



Regular City Council Meeting
Tuesday, October 5, 2021
City Hall Council Chambers
5249 South 400 East, Washington Terrace City
801-393-8681
www.washingtonterracecity.com

1. **ROLL CALL** **6:00 P.M.**

2. **PLEDGE OF ALLEGIANCE**

3. **WELCOME**

4. **CONSENT ITEMS**

4.1 APPROVAL OF AGENDA

Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.

4.2 APPROVAL OF SEPTEMBER 21, 2021 MEETING MINUTES

5. **CITIZEN COMMENTS**

This is an opportunity to address the Council regarding your concerns or ideas that are not on the agenda as part of a public hearing. Please limit your comments to no more than 3 minutes.

6. **COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS**

Council and staff will consider and address concerns and take appropriate measures to follow up on any comments made in the citizen comments item on the agenda.

7. **NEW BUSINESS**

8.1 MOTION/RESOLUTION 21-27: RESOLUTION TO APPOINT JUDGE TRENT NELSON TO SERVE AS A TEMPORARY JUSTICE COURT JUDGE FOR THE MARRIOTT-SLATTERVILLE/WASHINGTON TERRACE JUSTICE COURT

8.2 PRESENTATION/TRAINING: ETHICAL ELECTION BEHAVIOR

For more information on these agenda items, please visit our website at www.washingtonterracecity.com

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 801-395-8283.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting. Amy Rodriguez, City Recorder.

8.3 DISCUSSION/INTERVIEWS: INTERVIEW OF EACH INDIVIDUAL WHOSE NAME WAS SUBMITTED FOR CONSIDERATION TO FILL THE MIDTERM VACANCY OF A COUNCIL MEMBER SEAT

Council will interview each candidate regarding the individual's qualifications.

Candidates must meet the qualifications of the office and must have submitted their name for consideration by the September 29, 2021 deadline.

8.4 DISCUSSION/ACTION: DISCUSSION OF MIDTERM VACANCY CONSIDERATIONS AND POSSIBLE VOTE

Council may discuss the midterm vacancy considerations and may hold a vote by secret ballot. Ballots will be tallied and the candidate with the majority of votes will be appointed to serve the remaining term.

8.5 MOTION/ACTION: APPOINTMENT OF COUNCIL MEMBER TO FILL MIDTERM VACANCY

8.6 OATH OF OFFICE ADMINISTERED TO NEW COUNCIL MEMBER

9. COUNCIL COMMUNICATION WITH STAFF

This is a discussion item only. No final action will be taken.

10. ADMINISTRATION REPORTS

This is an opportunity for staff to address the Council pertaining to administrative items.

11. UPCOMING EVENTS

October 11th: City Offices closed in Observance of Columbus Day

October 19th: City Council Meeting 6:00 p.m.

October 28th: Planning Commission Meeting

12. ADJOURN THE MEETING: MAYOR ALLEN

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City of Washington Terrace

Minutes of a Regular City Council meeting

Held on September 21, 2021

City Hall, 5249 South 400 East, Washington Terrace City,

County of Weber, State of Utah

MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen

Council Member F. Carey Seal

Council Member Larry Weir

Council Member Scott Barker

Council Member Jeff West

City Treasurer Heidi Gerritsen

General Planner Tyler Seaman

City Manager Tom Hanson

Others Present

Mike Lawrence

1. WORK SESSION

5:00 P.M.

Topics to include; but are not limited to:

- The Good Landlord Program

Hanson state that staff looked at the capacity to expand training to the landlords in the City. Hanson stated that the disproportionate fee equates to roughly \$37,000, which is discounted in the Good Landlord Fee reduction. Hanson stated that this is money that is not coming into the city to help with the disproportionate calls for service fee.

Hanson stated that the raw numbers for calls for service for landlords show that the landlords not in the Program are generally not the rentals that have high volume calls. Hanson stated that the graph shows that the high volume calls are in the Good Landlord Program. Hanson stated that we need to look at the Return of Investment (ROI) of the Program and does it equate to the \$37,000 we are not collecting.

Gerritsen stated that a normalized call rate for a residence that is not a rental is .58.

Mayor Allen stated that he does not believe that there is a good Return of Investments after reviewing the data. Council Member Barker asked how we can help landlords who have been working the program continue with their trainings. Hanson stated that he believes that we can take some of the money received from the licenses and use it to clean up the city in general and problem properties. He stated that the city will still implement best practices and encourage trainings of the program. Council Member Seal stated that a minimum of half the Good Landlord Participants are doing a good job according to the data received. He stated that he feels that the program is working somewhat, however, he doesn't want to penalize everyone for bad management of other properties.

Council Member Barker stated that he likes the idea of taking some of the funds to clean up properties.

Council Member West stated that he does not feel like we need to scrap the program for those who are in compliance with the program. He stated that there should be a threshold for calls that exceed the normalized amount and those properties may be taken out of the program. Council Member Seal stated

50 that some calls cannot be controlled (medical, accidents) and should not be penalized.

51
52 Hanson stated that Seaman is working on a program that would help clean up properties so that values of
53 the surrounding properties are not brought down by problem properties. Seaman stated that the abatement
54 program in which he is working on should be coming to Council soon. Gerritsen stated that one unit
55 disproportionate fee is \$41.00.

56
57 Hanson stated that we will need to commit more resources on our side to keep the program going. He
58 stated that we need to look at not only the money taken in, but the staff support and support of the
59 Sheriff's Office to help run this program. He stated that many things need to be taken into account when
60 determining the ROI. Hanson stated that a challenge is in measuring the benchmarks and is not sure if we
61 are making a big difference with the Program. Council Member Barker stated that we may be better off to
62 drop the Program and take the seed money to start the abatement program and then charge the individuals
63 and the city would receive the money back. He stated that the program started out to help the landlords
64 run their property. He stated that there are different mindsets of landlords. Council Member Barker stated
65 that the program is a loser for the City. Gerritsen stated that she anticipates a big drop off in the program
66 this year, as there is not a large incentive.

67
68 Council Member Barker stated that if the Council drops the program, we need to make sure we start the
69 abatement program and start cleaning up the city. Hanson stated that we can use data generated by law
70 enforcement to reach out to landlords.

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MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT

Mayor Mark C. Allen
Council Member F. Carey Seal
Council Member Larry Weir
Council Member Scott Barker
Council Member Jeff West
City Treasurer Heidi Gerritsen
General Planner Tyler Seaman
City Manager Tom Hanson

Others Present

Kathleen Craynor, Jim Craynor, Nathan Howard, Jonathan Fraser, Gina Butters, Lane Findlay,
Jon Parry, Amy Miller

2. ROLL CALL

6:00 P.M.

3. PLEDGE OF ALLEGIANCE

4. WELCOME

5. CONSENT ITEMS

5.1 APPROVAL OF AGENDA

Item 8.1 has been postponed until the next meeting.

5.2 APPROVAL OF SEPTEMBER 7, 2021 MEETING MINUTES

Items 5.1 and 5.2 were approved by general consent.

6. CITIZEN COMMENTS

Amy Miller, representing the Community United Methodist Church, spoke about October Community events, including the Community garden and community basketball coaching. Miller asked when the City would like to hold trick or treating this year. Hanson stated that he would let Miller know once it has been decided. Miller spoke about meals for the homeless. She stated that she posts information on the Washington Terrace City Facebook Page.

7. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS

Council thanked Amy Miller for the work that is done at the Community events.

8. NEW BUSINESS

8.1 PRESENTATION/TRAINING: ETHICAL ELECTION BEHAVIOR

Item 8.1 has been postponed.

148
149 **8.2 PRESENTATION: WEBER SCHOOL DISTRICT 2021 BOND**

150 Superintendent Stephens presented information on the 2021 School District bond which will be on the
151 ballot in the November election.

152 He stated that they want to make sure that they utilize all the facilities in the area before they do boundary
153 adjustments. He stated that they have used all the portable classrooms that they have. He stated that there
154 is limited access in portables. He stated that they have used all the tools that they have to help with the
155 growth in the area. He stated that they are asking the public to allow them to bond. The bond will help
156 enhance several schools and build one new school. He stated many schools are over or nearing capacity.
157 He stated that Roosevelt Elm. can be rebuilt on site and allow children to attend school while
158 construction is in place. He stated that if the bond is successful, Roosevelt Elm. will be last on the
159 scheduled constructions in this rotation. He stated that this will be the fifth consecutive bond from Weber
160 School District that will not raise the tax rate. Stephens stated that T.H. Bell is getting close to being on
161 the rotation schedule. Stephens stated that they already own the properties for the new schools.
162

163 **8.3 MOTION/ORDINANCE 21-07: WATER EFFICIENCY LANDSCAPE ORDINANCE**

164 Seaman stated that there has been extreme drought in Utah and that we are not very restrictive on
165 landscape ordinance and what people can plant. He stated that he reached out to Weber Basin Water on
166 effective ordinances. He stated that the water landscape ordinance is to help with water conservation. He
167 introduced Jon Parry from Weber Basin and stated that he has worked with Weber Basin on the
168 ordinance. Seaman stated that we have significant commercial buildings coming into the City and this
169 can potentially save a lot of watering for their landscape.

170 Seaman stated that this ordinance is not required for existing buildings. Seaman stated that there is a
171 maximum of the amount of grass that can be planted. Seaman stated that the city allows zero scaping. He
172 stated that it is highly recommended to take a tour of Weber Basin that shows different turf ideas and
173 landscaping ideas. Seaman stated that his department will promote water conservation as part of
174 landscaping. Council Member Barker stated that he has learned this year that his grass does not need as
175 much water as he thought. Seaman stated that there are a few challenges on how to help guide the do it
176 yourself landscaper. Parry stated that residents can contact Weber Basin for ideas and free classes and
177 consultations for landscaping. Seaman stated that this ordinance will allow us to participate in the water
178 conservation programs with Weber Basin Water, one of them being the "Rip the Strip" reimbursement
179 program offered by the State.

180 Parry stated that the "Rip the Strip" Program is available to communities who adjust their ordinances for
181 water conservation, which this ordinance will. Residents who are interested can visit
182 utahwatersavers.com to sign up for the program. He stated that this is a regional program and residents
183 using Pine View Water are eligible.

184 Seaman stated that several requirements that seemed like financial hardships for residents were removed
185 from the ordinance. He stated that they were not removed from commercial properties. Seaman stated
186 that percentage of grass was decreased for new residential developments Seaman stated that the amount
187 of time to complete the front yard has been increased to 18 months.
188

189 **Motion by Council Member Barker**
190 **Seconded by Council Member West**
191 **To adopt Ordinance 21-07**
192 **Water Efficiency Landscape Ordinance**
193 **Approved unanimously (4-0)**
194 **Roll Call Vote**
195
196

197 **8.4 MOTION/ORDINANCE 21-09: DISSOLUTION OF CERTAIN REDEVELOPMENT**
198 **AGENCY PROJECT AREAS**

199 Hanson stated that there has been an RDA on county records that we have never used or received
200 increments on. Hanson stated that we have never paid any incentives out of this RDA. The RDA is no
201 longer applicable, and therefore staff is asking to dissolve the RDA presented.

202 Hanson stated that it was established in 2002. Hanson stated that over time, the Southeast Business
203 District RDA has taken over some of the property, making this RDA ineffective.

204
205 **Motion by Council Member West**
206 **Seconded by Council Member Weir**
207 **To approve Ordinance 21-09 and**
208 **Dissolve the Redevelopment Agency Project Area discussed**
209 **Approved unanimously (4-0)**
210 **Roll Call Vote**
211

212 **8.5 MOTION/ACTION: REVIEW AND APPROVAL OF PUBLIC FACILITY RENTAL**
213 **GUIDELINES**

214 Gerritsen stated that some language and guidelines have been added to the rental application which will
215 clarify the behavior that is not allowed and may cost them their rental deposit. Hanson stated that the
216 rental application firms up what is expected by the resident as well as the City.

217 Gerritsen clarified that the fees are not changing, it just puts in writing the practice that we have been
218 using during the rental process. Gerritsen stated that this includes Rohmer Park, Victory Park, and the
219 Senior Center. Gerritsen stated that the Senior Center is not available to the general public. Hanson stated
220 that a 501-3c organization that supports the community may be available to be rental. Gerritsen stated
221 that the website will have the rental agreements posted.

222 Mayor Allen would like staff to review the field use fees, particularly baseball fields. He stated that the
223 contract agreement is \$200 and the hourly rate is \$2.00 and would like information to what that entails.
224 Hanson stated that Gerritsen did a wonderful job on getting the information together.

225
226 **Motion by Council Member Weir**
227 **Seconded by Council Member Seal**
228 **To approve the public facility rental guidelines**
229 **Approved unanimously (4-0)**
230

231 **9. RETURNING BUSINESS**

232 **9.1 DISCUSSION/MOTION: GOOD LANDLORD PROGRAM PARTICIPATION**

233 Hanson stated that we have discussed this topic at several meetings to discuss the value of the program.

234 Hanson stated that the program was set up to give information and tools to landlords to use best practices
235 on their properties. Hanson stated that the landlords on the program receive a discount on their business
236 licenses which comes to a reduction of \$37,000. Hanson stated that the program has varying levels of
237 success. Hanson stated if Council votes to continue with the program, we would continue with the
238 program and will need to increase capacity of our staff to work on the program. Hanson stated that if
239 Council decides not to continue, we could take half of the funds received and put it towards the
240 abatement program and use the funds to clean up challenging properties, which would then be placed as a
241 tax on the property so the city can recoup the funds.

242 Mayor Allen stated that he feels that we should take the \$37000 and help improve property sites in the
243 community instead of trying to manage the program. He stated that we may have to hire another
244 employee to help manage the program. He stated that he is in favor of dissolving the program.
245 Council Member Barker stated that the citizens of the city are subsidizing the rental properties the

\$37,000 and we have too many calls for service. He stated that he is in favor of dissolving the program as is but we need to make sure we take the funds and reinvest it in the abatement program and reinvest in the city properties. Council Member Weir agreed, stating the program is not doing all it was intended to do. Hanson stated that he does not want to commit all of the funding at this time, but recommends using at least \$15,000 of the funding. Hanson stated that it is not in the budget at this time, but it will be available in the next budget year. Hanson stated that we want to use forms of communication to encourage best practices among the landlords. He stated that the funds can offset some of the costs associated with law enforcement and calls for service. Hanson stated that the training is worth doing. Council Member West stated that it is important to redirect the funds to mitigation of problem properties. He would also like to see how the best practice information will be communicated to the landlords. Council Member Seal stated that the program had some teeth to it when it first was established, however, the state has changed some of the requirements and took away the teeth to the ordinance.

**Motion by Council Member Barker
Seconded by Council Member West
To dissolve the Good Landlord Program participation
Approved unanimously (4-0)**

9.2 MOTION/ORDINANCE 21-08: ACCESSORY DWELLING UNITS

Mayor Allen stated that this ordinance must be approved by October 1, 2021, in accordance with state law. Seaman stated that there will be one text change concerning short term rentals. We will take out one word stating that you cannot advertise as a short term rental. It must be an over 30 day rental. Council Member Barker stated that this ordinance is only for the existing footprint of the main unit. Seaman stated that it mostly applies to basement apartments. Hanson stated that it could also apply to a remodeled garage, as long as they offset the parking. Seaman stated that there only needs to have one point of egress in a residential zone. Seaman stated that the owner will need a business license, which is allowed by state code. Hanson stated that there will be a challenge to the homeowner if they are in an area with challenging parking space. Hanson stated that parking will be a big component in allowing these types of licenses.

**Motion by Council Member Barker
Seconded by Council Member West
To adopt Ordinance 21-08 "Accessory Dwelling Units"
Approved unanimously (4-0)
Roll Call Vote**

10. COUNCIL COMMUNICATION WITH STAFF

Council Member Barker stated that VIPs Program member Scott Christensen spent 18 hours at the Weber County fair as a volunteer for parking. He stated that volunteers are asked to put in 8 hours a month. He stated that if the community sees Mr. Christensen, to thank him for his dedication. Council Member Barker stated that he toured the city on the VIPS program this past weekend. He stated that it was very interesting and stated that the volunteers are starting to get out in the neighborhood. He stated that they saw several cars in Rohmer park parked past the 10 p.m. curfew. He asked if we need to consider a "sun up to sun down" rule for park closures. Hanson stated that we can definitely look into that change.

Council Member West thanked Gerritsen and staff for their hard work and appreciates that there is a lot going on in the City. Mayor Allen stated that the valve replacement CDBG project is underway.

295 Mayor Allen stated he received a thank you from a resident who received a newly painted fire hydrant
296 and curb painting and thank the public works crew for their work.
297

298 **11. ADMINISTRATION REPORTS**

299 Hanson spoke about the water valve replacement program. Hanson stated that there is a map on the city
300 website showing where the work will be completed daily during the project.
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302 Hanson stated that the fiber optic survey will go live tomorrow to see the need within the community.
303 Hanson stated that he has put out a formal RFP on the project.
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305 Hanson stated that there are new cameras at the parks.
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307 Hanson stated that we are receiving applications for the vacancy within City Council.
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309 Hanson stated that a budget adjustment will be brought back to Council for a new online building permit
310 platform. Hanson stated that this will increase service and expanding our platform.
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313 **12. UPCOMING EVENTS**

314 **September 29th-October 1st: ULCT Convention: Salt Palace, SLC**

315 **September 30th: Planning Commission (tentative) 6:00 p.m.**

316 **October 5th: City Council Meeting 6:00 p.m.**

317 **October 11th: City Offices closed in Observance of Columbus Day**

318 **October 19th: City Council Meeting 6:00 p.m.**

319 **October 28th: Planning Commission Meeting (tentative)**
320

321 **13. ADJOURN THE MEETING: MAYOR ALLEN**

322
323 **Motion by Council Member Barker**
324 **Seconded by Council Member Weir**

325 **To adjourn the meeting**
326 **Approved unanimously (4-0)**

327 **Time: 7:55 p.m.**
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330 **14.** Council adjourned into a Redevelopment Agency (RDA) meeting immediately following the
331 meeting.
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335 _____
Date approved

City Recorder

**CITY OF WASHINGTON TERRACE
RESOLUTION 21-27**

**A RESOLUTION OF THE CITY OF WASHINGTON TERRACE, UTAH,
AUTHORIZING THE APPOINTMENT OF TEMPORARY
JUSTICE COURT JUDGES**

WHEREAS, the City of Washington Terrace (hereinafter “City”) is a municipal corporation, duly organized and existing under the laws of the state of Utah;

WHEREAS, the City provides the Washington Terrace/Marriott-Slaterville Justice Court;

WHEREAS, from time-to-time the Washington Terrace/Marriott-Slaterville Justice Court Judge may be absent from Court or have a real or perceived conflict of interest that disqualifies the Judge from hearing a particular case;

WHEREAS, Utah Code Annotated §78-A-7-208 provides for the “temporary justice court judge” and reads “. . . the governing body [City Council] may appoint any senior justice court judge, or justice court judge currently holding office within the judicial district or in an adjacent county, to serve as a temporary justice court judge.”

WHEREAS, The City Manager, along with the Mayor and representatives from Council, met with applicant Judge Paul Olds and found him to be competent and an exceptional fit for our City;

NOW, THEREFORE BE IT RESOLVED by the City Council of Washington Terrace, That Judge Trent Nelson, or any other Justice Court Judge currently holding office within the Second Judicial District or in an adjacent county; or that meets the Utah Supreme Court’s requirements of a senior court judge, shall be appointed as the Washington Terrace/Marriott-Slaterville Temporary Justice Court Judge to serve in the event of the absence or disqualification of the Washington Terrace/Marriott-Slaterville Justice Court Judge.

PASSED AND APPROVED by the City Council this ____ day of _____, 2021.

MARK C. ALLEN, Mayor

ATTEST:

AMY RODRIGUEZ, City Recorder
Roll Call Vote:
Council Member Barker
Council Member Seal
Council Member Weir
Council Member West

Effective 5/12/2020

Part 5 Voting Offenses

20A-3a-501 Prohibited conduct at polling place -- Other prohibited activities.

- (1) As used in this section:
 - (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue; and
 - (b) "polling place" means the physical place where ballots are cast and includes the physical place where a ballot drop box is located.
- (2)
 - (a) An individual may not, within a polling place or in any public area within 150 feet of the building where a polling place is located:
 - (i) do any electioneering;
 - (ii) circulate cards or handbills of any kind;
 - (iii) solicit signatures to any kind of petition; or
 - (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.
 - (b) A county, municipality, school district, or local district may not prohibit electioneering that occurs more than 150 feet from the building where a polling place is located, but may regulate the place and manner of that electioneering to protect the public safety.
- (3)
 - (a) An individual may not obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.
 - (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction of the entrance to a polling place and may arrest an individual creating an obstruction.
- (4) An individual may not solicit any voter to show the voter's ballot.
- (5)
 - (a) An individual may not knowingly possess or control another individual's voted manual ballot, unless:
 - (i) the individual is an election official or postal worker acting in the capacity of an election official or postal worker;
 - (ii) the individual possesses or controls the voted ballot in accordance with Section 20A-3a-301, relating to emergency ballots;
 - (iii) the possession or control is authorized in order to deliver a military-overseas ballot in accordance with Chapter 16, Uniform Military and Overseas Voters Act;
 - (iv) subject to Section 20A-3a-208, the individual is authorized by a voter to possess or control the voter's voted ballot if the voter needs assistance delivering the ballot due to the voter's age, illness, or disability; or
 - (v) the individual resides in the same household as the voter.
 - (b) A violation of Subsection (5)(a) does not invalidate the ballot.
- (6) An individual who violates any provision of this section is, in addition to the penalties described in Subsections 20A-1-609(2) and (3), guilty of a class A misdemeanor.
- (7) A political subdivision may not prohibit political signs that are located more than 150 feet away from a polling place, but may regulate their placement to protect public safety.

Amended by Chapter 17, 2020 Special Session 6

20A-3a-502 Intimidation -- Undue influence.

- (1) It is unlawful for a person to induce or compel an individual to vote or refrain from voting at an election provided by law or to vote or refrain from voting for a particular individual or measure at an election provided by law, directly or indirectly, by:
 - (a) using force, violence, or restraint;
 - (b) inflicting or threatening to inflict injury, damage, harm, or loss; or
 - (c) by intimidation.
- (2) It is unlawful for a person to, by abduction, force, or fraud, impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any voter, either in voting at any election provided by law or voting or refraining from voting for a particular individual or measure at an election provided by law.
- (3) It is unlawful for a person to:
 - (a) enclose in the salary or wage envelopes of an employee of the person, political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinion, views, or action of the employee; or
 - (b) within 90 days before the day of an election provided by law, post or otherwise exhibit, in a location where the person's employees may be working or may be present in the course of employment, any handbill, notice, or placard containing any threat, notice, or information, that if any particular ticket or candidate is or is not elected:
 - (i) work performed by the person's employees will cease in whole or in part;
 - (ii) the workplace will close;
 - (iii) wages of workforce will be reduced; or
 - (iv) other adverse consequences, under the control of the person, will result.
- (4) Violation of this section is a class B misdemeanor.

Enacted by Chapter 31, 2020 General Session

20A-3a-503 Influencing employee's vote.

- (1) It is unlawful for any corporation, or any officer or agent of any corporation, to influence, or attempt to influence, induce, or compel by force, violence, or restraint, or by inflicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from employment or promoting in employment, or by intimidation, or in any manner whatever, any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or measure at that election.
- (2)
 - (a) Any corporation or any officer or agent of that corporation who violates any of the provisions of this section is guilty of a class B misdemeanor.
 - (b) Any corporation violating any of the provisions of this section shall forfeit its charter and right to do business in this state in addition to any other penalties imposed by law.

Renumbered and Amended by Chapter 31, 2020 General Session

20A-3a-504 Violations -- Penalties.

- (1) Except as provided in Subsection (3) or Section 20A-3a-208, an individual is guilty of a class C misdemeanor if the individual:
 - (a) allows the individual's ballot to be seen by another with the intent to reveal how the individual is about to vote;

- (b) states falsely that the individual is unable to mark the individual's ballot;
 - (c) interferes or attempts to interfere with any individual who is inside the voting booth or who is marking a ballot;
 - (d) induces or attempts to induce any voter who is inside a voting booth or who is marking a ballot to vote to show how the voter marked the voter's ballot; or
 - (e) takes a photograph of a ballot, other than the individual's own ballot, at a polling place.
- (2) The election judges and clerks shall report any individual who violates this section to the county attorney or district attorney having state criminal jurisdiction for prosecution.
- (3) Subsection (1) does not prohibit an individual from transferring a photograph of the individual's own ballot in a manner that allows the photograph to be viewed by the individual or another.

Renumbered and Amended by Chapter 31, 2020 General Session

20A-3a-505 False impersonation -- Double voting.

- (1)
- (a) An individual may not:
 - (i) apply for a ballot in the name of another individual, regardless of whether the other individual is living or dead, or is a fictitious person;
 - (ii) after having voted once at an election, apply again at the same election for a ballot in the individual's own name or any other name; or
 - (iii) sign the affidavit on a return envelope for another individual.
 - (b) An individual who violates Subsection (1)(a) is guilty of a third degree felony.
- (2)
- (a) An individual may not aid, assist, counsel, or procure another individual to commit the felony described in Subsection (1)(a).
 - (b) An individual who violates Subsection (2)(a) is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 31, 2020 General Session

20A-3a-506 False information on provisional ballot envelope.

- (1) An individual may not wilfully falsify information on a provisional ballot envelope.
- (2) An individual who violates this section is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 31, 2020 General Session

Part 13

Municipal Officers' and Employees' Ethics Act

10-3-1301 Short title.

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

Amended by Chapter 147, 1989 General Session

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.

Amended by Chapter 352, 2015 General Session

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 individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

Amended by Chapter 350, 2016 General Session

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 officer's or employee's official position or in the course of official duties in order to further substantially the officer's or employee's 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 officer's or employee's official position to:
 - (i) further substantially the officer's or employee's 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 person's position to depart from the faithful and impartial discharge of the person's 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.

Amended by Chapter 445, 2013 General Session

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 employee's immediate supervisor; and
 - (ii) any other municipal officer or employee who may rely upon the employee's 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.

Amended by Chapter 445, 2013 General Session

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 officer's or municipal employee's 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.

Amended by Chapter 378, 2010 General Session

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.

Amended by Chapter 147, 1989 General Session

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 employee's or official's 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.

Amended by Chapter 147, 1989 General Session

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.

Amended by Chapter 241, 1991 General Session

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.

Amended by Chapter 147, 1989 General Session

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.

Amended by Chapter 461, 2018 General Session

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.

Amended by Chapter 147, 1989 General Session

2021 MIDTERM COUNCIL SEAT VACANCY

The following individuals have submitted their names for consideration to be appointed by the City Council. There will be interviews held during the open meeting.

After the interviews, the Council may hold a vote by ballot. .
The candidate with the majority vote will be appointed Council Member

RESIDENT	DATE EXPRESSED INTEREST IN CONSIDERATION
GARY A. KLEMA	9/21/2021
JONATHAN FRASER	9/21/2021
DAN JOHNSON	9/22/2021
KATHLEEN CRAYNOR	9/27/2021
SCOTT J. MONSEN	9/27/2021
KATHY MCKAY	9/27/2021
AMY MORGAN	9/27/2021
RANDY FERLIN	9/28/2021
JOHN E JENKINS	9/29/2021