

City of La Verkin

435 North Main St., La Verkin Utah, 84745

(435) 635-2581 Fax (435) 635-2104

www.laverkin.org

La Verkin City Council Meeting Agenda

Wednesday, August 19, 2020, 6:00 p.m.

Council Chambers, 111 S. Main, La Verkin, Utah

A. Meeting Called to Order: Invocation by Invitation; Pledge of Allegiance

B. Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. Minutes: August 5, 2020 regular meeting
4. Review Checks and Invoices: \$146,437.53

C. Citizen Comment & Request for Future Agenda Items: No action may be taken on a matter raised under this agenda item. This item is reserved for the citizens of La Verkin who have items not listed on this agenda. There is a time limit of 20 minutes with each individual taking no more than 3 minutes.

D. Business:

1. Annual Training on Open and Public Meetings Act (OPMA) and Government Records Access and Management Act (GRAMA) for members of the City's public bodies (including but not limited to the City Council, Planning Commission, and Board of Adjustment), as required by law.
2. Discussion and possible action to approve Ordinance No. 2020-02; an ordinance amending section 7-5A-1 of the La Verkin City Code and providing for the regulation of City controlled property (e.g., certain trails and trailheads, etc)
3. Discussion and possible action to approve Ordinance No. 2020-03; an ordinance amending section 8-2-12 of the La Verkin City Code, and providing for flood irrigation, in certain circumstances and for a limited time, in the area of the City located in the lower lands situated in the area surrounding the Virgin River, La Verkin Creek, and Ash Creek.

E. Mayor & Council Reports:

Mayor Hirschi:

Wilson: Ash Creek Sewer District, Public Works, Water, La Verkin Hot Springs

Wise: Planning Commission/Zoning, Beautification/Trails Committee, Economic Development/Tourism

Justice: Washington County Solid Waste, Homeland Security/CERT, Confluence Park

Gubler: Public Safety, Recreation/City Festivals

Hardy: Southwest Mosquito Abatement, Historical Preservation

F. Adjourn:

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Christy Ballard, City Recorder, (435) 635-2581, at least 48 hours in advance.

Certificate of Posting

The undersigned City Recorder does hereby certify that the agenda was sent to each member of the governing body, sent to the Spectrum newspaper, posted on the State website at, posted on the La Verkin City website at www.laverkin.org and at the City office buildings

111 S. Main and 435 N. Main on August 14, 2020.

Christy Ballard, City Recorder

Invoice Register - 7/31/2020 to 8/13/2020 - All Invoices

8/14/2020

Invoice No.	Vendor	Check No.	Input Date	Due Date	Amount	Account No.	Account Name	Description
321291	ACE HARDWARE		8/3/2020	9/10/2020	\$11.96	104160.270	Bldg B&G OPERATION AND M	Filters
321556	ACE HARDWARE		8/10/2020	9/10/2020	\$41.36	556350.440	Drainage NEW SERVICES	Twine, stakes
	Vendor Total:				\$53.32			
PR073120-258	AFLAC	47215	8/5/2020	8/5/2020	\$106.50	102224	Health Savings Account	AFLAC EE
07312020	ASH CREEK SPECIAL SERVICE DIST		8/4/2020	9/15/2020	\$43,063.37	526260.520	Sewer PAYMENT TO ASH CRE	July 2020
UT202001962	BLUE STAKES OF UTAH 811		8/3/2020	8/30/2020	\$63.38	516340.450	O&M SYSTEMS MAINTENANC	Billable email notifications
1013259	Bruce Electric Contractors, Inc	47240	8/3/2020	8/15/2020	\$3,649.00	104510.730	Parks CAPITAL EXPENDITURE	Electrical material and labor, high voltage transformer and pedetsal @ park bathrooms
1013260	Bruce Electric Contractors, Inc	47240	8/3/2020	8/15/2020	\$297.00	104160.270	Bldg B&G OPERATION AND M	Install ceiling fan in John's office
1013261	Bruce Electric Contractors, Inc	47216	8/3/2020	8/10/2020	\$130.00	104160.270	Bldg B&G OPERATION AND M	Service call to repair automatic door opener at 435 N Main
	Vendor Total:				\$4,076.00			
0561036 PO# 3671	Citi Cards		8/12/2020	8/25/2020	\$328.78	104140.245	CARES OFFICE EXPENSE, SU	Portable Hard Drive for Office Reports
070920	Citi Cards	8102020	8/7/2020	8/15/2020	\$16.01	104140.315	Admin COMPUTER EQUIPME	ZOOM
071320	Citi Cards	8102020	8/7/2020	8/15/2020	\$15.00	104140.315	Admin COMPUTER EQUIPME	Screen cloud
072420-5510 PO# 3657	Citi Cards	8102020	8/7/2020	8/10/2020	\$1,498.86	104140.245	CARES OFFICE EXPENSE, SU	Laptop Computers and Printers for key staff workig from home
072620-5410 PO# 3657	Citi Cards	8102020	8/7/2020	8/15/2020	\$3,254.58	104140.245	CARES OFFICE EXPENSE, SU	Laptop Computers and Printers for key staff workig from home
073020-5310 PO# 3657	Citi Cards	8102020	8/7/2020	8/15/2020	\$1,114.86	104140.245	CARES OFFICE EXPENSE, SU	Laptop Computers and Printers for key staff workig from home
080420 PO# 3669	Citi Cards		8/7/2020	8/15/2020	\$16.80	104620.610	Comm COMMUNITY DEVELOP	Managers Lunch
08042020 PO# 3668	Citi Cards	8102020	8/10/2020	8/10/2020	\$86.46	104540.610	Rec MISCELLANEOUS EXPEN	Fair Parade
10	Citi Cards		8/7/2020	8/25/2020	\$81.03	104140.610	Admin MISCELLANEOUS SER	Employee luncheon
110 PO# 3657	Citi Cards		8/7/2020	8/15/2020	\$1,019.96	104140.245	CARES OFFICE EXPENSE, SU	Laptop Computers and Printers for key staff workig from home
18032	Citi Cards		8/3/2020	8/5/2020	\$333.05	104140.290	Admin TELEPHONE/COMMUNI	DSL

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7237863	Citi Cards	8102020	8/7/2020	8/15/2020	49.96 103.24 56.62 56.62	104253.280 516660.290 536310.290 556350.290	Animal UTILITIES Admin TELEPHONE & COMMU Irrigation TELEPHONE & COM Drainage TELEPHONE & COM	PHONE DSL DSL DSL
7322622	Citi Cards	8102020	7/31/2020	8/15/2020	\$42.69 42.69	104620.610	Comm COMMUNITY DEVELOP	Microphone for ZOOM and recordings
05946	Vendor Total:				\$42.69 42.69 \$7,850.77	104140.315	Admin COMPUTER EQUIPME	HDMI Cable
96734 PO# 3662	CITY OF ST GEORGE		8/10/2020	9/1/2020	\$13,999.00	104210.410	Police DAT/INVESTIGATION/DI	1st Qtr dispatch fees
082020	Colorland Sales And Service	47241	8/7/2020	8/15/2020	\$807.04 807.04	104510.250	Parks EQUIPMENT OPERATIN	City mower reapir
15796	CROUSE, AMBER	47218	8/7/2020	8/7/2020	\$15,000.00 15,000.00	104140.610	Admin MISCELLANEOUS SER	Litigation
	Davis Air Tec	47242	8/10/2020	8/1/2020	\$211.92 211.92	104160.270	Bldg B&G OPERATION AND M	Clean condensor coils, filters, checked units on Air conditioning
07082020	Davis Food & Drug #4/Farmers Market		8/13/2020	8/15/2020	\$16.99 16.99	104160.250	Bldg EQUIPMENT OPERATING	D Batteries
07112020	Davis Food & Drug #4/Farmers Market		8/13/2020	8/15/2020	\$190.33 190.33	104620.610	Comm COMMUNITY DEVELOP	Daniel Howard- Eagle Project
072720	Davis Food & Drug #4/Farmers Market	47219	8/3/2020	8/10/2020	\$0.95 0.95	104210.240	Police OFFICE EXPENSE, SUP	Wall plate
913 PO# 3663	Vendor Total:				\$5,733.75 4,290.00 1,443.75	104410.745 516340.450	Streets STREET IMPROVEME O&M SYSTEMS MAINTENANC	Street repair Water leak repairs to road
RFD 100040013.	Diamond C Asphalt	47243	8/7/2020	8/15/2020	\$964.55 964.55	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100040013 - DIRT PRO ECAVATING LLC
073120	DIRT PRO ECAVATING LLC	47220	8/4/2020	8/4/2020	\$223.00 160.56 55.75	104140.280 516660.280 556350.250	Admin UTILITIES Admin UTILITIES Drainage EQUIPMENT OPERA	
149510	Empire Waste Services	47244	8/3/2020	8/15/2020	\$401.19 146.00 94.00 17.19 100.00	104140.315 104210.315 104230.315 516660.315 536310.315	Admin COMPUTER EQUIPME Police COMPUTER EQUIPMEN Victims COMPUTER EQUIPME Admin SOFTWARE OR INFOR IrrigationCOMPUTER EQUIPM	Office 365 Office 365 Office 365 Office 365 Office 365
85067	EXECUTECH	47245	8/11/2020	8/10/2020	22.00 22.00 \$1,365.00 125.00 545.50 434.50 130.00	556350.315 104140.310 104140.315 516660.315 536310.315	Drainage SOFTWARE & COMP Admin ATTORNEY/IN HOUSE Admin COMPUTER EQUIPME Admin SOFTWARE OR INFOR IrrigationCOMPUTER EQUIPM	Office 365 Office 365 Office 365 Office 365 Office 365

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517960	Federal Eastern International, LLC		8/10/2020	8/25/2020	130.00 \$1,766.19	556350.315	Drainage SOFTWARE & COMP	
518137	Federal Eastern International, LLC		8/12/2020	9/1/2020	\$367.50 367.50 \$801.90	104140.245 104140.245	CARES OFFICE EXPENSE, SU CARES OFFICE EXPENSE, SU	Face shields, gloves for CARES ACT- Police Police protective gear
PR073120-6099	Health Equity		8/5/2020	8/5/2020	\$435.00 435.00	102224	Health Savings Account	PEHP Health Equity
RFD 100040543.	Holloway, Douglas & Mary	47223	7/31/2020	7/31/2020	\$100.14 100.14	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100040543 - Holloway, Douglas & Mary
2020-1357	HURRICANE CITY JUSTICE COURT	47225	8/3/2020	8/10/2020	\$273.75 273.75	104121.240	Police JUSTICE COURT	Indigent counsel #201300165,205301692,205300 813,161300496
2020-1358	HURRICANE CITY JUSTICE COURT	47225	8/3/2020	8/10/2020	\$250.00 250.00 \$523.75	104121.240	Police JUSTICE COURT	August 2020 Court billing
070720	HURRICANE CITY POWER	47226	8/3/2020	8/10/2020	\$20.16 20.16	104140.280	Admin UTILITIES	LaVerkin City sign power
27131	My Fleet Center,		8/7/2020	8/25/2020	\$68.31 68.31	104210.450	Police VEHICLE MAINTANCE	oil change 2019 Ram- Crouse
27289	My Fleet Center,		8/13/2020	9/1/2020	\$68.31 68.31 \$136.62	104210.450	Police VEHICLE MAINTANCE	Oil Change - 2019 RAM Barker
614665,618083,6	NAPA AUTO PARTS	47230	8/7/2020	8/10/2020	\$158.49 1.58 19.02 19.02 28.55 1.58 1.58 72.91 1.58 516340.450 9.51 1.58 19.02 1.58 \$11.26	104160.250 104240.250 104410.250 104410.745 104510.250 516340.250 516340.450 536310.250 536310.450 556350.250 556350.440	Bldg EQUIPMENT OPERATING Inspect EQUIPMENT OPERATI Streets EQUIPMENT OPERATI Streets STREET IMPROVEME Parks EQUIPMENT OPERATIN O&M EQUIPMENT OPERATIN O&M SYSTEMS MAINTENANC Irrigation EQUIPMENT OPERA Irrigation WATER MAIN REPAIR Drainage EQUIPMENT OPERA Drainage NEW SERVICES	
627644	NAPA AUTO PARTS		8/10/2020	8/25/2020	\$11.26 0.11 1.35 2.04 0.11 0.11 5.18 0.11 0.68 0.11	104160.250 104240.250 104410.250 104410.745 104510.250 516340.250 516340.450 536310.250 536310.450	Bldg EQUIPMENT OPERATING Inspect EQUIPMENT OPERATI Streets EQUIPMENT OPERATI Streets STREET IMPROVEME Parks EQUIPMENT OPERATIN O&M EQUIPMENT OPERATIN O&M SYSTEMS MAINTENANC Irrigation EQUIPMENT OPERA Irrigation WATER MAIN REPAIR	Test leads

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627647	NAPA AUTO PARTS		8/10/2020	8/25/2020	1.35 0.11 \$7.71 0.08 0.93 1.36 0.08 0.08 3.55 0.08 0.46 0.08 0.93 0.08 \$177.46	556350.250 556350.440 104160.250 104240.250 104410.250 104410.745 104510.250 516340.250 516340.450 536310.250 536310.450 556350.250 556350.440	Drainage EQUIPMENT OPERA Drainage NEW SERVICES Bldg EQUIPMENT OPERATING Inspect EQUIPMENT OPERATI Streets EQUIPMENT OPERATI Streets STREET IMPROVEME Parks EQUIPMENT OPERATIN O&M EQUIPMENT OPERATIN O&M SYSTEMS MAINTENANC Irrigation EQUIPMENT OPERA Irrigation WATER MAIN REPAIR Drainage EQUIPMENT OPERA Drainage NEW SERVICES	plug
080520	Preston's Mobile Shredding		8/10/2020	8/25/2020	\$25.00 18.00 6.25 0.75	104140.280 516660.280 556350.250	Admin UTILITIES Admin UTILITIES Drainage EQUIPMENT OPERA	
1565	Preston's Mobile Shredding	47231	8/3/2020	8/12/2020	\$25.00 18.00 6.25 0.75	104140.280 516660.280 556350.250	Admin UTILITIES Admin UTILITIES Drainage EQUIPMENT OPERA	
1962	Preston's Mobile Shredding		8/12/2020	8/25/2020	\$25.00 18.00 6.25 0.75 \$75.00	104140.280 516660.280 556350.250	Admin UTILITIES Admin UTILITIES Drainage EQUIPMENT OPERA	
080320	PURCHASE POWER		8/10/2020	8/20/2020	\$503.50 231.58 60.42 140.91 20.24 50.35 \$777.00 777.00	104140.240 104140.310 516660.240 536310.240 556350.240	Admin OFFICE EXPENSE, SUP Admin ATTORNEY/IN HOUSE Admin OFFICE EXPENSE, SUP Irrigation OFFICE EXPENSE, S Drainage OFFICE EXPENSE, S	
65439,65525	Quick Cut	47246	8/7/2020	8/15/2020	\$777.00	104510.730	Parks CAPITAL EXPENDITURE	Cutting at Power plant park
115	RUIZ CLEANING SERVICES		8/10/2020	8/20/2020	\$300.00 300.00	104160.250	Bldg EQUIPMENT OPERATING	Office, shop cleaning 435 N Main July 2020
6490181	SCHOLZEN PRODUCTS CO INC	47233	8/6/2020	8/10/2020	\$303.75 303.75	516340.450	O&M SYSTEMS MAINTENANC	Water service repair parts
6492883	SCHOLZEN PRODUCTS CO INC	47233	8/6/2020	8/10/2020	\$499.26 499.26	516340.450	O&M SYSTEMS MAINTENANC	Water service repair
6492891	SCHOLZEN PRODUCTS CO INC	47233	8/6/2020	8/10/2020	\$184.65 184.65	516340.450	O&M SYSTEMS MAINTENANC	Water service repair
6493198	SCHOLZEN PRODUCTS CO INC	47233	8/6/2020	8/10/2020	\$257.54 257.54	516340.450	O&M SYSTEMS MAINTENANC	Water service pipe
6493703	SCHOLZEN PRODUCTS CO INC	47233	8/6/2020	8/10/2020	\$137.91 137.91	516340.450	O&M SYSTEMS MAINTENANC	Water service pipe

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6494572	SCHOLZEN PRODUCTS CO INC		8/7/2020	8/25/2020	\$58.30	104510.250	Parks EQUIPMENT OPERATIN	sprinkler repair parts
6495586	SCHOLZEN PRODUCTS CO INC		8/11/2020	9/1/2020	\$115.18	104510.250	Parks EQUIPMENT OPERATIN	Sprinkler repair supplies
	Vendor Total:				\$1,556.59			
312851	Southwest Utah Public Health Departme		8/7/2020	9/1/2020	\$120.00	516340.420	O&M PURIFICATION AND TRE	Water sample testing
20023	St. George Area Economic Developmen	47234	8/7/2020	8/7/2020	\$3,295.00	104620.610	Comm COMMUNITY DEVELOP	Economic development Partnership
070820	STAPLES	47247	8/10/2020	8/1/2020	\$62.79	104140.240	Admin OFFICE EXPENSE, SUP	
					28.26	104140.310	Admin ATTORNEY/IN HOUSE	
					7.53	516660.240	Admin OFFICE EXPENSE, SUP	
					16.33	516660.240	Irrigation OFFICE EXPENSE, S	
					4.14	536310.240	Drainage OFFICE EXPENSE, S	
					6.53	556350.240		
7309718168	STAPLES	47247	8/10/2020	8/1/2020	\$55.24	104140.240	Admin OFFICE EXPENSE, SUP	
					24.86	104140.310	Admin ATTORNEY/IN HOUSE	
					6.63	516660.240	Admin OFFICE EXPENSE, SUP	
					14.36	536310.240	Irrigation OFFICE EXPENSE, S	paper
					3.76	556350.240	Drainage OFFICE EXPENSE, S	
					5.63			
7309720122-3	STAPLES	47235	8/3/2020	8/10/2020	\$4.19	104210.240	Police OFFICE EXPENSE, SUP	Gloves
					4.19			
	Vendor Total:				\$122.22			
RFD 100040711.	Straight Up Builders	47248	8/6/2020	8/6/2020	\$185.88	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100040711 - Straight Up Builders
					185.88			
08012020	TDS BAJA Broadband		8/10/2020	8/20/2020	\$136.28	104140.290	Admin TELEPHONE/COMMUNI	DSL
					27.26	104253.280	Animal UTILITIES	PHONE
					20.44	516660.290	Admin TELEPHONE & COMMU	DSL
					42.24	536310.290	Irrigation TELEPHONE & COM	DSL
					23.17	556350.290	Drainage TELEPHONE & COM	DSL
					23.17			
480242	The Bancorp Bank	47249	8/11/2020	8/10/2020	\$4,350.01	104230.810	Victims LEASE PAYMENTS	Lease on CRV EX
					4,350.01			
08032020	U.S. POSTAL SERVICE	47210	8/3/2020	8/3/2020	\$438.50	104140.240	Admin OFFICE EXPENSE, SUP	
					199.33	104140.310	Admin ATTORNEY/IN HOUSE	
					53.38	516660.240	Admin OFFICE EXPENSE, SUP	
					117.01	536310.240	Irrigation OFFICE EXPENSE, S	
					22.93	556350.240	Drainage OFFICE EXPENSE, S	
					45.85			
					\$45.09			
3520495143	UniFirst Corporation		8/7/2020	9/1/2020	0.45	104160.250	Bldg EQUIPMENT OPERATING	
					5.41	104240.250	Inspect EQUIPMENT OPERATI	
					8.12	104410.250	Streets EQUIPMENT OPERATI	
					0.45	104410.745	Streets STREET IMPROVEME	
					0.45	104510.250	Parks EQUIPMENT OPERATI	
					20.74	516340.250	O&M EQUIPMENT OPERATI	

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3520495619	UniFirst Corporation		8/13/2020	9/1/2020	\$45.09	516340.450	O&M SYSTEMS MAINTENANC	
					0.45	516340.450	Irrigation EQUIPMENT OPERA	
					2.71	536310.250	Irrigation WATER MAIN REPAIR	
					0.45	536310.450	Drainage EQUIPMENT OPERA	
					5.41	556350.250	Drainage NEW SERVICES	
					0.45	556350.440		
					\$45.09			
					0.45	104160.250	Bldg EQUIPMENT OPERATING	
					5.41	104240.250	Inspect EQUIPMENT OPERATI	
					8.12	104410.250	Streets EQUIPMENT OPERATI	
					0.45	104410.745	Streets STREET IMPROVEME	
					0.45	104510.250	Parks EQUIPMENT OPERATI	
					20.74	516340.250	O&M EQUIPMENT OPERATI	
					0.45	516340.450	O&M SYSTEMS MAINTENANC	
					2.71	536310.250	Irrigation EQUIPMENT OPERA	
					0.45	536310.450	Irrigation WATER MAIN REPAIR	
					5.41	556350.250	Drainage EQUIPMENT OPERA	
					0.45	556350.440	Drainage NEW SERVICES	
					\$90.18			
4874649	UTAH RETIREMENT SYSTEMS	08052020	8/10/2020	7/21/2020	(\$6,275.32)	102223	Retirement Payable	Adjustment overpay
4874711	UTAH RETIREMENT SYSTEMS	07222020	8/10/2020	7/28/2020	(\$9,084.13)	102223	Retirement Payable	Adjustment overpay
PR073120-501	UTAH RETIREMENT SYSTEMS	08052020	8/5/2020	8/5/2020	\$9,062.84	102223	Retirement Payable	401k
					970.71	102223	Retirement Payable	Retirement
					8,092.13			
					(\$6,296.61)			
PR073120-449	Utah State Tax Commission		8/5/2020	8/5/2020	\$1,875.36	102222	State Withholding	State Income Tax
					1,875.36			
94755	WASHINGTON CO SOLID WASTE		8/10/2020	8/25/2020	\$19,984.35	546260.410	Garbage PAYMENT TO WASH	July 2020
13740	WCWCD		8/3/2020	8/30/2020	\$2,945.05	516660.410	Admin PRODUCT OR SERVIC	July 2020 Water development surcharge fees
					2,945.05			
13751	WCWCD		8/7/2020	8/30/2020	\$6,743.70	516660.440	Admin CONNECTION COSTS	Residential connection July 2020
					6,743.70			
					\$9,688.75			
R10801201	Weeks, James	ACH.7220.0805201312	8/1/2020	8/1/2020	\$1,200.00	104140.311	Admin ATTORNEY	
					1,200.00			
1011128	WHEELER CAT		8/10/2020	8/25/2020	\$72.16	104160.250	Bldg EQUIPMENT OPERATING	
					0.72	104240.250	Inspect EQUIPMENT OPERATI	
					8.66	104410.250	Streets EQUIPMENT OPERATI	
					13.00	104410.745	Streets STREET IMPROVEME	
					0.72	104510.250	Parks EQUIPMENT OPERATI	
					0.72	104510.250	O&M EQUIPMENT OPERATI	
					33.19	516340.250	O&M SYSTEMS MAINTENANC	
					0.72	516340.450	Irrigation EQUIPMENT OPERA	
					4.33	536310.250	Irrigation WATER MAIN REPAIR	
					0.72	536310.450	Drainage EQUIPMENT OPERA	
					8.66	556350.250	Drainage NEW SERVICES	

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07102020	ZIONS FIRST NATIONAL BANK CC		8/10/2020	8/10/2020	0.72	556350.440	Drainage NEW SERVICES	
					\$169.32		Police TELEPHONE	Phone
					111.75	104210.290	Victims TELEPHONE	Phone
					57.57	104230.290		
081020	ZIONS FIRST NATIONAL BANK CC		8/10/2020	9/10/2020	\$168.96		Police TELEPHONE	Phone
					111.51	104210.290	Victims TELEPHONE	Phone
					57.45	104230.290		
08102020	ZIONS FIRST NATIONAL BANK CC		8/10/2020	8/25/2020	\$44.69		Council TRAVEL & TRAINING	Meeting lunch w/Mayor and Councilman Wilson
					44.69	104111.230		
08112020	ZIONS FIRST NATIONAL BANK CC		8/13/2020	9/10/2020	\$42.39		Council EQUIPMENT OPERATI	Mayor- fuel
					42.39	104111.250		
20980	ZIONS FIRST NATIONAL BANK CC		8/3/2020	8/10/2020	\$263.70		Police MISC SUPPLIES	Dataport download cable, training cartridges
					263.70	104210.610		
3049031	ZIONS FIRST NATIONAL BANK CC		8/10/2020	7/10/2020	\$209.80		Victims OFFICE EXPENSE, SU	Paper, batteries
					209.80	104230.240		
4000647 PO# 3659	ZIONS FIRST NATIONAL BANK CC		8/3/2020	8/10/2020	\$1,500.00		Police COMPUTER EQUIPMEN	App, traffic suite, equip mang, alerts, mapping for Radar trailer
					1,500.00	104210.315		
95008253	ZIONS FIRST NATIONAL BANK CC		8/3/2020	8/10/2020	\$65.99		Police OFFICE EXPENSE, SUP	Steele security safe lock box
					65.99	104210.240		
	Vendor Total:				\$2,464.85			
PR073120-234	ZIONS FIRST NATIONAL BANK.	08062020	8/5/2020	8/5/2020	\$9,176.42		FICA & FWT Withholding	Social Security Tax
					5,381.34	102221	FICA & FWT Withholding	Medicare Tax
					1,258.56	102221	FICA & FWT Withholding	Federal Income Tax
					2,536.52	102221		
	Total:				\$146,437.53			
					GL Account Summary			
					FICA & FWT Withholding			
					State Withholding			
					Retirement Payable			
					Health Savings Account			
					Council TRAVEL & TRAINING			
					Council EQUIPMENT OPERATI			
					Police JUSTICE COURT			
					Admin OFFICE EXPENSE, SUP			
					CARES OFFICE EXPENSE, SU			
					Admin UTILITIES			
					Admin TELEPHONE/COMMUNI			
					Admin ATTORNEY/IN HOUSE			
					Admin ATTORNEY			
					Admin COMPUTER EQUIPME			
					Admin MISCELLANEOUS SER			
					Bldg EQUIPMENT OPERATING			
					Bldg B&G OPERATION AND M			
					Police OFFICE EXPENSE, SUP			
					Police TELEPHONE			
					Police COMPUTER EQUIPMEN			
					Police DAT/INVESTIGATION/DI			
					Police VEHICLE MAINTANCE			
					Police MISC SUPPLIES			

La Verkin City Invoice Register - 7/31/2020 to 8/13/2020 - All Invoices

8/14/2020

Invoice No.	Vendor	Check No.	Input Date	Due Date	Amount	Account No.	Account Name.	Description
					209.80	104230.240	Victims OFFICE EXPENSE, SU	
					115.02	104230.290	Victims TELEPHONE	
					17.19	104230.315	Victims COMPUTER EQUIPME	
					4,350.01	104230.810	Victims LEASE PAYMENTS	
					40.78	104240.250	Inspect EQUIPMENT OPERATI	
					70.40	104253.280	Animal UTILITIES	
					61.19	104410.250	Streets EQUIPMENT OPERATI	
					4,293.39	104410.745	Streets STREET IMPROVEME	
					983.91	104510.250	Parks EQUIPMENT OPERATI	
					4,426.00	104510.730	Parks CAPITAL EXPENDITURE	
					86.46	104540.610	Rec MISCELLANEOUS EXPEN	
					3,544.82	104620.610	Comm COMMUNITY DEVELOP	
					67,496.19		Total	
					1,250.57	512330	Turn on Fee/Renter Deposit	
					156.31	516340.250	O&M EQUIPMENT OPERATI	
					120.00	516340.420	O&M PURIFICATION AND TRE	
					2,893.63	516340.450	O&M SYSTEMS MAINTENANC	
					288.61	516660.240	Admin OFFICE EXPENSE, SUP	
					74.50	516660.280	Admin UTILITIES	
					145.48	516660.290	Admin TELEPHONE & COMMU	
					534.50	516660.315	Admin SOFTWARE OR INFOR	
					2,945.05	516660.410	Admin PRODUCT OR SERVIC	
					6,743.70	516660.440	Admin CONNECTION COSTS	
					15,152.35		Total	
					43,063.37	526260.520	Sewer PAYMENT TO ASH CRE	
					51.07	536310.240	Irrigation OFFICE EXPENSE, S	
					20.40	536310.250	Irrigation EQUIPMENT OPERA	
					79.79	536310.290	Irrigation TELEPHONE & COM	
					152.00	536310.315	IrrigationCOMPUTER EQUIPM	
					3.39	536310.450	Irrigation WATER MAIN REPAIR	
					306.65		Total	
					19,984.35	546260.410	Garbage PAYMENT TO WASH	
					108.36	556350.240	Drainage OFFICE EXPENSE, S	
					49.72	556350.250	Drainage EQUIPMENT OPERA	
					79.79	556350.290	Drainage TELEPHONE & COM	
					152.00	556350.315	Drainage SOFTWARE & COMP	
					44.75	556350.440	Drainage NEW SERVICES	
					434.62		Total	
					\$146,437.53		GL Account Summary Total	

OPMA

"Open and Public Meetings Act"



Training – August 19, 2020

1

Two Overriding Concepts

Openness



Due Process



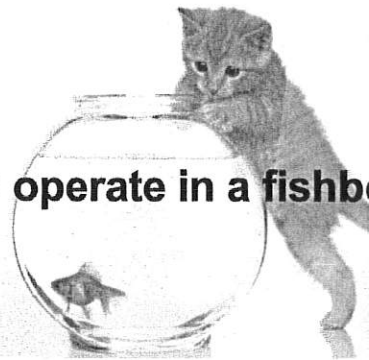
2

Openness

- Deliberations
- Actions




3



You operate in a fishbowl!

4

Due Process

- Procedural DP (PDP)**
[Reasonable Notice  and Adequate Opportunity to be Heard 
- Substantive DP (SDP)**
[Fairness – Reasonableness] 

5

PDP

- Reasonable Notice 
- Adequate Opportunity to be Heard 

6

SDP

Reasonableness



Fairness

7

Constitutional Basis

- Reasonable notice
- Adequate opportunity to be heard
- Fairness
- Reasonableness



8

Legislative Policies - OPMA

- Conduct deliberations openly
- Take actions openly



OPENNESS

9

Two Types of People

- **LETTER** of the Law People



- **SPIRIT** of the Law People

10

1 – “Letter of the Law”

- Prepare to be “schooled” in the details!
- Law is not that onerous; but it needs to be followed.



- See **Chap. 4, Title 52, Utah Code Annotated (UCA)**

11

2 – “Spirit of the Law”

- Teach them **correct principles**; let them **govern themselves**.
- Understand:
 1. Constitutional basis
 2. Legislative policies behind the law



12

OPMA – Applies to Whom?




- City Council
- Planning Commission
- Land Use Authority (Board of Adjustment)
- Commissions
- Committees
- Particularly if:
 - Officially set up by ordinance or resolution



13

“Public Body”

Any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- Is **created** by the Utah Constitution, statute, rule, ordinance, or resolution;
- Consists of **two or more persons**;
- **Expend**s, disburses, or is supported in whole or in part by **tax revenue**; **and**
- Is **vested with the authority to make decisions** regarding the **public's business**.



But not a: (i) political party, political group, or political caucus; or (ii) conference committee, rules committee, or sitting committee of the Legislature.

14

Convened Meetings

- Applies to:
 - Meetings
 - Convened
 - By a public body
 - With a quorum present



15

What is a Quorum?

- A **simple majority** of the membership of a public body, unless otherwise defined by law (3 Council members, *not* including the Mayor; see Sec. 10-3-504, UCA)
- But not a meeting of two elected officials by themselves when no action (formal or informal) is taken on a subject over which these elected officials have advisory power

16

What is **REQUIRED**?

- Certain minimal notices
- Tape recording
- Minutes
- Special rules for electronic meetings



17

CLOSED MEETINGS

- Meetings are generally **PUBLIC!**
- **Very limited circumstances** where they may be closed to the public (*only those reasons set forth in the statute*).



18

Exceptions that *may* apply:

- **discussion:**
 - of the character, professional competence, or physical or mental health of an individual [NOT “personnel” matters]
 - regarding deployment of security personnel, devices, or systems
- **strategy sessions** to discuss:
 - pending or reasonably imminent litigation
 - the purchase, exchange, or lease of real property (including water rights/shares) if . . .
 - the sale of real property if . . .
- **investigative proceedings** regarding allegations of criminal misconduct

19

When **MUST** a meeting be closed to the public?

NEVER!



But . . . there certainly are cases where wisdom may dictate that you do.

20

But if you do close it, you must . . .

- Have a **legally supportable** reason/purpose (Sec. 52-4-205, UCA)
- Stay within that reason/purpose
- Follow requirements of Sec. 52-4-206, UCA, re –
 - Recordings
 - Minutes
 - Any required sworn statements



21

Civil and Criminal Sanctions

Civil Sanctions

- Suit to Void Final Action Taken
- Suit to Compel Compliance with OPMA

Leading to possible:

- + Voiding of action
- + Court orders
- + Awards for attorney's fees and court costs



22

Civil and Criminal Sanctions

Criminal Sanctions

Class B Misdemeanor, if –

A public body **knowingly or intentionally:**

- Violates, or
- Abets or advises a violation of **any** of the **CLOSED MEETING** provisions of **OPMA**



23

Best: AVOID PROBLEMS!

- Err on the side of **public openness** (“transparency”).
- When in doubt, the meeting should be **open**.
- Don't attempt to violate even the **spirit** of the Act.
- Act so as to **protect** and **facilitate** the **due process rights** (notice and opportunity to be heard) and the **OPMA public policies**
 - Take actions **openly**
 - Conduct deliberations **openly**



24

"Government Records Access and Management Act"

GRAMA

Utah's FOIA and Privacy Act – Utah's "Sunshine Laws"

Training – August 19, 2020

1

Recognition of:

- **2 Constitutional Rights** – relating to the public



- **Public Policy Interest** in allowing a government to restrict access to certain records "for the public good"

2

Two Constitutional Rights

1. Right of access
2. Right of privacy

3

Legislative Intent



- promote **easy and reasonable access**
- specifying when **restrictions on access may outweigh** the public's interest in access
- **prevent abuse of confidentiality** by governmental entities
- provide for **equitable weighing**
- **favor public access**
- establish **fair and reasonable** management practices

4

What is a "Record"?

It is:

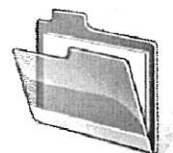
- a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics:
 - that is **prepared, owned, received, or retained** by a governmental entity or political subdivision; and
 - where all of the information in the original is **reproducible** by photocopy or other mechanical or electronic means

It does not include:

- a **personal note or personal communication** prepared or received by an employee or officer of a governmental entity:
 - in a capacity other than the employee's or officer's governmental capacity; or
 - that is unrelated to the conduct of the public's business;
- a **temporary draft or similar material** prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working;

5

What is a "Record"?



- material that is **legally owned by an individual** in the individual's private capacity;
- material to which access is **limited by the laws of copyright or patent** unless the copyright or patent is owned by a governmental entity or political subdivision;
- **proprietary software**;
- **junk mail or a commercial publication** received by a governmental entity or an official or employee of a governmental entity;

6

What is a "Record"?



- a book that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public;
- material that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public, regardless of physical form or characteristics of the material;
- a daily calendar or other personal note prepared by the originator for the originator's personal use or for the personal use of an individual for whom the originator is working;

7

What is a "Record"?



- a computer program that is developed or purchased by or for any governmental entity for its own use;
- a note or internal memorandum prepared as part of the deliberative process by:
 - a member of the judiciary;
 - an administrative law judge;
 - a member of the Board of Pardons and Parole; or
 - a member of any other body charged by law with performing a quasi-judicial function;

8

What is a "Record"?



- a telephone number or similar code used to access a mobile communication device that is used by an employee or officer of a governmental entity, *provided* that the employee or officer of the governmental entity has designated at least one business telephone number that is a public record as provided in Section 63G-2-301;

9

What is a "Record"?



- information provided by the Public Employees' Benefit and Insurance Program, created in Section 49-20-103, to a county to enable the county to calculate the amount to be paid to a health care provider under Subsection 17-50-319(2)(e)(ii); or
- information that an owner of unimproved property provides to a local entity as provided in Section 11-42-205.

10

Access to Records

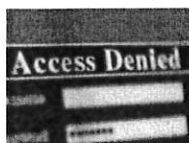
- With certain limitations provided by law, every person has the right:
 - To inspect a **public** record free of charge
 - To take a copy of a **public** record during normal working hours

11

But what records are **NOT** PUBLIC?

Designated in GRAMA as:

- Private
- Controlled
- Protected



Access is restricted by:

- Court rule
- Another state statute
- Federal statute
- Federal regulation
- Records for which access is governed/restricted as a condition of participation in a state/fed. program or for receiving state/fed. \$\$

12

Disclosure of record proper when:

- Record is public; or
- Non-public, if:
 - Consensual and no one harmed thereby
 - Supported by balancing of public vs. private interests

13

Record is provided if:

The person requesting the record:

- has a **right** to inspect it;
- identifies the record with **reasonable specificity**; and
- pays the lawful **fees**

(if any)



14

Not required to:

- create a record;
- compile, format, manipulate, package, summarize, or tailor information;
- provide a record in a particular format, medium, or program not currently maintained by the governmental entity;
- fulfill a person's records request if the request **unreasonably duplicates** prior records requests from that person; or
- fill a person's records request if:
 - the record requested is accessible in the identical physical form and content in a public publication or product produced by the governmental entity receiving the request;
 - the governmental entity provides the person requesting the record with the public publication or product; and
 - the governmental entity specifies where the record can be found in the public publication or product.



15

Classifications of Records

- Those which **MUST** be disclosed (§ 63G-2-301)
- **Private** records (§§ 63G-2-302 and 63G-2-303)
- **Controlled** records (§ 63G-2-304)
- **Protected** records (§ 63G-2-305)



16

New Issue: BODY-CAMS

- **H.B. 300 – Body-worn Cameras** for Law Enforcement Officers
- Amends 2 sections of GRAMA
 - Sec. 63G-2-201
 - Sec. 63G-2-302
- Recordings: **PRIVATE**, if properly classified
- *Subject to* certain exceptions:
 - See amendment to Sec. 63G-2-302, UCA (1953)



17

Avenues of Relief:

- **Appeals** available
 - "in-house"
 - State Records Committee
 - district court
- Possible **Criminal, Civil, and Disciplinary Sanctions**, when law not properly followed
 - Class B misdemeanor
 - Injunction
 - Attorney's fees



18

In summary:

- **Keep in mind:**

- Public policy behind the Act
- Intent of the Legislature
- **Who we work for:** the public!
- Very similar considerations as those regarding OPMA



- We'll be okay, and the public and relevant private interests will be properly served!

19

"Let the Sunshine In!"



20

PRINCIPLES OF ETHICAL CONDUCT

Executive Order 12674 (12 Apr 89)



1

PUBLIC TRUST

- **Public service is a public trust**, requiring employees to place **loyalty** to the Constitution, the laws and ethical principles **above private gain**.



2

FINANCIAL INTERESTS

- Employees shall not hold:
 - **financial interests**
 - that **conflict**
 - with the conscientious performance of duty.



3

NON-PUBLIC INFO.

- Employees shall not:
 - engage in financial transactions using **nonpublic Government information** or
 - allow the improper use of such information to **further any private interest**.

4

GIFTS

- An employee shall not:
 - * except as [provided by regulation]

5

GIFTS

- An employee shall not:
 - * except as [provided by regulation]
 - * **solicit or accept**
 - * any **gift** or other item of monetary value

6

GIFTS

- An employee shall not:
 - * except as [provided by regulation]
 - * **solicit or accept**
 - * any **gift** or other item of monetary value
 - * from any person or entity

7

GIFTS

- An employee shall not:
 - * except as [provided by regulation]
 - * **solicit or accept**
 - * any **gift** or other item of monetary value
 - * from any person or entity
 - * seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or

8

GIFTS

- An employee shall not:
 - * except as [provided by regulation]
 - * **solicit or accept**
 - * any **gift** or other item of monetary value
 - * from any person or entity
 - * seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or
 - * whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

9

HONEST EFFORT

- Employees shall put forth **honest effort** in the performance of their duties.



10

COMMITMENTS

- Employees shall not knowingly make **unauthorized commitments or promises** of any kind purporting to bind the Government.

11

PRIVATE GAIN

- Employees shall not use **public office for private gain.**



12

IMPARTIALITY

- Employees shall **act impartially** and not give preferential treatment to any private organization or individual.



13

USE OF FEDERAL PROPERTY

- Employees shall:
 - **protect and conserve** Federal property and
 - not use it for **other than authorized** activities.



14

OUTSIDE EMPLOYMENT

- Employees shall not engage in **outside employment or activities**, including seeking or negotiating for employment, **that conflict** with official Government duties and responsibilities.

15

DISCLOSURE!

- Employees shall **disclose waste, fraud, abuse, and corruption** to appropriate authorities.



16

GOOD FAITH

- Employees shall **satisfy in good faith** their **obligations as citizens**, especially those—such as Federal, State, or local taxes—that are imposed by law.



17

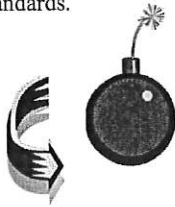
EQUAL OPPORTUNITY

- Employees shall adhere to all laws and regulations that provide **equal opportunity** for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

18

AVOID THE VERY APPEARANCE!

- Employees shall endeavor to **avoid any actions creating the appearance** that they are violating the law or ethical standards.



19

AVOID THE VERY APPEARANCE!

- Employees shall endeavor to **avoid any actions creating the appearance** that they are violating the law or ethical standards.
- Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a **reasonable person** with knowledge of the relevant facts.

20

A QUICK REVIEW

- Public service is a **public trust**.

21

A QUICK REVIEW

- Public service is a **public trust**.
- No conflicting **financial interests**.

22

A QUICK REVIEW

- Public service is a **public trust**.
- No conflicting financial interests.
- Significant limitation on **gifts**.

23

A QUICK REVIEW

- Public service is a **public trust**.
- No conflicting financial interests.
- Significant limitation on **gifts**.
- No improper use of non-public information.

24

A QUICK REVIEW

- **Public service** is a **public trust**.
- No conflicting financial interests.
- Significant limitation on **gifts**.
- No improper use of non-public information.
- Put forth an honest effort.

25

A QUICK REVIEW

- **Public service** is a **public trust**.
- No conflicting financial interests.
- Significant limitation on **gifts**.
- No improper use of non-public information.
- Put forth an honest effort.
- No unauthorized commitments / promises.

26

A QUICK REVIEW

- **Public service** is a **public trust**.
- No conflicting financial interests.
- Significant limitation on **gifts**.
- No improper use of non-public information.
- Put forth an honest effort.
- No unauthorized commitments / promises.
- Can't use public office for private gain!

27

A QUICK REVIEW

- Act impartially. No preferential treatment.

28

A QUICK REVIEW

- Act impartially. No preferential treatment.
- Protect and conserve Federal property. No unauthorized use.

29

A QUICK REVIEW

- Act impartially. No preferential treatment.
- Protect and conserve Federal property. No unauthorized use.
- No conflicting outside employment or activities.

30

A QUICK REVIEW

- Act impartially. No preferential treatment.
- Protect and conserve Federal property. No unauthorized use.
- No conflicting outside employment or activities.
- Disclose waste, fraud, abuse and corruption.

31

A QUICK REVIEW

- Act impartially. No preferential treatment.
- Protect and conserve Federal property. No unauthorized use.
- No conflicting outside employment or activities.
- Disclose waste, fraud, abuse and corruption.
- Satisfy obligations as citizens in good faith.

32

A QUICK REVIEW

- Adhere to all “equal opportunity” laws and regulations.

33

A QUICK REVIEW

- Adhere to all “equal opportunity” laws and regulations.
- Avoid even the appearance of impropriety!

34

SUMMARY

- | | |
|----------------------------------|---|
| • PUBLIC TRUST | • NO CONFLICTING EMPLOYMENT OR ACTIVITIES |
| • \$\$\$ INTERESTS | • DISCLOSE WRONGS! |
| • NON-PUBLIC INFO. | • SATISFY CITIZEN OBLIGATIONS IN GOOD FAITH |
| • GIFTS | • EQUAL OPPORTUNITY |
| • HONEST EFFORT | • AVOID THE “VERY APPEARANCE” OF WRONGDOING |
| • COMMITMENTS | |
| • CAN’T USE FOR PRIVATE GAIN! | |
| • IMPARTIALITY | |
| • PROPER USE OF FEDERAL PROPERTY | |

35

PRINCIPLES OF ETHICAL CONDUCT

Executive Order 12674 (12 Apr 89)

1. **Public service** is a **public trust**, requiring employees to place **loyalty** to the Constitution, the laws and ethical principles **above private gain**.
2. Employees shall not hold **financial interests that conflict** with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using **nonpublic Government information** or allow the improper use of such information **to further any private interest**.
4. An employee shall not, except as [provided by regulation], **solicit or accept** any **gift** or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth **honest effort** in the performance of their duties.
6. Employees shall not knowingly make **unauthorized commitments or promises** of any kind purporting to bind the Government.
7. Employees shall not use **public office for private gain**.
8. Employees shall **act impartially** and not give preferential treatment to any private organization or individual.
9. Employees shall **protect and conserve** Federal property and shall not use it for **other than authorized** activities.
10. Employees shall not engage in **outside employment or activities**, including seeking or negotiating for employment, **that conflict** with official Government duties and responsibilities.
11. Employees shall **disclose waste, fraud, abuse, and corruption** to appropriate authorities.
12. Employees shall **satisfy in good faith their obligations** as citizens, especially those—such as Federal, State, or local taxes—that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide **equal opportunity** for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to **avoid any actions creating the appearance** that they are violating the law or ethical standards. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a **reasonable person** with knowledge of the relevant facts.

Part 13 Municipal Officers and Employees Ethics Act

- 10-3-1301. Short title.
- 10-3-1302. Purpose.
- 10-3-1303. Definitions.
- 10-3-1304. Use of office for personal benefit prohibited.
- 10-3-1305. Compensation for assistance in transaction involving municipality Public disclosure and filing required.
- 10-3-1306. Interest in business entity regulated by municipality Disclosure statement required.
- 10-3-1307. Interest in business entity doing business with municipality Disclosure.
- 10-3-1308. Investment creating conflict of interest with duties Disclosure.
- 10-3-1309. Inducing officer or employee to violate part prohibited.
- 10-3-1310. Penalties for violation Dismissal from employment or removal from office.
- 10-3-1311. Municipal ethics commission Complaints charging violations.
- 10-3-1312. Violation of disclosure requirements Penalties Rescission of prohibited transaction.

10-3-1301. Short title.

This part is known as the Municipal Officers and Employees Ethics Act.

10-3-1302. Purpose.

(1) The purposes of this part are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

(2) In a metro township, as defined in Section 10-2a-403, the provisions of this part may not be applied to an appointed officer as that term is defined in Section 17-16a-3 or a county employee who is required by law to provide services to the metro township.

10-3-1303. Definitions.

As used in this part:

(1) Appointed officer means any person appointed to any statutory office or position or any other person appointed to any position of employment with a city or with a community reinvestment agency under Title 17C, Limited Purpose Local Government Entities Community Reinvestment Agency Act. Appointed officers include, but are not limited to, persons serving on special, regular, or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the word officer in this part is not intended to make appointed persons or employees officers of the municipality.

(2) Assist means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.

(3) Business entity means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

(4) Compensation means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.

(5) Elected officer means a person:

(a) elected or appointed to the office of mayor, commissioner, or council member; or

(b) who is considered to be elected to the office of mayor, commissioner, or council member by a municipal legislative body in accordance with Section 20A-1-206.

(6) Improper disclosure means disclosure of private, controlled, or protected information to any person who does not have both the right and the need to receive the information.

(7) Municipal employee means a person who is not an elected or appointed officer who is employed on a full- or part-time basis by a municipality or by a community reinvestment agency under Title 17C, Limited Purpose Local Government Entities Community Reinvestment Agency Act.

(8) Private, controlled, or protected information means information classified as private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act, or other applicable provision of law.

(9) Substantial interest means the ownership, either legally or equitably, by an individual, the individuals spouse, or the individuals minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

10-3-1304. Use of office for personal benefit prohibited.

(1) As used in this section, economic benefit tantamount to a gift includes:

(a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and

(b) compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.

(2) Except as provided in Subsection (4), it is an offense for an elected or appointed officer or municipal employee to:

(a) disclose or improperly use private, controlled, or protected information acquired by reason of the officers or employees official position or in the course of official duties in order to further substantially the officers or employees personal economic interest or to secure special privileges or exemptions for the officer or employee or for others;

(b) use or attempt to use the officers or employees official position to:

(i) further substantially the officers or employees personal economic interest; or

(ii) secure special privileges for the officer or employee or for others; or

(c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer or employee or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that:

(i) would tend improperly to influence a reasonable person in the persons position to depart from the faithful and impartial discharge of the persons public duties; or

(ii) the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

(3) Subsection (2)(c) does not apply to:

(a) an occasional nonpecuniary gift having a value of less than \$50;

(b) an award publicly presented in recognition of public services;

(c) any bona fide loan made in the ordinary course of business; or

(d) a political campaign contribution.

(4) This section does not apply to an elected or appointed officer or municipal employee who engages in conduct that constitutes a violation of this section to the extent that the elected or appointed officer or municipal employee is chargeable, for the same conduct, under Section 76-8-105.

10-3-1305. Compensation for assistance in transaction involving municipality Public disclosure and filing required.

(1) As used in this section, municipal body means any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.

(2) Except as provided in Subsection (6), it is an offense for an elected officer, or an appointed officer, who is a member of a public body to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality in which the member is an officer unless the member:

(a) files with the mayor a sworn statement giving the information required by this section; and

(b) discloses the information required by Subsection (5) in an open meeting to the members of the body of which the officer is a member immediately before the discussion.

(3) It is an offense for an appointed officer who is not a member of a public body or a municipal employee to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality by which the person is employed unless the officer or employee:

(a) files with the mayor a sworn statement giving the information required by this section; and

(b) discloses the information required by Subsection (5) to:

(i) the officer or employees immediate supervisor; and

(ii) any other municipal officer or employee who may rely upon the employees representations in evaluating or approving the transaction.

(4) (a) The officer or employee shall file the statement required to be filed by this section 10 days before the date of any agreement between the elected or appointed officer or municipal employee and the person or business entity being assisted or 10 days before the receipt of compensation by the officer or employee, whichever is earlier.

(b) The statement is public information and shall be available for examination by the public.

(5) The statement and disclosure shall contain:

(a) the name and address of the officer or municipal employee;

(b) the name and address of the person or business entity being or to be assisted or in which the appointed or elected official or municipal employee has a substantial interest; and

(c) a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

(6) This section does not apply to an elected officer, or an appointed officer, who is a member of a public body and who engages in conduct that constitutes a violation of this section to the extent that the elected officer or appointed officer is chargeable, for the same conduct, under Section 76-8-105.

10-3-1306. Interest in business entity regulated by municipality Disclosure statement required.

(1) Every appointed or elected officer or municipal employee who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the municipality in which he is an elected or appointed officer or municipal employee shall disclose the position held and the nature and value of his interest upon first becoming appointed, elected, or employed by the municipality, and again at any time thereafter if the elected or appointed officers or municipal employees position in the business entity has changed significantly or if the value of his interest in the entity has increased significantly since the last disclosure.

(2) The disclosure shall be made in a sworn statement filed with the mayor. The mayor shall report the substance of all such disclosure statements to the members of the governing body, or may provide to the members of the governing body copies of the disclosure statement within 30 days after the statement is received by him.

(3) This section does not apply to instances where the value of the interest does not exceed \$2,000. Life insurance policies and annuities may not be considered in determining the value of any such interest.

10-3-1307. Interest in business entity doing business with municipality Disclosure.

(1) Every appointed or elected officer or municipal employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the municipality in which he is an appointed or elected officer or municipal employee, shall publicly disclose to the members of the body of which he is a member or by which he is employed immediately prior to any discussion by such body concerning matters relating to such business entity, the nature of his interest in that business entity.

(2) The disclosure statement shall be entered in the minutes of the meeting.

(3) Disclosure by a municipal employee under this section is satisfied if the employee makes the disclosure in the manner required by Sections 10-3-1305 and 10-3-1306.

10-3-1308. Investment creating conflict of interest with duties Disclosure.

Any personal interest or investment by a municipal employee or by any elected or appointed official of a municipality which creates a conflict between the employees or officials personal interests and his public duties shall be disclosed in open meeting to the members of the body in the manner required by Section 10-3-1306.

10-3-1309. Inducing officer or employee to violate part prohibited.

It is a class A misdemeanor for any person to induce or seek to induce any appointed or elected officer or municipal employee to violate any of the provisions of this part.

10-3-1310. Penalties for violation Dismissal from employment or removal from office.

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this part, with the exception of Sections 10-3-1306, 10-3-1307, 10-3-1308, and 10-3-1309, shall be dismissed from employment or removed from office and is guilty of:

(1) a felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000;

(2) a felony of the third degree if:

(a) the total value of the compensation, conflict of interest, or assistance is more than \$250 but not more than \$1,000;
or

(b) the elected or appointed officer or municipal employee has been twice before convicted of violation of this chapter and the value of the conflict of interest, compensation, or assistance was \$250 or less;

(3) a class A misdemeanor if the value of the compensation or assistance was more than \$100 but does not exceed \$250; or

(4) a class B misdemeanor if the value of the compensation or assistance was \$100 or less.

10-3-1311. Municipal ethics commission Complaints charging violations.

(1) A municipality may establish by ordinance an ethics commission to review a complaint against an officer or employee subject to this part for a violation of a provision of this part.

(2) (a) A person filing a complaint for a violation of this part shall file the complaint:

(i) with the municipal ethics commission, if a municipality has established a municipal ethics commission in accordance with Subsection (1); or

(ii) with the Political Subdivisions Ethics Review Commission in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission, if the municipality has not established a municipal ethics commission.

(b) A municipality that receives a complaint described in Subsection (2)(a) may:

(i) accept the complaint if the municipality has established a municipal ethics commission in accordance with Subsection (1); or

(ii) forward the complaint to the Political Subdivisions Ethics Review Commission established in Section 63A-15-201:

(A) regardless of whether the municipality has established a municipal ethics commission; or

(B) if the municipality has not established a municipal ethics commission.

(3) If the alleged ethics complaint is against a person who is a member of the municipal ethics commission, the complaint shall be filed with or forwarded to the Political Subdivisions Ethics Review Commission.

10-3-1312. Violation of disclosure requirements Penalties Rescission of prohibited transaction.

If any transaction is entered into in connection with a violation of Section 10-3-1305, 10-3-1306, 10-3-1307, or 10-3-1308, the municipality:

(1) shall dismiss or remove the appointed or elected officer or municipal employee who knowingly and intentionally violates this part from employment or office; and

(2) may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality.

Sunshine Laws

- FOIA
- Privacy Act
- OPMA
- GRAMA



Spirit of the Law

Constitutional basis

Legislative policies

Public Body

Convened Meetings

Quorum

Closed Session (not executive session)

Open and Public Meetings Act (OPMA)

Openness

Transparency

Due Process

Deliberations

Actions

Procedural Due Process

Substantive Due Process

Reasonable Notice

Adequate Opportunity to be Heard

Fairness

Reasonableness

Letter of the Law

GRAMA (Government Records Access and Management Act)

Constitutional Rights

Public Policy Interests

Right of Access

Right of Privacy

Legislative Intent

Easy and Reasonable Access

Equitable Weighing - Balancing

Fair and Reasonable

Record

Public Record

Private Record

Controlled Record

Protected Record

Disclosure

Reasonable Specificity

Ethics

Public Trust

Loyalty

Private Gain

Conflicts of Interest

Nonpublic Government
Information

Gifts

Solicit or Accept

Substantially Affect

Honest Effort

(Un)authorized Commitments /
Promises

Impartiality

Preferential Treatment

Protect

Conserve

Authorized Activities

Outside Employment

Disclosure

Waste

Fraud

Abuse

Corruption

Good Faith

Citizens – “Team Players”

Equal Opportunity

Avoid the Very Appearance

Impropriety

Perception

Law

Ethical Standards

Reasonable Person

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING SECTION 7-5A-1 OF THE LaVERKIN CITY CODE, AND PROVIDING FOR THE REGULATION OF CITY-CONTROLLED PROPERTY (E.G., CERTAIN TRAILS AND TRAILHEADS, ETC.); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City regulates City-owned parks and municipal lands in accordance with the rules, regulations, and requirements of Article A of Chapter 5, Title 7, of *The LaVerkin City Code* ("LVCC"); and

WHEREAS, the City has acquired (and is expected to hereafter acquire) the right to access, use, and control non-City-owned property for which the City has been granted temporary or perpetual use and control (either by easement or permit) by or from another governmental entity or agency (local, state, or federal), including but not limited to the Overlook Trailhead, parking area, and trail, and the new trailhead for the trail accessing the Confluence Park Power Plant; and

WHEREAS, the City currently has no Ordinance regulating these areas which are not materially different in form or desired regulation from City-owned parks and municipal lands; and

WHEREAS,

- the City anticipates that dog owners may desire to access the trailhead to the trail leading to the Power Plant, to hike with their dog(s), and
- current law does not allow dogs in any City parks (including the City park being constructed at the south end of 210 South, LaVerkin, and adjoining and providing access to said trailhead), and
- the City Council desires to legitimize access through (though not use of) parks containing trailheads (for trails where dogs are allowed) by human-accompanied and controlled dogs; and

WHEREAS, the proposed amendments to Section 7-5A-1, LVCC, as currently constituted, will extend the City's regulatory authority to City-controlled (as well as City-owned) parks and municipal lands, and permit limited dog access through City parks for the purpose of accessing trailheads located thereon or adjacent thereto

WHEREAS, the City Council deems it to be in the best interests of the City and its residents, guests, and businesses to so amend the City Code.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF LaVERKIN, UTAH:

ORDINANCE NO. 2020-_____

**SECTION I: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY
REVISING THE PROVISIONS OF SECTION 7-5A-1:**

SECTION 7-5A-1, RULES, REGULATIONS, AND REQUIREMENTS.

Section 7-5A-1 of *The LaVerkin City Code*, which currently reads as

7-5A-1: RULES, REGULATIONS, AND REQUIREMENTS:

Unless authorized by resolution, order, decision, permit or other written authorization issued by the City (in accordance and in full compliance with the provisions of any implementing resolution or policy of the City, herewith or hereafter adopted, setting forth circumstances, criteria, considerations, restrictions, and/or conditions justifying the exception(s) requested and provided by such resolution, order, decision, permit or authorization), or unless otherwise permitted by provisions of this Code or other ordinance of the City, now or hereafter enacted, it shall be an infraction for any person to do any act hereinafter prohibited or otherwise restricted:

- A. Destruction; Dumping: On any Municipally owned property, excluding public streets and sidewalks, or property operated by the City, it shall be unlawful to cut, break, move, take or otherwise injure, destroy or deface any trees, shrubs, plants, turf, rock or any building, fence, bridge, sign or other structure, or foul any spring or stream or leave waste items or rubbish of any kind. No person shall dump any earth, rubbish or other substance or material in or upon any park without written permission of the Parks Director.
- B. Alcoholic Beverages, Drugs, or Gambling: The sale, consumption, or possession of intoxicating liquors or beverages and dangerous or narcotic drugs, or gambling of any kind, is prohibited on any Municipally owned property including all parks and recreation facilities and areas. Notwithstanding the foregoing, the sale, possession or consumption of alcoholic beverages may be permitted at public recreation facilities and areas where permitted by a valid beer and/or alcohol license issued by the City Council and State agency.
- C. Open Fires: No person shall make or kindle any open fire except in fireplaces and grills provided for this purpose or in private portable commercially manufactured grills or grills approved safe by the Parks Director. Grills provided for public use shall be on a first come, first served basis.

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- D. Fireworks and Explosives: No person shall discharge or set off on any Municipally owned property, any firecrackers, rockets or any other fireworks or explosives without advance written consent of the Parks Director.
- E. Trapping or Injuring Animals: No unauthorized person shall, on any Municipally owned property, set a trap or snare, or shoot, injure, annoy, disturb or poison any wild animal or bird, or injure or destroy any nest.
- F. Nuisances: It shall be unlawful for any person to use threatening, abusive, insulting, or indecent language; to commit any obscene or indecent act; to fight; or to create a public disturbance or nuisance on any Municipally owned property. Any person who loiters on any Municipally owned property under the influence of alcohol or drugs or who otherwise disturbs the peace of park users by begging, soliciting, making undue noise or engaging in disruptive activities shall be deemed to create a nuisance.
- G. Motor Vehicles; Speed Limit: No person shall ride in or drive any motor vehicle, which is self-propelled upon any Municipally owned property except upon the roads. It is prohibited for any person to commit any act, by use or operation of any motor vehicle on any Municipally owned property, which if committed upon a public highway or street in the State, would be prohibited and unlawful. Speed limits within all Municipally owned property shall be fifteen (15) miles per hour unless otherwise posted. No one shall test or repair any vehicle or mechanical device in any Municipally owned property. There shall be no parking at any time except in areas designated for such purposes. Abandoned vehicles shall be towed at owner's expense.
- H. Signs and Advertising: No person shall, without written permission of the Parks Director, erect, paint, paste, or otherwise affix or distribute any signs, advertisements, or circulars on any Municipally owned property. The sale of anything or the solicitation of funds or donations within any Municipally owned property is forbidden, except upon written permission of the Parks Director.
- I. Animal Control: Horses, cattle, livestock and domestic animals of any kind (including dogs) are prohibited, on any Municipally owned property. Parks designated by the City as wilderness parks are exempted from application of this subsection. This subsection shall not apply to persons using service animals for assistance with legitimate visual and auditory impairments.
- J. Golf and Archery: Practicing, playing or using park areas for golf and archery is prohibited on Municipally owned property.

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- K. Weapons: While on Municipally owned property, no person except: 1) authorized law enforcement officers, and 2) those justified under part 4 of chapter 2 of title 76, Utah Code Annotated (1953, as amended) in the defense of self, others, and/or certain property may discharge a dangerous weapon (as that term is defined in section 76-10-501, Utah Code Annotated (1953, as amended)).
- L. Personal Profit or Financial Gain: No person or group may utilize any Municipally owned property for the purpose of teaching an individual or group any recreational skill for personal profit or financial gain without written permission of the Parks Department.
- M. Nighttime Use: No persons are permitted on any Municipally owned property during the hours of darkness, except in those areas designated for extended use activities, or unless written permission is obtained from the Parks Director for after dark programs. The City shall reserve the right to lock any gate, chain any door offering access to any park, facility, or building in order to restrict nighttime usage thereof.
- N. Temporary Closure: The City Manager or his designee may temporarily close or curtail activities upon any lands or waters, or any portions thereof, when it has been deemed to be in the best interest of public safety, conduct, health, or order.
- O. Entertainment and Similar Activities: No entertainment, demonstration, exhibition, meeting, concert or tournament, whether public or private, shall be given on any Municipally owned property without having obtained the written permission of the Parks Director no less than fourteen (14) days prior to usage.
- P. Camping or Sleeping Overnight: Camping or sleeping overnight on any Municipally owned property is prohibited without advance written permission from the Parks Director.
- Q. Encroachment: No person or persons shall willingly encroach upon lands administered by the City.

Is hereby amended to read as follows:

7-5A-1: RULES, REGULATIONS, AND REQUIREMENTS:

Controlled property shall include any property over which the City has been granted temporary or perpetual use and control (either by easement or permit) by another governmental entity or agency (local, state, or federal).

ORDINANCE NO. 2020-_____

Unless authorized by resolution, order, decision, permit or other written authorization issued by the City (in accordance and in full compliance with the provisions of any implementing resolution or policy of the City, herewith or hereafter adopted, setting forth circumstances, criteria, considerations, restrictions, and/or conditions justifying the exception(s) requested and provided by such resolution, order, decision, permit or authorization), or unless otherwise permitted by provisions of this Code or other ordinance of the City, now or hereafter enacted, it shall be an infraction for any person to do any act hereinafter prohibited or otherwise restricted:

- A. Destruction; Littering; and/or Dumping: On any Municipally owned (or controlled) property, excluding public streets and sidewalks, or property operated by the City, it shall be unlawful to cut, break, move, take or otherwise injure, destroy or deface any trees, shrubs, plants, turf, rock or any building, fence, bridge, sign or other structure, or foul any spring or stream or leave waste items or rubbish of any kind. No person shall dump any earth, rubbish or other substance or material in or upon any park without written permission of the Parks Director. The prohibitions and regulations regarding Litter shall be as set forth in Section 4-6-3, and shall include Municipally controlled property.
- B. Alcoholic Beverages, Drugs, Or Gambling: The sale, consumption, or possession of intoxicating liquors or beverages and dangerous or narcotic drugs, or gambling of any kind, is prohibited on any Municipally owned or controlled property including all parks and recreation facilities and areas. Notwithstanding the foregoing, the sale, possession, or consumption of alcoholic beverages may be permitted at public recreation facilities and areas where permitted by a valid beer and/or alcohol license issued by the City Council and State agency.
- C. Open Fires: No person shall make or kindle any open fire on any Municipally owned property, except in fireplaces and grills provided or authorized by the City for this purpose or in private portable commercially manufactured grills or grills approved safe by the Parks Director. Grills provided for public use shall be on a first come, first served basis.
- D. Fireworks And Explosives: No person shall discharge or set off on any Municipally owned or controlled property, any firecrackers, rockets or any other fireworks or explosives without advance written consent of the Parks Director.
- E. Trapping Or Injuring Animals: No unauthorized person shall, on any Municipally owned or controlled property, set a trap or snare, or shoot, injure, annoy, disturb or poison any wild animal or bird, or injure or destroy any nest.

ORDINANCE NO. 2020-_____

- F. Nuisances: It shall be unlawful for any person to use threatening, abusive, insulting, or indecent language; to commit any obscene or indecent act; to fight; or to create a public disturbance or nuisance on any Municipally owned or controlled property. Any person who loiters on any Municipally owned or controlled property under the influence of alcohol or drugs or who otherwise disturbs the peace of park users by begging, soliciting, making undue noise or engaging in disruptive activities shall be deemed to create a nuisance.
- G. Motor Vehicles; Speed Limit: No person shall ride in or drive any motor vehicle, which is self-propelled upon any Municipally owned or controlled property except upon the roads. It is prohibited for any person to commit any act, by use or operation of any motor vehicle on any Municipally owned or controlled property, which if committed upon a public highway or street in the State, would be prohibited and unlawful. Speed limits within all Municipally owned or controlled property shall be fifteen (15) miles per hour unless otherwise posted. No one shall test or repair any vehicle or mechanical device in any Municipally owned or controlled property. There shall be no parking at any time except in areas designated for such purposes. Abandoned vehicles shall be towed at owner's expense.
- H. Signs And Advertising: No person shall, without written permission of the Parks Director, erect, paint, paste, or otherwise affix or distribute any signs, advertisements, or circulars on any Municipally owned or controlled property. The sale of anything or the solicitation of funds or donations within any Municipally owned or controlled property is forbidden, except upon written permission of the Parks Director.
- I. Animal Control: Horses, cattle, livestock and domestic animals of any kind (including dogs) are prohibited, on any Municipally owned or controlled property, except to access a public trailhead (which access must be in a reasonably direct route, and without delay on, standing upon, or non-travel use of the controlled property). Parks designated by the City as wilderness parks are exempted from application of this subsection. This subsection shall not apply to persons using service animals for assistance with legitimate visual and auditory impairments.
- J. Golf And Archery: Practicing, playing or using park areas for golf and archery is prohibited on Municipally owned or controlled property.

ORDINANCE NO. 2020-_____

- K. Weapons: While on Municipally owned or controlled property (except the shooting range located at the top of the switchbacks, off SR-9), no person except: 1) authorized law enforcement officers, and 2) those justified under part 4 of chapter 2 of title 76, Utah Code Annotated (1953, as amended) in the defense of self, others, and/or certain property may discharge a dangerous weapon (as that term is defined in section 76-10-501, Utah Code Annotated (1953, as amended)).
- L. Personal Profit Or Financial Gain: No person or group may utilize any Municipally owned or controlled property for the purpose of teaching an individual or group any recreational skill for personal profit or financial gain without written permission of the Parks Department.
- M. Nighttime Use: No persons are permitted on any Municipally owned or controlled property during the hours of darkness, except in those areas designated for extended use activities, or unless written permission is obtained from the Parks Director for after dark programs. The City shall reserve the right to lock any gate, chain any door offering access to any park, facility, or building in order to restrict nighttime usage thereof.
- N. Temporary Closure: The Mayor or City Administrator or designee thereof may temporarily close or curtail activities upon any lands or waters, or any portions thereof, when it has been deemed to be in the best interest of public safety, conduct, health, or order.
- O. Entertainment And Similar Activities: No entertainment, demonstration, exhibition, meeting, concert or tournament, whether public or private, shall be given on any Municipally owned or controlled property without having obtained the written permission of the City Administrator or Parks Director no less than fourteen (14) days prior to usage.
- P. Camping Or Sleeping Overnight: Camping or sleeping overnight on any Municipally owned or controlled property is prohibited without advance written permission from the City Administrator or Parks Director.
- Q. Encroachment: No person or persons shall willingly encroach upon lands administered by the City.

SECTION II: REPEAL OF CONFLICTING PROVISIONS.

All ordinances or resolutions, or parts or provisions thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent that they conflict herewith.

ORDINANCE NO. 2020-_____

SECTION III: SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION IV: EFFECTIVE DATE.

In the opinion of the City Council of LaVerkin City, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of LaVerkin City that this Ordinance take effect as soon as possible. This Ordinance, therefore, shall take effect immediately upon its passage and first publication as provided by law.

PASSED AND ADOPTED by the City Council of LaVerkin City this _____ day of _____, 2020.

RICHARD M. HIRSCHI, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING SECTION 8-2-12 OF THE LaVERKIN CITY CODE, AND PROVIDING FOR FLOOD IRRIGATION, IN CERTAIN CIRCUMSTANCES AND FOR A LIMITED TIME, IN THE AREA OF THE CITY LOCATED IN THE LOWER LANDS SITUATED IN THE AREA SURROUNDING THE VIRGIN RIVER, LaVERKIN CREEK, AND ASH CREEK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there are lands situated in the area of the City known as Confluence Park, and adjacent and nearby areas, located in the flood plain and/or valley containing Virgin River, LaVerkin Creek, and Ash Creek; and

WHEREAS, some of these lands are owned and/or managed by governments, or governmental entities or agencies, including multi-jurisdiction entities like the Confluence Park Executive Board; and

WHEREAS, one or more of such governments, entities, or agencies may have differing opinions and/or customs or regulations with regards to the application of irrigation water on lands that they own or manage; and

WHEREAS, the application of any irrigation waters to land in the lower regions referred to above may have a detrimental effect on pressures and quantities available for application on lands within the main portion of the City, above the cliffs surrounding said rivers (whether by flood irrigation or any of the methods referred to in current subsection E.2 of Section 8-2-12 of *The LaVerkin City Code* ("LVCC")); and

WHEREAS, the park plan for the properties collectively known as the Confluence Nature Park indicates that it was the intent of the park's creators that the such properties would evidentially be irrigated once again, and there is historical evidence (despite the current wording of subsection E.2 of Section 8-2-12, LVCC, that flood irrigation was the intended method of application of water onto the park property; and

WHEREAS, if certain safeguards are used to preserve water pressure and quantity in the upper (main) regions of the City where the irrigation water is currently applied (on the LaVerkin shelf), flood irrigation may be a permissible acceptable form of irrigation water application for a limited period of time, particularly if the land is government or government-controlled land and there are special circumstances supporting the use of flood irrigation; and

WHEREAS, Washington County is the owner of the land(s) known collectively as the Confluence Nature Park, a park that is managed by a multijurisdictional executive board established by Interlocal Agreement pursuant to the *Utah Interlocal Cooperation Agreements Act*; and

ORDINANCE NO. 2020-_____

WHEREAS, the County is in the process of acquiring delivery contracts from the City's irrigation system (equaling what was once 30.25 shares in the former LaVerkin Canal Company), currently in the name of the Virgin River Land Preservation Trust, for use in the Confluence Park; and is desirous to use the water represented thereby to flood irrigate the said park, for a period not to exceed five (5) years, until such time as the Ash Creek Special Service District ("ACSSD") has constructed, made operational, and made avail for use and distribution certain re-use waters from a sewer treatment facility that it is intending to construct in the lower lands adjacent to the Confluence Nature Park; and

WHEREAS, the County is of the opinion that, even with certain requirements placed upon it by the City (such as the installation and maintenance—at its expense—of a pressure sustain valve to protect "upstream" users of the irrigation water), it is more efficient and economical to flood irrigate the land that it seeks to develop agriculturally within the park; and it is consistent with its desired use and application of re-use water on the park (to allay fears and concerns of park visitors of re-use water being airborne and breathable, as opposed to remaining on the ground and feeding the agricultural uses of the property); and

WHEREAS, City Staff has prepared a special exception to the general rule set forth in the LVCC with regards to flood irrigation using waters from the City's irrigation system, which would allow the County's desired action, so long as certain mitigating requirements and sunsets in allowed use are established and met; and

WHEREAS, the City Council deems it to be in the best interests of the City and its residents, guests, and businesses to so amend the City Code.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF LaVERKIN, UTAH:

SECTION I: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SECTION 8-2-12:

Subsection E of Section 8-2-12 of *The LaVerkin City Code*, which currently reads as follows:

- E. Open Discharge: There shall be no open discharge of water from the irrigation system. Accordingly, no flood irrigation shall be permitted from the irrigation system. All water shall be discharged using a sprinkler, bubbler, drip system or other similar restrictive device.

Is hereby amended to read as follows:

ORDINANCE NO. 2020-_____

E. Open Discharge:

1. General Rule: Except as provided in subsection E.2 below, there shall be no open discharge of water from the irrigation system.
 - a. No flood irrigation shall be permitted from the irrigation system.
 - b. All water shall be discharged using a sprinkler, bubbler, drip system or other similar restrictive device.
2. Special Exception for Certain Serviced Properties: Property or properties owned or managed by one or more federal, state, or local governments or governmental entities or agencies, situated at the foot of the hillside and/or within the valley and/or flood plain located along and/or within the vicinity of the Virgin River, LaVerkin Creek, and Ash Creek (*from the Pah Tempe property on the southeast to Riverwood Estates on the north, and to the extent such property or properties lie(s) within the delivery area of the City's irrigation system and is/are entitled to the delivery of water from said system*), may—for a period not to exceed five (5) years—be flood irrigated, using water from the City's irrigation system; *provided that:*
 - a. An adequate pressure sustaining valve (preserving the upstream water pressure) and a magmeter of adequate size (to provide water usage information), acceptable to the City, is:
 - i. Acquired, paid for, maintained, and replaced as needed (for the period of use) at the expense of the owner of said serviced property or properties, and
 - ii. Installed, meeting City requirements and standards—
 - (1) At or near the property's connection to the City's irrigation system (as directed by the City); and
 - (2) At or before the time the property is (or properties are) connected to the City's irrigation system.
 - b. At or before the end of said five-year period of time:
 - i. Flood irrigation on the property or properties shall cease, and irrigation water shall be discharged onto the property or properties as provided in subsection E.1.b above, or

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- ii. The property shall be disconnected from the City's irrigation system, and the property or properties may continue to be flood irrigated, using irrigation water not owned by the City or connected with the City's irrigation system (e.g., Ash Creek Special Service District water re-use water, Washington County Water Conservancy District water, LaVerkin Creek water rights, etc.).
- c. Notwithstanding the provisions of subsections E.2.a above, title to the pressure sustaining valve shall pass to the City at the time of installation and inspection, and shall remain the City's property after any disconnection of the property or properties from the City's irrigation system.

SECTION II: REPEAL OF CONFLICTING PROVISIONS.

All ordinances or resolutions, or parts or provisions thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent that they conflict herewith.

SECTION III: SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION IV: EFFECTIVE DATE.

In the opinion of the City Council of LaVerkin City, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of LaVerkin City that this Ordinance take effect as soon as possible. This Ordinance, therefore, shall take effect immediately upon its passage and first publication as provided by law.

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PASSED AND ADOPTED by the City Council of LaVerkin City this _____ day of _____, 2020.

RICHARD M. HIRSCHI, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder

Flood Irrigation Ord (Draft 2020b)

