the attached, revised version of Title 2 will serve the best interests of the Copperton Metro Township and the general public.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Copperton Metro Township Council that:

1. With the exception of Chapter 2.02, the remaining portions of Title 2 of the Code is repealed and replaced in its entirety with the ordinance attached hereto; and
2. The ordinance will become effective 20 days after publication pursuant to Utah Code Ann. § 10-3-711(1) and Utah Code Ann. § 10-3-712.

[Execution on following page]

APPROVED and ADOPTED this ____ day of _____, 2019.

COPPERTON METRO TOWNSHIP

COUNCIL

By: _____
Sean Clayton, Mayor

ATTEST

APPROVED AS TO FORM:

Sherrie Swensen, Clerk/Recorder

METRO TOWNSHIP ATTORNEY

VOTING

Council Member Bailey voting _____
Council Member Clayton voting _____
Council Member Patrick voting _____
Council Member Pazell voting _____
Council Member Severson voting _____

(Complete as Applicable)

Summary of ordinance published in newspaper: _____

Date of publication: _____

Effective date of ordinance: _____

SUMMARY OF

COPPERTON METRO TOWNSHIP ORDINANCE NO. _____

On the ____th day of _____, 2019, the Copperton Metro Township Council adopted Ordinance No. _____, repealing and replacing Title 2 of the Copperton Metro Township Code regarding the administration of the Metro Township and the duties and responsibilities of the Copperton Metro Township Council.

COPPERTON METRO TOWNSHIP

COUNCIL

By: _____
Sean Clayton, Mayor

ATTEST

APPROVED AS TO FORM:

Sherrie Swensen, Clerk

METRO TOWNSHIP ATTORNEY

VOTING

Council Member Bailey voting	_____
Council Member Clayton voting	_____
Council Member Patrick voting	_____
Council Member Pazell voting	_____
Council Member Severson voting	_____

A complete copy of Ordinance No. _____ is available in the office of the Copperton Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

Draft

TITLE 2 ADMINISTRATION AND PERSONNEL

CHAPTER 2.04 -- METRO TOWNSHIP COUNCIL

2.04.010 Definitions

For the purposes of this Chapter, the following definitions shall apply:

- A. "Council" shall mean the Copperton Metro Township Council.
- B. "County" shall mean Salt Lake County.
- C. "Mayor" shall mean the Copperton Metro Township Mayor.
- D. "Metro Township" shall mean the Copperton Metro Township.

2.04.020 Powers and Duties

The Council shall be the governing body of Metro Township government, and may exercise those powers and authorities and be bound by those duties and responsibilities set out in state law and in Metro Township ordinances.

2.04.030 Elections to the Council

- A. The Council shall consist of five members elected at-large as provided in state law. Each of the members shall have been a registered voters of the Metro Township for at least one year immediately preceding the general election, and have been an registered voters of the Metro Township for at least one year immediately preceding the general election, and elected by the qualified registered voters of the Metro Township.
- B. All elections to the Council shall be held on a per-seat, single member at-large basis. For the purpose of electing Council members, there shall be individual seats known as Council Seat A, B, C, D, and E.

2.04.040 Term Of Office

Council members shall be elected at the next municipal election preceding the expiration of the term of office of incumbents. Council members shall be elected for four years. Each shall hold office for the term of which elected and until a successor is elected and has qualified.

2.04.050 Vacancies

When a vacancy occurs in the Council, through ineligibility, resignation or death of an incumbent or of an officer-elect before qualifying, or refusal to act, or for any other reason, the vacancy shall be filled as provided in state law.

2.04.060 Election Of Mayor And Deputy Mayor--Appointment Of Staff—Administrative Matters

- A. At its first meeting of each year, the Council shall elect one Council member to serve as Mayor of the Metro Township and to Mayor the Council and another Council member to serve as Deputy Mayor. The terms of the Mayor and Deputy Mayor shall begin on the date of their election and shall continue until: (1) the first Council meeting of each year when the Council elects the Mayor and Deputy Mayor as provided in this Section, or (2) until the Mayor or vice Mayor leaves office, whichever occurs first. If the Mayor or Deputy Mayor is unable to complete their term for any reason, the Council shall elect another Council member to serve out the remainder of the Mayor's or vice Mayor's unexpired term.
- B. At the first meeting of the year, the Council may elect from its members: (1) a Treasurer Pro Tempore to coordinate with and assist the Metro Township Treasurer in fulfilling the Metro Township Treasurer's duties; and (2) a secretary to coordinate with and assist the Metro Township Clerk in fulfilling the Metro Township Clerk's duties.
- C. The Council may, from time to time, adopt policies by resolution to further define the roles and responsibilities of the Mayor, the Deputy Mayor, the Treasurer Pro Tempore, and the Secretary in accordance with applicable law.
- D. The Council may, from time to time, determine a method or order for the selection of a Council member to act as a temporary Mayor in the absence of the Mayor and Deputy Mayor; and take such action as may be reasonable and necessary for the conduct of Council activities and the fulfilling of Council functions and responsibilities.
- E. The Mayor, Deputy Mayor or temporary Mayor, as the case may be, shall be responsible for the conduct of all meetings, preparation of the agenda for all meetings, and meeting the needs of the Council between meetings, including the providing of assistance and the gathering of information for the Council and the performance of duties assigned by the Council or by ordinance, the plan or by law.
- F. In case of the Mayor and Deputy Mayor's absence or inability to act, the members present must, by an order entered in their minutes, select one of the members to act as Mayor temporarily.
- G. Any member of the Council may administer oaths to any person when necessary in the performance of official duties.

2.04.060 Powers And Duties of Mayor

- A. The Mayor shall be the chief executive officer of the Metro Township government and shall have such powers and duties as are prescribed by statute and by these ordinances,

and shall serve as a voting member and Mayor of the Council.

- B. The Mayor shall serve as the Metro Township's representative on the board of directors of the Greater Salt Lake Municipal Services District and, as such, shall exercise those powers and duties relative to the management of the Greater Salt Lake Municipal Services District as are provided by law.
- C. The Mayor shall exercise those executive branch powers and duties set out by state law, which have not been expressly vested, by state law or Metro Township ordinances, in another elected official.

2.04.070 Clerk—Minutes

- A. The County clerk, or designee, shall serve as the Metro Township recorder and clerk to the Council at all meetings, provided that the Council may appoint a person other than the County clerk to serve as the Metro Township clerk or recorder as provided in state law.
- B. The clerk, or designee, shall provide copies of the minutes of all meetings of the Council to Council members in a manner and within the times as established by the Council and agreed upon by the clerk.
- C. In accordance with state law, the books, records and accounts of the Council must be maintained at the office of the clerk and open at all times during usual business hours for public inspection.
- D. The records and minutes of the Council must be signed by the Mayor and the clerk.

2.04.080 Council Meetings

- A. All meetings of the Council must be public except as provided in this chapter and by state law. Official action may be taken by the Council only in open public meetings unless otherwise permitted by state law.
- B. The Council shall conduct its business in accordance with the Utah Open and Public Meetings Act, Chapter 4 of Title 52. Utah Code Annotate, 1953, as amended, as it now exists or as it may hereinafter be amended, with respect to open and public meetings.
- C. The Council conducts the following types of meetings:
 - 1. Regular Meetings;
 - 2. Special Meetings;
 - 3. Closed Meetings;

4. Work and other Meetings; and
 5. Emergency Meetings
- D. The Council shall give public written notice at least once each year of its annual meeting schedule for regular meetings. The public notice shall specify the date, time and place of such meetings.
 - E. The Council, by majority vote of the members present, may direct the removal of any person who willfully disrupts a Council meeting to the extent that orderly conduct is seriously compromised.
 - F. The attorney and auditor or their designees may attend and assist the Council at all meetings, but shall attend and assist the Council at all meetings when requested.
 - G. The Council may by resolution adopt rules of order and procedure to govern the conduct of its meetings in accordance with applicable law.

2.04.090 Work Meetings

- A. The Council shall conduct its regular work sessions at the hour and place designated by the Mayor.
- B. Work meetings shall be scheduled or cancelled as the public business requires and shall consist of discussion, review, testimony, requests and information from the Metro Township and officers and staff, presentations by the public, review of regular meeting agendas, preparation for regular meetings, and such other matters and activities as may be necessary or scheduled by the Mayor in consultation with the Council.
- C. Work meetings shall be open to the public in accordance with state law and public notice shall be given of all meetings in the same manner as required for regular meetings.
- D. A quorum of Council members is necessary to conduct work meetings.

2.04.100 Regular/Special Meetings

1. The Council shall:
 - a. by ordinance prescribe the time and place for holding its regular meeting, subject to Subsection (1)(b); and
 - b. hold a regular meeting at least once each month.
2. The Mayor or a majority of the Council may order the convening of a special meeting of the Council.
 - a. Each order convening a special meeting of the Council shall:

- i. be entered in the minutes of the Council; and
 - ii. provide at least three hours' notice of the special meeting.
- b. The recorder or clerk shall serve notice of the special meeting on each Council member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode.
- c. The personal appearance by the Council member at a special meeting of the Council constitutes a waiver of the notice required under Subsection (2)(b).

2.04.110 Closed Meetings

- A. A closed meeting of the Council may be held upon the affirmative vote of two-thirds of the members present at an open meeting for which notice has been given in accordance with state law; provided, however, that a quorum must be present.
- B. No closed meeting is allowed except as to matters exempted from open meetings under the Utah Open and Public Meetings Act, Section 52-4-204. Utah Code Ann. (1953, as amended), as it now exists or as it may hereinafter be amended.
- C. No official action may be taken at a closed meeting.
- D. The reason or reasons for holding a closed meeting and the vote thereon shall be entered in the minutes of the meeting.

2.04.120 Emergency Meetings

When, because of unforeseen circumstances, it is necessary for the Council to hold an emergency meeting to consider matters of an emergency or urgent nature, the normal notice requirements for a meeting may be disregarded and the best notice practicable given to the Council members and the public. No such emergency meeting of the Council shall be held unless an attempt has been made to notify all Council members and a majority of the Council votes in the affirmative to hold the meeting. Action may not be taken at an emergency meeting unless a quorum is present. A record shall be kept of the means utilized to contact the members and the number voting and names of the members voting to hold the meeting.

2.04.130 Additional Committees

- A. The Council may establish additional committees as it deems appropriate and may convene committee meetings at any time for the purpose of study, discussion, investigation, formal hearings or inquiries, workshops, training, or presentations by or responses from citizens or other interested persons or groups.

- B. No official action may be taken in committee meetings other than the adoption of non-binding recommendations to the Council.
- C. Committee meetings shall be open to the public in accordance with state law and public notice shall be given of all committee meetings in the same manner as required for regular meetings.

2.04.140 Agenda

- A. An agenda shall be prepared by the Mayor or the Deputy Mayor in the Mayor's absence or the temporary Mayor, in the absence of both the Mayor and Deputy Mayor, in advance of each meeting, including emergency meetings to the extent possible. The agenda shall be published as provided by state law at least twenty-four hours in advance of the meeting.
- B. Matters received from any member of the Council or the Mayor shall be placed on the agenda. Requests for matters to be placed upon the agenda by persons other than Council members or Mayor, shall be placed on the agenda at the discretion of the Mayor.
- C. The Council, for its regular, special and committee meetings, shall announce and post its agenda and provide notice of such meetings, in accordance with the provisions of state law, at least twenty-four hours prior to the convening of the Council meeting and posted on the Utah Public Notice Website. Written notice of the agenda and meeting shall be posted at the office of the Council or the meeting location, as the case may be. For an emergency meeting, public notice and notice to the news media shall be given as may be practical under the circumstances.
- D. The agenda may be changed by a majority vote of the Council, but no action may be taken on new matters introduced to the agenda unless twenty-four hours' notice has been duly given to the public or unless the matter is of an emergency nature, as approved by a separate majority vote of Council members present.
- E. All agenda items pertaining to pending or proposed actions shall be considered as proposals for adoption. In the absence of a motion to adopt, postpone, or table pending or proposed actions, the Mayor shall, upon the conclusion of discussion on the matter, declare that the proposal fails adoption or, at the Mayor's discretion, declare the matter to be held over for a subsequent meeting.

2.04.150 Public Hearings

- A. Public hearings shall be deemed to include only those hearings specifically noticed and required to be conducted by the Council by state law or otherwise for the purposes of providing opportunities for the general public to comment upon and make inquiries or presentations with respect to specific proposals or matters under consideration by the Council including, but not limited to, planning and zoning, ordinances, budget hearings, hearings on the proposed issuance of bonds or debt, or other matters of significant public

interest. The Council at its discretion may schedule public hearings for other matters under consideration.

- B. Public hearings may be held as part of a regular special, committee, emergency or other meeting of the Council. The decision to conduct a public hearing shall be made by the Council at a regular, special or emergency meeting.
- C. Schedules for public hearings shall be announced by the Mayor and public notice shall be given in the manner required for any public meeting of the Council as required by law and this chapter. The notice shall include the specific subject matter of the public hearing as well as the time, date and place thereof.
- D. At the beginning of any public hearing, the Mayor may publicly state the rules of conduct for such public meetings including any time limits on speakers' presentations, any requirement of submitting materials in writing with sufficient copies for all Council members and the clerk, and such other rules as may be reasonably necessary for the proper and expeditious conduct of the public hearing.
- E. Public hearings shall be opened upon the declaration of the Mayor that the Council is at that time in a public hearing and the Mayor shall state the specific purpose of that public hearing. Upon the conclusion of the public hearing and a motion duly made, seconded, and carried by a majority of the Council, the Mayor shall declare the public hearing concluded or continued to another date, if permitted by law. The Mayor shall state the conditions of any continuance.
- F. Where permitted by law, the Council may rehear any matter decided after a public hearing where an aggrieved person files a written request for rehearing that includes new evidence which the Council determines to justify reconsideration of its decisions. A request for rehearing shall be filed within ten days from the date of the original decision. If a request for rehearing is granted by the Council, the rehearing shall follow the same procedures as the original hearing. No rehearing shall be allowed on any matter where a rehearing would be contrary to state law.

2.04.160 Form Of Action

The Council may take action in the form of ordinances, policies, resolutions, motions upon requests or memorials.

- A. Ordinances.
 - 1. The Council, except as expressly limited by statute, may adopt any ordinance to regulate, require, prohibit, govern, control or supervise any activities, business, conduct, or condition.
 - 2. All ordinances must be in written form before a vote is taken.

3. Except for ordinances for the codification or general revision of Metro Township ordinances, no ordinance shall be passed containing more than one subject.
4. Any ordinance passed by the Council shall contain and be in substantially the following order and form:
 - a. Ordinance number and date;
 - b. A short title which indicates the nature of the subject matter of the ordinance;
 - c. A long title stating the need or reason for the ordinance and summarizing its contents;
 - d. An ordaining clause which states "The Copperton Metro Township Council ordains as follows:";
 - e. The body or subject of the ordinance;
 - f. When applicable, a statement indicating the penalty for violation of the ordinance;
 - g. A statement indicating the effective date of the ordinance;
 - h. A signature line for the Mayor or acting Mayor and for the clerk;
 - i. An ordinance history indicating the approval or disapproval of the Council members and an ordinance summary if required by statute.
5. Except in exigent circumstances, or when directed by a majority of Council members present, all ordinances, including ordinances relating to planning and zoning matters, shall be introduced in writing and read or described to the Council prior to the Council's consideration for adoption of the ordinance. Copies of the proposed ordinance shall be noticed and posted in accordance with state law, along with the agenda for the meeting at which the ordinance is to be considered.
6. Upon adoption, each ordinance shall be signed as required within five days.

B. Resolutions.

1. Resolutions shall be considered and adopted in those matters required by law or otherwise and may be used for policy declarations and proposals not appropriately addressed by ordinance and may be used to exercise Council authority in matters of statements of policy and communication.
2. Resolutions shall be in a form and contain sections substantially similar to that

prescribed for ordinances.

C. Memorials.

1. Memorials shall be adopted in the form of resolutions or motions, as may be deemed appropriate, and shall be used as a statement of policy to respond to or commend persons or groups for notable activities which have been called to the attention of the Council.
2. Memorials may be considered and adopted at the same meeting in which they have been proposed and in all events shall be recorded in the minutes.

D. Policies, Procedures, Rules and Regulations.

1. Policies, procedures, rules and regulations shall be considered and adopted in those matters determined to be appropriate by the Council and not prohibited by statute.
2. Policies, procedures, rules and regulations shall be presented, considered and given notice in the same manner as prescribed for ordinances and shall be in such form as directed by the Council.

E. All resolutions, policies, procedures, rules, regulations and ordinances shall be numbered, recorded and maintained in accordance with provisions of state law.

2.04.170 Quorum

The number of Council members necessary to constitute a quorum is three.

2.04.180 Rules Of Order and Procedure—General

Procedural rules or order and procedure not specifically provided herein or by state law, or Metro Township ordinance, shall be regulated, interpreted and construed in accordance with the Council's Rules of Order and Procedure as may be adopted by resolution from time to time by the Council.

2.04.190 Board Appointment Duties and Responsibilities

Pursuant to and in accordance with all applicable provisions of these ordinances, of the plan, and of the laws of the state, the appointment and reappointment of members of boards within the jurisdiction and under the appointment or consent power of the Council shall be as herein provided.

- A. All board appointments or reappointments of Council members shall be made annually with the consent of a majority of the Council.

- B. The following shall apply to board appointments involving individuals who are not members of the Council:
1. Boards whose members hold terms of three years or less, board members may be reappointed to a consecutive term on their respective boards with the consent of a majority of the Council; and
 2. For boards whose members hold terms of longer than three years, no board member shall be reappointed to a consecutive term on the same board unless, for good cause shown and to prevent significant disruption of current board activities, the Council approves such reappointment.
- C. The restrictions upon the reappointment of board members, as provided under this section, shall be limited to the extent that this section may be in direct conflict with federal or state law and where the appointment of board members is set out by or limited under the laws of the United States or the state of Utah.
- D. When representing the Metro Township or the Council on any board or similar organization, Council members shall vote according to the will of the Council on those matters for which the Council has taken an official position. In the absence of an official position by the Council, Council members shall exercise their best judgment to determine how best to vote in accordance with the best interests of the Metro Township.

CHAPTER 2.07 –METRO TOWNSHIP ETHICS CODE

2.07.010 Ethics Statement

All persons holding office or in the employment of the Metro Township, before commencing the duties of their respective offices, shall read and review the following ethics statement:

“Employees of the Copperton Metro Township support, obey and defend the Constitution of the United States, The Constitution of the State of Utah, the laws of the State of Utah, and the ordinances of Copperton Metro Township, to the best of their abilities and will always strive to meet the highest ethical standards implicit in their employment and in the furtherance of the best public interest.”

2.07.020 Ethics Training

All Metro Township elected officials and employees shall attend ethics training every two years regarding their ethical duties and responsibilities as established by state law and by the Copperton Metro Township Ethics Code. This training shall be conducted based on a specific curriculum approved by the Council. Attendance at the ethics training is mandatory.

2.07.030 Government In The Sunshine

- A. The Metro Township is considered an open records and open meetings government and

all elected officials, officers and employees are directed to observe, with exactness, all applicable provisions of state statute and Metro Township ordinance regarding open records and open meetings including, but not limited to, the Government Records Access and Management Act (GRAMA), the Open Meetings Act (ACT) and Metro Township ordinances and policies regarding those state laws.

1. In the interests of maintaining openness and transparency in Metro Township records, Metro Township officers and employees are directed to give strong consideration to the application of an impartial balancing test established by GRAMA when determining whether a record should be released. Officers and employees shall seek to achieve GRAMA's express goals of openness while also giving due consideration to individual privacy rights. Where justified, in accordance with GRAMA, and all other considerations being equal, access should be balanced in favor of openness and transparency.
 - a. As technology presents new developments in the means of communication, including electronic messaging and the "social media," employees and officers are directed to apply GRAMA standards of openness or confidentiality based on the content of a record, regardless of the medium used.
 - b. Whereas many modern forums of electronic media, such as the so-called "social media," reduce or eliminate the Metro Township's ability to retain, store, retrieve and copy such communications, officers and employees are encouraged to seek appropriate and cost effective solutions to make government records which are transmitted in electronic media and are classified as public more available for public review and distribution.
- B. All meetings of any deliberative board, committee, or agency covered by the Open Meetings Act, including boards or committees conducting quasi-judicial administrative hearings, are directed to conduct all aspects of their decision making process, including both the gathering of evidence and deliberations regarding a decision, in an open and public meeting, with appropriate notice and minutes, unless the nature of the hearing permits closure to the public under the exceptions provided in the Act.
 1. Under rare circumstances, where a deliberative body has good cause to close only its deliberation sessions, and is within the provisions and intent of Utah law, the body may conduct only its deliberative process in private, in accordance with the standards established by applicable decisions of the Utah Supreme Court.
 2. All other provisions of state law and the Open Meetings Act shall be otherwise applicable to bodies and meetings as defined in the law and to those exceptions in statute which permit closed meetings, under the circumstances and in accordance with the provisions of Section 52-4-205 of the Act.

2.07.040 Conflict Of Interest

A. For the purposes of this section only, the following definitions control:

1. "Compensation" or "compensated" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.
2. "Employee" means a person who is employed on a full-time, part-time, or contract basis by the Metro Township. "Employee" shall include elected and appointed officers of the Metro Township.
3. "Financial interest" means, but may not be limited to, any employment by or compensated representation as an agent of any individual, corporation, business entity, organization, or committee. A financial interest also includes any beneficial ownership of one percent or more of a corporation or other business entity.
4. "Governmental action" means any official action on the part of the Metro Township, including, but not limited to:
 - a. Any decision, determination, finding, ruling, or order, or discussions thereof;
 - b. Any grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval, or the denial thereof, or the failure to act in respect thereto; or
 - c. Any legislative, administrative, appointive, or discretionary act of any public servant or volunteer public servant.
5. "Representative" means any authorized agent of the Metro Township. Representative shall include any appointed person, other than an employee, serving on a special, regular, or full-time committee, commission, authority, agency, or board of the Metro Township, who is not paid a salary or an hourly wage by the Metro Township for his or her services thereon.
6. "Restricted conflict of interest" means any financial interest held by the employee or representative of the Metro Township, or by members of an employee's or representative's household, or those providing regular financial support to the employee or representative.
7. "Unrestricted conflict" or "unrestricted conflict of interest" means any and all other interests including political, family, fraternal, social, and other interests or associations which may reasonably create the appearance or the actuality of a conflict of interest between an employee's or representative's outside interest and his or her Metro Township responsibilities. "Unrestricted conflict" or "unrestricted conflict of interest" also means other conflicts as defined by state law, and any

campaign contribution made to the officer, employee, or representative, or to any member of his or her household, of more than five hundred dollars during the prior calendar year.

B. General prohibitions.

1. Metro Township employees are governed by the Municipal Officers and Employees Disclosure Act (10-3-1301, et seq.) regarding outside interests and conflicts that are prohibited or that require disclosure.
2. Officers, Employees and representatives are prohibited from using non-public information in a manner that could provide themselves or another a gain or benefit.
3. Officer, Employees and representatives shall not use or attempt to use their position in a manner that could secure special privileges or exemptions for themselves or others.
4. Employees and representatives are prohibited from engaging in any outside activity, or financial investment which constitutes a restricted conflict of interest where such conflict could impair their judgment regarding the faithful performance of Metro Township responsibilities.

C. Restricted conflicts of interest.

1. Employees and representatives are required to fully and publicly disclose any restricted conflict of interest and shall recuse themselves from, and have no involvement in, any governmental action in which they have a restricted conflict of interest.
2. If an employee or representative is not aware of the financial interest, he or she must disclose the financial interest and recuse as soon as he or she learns of the financial interest.
3. Any action, vote, contract, or other governmental action which has been undertaken by an officer, employee, or representative who has a restricted conflict of interest shall be terminable by the body that took the action, or by the Metro Township officer with authority to void or terminate the action. That body or Metro Township officer may also ratify any prior governmental action that was taken in violation of this section.

D. Unrestricted conflicts of interest.

1. Employees and representatives must publicly disclose any and all unrestricted conflicts of interest at any meeting, hearing, or deliberation where the employee or representative is present and the unrestricted conflict of interest could impair the judgment of the employee or representative.

2. Employees or representatives who have unrestricted conflicts are not required to recuse themselves but may do so.

E. Disclosure.

1. Employees and representatives are required to comply with all legal requirements setting a responsibility to disclose restricted and unrestricted conflicts of interests between their public duties and private activities. In particular, officials and employees are bound by the requirements of the Municipal Officer's and Employees Ethics Act (10-3-1301, et seq.).
2. Oral or written disclosures must be made in accordance with state law, other sources of the law, and this section.
3. Officers and Employees are required to file written disclosures in accordance with the provisions of state law and Metro Township ordinance. All written disclosures must be kept current and are filed both with the officer or employee's immediate chain of command and with the Council.

F. Contractual representatives.

1. Individuals and business entities who contract to represent the Metro Township's interests shall disclose to the Metro Township the names of other clients they represent and those clients' respective issues and interests that are relevant to the Metro Township's interests. Unless they receive written permission from the Mayor and Council, such individuals or business entities are prohibited from representing other clients about the same or substantially same issues and interests as covered by the Metro Township representation.
2. Individuals and business entities who are contracted to represent the Metro Township's interests by lobbying the State Legislature or any other municipal, state or federal office or agency are prohibited from engaging in any lobbying of Metro Township officers, employees, agencies or offices, as defined in Section 2.73.010 of this title.

2.07.050 Metro Township Endorsements

Notwithstanding the provisions of this chapter, the Metro Township or a Metro Township official may encourage support from a public or private individual or institution, whether in financial contributions or by other means, on behalf of an organization or activity that benefits the community.

2.07.060 Definitions

The terms defined in this section shall have the following meaning:

"Gifts" means anything of value including a loan at a rate that is substantially less than a prevalent commercial rate, compensation for goods or services exceeding fair market value, goods or services provided for less than fair market value, gratuity, entertainment, hospitality or forbearance, unless consideration of equal or greater value is received.

"Honoraria" means the offering or acceptance of perquisite, gift or anything of value for speaking, writing or participating in a meeting, convention, social event, meal or like gathering.

"Purchasing official" means any officer or employee who recommends for final action, prepares specifications, or approves or rejects any part of a specific procurement or disposal of goods, services, or real property or any specific contract related to a procurement of goods or services or disposal of property.

2.07.070 Gifts

Officers and employees of the Metro Township shall not knowingly accept or solicit any gift for themselves, family members or organizations of the officer or employee or others, except as permitted in Section 2.07.100.

2.07.080 Gifts And The Procurement Process

- A. Without exception, receipt or solicitation of any gift or a request for employment by a purchasing official from any person including a vendor of goods, seller or buyer of real property, or service provider is illegal and punishable as provided by statute.
- B. It is unlawful and punishable as provided by statute for any payment, gift or offer of employment to be offered or made by any person to a public officer or employee or contractor of the Metro Township to obtain a specific procurement, disposal, contract or subcontract.
- C. Contracts entered into resulting from a violation of this section are voidable and any payments made on these contracts shall be recoverable to the Metro Township.

2.07.090 Honoraria

Officers and employees of the Metro Township shall not accept honoraria in regard to activities related to their Metro Township duties or purpose except as provided in Section 2.07.207.

2.07.100 Exceptions

The following are exceptions to the gifts and honoraria requirements of this chapter except as provided in Section 2.07.080:

- A. The gift is a political contribution authorized by law and reported as part of the campaign disclosure requirements of the Metro Township or any other governmental entity;

- B. Token items of nominal value, including but not limited to, educational materials, t-shirts, coffee mugs, parking validations or other commemorative or similar souvenir items;
- C. Snacks, beverages or educational or informational materials provided at meetings or other functions;
- D. Transportation to and attendance at conventions, seminars, or events of a primarily educational nature, including meals and entertainment that are part of the required registration, and any associated educational or informational materials directly related to the official duties of the officer or employee;
- E. Gifts not related to the activities of the officer and employee with the Metro Township;
- F. Awards publicly made for public service;
- G. Food or a beverage given at a widely attended reception, meal, or meeting by an organization before whom the recipient appears to represent the Metro Township, make a speech, answer questions or participate in part of a program;
- H. Attendance at political events that are primarily sponsored by a political party or political candidate;
- I. Flowers, plants, balloons or similar tokens which are given to express condolences, congratulations, or sympathy for ill health, or to commemorate holiday or special occasions;
- J. Metro Township sponsored programs, activities, or work;
- K. Gifts for the Metro Township that become the property of the Metro Township;
- L. Gifts to Metro Township officers, employees or agencies from other Metro Township officers, employees or agencies;
- M. Death transfers including bequests and inheritances; and
- N. Gifts to blind trusts related to legal defense funds for imminent or pending litigation against officers or employees (related to their official duties).

2.07.110 Restrictions on Post-Metro Township Employment

- A. When a Metro Township officer or FLSA exempt employee, excluding uncompensated volunteers, voluntarily leaves Metro Township service he or she is prohibited for a period of one year from directly communicating, for compensation, with the Metro Township for the purpose of attempting to influence any action on any matter pending before the Metro Township. This prohibition does not apply to routine government

services which do not require the exercise of discretion or to the normal scope of a person's licensed professional capacity.

- B. Any private business entity or individual whose employee or contractor is found to be in violation of this section shall be prohibited from contracting or conducting any non-statutory transaction with the Metro Township for a period of one year from date of the violation.
- C. A former officer or employee is not prohibited from holding any Metro Township office, but must disclose in writing and resolve any conflicts of interest arising from their previous Metro Township employment which conflicts of interest would tend to interfere with the Metro Township's best interest.

2.07.120 Nepotism

The Council shall adopt and maintain in place a policy to comply with Utah Code Ann. § 52-2-3, or as it now exists or as it may hereinafter be amended.

2.07.130 Political Activities Of Employees

- A. Except as otherwise provided by law, Metro Township officers or employees may voluntarily participate in political activity subject to the following provisions:
 - 1. No person shall be denied the opportunity to become an applicant for a position under the merit system in any covered department by virtue of political opinion or affiliation.
 - 2. No person employed by the Metro Township under the merit system may be dismissed from service as a result of political opinion or affiliation.
 - 3. A Metro Township career service employee may voluntarily contribute funds to political groups and become a candidate for public office.
 - 4. No Metro Township officer or employee, whether elected or appointed, may directly or indirectly coerce, command, or advise any officer or employee covered under the merit system to pay, lend, or contribute part of his or her salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No Metro Township officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the officer's or employee's support or lack of support for any political party, committee, organization, agency, or person engaged in a political activity.
 - 5. No officer or employee may engage in any political activity during the hours of employment nor shall any person solicit political contributions from Metro Township employees during hours of employment for political purposes, but

nothing in this section shall preclude voluntary contribution by a Metro Township employee to the party or candidate of the employee's choice.

6. Nothing contained in this chapter shall be construed to permit partisan political activity by any Metro Township officer or employee who is prevented or restricted from engaging in such political activity by the provisions of the federal Hatch Act.
- B. Officers and employees, including employees covered by a merit system, may become candidates for political office or for leadership positions in political parties. Officers and employees doing so shall refrain from engaging in any political activities or campaigning during Metro Township working hours. Officers and employees may take an unpaid leave of absence in order to run for political office. Such a leave is at the employee's discretion and may be for some or all of the time between filing a declaration of candidacy and the end of the political campaign. No adverse employment action may be taken against officers or employees who file for office or take a leave of absence.

2.07.140 Prohibitions On Political Use Of Metro Township Resources

No employee shall use any property or resources of the Metro Township, including but not limited to time, other Metro Township employees, equipment, material, Metro Township Seal, buildings or facilities in connection with any political activity, except in accordance with established Metro Township policy regarding the acceptable use of public resources.

CHAPTER 2.08 -- ADMINISTRATIVE ORGANIZATION

2.08.010 Ordinance Requirements

- A. The function of proposing, considering, reviewing, approving and enacting ordinances is a legislative process which lies solely within the power, authority and discretion of the Council pursuant to law. The Council may, at its discretion, provide for the limited delegation of certain powers and activities to other committees, persons or entities to assist in the preparation of proposed Metro Township ordinances. The legislative committee is established to serve as an advisory body to assist the Council in the consideration of Metro Township ordinances.
 1. Upon review, approval and adoption by the Council, the proposed ordinance shall be legally effective upon the date indicated in the ordinance and being signed by the Mayor, attested by the Metro Township clerk/recorder, and posted or published as required by State law.
 2. Ordinances which in the opinion of the Council are necessary for the immediate preservation of the peace, health or safety of the Metro Township and the inhabitants thereof may, if so provided in the ordinance, take effect immediately upon publication or posting as required by state law.

2.08.020 Policies and Procedures Defined

As used in this code, "Copperton Metro Township policy and procedure" means a written statement formally adopted by the Council providing for the implementation of Council's ordinances, powers and duties and Metro Township governance and administration.

2.08.030 Council Initiated Policies And Procedures

Whenever a policy or procedure is suggested by a majority of the Council, the Mayor shall refer the matter for adoption in accordance with Section 2.04.160.

2.08.040 Policies And Procedures—Adoption

All policies and procedures adopted by the Council must bear the signatures of the Mayor and recorder.

2.08.050 Policies And Procedures—Recordkeeping And Distribution

It shall be the responsibility of the Council to keep a current record of all Council-approved policies and procedures.

2.08.060 Conflict Between Policies And State laws

Whenever a policy and procedure is in conflict with a state law or an ordinance of the Metro Township, the statute supersedes the ordinance and the policy and procedure. An ordinance supersedes a policy and procedure.

2.08.070 Discrimination Prohibited

Discrimination in Metro Township government services based on age, marital status, color, disability, national origin, sex, sexual orientation, gender identity, race or religion is prohibited. Individuals shall be assured of equal access, opportunity and protection in all areas of Metro Township government services. This section is not intended to expand the services of Metro Township government beyond those required by state or federal law.

CHAPTER 2.09 – METRO TOWNSHIP LITIGATION

2.09.010 Litigation—Control And Direction

Any litigation involving or against the Metro Township is governed by the provisions of applicable state or federal law and applicable case law precedents.

2.09.020—Legal Counsel

- A. Any hiring of legal counsel in any litigation or any other matter involving the Metro Township is with the consent and approval of the Council.

- B. Processing and executing a contract for outside counsel is governed by Utah law and the Metro Township's purchasing policy as applicable.

2.09.030 Litigation Against the Metro Township

The legal authority of any Metro Township official, officer or employee, acting in an official capacity, to engage in litigation against or on behalf of the Metro Township or against any Metro Township official, officer or employee must be within that official's, officer's or employee's express authority under state law or Metro Township ordinance. If the Metro Township official, officer or employee has no such legal authority, Metro Township funds shall not be used to pay attorneys' fees or other legal costs, except in the following circumstances:

- A. The use of Metro Township funds is approved in advance by the Mayor, Council, and attorney; or
- B. The litigation against the Metro Township or its officials, officers or employees ultimately and substantially succeeds on the merits or payment is ordered by the court.

2.09.040 Limitations

- A. Nothing in this chapter shall be construed to authorize any Metro Township official, officer or employee to bring a lawsuit against the Metro Township.
- B. Nothing in this chapter shall be construed to limit the authority of a court of competent jurisdiction from levying costs or attorneys' fees in accordance with applicable law.

CHAPTER 2.10 (RESERVED)

CHAPTER 2.12 –METRO TOWNSHIP OFFICERS AND EMPLOYEES (RESERVED)

CHAPTER 2.24 – ESTABLISHING FEES

2.24.010 (RESERVED)

2.24.020 (RESERVED)

2.24.030 (RESERVED)

2.24.040 (RESERVED)

2.24.050 (RESERVED)

2.24.060 Fee Requirements And Limitations

The Metro Township may impose fees for providing government services in accordance with the provisions of this ordinance and as may be required or permitted by law. Fees shall be

calculated and imposed in an amount that will reimburse the Metro Township for its expenses in enforcing regulations or providing services or benefits and may not be imposed in an amount which significantly exceeds those costs.

2.24.070 Fee Establishment Process

- A. A fee shall be initiated by the Council.
- B. In establishing the amount of a fee, costs and elements may be considered, including but not limited to:
 - 1. Metro Township and staff expenses, including full compensation costs of all employees or contractors normally required to provide the services;
 - 2. All direct costs:
 - a. For internal division costs, in accordance with accepted accounting standards; and
 - b. For Metro Township indirect costs, in amounts established by the auditor's office;
 - 3. Any expenditures the Metro Township is required to make to other government entities, private contractors or other third parties;
 - 4. Reserves for liability, asset replacement, and capital improvements; and
 - 5. Costs and materials of other direct operational expenses.
- C. Fees shall be finally determined, approved and adopted by the Council.
- D. Fees shall be posted and available to the public either electronically or by physical posting at the Metro Township offices or work place.
- E. Fees may be amended at times other than during budget approval by submitting a letter requesting a fee amendment to the Council for its review and approval.

2.24.080 Metro Township Council Powers—Fees

- A. The Council shall review and approve a schedule of all fees imposed by the Metro Township.
- B. The Council may waive or adjust fees, in accordance with the following standards and procedures:
 - 1. A fee imposed may be waived or adjusted by the Council unless that fee is

specifically established by ordinance or by state law or regulation. Fees established by ordinance may only be waived by the Council and fees established by state law may only be waived in accordance with state law.

2. Waiver shall be upon good cause shown and in the public interest. Any waiver shall be in writing.
3. Fees such as late fees or service charges may also be waived, based on the standards and processes established in this ordinance.

CHAPTER 2.39 (RESERVED)

CHAPTER 2.46 (RESERVED)

CHAPTER 2.56 – COMMUNITY COUNCILS

2.56.010 Purpose

The purpose of recognizing community councils is to provide a mechanism by which residents of the Metro Township may identify community service needs and assist the Metro Township in facilitating those initiatives. Volunteer community councils are an effective way for the Metro Township to maximize on benefits of volunteer service for providing needed events and programming to the residents of the Metro Township.

2.56.020 Establishment

Community councils are created by private citizens as private corporations or otherwise, and are not created by the Metro Township. Privately created community councils may be recognized by the Metro Township as provided in this chapter.

2.56.030 Community Councils – Representation

- A. The citizens may choose to create community council for the purpose of serving the Community and providing volunteer service. All members of community councils shall serve without compensation. Vacancies on a community council shall be filled in accordance with the community council's bylaws. All community council meetings shall be open to the public.
- B. All community council bylaws, articles of incorporation, meetings, activities, elections, and other functions shall abide by the minimum requirements of this chapter or the community council will not be entitled to the various services, benefits, and status set out herein.

2.56.040 Community Councils – Participation

The citizens may, by choice, decline to create a community council under the terms of this

chapter.

2.56.050 Community Council Meetings

Community councils shall conduct open and public meetings and shall permit interested persons to attend and participate in those meetings in accordance with applicable community council bylaws and regulations.

2.56.060 Community Councils – Appointment of Members

Members of a community council shall be appointed or elected to the council as determined by the community council's bylaws.

2.56.070 Community Councils – Municipal Services Recommendation

- A. The community council shall be encouraged to develop priorities regarding municipal services and facilities. These recommendations should be communicated in writing to the Council on an annual basis for use in policy development and in the budget process. Community councils are encouraged to arrive at such recommendations pursuant to duly held and well-publicized public meetings.
- B. The Council may request municipal service providers and encourage elected officials and appointed board members to provide key personnel on a requested basis as staff and resource persons to the community council.

2.56.080 Community Councils – Planning and Zoning Information Sent to Community Councils

- A. The Greater Salt Lake Municipal Services District planning and development services section, or contracted designee, shall submit to the Mayor and the designated planning and zoning member of each community council copies of the planning commission public meeting agendas, applications for changes to the zoning ordinance, general plan amendments, or condition use applications pertaining to real property located within the Metro Township.
- B. The staff of the Greater Salt Lake Municipal Services District planning and development services section, or contracted designee, shall notify the community council on planning and zoning matters, and the date and time of the planning commission meeting.

2.56.090 Budget

- A. The Council may budget monies annually for the community councils, which will be spent for administrative costs, including but not limited to, legal notices, elections, newsletters, computers and software, other office equipment, dues to the Association of Community Councils Together (ACCT), Metro Township-sponsored community events, and community council outreach activities or events, postage, stationary, and duplication costs. Funding will be provided pursuant to budgeted amounts and upon direction of the

Council.

- B. Community councils receiving funds from the Metro Township shall establish a fiscal year in their bylaws and make written budget requests, if any funding is requested, to the Council by May 1st of each year unless otherwise agreed to by the Council. Within ninety days following the close of the community council's fiscal year, it shall file a detailed financial statement with an identified Metro Township designee. The statement shall set out community council revenues and expenditures for the prior year and shall be in a form approved by the Council.

2.56.100 Metro Township Council Participation

The Council shall schedule at least one meeting annually with the community councils for the purposes of receiving recommendations on policy, budget, and other priorities.

2.56.110 Volunteer Status – Indemnification

Community council members shall be considered volunteers to the Metro Township and not employees, officials, or officers of the Metro Township pursuant to the provisions of the Utah Governmental Immunity Act, Utah Code Ann. § 63G-7-101, et seq., in any civil action that may arise within the course and scope of the performance of their duties under this chapter.

CHAPTER 2.70 – QUASI-JUDICIAL FUNCTIONS STANDARDS OF CONDUCT

2.70.010 Purpose

The Council recognizes the importance of guaranteeing both the reality and perception that all individuals appearing before quasi-judicial officials or bodies in Metro Township are afforded a full, fair and impartial hearing on the merits. The Council finds it in the best interests of the citizens of Metro Township to provide uniform standards of conduct for all members of quasi-judicial bodies. To that end, the Council hereby provides uniform standards of conduct for individuals performing quasi-judicial functions in the Metro Township.

2.70.020 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively described to them below:

A "conflict of interest" exists when:

- A. A quasi-judicial official has a direct or indirect financial interest which will be or is reasonably likely to be affected by the outcome of the matter currently pending before the official; or Resolution of the matter before the official will or is reasonably likely to create a material personal gain or provide a gain or advantage to relatives, friends, agents, business associates, or to groups and associations which hold some share of the official's loyalty. Membership in a group or association alone shall not be considered a conflict of interest with respect to any matter affecting such group or association unless

a reasonable and informed person would conclude that such membership in itself would prevent an objective quasi-judicial consideration of the matter.

- B. "Ex-parte contact or communication" means contact by one side only of a matter before an individual, board or council when said individual, board or council is acting in a quasi-judicial capacity and the contact is outside of the hearing or official proceedings in the matter.
- C. "Interested party" in a quasi-judicial proceeding means any applicant, party, representative or agent of an applicant or party, any person or entity who may claim to be adversely affected by the resolution of a matter or any issue of fact or law related to a matter, and any person or entity who claims a substantial property interest which could be adversely affected by the resolution of a matter or an issue of fact or law related to a matter.
- D. "Legislative capacity" means activity by a board or council when involved with the framing and enactment of ordinances and policies for the Metro Township included without limitation in such category is the adoption of or amendment to the code of ordinances, policies and procedures or administrative rules of the Metro Township.
- E. "Quasi-judicial capacity" means the role of an individual, board, or council acting to investigate facts and draw conclusions therefrom as a basis for its official actions and the exercise of discretion of a judicial nature is a matter which is currently before the individual, board or council, or which would come under the individual's, board's or council's jurisdiction pursuant to an appeal of an administrative determination including the Council. In determining whether the individual or entity is quasi-judicial in nature, the nature of the activity engaged in shall control over the title of the individual or entity or the other duties assigned to or otherwise engaged in by the individual or entity.

2.70.030 Conflict Of Interest

- A. Any official acting in a quasi-judicial capacity with or reasonably likely to have a conflict of interest with regard to an applicant or its agent who has a matter before the official, must declare his or her conflict of interest and the nature of the interest giving rise to the conflict publicly prior to discussion of the matter and enter the same upon the record of the proceeding. The official must abstain from deliberating or voting on the matter and may not discuss the matter either publicly or privately with any other official participating in the proceeding. The vote of an official experiencing a conflict of interest who fails to disqualify himself shall be disallowed.
- B. A conflict of interest may exist under this section although an official may not believe that an actual conflict exists. Therefore, any official who has a question as to whether a conflict of interest exists under this section with respect to his or her participation or the participation of another official participating in the proceeding should raise the matter with the other officials participating in the proceeding at a public meeting and with the attorney's office in order that a determination may be made as to whether a conflict of

interest exists.

2.70.040 Gifts And Favors

No quasi-judicial official, relative or agent of a quasi-judicial official shall accept any gift, favor or advantage from any party, individual, or from their agents or representatives if the party or individual has a matter currently before the quasi-judicial body or in circumstances when the quasi-judicial official has knowledge that said party or individual intends to or commonly brings matters before the quasi-judicial official for adjudication. Gifts, favors or advantages shall not include a meal with a value of less than twenty-five dollars provided in conjunction with a meeting at which the subject of a quasi-judicial proceeding is discussed. The meal and the communication shall be disclosed pursuant to Section 2.70.050(B). Campaign contributions shall be subject to all other provisions of applicable law but shall not be prohibited under this section.

2.70.050 Ex-Parte Communication

- A. No quasi-judicial official shall initiate contact or initiate discussion with any party or the representative or agent of any party or a person who may claim to be "adversely affected" by the resolution of the matter with respect to an issue of law or fact in issue on a matter which is either currently before the quasi-judicial official for adjudication or which is reasonably likely to come before the quasi-judicial official unless the official provides notice to all parties and an opportunity to participate. Any such discussion, after notice and with an opportunity for participation by the public or other affected parties, shall occur in a meeting duly convened and noticed pursuant to the Utah Open Meetings Act and shall be made a matter of the official record of the proceeding.
- B. Any quasi-judicial official who receives an ex-parte communication with respect to a matter which is either currently before the official or reasonably likely to come before the official shall, at the next public meeting following the communication, place into the official minutes or record the following:
 - 1. The name of the party making the communication;
 - 2. If the communication was in writing, a copy of the communication;
 - 3. If the communication was oral, a summary of the communication;
 - 4. The date of the communication.

Following disclosure of the communication at the hearing on the matter, the public and opposing parties shall be given an opportunity to submit written responses to the communication prior to the quasi-judicial official or entity closing the evidentiary phase of the proceedings. All ex-parte communication, with the exception of discussions of procedural matters such as the dates and times of hearings, is prohibited after the conclusion of the evidentiary phase of

the proceedings.

Engaging in prohibited ex-parte communications or the failure of a quasi-judicial official to disclose a communication and place the communication or a summary of it in the public record shall be grounds for voiding the official's vote on the matter.

C. An ex-parte contact or communication does not include:

1. Discussions of procedural matters such as the dates and times of hearings which are unrelated to the merits of the appeal, proceeding or motion;
2. Communications by the quasi-judicial official, whether in person or otherwise, with administrative staff who do not constitute representatives of a party to the proceeding, Greater Salt Lake Municipal Services District attorney staff not representing a party to the proceeding, or Council staff.

2.70.060 Other Provisions Applicable

The standards of conduct provided for by this chapter are in addition to other legal requirements imposed on quasi-judicial officials and bodies of the Metro Township including the Municipal Officers and Employees Ethics Act, the Governments Records Access and Management Act, the Open and Public Meetings Act and Metro Township ordinances and policies applicable specifically to the quasi-judicial body.

CHAPTER 2.74 (RESERVED)

CHAPTER 2.75A (RESERVED)

CHAPTER 2.81 – SECURITY OF PERSONAL IDENTIFIERS

2.81.010 Definitions

- A. As used in this chapter, "individual" refers to any natural person including Metro Township clients and patrons; members of the public; and Metro Township officers, employees and volunteers.
- B. As used in this chapter, "personal identifiers" means and includes an individual's home address, home telephone number, personal cellular telephone number, signature, social security number, birth date, personal email address, driver's license number, passport number, and any financial identification numbers, including, but not limited to, bank account numbers, credit card numbers and information obtained to authenticate a cardholder or effectuate a payment card transaction.

2.81.020 Protecting Personal Identifiers

The Metro Township shall ensure that all personal identifiers in the Metro Township's control are kept confidential and secure and are not used for any purpose other than a bona fide government necessity.

- A. The Metro Township shall not collect or maintain personal identifiers except where provided by law or ordinance, or where necessary to the functioning of the Metro Township. The collection of credit card numbers is permitted for those agencies which accept payment, in the regular course of Metro Township business, by credit card.
- B. Any Metro Township agency which collects, maintains or transmits personal identifiers shall make a formal determination, in writing, which explains why personal identifiers are collected, maintained or transmitted and explains which specific personal identifiers are necessary. Agencies shall collect or use only those specific personal identifiers which are necessary to government business.
- C. Except for outside contractors that provide administrative services for the Metro Township, each Metro Township agency shall have in place a written regulation or policy which establishes procedures for the secure collection, maintenance, transmission, transfer, or disposal of personal identifiers.
- D. Metro Township agencies are bound by the provisions of state and federal law regarding the public or confidential nature of records containing personal identifiers, including but not limited to the Utah Governmental Records Access and Management Act (GRAMA) and the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996.

2.81.030 Private Contractors

If Metro Township contracts with a private entity and the contract contemplates or provides for the transmission or use of any individual's personal identifiers, the contract shall include mandatory provisions requiring that the contractor exercise care to ensure the protection of personal identifiers and that the contractor shall be legally liable for any breach of that duty.

2.81.040 Penalty

Any Metro Township officer or employee who knowingly violates this chapter may be guilty of a Class B misdemeanor and shall be subject to appropriate disciplinary action.

CHAPTER 2.82 RECORDS MANAGEMENT (RESERVED)

2.82.010 Government Records Findings--Recognition Of Public Policy

The Council finds the following:

- A. It is in the best interests of the Metro Township and the citizens thereof, and essential for the administration of the Metro Township government, to maintain and preserve accurate governmental records; to provide ready access to records which are defined by

law as open to the public; to maintain the security of records which are defined by law as nonpublic; and to ensure the preservation of vital and historically valuable records.

- B. As the records of the Metro Township are a resource containing information which (1) allows government programs to function; (2) provides officials with a basis for making decisions and ensuring continuity with past operations; and (3) permits citizens to research and document matters of personal and community importance; this resource must be systematically and efficiently managed.
- C. It is the policy of the Metro Township that all governmental records, which are defined by applicable Utah statutory and case law as public records, shall be made available to citizens as set forth in this chapter.
- D. The Metro Township recognizes a public policy interest in allowing the government to restrict access to certain records, as specified in the Act and this chapter, for the public good.

2.82.020 Purpose And Intent

In enacting this chapter, it is the purpose and intent of the Council to provide, in accordance with the Government Records Access and Management Act (hereinafter referred to as "the Act"), Chapter 2 of Title 63G of the Utah Code Annotated, an ordinance acknowledging and complying with the Act and providing for its application in the Metro Township.

2.82.030 Public Access

- A. Members of the public shall have the right to see, review, examine and take copies, in any format maintained by the Metro Township and subject to Section 2.82.170 hereof, of all Metro Township governmental records designated as "public" under the provisions of this chapter, and of the Act and policies and procedures developed hereunder.
- B. The Metro Township has no obligation to create a record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept.
- C. When a record is temporarily held by a custodial Metro Township agency, pursuant to that custodial agency's statutory and ordinance functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purpose of this chapter. The record shall be considered a record of the agency or agencies which usually keeps or maintains that record and any requests for access to such records shall be directed to that agency or agencies, rather than the custodial agency, pursuant to procedures established by the Metro Township. Only when records have been formally filed for permanent archival retention shall Metro Township archives be responsible for responding to requests for another agency's records.

2.82.040 Appeals

1. Persons aggrieved by the Metro Township's classification of a record, the fees charged for a record, or by a response to a record request may request and be granted an initial administrative appeal of that grievance, in accordance with Metro Township policies and procedures adopted by the Council. The initial administrative appeal is made to the Mayor.
2. A written notice of appeal shall be filed with the Mayor within thirty calendar days after notice of the date of the action has been sent. The notice of appeal shall state the basis of the appeal and the relief requested.
3. Unless otherwise stipulated by the Metro Township and the persons aggrieved, the Mayor shall have seven calendar days after the Mayor's receipt of the notice of appeal (or fourteen calendar days after the Metro Township sends a notice of appeal to a person who submitted a claim of business confidentiality) to respond to the record request.
4. The Mayor shall hear an appeal using a reasonable process chosen within the Mayor's discretion and issue decision in writing to appellant.
5. If the Mayor affirms the access denial, or fails to respond to the records request within the time limits listed above, the person aggrieved may then appeal the decision to affirm the access denial to the State Records Committee or may a petition for judicial review with district court.

2.82.050 Amendments And Corrections

Records held by the Metro Township may be amended or corrected as needed and as authorized by law. Requests for amendments, corrections or other changes shall be made in writing setting forth, with specificity, the amendment or correction requested and the reason for the change. When an amendment or correction of a government record is made, generally both the original record and the amended or corrected record shall be retained, unless the nature of the record indicates otherwise or as may be provided by policies and procedures adopted under the provisions of this chapter.

2.82.060 Access Management And Archiving

- A. There shall be designated a Metro Township records manager to oversee and coordinate records access and management and Metro Township archives activities. The records manager shall make annual reports of records services activities to the Council.
- B. The records manager shall develop and provide records management, maintenance and access standards, policies and procedures, as approved by the Council to govern and implement the provisions of the Act and this chapter. Approval and promulgation of

records policies and procedures shall be in accordance with the provisions of this code of ordinances and the Act. Copies of any rule or policy promulgated under this chapter shall be forwarded by the Metro Township record manager to the Utah State Division of Archives within thirty days after its effective date.

2.82.070 Custody And Control

- A. Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve the Metro Township records safely and accurately over the long term. The records manager shall be responsible for monitoring the application and use of technical processes in the creation, duplication, and disposal of the Metro Township records and shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use and maintenance of records. Metro Township policies and regulations regarding types and formats of papers, inks, electronic media, and other records and information storage media, materials, equipment, procedures and techniques shall be developed and promulgated, subject to the approval of the Council.
- B. All Metro Township records which constitute an intellectual property right shall remain the property of the Metro Township unless federal or state legal authority provides otherwise. All other records shall be the property of the state. Property rights to Metro Township records may not be permanently transferred from the Metro Township to any private individual or entity, including those legally disposable obsolete Metro Township records of Metro Township archives or other agencies. This prohibition does not include the providing of record copies for release or distribution under this chapter. All records disposals shall be conducted in accordance with policies and procedures.
- C. Any Metro Township officer or employee having custody or control of any Metro Township records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or to the Metro Township records manager.

2.82.080 Retention Scheduling

- A. All Metro Township records as defined by the Act, whether hard copy, electronic or otherwise, shall be scheduled for retention and retained based on the standards and requirements set out in the Act and this ordinance.
- B. The responsibility for developing retention schedules shall reside with the Council, with the assistance and advice of the Metro Township records manager.
- C. In scheduling records for retention, the following considerations shall be taken into account:
 - 1. Any specific retention requirement established by law, statute or ordinance;

2. Reasonable records standards and needs, based on best business practices, retention storage capabilities, and particular industry or professional requirements or standards;
 3. Legal needs, including pending or likely litigation;
 4. Applicable statutes of limitation;
 5. Any pending fiscal or performance audit process;
 6. Administrative and policy needs; and
 7. Historical value.
- D. Based on the considerations in subparagraph C, a record may have an extremely limited retention schedule, permitting the deletion of a record immediately or after administrative need ceases. Such records may be deleted immediately and without further processing.
- E. Metro Township officials, employees, and contractors shall observe and adhere to all applicable retention schedules. Records which have reached the end of their retention schedules should be deleted, removed or destroyed in a timely manner.

CHAPTER 2.86 EMERGENCY RESPONSE AND RECOVERY

2.86.010 Intent—Liberal Construction

It is the intent of this chapter to provide the organization, powers and authority necessary to enable the timely and effective use of all available Metro Township resources to prepare for, respond to and recover from emergencies and disasters likely to affect the health, security, safety, or property of the inhabitants of the Metro Township. It is intended to grant the broadest powers permitted. The provisions of this chapter shall be liberally construed to allow for the greatest opportunity to preserve and protect life and property.

2.86.020 Definitions

As used in this chapter:

"Attack" means a nuclear, conventional, biological, or chemical warfare action against the United States of America, the State of Utah, Salt Lake County, or the Metro Township.

"Disaster" or "emergency" means a situation causing or threatening to cause widespread damage, injury or loss of life, or significant property damage resulting from an attack, internal disturbance, natural phenomena, public health emergency, or technological hazard.

"Internal disturbance" means a riot, prison break, disruptive terrorism, or a widespread strike,

which strike causes significant social disruption or injury to persons or property.

"Natural phenomena" means any earthquake, tornado, storm, flood landslide, avalanche, forest or range fire, drought or epidemic.

"Public health emergency" means an occurrence or imminent credible threat of an illness or health condition caused by bioterrorism, epidemic or pandemic disease, or novel and highly infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. Such illness or health condition includes an illness or health condition resulting from a natural disaster Utah Code § 26-23b-102(b).

"State of emergency" means a condition in the Metro Township which requires Metro Township government emergency assistance to save lives and to protect property, public health and safety, and to reduce the threat and effects of a disaster.

"Technological hazard" means any hazardous materials spill or accident, mining accident, train derailment, aircraft crash, radiation incident, pollution, structural fire or explosion.

2.86.030 Declaration Of An Emergency

- A. The Mayor is authorized to declare a state of emergency when the Mayor finds that the Metro Township or any part thereof is suffering from or is in imminent danger of suffering an emergency or disaster.
- B. Any declaration of an emergency or disaster by the Mayor shall be promptly filed with the Metro Township clerk/recorder, and the public shall be notified through general publicity of the declaration. The Mayor shall promptly notify the Council of any declaration of an emergency or disaster.
- C. The declaration of an emergency or disaster shall be in effect as determined by the Mayor for a period of up to thirty days in accordance with the Utah Disaster Response and Recovery Act, Utah Code § 63-5a-6. This period may be continued or renewed only upon the approval of the Council. The Council may, by resolution, express its opinion regarding an emergency declaration by the Mayor.
- D. The declaration of an emergency provided in this chapter shall become effective immediately upon issuance by the Mayor and the only required publication is the general dissemination to the public by appropriate news media.
- E. The declaration shall, to the extent possible, state the nature of the emergency, the area threatened, and any applicable duration, conditions, actions or needs pursuant to Section 2.86.050. The declaration may be amended and periodically brought up to date as needed.

2.86.040 Succession

- A. If the Mayor is unavailable to perform the duties set out herein, the Deputy Mayor shall have the same authority as granted to the Mayor. If both the Mayor and Deputy Mayor are unavailable, the authority to exercise the powers set out in this chapter vests in the fire official assigned to the Metro Township by the Unified Fire Authority.
- B. Notwithstanding the order of succession set forth in subsection A, if the Mayor is unavailable to issue an evacuation order as set forth in Section 2.86.050, only the fire official assigned to the Metro Township by the Unified Fire Authority may issue an evacuation order, including any orders establishing evacuation routes, for a period not to exceed thirty-six hours, if the order is necessary for the preservation of life. The Mayor may ratify, modify, or revoke the fire official's order if he becomes available.

2.86.050 Powers Of The Mayor

- A. In a state of emergency, declared by either the Mayor or the governor, the Mayor is empowered to make all necessary efforts to respond to, prevent, or ameliorate the effects of an emergency or disaster, including, but not limited to, using all Metro Township resources, issuing evacuation orders, establishing evacuation routes, suspending the sale of alcoholic beverages, controlling entry to and exit from any disaster area, clearing or removing debris or wreckage, invoking the provisions of any mutual aid agreement with another governmental entity, and such other powers and authority which are reasonably necessary for the preservation of life and property and as may be set out the Utah Disaster Response and Recovery Act, Utah Code § 63-5a-4.
 - 1. The Mayor shall have full power to secure the availability of supplies, clothing, vehicles, fuel, equipment, food and water as may be reasonably necessary to respond to the emergency.
- B. In the state of emergency, the Mayor may exercise emergency powers and functions in response to the exigencies of the disaster, including waiving compliance with any time consuming procedures and formalities, including notices, as may otherwise be required.
- C. In a state of emergency, the Mayor may issue any and all such other orders or undertake such other functions and activities as the Mayor reasonably believes is required to protect the health, safety, or welfare of persons or property within the Metro Township or to otherwise preserve the public peace or to abate, clean up, or mitigate the effects of any emergency or disaster. Rules and regulations adopted by the Mayor in response to the state of emergency have the force and effect of law, upon filing with the Metro Township clerk. All rules and regulations adopted in response to a state of emergency shall expire once the state of emergency is no longer in effect.
- D. In a state of emergency, the Mayor is responsible to:
 - 1. Coordinate the activities and management of private volunteers, including maintaining records of volunteer work in accordance with Federal Emergency

Management Agency (FEMA) needs;

2. Ensure that all records and receipts for funds expended in emergency response are maintained in accordance with FEMA needs;
 3. Coordinate and ensure prompt communication with the media about the emergency, providing to the extent possible, one consistent voice regarding Metro Township activities;
 4. Maintain ongoing communication with the Council, the Greater Salt Lake Municipal Services District, the Unified Fire Authority, and other government entities.
- E. In the event of a public health emergency, the Mayor may declare a state of emergency at the request of the director of the health department or the board of health. To prevent or contain the outbreak and spread of a communicable or infectious disease, the Mayor, together with the director of the health department, may issue orders to:
1. Close theaters, schools and other public places and prohibit gatherings of people when necessary to protect the public health. (Utah Code § 26A-1-114(1)(e));
 2. Exercise physical control over property and over individuals as the Health Department finds necessary for the protection of public health. (Utah Code § 26A-1-114(1)(b));
 3. Exclude from school attendance any person, including teachers, who is suffering from any communicable or infectious disease, if the person is likely to convey the disease to those in attendance. (Utah Code § 26A-1-114(3)(b));
 4. The authority of the director of the health department extends to a public health emergency wholly located within a municipality.
- F. The Unified Police's office and such other law enforcement and peace officers as may be authorized by the Mayor are further authorized and directed to enforce the orders, rules and regulations made or issued pursuant to this chapter.
1. During the period of a declared emergency or disaster, a person shall not:
 - a. Enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the establishment;
 - b. Violate any orders duly issued by the Mayor or authorized personnel; or
 - c. Willfully obstruct, hinder, or delay any duly authorized government officers, employees or volunteers in the enforcement or exercise of the

provisions of this chapter, or in the undertaking of any activity pursuant to this chapter.

2.86.060 Powers Of The Council

- A. Nothing in this chapter shall prevent the Council from acting as the legislative body of Metro Township government in a state of emergency, or from exercising those powers and authorities set out in state law. The Council's legislative authority shall include the power to legislate, budget, and appropriate and to perform any other duties as required by state law and by the plan.
- B. The Council shall also fulfill those duties and responsibilities as required by any emergency response declaration or order to the extent it does not conflict with federal, state, or local law, or the provisions of this chapter.

2.86.070 Relocation Of Offices

- A. Whenever an emergency or disaster makes it imprudent or impossible to conduct the affairs of the Metro Township at its regular locations, the Council may meet at any safe and convenient place, inside or outside the County. Any temporary meeting location shall continue until a new location is established, the emergency or disaster is terminated, or Metro Township operations are able to return to their normal locations.
- B. Any official act or meeting required to be performed at any regular location of the Council is valid when performed at any temporary location under the terms of this section.

2.86.080 Mutual Aid

- A. The Mayor may, on behalf of the Metro Township, enter into such reciprocal aid, mutual aid, intergovernmental cooperation agreements or other contracts or plans with other governmental entities for the protection of life and property. Such agreements may include the furnishing or exchange of supplies, equipment, facilities, personnel and services and do not require fair and adequate consideration.
- B. The Metro Township may act as a participating political subdivision consistent with the Statewide Mutual Aid Act, Utah Code § 53-2-401 et seq.

2.86.090 Contracts For Goods And Services During An Emergency

- A. In accordance with the provisions of the Metro Township procurement ordinances or policies, the Metro Township may acquire goods and services in response to the exigencies of the emergency or disaster as are necessary and the Mayor may suspend or waive compliance with time consuming ordinances, policies, procedures and formalities prescribed by law pertaining thereto, Metro Township purchasing ordinances regarding the acquisition of goods and services.

2.86.100 Criminal Penalties

Any person who knowingly refuses to comply with an order to evacuate issued under this chapter or who refuses to comply with any other order issued during a state of emergency, as provided in this chapter and after notice of the order has been given to that person, is guilty of a Class B Misdemeanor.

2.86.110 Emergency Management Advisory Committee (RESERVED)

2.86.120 Severability

The provisions of this chapter are declared to be severable, and if any provision of this chapter shall, for any reason, be held to be invalid or unconstitutional or if the application of this chapter to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the validity of the remaining provisions of the ordinance codified in this chapter.

CHAPTER 2.95 METRO TOWNSHIP BUDGET PROCESS

2.95.010 Provisions

This chapter shall define the process of preparing and adopting the annual fiscal year of the Metro Township's budget. The chapter further defines the Council's responsibilities, and the Metro Township's relationship with the Greater Salt Lake Municipal Services District and County, as applicable, in the budget process as defined by law.

2.95.020 Definitions

- A. "Final budget" means the budget finally adopted by the Council pursuant to its legislative authority.
- B. "Proposed budget" means the budget prepared in the format of the tentative budget by the Council and forwarded to the Greater Salt Lake Municipal Services District Board of Trustees for review and approval.
- C. "Tentative budget" means the budget approved by the Greater Salt Lake Municipal Services District after submittal of the proposed budget by the Council to the Greater Salt Lake Municipal Services District.

2.95.030 Authority

This chapter is based upon the requirements of state law regarding the administration and operation of the Metro Township, the responsibilities of the County and the Greater Salt Lake Municipal Services District in the Metro Townships, and the Uniform Fiscal Procedures Act for Cities ("the Act").

2.95.040 Tentative Budget

- A. The Council shall prepare and submit to the Greater Salt Lake Municipal Services District a proposed budget in sufficient detail, content and scope and in a manner and on forms provided by the Greater Salt Lake Municipal Services District pursuant to the act. The Council shall submit the proposed budget to the Greater Salt Lake Municipal Services District by October 1. The time of submittal of the proposed budget may be extended if requested by a majority of the Greater Salt Lake Municipal Services District Board of Trustees.
- B. Prior to submission of the proposed budget to the Greater Salt Lake Municipal Services District, the Council shall review the proposed budget for consistency with statute, ordinance and fiscal and budget policies including the act and recommend modifications where necessary after consultation with the Greater Salt Lake Municipal Services District Board of Trustees, other metro townships, and affected County offices, agencies and departments.
- C. The proposed budget shall projected revenues, projected expenditures, and budget requests for all funds, along with any additional items deemed necessary by the Council, with recommendations as the Council feels appropriate.
- D. In preparing the proposed budget, the Council may include a budget for capital improvements and maintenance in the capital improvements fund.
- E. The Greater Salt Lake Municipal Services District shall submit a budget calendar outlining all applicable budget related dates prior to September 1 of each year.
- F. After the Council submits the proposed budget, the Council and Greater Salt Lake Municipal Services District Board of Trustees may hold joint meetings for purposes of the Greater Salt Lake Municipal Services District Board of Trustees preparing a tentative budget.
- G. The Council may revise and update revenue projections and expenditure projections throughout the budget process and fiscal year and shall notify the Greater Salt Lake Municipal Services District as soon as possible of any adjustments to the revenue projections in the proposed, tentative, and final budgets.
- H. In the event an unforeseen reduction in revenue or other event that may require the Greater Salt Lake Municipal Services District to make an urgent or emergency appropriation budget reduction or funding shift, the Greater Salt Lake Municipal Services District shall immediately notify the Council. Within one business day of receiving, notice from the Greater Salt Lake Municipal Services District, the Mayor, Deputy Mayor or temporary Mayor shall call a special meeting or emergency meeting to discuss any necessary emergency appropriation budget reduction or funding shift. The Mayor, Deputy Mayor or temporary Mayor shall provide notice and conduct the special meeting or emergency meeting consistent with the Utah Open and Public

Meetings Act for the special or emergency meeting:

1. The Greater Salt Lake Municipal Services District shall brief the Council on the nature of the unforeseen reduction in revenue and on the Greater Salt Lake Municipal Services District's contingency plan to address the loss of revenue.
2. The Council may make a request for an urgent or emergency appropriation budget reduction or budget shift if necessary. The Greater Salt Lake Municipal Services District may only make an emergency appropriation budget reduction or budget shift if it determines that the public health, safety and welfare require action.

2.95.050 Council Budget—Final Budget

After the Greater Salt Lake Municipal Services District approves a tentative budget for the Metro Township, the Council shall adopt by resolution a final budget for the Metro Township on or before December 31st of each year for the following calendar fiscal year. The recommended final budget of the Metro Township shall be posed in the office of the Metro Township clerk/recorder, and Mayor for at least ten days prior to the public hearing. No budget may be adopted or considered unless it has been prepared and reviewed as provided in this chapter. The Council shall set the date for the time and place of the public hearing on the final budget, and advise, prior to December 1, the Mayor and Greater Salt Lake Municipal Services District of the date of the public hearing, and cause the notice to be published and posted. The Council may hold public hearings as required. The Council may also hold public budget meetings with the Mayor and affected County offices as needed. All interested parties shall have an opportunity to be heard at the public hearing pursuant to rules established by the Council. Adjustments may be made by the Council after the public hearing on the recommended final budget. The final budget shall be available in the offices of the Mayor, and Metro Township clerk/recorder during business hours for public inspections. The Mayor acting as budget officer shall file with the state auditor a certified copy of the final budget within thirty days after adoption.

2.95.060 (Reserved)

2.95.070 Budget Limitations

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

2.95.080 Final Adopted Budget Amendments

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

2.95.090 Budget And Financial Policies

The Council may adopt policies or issue orders not inconsistent with the law or these ordinances in regard to the budget process.

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