



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
June 11, 2013

5:00 P.M. STUDY SESSION – MULTIPURPOSE ROOM

1. **TRANSPORTATION UPDATE – Revising the Streets Master Plan – Paul Goodrich**

AGENDA REVIEW

2. **The City Council will review the items on the agenda.**

CITY COUNCIL - NEW BUSINESS

3. **This is an opportunity for members of the City Council to raise issues of information or concern.**

6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS

CALL TO ORDER

INVOCATION/INSPIRATIONAL THOUGHT: By Invitation

PLEDGE OF ALLEGIANCE: By Invitation

APPROVAL OF MINUTES

4. **MINUTES of City Council Meeting – May 28, 2013**

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

5. **UPCOMING EVENTS**
6. **UPCOMING AGENDA ITEMS**
7. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
 - Beautification Advisory Commission – 3 vacancies
 - Heritage Advisory Commission - 1 vacancy
 - Summerfest Advisory Committee – 1 vacancy
8. **RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS**

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Study Sessions,
please call the City Recorder’s Office at least 3 working days prior to the meeting.
(Voice 229-7074) (TDD # 229-7037)

This agenda is also available on the City’s Internet webpage at orem.org

- 9. **REPORT – Senior Citizen Advisory Commission – Kay Bradford**
- 10. **PRESENTATION – Division of Water Quality - John Mackey**

CITY MANAGER’S APPOINTMENTS

11. APPOINTMENTS TO BOARDS AND COMMISSIONS

The City Manager does not have any appointments.

CONSENT ITEMS

12. ORDINANCE – Amending Chapter 7 of the Orem City Code Pertaining to Building, Plumbing, Mechanical, Electrical, Fire and Abatement Codes

RECOMMENDATION: The Director of Development Services recommends that the City Council, by ordinance, amend Chapter 7 of the Orem City Code pertaining to building, plumbing, mechanical, energy, fuel gas, electrical, fire and abatement codes.

BACKGROUND: State law requires that cities adopt specified versions of the national and international codes pertaining to buildings. The proposed amendment reflects the most recent changes in building and safety standards. These changes are necessary in order to ensure the safety and welfare of Orem’s citizens is safeguarded to the best of the City’s ability.

It is recommended Chapter 7 of the Orem City Code be amended to read as follows:

7-1-1. International Building Code Adopted.

The City hereby approves and adopts the International Building Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, appendix I, and appendix J, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City’s annual budget. The International Building Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

7-1-2. International Mechanical Code Adopted.

The City hereby approves and adopts the International Mechanical Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, and refrigeration systems, incinerators, and other miscellaneous heat-producing appliances in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City’s annual budget. The International Mechanical Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

7-1-4. International Plumbing Code Adopted.

The City hereby approves and adopts the International Plumbing Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one and appendix E, with all its codes and standards for regulating the

design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous plumbing in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Plumbing Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

7-1-6. International Fire Code Adopted.

The City hereby approves and adopts the International Fire Code, 2012 Edition, published by the International Code Council, as amended by the Utah State Fire Prevention Board. The City further approves and adopts the following appendices to the International Fire Code, 2012 Edition, as amended by the Utah State Fire Prevention Board:

1. Appendix B – Fireflow Requirements for Buildings.
2. Appendix C – Fire Hydrant Locations and Distribution.
3. Appendix D – Fire Apparatus Access Roads.

The International Fire Code, 2012 Edition, along with Appendices B, C, and D are on file in the office of the City Recorder and are hereby adopted and made a part hereof as if set out in the ordinance.

7-1-7. International Energy Conservation Code Adopted.

The City hereby approves and adopts the International Energy Conservation Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Energy Conservation Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

7-1-8. International Fuel Gas Code Adopted.

The City hereby approves and adopts the International Fuel Gas Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Fuel Gas Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

7-1-9. International Residential Code Adopted.

The City hereby approves and adopts the International Residential Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, appendix H, and appendix K, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Residential Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

13. RESOLUTION - Approve HOME Investment Partnership Grant Final Statement of Projected Uses of Funds – 2013-2014

RECOMMENDATION: The Community & Neighborhood Services Manager recommends that the City Council, by resolution, adopt the Final Statement of Projected Uses of Funds for the 2013-2014 HOME Investment Partnership Act.

BACKGROUND: Following presentations by applicants and a vote by the Utah Valley Consortium of Cities and County Board, the final statement for the 2013-2014 HOME allocation is ready to be adopted by consortium entities.

HOME funds are used for a variety of housing projects within Utah County, including: down-payment assistance, sweat-equity homeownership, housing rehabilitation, property acquisition, and other projects.

14. MOTION – Canceling the June 25, 2013, City Council Meeting

SCHEDULED ITEMS

6:00 P.M. PUBLIC HEARING

15. ORDINANCE - Enacting Section 22-14-26 of the Orem City Code Pertaining to Public Utility Facilities

REQUEST: The Development Services Department requests that the City enact Section 22-14-26 of the Orem City Code pertaining to public utility facilities.

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: Many utility facilities such as water wells or natural gas regulators need only a very small area of property to meet their needs. Often, the area of property needed for such utility facilities is much less than the minimum lot size for the zone in which they are located. Since there is really no zoning need to require such facilities to be located on a lot meeting the minimum lot size requirements, City Staff propose to exempt lots containing such facilities from the minimum lot size requirements of the ordinance. This would allow utility facility operators (including the City) to locate their facilities on lots that meet their needs without having to acquire excess property that really serves no purpose

Under the proposed amendment, the minimum setback requirements would also not apply to structures that are located on a lot that qualifies for the lot size reduction provided the structure does not exceed 12 feet in height or 600 square feet in area. The proposed amendment also provides that a fence may be installed in the front yard setback of a lot that qualifies for the minimum lot size exemption provided the City Engineer determines that the fencing does not pose a safety hazard.

Advantages:

- Allows utility facilities and private water wells to be located on smaller lots to minimize the impact of the facility in a neighborhood
- Limits the overall height of the utility structure
- Allows the utility facility the option to fence in the front yard if necessary to provide safety for the facility and the general public

Disadvantages:

- None determined

The proposed amendment is as follows:

22-14-26. Minimum Lot Size, Setbacks and Fencing for Designated Utility Facilities.

16. RESOLUTION – Approving a Resolution of Intent for a Boundary Line Agreement with the City of Provo for Property Located Generally at 1465 South 1140 East

RECOMMENDATION: The Department of Development Services recommends the City Council, by resolution, consider a request to approve a resolution of intent to adjust a common boundary line with the City of Provo for property located generally at 1465 South 1140 East.

PRESENTER: Jason Bench

POTENTIALLY AFFECTED AREA: Hillcrest Neighborhood

BACKGROUND: Utah Code Section 10-2-419 requires the governing bodies of the jurisdictions to approve resolutions of intent to adjust the common boundary prior to approval of the change. The City Council, at a later date, will formally consider approving the proposed boundary change. Currently, the City of Provo is also processing the applicant's request and will consider the resolution of intent in July.

The applicant owns two lots located at 1465 South and 1479 South 1140 East. He recently purchased property previously owned by Riverside Country Club with the intent to add the parcel to his two lots and then plat a single lot. The property purchased is in Provo City so the common boundary line between Orem City and Provo City must be adjusted.

A public hearing concerning the boundary line adjustment will be held following a sixty day protest period if this resolution is approved.

17. RESOLUTION – Approving an Interlocal Cooperation Agreement for the HOME Investment Partnership Program Consortium

RECOMMENDATION: The Community & Neighborhood Services Manager recommends the City Council, by resolution, approve the Interlocal Cooperation Agreement for the HOME Investment Partnership Program Consortium and authorize the Mayor to sign the agreement.

PRESENTER: Charlene Crozier

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: Funding for low-income housing activities is available through the U.S. Department of Housing and Urban Development's HOME Investment Partnership

Program. According to program regulations, Orem is not entitled to receive HOME funds directly, so the City has been participating in a consortium made up of local cities and Utah County to access these federal funds.

The consortium is made up of three entities: Utah County, the City of Orem, and Provo City. Representation from these entities will review requests and make recommendations for the use of HOME funds within the consortium boundaries. To continue its participation in the consortium, a new interlocal agreement must be approved. Legal staff from each entity has reviewed the proposed agreement, and it is ready for approval.

18. RESOLUTION – Adopt Community Development Block Grant (CDBG) Final Statement of Projected Uses of Funds – 2013-2014

RECOMMENDATION: The Community & Neighborhood Services Manager recommends the City Council, by resolution, adopt the updated Final Statement of Projected Uses of Funds for Orem’s 2013-2014 Community Development Block Grant.

PRESENTER: Charlene Crozier

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: During the past few months, the CDBG Citizen Advisory Commission heard funding proposals from various applicants who wish to receive CDBG funding. The Commission presented its recommendations to the City Council in a work session on March 19, 2013. The City Council held the first of two public hearings on March 26, 2013, and the second on April 30, 2013.

The final entitlement amount for the City of Orem was received from the U.S. Department of Housing and Urban Development in June of 2013, and an updated resolution has been prepared to reflect actual numbers for the CDBG Final Statement of Projected Uses of Funds for 2013-2014.

6:00 P.M. PUBLIC HEARING

19. ORDINANCE – Approving and Adopting a Budget for Fiscal Year 2013-2014, Adopting Compensation Programs, Adopting Fees and Charges, Setting the Property Tax, Franchise Tax, Municipal Energy Sales and Use Tax, Telecommunications License Tax, Transient Room Tax and E-911 Fee Rates, and Amending the Fiscal Year 2012-2013 Budget

RECOMMENDATION: The City Manager recommends the City Council, by ordinance, approve and adopt the Fiscal Year 2013-2014 Budget, adopt the compensation programs, adopt the fees and charges schedule, set the property tax, franchise tax, municipal energy sales and use tax, telecommunications license tax, transient room tax and E-911 fee rates, and amend the Fiscal Year 2012-2013 Budget.

PRESENTER: Bruce Chesnut

POTENTIALLY AFFECTED AREA: Citywide

BACKGROUND: On May 7, 2013, the City Council received the tentative budget for the Fiscal Year 2013-2014. A budget work session was held on May 14, 2013, to discuss the budget. In addition, two public hearings were held to review CDBG budget requests.

The purpose of this hearing is to consider the budget for Fiscal Year 2013-2014 along with the compensation program and the fees, charges and tax rates of the City. Additionally, the City Council is reviewing amendments to the Fiscal Year 2012-2013 Budget that were in addition to those already approved at the council meeting on May 28, 2013.

The national and local economies have shown signs of improvement over the past year. The Fiscal Year 2013-2014 Proposed Budget is a balanced budget that was formulated with this environment in mind as it does not include requests for tax increases or personnel additions and includes only minor raises in utility rates.

Personnel wages, including cost of living and merit raises, remain frozen for the 6th straight year.

Property taxes are not increased, the franchise tax and municipal energy sales and use tax rates remain at 6% and the transient room tax stays at 1%. The telecommunications license tax is 3.5% and the E-911 fee is \$0.61 per month. With the exception of some minor adjustments to miscellaneous fees and charges, the only proposed fee increases are in the Water Fund, Storm Water Fund and Solid Waste Fund.

A \$0.62 per month water rate increase for a ¾" meter service (and a proportionate increase for all other meter sizes) is proposed in the Water Fund. This rate increase is needed to cover the increasing cost of using the City's allocation of Jordanelle water and increased operating costs at the Utah Valley Water Treatment Plant that have been passed on to the City.

A \$0.25 per month increase is proposed in the Storm Water Fund to aid in the funding of capital improvements to the City's storm water system.

A \$0.40 per month fee increase for the first garbage can for residences and for all garbage cans at multiple units, trailer courts and condominiums is proposed in the Solid Waste Fund to cover increased costs to provide these services.

Since the presentation of the Tentative Budget, the following changes have been proposed:

General Fund

- Contribution from the Street Lighting Fund (\$91,795)

PERSONAL APPEARANCES

- 20. Time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. *(Please limit your comments to 3 minutes.)***

COMMUNICATION ITEMS

- 21. There are no communication items.**

CITY MANAGER INFORMATION ITEMS

- 22. This is an opportunity for the City Manager to provide information to the City Council. These items are for information and do not require action by the City Council.**

ADJOURN TO A MUNICIPAL BUILDING AUTHORITY MEETING

CITY OF OREM
CITY COUNCIL MEETING
JUNE 11, 2013



REQUEST:	ORDINANCE – Amending Chapter 7 of the Orem City Code Pertaining to Building, Plumbing, Mechanical, Electrical, Fire and Abatement Codes
APPLICANT:	City of Orem
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

SITE INFORMATION:

General Plan Designation:
N/A
Current Zone:
N/A
Acreage:
N/A
Neighborhood:
N/A
Neighborhood Chair:
N/A

PREPARED BY: Bill Bell Chief Building Official
APPROVED BY:

RECOMMENDATION:

The Director of Development Services recommends that the City Council, by ordinance, amend Chapter 7 of the Orem City Code pertaining to building, plumbing, mechanical, energy, fuel gas, electrical, fire and abatement codes.

BACKGROUND:

State law requires that cities adopt specified versions of the national and international codes pertaining to buildings. The proposed amendment reflects the most recent changes in building and safety standards. These changes are necessary in order to ensure the safety and welfare of Orem's citizens is safeguarded to the best of the City's ability.

It is recommended Chapter 7 of the Orem City Code be amended to read as follows:

7-1-1. International Building Code Adopted.

The City hereby approves and adopts the International Building Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, appendix I, and appendix J, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Building Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

7-1-2. International Mechanical Code Adopted.

The City hereby approves and adopts the International Mechanical Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, and refrigeration systems, incinerators, and other miscellaneous heat-producing appliances in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Mechanical Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

7-1-4. International Plumbing Code Adopted.

The City hereby approves and adopts the International Plumbing Code, 2012 Edition, published by the International Code Council, as amended by the State Division of

Occupational and Professional Licensing, including Chapter one and appendix E, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous plumbing in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Plumbing Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

7-1-6. International Fire Code Adopted.

The City hereby approves and adopts the International Fire Code, 2012 Edition, published by the International Code Council, as amended by the Utah State Fire Prevention Board. The City further approves and adopts the following appendices to the International Fire Code, 2012 Edition, as amended by the Utah State Fire Prevention Board:

1. Appendix B – Fireflow Requirements for Buildings.
2. Appendix C – Fire Hydrant Locations and Distribution.
3. Appendix D – Fire Apparatus Access Roads.

The International Fire Code, 2012 Edition, along with Appendices B, C, and D are on file in the office of the City Recorder and are hereby adopted and made a part hereof as if set out in the ordinance.

7-1-7. International Energy Conservation Code Adopted.

The City hereby approves and adopts the International Energy Conservation Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Energy Conservation Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

7-1-8. International Fuel Gas Code Adopted.

The City hereby approves and adopts the International Fuel Gas Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Fuel Gas Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

7-1-9. International Residential Code Adopted.

The City hereby approves and adopts the International Residential Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, appendix H, and appendix K, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Residential Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

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ORDINANCE NO. _____

AN ORDINANCE OF THE OREM CITY
COUNCIL AMENDING CHAPTER 7 OF THE
OREM CITY CODE

WHEREAS Chapter 7 of the Orem City Code sets forth building, construction, fire, and safety regulations; and

WHEREAS Chapter 7 adopts nationally and internationally recognized building, plumbing, mechanical, energy, fuel gas, electrical, fire, and abatement codes; and

WHEREAS the State of Utah has preempted cities in these types of regulations and has mandated that cities adopt specified versions of the national and international codes; and

WHEREAS State legislation has taken away the ability of the individual cities to freely make amendments to the national and international codes; and

WHEREAS the City of Orem desires to amend Chapter 7 to come into compliance with State law by adopting specific versions of the national and international codes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, AS FOLLOWS:

1. The City Council hereby amends Section 7-1-1 of the Orem City Code to read as follows:

7-1-1. International Building Code Adopted.

The City hereby approves and adopts the International Building Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, appendix I, and appendix J, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Building Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

2. The City Council hereby amends Section 7-1-2 of the Orem City Code to read as follows:

7-1-2. International Mechanical Code Adopted.

The City hereby approves and adopts the International Mechanical Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, and refrigeration systems, incinerators, and other miscellaneous heat-producing appliances in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Mechanical Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

3. The City Council hereby amends Section 7-1-4 of the Orem City Code to read as follows:

7-1-4. International Plumbing Code Adopted.

The City hereby approves and adopts the International Plumbing Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one and appendix E, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous plumbing in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Plumbing Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

4. The City Council hereby amends Section 7-1-6 of the Orem City Code to read as follows:

7-1-4. International Fire Code Adopted.

The City hereby approves and adopts the International Fire Code, 2012 Edition, published by the International Code Council, as amended by the Utah State Fire Prevention Board. The City further approves and adopts the following appendices to the International Fire Code, 2012 Edition, as amended by the Utah State Fire Prevention Board:

1. Appendix B – Fireflow Requirements for Buildings.
2. Appendix C – Fire Hydrant Locations and Distribution.
3. Appendix D – Fire Apparatus Access Roads.

The International Fire Code, 2012 Edition, along with Appendices B, C, and D are on file in the office of the City Recorder and are hereby adopted and made a part hereof as if set out in the ordinance.

5. The City Council hereby amends Section 7-1-7 of the Orem City Code to read as follows:

7-1-7. International Energy Conservation Code Adopted.

The City hereby approves and adopts the International Energy Conservation Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Energy Conservation Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

6. The City Council hereby amends Section 7-1-8 of the Orem City Code to read as follows:

7-1-8. International Fuel Gas Code Adopted.

The City hereby approves and adopts the International Fuel Gas Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Fuel Gas Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

7. The City Council hereby amends Section 7-1-9 of the Orem City Code to read as follows:

7-1-9. International Residential Code Adopted.

The City hereby approves and adopts the International Residential Code, 2012 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, appendix H, and appendix K, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement,

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addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Residential Code, 2012 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

8. This ordinance shall take effect July 1, 2013, upon passage and publication in a newspaper of general circulation in the City of Orem, Utah.

9. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

10. All ordinances, resolutions, or policies in conflict herewith are hereby repealed.

PASSED, APPROVED and ORDERED PUBLISHED this **11th** day of **June** 2013.

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

CITY OF OREM
CITY COUNCIL MEETING
JUNE 11, 2013



REQUEST:	RESOLUTION - Approve HOME Investment Partnership Grant Final Statement of Projected Uses of Funds – 2013-2014
APPLICANT:	City of Orem Community & Neighborhood Services
FISCAL IMPACT:	\$1,703,557 Entitlement Plus Program Income and Reprogrammed Funds

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

SITE INFORMATION:

General Plan Designation:
N/A
Current Zone:
N/A
Acreage:
N/A
Neighborhood:
N/A
Neighborhood Chair:
N/A

RECOMMENDATION:

The Community & Neighborhood Services Manager recommends that the City Council, by resolution, adopt the Final Statement of Projected Uses of Funds for the 2013-2014 HOME Investment Partnership Act.

BACKGROUND:

Following presentations by applicants and a vote by the Utah Valley Consortium of Cities and County Board, the final statement for the 2013-2014 HOME allocation is ready to be adopted by consortium entities.

HOME funds are used for a variety of housing projects within Utah County, including: down-payment assistance, sweat-equity homeownership, housing rehabilitation, property acquisition, and other projects.

PREPARED BY: Charlene Mackay CNS Manager
APPROVED BY:

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PROJECTED USES OF HOME INVESTMENT PARTNERSHIP ACT (HOME) FUNDS FOR THE UTAH VALLEY CONSORTIUM OF CITIES AND COUNTY, 2013-2014

WHEREAS the City of Orem has entered into the Utah Valley Consortium of Cities and County (UVCCC) in order to receive HOME program funding; and

WHEREAS the UVCCC is required by the U. S. Department of Housing and Urban Development to develop a Program Description of Projected Uses of HOME Funds as a prerequisite for receiving HOME program funding; and

WHEREAS the UVCCC has developed a Consolidated Plan to assist in providing decent, safe, sanitary, and more affordable housing for individuals of low and moderate income; and

WHEREAS the Program Description of Projected Uses of HOME Funds is consistent with the Consolidated Plan; and

WHEREAS HOME funds from each member of the UVCCC will be needed to cover the costs of all proposed projects;

WHEREAS a representative of the City of Orem participated in the UVCCC Board's application and voting process.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The Program Description of Projected Uses of HOME Funds attached hereto as "Exhibit A" and incorporated herein by this reference is hereby adopted. Final awards will be determined based on final allocation, so recommendations shall be adjusted accordingly.
2. All ordinances, resolutions, or policies in conflict herewith are hereby repealed.
3. This resolution shall take effect upon passage by the City of Orem City Council.

PASSED AND APPROVED this **11th** day of **June**, 2013

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

Exhibit A

This is the **FINAL** comparison matrix of the FY 2013/14 HOME fund allocation for the Consortium. Percentages are based on HUD's formula allocations as published.

The following Data also will include FY 2013/14 HOME applicants and the amounts requested.

2013/14 HOME Funding Matrix

Consortium Members	Allocation	CHDO	Administration	Project Budget	Total
Provo	\$ 458,081.64	\$ 68,712.25	\$ 45,808.16	\$ 343,561.23	\$ 458,081.64
Orem	\$ 186,849.09	\$ 28,027.36	\$ 18,684.91	\$ 140,136.82	\$ 186,849.09
Utah County	\$ 359,634.27	\$ 53,945.14	\$ 35,963.43	\$ 269,725.70	\$ 359,634.27
Totals	\$ 1,004,565.00	\$ 150,684.75	\$ 100,456.50	\$ 753,423.75	\$ 1,004,565.00

Orem/County Totals \$ 546,483.36 \$ 81,972.50 \$ 54,648.34 \$ 409,862.52 \$ 546,483.36

		\$ 409,863	EN Project Budget-Consortium
EN-UVHC Reprogrammed funds Total:	\$ 45,195	\$ 45,195	EN Reprogrammed Funds
Admin Balance FY 11/12	\$ 3,450	\$ 243,935	Consortium PI FY 11/12
CWCIC-TBRA	\$ 41,745	\$ 698,992	Total EN&PI to Allocate
	\$ -		
		\$ 81,973	Percent of CHDO Allocation FY 13/14
		\$ 780,965	Consortium Grand Total to Allocate

2013/14 HOME Funds Requests

Project Applicants	FY 13/14 Requests	Board Recommendation	Balance to Allocate	Unspent \$ To 30-Jun-2012
Rural Housing Development Corp.-MSHP	\$ 750,000	\$ 170,000	\$ 539,014	\$ 171,791
Golden Spike Treatment Ranch-REAP (TBRA)	\$ 70,000	\$ 25,000	\$ 45,000	\$ 151,321
Hsg Auth. of UT Cty - Owner Occupied Rehabs	\$ 50,000	\$ 50,000	\$ -	\$ 267,863
Hsg Auth. of UT Cty - Rental Acquisition	\$ 377,957	\$ 179,320	\$ 198,637	\$ 575,631
Loan-to-Own County Wide DPA-Provo RDA	\$ 200,000	\$ 199,673	\$ 327	\$ 200,000
Habitat for Humanity-New Construction	\$ 140,000	\$ 75,000	\$ 99,014	\$ 128,916
Provo City Hsg. Auth-Myla Dutton Homes	\$ 350,000		\$ -	\$ 378,828
Sub Total Consortium Requests	\$ 1,587,957	\$ 698,992	\$ 881,992	\$ 1,495,522
To be committed (over committed)		\$ (0)		

CHDO Applicants	FY 13/14 Requests	Board Recommendation	Balance to Allocate	Unspent Prior Year \$
Habitat for Humanity-New Construction	\$ 40,986	\$ 40,986	\$ -	\$ 80,931
Rural Housing Development Corp.-MSHP	\$ 40,986	\$ 40,986	\$ -	\$ 54,410
Neighborworks Provo-NSP (Request-\$90,000)	\$ 68,712	\$ 68,712	\$ -	\$ 212,065
Sub Total	\$ 81,973	\$ 81,973	\$ -	\$ 135,341

Total \$ 1,669,930 \$ 780,965 \$ 881,992
To be committed (over committed) \$ (0)

June 4, 2013

CITY OF OREM
CITY COUNCIL MEETING
 JUNE 11, 2013



REQUEST:	6:00 P.M. PUBLIC HEARING ORDINANCE - Enacting Section 22-14-26 of the Orem City Code Pertaining to Public Utility Facilities
APPLICANT:	Development Services
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- Emailed to newspapers
- Neighborhood Chair

SITE INFORMATION:

- General Plan Designation: N/A
- Current Zone: N/A
- Acreage: N/A
- Neighborhood: N/A
- Neighborhood Chair: N/A

PLANNING COMMISSION RECOMMENDATION
Vote: 6-0 for Approval

PREPARED BY:
Jason Bench, AICP City Planner
APPROVED BY:

REQUEST:

The Development Services Department requests that the City enact Section 22-14-26 of the Orem City Code pertaining to public utility facilities.

BACKGROUND:

Many utility facilities such as water wells or natural gas regulators need only a very small area of property to meet their needs. Often, the area of property needed for such utility facilities is much less than the minimum lot size for the zone in which they are located. Since there is really no zoning need to require such facilities to be located on a lot meeting the minimum lot size requirements, City Staff propose to exempt lots containing such facilities from the minimum lot size requirements of the ordinance. This would allow utility facility operators (including the City) to locate their facilities on lots that meet their needs without having to acquire excess property that really serves no purpose

Under the proposed amendment, the minimum setback requirements would also not apply to structures that are located on a lot that qualifies for the lot size reduction provided the structure does not exceed 12 feet in height or 600 square feet in area. The proposed amendment also provides that a fence may be installed in the front yard setback of a lot that qualifies for the minimum lot size exemption provided the City Engineer determines that the fencing does not pose a safety hazard.

Advantages:

- Allows utility facilities and private water wells to be located on smaller lots to minimize the impact of the facility in a neighborhood
- Limits the overall height of the utility structure
- Allows the utility facility the option to fence in the front yard if necessary to provide safety for the facility and the general public

Disadvantages:

- None determined

The proposed amendment is as follows:

22-14-26. Minimum Lot Size, Setbacks and Fencing for Designated Utility Facilities.

A. The minimum lot size requirements of Chapter 22 shall not apply to a lot that is used solely for a public utility facility that cannot be located in a public utility easement or private easement, or to a lot that is used solely for a private water well facility.

B. The minimum setback requirements of Chapter 22 shall not apply to structures that are located on a lot that qualifies for the lot size exemption above and which meet the following additional requirements:

1. The height of any structure does not exceed twelve feet (12') in height; and

2. The combined size of all structures on the lot does not exceed six hundred (600) square feet.

C. Fencing on a lot that qualifies for the minimum lot size exemption under subsection (A) above, shall not be subject to the restrictions contained in Section 22-14-19(C)(2) pertaining to height restrictions on fences in a front yard setback provided that the City Engineer determines that the fencing does not pose a safety hazard.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL ENACTING
SECTION 22-14-26 OF THE OREM CITY CODE PERTAINING
TO PUBLIC UTILITY FACILITIES

WHEREAS on March 29, 2013, The Development Services Department filed an application with the City of Orem requesting the City enact Section 22-14-26 of the Orem City Code pertaining to public utility facilities; and

WHEREAS the proposed amendment allows utility facilities and private water wells to locate on smaller lots if certain conditions apply; and

WHEREAS a public meeting considering the subject application was held by the Planning Commission on May 15, 2013; and

WHEREAS the Planning Commission recommends the City Council approve the proposed amendment; and

WHEREAS on May 28, 2013, the City Council held a public hearing to consider the subject application; and

WHEREAS the City posted the City Council agenda in the Orem Public Library, the Orem City webpage, and the City Offices at 56 North State Street; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the city; and the orderly development of land in the city; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council finds that this request is in the best interest of the City in that it will

allow public utilities or a private water well to locate on a parcel that would fit the needs of the utility, but not force a utility company to purchase a larger property to meet the zoning requirements when it is not needed for the intended purpose;

2. The City Council hereby enact Section 22-14-26 of the Orem City Code pertaining to public utility facilities of the Orem City Code to read as follows:

22-14-26. Minimum Lot Size, Setbacks and Fencing for Designated Utility Facilities.

A. The minimum lot size requirements of Chapter 22 shall not apply to a lot that is used solely for a public utility facility that cannot be located in a public utility easement or private easement, or to a lot that is used solely for a private water well facility.

B. The minimum setback requirements of Chapter 22 shall not apply to structures that are located on a lot that qualifies for the lot size exemption above and which meet the following additional requirements:

1. The height of any structure does not exceed twelve feet (12') in height; and
2. The combined size of all structures on the lot does not exceed six hundred (600) square feet.

C. Fencing on a lot that qualifies for the minimum lot size exemption under subsection (A) above, shall not be subject to the restrictions contained in Section 22-14-19(C)(2) pertaining to height restrictions on fences in a front yard setback provided that the City Engineer determines that the fencing does not pose a safety hazard.

3. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

4. All other ordinances, policies and resolutions in conflict herewith are hereby repealed.

5. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

PASSED, APPROVED and ORDERED PUBLISHED this 28th day of May 2013.

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder

DRAFT

COUNCILMEMBERS VOTING "AYE"

COUNCILMEMBERS VOTING "NAY"

DRAFT PLANNING COMMISSION MINUTES – MAY 15, 2013

AGENDA ITEM 3.3 is a request by Development Services to enact **SECTION 22-14-26 PERTAINING TO PUBLIC UTILITY FACILITIES** of the Orem City Code.

Staff Presentation: Jason Bench said the intent of the proposed ordinance would allow public utilities or private water well to locate on a parcel that would fit the needs of the utility, but not force a utility company to purchase a larger property to meet the zoning requirements when it is not needed for the intended purpose.

The proposed amendment allows a public utility facility or private water well that cannot be located in a public utility easement or private easement to locate on a lot smaller than the required lot size in the zone in which it is located. In addition, the minimum setback requirements would not apply to structures that are located on a lot that qualifies for the lot size reduction provided the structure does not exceed twelve feet in height or 600 square feet in area. Fencing on a lot that qualifies for the minimum lot size shall be allowed to install a fence in the front yard for safety purposes provided the City Engineer determines that the fencing does not pose a safety hazard.

After reviewing the proposed ordinances, staff has listed advantages concerning the proposed requests.

Advantages of the proposal include:

- Allows utility facilities and private water wells to be located on smaller lots to minimize the impact of the facility in a neighborhood;
- Limits the overall height of the utility structure; and
- Allows the utility facility the option to fence in the front yard if necessary to provide safety for the facility and the general public.

Disadvantage of the proposal include:

- None determined

The proposed amendment is outlined below:

22-14-26. Minimum Lot Size, Setbacks and Fencing for Designated Utility Facilities.

A. The minimum lot size requirements of Chapter 22 shall not apply to a lot that is used solely for a public utility facility that cannot be located in a public utility easement or private easement, or to a lot that is used solely for a private water well facility.

B. The minimum setback requirements of Chapter 22 shall not apply to structures that are located on a lot that qualifies for the lot size exemption above and which meet the following additional requirements:

1. The height of any structure does not exceed twelve feet (12') in height; and

2. The combined size of all structures on the lot does not exceed six hundred (600) square feet.

C. Fencing on a lot that qualifies for the minimum lot size exemption under subsection (A) above, shall not be subject to the restrictions contained in Section 22-14-19(C)(2) pertaining to height restrictions on fences in a front yard setback provided that the City Engineer determines that the fencing does not pose a safety hazard.

Chair Brewer asked if the Planning Commission had any questions for Mr. Bench.

Mr. Earl said the private well on 419 South 2020 West was part of a development purchased by DR Horton. The private well is no more than 200 square feet. The property owner did not want to continue to own the well because of liability concerns. The options were to take out the well or to craft an ordinance that would allow a separate lot to be owned by those who benefits from the well. If this were not enacted, the developer would have to remove the well and that would be a hardship to those who depend on the well. This is a good solution.

Chair Brewer asked if there is any hazard to it not being enclosed. Mr. Bench said as soon as the subdivision goes through it will probably be fence off.

Mr. Whetten said he thinks there is a home being built now. He then wondered what will happen to this property when Vineyard gets culinary water, will this become a little weed patch. Mr. Peterson said the well is being used to irrigate the property with a garden on the north side of the street. Even if culinary water is brought in, he believed the Holdaways would still have rights to the well. As part of this, the developer will bring in a plat to vacate that portion. At that time they can negotiate with them to have them put in weed control. Mr. Earl said the point of what

happens when the utility is taken off the property is a good thing to consider. He suggested staff add a provision that the parcel needs to be aligned with an adjoining parcel that meets the minimum lot size requirement; then the City will not end up with a little parcel that is left unused.

Chair Brewer opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Brewer closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Ms. Buxton said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommend the City Council enact Section 22-14-26 pertaining to public utility facilities of the Orem City Code. Chair Brewer seconded the motion. Those voting aye: John Brewer, Becky Buxton, Mike Colledge, Karen Jeffreys, David Moulton, and Derek Whetten. The motion passed unanimously.

DRAFT

Project Timeline

Project: COA Section 22-14-26 Min. Lot size for public Utility facilities

1. Neighborhood Meeting held by applicant on: N/A (City wide Impact)
2. DRC Application Date: 3-29-13
3. Obtained Development Review Committee Clearance on: 4/16/13 by: Jason
4. Publication notice for PC sent to Recorders office on: 4/18/13 by: Jason
5. Neighborhood notice (300') for Planning Commission mailed on: N/A by: _____
6. Planning Division Manager received neighborhood notice on: N/A
7. Property posted for PC on: N/A by: _____ Removed on : _____
8. Planning Commission recommended approval / denial on : 5/15/13
9. Publication notice for CC sent to Recorders office on: 5/7/13 by: Jason
10. Neighborhood notice (300') for City Council mailed on: N/A by: _____
11. Planning Division Manager received neighborhood notice on: N/A
12. Property Posted for City Council on: N/A by: _____ Removed: _____
13. City Council Approved / Denied on: 5/28/13



DRC APPLICATION

Development Services Department • 56 North State Street, Orem, Utah 84057 • (801) 229-7183 • FAX (801) 229-7191

www.orem.org

APPLICANT INFORMATION

FORM EXPIRES: 06-30-2013

Name: Development Services Dept. Phone: 801-229-7238
 Address: 56 N. State St. FAX: _____
 City: Orem State: Utah Zip: 84057 e-mail: _____

PROJECT INFORMATION

Project Name: ZOA Section 22-14-26 Minimum Lot Size for Public Utility facilities
 Project Address: _____

Nature of Request (Check all that apply) and Filing Fee Amount

SUBDIVISION PLATS/LOT LINE ADJUSTMENT	ORDINANCE AMENDMENTS	OREM GENERAL PLAN AMENDMENTS	MISCELLANEOUS	APPEALS/OTHER
<input type="checkbox"/> Preliminary/PRD \$500 + \$20/lot or unit <input type="checkbox"/> Preliminary deep lot sign fee \$25 <input type="checkbox"/> Final \$200 + \$20/lot or unit, not including recording fees <input type="checkbox"/> Vacation/Amendment \$400 + \$20/lot or unit + \$25 sign fee, not including recording fees <input type="checkbox"/> Final PRD \$200 + \$30/lot or unit + recording fees <input type="checkbox"/> Lot Line Adjustment \$400 + \$25 sign fee, not including recording fees	<input type="checkbox"/> Sign \$400 <input type="checkbox"/> Subdivision \$400 <input checked="" type="checkbox"/> Zoning, Text \$400 +25 sign fee for PD zone <input type="checkbox"/> Rezone \$400 + \$25 sign fee	<input type="checkbox"/> Land Use Map Change \$525 + \$25 sign fee <input type="checkbox"/> Text Change \$525	<input type="checkbox"/> Site Plan Admin. Approval \$300 <input type="checkbox"/> Site Plan \$1,000 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21 <input type="checkbox"/> Concrete/Masonry Fence \$50 <input type="checkbox"/> Temporary Site Plan Approval \$100 <input type="checkbox"/> Conditional Use Permit \$400.00 + \$25 sign fee <input type="checkbox"/> Fence Modification/Waiver \$100 <input type="checkbox"/> Condominium Conversion \$300.00 + \$55/Unit + \$25 sign fee; + \$30 building inspection fee/Unit	<input type="checkbox"/> To City Council \$400 <input type="checkbox"/> To Planning Commission \$400 <input type="checkbox"/> Street Vacation \$400 <input type="checkbox"/> Annexation \$750 + \$25 sign fee & cost of legal noticing <input type="checkbox"/> Driveway Entrance Modification \$175 <input type="checkbox"/> Resubmittal Fee \$100/review After three reviews <input type="checkbox"/> Other \$200

FILING FEES AND REQUIRED COPIES

FILING FEES: The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

REQUIRED COPIES: Two (2) full size copies 24" by 36", one (1) copy reduced to an 11" by 17", and one (1) copy reduced to an 8½" by 11" shall be submitted with each application for Subdivision Plats, Conditional Use Permits, Site Plans, and Condominium Conversions.

APPLICANT NOTES, SIGNATURE, AND CONTACT PERSON

PLANNING COMMISSION/CITY COUNCIL MEETINGS: Once the Development Review Committee determines your application is complete the Staff will forward it to the Planning Commission and City Council. **The applicant's attendance at the Planning Commission and City Council meetings is required.** The City Council is the final approving authority on the following items: Conditional Use Permits; Appeals; City Code amendments; General Plan Amendments; Fence Modifications; and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.

NEIGHBORHOOD MEETING: The applicant shall hold a neighborhood meeting in accordance with the City Code for the following requests: **General Plan Amendments; Zoning Ordinance Amendment, Map; Commercial developments adjacent to residential zones; all non-residential uses in a residential zone.**

DRC APPLICATION: This DRC Application must be **complete** at the time it is submitted to the City or it may not be accepted.

FILING FEE NOTICE: Applications filed after July 1 are subject to fee changes.

Applicant's Signature: [Signature] Contact Person Name: Jason Bend Phone: 801-229-7238

OFFICE USE ONLY

Date Filed: 3/29/13 Fees Paid: 0 Received By: [Signature]

Please Note: The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Bench, 229-7238; David Stroud, 229-7095; or Clinton Spencer, 229-7267.

CITY OF OREM
CITY COUNCIL MEETING
 JUNE 11, 2013



REQUEST:	RESOLUTION – Approving a Resolution of Intent for a Boundary Line Agreement with the City of Provo for Property Located Generally at 1465 South 1140 East
APPLICANT:	Alex Dunn
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- Emailed to newspapers
- Posted on State website

SITE INFORMATION:

- General Plan
 Low Density Residential
- Current Zone
 PD18
- Acreage
 0.63
- Neighborhood
 Hillcrest
- Neighborhood Chair
 Dewon Holt

PREPARED BY: David Stroud, AICP Planner
APPROVED BY:

REQUEST:

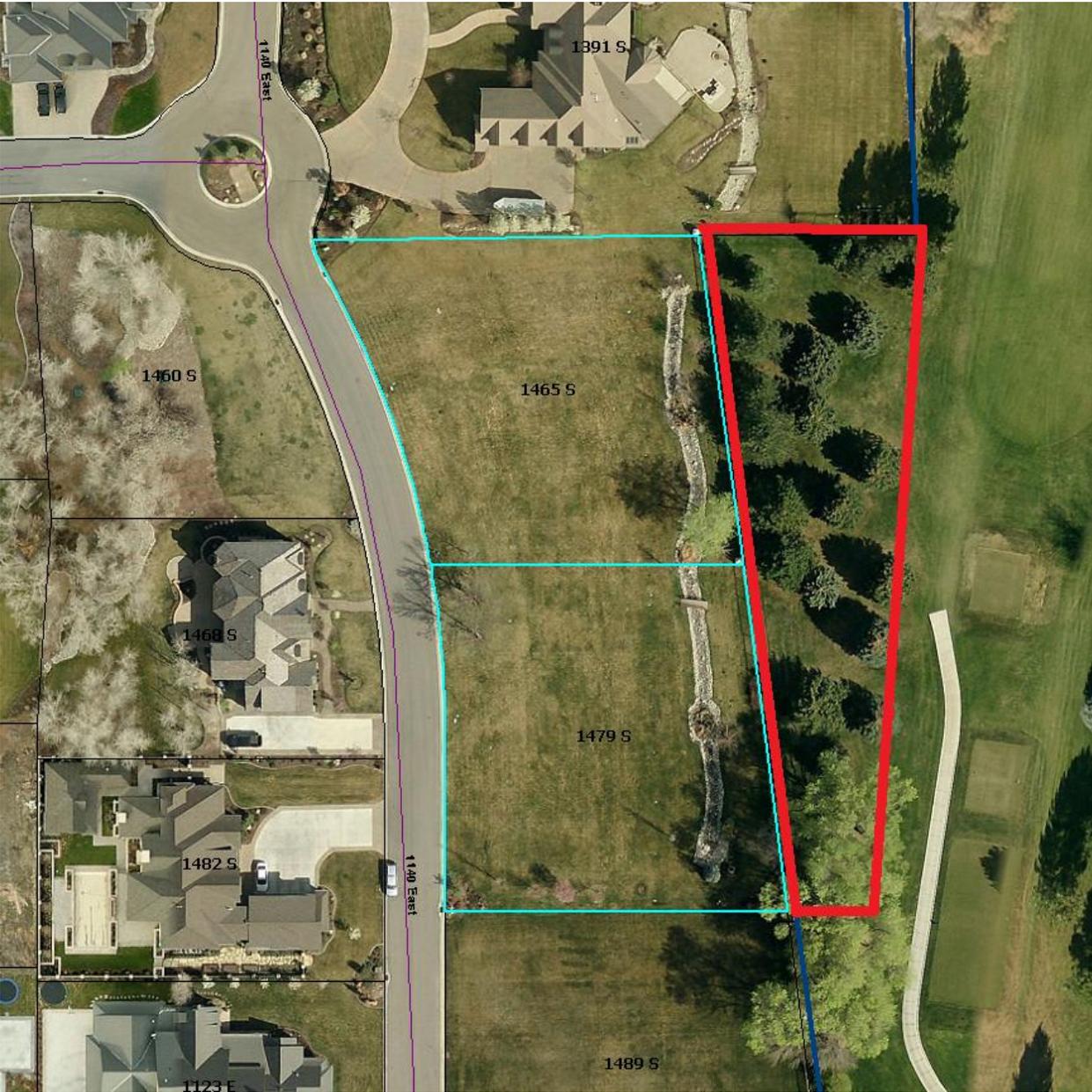
The Department of Development Services recommends the City Council, by resolution, consider a request to approve a resolution of intent to adjust a common boundary line with the City of Provo for property located generally at 1465 South 1140 East.

BACKGROUND:

Utah Code Section 10-2-419 requires the governing bodies of the jurisdictions to approve resolutions of intent to adjust the common boundary prior to approval of the change. The City Council, at a later date, will formally consider approving the proposed boundary change. Currently, the City of Provo is also processing the applicant’s request and will consider the resolution of intent in July.

The applicant owns two lots located at 1465 South and 1479 South 1140 East. He recently purchased property previously owned by Riverside Country Club with the intent to add the parcel to his two lots and then plat a single lot. The property purchased is in Provo City so the common boundary line between Orem City and Provo City must be adjusted.

A public hearing concerning the boundary line adjustment will be held following a sixty day protest period if this resolution is approved.



DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE OREM CITY COUNCIL INDICATING ITS INTENT TO ADJUST A COMMON BOUNDARY BETWEEN THE CITY OF OREM AND THE CITY OF PROVO FOR PROPERTY LOCATED GENERALLY AT 1465 SOUTH 1140 EAST

WHEREAS Utah Code Section 10-2-419 allows the legislative bodies of two cities to adjust a common boundary between the cities; and

WHEREAS the City of Orem and the City of Provo share a common boundary in the vicinity of 1465 South 1140 East; and

WHEREAS Alex Dunn has requested that Orem City and Provo City adjust their common boundary as shown in Exhibit "A; which is attached hereto and incorporated herein by this reference" and

WHEREAS the Orem City Council considered this matter at a duly noticed public meeting on June 11, 2013; and

WHEREAS the Orem City Council finds that a boundary adjustment between Orem City and Provo City to include the boundary adjustment parcel in the limits of Orem City would be in the best interest of Orem City; and

WHEREAS the Orem City Council desires to adopt a resolution indicating the intent of the City of Orem to adjust a common boundary between Orem City and Provo City in accordance with the requirement of Utah Code Section 10-2-419; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council of the City of Orem hereby declares its intent to adjust the common boundary between the Orem City and the Provo City as shown in Exhibit "A," which is attached hereto and incorporated herein by this reference.

2. This resolution shall take effect immediately upon passage.

3. All other resolutions and policies in conflict herewith either in whole or in part, are hereby repealed.

PASSED and APPROVED this **11th** day of **June** 2013.

DRAFT

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCILMEMBERS VOTING "AYE"

COUNCILMEMBERS VOTING "NAY"

Exhibit "A"

PROPOSED ADJUSTED BOUNDARY LINE, COMMON TO OREM AND PROVO

Commencing at a point located North $00^{\circ}36'51''$ West along the Section line 721.98 feet and East 2610.39 feet from the West quarter corner of Section 25, Township 6 South, Range 2 East, Salt Lake Base and Meridian (which point is a common angle point on the boundary line between the City of Orem and the City of Provo in the Northeast quarter of said Section 25); thence East 36.72 feet; thence North $04^{\circ}52'31''$ East 362.27 feet to a common angle point on the boundary line between the City of Orem and the City of Provo, said point being located North $00^{\circ}36'51''$ West along the Section line 1082.96 feet and East 2681.41 feet from the West quarter corner of said Section 25.





May 31, 2013

Boundary Line Agreement Notice

Alex Dunn requests the City of Orem and City of Provo adjust a common boundary for property generally located at 1465 South 1140 East in the Berkshires PD18 zone as shown on the reverse of this notice. The property in red is proposed to be annexed into Orem City. The City Council must approve a resolution of intent which then opens a sixty (60) day protest period from affected individuals. At the close of the protest period the City Council will then take action whether to approve or deny the annexation request.

The City Council will hold a public meeting to consider the resolution of intent on **Tuesday, June 11, 2013, at 6:00 PM** in the City Council chambers at 56 North State Street. This meeting is open to the public and you are invited to attend.

Questions can be directed to David Stroud at 229-7095 or Jason Bench at 229-7238.

This notice has been mailed to all property owners and residents within 300 feet of the subject properties. If you are aware of other persons who would be interested in this matter, it would be appreciated if you make them aware of this public meeting. If you are not the owner of the residence, please notify the owner regarding this notice.

The public is invited to participate in all public meetings.
If you need special accommodations to participate, please contact the City at
Phone: 229-7058 or TDD: 229-7146.



MAILED

5/31/13

DAWNIE LARSEN
56 N STATE STREET
OREM, UT 84057

DEWON HOLT
HILLCREST NEIGHBORHOOD CHAIR
1442 S 605 EAST
OREM, UT 84057

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057

DIAL, BRANDON C & KRISTI
1383 S 1080 E
OREM, UT 84097

CATALYST PARTNERS LLC
22 W 620 S
OREM, UT 84058

BIRCHALL, MICHAEL
495 W UNIVERSITY PKY
OREM, UT 84058

KLEIN, MICHAEL R & SHIRLEY R
1366 S 1140 E
OREM, UT 84097

CATALYST PARTNERS LLC
--OR CURRENT RESIDENT--
1465 S 1080 EAST
OREM, UT 84097

HENSON, BLAKE & KASSANDRA
1481 S 1080 E
OREM, UT 84097

DUNN, ALEX
1391 S 1140 E
OREM, UT 84097

PURPLE SAGE BE LLC
OR CURRENT RESIDENT--
1377 S 1140 EAST
OREM, UT 84097

BELL, RACHELLE ROSITTA
HIERSCHE
OR CURRENT RESIDENT--
1380 S 1140 EAST
OREM, UT 84097

PINEGAR, ED J & JENNIFER N
1468 S 1140 E
OREM, UT 84097

BIRCHALL, MICHAEL
OR CURRENT RESIDENT--
1460 S 1140 EAST
OREM, UT 84097

THORPE, LAURA W
1482 S 1140 E
OREM, UT 84097

CATALYST PARTNERS LLC
OR CURRENT RESIDENT--
1489 S 1140 EAST
OREM, UT 84097

GUNNISON VALLEY BANK
OR CURRENT RESIDENT--
1096 E 1450 SOUTH
OREM, UT 84097

MATTHEWS, CORBIN
1089 E 1500 S
OREM, UT 84097

SIMPSON, MICHAEL K & CYNTHIA
REEVES
1123 E 1500 S
OREM, UT 84097

PURPLE SAGE BE LLC
PO BOX 970340
OREM, UT 84097

BELL, RACHELLE ROSITTA
HIERSCHE
PO BOX 970517
OREM, UT 84097

RIVERSIDE COUNTRY CLUB
2701 N UNIVERSITY AV
PROVO, UT 84604

PROVO CITY
Attn: Planning and Zoning
PO Box 1849
Provo, UT 84603

GUNNISON VALLEY BANK
PO BOX 220
GUNNISON, UT 84634

BERKSHIRES LC THE
PO BOX 921
SPANISH FORK, UT 84660

MAG
586 East 800 North
Orem, UT 84097





DRC APPLICATION

Development Services Department • 56 North State Street, Orem, Utah 84057 • (801) 229-7183 • FAX (801) 229-7191

www.orem.org

APPLICANT INFORMATION

FORM EXPIRES: 06-30-2013

Name: Alex Dunn Phone: _____
 Address: 1158 West 2850 North FAX: _____
 City: Pleasant Grove State: Utah Zip: 84062 e-mail: _____

PROJECT INFORMATION

Project Name: Berkshires plat Annexation
 Project Address: 1450 south 1140 east

Nature of Request (Check all that apply) and Filing Fee Amount

SUBDIVISION PLATS/LOT LINE ADJUSTMENT	ORDINANCE AMENDMENTS	OREM GENERAL PLAN AMENDMENTS	MISCELLANEOUS	APPEALS/OTHER
<input type="checkbox"/> Preliminary/PRD \$500 + \$20/lot or unit <input type="checkbox"/> Preliminary deep lot sign fee \$25 <input type="checkbox"/> Final \$200 + \$20/lot or unit + recording fees <input type="checkbox"/> Vacation/Amendment \$400 + \$25 sign fee + recording fees <input type="checkbox"/> Final PRD \$200 + \$30/lot or unit + recording fees	<input type="checkbox"/> Sign \$200 <input type="checkbox"/> Subdivision \$200 <input type="checkbox"/> Zoning, Text \$400 +25 sign fee for PD zone <input type="checkbox"/> Rezone \$400 + \$25 sign fee	<input type="checkbox"/> Land Use Map Change \$525 + \$25 sign fee <input type="checkbox"/> Text Change \$525	<input type="checkbox"/> Site Plan Admin. Approval \$300 <input type="checkbox"/> Site Plan \$1,000 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21 <input type="checkbox"/> Concrete/Masonry Fence \$50 <input type="checkbox"/> Temporary Site Plan Approval \$100 <input type="checkbox"/> Conditional Use Permit \$400.00 + \$25 sign fee <input type="checkbox"/> Fence Modification/Waiver \$100 <input type="checkbox"/> Condominium Conversion \$300.00 + \$25/Unit + \$25 sign fee; + \$30 building inspection fee/Unit	<input type="checkbox"/> To City Council \$100 <input type="checkbox"/> To Planning Commission \$100 <input type="checkbox"/> Street Vacation \$400 <input checked="" type="checkbox"/> Annexation \$750 + \$25 sign fee <input type="checkbox"/> Driveway Entrance Modification \$175 <input type="checkbox"/> Resubmittal Fee \$100/review After three reviews <input type="checkbox"/> Other \$200

FILING FEES AND REQUIRED COPIES

FILING FEES: The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

REQUIRED COPIES: Two (2) full size copies 24" by 36", one (1) copy reduced to an 11" by 17", and one (1) copy reduced to an 8½" by 11" shall be submitted with each application for Subdivision Plats, Conditional Use Permits, Site Plans, and Condominium Conversions.

APPLICANT NOTES, SIGNATURE, AND CONTACT PERSON

PLANNING COMMISSION/CITY COUNCIL MEETINGS: Once the Development Review Committee determines your application is complete the Staff will forward it to the Planning Commission and City Council. **The applicant's attendance at the Planning Commission and City Council meetings is required.** The City Council is the final approving authority on the following items: Conditional Use Permits; Appeals; City Code amendments; General Plan Amendments; Fence Modifications; and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.

NEIGHBORHOOD MEETING: The applicant shall hold a neighborhood meeting in accordance with the City Code for the following requests: **General Plan Amendments; Zoning Ordinance Amendment, Map; Commercial developments adjacent to residential zones; all non-residential uses in a residential zone.**

DRC APPLICATION: This DRC Application must be **complete** at the time it is submitted to the City or it may not be accepted.

FILING FEE NOTICE: Applications filed after July 1 are subject to fee changes.

Applicant's Signature: [Signature] Contact Person Name: Roger D. Dudley Phone: 801-224-1252
 Date Filed: 5/21/13 Fees Paid: 775 Received By: [Signature]

OFFICE USE ONLY

Please Note: The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Bench, 229-7238; David Stroud, 229-7095; or Clinton Spencer, 229-7267.

CITY OF OREM
CITY COUNCIL MEETING
 JUNE 11, 2013



REQUEST:	RESOLUTION – Approving an Interlocal Cooperation Agreement for the HOME Investment Partnership Program Consortium
APPLICANT:	City of Orem Community & Neighborhood Services
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

SITE INFORMATION:

- General Plan Designation:
N/A
- Current Zone:
N/A
- Acreage:
N/A
- Neighborhood:
N/A
- Neighborhood Chair:
N/A

PREPARED BY: Charlene Mackay CNS Manager
APPROVED BY:

RECOMMENDATION:

The Community & Neighborhood Services Manager recommends the City Council, by resolution, approve the Interlocal Cooperation Agreement for the HOME Investment Partnership Program Consortium and authorize the Mayor to sign the agreement.

BACKGROUND:

Funding for low-income housing activities is available through the U.S. Department of Housing and Urban Development’s HOME Investment Partnership Program. According to program regulations, Orem is not entitled to receive HOME funds directly, so the City has been participating in a consortium made up of local cities and Utah County to access these federal funds.

The consortium is made up of three entities: Utah County, the City of Orem, and Provo City. Representation from these entities will review requests and make recommendations for the use of HOME funds within the consortium boundaries. To continue its participation in the consortium, a new interlocal agreement must be approved. Legal staff from each entity has reviewed the proposed agreement, and it is ready for approval.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT TO AUTHORIZE OREM'S PARTICIPATION IN THE UTAH VALLEY HOME CONSORTIUM IN THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S HOME INVESTMENT PARTNERSHIP PROGRAM FOR FEDERAL FISCAL YEARS 2014, 2015, AND 2016

WHEREAS the City of Orem recognizes the need to provide decent, safe, sanitary, and affordable housing for low-income families within Utah County; and

WHEREAS the Utah Interlocal Cooperation Act, authorizes any two or more public agencies, as defined in the Act, to enter into agreements with one another for joint or cooperative action, and to perform any governmental service, activity, or undertaking which each public agency entering into the agreement is authorized by law to perform; and

WHEREAS it is in the public interest and welfare of the residents of the Orem to engage in a cooperative effort with Provo City and Utah County by entering into an Interlocal Cooperation Agreement to form a consortium ("Consortium") for the purpose of qualifying for and administering a United States Housing and Urban Development HOME Investment Partnership Program (hereinafter referred to as the "HOME Program") and other associated activities and projects in the County; and

WHEREAS it is proposed that Provo City should act as lead entity for the Consortium to administer the HOME Program under and pursuant to Title II of the Cranston-Gonzalez National Affordable Housing Act; and

WHEREAS on June 11, 2013, the City Council held a duly-noticed public meeting to consider the issue; and

WHEREAS after careful consideration, the Council finds (i) the Interlocal Cooperation Agreement ("Agreement") covering federal Fiscal Years 2014, 2015, and 2016 between the participating parties including the City of Orem should be executed, (ii) such Agreement forms a consortium, states the purposes thereof, the extent of the required participation of the parties, and the rights, duties, and responsibilities and obligations of the parties in the conduct and administration of the HOME Program as specified therein; and (iii) execution of the Agreement reasonably furthers the health, safety and general welfare of the residents of Orem.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The Agreement, as attached hereto, entitled the HOME Investment Partnership Program Interlocal Cooperation Agreement relating to the conduct of the Housing and Urban Development HOME Program for Federal Fiscal Years 2014, 2015, and 2016 is hereby approved, and the Mayor is authorized and directed to execute the Agreement.

2. This resolution shall take effect immediately upon passage.

3. All other resolutions, ordinances, and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED AND APPROVED this **11th** day of **June** 2013.

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

HOME INVESTMENT PARTNERSHIPS PROGRAM

INTERLOCAL COOPERATION AGREEMENT

relating to the conduct of the

UNITED STATES HOUSING AND URBAN DEVELOPMENT HOME PROGRAM

for FEDERAL FISCAL YEARS 2014, 2015, AND 2016

THE AGREEMENT is entered into and shall be effective as of July 1, 2014, by and between Provo City (hereinafter “Provo”), a municipal corporation of the State of Utah, Orem City (hereinafter “Orem”), and Utah County, an Urban County as defined by Section 102(a)(6) of the Housing and Community Development Act of 1974 as amended.

RECITALS:

- A. On November 28, 1990, the United States Congress enacted the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101-625, title II, Sec. 211, Nov. 28, 1990, 104 Stat. 4096.) Title II of the legislation entitled the HOME Investment Partnership Act (hereinafter the “Act” or “HOME Program”), which authorizes the Secretary of the Department of Housing and Urban Development (hereinafter “HUD”) to make funds available to participating jurisdictions for investment to increase the number of families served with decent, safe, sanitary, and affordable housing and to expand the long-term supply of affordable housing in accordance with the Act.
- B. The primary objective of the HOME Program include: (1) Expanding the supply of decent, affordable housing for low and very-low income families; (2) Building state and local capacity to carry out affordable housing programs; (3) Providing for coordinated

assistance to participants in the development of affordable low-income housing; and (4) Affirmatively further fair housing by promoting non-discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability); and ensure fair and equal housing opportunities for all.

- C. Under the Act, a consortium of geographically contiguous units of general local government, which separately may not qualify to receive HOME funding, may, by entering into a cooperation agreement in accordance with the requirements as set forth in the regulations, join together for the purpose of receiving a HOME allocation and administering the HOME Program as a single Participating Jurisdiction (hereinafter “PJ”).
- D. A Metropolitan City is defined by the Community Development Grant Program funding (hereinafter “CDBG”) statute as a city that is receiving a CDBG entitlement grant. Orem City, being designated as such, is eligible to join a HOME consortium to receive HOME funding.
- E. An Urban County is defined by Section 102(a)(6) of the Housing and Community Development Act of 1974 as amended. An Urban County is a county receiving a CDBG Entitlement Grant and includes Units of General Local Government (hereinafter “UGLG”) that sign an Interlocal Cooperation Agreement with the Urban County. Utah County, being designated as such, is eligible to join a HOME consortium to receive HOME funding.

- a. When a UGLG agrees to be part of an Urban County for the CDBG program, it also agrees to participate in the HOME program if the Urban County joins a consortium. Accordingly, when an Urban County joins a HOME consortium, a UGLG that is a member of the Urban County is included in the consortium through its participation in the Urban County. All UGLGs, within Utah County, that sign Interlocal Cooperation Agreement to be included as a part of the Urban County for CDBG program qualification and grant calculation purposes shall be included in the HOME Consortium, participating through Utah County.
 - b. An UGLG that has chosen to not join the Urban County to participate in the CDBG program may choose to join the HOME Consortium by signing the HOME Consortium Agreement. By signing the Consortium Agreement, the UGLG within the Urban County, not participating in the CDBG Urban County, becomes a member of the HOME consortium.
- F. Pursuant to the Act and HOME regulations, Provo, Orem, and Utah County, an Urban County, intend to form a consortium that is eligible to receive entitlement grants as a PJ under the Act and shall direct its activities to the alleviation of housing problems within the state.
- G. The Act requires UGLGs acting as a consortium to submit a Consolidated Plan (CP) that covers the entire geographic area encompassed by the consortium.
- H. In accordance with section 91.402 of the Consolidated Plan Final Rule, all UGLGs that are Consortium Members are on the same program year that starts on July 1st for CDBG, and HOME Programs.

- I. Pursuant to 24 CFR 92.101(a)(2)(ii), the consortium must have one member UGLG authorized to act in a representative capacity for all members for the purposes of this part, providing that the representative member assumes overall responsibility for ensuring that the consortium’s HOME program is carried out in compliance with the requirements of this part; such member UGLG shall hereinafter be referred to as “Lead Entity”.
- J. Under general provisions of the Utah law governing contracting between governmental entities and by virtue of specific authority granted in the Interlocal Cooperation Act, Utah Code Annotated, §11-13-101, *et. seq.*, 1953, as amended, any two or more agencies of the State may enter into agreements with one another for joint or cooperative action and any one or more agencies may contract with one another or with a legal or administrative entity created pursuant to that act to perform any governmental service, activity, or undertaking which each agency entering into the contract is authorized by law to perform.
- K. The parties hereto have determined that it will be mutually beneficial and in the public interest to enter into this Interlocal Cooperation Agreement regarding the formation and administration of a consortium under the HOME Act.

NOW THEREFORE, in consideration of the premises and the cooperative actions contemplated hereunder, the parties agree as follows:

1. CONSORTIUM

- a. Provo, Orem and Utah County agree to act jointly as a consortium to become a Participating Jurisdiction to be known as the **Utah Valley HOME Consortium** (hereinafter collectively “UVHC” or “Consortium”); and, individually

“Consortium Members”). Provo, Orem, and Utah County shall act jointly as the Consortium for the purposes of applying jointly for federal funding under the HOME Investment Partnerships Program and administering affordable housing programs, including undertaking or assisting in undertaking HOME eligible housing assistance activities described in Title II of the Act, the latter to include, but not be limited to, acquiring, rehabilitating, constructing affordable housing, providing down-payment assistance and tenant-based rental assistance to serve eligible, qualified beneficiaries.

- b. As provided in Section 92.101, subpart C, of the HOME Final Rule, the Consortium’s status shall continue until HUD is notified that the Consortium is dissolved or HUD revokes its designation as a PJ. A fully executed copy of this Interlocal Cooperation Agreement, together with the resolutions of all parties, shall be submitted to HUD as part of the Consortium’s qualification documentation.
- c. The Consortium shall be governed by a Board of Directors (hereinafter “Board”) comprised of an equal representation of members from each participating entity. The Board members shall be the Mayors of Provo and Orem, and the Chairman of the Utah County Board of Commissioners, or their designees. Each Consortium Member may elect to appoint one (1) alternate member. The Board shall provide leadership and have overall management responsibility to direct the Consortium activities. Further, the Board shall make appropriate policy assessments and decisions concerning issues including, but

not limited to, those relating to existing and potential HOME projects, programs, activities, and its policies and procedures.

- i. Each party to this Agreement shall, within thirty (30) days from the date of execution thereof, appoint an individual as its member representative as follows:
 - I. The Board representative shall be a resident of the jurisdiction he or she represents, and;
 - II. The Board representative shall be appointed as otherwise required by local law, and;
 - III. Written notice of appointment, together with a written acceptance of appointee, shall be provided by the Clerk or Recorder of each appointing party to the Provo City Recorder.
- ii. Each of the parties agrees that each member of the Board may cast one vote; and that the passage of any proposal by the Board shall require the affirmative vote of a simple majority.
- iii. Alternate members shall be appointed in like manner as members representatives described above.
 - I. Alternate members shall be provided one vote only in the absence of the Board member from the jurisdiction which they represent.

2. DESIGNATION OF A CONSORTIUM MEMBER REPRESENTATIVE TO HUD

- a. Provo, Orem, and Utah County agree that Provo shall serve as the Lead Entity and administer the Consortium through the staff of its Redevelopment Agency

(hereinafter “RDA”). The RDA staff shall provide effective leadership, support and management of the Consortium’s required functions.

- b. Provo’s HOME Program Administrator shall be appointed Executive Director of the UVHC’s Board and shall function as a consultant to Board members, providing direction and guidance on HOME regulations and policies, and assisting the Board in the determination of eligible projects and activities. The Executive Director is not a voting member of the Board.
- c. Provo shall provide a recording secretary for each meeting whom shall be responsible for a record of the meeting and for maintaining pertinent written and audio minutes. The secretary does not serve as an officer of the Board nor is he/she a voting member.

3. LEAD ENTITY RESPONSIBILITIES

- a. The parties hereto recognize and understand that the Lead Entity shall be the governmental entity required to execute all grant agreements received from HUD pursuant to Lead Entity’s request for HOME funds. The Lead Entity shall thereby become and shall be held by HUD to be legally liable and have full responsibility for the execution of the HOME Program. The Lead Entity shall be responsible for the Consortium’s Five Year Consolidated Plan with an annual Action Plan component and annual Action Plans for the remaining four years, as required.
- b. All projects and project applicants shall be reviewed and pre-screened for threshold criteria, compliance, and conformance with the relevant HOME rules, regulations, and guidelines by the Lead Entity, and only those which meet the

requirements shall be eligible to be reviewed for funding recommendations by an “Advisory and Review Committee” (hereinafter, “ARC”) described in Paragraphs 3(f) through 3(i) of this Agreement.

- c. The Lead Entity may also develop a pre-application or technical assistance process which would provide project assessment, technical assistance, and resource coordination to lesser experienced applicants.
 - d. Threshold criteria developed for each funding round shall be developed by the Lead Entity. Such criteria shall be consistent with related plans from individual CDBG entitlement jurisdiction pursuant to §91.220 (hereinafter “Action Plans”) and individual housing elements in each jurisdiction’s master plans.
 - e. The Lead Entity, in collaboration with UVHC Board members, or their designated representatives, may develop a fair and appropriate system to assist in the selection of projects; such system to reflect existing policy, priorities and criteria established by the jurisdiction’s comprehensive housing plans, Consolidated Plan and Action Plans. Any such system must be reviewed and adjusted to reflect current conditions prior to each funding round.
- The Lead Entity, in collaboration with UVHC Board members, or their designated representatives, may develop an appeals process by which proponents of a proposed project either not recommended for funding by the ARC or recommended for funding at a lesser amount than requested may appeal to such ARC, or ultimately to the UVHC Board of Directors, for reconsideration.

- f. Provo, Orem, and Utah County agree that an Advisory Review Committee shall be established to review project and program applications and that from those projects and programs determined eligible for funding by the Lead Entity pursuant to Paragraphs (b) through (e) above, the ARC shall recommend projects for funding to the Board.
- g. Provo, Orem, and Utah County agree that such ARC shall be comprised of no less than five (5) persons, but no more than nine (9). Based on population data from the 2010 Census Utah County may assign up to five representatives; Provo and Orem may assign up to two representatives each. The assigned persons shall be appointed by each jurisdiction made up of persons knowledgeable in housing issues and who are residents of the jurisdiction he or she represent.
- h. The purpose of the ARC shall be to review eligible projects for conformity to the priorities and policies included in the Consolidated Plan, Action Plans, relevant jurisdiction's comprehensive housing plans and/or specific self-directed priority project(s), and criteria established by the UVHC Board, including threshold criteria concerning length and depth of affordability which may be more strict than those required by HOME regulations. The ARC shall prioritize projects based on the evaluation described in this paragraph and make funding recommendations as constrained by the availability of funds.
- i. Provo, Orem, and Utah County agree that the recommendations made by the ARC shall be reviewed for final approval by the UVHC's Board subject to Paragraph 7 of this Agreement and other terms contained in this paragraph. All projects selected by the UVHC Board must conform to the jurisdictions'

comprehensive housing plan, Consolidated Plan, related Action Plans, minimum criteria established and self-directed priority projects.

- j. The Lead Entity's program, supervisory and administrative obligations to Consortium Members shall be limited to the performance of the administrative and program tasks necessary to make HOME funds available to them and to provide **at least annual monitoring for the performance of** ~~to their~~ various projects funded with HOME funds **throughout the corresponding period of affordability** to ensure compliance with applicable Federal laws and regulations. The Lead Entity shall be responsible for determining eligibility and confirming the compliance of the HOME projects with applicable Federal laws and regulations.
- k. The Lead Entity shall make all of its financial records related to the administration of the HOME funds available for inspection to all persons, including representatives from corporations and governments, in accordance with its own policies and regulations and with State law.

4. GENERAL ADMINISTRATION

- a. Provo, as the designated Lead Entity of the Consortium, has the ultimate and overall responsibility under the Act for ensuring that the HOME Program is carried out as required in 24 CFR, Part 92, including the submission and approval of a Comprehensive Housing Affordability Strategy for the use of HOME funds as set forth in Paragraph 5 below, which has been mutually agreed upon by all Consortium Members, and for providing all assurances or certifications as required under 24 CFR, Part 92. Therefore, Provo requires

Orem and Utah County, and Orem and Utah County require Provo to agree to strict adherence to the Program description as approved and to all assurances and certifications provided, including agreeing to take all actions necessary to assure compliance with Provo's certification under the Fair Housing Act; Executive Order 11063 (Equal Opportunity in Housing) and Title VI of the Civil Rights Act of 1964, the Uniform Relocation Assistance, Real Property Acquisition Policy Act of 1970, and the Davis Bacon Act at 40 USC 276a, *et seq.* Provo shall not provide HOME funds for activities, or support any cooperating jurisdiction that does not affirmatively further fair housing within its own jurisdiction or activities that impede Provo's action to comply with Fair Housing certification. In addition, the Lead Entity is responsible for taking all required actions to comply with provisions of the National Environmental Policy Act of 1969. Orem and Utah County shall readily support the Lead Entity as requested to meet these requirements.

- b. Annual allocation of HOME funds to Consortium Members for self-directed projects shall be based upon information listed by HUD's "HOME Consortia Participating Members Percentage Report" posted annually in HUD's HOME Consortia website for the corresponding Fiscal Year. Alternatively, shall HUD delay a timely posting of such Report, the allocation may be based upon an approximation estimated from the previous Fiscal Year allocation. The funds so dedicated to the PJ may be from any HOME funds, including program income, available to the Consortium. Consortium Members can self-direct funds by notifying the ARC of their jurisdictional funding self-direction

recommendations **fifteen (15) business days** prior to the ARC's final public hearing to develop recommendations for funding. Any of the available self-directed funds not allocated by the individual Consortium Members will no longer be dedicated to self-direction and will be made available for allocation by the ARC. If funds are allocated to a jurisdiction, but not used timely by that jurisdiction, the Board shall have the right to re-allocate those funds to other member jurisdictions in whole or in part.

- c. Disputes arising between Consortium Members regarding direction, policy, or procedure shall be resolved by the Board. Should the Board be unable to agree upon the resolution, it should be referred to the Legislative bodies of the Consortium Members for resolution. If no resolution is forthcoming, the parties may terminate this Agreement in accordance with Paragraph 5 below.
- d. Each Consortium Member shall be responsible for providing its own pro rata share of matching non-federal funds required by the Act for any HOME funds allocated and accepted for use by that Member.
- e. Consortium Members shall use their own jurisdiction's general funding for expenditures of HOME projects, and subsequently request reimbursement of HOME funds from the Lead Entity. The Lead Entity shall review expenditure documentation prior to drawing down HOME funds from the U.S. Treasury and releasing to the Consortium Member.
- f. Program Income, as defined at 24 CFR 92.2, generated by any HOME project will be held by the Lead Entity. Program Income shall be used first before any HOME funds are drawn or requested from HUD by the Lead Entity.

- g. Recaptured Funds. Recaptured funds received from any of the Consortium's homebuyer programs during the period of affordability shall be held by the Lead Entity and shall be used for eligible activities and in accordance with HOME requirements.
- h. Monitoring. The Lead Entity shall be responsible for reviewing the performance of each Subrecipient at least annually, and shall continue to monitor projects and activities assisted with HOME funds during the corresponding period of affordability.
- i. Consortium Members shall provide the Lead Entity with a semi-annual HOME Program activity report of all HOME funded projects. Consortium Members shall provide the Lead Entity with semi-annual reports that capture and identify Program Income derived from the funded activities.
- j. Consortium Members shall prepare and submit to Lead Entity for consolidation into one report the following reports, if applicable, for submission to HUD according to applicable deadlines: Impediments to Fair Housing, Citizen Participation Plan, Minority Business Enterprise/Women's Business Enterprise reports, Federal Cash Transaction reports, and annual HOME Consolidated Action Plan Evaluation Report(s) (CAPER) as well as preparing and submitting any other reports that are required by HUD.
- k. Repayments. Any HOME funds invested in housing that does not meet the affordability requirements, is terminated before completion, or is determined to be ineligible must be repaid to HUD by the Consortium. Each Consortium

Member assumes full responsibility for repayment of HOME expenditures made within its jurisdiction that are disallowed by HUD.

5. EFFECTIVE DATE, DURATION AND TERMINATION

- a. This Agreement shall go into effect July 1, 2014, and shall continue in full force and effect for the consecutive three Federal Fiscal Year period (hereinafter, “Qualification Period”) during which the Consortium qualifies to receive HOME funds and which will end on June 30, 2016; unless HUD revokes the Consortium’s designation as a PJ, or Utah County fails to re-qualify as an Urban County for a Fiscal Year included in the Consortium’s Qualification Period, or the Consortium fails to receive a HOME allocation for the first Federal Fiscal year of the Consortium’s Qualification Period and does not request to be considered to receive a HOME allocation in each of the subsequent two years.
- b. Pursuant to 24 CFR 92.101(e), during the Qualification Period additional UGLGs may join the Consortium, but no Consortium Members may withdraw from the Consortium or terminate this Agreement until its expiration.
 - i. New members may be added to the Consortium upon consent of a simple majority of the Consortium Board of Directors. When a new member is added, the Agreement will be amended accordingly; and the parties agree to execute such further instruments as may be reasonably required to effect such amendment. The Agreement will be amended in the Federal Fiscal Year before the year in which the new member is to be added.
- c. This Agreement shall terminate if: 1) Any one of the current Consortium Members provides written notice, no less than sixty (60) days prior to the

established deadline when the PJ must submit to HUD the required documentation to renew the Consortium, of their decision not to participate in the subsequent three-year Qualification Period. The deadline is June 15th of the year prior to the beginning of the next Qualification Period. The notice must be sent to the Lead Entity and must specify the effective date of termination; 2) One or more of the current Consortium Members fails to adopt and submit to HUD an amendment to this Agreement that incorporates all changes necessary to meet “Cooperation Agreement Requirements” as prescribed by HUD in the Consortia Qualification Notice that is applicable to any subsequent Qualification Period beyond the original three-year term.

The Lead Entity shall, by June 1, 2016, notify UVHC members in writing of their right not to participate in the subsequent Qualification Period.

6. INTERLOCAL COOPERATION ACT.

These following provisions are included in this Agreement to comply with the requirements of the Interlocal Cooperation Act:

- a. Financing and Budget. The Provision for the financing of the cooperative actions contemplated by this Interlocal Cooperation Agreement and the budget thereof are found in Paragraph 4(b) hereof.
- b. Filing. The Parties shall each file a copy of this Agreement with the keeper of records of each of the parties hereto.
- c. Authorizing Resolutions. The respective Legislative bodies of the parties shall adopt resolutions authorizing this Agreement.

d. Legal Opinion. Each of the parties has submitted this Agreement to its legal counsel for review as to proper form and compliance with applicable law.

7. INDEMNIFICATION.

All parties to this Agreement are governmental entities under the Utah Government Immunity Act as set forth in Title 63G, Chapter 7, Utah Code Ann., 1953 as amended. Consistent with the terms of that Act, it is mutually agreed that each party hereto shall be responsible and liable for its own wrongful or negligent acts which it commits or which are committed by its agents, officials, or employees. None of the parties hereto waive any defenses otherwise available under the Utah Governmental Immunity Act.

8. LAWFUL AGREEMENT.

The parties represent each of them has lawfully entered into this Agreement, having complied with all relevant statutes, ordinances, resolutions, by-laws, and other legal requirements applicable to their operation.

9. UTAH LAW.

This Agreement shall be interpreted pursuant to the laws of the State of Utah.

10. INTERPRETATION OF AGREEMENT.

The invalidity of any portion of this Agreement shall not prevent the remainder from being carried into effect. Whenever the context of any provision shall require it, the singular number shall be held to include the plural number and vice versa, and the use of any gender shall include any other and all genders. The paragraph and section headings in the Agreement are for convenience only and do not constitute a part of the provisions hereof.

11. AMENDMENTS.

No oral modifications or amendments to this Agreement shall be effective, but this Agreement may be modified or amended by written Agreement signed by all UVHC members. The Agreement may be amended to add automatic renewal provisions or for other reasons upon written approval from the Denver HUD Field Office

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly authorized and executed by each jurisdiction on the date specified on the respective signature pages,

PROVO CITY

Approved this _____ day of _____, 2013

By: _____

John R. Curtis, Mayor

ATTEST: _____

Janene Weiss, City Recorder

ATTORNEY REVIEW

The undersigned, as the authorized attorney of Provo City, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable State law.

Dated this _____ day of _____, 2013

By: _____

Legal Counsel for Provo City

SIGNATURE PAGE FOR **OREM CITY**
TO
HOME INVESTMENT PARTNERSHIPS PROGRAM
INTERLOCAL COOPERATION AGREEMENT
for FEDERAL FISCAL YEARS 2014, 2015, AND 2016

Approved this _____ day of _____, 2013

By: _____

Orem City Mayor

ATTEST: _____

Orem City Recorder

ATTORNEY REVIEW

The undersigned, as the authorized attorney of Orem City, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable State law.

Dated this _____ day of _____, 2013

By: _____

Legal Counsel for Orem City

SIGNATURE PAGE FOR **UTAH COUNTY**
TO
HOME INVESTMENT PARTNERSHIPS PROGRAM
INTERLOCAL COOPERATION AGREEMENT
for FEDERAL FISCAL YEARS 2014, 2015, AND 2016

Approved this _____ day of _____, 2013

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

By: _____

Doug Witney, Chair

ATTEST: _____

Utah County Clerk/Auditor

ATTORNEY REVIEW

The undersigned, as the authorized attorney of Utah County, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable State law.

Dated this _____ day of _____, 2013

By: _____

Utah County Attorney

CITY OF OREM
CITY COUNCIL MEETING
JUNE 11, 2013



REQUEST:	RESOLUTION – Adopt Community Development Block Grant (CDBG) Final Statement of Projected Uses of Funds – 2013-2014
APPLICANT:	City of Orem Community & Neighborhood Services
FISCAL IMPACT:	Estimated to be \$808,757, including program income and reprogrammed funds

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

SITE INFORMATION:

- General Plan Designation:
N/A
- Current Zone:
N/A
- Acreage:
N/A
- Neighborhood:
N/A
- Neighborhood Chair:
N/A

RECOMMENDATION:

The Community & Neighborhood Services Manager recommends the City Council, by resolution, adopt the updated Final Statement of Projected Uses of Funds for Orem’s 2013-2014 Community Development Block Grant.

BACKGROUND:

During the past few months, the CDBG Citizen Advisory Commission heard funding proposals from various applicants who wish to receive CDBG funding. The Commission presented its recommendations to the City Council in a work session on March 19, 2013. The City Council held the first of two public hearings on March 26, 2013, and the second on April 30, 2013.

The final entitlement amount for the City of Orem was received from the U.S. Department of Housing and Urban Development in June of 2013, and an updated resolution has been prepared to reflect actual numbers for the CDBG Final Statement of Projected Uses of Funds for 2013-2014.

PREPARED BY: Charlene Crozier CNS Manager
APPROVED BY:

RESOLUTION NO.

A RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND USE OF FUNDS AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FISCAL YEAR 2013-2014

WHEREAS the City of Orem qualifies as an Entitlement Community under the Department of Housing and Urban Development's Community Development Block Grant Program and has been allocated \$623,757 for the 2013-2014 program year; and

WHEREAS the City of Orem is required by the U. S. Department of Housing and Urban Development to submit a formal request for funding entitled a STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS for new and reprogrammed funding; and

WHEREAS the City Council of the City of Orem has established a Community Development Block Grant Citizen Advisory Commission to gather citizen input on project proposals; and

WHEREAS the Citizen Advisory Commission has gathered such input and has prepared a STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS for review and approval by the City Council; and

WHEREAS the City Council conducted a work session on March 19, 2013, and public hearings on March 26, 2013, and April 30, 2013, to consider citizen comments regarding CDBG expenditures and has reviewed these suggestions and proposals in a manner fair to all residents of Orem and pursuant to law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The Community Development Block Grant Statement of Community Development Objectives and Projected Use of Funds, which is attached hereto as "Exhibit A" and incorporated herein by this reference, is hereby adopted and shall be submitted to the United States Department of Housing and Urban Development as part of Orem's formal request for the 2013-2014 grant amount of \$623,757 as well as Housing Rehab program income estimated to be \$10,000, Business Revolving-Loan Fund program income estimated to be \$75,000, and reprogrammed funds in the amount of \$100,000.

2. This resolution shall take effect immediately upon passage.

3. All other resolutions, ordinances, and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED AND APPROVED this **11th** day of **June** 2013.

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

**FINAL STATEMENT OF COMMUNITY DEVELOPMENT
OBJECTIVES AND PROJECTED USE OF FUNDS
PROGRAM YEAR 39
JULY 1, 2013 THROUGH JUNE 30, 2014
GRANT NO.: B-13-MC-49-002
CITY OF OREM, UTAH**

The Community Development Block Grant is designed to assist communities in efforts to improve living conditions for low and moderate-income residents. Each eligible activity must meet at least one of the national objectives established by the Department of Housing and Urban Development (HUD). Activities must benefit fifty-one percent low and moderate-income persons in a given census tract or block group, improve designated areas of slum and blight, or address an urgent community need.

The activities identified below meet at least one of the national objectives established by HUD. They also meet local objectives specific to the City of Orem.

The targeted local objectives include the following:

1. Improve the quality of life for families by funding projects, which address the needs of low and moderate-income residents.
2. Stabilize older residential neighborhoods and decrease the amount of substandard housing through housing rehabilitation and through eliminating or improving slum and/or urban blight.
3. Encourage and pursue the establishment of commerce and industry, which will provide quality employment for the unemployed and under-employed.
4. Remove architectural barriers and achieve all compliable directives of the Americans with Disabilities Act (ADA), thereby making the community more accessible.

The 2013-2014 Community Development Block Grant entitlement is \$623,757. In addition, there are program-income funds and reprogrammed funds available.

The following projects will include the activity name and description, the implementing agency, the location of the activity, the funding amount and the regulatory citation meeting the CDBG National Objectives and Eligibility:

PROJECTS IN SUPPORT OF LOCAL OBJECTIVE NUMBER ONE:

This project list will be finalized before the June 11, 2013 City Council Meeting and presented in pre-meeting. I am waiting for the rest of the CDBG Citizen Advisory Commission to give their opinions.

Thanks.

CDBG FINAL STATEMENT

FUNDING SOURCES
Program Year 39
July 1, 2013 through June 30, 2014
B-13-MC-49-0002
City of Orem, Utah

CDBG FUNDING SOURCES AVAILABLE FOR USE:

CDBG Fund Allocation - Estimate	\$623,757.00
-Repayments in the Housing-Rehabilitation Loan Fund	10,000.00
-Repayments in Business Revolving-Loan Fund	75,000.00
-Reallocation of funds previously received	<u>100,000.00</u>
TOTAL	\$808,757.00

The City of Orem intends to meet the requirement of seventy percent benefit to low and moderate-income persons in the aggregate use of funds to be expended during the program years through 2013-2014.

*At the time of the scheduled public hearing where this resolution was passed, the City of Orem was waiting for the determination of the final entitlement funding for 2013-2104.

Updated CDBG Proposal

	1st Proposal	New Proposal
Center for Women and Children in Crisis	\$9,000	\$9,000
Children's Justice Center	\$8,100	\$10,000
Community Action Services	\$10,080	\$14,564
Community Health Connect	\$3,500	\$3,500
Family Support & Treatment	\$10,000	\$10,000
Food and Care Coalition	\$6,680	\$7,000
House of Hope	\$5,000	\$5,000
Kids on the Move	\$7,000	\$7,000
Mountainland Community Health Center	\$5,000	\$5,000
Mountainlands Association of Government	\$5,000	\$5,000
Literacy Resources	\$3,000	\$3,000
PERC	\$2,000	\$2,000
Project Read	\$3,000	\$3,000
Recreation and Habilitation	\$7,000	\$7,000
Big Brothers Big Sisters	\$0	\$1,000
Utah County Crisis Line	\$0	\$1,500
Total Available for Public Service	\$84,360	\$93,564
TURN Community Services	\$9,840	\$35,000
Habitat for Humanity	\$43,200	\$45,000
Code Enforcement	\$120,000	\$120,000
Housing Rehab	\$35,000	\$35,000
Section 108 Loan Payment	\$105,000	\$105,000
Curb, Gutter and Sidewalk	\$150,000	\$185,193
Program Admin	\$115,000	\$115,000
Business Revolving Loan Fund (money earned)	\$75,000	\$75,000
Total Available for Other	\$653,040	\$715,193
Total Available for All	\$737,400	\$808,757

CITY OF OREM
CITY COUNCIL MEETING
JUNE 11, 2013



REQUEST:	6:00 P.M. PUBLIC HEARING ORDINANCE – Approving and Adopting a Budget for Fiscal Year 2013-2014, Adopting Compensation Programs, Adopting Fees and Charges, Setting the Property Tax, Franchise Tax, Municipal Energy Sales and Use Tax, Telecommunications License Tax, Transient Room Tax and E-911 Fee Rates, and Amending the Fiscal Year 2012-2013 Budget
APPLICANT:	Bruce Chesnut – City Manager
FISCAL IMPACT:	\$87,285,889

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

SITE INFORMATION:

General Plan Designation:

N/A

Current Zone:

N/A

Acreage:

N/A

Neighborhood:

N/A

Neighborhood Chair:

N/A

PREPARED BY:

Brandon C. Nelson
Accounting Div. Mgr

APPROVED BY:

RECOMMENDATION:

The City Manager recommends the City Council, by ordinance, approve and adopt the Fiscal Year 2013-2014 Budget, adopt the compensation programs, adopt the fees and charges schedule, set the property tax, franchise tax, municipal energy sales and use tax, telecommunications license tax, transient room tax and E-911 fee rates, and amend the Fiscal Year 2012-2013 Budget.

BACKGROUND:

On May 7, 2013, the City Council received the tentative budget for the Fiscal Year 2013-2014. A budget work session was held on May 14, 2013, to discuss the budget. In addition, two public hearings were held to review CDBG budget requests.

The purpose of this hearing is to consider the budget for Fiscal Year 2013-2014 along with the compensation program and the fees, charges and tax rates of the City. Additionally, the City Council is reviewing amendments to the Fiscal Year 2012-2013 Budget that were in addition to those already approved at the council meeting on May 28, 2013.

The national and local economies have shown signs of improvement over the past year. The Fiscal Year 2013-2014 Proposed Budget is a balanced budget that was formulated with this environment in mind as it does not include requests for tax increases or personnel additions and includes only minor raises in utility rates.

Personnel wages, including cost of living and merit raises, remain frozen for the 6th straight year.

Property taxes are not increased, the franchise tax and municipal energy sales and use tax rates remain at 6% and the transient room tax stays at 1%. The telecommunications license tax is 3.5% and the E-911 fee is \$0.61 per month. With the exception of some minor adjustments to miscellaneous fees and charges, the only proposed fee increases are in the Water Fund, Storm Water Fund and Solid Waste Fund.

A \$0.62 per month water rate increase for a 3/4" meter service (and a proportionate increase for all other meter sizes) is proposed in the Water Fund. This rate increase is needed to cover the increasing cost of using the City's allocation of Jordanelle water and increased operating costs at the Utah Valley Water Treatment Plant that have been passed on to the City.

A \$0.25 per month increase is proposed in the Storm Water Fund to aid in the funding of capital improvements to the City's storm water system.

A \$0.40 per month fee increase for the first garbage can for residences and for all garbage cans at multiple units, trailer courts and condominiums is proposed in the Solid Waste Fund to cover increased costs to provide these services.

Since the presentation of the Tentative Budget, the following changes have been proposed:

General Fund

- Contribution from the Street Lighting Fund..... (\$91,795)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OREM, UTAH, APPROVING AND ADOPTING A BUDGET FOR FISCAL YEAR 2013-2014, ADOPTING COMPENSATION PROGRAMS, ADOPTING THE FEES AND CHARGES SCHEDULE, SETTING THE PROPERTY TAX, FRANCHISE TAX, MUNICIPAL ENERGY SALES AND USE TAX, TELECOMMUNICATIONS LICENSE TAX, TRANSIENT ROOM TAX AND E-911 FEE RATES, AND AMENDING THE FISCAL YEAR 2012-2013 BUDGET

WHEREAS on May 14, 2013, the City Manager of the City of Orem, Utah, presented the tentative budget for Fiscal Year 2013-2014 to the City Council; and

WHEREAS the City Council has reviewed the tentative budget during a public work session and has developed a budget for Fiscal Year 2013-2014; and

WHEREAS the City Council, on due public notice, held a public hearing on Tuesday, June 11, 2013, in the Council Chambers of the Orem City Hall to receive input regarding the budget prior to adopting the final 2013-2014 Budget and amending the Fiscal Year 2012-2013 Budget; and

WHEREAS the City Council considered the budget as submitted and all information presented at the public hearings and made all changes and amendments which the City Council desires to make; and

WHEREAS the Employee and Elected Official Compensation Programs have been established in accordance with Council desire; and

WHEREAS the fees and charges of the City have been set in accordance with Council desire; and

WHEREAS the City Council has developed a budget in which the anticipated revenues equal the total of appropriated expenditures; and

WHEREAS the budget has been revised to reflect each of the amendments, changes, and modifications which the City Council believes should be made in the budget; and

WHEREAS the City Council desires to establish the property tax rate at the Certified Tax Rate; and

WHEREAS the City Council desires to maintain the Franchise Tax and the Municipal Energy Sales and Use Tax at the present rate of 6% (6 percent), and maintain the Telecommunications License Tax at the present rate of 3.5% (3.5 percent); and

WHEREAS the City Council desires to continue the Transient Room Tax at 1% (1 percent); and

WHEREAS the City Council desires to continue implementation of the enhanced 911 program and levy a \$0.61 (61 cents) monthly surcharge on all phone lines in the City; and

WHEREAS the public hearings required for the Community Development Block Grant Program have been held.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF OREM, UTAH, as follows:

1. The City of Orem budget for the Fiscal Year 2013-2014 as amended and revised, which budget is attached hereto as Exhibit "A," and incorporated herein by this reference, is adopted.

2. Exhibit "B" establishing all fees and charges for Fiscal Year 2013-2014, which is attached hereto and incorporated herein by this reference, is adopted.

3. Exhibit "C" containing the Elected Official and Employee Compensation Programs, attached hereto and incorporated herein by reference, is hereby adopted effective July 1, 2013.

4. The Council hereby amends the Fiscal Year 2012-2013 Budget as shown in Exhibit "D," which is attached hereto and incorporated herein by reference.

5. The property tax rate for 2013 is hereby set at the Certified Tax Rate, plus the voted interest and sinking fund levy.

6. The Franchise Tax and the Municipal Energy Sales and Use Tax shall be maintained at 6% (6 percent) and the Telecommunications License Tax shall be maintained at 3.5% (3.5 percent).

7. The Transient Room Tax shall be 1% (1 percent), as adopted by ordinance.

8. The E911 surcharge shall be set at the maximum rate allowed by law (currently \$0.61 per month).

9. The City Manager is directed to implement this budget in accordance with State laws and appropriate City procedures, including GAAP carry-overs and CIP carry-overs. All approved purchase orders in effect on June 30, 2013, and all CIP projects previously budgeted but not completed, will be carried over and re-budgeted in Fiscal Year 2013-2014. Authorized Engineering overtime expenditures are authorized to be charged against capital projects and transferred to the General Fund.

10. A copy of the Orem City Budget shall be placed on file in the office of the City Recorder of the City of Orem, Utah, and in the Orem Public Library.

11. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

12. All other resolutions, ordinances, and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED, APPROVED, and ORDERED PUBLISHED this 11th day of June 2013.

James T. Evans, Mayor

ATTEST:

Donna R. Weaver, City Recorder

COUNCILMEMBERS VOTING "AYE"

COUNCILMEMBERS VOTING "NAY"

EXHIBIT "D"
BUDGET AMENDMENTS
FISCAL YEAR 2012-2013

REVENUES

<u>Account Number</u>	<u>Note</u>	<u>Description</u>	<u>Previous Budget</u>	<u>Current Budget</u>
GENERAL FUND				
10-3424-009	1	MCTF - Evidence Revenues	\$ 15,000.00	\$ 27,500.00
10-3698		Library - Donations	1,138.60	2,829.81
10-3995-013		Cont. From - Fund 73 - Orem Foundation Trust	17,600.00	18,200.00
Total			<u>\$ 33,738.60</u>	<u>\$ 48,529.81</u>
Net Fund Increase				<u>\$ 14,791.21</u>
OREM FOUNDATION TRUST FUND				
73-3910-003		Donations - Orem Library	\$ 5,850.00	\$ 6,450.00
Total			<u>\$ 5,850.00</u>	<u>\$ 6,450.00</u>
Net Fund Increase				<u>\$ 600.00</u>
Total City Funds			<u>\$ 39,588.60</u>	<u>\$ 54,979.81</u>
Net City Funds Increase				<u>\$ 15,391.21</u>

EXPENDITURES

<u>Account Number</u>	<u>Note</u>	<u>Description</u>	<u>Previous Budget</u>	<u>Current Budget</u>
GENERAL FUND				
Major Crimes Task Force				
10-6531-230		Employee Development	\$ 15,000.00	\$ 17,500.00
10-6531-280		Telephone & Communications	43,579.93	53,579.93
Library Administration				
10-8510-250		Equipment - Supplies & Maintenance	7,490.00	8,490.00
Access Services				
10-8520-310-001		Prof. & Technical Services - Utah Discovery	18,050.00	18,650.00
Reference & Collections Services				
10-8530-310		Professional & Technical Services	180.00	761.26
10-8530-480		Special Department Supplies	3,950.00	4,059.95
Total			<u>\$ 88,249.93</u>	<u>\$ 103,041.14</u>
Net Fund Increase				<u>\$ 14,791.21</u>
OREM FOUNDATION TRUST FUND				
73-8591-920-002		Cont. To - Fund 10 - Orem Library	\$ 5,850.00	\$ 6,450.00
Total			<u>\$ 5,850.00</u>	<u>\$ 6,450.00</u>
Net Fund Increase				<u>\$ 600.00</u>
Total City Funds			<u>\$ 94,099.93</u>	<u>\$ 109,491.14</u>
Net City Funds Increase				<u>\$ 15,391.21</u>

My name is Bob Wright I live at 1010 N. 700 W

There is no mention in this Budget Book concerning the amount of TAXPAYER money in investment funds; which I believe is necessary for HONESTY, INTEGRITY, & TRANSPARENCY in the City Budget. And as an Orem Citizen candidate for Mayor, formerly request that this City Council order the TAXPAYER INVESTMENT FUNDS TO BE INCLUDED IN THE BUDGET BY MOTION, as recorded in the Audited Financial book in pages 58 and 59.

\$28,188,322 with the STATE TREASURER

\$11,535,900 with ZIONS BANK

\$ 701,187 with U.S. TREASURY NOTES

\$40,425,409 TOTAL INVESTMENTS OF TAXPAYER MONEY



AGENDA
MUNICIPAL BUILDING AUTHORITY
OF THE CITY OF OREM
June 11, 2013

CALL TO ORDER

APPROVAL OF MINUTES

1. **MINUTES of Municipal Building Authority Meeting of June 12, 2012**

SCHEDULED ITEMS

2. **ANNUAL REVIEW - Municipal Building Authority of the City of Orem (MBA) Bylaws**

RECOMMENDATION: The Chief Executive Officer of the Municipal Building Authority of the City of Orem recommends that the Board of Directors adopt the bylaws as written.

BACKGROUND: The MBA Bylaws stipulate that the Bylaws "shall be reviewed by the Board of Directors at each annual meeting" and may be amended "by majority vote of the Board of Directors of the Authority at a regular or special meeting." The Chief Executive Officer is not recommending any changes to the Bylaws at this time.

ADJOURN TO A REDEVELOPMENT AGENCY MEETING

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL MUNICIPAL BUILDING AUTHORITY MEETINGS.

If you need a special accommodation to participate in the Municipal Building Authority Meetings, please call the City Recorder's Office at least 3 working days prior to the meeting.

(Voice 229-7074) (TDD # 229-7037)

This agenda is also available on the City's Internet webpage at orem.org

MUNICIPAL BUILDING AUTHORITY
of the
CITY OF OREM
June 12, 2012

CONDUCTING

Chair Jim Evans

BOARD OF DIRECTORS

Hans Andersen, Margaret Black, Karen A. McCandless, Mark E. Seastrand, Mary Street, and Brent Sumner

APPOINTED STAFF

Bruce Chesnut, Chief Executive Officer; Jamie Davidson, Richard Manning, Greg Stephens, Mike Larsen, Louise Wallace, Karl Hirst, Donna Weaver, and Rachelle Conner

The Municipal Building Authority (MBA) Meeting convened at 10:37 p.m.

APPROVAL OF MINUTES – June 21, 2011

Mr. Seastrand **moved** to approve the minutes from the June 11, 2012, meeting of the Municipal Building Authority as presented. Mrs. McCandless **seconded** the motion. Those voting aye: Mr. Andersen, Mrs. Black, Mr. Evans, Mrs. McCandless, Mr. Seastrand, Mrs. Street, and Mr. Sumner. The motion **passed** unanimously.

SCHEDULED ITEMS

ANNUAL REVIEW - Municipal Building Authority of the City of Orem (MBA) Bylaws

Bruce Chesnut, Chief Executive Officer, presented a staff recommendation that the Board of Directors, by motion, adopt the bylaws as written.

The MBA Bylaws stipulate that the Bylaws “shall be reviewed by the Board of Directors at each annual meeting” and may be amended “by majority vote of the Board of Directors of the Agency at a regular or special meeting.” The Chief Executive Officer recommends the Bylaws be approved as written.

Mr. Seastrand **moved** to adopt the MBA Bylaws as written. Mrs. Street **seconded** the motion. Those voting aye: Mr. Andersen, Mrs. Black, Mr. Evans, Mrs. McCandless, Mr. Seastrand, Mrs. Street, and Mr. Sumner. The motion **passed** unanimously.

ADJOURN TO A SPECIAL SERVICE LIGHTING DISTRICT MEETING

Mr. Seastrand **moved** to adjourn to a meeting of the Special Service Lighting District. Mrs. Black **seconded** the motion. Those voting aye: Mr. Andersen, Mrs. Black, Mr. Evans, Mrs. McCandless, Mr. Seastrand, Mrs. Street, and Mr. Sumner. The motion **passed** unanimously.

The meeting adjourned at 10:39 p.m.

CITY OF OREM
MUNICIPAL BUILDING AUTHORITY MEETING
JUNE 11, 2013



REQUEST:	ANNUAL REVIEW - Municipal Building Authority of the City of Orem (MBA) Bylaws
APPLICANT:	Municipal Building Authority
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

PREPARED BY:
Donna Weaver Secretary
APPROVED BY:

RECOMMENDATION:

The Chief Executive Officer of the Municipal Building Authority of the City of Orem recommends that the Board of Directors adopt the bylaws as written.

BACKGROUND:

The MBA Bylaws stipulate that the Bylaws "shall be reviewed by the Board of Directors at each annual meeting" and may be amended "by majority vote of the Board of Directors of the Authority at a regular or special meeting." The Chief Executive Officer is not recommending any changes to the bylaws at this time.

**AMENDED
BYLAWS OF THE
MUNICIPAL BUILDING AUTHORITY
OF THE
CITY OF OREM, UTAH**

ADOPTED BY CITY COUNCIL RESOLUTION NO. 2059-90
AMENDED BY MUNICIPAL BUILDING AUTHORITY RESOLUTION NO. MBA-RE-04-0004

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**BYLAWS OF THE
MUNICIPAL BUILDING AUTHORITY
OF THE
CITY OF OREM, UTAH**

ARTICLE I - THE AUTHORITY

Section 1. Name of Authority. The name of the authority shall be the "Municipal Building Authority of the City of Orem, Utah" in accordance with Resolution # 2059-90 adopted by the City Council of the City of Orem, Utah, dated April 3, 1990.

Section 2. Purpose of Authority. The purpose of the Authority is to provide the City of Orem a municipal building authority and take action that would finance the revitalization, upgrading and developing certain areas of the City with quality developments which are conducive to the long range goals of the City.

Section 3. Governing Board. The governing board of the Authority shall be known as the Board of Directors of the Municipal Building Authority of the City of Orem, Utah. The Board of Directors shall be composed of the seven members of the City Council. Each member shall have one vote.

Section 4. Seal of Authority. The Seal of the Authority shall be in the form of a circle and shall bear the name of the Authority and the year of its organization.

Section 5. Office of Authority. The offices of the Authority shall be located in the Orem City Center located at 56 North State Street, Orem, Utah.

Section 6. Fiscal Year of Authority. The fiscal Year of the Authority shall be from July 1 through June 30 of each year.

Section 7. Annual Audit. The Authority shall cause an annual independent audit, in conjunction with the audit of the City of Orem, of the immediate past fiscal Year financial

transactions and operations to be completed in accordance with State Law and professional auditing standards, requirements, and practices established for governmental entities.

Section 8. Annual Budget. The Authority shall review and approve an annual budget in accordance with State Law.

Section 9. Required Reports. The Authority shall file any required reports with other agencies in accordance with State Law.

ARTICLE II - OFFICERS AND BOARDMEMBERS

Section 1. Officers. The officers of the Authority shall be a Chair and a Vice-Chair. The Chair shall be the Mayor of the City of Orem and the Vice-Chair shall be the Mayor Pro-Tem of the City of Orem.

Section 2. Chair. The Chair shall preside at all meetings of the Authority, execute all Authority approved resolutions, contracts, agreements and be the titular head of the Authority.

Section 3. Vice-Chair. The Vice-Chair of the Authority shall perform the duties of the Chair in the absence or incapacity of the Chair.

Section 4. Boardmembers. The members of the City Council of the City of Orem shall be boardmembers of the Authority.

Section 5. Additional Duties. At the meetings of the Authority, any Boardmember may submit such recommendations and information as they may consider proper concerning the business, affairs, and policies of the Authority. The Officers and Boardmembers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority, the bylaws, or rules and regulations of the Authority.

Section 6. Reimbursement for Expenses. The Board of Directors of the Authority shall be reimbursed for expenses incurred in carrying out their official responsibilities by the Authority.

ARTICLE III - EMPLOYEES

Section 1. Chief Executive Officer. The Chief Executive Officer shall be the City Manager of the City of Orem. Under the policy direction of the Board of Directors of the Authority, the Chief Executive Officer shall:

- A. Direct the affairs of the Authority;
- B. Ensure, through the Treasurer, the proper care and custody of all Authority funds;
- C. Ensure proper disbursement and deposit of funds, in the name of the Authority, in or from such bank or banks as the Authority may select;
- D. Prepare or cause to be prepared all contracts, agreements, resolutions, deeds and other instruments necessary for Authority business;
- E. Execute all administrative documents or instruments that carry out Authority policies.
- F. Ensure that all checks or vouchers of the Authority have two (2) of the following signatures:
 - (1) The Treasurer, and/or his/her designee; and
 - (2) The Financial Officer, and/or his/her designee.
- G. Ensure, through the Secretary, the proper keeping of minutes and other official records.
- H. Provide a regular accounting of the financial transactions and conditions of the Authority;
- I. Implement the necessary administrative policies and procedures to carry out the affairs of the Authority.
- J. Do all other things necessary for the proper conduct of Authority affairs.

Section 2. Secretary. The Secretary shall be the City Recorder of the City of Orem. The Secretary shall, under the general direction of the Chief Executive Officer, keep the official minutes and records of the Authority, shall act as the secretary for the meetings of the Authority and record all votes, shall keep a record of the proceedings of the Authority, shall keep the seal of the Authority, and shall have the power to affix such seal to all documents authorized to be executed by the Authority. The Assistant Secretaries shall be the Deputy Recorders of the City of Orem.

Section 3. Treasurer. The Treasurer shall be the Treasurer of the City of Orem. The Treasurer shall, under the general direction of the Chief Executive Officer, be responsible to ensure the proper care and custody of all funds of the Authority and shall ensure proper disbursement of and deposit of the funds in the name of the Authority in or from such bank or banks as the Authority may select.

Section 4. Attorney. The Attorney shall be the City Attorney of the City of Orem. The Attorney shall, under the general direction of the Chief Executive Officer, provide legal advice, and services to the Authority. When appropriate, the services of legal specialists may be utilized.

Section 5. Financial Officer. The Financial Officer shall be the Director of Administrative Services for the City of Orem. The Financial Officer shall, under the general direction of the Chief Executive Officer, be responsible for the financial affairs of the Authority including the preparation of financial reports, annual audits and the general caring for the financial affairs of the Authority.

Section 6. Other Employees. The Chief Executive Officer may, from time to time, employ such additional personnel as may be necessary to exercise the powers, duties and functions of the Authority prescribed by the laws of the State of Utah, after approval of the Board of Directors of the Authority. The selection and compensation of such personnel shall be determined by the Chief Executive Officer subject to the policies established by the Board of Directors of the Authority.

Section 7. Compensation. The Board of Directors of the Authority may establish compensation rates for employees from time to time. The employees of the Authority shall be reimbursed for expenses incurred in carrying out their official responsibilities by the Authority.

ARTICLE IV - MEETINGS

Section 1. Open Meetings. The Authority's meetings shall be open to the public except for closed door meetings as outlined in this Article.

Section 2. Organizational Meeting. The organizational meeting of the Authority shall be held on such day and at such time as determined by the Mayor of the City of Orem.

Section 3. Annual Meeting. The Annual Meeting of the Authority shall be held during the months of May or June in conjunction with the Authority's adoption of the Fiscal Year Budget, or at a time and place set by the Chair. In the event such date shall fall on a legal holiday, the annual meeting shall be held on the next succeeding business day or at another convenient time set by the Chair.

Section 4. Regular Meetings. The regular meetings of the Authority shall be held at intervals deemed appropriate by the Authority. Official notice shall be given of the time, place, and agenda of the meeting.

Section 5. Special Meetings. The Chair may call special meetings of the Authority as deemed necessary by the Chair and shall call special meetings upon the request of at least two (2) Boardmembers or upon the request of the Chief Executive Officer for the specified purpose of carrying out Authority business. The call for a special meeting shall be in writing and delivered to each Boardmember at the business or home of each, at least twenty-four (24) hours prior to the time of such special meeting. At such special meeting, no business shall be considered other than that designated in the call.

Section 6. Emergency Meetings. The Chair shall call an emergency meeting of the Board whenever the Chair deems it imperative for the Board to take emergency action on business affairs of the Authority.

Section 7. Closed Door Meetings. The Authority may meet in Closed Door Meetings upon approval of the Board to discuss matters allowed by state law for public entities.

Section 8. Meeting Information. At each meeting, the Boardmembers and the Chief Executive Officer may submit such recommendations and information as they may consider proper concerning the business, affairs, and policies of the Authority.

Section 9. Quorum. The power of the Authority shall be vested in the Board of Directors of the Authority. Four (4) members shall constitute a quorum for the purpose of conducting its

business and exercising its powers and for all other purposes. Action may be taken by the Board of Directors upon a positive vote of at least four (4) members.

Section 10. Order of Business. At the regular meetings of the Authority, the following shall be the order of business:

1. Call to order.
2. Invocation - if appropriate.
3. Approval of Minutes.
4. Scheduled Items.
5. Adjournment.

Section 11. Official Book of Minutes and Resolutions. The Chief Executive Officer shall cause Official Books of approved Minutes and Resolutions to be created and maintained.

ARTICLE V - AMENDMENTS OF THE BYLAWS

Section 1. Amendments of the Authority Bylaws. The Bylaws of the Authority may be amended by majority vote of the Board of Directors of the Authority at a regular or special meeting.

Section 2. Review of Bylaws. The Bylaws of the Authority shall be reviewed by the Board of Directors at each annual meeting.

ARTICLE VI - MISCELLANEOUS

Section 1. Performance Bonds. The Officers, Boardmembers, and Employees of the Authority shall be bonded for faithful performance of their duties as the Authority may determine appropriate. The Authority shall pay the costs of these bonds.

Section 2. Rules and Regulations. Upon recommendation of the Chief Executive Officer, the Board of Directors may establish rules and regulations governing the affairs of the Authority.



AGENDA
REDEVELOPMENT AGENCY
OF THE CITY OF OREM
June 11, 2013

CALL TO ORDER

APPROVAL OF MINUTES

1. MINUTES of Redevelopment Agency Meeting of May 14, 2013

SCHEDULED ITEMS

6:10 P.M. PUBLIC HEARING

2. RESOLUTION – Approve and Adopt the Budget for Fiscal Year 2013-2014 and amend the Fiscal Year 2012-2013 Budget

RECOMMENDATION: The Chief Executive Officer of the Redevelopment Agency of the City of Orem (RDA) recommends the Board of Directors, by resolution, approve and adopt the Fiscal Year 2013-2014 Budget and amend the Fiscal Year 2012-2013 Budget.

BACKGROUND: On May 7, 2013, the Board of Directors received the RDA Tentative Budget for Fiscal Year 2013-2014. A work session was held on Tuesday, May 14, 2013. The purpose of this hearing is to receive input from the residents, make any changes, approve and adopt the budget for Fiscal Year 2013-2014, and amend the Fiscal Year 2012-2013 Budget.

3. ANNUAL REVIEW - Redevelopment Agency of the City of Orem (RDA) Bylaws

RECOMMENDATION: The Chief Executive Officer of the Redevelopment Agency of the City of Orem recommends that the Board of Directors adopt the Bylaws as written.

BACKGROUND: The RDA Bylaws stipulate that the Bylaws "shall be reviewed by the Board of Directors at each annual meeting" and may be amended "by majority vote of the Board of Directors of the Authority at a regular or special meeting." The Chief Executive Officer is not recommending any changes to the Bylaws at this time.

ADJOURN TO A SPECIAL SERVICE LIGHTING DISTRICT MEETING

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL REDEVELOPMENT AGENCY MEETINGS.

If you need a special accommodation to participate in the Redevelopment Agency meeting, please call the City Recorder's Office at least 3 working days prior to the meeting.

(Voice 229-7074) (TDD # 229-7037)

This agenda is also available on the City's Internet webpage at orem.org

1 REDEVELOPMENT AGENCY
2 of the
3 CITY OF OREM
4 May 14, 2013

5
6 CONDUCTING Chair James T. Evans

7
8 BOARD OF DIRECTORS Hans Andersen, Margaret Black, Karen A. McCandless, Mark
9 Seastrand, Mary Street, and Brent Sumner

10
11 APPOINTED STAFF Bruce Chesnut, Jamie Davidson, Richard Manning, Donna
12 Weaver, and Rachelle Conner

13
14 The Redevelopment Agency (RDA) Meeting convened at 9:03 p.m.

15
16 **APPROVAL OF MINUTES – March 12, 2013**

17
18 Mrs. McCandless **moved** to approve the minutes of the March 12, 2013, Redevelopment Agency
19 Meeting. Mr. Seastrand **seconded** the motion. Those voting aye: Mr. Andersen, Mrs. Black, Mr.
20 Evans, Mrs. McCandless, Mr. Seastrand, Mrs. Street, and Mr. Sumner. The motion **passed**
21 unanimously.

22
23 **SCHEDULED ITEMS**

24
25 RESOLUTION – Adopt the Redevelopment Agency of the City of Orem (RDA) Fiscal Year
26 2012-2013 Tentative Budget

27
28 Jamie Davidson, Assistant Chief Executive Officer, presented a staff recommendation that the Board
29 of Directors, by resolution, tentatively adopt the Fiscal Year 2013-14 Tentative Budget and set a
30 public hearing to adopt the final budget on June 11, 2013, at 6:10 p.m.

31
32 On May 7, 2013, the Board of Directors received the RDA tentative budget for Fiscal Year 2013-
33 2014. The purpose of this item tonight is to tentatively adopt the Fiscal Year 2013-14 Tentative
34 Budget and set a public hearing to adopt the final budget on June 11, 2013, at 6:10 p.m.

35
36 Revenues are primarily property taxes collected by Utah County for use in the individual RDA areas.

37
38 The revenues are as follows:

Revenue	FY 11	FY 12	Budget FY 13	Proposed FY 14
Increment 85-01	\$787,008	\$804,540	\$760,000	\$870,000
Rec Bond 85-01	\$136,732	\$151,707	\$145,000	\$165,000
Increment 85-02	\$545,500	\$435,451	\$545,000	\$435,000
Rec Bond 85-02	\$104,265	\$82,475	\$100,000	\$100,000
Increment 85-03 A	\$520,085	\$499,121	\$530,000	\$505,000
Increment 85-03 B	\$764,190	\$780,775	\$775,000	\$780,000
Rec Bond 85-03 A	\$99,359	\$93,874	\$100,000	\$150,000

Rec Bond 85-03 B	\$145,272	\$147,890	\$145,000	\$155,000
Increment 85-04	\$258,027	\$38,676	\$45,000	\$45,000
Increment 87-10	\$243,029	\$216,546	\$330,000	\$360,000
Rec Bond 87-10	\$44,931	\$41,013	\$210,000	\$190,000
Increment 90-08	\$249,764	\$193,848	\$210,000	\$190,000
Rec Bond 90-08	\$23,790	\$23,602	\$25,000	\$25,000
Interest Earnings	\$35,968	\$75,394	-	-
Reserves	\$0	\$0	\$5,920,215	\$0
Totals	\$3,946,186	\$3,790,260	\$9,940,215	\$4,045,000

39
40 Mr. Davidson indicated there are some people that are critical about the establishment of
41 Redevelopment Agencies with the idea that they do not necessarily contribute to the overall
42 betterment of the community. However, Mr. Manning has noted that a \$1.5 million value of
43 property at the beginning of an RDA had turned into a \$130 million value in benefit thirty years later.
44

45 Mr. Davidson stated there is significant value to these RDAs. They have served their purpose and
46 they continue to be a great benefit to the City. They have facilitated many wonderful things within
47 the community.
48

49 The active participation agreements include the following:

Area	Name	Description	Terms
85-01	Orem Tek	95 percent of increment	32 years, started in FY1984 ends FY 2015
	Boyer	95 percent of increment	24 years, started in FY 1992 ends in FY 2015
	Mazda	Max of 3 payments of \$75,000 and 3 of \$125,000	8 years, started in FY 2011 end in FY 2018
	US Synthetic	3 payments of \$33,333	3 years, started in FY 2012 end in FY 2014

50
51 Mr. Seastrand questioned what happens when an RDA expires. Mr. Manning explained the money
52 goes into an RDA area and can only be spent in that area, with the exception of the recreation
53 projects. The City makes sure they have enough to pay off the debt through its term, and when a
54 district expires, any remaining money goes to the various taxing entities and the rest can be used
55 anywhere in the city.
56

57 Mr. Davidson stated there is not necessarily a date specific hard termination date on the RDA. The
58 RDA can remain in existence and be operational; however, the collection of increments ceases based
59 on the schedule that was originally adopted. He anticipated that the proceeds collected within the
60 RDAs will be reinvested in the project areas in their entirety. The City sees those monies as a
61 valuable means for them to maintain the infrastructure and amenities. Some of the projects that will
62 initially developed by way of the RDA are approaching time that they need additional infrastructure
63 improvements and reinvestment. He anticipates that those will be taken care of with the monies that
64 are available. However, the amounts are not substantial in nature. A good majority of the money has
65 already been designated for the purposes outlined by Mr. Manning in order to meet current

66 infrastructure commitments or to meet the parks and recreation commitments that were made a
67 number of years ago.

68
69 Mr. Davidson indicated there are opportunities for the City to extend any of the RDAs. There is also
70 a process that would allow the City to shift money from one project area to another if it met with the
71 approval of the taxing entities.

72
73 Mr. Seastrand asked whether the Mazda dealership has been able to meet their commitment for the
74 funding. Mr. Davidson explained that arrangement has a specific ceiling, and they have never met
75 that ceiling. They have met the minimum so far.

76
77 Mrs. Street asked whether it would be prudent for the RDA to have a discussion about the State
78 Street visioning process and what role, if any, the RDAs could play in that and whether the City
79 would want to approach the other taxing entities for a discussion on extending some of those RDAs.

80
81 Mr. Davidson stated staff has reviewed the specific project areas along the State Street corridor.
82 Unfortunately those are areas that do not have a surplus of increment available. They would have to
83 look at either taking those monies, with the approval of the other taxing partners, and reallocating it
84 to another project area along the State Street corridor or they would have that conversation with the
85 taxing entities about the extension of some of the RDAs. It is interesting to note that the RDA laws
86 of the State of Utah changed quite dramatically back in 1993. All of Orem's RDAs are classified as
87 pre 1993 so there are greater flexibility in what they could do prior to 1993. There are quite stringent
88 requirements that they have to meet today. Any modifications they would make within the existing
89 RDAs would be subject to the new requirements post 1993.

90
91 Mrs. Street asked what process the Council would use to get that ball rolling. Mr. Davidson
92 explained staff would have to look at how it could be structured. It would require a meeting of the
93 taxing entity committee, which includes representatives from the taxing districts. They would have a
94 discussion as to how they would take advantage of the limited proceeds available. The trigger would
95 happen with the RDA agency, and that would lead to action being taken by the taxing committee.

96
97 Mrs. Street stated she would like to see them have that discussion and get some input to see if it was
98 something they could do.

99
100 Bob Wright, resident, stated he was an original opponent of the RDAs back in the 1980s. He thought
101 they should be refunding the sales and property tax back to the industries, and they would expire. He
102 asked whether it was true that an RDA was never canceled.

103
104 Mr. Davidson indicated they could not just sit and watch that money rest for ten years; however, if
105 there is an expectation that these proceeds would be dedicated to the project area within the near
106 future, it would be appropriate to continue to operate the RDA. When there is no more money in the
107 RDA, it is terminated.

108
109 Mr. Andersen said one of the great things about this country and this city is that they can sit up there
110 and disagree. They agree on some things and disagree on others. There are some people that think
111 RDAs are the greatest things to help the City, and he thinks Orem's growth has been in spite of them
112 and not because of RDAs. He worked for quite a while to get information on RDAs and sales tax

113 subsidies that went back to businesses. They total up to about \$65 million. That is a lot of money.
114 The reason he disagrees with them is he thinks they interfere with the free flow of private enterprise.
115 Mr. Andersen noted one nice thing he can announce is that they no longer give \$1 million to the
116 University Mall. He said he does not think the mall will fade into the night because they do not have
117 that money.

118
119 Mrs. Black **moved**, by resolution, to tentatively adopt the Fiscal Year 2013-14 Tentative Budget and
120 set a public hearing to adopt the final budget on June 11, 2013, at 6:10 p.m. Mr. Seastrand
121 **seconded** the motion. Those voting aye: Mrs. Black, Mr. Evans, Mrs. McCandless, Mr. Seastrand,
122 Mrs. Street, and Mr. Sumner. Those voting nay: Mr. Andersen. The motion **carried** with a majority
123 vote of 6 to 1.

124

125 **ADJOURN TO SPECIAL SERVICE LIGHTING DISTRICT MEETING**

126

127 Mrs. Black **moved** to adjourn to a meeting of the Special Service Lighting District. Mr. Seastrand
128 **seconded** the motion. Those voting aye: Mr. Andersen, Mrs. Black, Mr. Evans, Mrs. McCandless,
129 Mr. Seastrand, Mrs. Street, and Mr. Sumner. The motion **passed** unanimously.

130

131 The meeting adjourned at 9:26 p.m.

132

CITY OF OREM
REDEVELOPMENT AGENCY MEETING
JUNE 11, 2013



REQUEST:	6:10 P.M. PUBLIC HEARING RESOLUTION – Approve and Adopt the Budget for Fiscal Year 2013-2014 and amend the Fiscal Year 2012-2013 Budget
APPLICANT:	Bruce Chesnut, Chief Executive Officer
FISCAL IMPACT:	\$4,045,000

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Posted on the State website
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

PREPARED BY: Brandon C. Nelson Accounting Div. Mgr
APPROVED BY:

RECOMMENDATION:

The Chief Executive Officer of the Redevelopment Agency of the City of Orem (RDA) recommends the Board of Directors, by resolution, approve and adopt the Fiscal Year 2013-2014 Budget and amend the Fiscal Year 2012-2013 Budget.

BACKGROUND:

On May 7, 2013, the Board of Directors received the RDA Tentative Budget for Fiscal Year 2013-2014. A work session was held on Tuesday, May 14, 2013. The purpose of this hearing is to receive input from the residents, make any changes, approve and adopt the budget for Fiscal Year 2013-2014, and amend the Fiscal Year 2012-2013 Budget.

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF OREM, UTAH, APPROVING AND ADOPTING THE BUDGET FOR FISCAL YEAR 2013-2014, AND AMENDING THE FISCAL YEAR 2012-2013 BUDGET

WHEREAS on May 14, 2013, the Chief Executive Officer of the Redevelopment Agency of the City of Orem, Utah, presented the tentative budget for Fiscal Year 2013-2014 to the Redevelopment Agency; and

WHEREAS the Board of Directors of the Redevelopment Agency, on due public notice, held a public hearing on Tuesday, June 11, 2013, in the Council Chambers of the Orem City Hall, at which time the budget was considered; and

WHEREAS the Board of Directors of the Redevelopment Agency has now considered the budget as submitted and all information presented at the public hearing, and has now made all changes and amendments which the Board of Directors desires to make; and

WHEREAS the Board of Directors of the Redevelopment Agency has developed a budget in which the anticipated revenues equal the total of appropriated expenditures; and

WHEREAS the original of the Redevelopment Agency budget has now been revised to reflect each and all of the amendments, changes, and modifications, which the Board of Directors believes should be made in the budget.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF OREM, UTAH, as follows:

1. The Board of Directors hereby adopts the budget for Fiscal Year 2013-2014 as amended, modified, and revised, which budget is attached hereto as Exhibit "A" and is incorporated herein by this reference.
2. The Board of Directors hereby amends the Fiscal Year 2012-2013 Budget as shown in Exhibit "B," which is attached hereto and incorporated herein by this reference.
3. The Chief Executive Officer is directed to implement this budget in accordance with State laws and appropriate Redevelopment Agency procedures.
4. A copy of the Redevelopment Agency Budget for the Fiscal Year 2013-2014 shall be placed on file in the office of the Secretary of the Redevelopment Agency of the City of Orem, Utah, and in the Orem Public Library.
5. This resolution shall take effect immediately upon passage.

DRAFT

6. All other resolutions, ordinances, and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED AND APPROVED this 11th day of June 2013.

REDEVELOPMENT AGENCY OF THE
CITY OF OREM, by
James T. Evans, Chair

ATTEST:

Donna Weaver, Secretary

BOARD MEMBERS VOTING "AYE"

BOARD MEMBERS VOTING "NAY"

REDEVELOPMENT AGENCY
OF THE
CITY OF OREM

TENTATIVE BUDGET

FISCAL YEAR 2013-2014



City of Orem
56 North State Street
Orem, Utah 84057
www.orem.org

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

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**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

REDEVELOPMENT AGENCY FUND

MISSION STATEMENT

The Redevelopment Agency of the City of Orem (RDA) is a separate legal entity from the City of Orem that has the statutory ability to provide redevelopment services within the City. These redevelopment services include improving, rehabilitating, and redeveloping blighted areas within the City. The City Council acts as the governing authority for the Redevelopment Agency.

REVENUES

Revenues for the Redevelopment Agency Fund are primarily derived from property taxes collected by Utah County and remitted to the City.

<u>REVENUE DESCRIPTION</u>	<u>ACTUAL FY 10 - 11</u>	<u>ACTUAL FY 11 - 12</u>	<u>BUDGET FY 12 - 13</u>	<u>TENTATIVE BUDGET FY 13 - 14</u>
Tax Increment - Project Area #85-01	\$ 727,008	\$ 804,540	\$ 760,000	\$ 870,000
Haircut - Project Area #85-01	136,732	151,707	145,000	165,000
Tax Increment - Project Area #85-02	545,500	435,451	545,000	435,000
Haircut - Project Area #85-02	104,265	82,475	100,000	100,000
Tax Increment - Project Area #85-03A	520,085	499,121	530,000	505,000
Tax Increment - Project Area #85-03B	764,190	780,775	775,000	780,000
Haircut - Project Area #85-03A	99,359	93,874	100,000	150,000
Haircut - Project Area #85-03B	145,272	147,890	145,000	155,000
Tax Increment - Project Area #85-04	258,027	205,348	250,000	205,000
Haircut - Project Area #85-04	48,931	38,676	45,000	45,000
Tax Increment - Project Area #87-10	243,029	216,546	330,000	360,000
Haircut - Project Area #87-10	44,266	41,013	60,000	60,000
Tax Increment - Project Area #90-08	249,764	193,848	210,000	190,000
Haircut - Project Area #90-08	23,790	23,602	25,000	25,000
Interest Earnings	35,968	75,394	-	-
Appropriations of Surplus	-	-	5,920,215	-
FUND TOTALS	<u>\$ 3,946,186</u>	<u>\$ 3,790,260</u>	<u>\$ 9,940,215</u>	<u>\$ 4,045,000</u>

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

REDEVELOPMENT AGENCY FUND

BUDGET SUMMARY

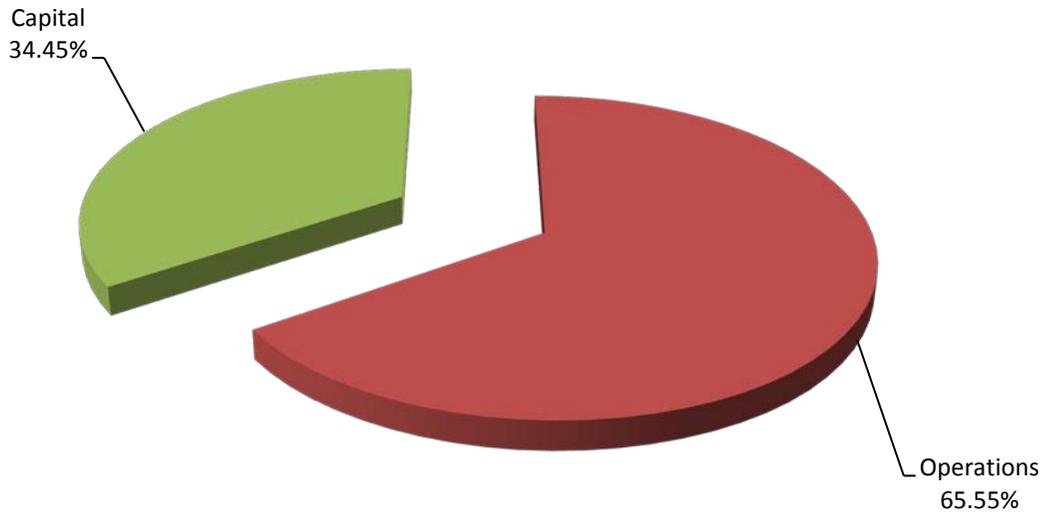
REDEVELOPMENT AGENCY FUND

FY 2013 - 2014

	<u>PERSONNEL</u>	<u>OPERATIONS</u>	<u>CAPITAL</u>	<u>TOTAL</u>
Project Area #85-01	\$ -	1,020,333	\$ 14,667	\$ 1,035,000
Project Area #85-02	-	415,000	120,000	535,000
Project Area #85-03A	-	260,000	395,000	655,000
Project Area #85-03B	-	250,000	685,000	935,000
Project Area #85-04	-	250,000	-	250,000
Project Area #87-10	-	280,000	140,000	420,000
Project Area #90-08	-	176,070	38,930	215,000
TOTALS	\$ -	\$ 2,651,403	\$ 1,393,597	\$ 4,045,000

REDEVELOPMENT AGENCY FUND

Expenditures by Category



**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

REDEVELOPMENT AGENCY FUND

EXPENDITURES

PROJECT AREA #85-01

Expenditures in this area improve, rehabilitate, or redevelop areas within the project and provide funds for the payment of debt service on bonds issued for the construction of recreational facilities in 2002. This area has two project participation agreements. The first requires the use of 95% of the normal tax increment as allowed by State Code until Fiscal Year 2014-2015. The second requires the use of \$33,333 of normal tax increment until Fiscal Year 2013-2014.

<u>EXPENDITURES DESCRIPTION</u>	<u>ACTUAL FY 10 - 11</u>	<u>ACTUAL FY 11 - 12</u>	<u>BUDGET FY 12 - 13</u>	<u>TENTATIVE BUDGET FY 13 - 14</u>
Participation Agreement 85-c-002-001	\$ 690,658	\$ 764,313	\$ 722,000	\$ 822,000
U.S. Synthetics Agreement	-	33,333	38,000	33,333
Fiber Optics Conduit Project	-	-	-	14,667
Contributions to Other Funds	136,732	151,707	145,000	165,000
PROJECT AREA TOTALS	<u>\$ 827,390</u>	<u>\$ 949,353</u>	<u>\$ 905,000</u>	<u>\$ 1,035,000</u>

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

Project 85-01: Orem Business Park

Date Created:	March 26, 1985
Base Year for Computing Tax Increment:	1985
Initial Tax Increment Request:	Fiscal Year 1990-91
Calendar Year Ending December 31, 2012 Taxable Value:	\$119,828,597
Base Year Taxable Value:	\$1,472,221
Marginal Value:	\$118,356,376
Calendar Year Beginning January 1, 2014 Increment Percentage:	60%



Non-educational “Additional Tax Increment” Requested

(as allowed in Utah Code Annotated 17C-1-403)

Calendar Year Ending December 31, 2013:	\$165,000
Calendar Year Beginning January 1, 2014:	\$170,000

Use: Debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

Normal Increment Requested:

Calendar Year Ending December 31, 2013:	\$870,000
Calendar Year Beginning January 1, 2014:	\$900,000

Use: This area has a project participation agreement (RDA-85-C-002-01) which requires the use of 95% of the normal tax increment as allowed by State Code until Fiscal Year 2014-2015. During Fiscal Year 2010-2011, the RDA entered into another participation agreement (RDA-A-2011-0001) requiring the use of \$33,333 of normal tax increment for Fiscal Years 2011-2012, 2012-2013 and 2013-2014 which approximately equals the remaining 5% of normal tax increment in the those three years.

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

REDEVELOPMENT AGENCY FUND

EXPENDITURES

PROJECT AREA #85-02

Expenditures in this area improve, rehabilitate, or redevelop areas within the project and provide funds for the payment of debt service on bonds issued for the construction of recreational facilities in 2002.

<u>EXPENDITURES DESCRIPTION</u>	<u>ACTUAL FY 10 - 11</u>	<u>ACTUAL FY 11 - 12</u>	<u>BUDGET FY 12 - 13</u>	<u>TENTATIVE BUDGET FY 13 - 14</u>
Fiber Optics Conduit Project	\$ -	\$ -	\$ 230,000	\$ 120,000
Contributions to Other Funds	611,496	565,179	415,000	415,000
PROJECT AREA TOTALS	<u>\$ 611,496</u>	<u>\$ 565,179</u>	<u>\$ 645,000</u>	<u>\$ 535,000</u>

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

Project 85-02: Timpanogos Research and Technology Park

Date Created:	May 14, 1985
Base Year for Computing Tax Increment:	1985
Initial Tax Increment Request:	Fiscal Year 1989-90
Calendar Year Ending December 31, 2012 Taxable Value:	\$68,375,950
Base Year Taxable Value:	\$7,333,972
Marginal Value:	\$61,041,978
Calendar Year Beginning January 1, 2014 Increment Percentage:	60%



Non-educational “Additional Tax Increment” Requested

(as allowed in Utah Code Annotated 17C-1-403)

Calendar Year Ending December 31, 2013:	\$100,000
Calendar Year Beginning January 1, 2014:	\$85,000

Use: Debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

Normal Increment Requested:

Calendar Year Ending December 31, 2013:	\$435,000
Calendar Year Beginning January 1, 2014:	\$400,000

Use: RDA costs as allowed in Utah Code 17C-1 in this district and debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

REDEVELOPMENT AGENCY FUND

EXPENDITURES

PROJECT AREA #85-03A

Expenditures in this area improve, rehabilitate, or redevelop areas within the project and provide funds for the payment of debt service on bonds issued for the construction of recreational facilities in 2002.

<u>EXPENDITURES DESCRIPTION</u>	<u>ACTUAL FY 10 - 11</u>	<u>ACTUAL FY 11 - 12</u>	<u>BUDGET FY 12 - 13</u>	<u>TENTATIVE BUDGET FY 13 - 14</u>
Professional & Technical Services	\$ -	\$ 3,539	\$ -	\$ 50,000
Participation Agreement - Orem Mazda	39,877	41,053	-	60,000
Future Projects	-	-	530,000	395,000
Contributions to Other Funds	99,360	93,874	100,000	150,000
PROJECT AREA TOTALS	<u>\$ 139,237</u>	<u>\$ 138,466</u>	<u>\$ 630,000</u>	<u>\$ 655,000</u>

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

Project 85-03A: 1300 South, 200 East to 800 East (Various Properties)

Date Created:	December 3, 1985
Base Year for Computing Tax Increment:	1985
Initial Tax Increment Request:	Fiscal Year 1989-90
Calendar Year Ending December 31, 2012 Taxable Value:	\$97,322,917
Base Year Taxable Value:	\$30,552,708
Marginal Value:	\$66,770,209
Calendar Year Beginning January 1, 2014 Increment Percentage:	60%



Non-educational “Additional Tax Increment” Requested

(as allowed in Utah Code Annotated 17C-1-403)

Calendar Year Ending December 31, 2013:	\$150,000
Calendar Year Beginning January 1, 2014:	\$140,000

Use: Debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

Normal Increment Requested:

Calendar Year Ending December 31, 2013:	\$505,000
Calendar Year Beginning January 1, 2014:	\$460,000

Use: During Fiscal Year 2009-2010, the RDA entered into a participation agreement (RDA-A-09-0001) requiring the use of a maximum of \$75,000 of normal tax increment for Fiscal Years 2010-2011, 2011-2012, 2012-2013 and 2013-2014; and a maximum of \$125,000 of normal tax increment for Fiscal Years 2014-2015, 2015-2016 and 2016-2017. Additionally, the City reserves the right to utilize any remaining normal increments for RDA costs as allowed in Utah Code 17C-1 in this district and for debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

REDEVELOPMENT AGENCY FUND

EXPENDITURES

PROJECT AREA #85-03B

Expenditures in this area improve, rehabilitate, or redevelop areas within the project and provide funds for the payment of debt service on bonds issued for the construction of recreational facilities in 2002.

<u>EXPENDITURES DESCRIPTION</u>	<u>ACTUAL FY 10 - 11</u>	<u>ACTUAL FY 11 - 12</u>	<u>BUDGET FY 12 - 13</u>	<u>TENTATIVE BUDGET FY 13 - 14</u>
Professional & Technical Services	\$ -	\$ -	\$ 100,000	\$ 50,000
Future Projects	-	500,000	675,000	685,000
Contributions to Other Funds	145,273	147,890	145,000	200,000
PROJECT AREA TOTALS	<u>\$ 145,273</u>	<u>\$ 647,890</u>	<u>\$ 920,000</u>	<u>\$ 935,000</u>

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

Project 85-03B: 1300 South, 200 East to 1500 West (Various Properties)

Date Created:	December 12, 1985
Base Year for Computing Tax Increment:	1985
Initial Tax Increment Request:	Fiscal Year 1989-90
Calendar Year Ending December 31, 2012 Taxable Value:	\$112,256,218
Base Year Taxable Value:	\$6,854,457
Marginal Value:	\$105,401,761
Calendar Year Beginning January 1, 2014 Increment Percentage:	60%



Non-educational “Additional Tax Increment” Requested
(as allowed in Utah Code Annotated 17C-1-403)

Calendar Year Ending December 31, 2013:	\$155,000
Calendar Year Beginning January 1, 2014:	\$155,000

Use: Debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

Normal Increment Requested:

Calendar Year Ending December 31, 2013:	\$780,000
Calendar Year Beginning January 1, 2014:	\$770,000

Use: RDA costs as allowed in Utah Code 17C-1 in this district and debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

REDEVELOPMENT AGENCY FUND

EXPENDITURES

PROJECT AREA #85-04

Expenditures in this area improve, rehabilitate, or redevelop areas within the project and provide funds for the payment of debt service on bonds issued for the construction of recreational facilities in 2002.

<u>EXPENDITURES DESCRIPTION</u>	<u>ACTUAL FY 10 - 11</u>	<u>ACTUAL FY 11 - 12</u>	<u>BUDGET FY 12 - 13</u>	<u>TENTATIVE BUDGET FY 13 - 14</u>
Professional & Technical Services	\$ -	\$ -	\$ -	\$ -
Future Projects	-	-	-	-
Contributions to Other Funds	306,958	201,736	295,000	250,000
PROJECT AREA TOTALS	<u>\$ 306,958</u>	<u>\$ 201,736</u>	<u>\$ 295,000</u>	<u>\$ 250,000</u>

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

Project 85-04: State Street, 400 South to 800 South (Various Properties)

Date Created:	September 30, 1986
Base Year for Computing Tax Increment:	1986
Initial Tax Increment Request:	Fiscal Year 1989-90
Calendar Year Ending December 31, 2012 Taxable Value:	\$50,355,208
Base Year Taxable Value:	\$18,801,179
Marginal Value:	\$31,554,029
Calendar Year Beginning January 1, 2014 Increment Percentage:	60%



Non-educational “Additional Tax Increment” Requested

(as allowed in Utah Code Annotated 17C-1-403)

Calendar Year Ending December 31, 2013:	\$45,000
Calendar Year Beginning January 1, 2014:	\$45,000

Use: Debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

Normal Increment Requested:

Calendar Year Ending December 31, 2013:	\$205,000
Calendar Year Beginning January 1, 2014:	\$190,000

Use: RDA costs as allowed in Utah Code 17C-1 in this district and debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

REDEVELOPMENT AGENCY FUND

EXPENDITURES

PROJECT AREA #87-10

Expenditures in this area improve, rehabilitate, or redevelop areas within the project and provide funds for the payment of debt service on bonds issued for the construction of recreational facilities in 2002.

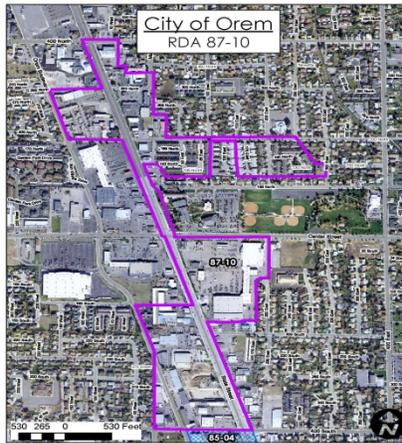
<u>EXPENDITURES DESCRIPTION</u>	<u>ACTUAL FY 10 - 11</u>	<u>ACTUAL FY 11 - 12</u>	<u>BUDGET FY 12 - 13</u>	<u>TENTATIVE BUDGET FY 13 - 14</u>
Participation Agreement - Boyer	\$ 220,000	\$ 220,000	\$ 220,000	\$ 220,000
Future Projects	-	-	110,000	140,000
Contributions to Other Funds	67,296	41,013	60,000	60,000
PROJECT AREA TOTALS	<u>\$ 287,296</u>	<u>\$ 261,013</u>	<u>\$ 390,000</u>	<u>\$ 420,000</u>

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

Project 87-10: State Street, 400 North to 400 South (Various Properties)

Date Created:	February 2, 1988
Base Year for Computing Tax Increment:	1988
Initial Tax Increment Request:	Fiscal Year 1990-91
Calendar Year Ending December 31, 2012 Taxable Value:	\$70,051,378
Base Year Taxable Value:	\$32,815,215
Marginal Value:	\$37,236,163
Calendar Year Beginning January 1, 2014 Increment Percentage:	60%



Non-educational “Additional Tax Increment” Requested

(as allowed in Utah Code Annotated 17C-1-403)

Calendar Year Ending December 31, 2013:	\$60,000
Calendar Year Beginning January 1, 2014:	\$60,000

Use: Debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

Normal Increment Requested:

Calendar Year Ending December 31, 2013:	\$360,000
Calendar Year Beginning January 1, 2014:	\$375,000

Use: This area has a project participation agreement (RDA-89-C-023-10) which applies to all parcels in area and requires annual payments of \$220,000 through Fiscal Year 2014-2015. Additional funds will be applied to RDA costs as allowed in Utah Code 17C-1 in this district and debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

REDEVELOPMENT AGENCY FUND

EXPENDITURES

PROJECT AREA #90-08

Expenditures in this area improve, rehabilitate, or redevelop areas within the project and provide funds for the payment of debt service on bonds issued for the construction of recreational facilities in 2002.

<u>EXPENDITURES DESCRIPTION</u>	<u>ACTUAL FY 10 - 11</u>	<u>ACTUAL FY 11 - 12</u>	<u>BUDGET FY 12 - 13</u>	<u>TENTATIVE BUDGET FY 13 - 14</u>
Future Projects	\$ -	\$ -	\$ 62,318	\$ 39,830
Contributions to Other Funds	23,791	194,259	172,682	175,170
PROJECT AREA TOTALS	<u>\$ 23,791</u>	<u>\$ 194,259</u>	<u>\$ 235,000</u>	<u>\$ 215,000</u>

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

Project 90-08: 500 North to 1200 North between 100 West & State Street (Various Properties)

Date Created:	May 1, 1990
Base Year for Computing Tax Increment:	1990
Initial Tax Increment Request:	Fiscal Year 1992-93
Calendar Year Ending December 31, 2012 Taxable Value:	\$34,561,036
Base Year Taxable Value:	\$11,172,447
Marginal Value:	\$23,388,589
Calendar Year Beginning January 1, 2014 Increment Percentage:	70%



Non-educational “Additional Tax Increment” Requested

(as allowed in Utah Code Annotated 17C-1-403)

Calendar Year Ending December 31, 2013:	\$25,000
Calendar Year Beginning January 1, 2014:	\$25,000

Use: Debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

Normal Increment Requested:

Calendar Year Ending December 31, 2013:	\$190,000
Calendar Year Beginning January 1, 2014:	\$185,000

Use: RDA costs as allowed in Utah Code 17C-1 in this district and debt service on refunding bonds issued in 2007 and 2012 (original bonds were issued in 2002) for the construction of recreational facilities as allowed in Utah Code 17C-1-403.

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

**REDEVELOPMENT AGENCY FUND
ACTIVE PARTICIPATION AGREEMENTS**

<u>Agreement Number</u>	<u>Project Area</u>	<u>Name</u>	<u>Description</u>	<u>Terms</u>
RDA-85-C-002-01	85-01	Orem Tek Development Corp.	95% of Tax Increment	32 Years Started: Fiscal Year 1983-1984 Ends: Fiscal Year 2014-2015
RDA-89-C-023-10	87-10	Boyer Orem Associates	95% of Tax Increment	24 Years Started: Fiscal Year 1991-1992 Ends: Fiscal Year 2014-2015
RDA-A-09-0001	85-03A	MLP Orem, LLC	Maximum of 3 payments of \$75,000 and 3 payments of \$125000	8 Years Started: Fiscal Year 2010-2011 Ends: Fiscal Year 2017-2018
RDA-A-2011-0001	85-01	U.S. Synthetics	3 payments of \$33,333	3 Years Started: Fiscal Year 2011-2012 Ends: Fiscal Year 2013-2014

**REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

REDEVELOPMENT AGENCY FUND

RELATED OUTSTANDING DEBT

**\$5,720,000 Series 2007 Sales Tax Revenue Refunding Bonds
Amortization Schedule**

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2013-2014	\$ 25,000	\$ 240,274	\$ 265,274
2014-2015	575,000	239,274	814,274
2015-2016	1,065,000	216,274	1,281,274
2016-2017	1,125,000	163,024	1,288,024
2017-2018	1,190,000	112,398	1,302,398
2018-2019	435,000	63,221	498,221
2019-2020	335,000	46,782	381,782
2020-2021	350,000	33,800	383,800
2021-2022	240,000	19,800	259,800
2022-2023	255,000	10,200	265,200
Totals	<u>\$ 5,595,000</u>	<u>\$ 1,145,047</u>	<u>\$ 6,740,047</u>

**\$1,814,000 Series 2012 Sales Tax Revenue Refunding Bonds
Amortization Schedule**

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2013-2014	\$ 815,000	\$ 16,395	\$ 831,395
2014-2015	278,000	4,170	282,170
Totals	<u>\$ 1,093,000</u>	<u>\$ 20,565</u>	<u>\$ 1,113,565</u>

REDEVELOPMENT AGENCY
OF THE
CITY OF OREM
TENTATIVE BUDGET

FISCAL YEAR 2013-2014

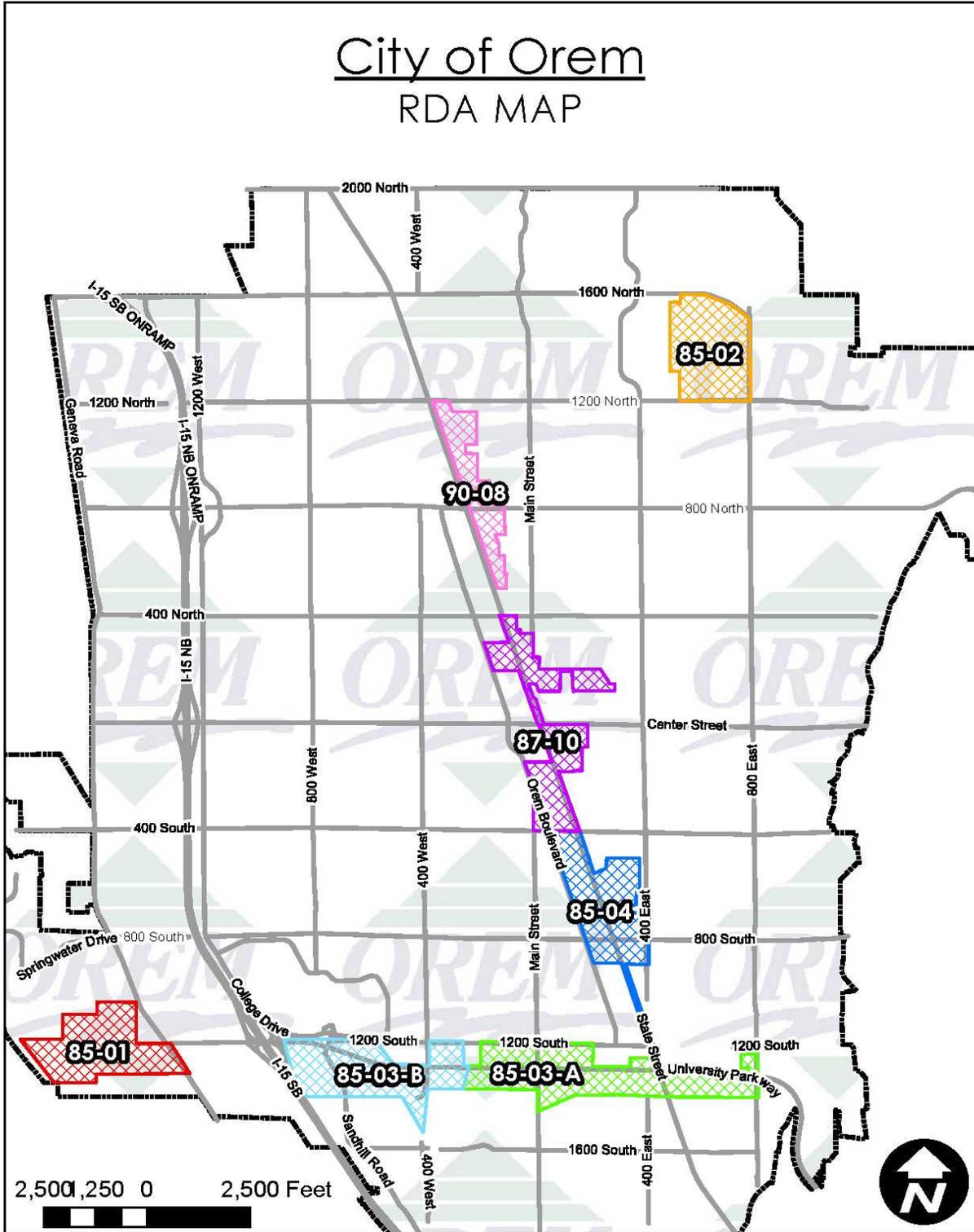


EXHIBIT "B"
BUDGET AMENDMENT
FISCAL YEAR 2012-2013

REDEVELOPMENT AGENCY FUND

REVENUES			Previous	Current
<u>Account Number</u>	<u>Note</u>	<u>Description</u>	<u>Budget</u>	<u>Budget</u>
53-3111-001		Tax Increment 85-01	\$760,000.00	\$863,241.28
53-3111-001-001		Haircut 85-01	145,000.00	164,760.64
53-3111-002		Tax Increment 85-02	545,000.00	432,313.75
53-3111-002-001		Haircut 85-02	100,000.00	82,541.84
53-3111-003-001		Tax Increment 85-03a	530,000.00	504,688.83
53-3111-003-002		Tax Increment 85-03b	775,000.00	777,245.51
53-3111-003-003		Haircut 85-03a	100,000.00	96,209.88
53-3111-003-004		Haircut 85-03b	145,000.00	148,399.08
53-3111-004		Tax Increment 85-04	250,000.00	197,921.02
53-3111-004-001		Haircut 85-04	45,000.00	37,738.93
53-3111-008		Tax Increment 90-08	210,000.00	187,633.03
53-3111-008-001		Haircut 90-08	25,000.00	23,024.94
53-3111-010		Tax Increment 87-10	330,000.00	527,980.57
53-3111-010-001		Haircut 87-10	60,000.00	93,683.14
53-3610		Interest Earnings	0.00	0.00
Total			<u>\$4,020,000.00</u>	<u>\$4,137,382.44</u>
Net Fund Increase				<u>\$117,382.44</u>

EXPENDITURES			Previous	Current
<u>Account Number</u>	<u>Note</u>	<u>Description</u>	<u>Budget</u>	<u>Budget</u>
Project Area 85-01				
53-9701-540		RDA-85-C002-01	\$722,000.00	\$820,079.21
53-9701-731-462		Fiber Optics Conduit Project	31,560.33	36,722.40
53-9701-920-005		Cont Fd10/Rec Bonds	145,000.00	164,760.64
Project Area 85-02				
53-9702-731-462		Fiber Optics Conduit Project	463,304.26	324,897.48
53-9702-920-005		Cont Fd10/Rec Bonds	100,000.00	108,262.37
Project Area 85-03				
53-9703-731-100		Temp Proj 85-03A	2,290,870.07	2,265,558.90
53-9703-731-101		Temp Proj 85-03B	4,225,971.08	4,228,216.59
53-9703-920-006		Cont Fd10/Rec Bonds	100,000.00	96,209.88
53-9703-920-007		Cont Fd10/Rec Bonds	145,000.00	148,399.08
Project Area 85-04				
53-9704-920-006		Cont Fd10/Rec Bonds	295,000.00	235,659.95
Project Area 98-08				
53-9708-731-100		Temp Proj 90-08	85,273.46	62,906.49
53-9708-920-005		Cont Fd10/Rec Bonds	172,682.00	170,706.94
Project Area 87-10				
53-9710-731-100		Temp Proj 87-10	130,373.62	328,354.19
53-9710-920-005		Cont Fd10/Rec Bonds	60,000.00	93,683.14
Total			<u>\$8,967,034.82</u>	<u>\$9,084,417.26</u>
Net Fund Increase				<u>\$117,382.44</u>

CITY OF OREM
REDEVELOPMENT AGENCY MEETING
 JUNE 11, 2013



REQUEST:	ANNUAL REVIEW - Redevelopment Agency of the City of Orem (RDA) Bylaws
APPLICANT:	Redevelopment Agency of the City of Orem
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

PREPARED BY:
Donna Weaver Secretary
APPROVED BY:

RECOMMENDATION:

The Chief Executive Officer of the Redevelopment Agency of the City of Orem recommends the Board of Directors adopt the bylaws as written.

BACKGROUND:

The RDA Bylaws stipulate that the Bylaws "shall be reviewed by the Board of Directors at each annual meeting" and may be amended "by majority vote of the Board of Directors of the Authority at a regular or special meeting." The Chief Executive Officer is not recommending any changes to the bylaws at this time.

AMENDED
BYLAWS OF THE
REDEVELOPMENT AGENCY
OF THE
THE CITY OF OREM, UTAH

ADOPTED BY REDEVELOPMENT AGENCY RESOLUTION NO. RDA-84-0001-000
AMENDED BY REDEVELOPMENT AGENCY RESOLUTION NO. RDA-89-0089-000
AMENDED BY REDEVELOPMENT AGENCY RESOLUTION NO. RDA-R-04-0003-000
AMENDED BY REDEVELOPMENT AGENCY RESOLUTION NO. RDA-R-2009-0004

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**BYLAWS OF THE REDEVELOPMENT AGENCY OF
THE CITY OF OREM, UTAH**

ARTICLE I – THE AGENCY

Section 1. Name of Agency. The name of the Agency shall be the “Redevelopment Agency of the City of Orem” in accordance with Ordinance #516 adopted by the City Council of the City of Orem, Utah, dated August 14, 1984.

Section 2. Purpose of Agency. The purpose of the Agency is to provide the City of Orem a redevelopment plan and take action that would revitalize, upgrade and develop certain areas of the City with quality developments which are conducive to the long range goals of the City.

Section 3. Governing Board. The governing board of the Agency shall be known as the Board of Directors of the Redevelopment Agency of the City of Orem. The Board of Directors shall be composed of the seven members of the City Council. Each member shall have one vote.

Section 4. Seal of Agency. The Seal of the Agency shall be in the form of a circle and shall bear the name of the Agency and the year of its organization.

Section 5. Office of Agency. The offices of the Agency shall be located in the Orem City Center located at 56 North State Street, Orem, Utah.

Section 6. Fiscal Year of Agency. The fiscal year of the Agency shall be from July 1 through June 30 of each year.

Section 7. Annual Audit. The Agency shall cause an annual independent audit, in conjunction with the audit of the City of Orem, of the immediate past fiscal year financial transactions and operations to be completed in accordance with State law and professional auditing standards, requirements, and practices established for governmental entities.

Section 8. Annual Budget. The Agency shall review and approve an annual budget in accordance with State Law.

Section 9. Required Reports. The Agency shall file any required reports with other agencies in accordance with State Law.

ARTICLE II – OFFICERS AND BOARDMEMBERS

Section 1. Officers. The officers of the Agency shall be a Chair and a Vice-Chair. The Chair shall be the Mayor of the City of Orem and the Vice-Chair shall be the Mayor Pro-Tem of the City of Orem.

Section 2. Chair. The Chair shall preside at all meetings of the Agency, execute all Agency approved resolutions, contracts, agreements and be the titular head of the Agency.

Section 3. Vice-Chair. The Vice-Chair of the Agency shall perform the duties of the Chair in the absence or incapacity of the Chair.

Section 4. Boardmembers. At the meetings of the Agency, any Boardmember may submit such recommendations and information as they may consider proper concerning the business, affairs, and policies of the Agency.

Section 5. Additional Duties. The Officers and Boardmembers of the Agency shall perform such other duties and functions as may from time to time be required by the Agency, the bylaws, or rules and regulations of the Agency.

Section 6. Reimbursement for Expenses. The Board of Directors of the Agency shall be reimbursed for expenses incurred in carrying out their official responsibilities by the Agency.

ARTICLE III – EMPLOYEES

Section 1. Chief Executive Officer. The Chief Executive Officer shall be the City Manager of the City of Orem. Under the policy direction of the Board of Directors of the Agency, the Chief Executive Officer shall:

- A. Direct the affairs of the Agency;
- B. Ensure, through the Treasurer, the proper care and custody of all Agency funds;
- C. Ensure proper disbursement and deposit of funds, in the name of the Agency, in or from such bank or banks as the Agency may select;
- D. Prepare or cause to be prepared all contracts, agreements, resolutions, deeds and other instruments necessary for Agency business;
- E. Execute all administrative documents or instruments that carry out Agency policies;
- F. Ensure that all checks or vouchers of the Agency have two (2) of the following signatures:
 1. The Treasurer and/or his/her designee; and
 2. The Financial Officer and/or his/her designee;
- G. Ensure, through the Secretary, the proper keeping of minutes and accounts;
- H. Provide a regular accounting of the financial transactions and conditions of the Agency;
- I. Implement necessary administrative policies and procedures to carry out the affairs of the Agency.
- J. Do all other things necessary for the proper conduct of Agency affairs.

Section 2. Secretary. The Secretary shall be the City Recorder of the City of Orem. The Secretary shall, under the general direction of the Chief Executive Officer, keep the official minutes and records of the Agency, shall act as the secretary for the meetings of the Agency and record all votes, shall keep a record of the proceedings of the Agency, shall keep the seal of the Agency, and shall have the power to affix such seal to all documents authorized to be executed by the Agency. The Assistant Secretary(s) shall be the Deputy Recorder(s) of the City of Orem.

Section 3. Treasurer. The Treasurer shall be the Treasurer of the City of Orem. The Treasurer shall, under the general direction of the Chief Executive officer, be responsible to ensure the proper

care and custody of all funds of the Agency and shall ensure proper disbursement of and deposit of the funds in the name of the Agency in or from such bank or banks as the Agency may select.

Section 4. Attorney. The Attorney shall be the City Attorney of the City of Orem. The Attorney shall, under the general direction of the Chief Executive Officer, provide legal advice and services to the Agency. When appropriate, the services of legal specialists in redevelopment law may be utilized.

Section 5. Financial Officer. The Financial Officer shall be the Director of Administrative Services for the City of Orem. The Financial Officer shall, under the general direction of the Chief Executive Officer, be responsible for the financial affairs of the Agency including the preparation of financial reports, annual audits and the general caring for the financial affairs of the Authority.

Section 6. Other Employees. The Chief Executive Officer may, from time to time, employ such additional personnel as may be necessary to exercise the powers, duties and functions of the Redevelopment Agency of the City of Orem as prescribed by the laws of the State of Utah, after approval of the Board of Directors of the Agency. The selection and compensation of such personnel shall be determined by the Chief Executive Officer subject to the policies established by the board of Directors of the Agency.

Section 7. Compensation. The Board of Directors of the Agency may establish compensation rates for employees from time to time. The employees of the Agency shall be reimbursed for expenses incurred in carrying out their official responsibilities by the Agency.

ARTICLE IV – MEETINGS

Section 1. Open Meetings. The Agency’s meetings shall be open to the public except for closed door meetings as outlined in this Article.

Section 2. Organizational Meeting. The organizational meeting of the Agency shall be held on such as day and at such time as determined by the Mayor of the City of Orem.

Section 3. Annual Meetings. The annual meeting of the Agency shall be held during the months of May or June in conjunction with the Agency’s adoption of the Fiscal Year Budget, or at a time and place set by the Chair. In the event such date shall fall on a legal holiday, the annual meeting shall be held on the next succeeding business day or at another convenient time set by the Chair.

Section 4. Regular Meetings. The regular meetings of the Agency shall be held at intervals deemed appropriate by the Agency. Official notice shall be given of the time, place, and agenda of the meeting.

Section 5. Special Meetings. The Chair may call special meetings of the Agency as deemed necessary by the Chair and shall call special meetings upon the request of at least two (2) Boardmembers or upon the request of the Chief Executive Office for the specified purpose of carrying our Agency business. The call for a special meeting shall be in writing and delivered to each Boardmember at the business or home of each, at least twenty-four (24) hours prior to the time of such special meeting. At such special meeting, no business shall be considered other than that

designated in the call.

Section 6. Emergency Meetings. The Chair shall call an emergency meeting of the Board whenever the Chair deems it imperative for the Board to take emergency action on business affairs of the Agency.

Section 7. Closed Door Meetings. The Agency may meet in Closed Door Meetings upon approval of the Board to discuss personnel, litigation, and property acquisition.

Section 8. Meeting Information. At each meeting, the Board of Directors, the Chief Executive Officer, or his designee, and the Redevelopment Agency Advisory Board may submit such recommendations and information as they may consider proper concerning the business, affairs, and policies of the Agency.

Section 9. Quorum. The powers of the Agency shall be vested in the Board of directors of the Agency. Four (4) members shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the Board of Directors upon a positive vote of at least four (4) members.

Section 10. Order of Business. At the regular meetings of the Agency, the following may be the order of business.

1. Call to order.
2. Invocation – if appropriate.
3. Approval of Minutes.
4. Scheduled Items.
5. Adjournment.

Section 11. Official Book of Minutes, Resolutions, and Ordinances. The Chief Executive Officer shall cause official Books of approved Minutes, Resolutions, and Ordinances to be created and maintained.

ARTICLE V – REDEVELOPMENT ADVISORY BOARD

Section 1. Redevelopment Advisory Board. The Commission for Economic Development in Orem (CEDO) shall act in an advisory capacity to the Agency for redevelopment matters.

Section 2. Advisory Role. In its advisory role, CEDO may:

- A. Review applications for redevelopment projects and make recommendations to the Agency on these applications.
- B. Present proposals for potential project areas to the Agency.
- C. Perform other advisory functions as requested by the Agency.

ARTICLE VI – AMENDMENTS OF THE BYLAWS

Section 1. Amendments of the Agency Bylaws. The Bylaws of the Redevelopment Agency of the City of Orem may be amended by majority vote of the Board of Directors of the Agency at a regular or special meeting.

Section 2. Review of Bylaws. The Bylaws of the Agency shall be reviewed by the Board of Directors at each annual meeting.

ARTICLE VII – MISCELLANEOUS

Section 1. Performance Bonds. The Officers, Boardmembers, and Employees shall be bonded for faithful performance of their duties as the Agency may determine. The Agency shall pay the costs of these bonds.

Section 2. Rules and Regulations. Upon recommendation of the Chief Executive Officer, the Board of Directors may establish rules and regulations governing the affairs of the Agency.



AGENDA
SPECIAL SERVICE LIGHTING DISTRICT
OF THE CITY OF OREM
June 11, 2013

CALL TO ORDER

APPROVAL OF MINUTES

1. MINUTES of Special Service Lighting District Meeting of May 14, 2013

SCHEDULED ITEMS

6:20 PUBLIC HEARING

2. RESOLUTION – Approve and Adopt Fiscal Year 2013-2014

RECOMMENDATION: The Chief Executive Officer of the Special Service Lighting District of the City of Orem (SSLD) recommends the Board of Directors, by resolution, approve and adopt the Fiscal Year 2013-2014 Budget.

BACKGROUND: On May 7, 2013, the Board of Directors received the SSLD Tentative Budget for Fiscal Year 2013-2014. A work session was held on Tuesday, May 14, 2013. The purpose of this hearing is to receive input from the residents, make any changes, approve and adopt the Budget for Fiscal Year 2013-2014.

3. ANNUAL REVIEW - Special Service Lighting District of the City of Orem (SSLD) Bylaws

RECOMMENDATION: The Chief Executive Officer of the Special Service Lighting District of the City of Orem recommends that the Board of Directors adopt the Bylaws as written.

BACKGROUND: The SSLD Bylaws stipulate that the Bylaws "shall be reviewed by the Board of Directors at each annual meeting" and may be amended "by majority vote of the Board of Directors of the District at a regular or special meeting." The Chief Executive Officer is not recommending any changes at this time.

ADJOURNMENT

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL SPECIAL SERVICE LIGHT DISTRICT MEETINGS.

**If you need a special accommodation to participate in the Special Service Lighting District Meetings,
please call the City Recorder's Office at least 3 working days prior to the meeting.
(Voice 229-7074) (TDD # 229-7037)**

This agenda is also available on the City's Internet webpage at orem.org

DRAFT

SPECIAL SERVICE LIGHTING DISTRICT
of the
CITY OF OREM
May 14, 2013

CONDUCTING

Chair James T. Evans

BOARD OF DIRECTORS

Hans Andersen, Margaret Black, Karen A. McCandless, Mark
Seastrand, Mary Street, and Brent Sumner

APPOINTED STAFF

Bruce Chesnut, Jamie Davidson, Richard Manning, Donna
Weaver, and Rachele Conner

The Special Service Lighting District Meeting convened 9:26 p.m.

APPROVAL OF MINUTES – June 19, 2012

Mrs. Black **moved** to approve the June 19, 2012, minutes for the meeting of the Special Service Lighting District. Mr. Seastrand **seconded** the motion. Those voting aye: Mr. Andersen, Mrs. Black, Mr. Evans, Mrs. McCandless, Mr. Seastrand, Mrs. Street, and Mr. Sumner. The motion **passed** unanimously.

SCHEDULED ITEMS

RESOLUTION – Adopt the Special Service Lighting District (SSLD) Fiscal Year 2012-2013 Tentative Budget

Bruce Chesnut, Chief Executive Officer, presented a staff recommendation that the Board of Directors, by resolution, tentatively adopt the Fiscal Year 2013-2014 Tentative Budget and set a public hearing to adopt the final budget on June 11, 2013, at 6:20 p.m.

On May 7, 2013, the Board of Directors received the SSLD tentative budget for Fiscal Year 2013-2014. The purpose of this item tonight is to accept the tentative budget and set the public hearing on June 11, 2013, at 6:20 p.m. to adopt the final budget for Fiscal Year 2013-2014.

Revenue	FY 11	FY 12	Budget FY 13	Proposed FY 2014
Lighting Fees	\$842,730	\$862,772	\$840,000	\$860,000
Interest Earnings	\$1,099	\$0	\$2,500	\$0
Misc. Revenue	\$25,452	\$9,215	\$0	\$0
Transfer In	\$500,000	\$300,000	\$764,809	\$453,000
Reserves	\$0	\$0	\$46,571	\$0
Totals	\$1,369,281	\$1,171,987	\$1,653,880	\$1,313,000

Mr. Chesnut indicated that included in this proposed budget is a street lighting fee that would cover the transfer in of \$453,000. That fee would also cover the construction costs of additional street lights and some personnel costs that is being paid by the General Fund.

DRAFT

40 Mr. Manning advised the fee would make this fund self-sustaining. It is currently the only fund that
41 is being supported by the General Fund. The debt will be paid off in 2017, and the \$3.25 per month
42 fee will start coming off neighborhood by neighborhood.

43

44 Mrs. Street **moved**, by resolution, to tentatively adopt the Fiscal Year 2013-2014 Tentative Budget
45 and set a public hearing to adopt the final budget on June 11, 2013, at 6:20 p.m. Mrs. Black
46 **seconded** the motion. Those voting aye: Mrs. Black, Mr. Evans, Mrs. McCandless, Mr. Seastrand,
47 Mrs. Street, and Mr. Sumner. Those voting nay: Mr. Andersen. The motion **carried** with a majority
48 vote of 6 to 1.

49

50 ADJOURNMENT

51

52 Mr. Andersen **moved** to adjourn the meeting of the Special Service Lighting District. Mr. Seastrand
53 **seconded** the motion. Those voting aye: Mr. Andersen, Mrs. Black, Mr. Evans, Mrs. McCandless,
54 Mr. Seastrand, Mrs. Street, and Mr. Sumner. The motion **passed** unanimously.

55

56 The meeting adjourned at 9:31 p.m.

CITY OF OREM
SPECIAL SERVICE LIGHTING DISTRICT MEETING
JUNE 11, 2013



REQUEST:	6:20 P.M. PUBLIC HEARING RESOLUTION – Approve and Adopt Fiscal Year 2013-2014
APPLICANT:	Bruce Chesnut, Chief Executive Officer
FISCAL IMPACT:	\$1,313,000

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Posted on the State website
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

PREPARED BY:

Brandon C. Nelson
Accounting Div. Mgr

APPROVED BY:

RECOMMENDATION:

The Chief Executive Officer of the Special Service Lighting District of the City of Orem (SSLD) recommends the Board of Directors, by resolution, approve and adopt the Fiscal Year 2013-2014 Budget.

BACKGROUND:

On May 7, 2013, the Board of Directors received the SSLD Tentative Budget for Fiscal Year 2013-2014. A work session was held on Tuesday, May 14, 2013. The purpose of this hearing is to receive input from the citizens, make any changes, approve and adopt the Budget for Fiscal Year 2013-2014.

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE SPECIAL SERVICE LIGHTING DISTRICT OF
THE CITY OF OREM, UTAH, APPROVING AND ADOPTING THE
BUDGET FOR FISCAL YEAR 2013-2014

WHEREAS, on May 14, 2013, the Chief Executive Officer of the Special Service Lighting District of the City of Orem, Utah, presented the tentative budget for Fiscal Year 2013-2014 to the Special Service Lighting District; and

WHEREAS the Board of Directors of the Special Service Lighting District, on due public notice, held a public hearing on Tuesday, June 11, 2013, in the Council Chambers of the Orem City Hall, at which time the budget was considered; and

WHEREAS the Board of Directors of the Special Service Lighting District considered the budget as submitted and all information presented at the public hearing, and made all changes and amendments which the Board of Directors desires to make; and

WHEREAS the Board of Directors of the Special Service Lighting District has developed a budget in which the anticipated revenues equal the total of appropriated expenditures; and

WHEREAS the Special Service Lighting District Tentative Budget has been revised to reflect each and all of the amendments, changes, and modifications which the Board of Directors believes should be made in the budget; and

NOW, THEREFORE, BE IT RESOLVED BY THE SPECIAL SERVICE LIGHTING DISTRICT OF THE CITY OF OREM, UTAH, as follows:

1. The Board of Directors hereby adopts the budget for Fiscal Year 2013-2014 as amended, modified, and revised, which budget is attached hereto as Exhibit "A" and is incorporated herein by this reference.
2. The Chief Executive Officer is directed to implement this budget in accordance with State laws and appropriate Special Service Lighting District procedures.
4. A copy of the Special Service Lighting District Budget for the Fiscal Year 2013-2014 shall be placed on file in the office of the Secretary of the Special Service Lighting District of the City of Orem, Utah, and in the Orem Public Library.
5. This resolution shall take effect immediately upon passage.
6. All other resolutions, ordinances, and policies in conflict herewith, either in whole or in part, are hereby repealed.

DRAFT

PASSED AND APPROVED this 11th day of June 2013.

SPECIAL SERVICE LIGHTING DISTRICT
OF THE CITY OF OREM, by
James T. Evans, Chair

ATTEST:

Donna Weaver, Secretary

BOARD MEMBERS VOTING "AYE"

BOARD MEMBERS VOTING "NAY"

SPECIAL SERVICE LIGHTING DISTRICT
OF THE
CITY OF OREM

TENTATIVE BUDGET

FISCAL YEAR 2013-2014



City of Orem
56 North State Street
Orem, Utah 84057
www.orem.org

**SPECIAL SERVICE LIGHTING DISTRICT
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

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**SPECIAL SERVICE LIGHTING DISTRICT
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

STREET LIGHTING FUND

MISSION STATEMENT

The Special Service Lighting District (or Street Lighting Fund) is a separate legal entity from the City of Orem that has the statutory ability to provide street lighting services within the City. The City Council acts as the governing authority for the Special Service Lighting District.

REVENUES

Revenues for the Street Lighting Fund are primarily derived from a street lighting fee collected on city utility bills and a contribution from the City's General Fund.

<u>REVENUE DESCRIPTION</u>	<u>ACTUAL FY 10 - 11</u>	<u>ACTUAL FY 11 - 12</u>	<u>BUDGET FY 12 - 13</u>	<u>TENTATIVE BUDGET FY 13 - 14</u>
Street Lighting Fees	\$ 842,730	\$ 862,772	\$ 840,000	\$ 860,000
Interest Earnings	1,099	-	2,500	-
Miscellaneous Revenues	25,452	9,215	-	-
Contributions from Other Funds	500,000	300,000	764,809	453,000
Appropriations of Surplus	-	-	46,571	-
FUND TOTALS	<u>\$ 1,369,281</u>	<u>\$ 1,171,987</u>	<u>\$ 1,653,880</u>	<u>\$ 1,313,000</u>

**SPECIAL SERVICE LIGHTING DISTRICT
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

STREET LIGHTING FUND

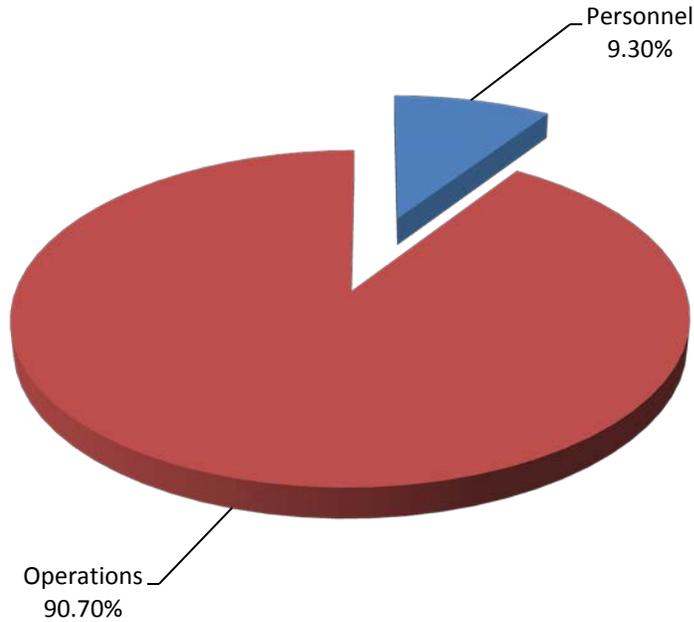
BUDGET SUMMARY

STREET LIGHTING FUND					FY 2013 - 2014
	# OF EMP. *	PERSONNEL	OPERATIONS	CAPITAL	TOTAL
Street Lighting Administration	1	\$ 122,057	\$ 91,317	-	\$ 213,374
Street Lighting Electric Power	0	-	420,000	-	420,000
Street Lighting System Lease	0	-	679,626	-	679,626
TOTALS	1	\$ 122,057	\$ 1,190,943	-	\$ 1,313,000

* Number of benefitted employees

STREET LIGHTING FUND

Expenditures by Category



**SPECIAL SERVICE LIGHTING DISTRICT
OF THE
CITY OF OREM
TENTATIVE BUDGET**

FISCAL YEAR 2013-2014

STREET LIGHTING FUND

EXPENSES

Provides administration and maintenance services for the City Street Lighting program and provides funding for the street lighting bonds that paid for the construction of the City-wide street lighting system. The bond payments are handled through a street lighting lease agreement with the City of Orem.

<u>EXPENSE DESCRIPTION</u>	<u>ACTUAL FY 10 - 11</u>	<u>ACTUAL FY 11 - 12</u>	<u>BUDGET FY 12 - 13</u>	<u>TENTATIVE BUDGET FY 13 - 14</u>
Salaries & Wages - Permanent	\$ 70,140	\$ 67,888	\$ 66,611	\$ 39,854
Salaries & Wages - Temporary	38,909	36,272	44,784	47,783
Salaries & Wages - Overtime	3,625	2,087	3,178	3,820
Fringe Benefits	32,503	33,148	32,914	30,600
Employee Development	234	460	500	1,450
Supplies	132	362	1,700	1,800
Uniforms	374	371	394	525
Equip. - Supplies & Maintenance	5,972	5,658	5,800	5,400
Fleet Maintenance Charge	946	2,771	1,506	1,287
Electric Power	296,360	291,204	425,000	420,000
Telephone & Communications	692	640	773	1,275
Maintenance & Repair	102,965	82,369	72,218	69,000
Professional & Technical Services	8,860	1,960	11,500	10,400
Special Departmental Supplies	29	-	-	-
Sundry Expense	800	178	4,989	180
Light System Lease	680,278	665,775	679,626	679,626
Bad Debt Expense	3,254	2,675	-	-
Depreciation Expense	39,461	40,351	-	-
Street Lighting Construction	-	-	202,610	-
Contributions to Other Funds	-	-	97,276	-
FUND TOTALS	<u>\$ 1,285,534</u>	<u>\$ 1,234,169</u>	<u>\$ 1,651,379</u>	<u>\$ 1,313,000</u>

CITY OF OREM
SPECIAL SERVICE LIGHTING DISTRICT MEETING
JUNE 11, 2013



REQUEST:	ANNUAL REVIEW - Special Service Lighting District of the City of Orem (SSLD) Bylaws
APPLICANT:	Special Service Lighting District
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Neighborhood Chair

RECOMMENDATION:

The Chief Executive Officer of the Special Service Lighting District of the City of Orem recommends that the Board of Directors adopt the Bylaws as written.

BACKGROUND:

The SSLD Bylaws stipulate that the Bylaws "shall be reviewed by the Board of Directors at each annual meeting" and may be amended "by majority vote of the Board of Directors of the District at a regular or special meeting." The Chief Executive Officer is not recommending any changes at this time.

PREPARED BY:

Donna Weaver Secretary

APPROVED BY:

--

AMENDED
BYLAWS OF THE
SPECIAL SERVICE LIGHTING DISTRICT
OF THE
CITY OF OREM, UTAH

ADOPTED BY SPECIAL SERVICE LIGHTING DISTRICT RESOLUTION NO. SLD-RES-00-0001
AMENDED BY SPECIAL SERVICE LIGHTING DISTRICT RESOLUTION NO. SLD-RES-04-0003

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BYLAWS OF THE
SPECIAL SERVICE LIGHTING DISTRICT
OF THE
CITY OF OREM, UTAH

ARTICLE I – THE DISTRICT

Section 1. Name of District. The name of the district shall be the “Special Service Lighting District of the City of Orem, Utah” in accordance with Resolution R-99-0047 adopted by the City Council of the City of Orem, Utah, dated June 22, 1999.

Section 2. Purpose of District. The purpose of the District is to provide street lighting within the City of Orem.

Section 3. Rights, Powers and Authority of the District. As provided in State law, the District shall be a separate body politic and corporate and a quasi-municipal public corporation distinct from the City of Orem. The District shall have the following rights, powers, and authority: (a) purchase, install and maintain street lights, poles, and fixtures, (b) install and maintain conduit and wiring needed to operate the street lights, (c) pay for the electricity required to operate the street lights, (d) collect fees to pay for the street lighting, (e) administer all aspects of the street lighting program, (f) perform any other services to implement and sustain a street lighting program for the City of Orem, (g) contract with other entities to provide some or all of these services, and (h) all other rights, powers, and authority not expressly stated as established by State law.

Section 4. Governing Board. The governing board of the District shall be known as the Board of Directors of the Special Service District of the City of Orem, Utah. The Board of Directors shall be composed of the seven members of the City Council. Each member shall have one vote.

Section 5. Seal of District. The Seal of the District shall be in the form of a circle and shall bear the name of the District and the year of its organization.

Section 6. Office of District. The offices of the District shall be located in the Orem City Center located at 56 North State Street, Orem, Utah.

Section 7. Fiscal Year of District. The fiscal year of the District shall be from July 1 through June 30 of each year.

Section 8. Annual Audit. The District shall cause an annual independent audit, in conjunction with the audit of the City of Orem, of the immediate past fiscal year financial transactions and operations to be completed in accordance with State law and professional auditing standards, requirements, and practices established for governmental entities.

Section 9. Annual Budget. The District shall review and approve an annual budget in accordance with State law.

Section 10. Required Reports. The District shall file any required reports with other agencies in accordance with State law.

ARTICLE II – OFFICERS AND BOARDMEMBERS

Section 1. Officers. The officers of the District shall be a Chair and a Vice-Chair. The Chair shall be the Mayor of the City of Orem and the Vice-Chair shall be the Mayor Pro-Tem of the City of Orem.

Section 2. Chair. The Chair shall preside at all meetings of the District, execute all District approved resolutions, contracts, agreements, and be the titular head of the District.

Section 3. Vice-Chair. The Vice-Chair of the District shall perform the duties of the Chair in the absence of the Chair.

Section 4. Boardmembers. The members of the City Council of the City of Orem shall be boardmembers of the District.

Section 5. Additional Duties. At the meetings of the District, any Boardmember may submit such recommendations and information as they may consider proper concerning the business, affairs, and policies of the District. The Officers and Boardmembers of the District shall perform such other duties and functions as may from time to time be required by the District, the bylaws, or rules and regulations of the District.

Section 6. Reimbursement for Expenses. The Board of Directors of the District shall be reimbursed for expenses incurred in carrying out their official responsibilities by the District.

ARTICLE III – EMPLOYEES

Section 1. Chief Executive Officer. The Chief Executive Officer shall be the City Manager of the City of Orem. Under the policy direction of the Board of Directors of the District, the Chief Executive Officer shall:

- A. Direct the affairs of the District;
- B. Ensure, through the Treasurer, the proper care and custody of all District funds;
- C. Ensure proper disbursement and deposit of funds, in the name of the District, in or from such bank or banks as the District may select;
- D. Prepare or cause to be prepared all contracts, agreements, resolutions, deeds and other instruments necessary for District business;
- E. Execute all administrative documents or instruments that carry out District policies.
- F. Ensure that all checks or vouchers of the District have two (2) of the following signatures:
 - (1) The Treasurer, and/or his/her designee; and
 - (2) The Financial Officer, and/or his/her designee.
- G. Ensure, through the Secretary, the proper keeping of minutes and other official records.
- H. Provide a regular accounting of the financial transactions and conditions of the District.
- I. Implement the necessary administrative policies and procedures to carry out the affairs of the District.
- J. Do all other things necessary for the proper conduct of District affairs.

Section 2. Secretary. The Secretary shall be the City Recorder of the City of Orem. The Secretary shall, under the general direction of the Chief Executive Officer, keep the official minutes and records of the District, shall act as the secretary for the meetings of the District and record all votes, shall keep a record of the proceedings of the District, shall keep the seal of the District, and shall have the power to affix such seal to all documents authorized to be executed by the District. The Assistant Secretary(s) shall be the Deputy Recorder(s) of the City of Orem.

Section 3. Treasurer. The Treasurer shall be the Treasurer of the City of Orem. The Treasurer shall, under the general direction of the Chief Executive Officer, be responsible to ensure the proper care

and custody of all funds of the District and shall ensure proper disbursement of and deposit of the funds in the name of the District in or from such bank as the District may select.

Section 4. Attorney. The Attorney shall be the City Attorney of the City of Orem. The Attorney shall, under the general direction of the Chief Executive Officer, provide legal advice, and services to the District. When appropriate, the services of legal specialists may be utilized.

Section 5. Financial Officer. The Financial Officer shall be the Director of Administrative Services for the City of Orem. The Financial Officer shall, under the general direction of the Chief Executive Officer, be responsible for the financial affairs of the District including the preparation of financial reports, annual audits and the general caring for the financial affairs of the District.

Section 6. Other Employees. The Chief Executive Officer may, from time to time, employ such additional personnel as may be necessary to exercise the powers, duties and functions of the District prescribed by the laws of the State of Utah, after approval of the Board of Directors of the District. The selection and compensation of such personnel shall be determined by the Chief Executive Officer subject to the policies established by the Board of Directors of the District.

Section 7. Compensation. The Board of Directors of the District may establish compensation rates for employees from time to time. The employees of the District shall be reimbursed for expenses incurred in carrying out their official responsibility by the District.

ARTICLE IV – MEETINGS

Section 1. Open Meetings. The District’s meetings shall be open to the public except for closed door meetings as outlined in this Article.

Section 2. Organizational Meeting. The organizational meeting of the District shall be held on such day and at such time as determined by the Mayor of the City of Orem.

Section 3. Annual Meeting. The Annual Meeting of the District shall be held during the months of May or June in conjunction with the District’s adoption of the Fiscal Year Budget, or at a time and place

set by the Chair. In the event such date shall fall on a legal holiday, the annual meeting shall be held on the next succeeding business day or at another convenient time set by the Chair.

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Section 6. Emergency Meetings. The Chair shall call an emergency meeting of the Board whenever the Chair deems it imperative for the Board to take emergency action on business affairs of the District.

Section 7. Closed-door Meetings. The District may meet in Closed-door Meetings upon approval of the Board to discuss matters allowed by State law for public entities.

Section 8. Meeting Information. At each meeting, the Boardmembers and the Chief Executive Officer may submit such recommendations and information as they may consider proper concerning the business, affairs, and policies of the District.

Section 9. Quorum. The power of the District shall be vested in the Board of Directors of the District. Four (4) members shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the Board of Directors upon positive vote of at least four (4) members.

Section 10. Order of Business. At the regular meetings of the District, the following shall be the order of business:

1. Call to order.
2. Approval of Minutes.
3. Scheduled Items.
4. Adjournment.

Section 11. Official Book of Minutes and Resolutions. The Chief Executive Officer shall cause Official Books of approved Minutes and Resolutions to be created and maintained.

ARTICLE V – AMENDMENTS OF THE BYLAWS

Section 1. Amendments of the District Bylaws. The Bylaws of the District may be amended by majority vote of the Board of Directors of the District at a regular or special meeting.

Section 2. Review of Bylaws. The Bylaws of the District shall be reviewed by the Board of Directors at each annual meeting.

ARTICLE VI – MISCELLANEOUS

Section 1. Performance Bonds. The Officers, Boardmembers, and Employees of the District shall be bonded for faithful performance of their duties as the District may determine appropriate. The District shall pay the costs of these bonds.

Section 2. Rules and Regulations. Upon recommendation of the Chief Executive Officer, the Board of Directors may establish rules and regulations governing the affairs of the District.