



EMIGRATION CANYON
METRO TOWNSHIP

Emigration Canyon Metro Township Council Staff/Public Meeting Agenda

January 25, 2022
7:00 PM

Virtual Meeting Via Zoom

<https://us02web.zoom.us/j/83328451408>

The Public May Attend Meetings The Meeting May Be Closed for Reasons Allowed by Statute

Pursuant to Utah Code Annotated 52-4-207(5) the undersigned, as Chair of the Emigration Canyon Metro Township Council, hereby declares that providing an anchor location for the electronic meetings of the Council will present a substantial risk to the health and safety of those who may be present at the anchor location for the following reasons:

The Township is located in Salt Lake County and is still under a “Moderate Level of Transmission” alert stage for the COVID-19 pandemic; and

The regular meeting place for the Council (the UFA Fire Station in the Canyon) does not have sufficient space in the meeting room to provide for the recommended physical distancing to keep people safe from infection.

This written determination shall expire 30 days from today. This meeting will not have a physical anchor location. All attendees will connect remotely via Zoom.com (<https://us02web.zoom.us/j/83328451408>).

Upon request with three working days’ notice, the Greater Salt Lake Municipal Services District will provide free auxiliary aids and services to qualified individuals (including sign language interpreters, alternative formats, etc.). For assistance, please call 385-468-7130 – TTY 711.

The Public is Invited and Welcome to Attend the Staff Meeting

COUNCIL MEMBER SWEARING-IN CEREMONY

Joe Smolka
Robert Pinon

STAFF MEETING

- 7:10 1. Agenda Items (Discussion)
- 7:15 2. **Utah Broadband** Presentation Regarding Increasing Broadband Coverage (Discussion)
- 7:30 3. Emigration Canyon Metro Township **General Plan Update** (Discussion) – Matt Starley, Planner, MSD
- 7:45 4. **Mayor Report** (Discussion) – Mayor Smolka
- 7:55 5. Consideration of Resuming **In-Person Meetings** (Discussion)
- 8:00 6. Greater Salt Lake Municipal Services District (MSD) **Bond** (Discussion)
- 8:05 7. Other Council Business (Discussion)

PUBLIC MEETING

- 1. **Welcome and Determine Quorum**
 Joe Smolka, Mayor
 Jennifer Hawkes, Deputy Mayor
 David Brems, Council Member
 Catherine Harris, Council Member
 Robert Pinon, Council Member
- 2. **Pledge of Allegiance**
- 3. **Recognize Visiting Officials**
- 4. **Public Hearing:** None
- 8:15 5. **Election of Leadership**
 - (a) Election of Mayor (Motion/Discussion)
 - (b) Election of Deputy Mayor (Motion/Discussion)
- 8:25 6. **Citizen Public Input**
(Individuals wishing to comment must access the meeting using the Zoom.com link above by the beginning of the “Citizen Comment” period. If an individual is unable to attend the meeting, they may email their comments to nwatt@slco.org to have them read into the record.)
- 7. **Reports from other Municipal Providers**
 - 8:35 7.1 Emigration Canyon Community Council – Bill Tobey, Chair
 - 8:40 7.2 Unified Police Department – Office Jake Elsasser
 - 8:45 7.3 Unified Fire Authority – Captain Michael Conn
 - (a) UFA **Budget Presentation** (Discussion)

8. Council Business

- 8:50 8.1 Appointment of **Records Officer** (Motion/Discussion)
- 8:55 8.2 Discussion and Possible Motion on the Hiring of an Emigration Canyon Metro Township **Administrator** (Motion/Discussion)
- 9:00 8.3 Discussion and Possible Motion to **Assign/Reassign Board Appointments** (Motion/Discussion)
- 9:10 8.4 Discussion and Possible Motion to Appoint Jodi Geroux to the **Emigration Canyon Metro Township Planning Commission** (Motion/Discussion)
- 9:15 8.5 Ordinance Enacting **Title 12 Administrative Code Enforcement** for Metro Township Code Violations and Amending Section 1.12.010 (Motion/Discussion)
- 9:25 8.6 **Legal Issues** (Motion/Discussion) – Polly McLean, Legal Counsel
- 9:30 8.7 **Budget Items**
- (a) Approval of Expenditures (Motion/Discussion)
- 9:35 8.8 **Consideration of Minutes**
- (a) November 16, 2021
 - (b) December 14, 2021

9. Council Member Reports

- 9:40 9.1 Council Member Brems
- (a) Unified Police Department & Salt Lake Valley Law Enforcement Service Area
 - (b) Emigration Canyon Metro Township Planning Commission
- 9:45 9.2 Council Member
- (a) Unified Fire Authority & Unified Fire Service Area
 - (b) Salt Lake County Animal Services Advisory Board
- 9:50 9.3 Council Member Harris
- (a) Wasatch Front Waste and Recycling District
 - (b) Watershed Plan
- 9:55 9.4 Deputy Mayor Hawkes
- (a) Website
 - (b) CodeRED
 - (c) Restrooms
- 10:00 9.5 Mayor Smolka
- (a) Greater Salt Lake Municipal Services District
 - (b) Landfill Council
 - (c) Legislative Update

10:05 10. Other Announcements:

11. Future Metro Township Council Agenda Items:

10.1 Noise Ordinance

10.2 Night Sky Ordinance

10:10 12. Motion to Adjourn Meeting

Topic: Emigration Canyon Metro Township Council Meeting

Time: January 25, 2022, 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83328451408>

Meeting ID: 833 2845 1408

One tap mobile

+16699009128,,83328451408# US (San Jose)

+12532158782,,83328451408# US (Tacoma)

To: Emigration Canyon Metro Township Mayor and Council

From: Polly McLean, Cameron Platt

Date: January 24, 2022

Re: Administrative Code Enforcement for Metro Township Code Violations

The documents for Item 8.5 of the January 25, 2022, Council meeting consist of the following:

1. An enacting ordinance to create an administrative code enforcement program for Emigration Canyon Metro Township.

The enacting ordinance creates Title 12 Chapters 1, 2, 3, and 4. The ordinance also amends existing code 1.12.010 "Penalty For Violation Of Code Provisions" to allow the Township to enforce a violation of Township code through either a criminal (misdemeanor) or civil administrative process.

2. Exhibit A to the ordinance contains the language for the administrative code enforcement program.

Exhibit A is an updated draft of an administrative code enforcement program that went through the Township Planning Commission in late 2019 but was never passed as an ordinance. The program allows the Township to issue violation notices, order abatement of conditions that violate Township code, and provides for appeal hearings and other processes to enforce Township code.

3. This staff report.

ORDINANCE #2022– 01-01

ORDINANCE ENACTING TITLE 12 ADMINISTRATIVE CODE ENFORCEMENT FOR METRO TOWNSHIP CODE VIOLATIONS AND AMENDING SECTION 1.12.010

WHEREAS, Utah Code 10-3b-501 vests the powers of municipal government with the Metro Township Council (“Council”) and Mayor; and

WHEREAS, Emigration Canyon Metro Township (“ECMT”) Council has enacted ordinances to protect the public's health, safety, welfare, and quality of life within the Town, and

WHEREAS, the Council finds that the enforcement of township ordinances, policies, regulations, and applicable state statutes is an important public function vital to the protection of the public's health, safety, welfare, and quality of life.

NOW, THEREFORE, BE IT ORDAINED BY THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL OF, UTAH, THAT:

SECTION I: Title 12 “Administrative Code Enforcement For Metro Township Code Violations,” Chapters 1, 2, 3, and 4 are enacted as written in Exhibit A.

SECTION II: Title 1, Chapter 12, Section 010 is amended as follows:

1.12.010 Penalty For Violation Of Code Provisions

Any person found to have violated any provision or provisions of an ordinance included in these revised ordinances, or in ordinances hereafter enacted, shall be deemed guilty of a misdemeanor or a civil violation of Township code, and punished as provided by Township code or state criminal code for Class B misdemeanors. The township has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances.

Section III: Effective Date. This Ordinance shall take effect upon publication.

PASSED AND APPROVED by the Emigration Canyon Metro Township Council, Utah, this ____ day of _____ in the year 2022.

EMIGRATION CANYON METRO TOWNSHIP

Joe Smolka, Mayor

ATTEST:

Sherrie Swensen, Clerk

EXHIBIT A

TITLE 12 – ADMINISTRATIVE CODE ENFORCEMENT FOR METRO TOWNSHIP CODE VIOLATIONS

CHAPTER 12.1 – GENERAL

12.1.010 SHORT TITLE.

This Title shall be known as the “Administrative Code Enforcement for Metro Township Code Violations.” This Chapter shall also be known as Chapter 12.1, of the Emigration Canyon Metro Township Municipal Code. It may be cited and pleaded under either designation.

12.1.020 AUTHORITY.

The Metro Township promulgates this Ordinance pursuant to Utah Code Ann. §§ 10-3-702– 703.7; 10-3-716; 10-8-60; 10-11-1, et seq.; 76-10-801, et seq.; and any other applicable law or successor statute(s).

12.1.030 DECLARATION OF PURPOSE.

The Emigration Canyon Metro Township Council finds that the enforcement of the Emigration Canyon Metro Township Municipal Code and applicable state codes throughout the municipality is an important public service. Code enforcement and abatement of illegal or dangerous conditions are vital to the protection of the public’s health, safety, and quality of life. The Council recognizes that enforcement starts with the drafting of precise, comprehensive, fair, and equitable regulations that can be effectively applied in administrative hearings and judicial proceedings. The Council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with these regulations in a manner that is fair and equitable to the Metro Township and its citizens. Failure to comply with an administrative code enforcement action may require the Metro Township Attorney to file a judicial action to gain compliance.

12.1.040 SCOPE.

The provisions of this Title may be applied to all violations of the Emigration Canyon Metro Township Code. It has been designed as an additional remedy for the Metro Township to use in achieving compliance with its ordinances.

12.1.050 EXISTING ORDINANCES AND LAWS CONTINUED.

The provisions of this Title do not invalidate any provision of the Emigration Canyon Metro Township Code but shall be read in conjunction therewith as an additional mechanism available for the enforcement of the Code together with any and all other applicable laws. If there is a conflict between this Title and another provision of the Emigration Canyon Metro Township Code, this Title shall control. The provisions of this Title and all proceedings hereunder shall be construed to give effect to the purpose of this Title and to promote justice.

12.1.060 CRIMINAL PROSECUTION RIGHT.

The Metro Township has sole discretion in deciding whether to file a civil or criminal case, or both, for the violation of any of its ordinances. The pursuit of the administrative remedies set forth in this Title shall in no way interfere with the Metro Township’s right to prosecute ordinance violations as criminal offenses in a court of law. If the Metro Township chooses to file both civil

and criminal charges for the same violation, no civil penalties may be assessed, but all other remedies will be available.

12.1.070 EFFECT OF HEADINGS.

Headings contained in this Title are for reference purposes and shall not be deemed to limit, modify, or in any manner affect the scope, meaning or interpretation of any part or provision hereof.

12.1.080 VALIDITY OF TITLE – SEVERABILITY.

If any chapter, part, section, subsection, sentence, clause, phrase, portion, or provision of this Title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of this Title. This Section shall apply to all amendments heretofore or hereafter made to this Title.

12.1.090 NO MANDATORY DUTY – CIVIL LIABILITY.

In establishing performance standards for or an obligation to act by Metro Township officers, employees, or designees, the provisions of this Title shall not be construed as creating a mandatory duty for purposes of tort liability.

12.1.100 GENERAL RULES OF INTERPRETATION OF ORDINANCES.

For purposes of this Title:

- (1) Any gender pronoun includes the pronoun for any other gender(s).
- (2) “Shall” is mandatory; “may” is permissive.
- (3) “Or” is always inclusive.
- (4) The singular number includes the plural, and the plural the singular.
- (5) Words used in the present tense include the past and future tense, and vice versa.
- (6) Words and phrases used in this Title, and not specifically defined, shall be construed according to their context and ordinary usage.
- (7) The term “include” is not exhaustive and does not create an exclusive list.

12.1.110 DEFINITIONS APPLICABLE TO TITLE GENERALLY.

The following words and phrases, whenever used in this Title, shall be constructed as defined in this section, unless a different meaning is specifically defined elsewhere in this Title and specifically stated to apply:

- (1) “Abate” or “Abatement” means any action the Emigration Canyon Metro Township may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including, but not limited to, demolition, removal, repair, boarding, and securing or replacement of property.
- (2) “Administrative Code Enforcement Order” means an order issued by an Administrative Law Judge. The order may include an order to abate the violation, pay civil penalties and

administrative costs, or take any other action as authorized or required by this Title and applicable state codes.

- (3) “Administrative Law Judge” or “hearing officer” means the position established by the Emigration Canyon Metro Township § Code 1.16 “Administrative Hearing.”
- (4) “Animal Control Administrator” means the supervisor of the Animal Control Division, established in Emigration Canyon Metro Township Code § 8.1.
- (5) “Chief Building Inspector” means the official responsible for planning, directing, and managing the building inspection activities within the Metro Township.
- (6) “Council” means the Council of Emigration Canyon Metro Township
- (7) “Code Enforcement Lien” means a lien recorded to collect outstanding civil penalties, administrative fees, and costs.
- (8) “Code Enforcement Performance Bond” means a bond posted by a responsible person to ensure compliance with the Metro Township Code, applicable state titles, a judicial action, or an administrative code enforcement order.
- (9) “County” means Salt Lake County, Utah.
- (10) “Department” means the Metro Township’s Planning and Development Services Department, or its designee.
- (11) “Director” means the director of the Metro Township’s Planning and Development Services Department or his/her authorized agent(s) or any other person/entity and their authorized agent(s) that the Metro Township has authorized to provide code enforcement services.
- (12) “Enforcement Official” means any person authorized to enforce the Metro Township Code or applicable state codes.
- (13) “Financial Institution” means any person that holds a recorded mortgage or deed of trust on a property.
- (14) “Fire Department” means the entity that is authorized and responsible for providing fire and emergency services to the Metro Township.
- (15) “Good Cause” means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; and acts of nature adverse to performing required acts.
- (16) “Imminent Life Safety Hazard” means any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.
- (17) “Legal Interest” means any interest represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic’s lien, or other similar instrument recorded with the County Recorder.

- (18) “Metro Township” or “Municipality” means the area within the territorial municipal limits of Emigration Canyon Metro Township, and such territory outside of this Metro Township over which the Emigration Canyon Metro Township has jurisdiction or control by virtue of any constitutional or incorporation provisions or any law.
- (19) “Minor violation” means nuisance violation, as defined by Utah state statute, regulation, or judicial opinion, to include:
- a. Land uses that do not conform to existing zoning;
 - b. Unauthorized collections of unlicensed, unregistered, or inoperable motor vehicles;
 - c. Illegal dumping or accumulation of trash, litter, or weeds;
 - d. Nuisance noise and lighting;
 - e. Illegal advertising; and
 - f. The unauthorized erection and use of news racks, merchandise displays, mobile food vending, and other illegal uses.
- (20) “Notice of Compliance” means a document issued by the Metro Township, representing that a property complies with the requirements outlined in the notice of violation.
- (21) “Notice of Satisfaction” means a document or form approved by the Administrative Law Judge or his or her designee, which indicates that all outstanding civil penalties and costs have been either paid in full, or that the Metro Township has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt. In addition to the satisfaction of the financial debt, the property must also be in compliance with the requirements outlined in the notice of violation.
- (22) “Notice of Violation” means a written notice prepared by an enforcement official that informs a responsible person of code violations and orders them to take certain steps to correct the violations.
- (23) “Person” means a natural person or a firm, partnership, corporation, trust, or other association, or the authorized agent or employee of any of them, or any other entity recognized by law as the subject of rights or duties.
- (24) “Program” means the Administrative Code Enforcement for Metro Township Code Violations authorized under this Title.
- (25) “Property Owner” means the record owner of real property based on the county assessor’s records.
- (26) “Public Nuisance” means, in addition to the definition set forth in Utah Code § 76-10-801(1), any condition that constitutes a threat to public health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable use of property.
- (27) “Responsible Person” means a person who has charge, care, or control of any premises,

dwelling, or dwelling unit as the legal or equitable owner, agent of the owner, lessee, or as an executor, administrator, trustee or guardian of the estate of the owner. In all cases, the person with legal title to any premises, dwelling, or dwelling unit shall be considered a responsible person, with or without accompanying actual possession thereof.

- (28) “Treasurer” means the Emigration Canyon Metro Township Treasurer as designated pursuant to Utah Code Ann. § 10-3c-203.
- (29) “Written” means transcribed in comprehensible words or pictograms, and includes handwritten, typewritten, photocopied, computer printed, or facsimile.
- (30) “Emigration Canyon Metro Township” means Emigration Canyon Metro Township, a municipal corporation under state law. May also be referred to “the Metro Township” and/or “the Municipality” pursuant to Utah Code § 68-3-12.5(6).

12.1.111 ACTS INCLUDE CAUSING, AIDING, AND ABETTING.

Whenever any act or omission is made unlawful in this Title, it shall include causing, permitting, aiding, or abetting such act or omission.

12.1.200 PART 2 – SERVICE REQUIREMENTS.

12.1.210 SERVICE OF PROCESS.

- A. Whenever service is required to be given under this Title for enforcement purposes, the document shall be served by any of the following methods, unless different provisions are otherwise specifically stated to apply:
 - 1. Regular mail, postage prepaid, to the last known address of the owner(s) or other responsible person(s);
 - 2. Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as in Paragraph A,1,a above. The form of the posted notice shall be approved by the Town Ordinance Enforcement Officer or his or her designee;
 - 3. Personal service pursuant to Utah Rules of Civil Procedure Rule 4(e)(1) or rule 4(e)(5); or
 - 4. Published in a newspaper of general circulation where the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence, where service is impracticable under the circumstances, or where there exists good cause to believe that the person to be served is avoiding service of process.
- B. Service by regular mail in the manner described above shall be deemed served on the third day after the date of mailing.
- C. If service complies with the requirements of this Section, it shall be deemed a valid service even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this Title.

D. The failure to serve all responsible person(s) shall not affect the validity of any proceedings.

12.1.220 CONSTRUCTIVE NOTICE OF RECORDED DOCUMENTS.

Whenever a document is recorded with the County recorder as authorized or required by this Title or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

12.1.300 PART 3 – GENERAL AUTHORITY AND OFFENSES.

12.1.310 GENERAL ENFORCEMENT AUTHORITY.

Whenever the Director or enforcement official finds that a violation of the Emigration Canyon Metro Township Code or applicable state codes has occurred or continues to exist, the appropriate administrative enforcement procedure may be used as outlined in this Title. The Director or any designated enforcement official is authorized to enforce the provisions of the Metro Township Code and applicable state codes. These powers include the power to issue notices of violation and administrative citations, inspect public and private property, abate nuisances and unlawful or dangerous conditions upon public and private property, and use whatever judicial and administrative remedies are available under the Emigration Canyon Metro Township Code or applicable state codes.

12.1.320 ADOPTION OF POLICY AND PROCEDURES.

The Administrative Law Judge shall develop and submit to the Metro Township Council for approval such policies and procedures, relating to hearing scope and procedure, subpoena powers, and such matters, as shall afford equal protection of the law to and protect the due process rights of all parties.

12.1.330 AUTHORITY TO INSPECT.

- A. The Director or any designated enforcement official, may, enter upon any property or premises to ascertain whether there has been a violation of any of the provisions of the Emigration Canyon Metro Township Code or applicable state codes and to examine or survey the property or premises, or to take such samples, photographs, or evidence as may be necessary to this end.
- B. All inspections, entries, examinations, and surveys shall be (a) based upon reasonable cause and (b) carried out in a reasonable manner with reasonable prior oral notice to the responsible person and the property occupant. If the responsible person requests it, the enforcement official shall obtain a search warrant before entering upon the property or into the premises.

12.1.340 POWER TO ISSUE CITATION.

The Director or any designated enforcement official is authorized to issue a misdemeanor citation or administrative citation to a person whenever any such official has reasonable cause to believe (1) that the Emigration Canyon Metro Township Code has been or applicable state codes have been violated and (2) that the person to be cited is responsible for the violation.

12.1.350 FALSE INFORMATION OR REFUSAL PROHIBITED.

It shall be unlawful for any person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with a duly authorized Metro Township official or agent, including but not limited to the Director and/or any authorized enforcement officials, when in the performance of his or her official duties under the provisions of this Title. A violation of this Section is a class B misdemeanor.

12.1.360 FAILURE TO OBEY A SUBPOENA.

It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and is a class B misdemeanor.

CHAPTER 12.2 – ADMINISTRATIVE CODE ENFORCEMENT PROCEDURES

12.2.010 AUTHORITY.

Any condition caused, maintained, or permitted to exist in violation of any provisions of the Metro Township Code or applicable state codes that constitutes a violation may be abated by the Metro Township pursuant to the procedures set forth in this Chapter.

12.2.20 NOTICE OF VIOLATION.

- A. Whenever the Director or any designated enforcement official determines that a violation of the Metro Township Code or applicable state codes has occurred or continues to exist, the Director or enforcement official will issue a notice of violation to the responsible person. The notice of violation shall include the following information and shall comply with Utah Code § 10-11-2 or the applicable successor statute(s):
1. Name of the property owner of record according to the records of the County Recorder;
 2. Street address of violation;
 3. Nature and results of the examination and investigation conducted;
 4. Date and approximate time the violation was observed;
 5. All code sections violated and description of condition of the property that violates the applicable codes;
 6. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, eradication, destruction, or other appropriate action;
 7. A specific date by which the responsible party must correct the violations listed in the notice of violation, which date shall be at least ten days from the date of service unless the Director determines that the violation requires emergency

abatement under Section 12.2.200;

8. An explanation of the consequences of failure to comply with the terms of the notice of violation, which may include, but are not limited to, (i) civil penalties, (ii) assessment of administrative fees or other costs incurred by the Metro Township, (iii) recordation of the notice of violation, (iv) revocation of permits, (v) withholding of future municipal permits, (vi) criminal prosecution, or (vii) abatement of the violation by the City and the property owner's repayment to the City of the costs of the abatement; ;
 9. A statement that civil penalties will begin to accrue immediately upon expiration of the date set in Subsection (A)(7) for correction of the violations;
 10. The amount of the civil penalty for each violation that will accrue daily until the property is brought into compliance;
 11. An explanation of (i) the procedures to follow to appeal the notice and request a hearing as provided in Section 12.2.530, and (ii) the consequences of failure to request such a hearing; and
 12. An explanation of the procedures to follow to request an inspection after a violation has been abated pursuant to Section 12.2.040
- B. More than one notice of violation may be issued against the same responsible person, if it encompasses different dates, or different violations.
- C. If a notice of violation is issued on the same property for a violation of the same provision of the Metro Township Code or Utah law within 12 months following the later of (i) the date of issuance of the first notice of violation or (ii) the date of the request for inspection under Section 12.2.040 of the Emigration Canyon Metro Township Code, then the civil penalties associated with the second violation shall be doubled.

12.2.030 FAILURE TO BRING PROPERTY INTO COMPLIANCE.

- A. If the responsible person fails to bring a violation into compliance within the compliance period specified in the notice of violation, civil penalties shall accrue for each and every subsequent day of violation.
- B. Civil penalties accruing pursuant to Subsection (1) shall be immediately due and payable to the Metro Township.
- C. Failure to comply with the notice of violation is a Class C misdemeanor.

12.2.040 INSPECTIONS.

It shall be the duty of the responsible person served with a notice of violation to request in writing an inspection when his or her property has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested. Civil penalties shall accumulate daily until the property has been inspected and a notice of compliance is issued. Re-inspection fees shall be assessed if more than one inspection is necessary.

12.2.200 PART 2 – EMERGENCY ABATEMENT

12.2.210 AUTHORITY.

- A. Whenever the Director determines that an imminent life safety hazard exists, the Director may exercise the following powers without prior notice to the responsible person:
 - 1. Order the immediate removal of any tenants, and prohibit occupancy or entry until all repairs are completed, provided that any order prohibiting entry shall specify how entry is to be made to mitigate damage, complete repairs, retrieve personal property, or for any other purpose, if any, during the abatement process.
 - 2. Post visible notice on the exterior of the property or structure that is deemed unsafe that the premises as unsafe, substandard, or dangerous;
 - 3. Board, fence, or otherwise secure the building or site;
 - 4. Raze or grade that portion of the property or premises necessary to prevent collapse or remove any hazard to the public;
 - 5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
 - 6. Take any other action appropriate to eliminate the imminent life safety hazard.
- B. The Director and his or her agents have the authority, based on cause, to enter the property without a search warrant or court order to accomplish the above listed acts to abate the imminent life safety hazard.
- C. The responsible person shall be liable for all costs associated with the abatement of the imminent life safety hazard. Costs may be recovered pursuant to this Title.

12.2.220 PROCEDURES.

- A. The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the imminent life safety hazard. Costs incurred by the Metro Township during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures outlined in Chapter 12.3 of this Title.
- B. The Director may also pursue any other legal remedy to abate any remaining violations.

12.2.230 NOTICE OF EMERGENCY ABATEMENT.

Within 10 days after completion of an emergency abatement, the Emigration Canyon Metro Township shall provide notice of the abatement action taken in accordance with the notice provisions of Utah Code § 10-11-2(2). This notice shall describe in reasonable detail the abatement action(s) taken and the cost thereof.

12.2.300 PART 3 – DEMOLITIONS

12.2.310 AUTHORITY.

Whenever the Director determines that a property or building requires demolition, he or she may demolish or remove the offending structure, or exercise any or all of the powers listed in Section 12.2.210 once appropriate notice has been given to the responsible person pursuant to the Uniform Abatement of Dangerous Buildings Code or Uniform Fire Codes as required under state law, provided that the notice shall include a written description of the Director's findings explaining the need for the demolition and citations to the applicable ordinances or laws authorizing the demolition. The responsible person shall be liable for all costs associated with the demolition. Such costs may be recovered pursuant to this Title.

12.2.320 PROCEDURES.

Once the Director has determined that the Metro Township Chief Building Inspector or the Fire Department has complied with all of the notice requirements of the applicable laws, the property shall be demolished.

12.2.400 PART 4 – ADMINISTRATIVE CITATIONS

12.2.410 DECLARATION OF PURPOSE.

The Council finds that there is a need for an alternative method of enforcement for minor violations of the Metro Township Code and applicable state codes. The Council further finds that an appropriate method of enforcement is an administrative citation program.

The procedures established in this Part shall be in addition to criminal, civil, or any other legal remedy established by law that may be pursued to address violations of the Metro Township Code or applicable state codes.

12.2.420 AUTHORITY.

- A. Any person violating any minor provision of the Metro Township Code or applicable state codes may be issued an administrative citation by an enforcement official as provided in this Part.
- B. A civil penalty shall be assessed by means of an administrative citation issued by the enforcement official, and shall be payable directly to the Metro Township Treasurer's Office, or other offices designated to receive payment on behalf of the Metro Township.
- C. Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in the remedies section of this Title.

12.2.430. PROCEDURES.

- A. Upon discovering any violation of the Metro Township Code, or applicable state codes, an enforcement official may issue an administrative citation to the responsible person in the manner prescribed in this Part or as prescribed in Section 12.1.210. The administrative citation shall be issued on a form approved by the Director.

- B. If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 12.1.210 of this Title.
- C. Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.
- D. If the enforcement official is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person in the manner prescribed in Section 12.1.210 of this Title.
- E. If no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in the manner prescribed by Section 12.1.210 of this Title.
- F. The administrative citation shall also contain the signature of the enforcement official.
- G. The failure of any person with a legal interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part.

12.2.440 CONTENTS OF ADMINISTRATIVE CITATION.

Administrative citations shall include the information required in Section 12.2.020 and shall:

- A. State the amount of penalty imposed for the minor violations; and
- B. Explain how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty.

12.2.450 CIVIL PENALTIES ASSESSED.

- A. The Metro Township Council shall establish policies to assist in the assessment of civil penalties for administrative citations.
- B. Civil penalties shall be assessed immediately for each violation listed on the administrative citation. The penalties shall be those established in the Consolidated Fee Schedule.
- C. Payment of the penalty shall not excuse the failure to correct the violation(s), nor shall it bar further enforcement action by the Metro Township.

12.2.500 PART 5 – HEARING PROCEDURES

12.2.510 DECLARATION OF PURPOSE.

The Council finds that there is a need to establish uniform procedures for administrative code

enforcement hearings conducted pursuant to the Emigration Canyon Metro Township Code. It is the purpose and intent of the Council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice, an opportunity to participate in the administrative hearing, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action.

12.2.520 AUTHORITY AND SCOPE OF HEARINGS.

The Administrative Law Judge will preside over hearings of Metro Township Code violations. The Administrative Law Judge shall develop policies and procedures to regulate the hearing process for any violation of the Metro Township Code and applicable state codes that are handled pursuant to the administrative abatement procedures, the emergency abatement procedures, the demolition procedures, or the administrative citation procedures. If there is a conflict between the appeal procedures in this Title and the appeal procedures in another code incorporated by the Township, this Title shall control.

12.2.530 REQUEST FOR ADMINISTRATIVE CODE ENFORCEMENT HEARING.

- A. A person served with one of the following documents or notices has the right to request an administrative code enforcement hearing, if the request is filed within 20 calendar days from the date of service of one of the following notices:
 - 1. Notice of violation;
 - 2. Notice of itemized bill for costs;
 - 3. Administrative citation;
 - 4. Notice of emergency abatement;
- B. The request for hearing shall be made in writing and filed with the Administrative Law Judge. The request shall contain the case number, the address of the violation, and the signature of the responsible party.
- C. As soon as practicable after receiving the written notice of the request for hearing, the Administrative Law Judge shall schedule a date, time, and place for the hearing.
- D. Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to challenge the action.

12.2.540 HEARINGS AND ORDERS.

- A. If the responsible person fails to request a hearing before the expiration of the 20-day deadline, the Director may request a default hearing, which the Administrative Law Judge shall schedule. The responsible person shall be notified of the date, time, and place of the hearing by one of the methods listed in Section 12.2.210.

- B. A default hearing shall be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees and/or costs due to the Metro Township before collection, if a hearing on that case has not already been held.
- C. At any hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in this Title, to do one or more of the following in addition to any other rights afforded under other provisions of the Metro Township Code or applicable law:
 - 1. Waive or reduce the fines which have accumulated;
 - 2. Postpone an abatement action by the Metro Township; or
 - 3. Excuse the responsible person's failure to request a hearing within the 20-day period.
- D. If the responsible person fails to establish good cause to take one or more of the actions set forth in paragraph (3), the Administrative Law Judge shall review the notice of violation and any other relevant information included in the case file. The Administrative Law Judge shall not accept any other evidence.
 - 1. If the preponderance of the evidence shows that the violations existed, the Administrative Law Judge shall enter an order requiring abatement of the violations, and the payment of all fines and fees. Fines shall accrue until the Director or other duly authorized representative of the Metro Township issues a Notice of Compliance stating the date on which the violations were actually abated.

12.2.550 NOTIFICATION OF ADMINISTRATIVE CODE ENFORCEMENT HEARING.

- A. Written notice of the day, time, and place of the hearing shall be served to the responsible person as soon as practicable prior to the date of the hearing.
- B. The format and contents of the hearing notice shall be in accordance with rules and policies promulgated by the Administrative Law Judge.
- C. The notice of hearing shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

12.2.560 DISQUALIFICATION OF ADMINISTRATIVE LAW JUDGE.

- A. The responsible person may file a written motion to disqualify an Administrative Law Judge for bias, prejudice, a conflict of interest, or any other reason for which a judge may be disqualified in a court of law. The motion to disqualify shall be accompanied by an affidavit or unsworn declaration as described in Title 78B of the Utah Code or applicable successor statute(s) signed by the responsible person, which shall:
 - 1. State that the motion is filed in good faith;

2. Allege facts sufficient to show, bias, prejudice, a conflict of interest, or any other reason that would disqualify a judge in a court of law in Utah; and
 3. State when and how the responsible person came to know of the reason for disqualification.
- B. The responsible person must file the motion within 21 days of the assignment of the action to an Administrative Law Judge or the date on which the responsible person knew or should have known of the grounds on which the motion is based, whichever is later.
 - C. The responsible person can only file one motion to disqualify an Administrative Law Judge, unless a second or subsequent motion is based on grounds that the responsible person did not know of and could not have known of at the time of the earlier motion.
 - D. The Administrative Law Judge who is the subject of a motion to disqualify must, without taking any further action, provide the Director with a copy of the motion and refer the motion to the Metro Township Council.
 - E. Upon receipt of a motion to disqualify, the Metro Township Council will schedule and notice the matter for review at its next regular scheduled meeting. The Metro Township Council may, in its sole discretion, elect to hold a special meeting to hear the motion before its next regularly scheduled meeting. The Metro Township Council shall first review the motion to disqualify to determine if it satisfies the requirements of paragraphs (1) and (2) of this Section. If the motion to disqualify does not satisfy the requirements of this Section, the Council will deny the motion and remand the matter for review to the Administrative Law Judge for further proceedings. If the motion to disqualify satisfies the requirements of paragraphs (1) and (2) of this Section, the Metro Township Council shall determine whether the motion is legally sufficient to warrant disqualification. If the Metro Township Council determines that disqualification is warranted, it will assign the matter to another Administrative Law Judge. If the Metro Township Council determines that the motion to disqualify is not legally sufficient, it will remand the matter back to the Administrative Law Judge.

12.2.570 POWERS OF THE ADMINISTRATIVE LAW JUDGE.

- A. The Administrative Law Judge has the authority to hold hearings, determine if violations of Metro Township ordinances exist, order compliance with Metro Township ordinances, and enforce compliance as provided in this Title on any matter subject to the provisions of the Title.
- B. The Administrative Law Judge may continue a hearing based on good cause shown by one of the parties to the hearing. The Administrative Law Judge must enter on the record the good cause on which a continuance is granted.
- C. The Administrative Law Judge, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness for the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Administrative Law Judge shall develop

policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs.

- D. The Administrative Law Judge has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative code enforcement order using any remedies available under the law; ensuring compliance of that order, which includes the right to authorize the Metro Township to enter and abate a condition and/or violation; modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.
- E. The Administrative Law Judge has the authority to require the responsible person to post a code enforcement performance bond to ensure compliance with an administrative code enforcement order.

12.2.580 PROCEDURES AT ADMINISTRATIVE CODE ENFORCEMENT HEARING.

- A. Administrative code enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request must be in writing. Failure to request discovery shall not be a basis for a continuance. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing or such release is otherwise required by law. The procedure and format of the administrative hearing shall follow the procedures promulgated by the Administrative Law Judge.
- B. The Metro Township bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of the Metro Township Code or applicable state codes.
- C. The standard of proof to be used by the Administrative Law Judge in deciding the issues at an administrative hearing is whether the preponderance of the evidence shows that the violations exist.
- D. Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means.
- E. All hearings are open to the public. They shall be recorded by audio tape. Hearings may be held at the location of the violation.
- F. The responsible person has a right to be represented by an attorney. If an attorney will be representing the responsible person at the hearing, notice of the attorney's name, address, and telephone number must be given to the Metro Township at least one day prior to the hearing. If notice is not given, the hearing may be continued at the Metro Township's request, and all costs of the continuance assessed to the responsible person.
- G. No new hearing shall be granted, unless the Administrative Law Judge determines that

extraordinary circumstances exist which justify a new hearing.

12.2.590. FAILURE TO ATTEND ADMINISTRATIVE CODE ENFORCEMENT HEARING.

Any party whose property or actions are the subject of any administrative code enforcement hearing and who fails to appear at the hearing is deemed to waive the right to a hearing, and will result in a default judgment for the Metro Township, provided that proper notice of the hearing has been provided.

12.2.591 ADMINISTRATIVE CODE ENFORCEMENT ORDER.

- A. Once all evidence and testimony are completed, the Administrative Law Judge shall issue an administrative code enforcement order that affirms, modifies, or rejects the notice or citation. The Administrative Law Judge may increase or decrease the total amount of civil penalties and costs that are due pursuant to the Metro Township's fee schedule and the procedures in this Title.
- B. The parties may enter into a stipulated agreement, which must be signed by both parties. This agreement shall be entered as a stipulated administrative code enforcement order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.
- C. The Administrative Law Judge may order the Metro Township to enter the property and abate all violations, including but not limited to demolitions and the removal of vehicles, garbage, animals, and other property kept in violation of the Metro Township Code.
- D. The Administrative Law Judge may revoke a kennel permit, an animal license, or the right to possess animals as provided in the Metro Township Code.
- E. As part of the administrative code enforcement order, the Administrative Law Judge may condition the total or partial assessment of civil penalties on the responsible person's ability to complete compliance by specified deadlines.
- F. The Administrative Law Judge may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative code enforcement order.
- G. The Administrative Law Judge may order the responsible person to post a performance bond to ensure compliance with the order.
- H. The administrative code enforcement order shall become final on the date of the signing of the order.
- I. The administrative code enforcement order shall be served on all parties by any one of the methods listed in Section 12.1.210 of this Title.

12.2.595 FAILURE TO COMPLY WITH ORDER.

- A. Upon the failure of the responsible person to comply with the terms and deadlines set forth in the administrative code enforcement order, the Metro Township may abate the violation as provided in Chapter 3, Part 3 of this Title and use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.
- B. After the Administrative Law Judge issues an administrative code enforcement order, the Administrative Law Judge shall monitor the actions taken to abate the relevant conditions and/or violations and determine compliance with the order.

12.2.600 PART 6 – ADMINISTRATIVE ENFORCEMENT APPEALS

12.2.610 APPEAL OF ADMINISTRATIVE CODE ENFORCEMENT HEARING DECISION.

- A. Any person adversely affected by any decision made in the exercise of the provisions of this Chapter may file a petition for review of the decision or order by the district court within 30 days after the decision is rendered.
- B. No person may challenge in district court an administrative code enforcement hearing officer’s decision until that person has exhausted his or her administrative remedies.
- C. Within 120 days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings when necessary. The Administrative Law Judge shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs. The petitioning party’s failure to properly arrange for copies of the record, or to pay the full costs for the record within 180 days after the petition for review was filed, shall be grounds for dismissal of the petition.
 - 1. If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may, in its discretion, remand the matter to the Administrative Law Judge for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court’s opinion, need to be clarified.
- D. The district court’s review is generally limited to the record of the administrative decision that is being appealed.
- E. The district court shall:
 - 1. Presume that the administrative code enforcement hearing officer’s decision and orders are valid; and
 - 2. Review the record to determine whether or not the decision was arbitrary, capricious, illegal, or an abuse of discretion.

CHAPTER 12.3 – ADMINISTRATIVE AND JUDICIAL REMEDIES

12.3.100 PART 1 –RECORDATION OF NOTICES OF VIOLATION

12.3.110 DECLARATION OF PURPOSE.

The Council finds that there is a need for alternative methods of enforcement for violations of the Metro Township Code and applicable state codes that are found to exist on real property. The Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of notices of violation.

The procedures established in this Part shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of the Metro Township Code or applicable state codes.

12.3.120 AUTHORITY.

Whenever the Director determines that a property or violation has not been brought into compliance as required in this Title, the Director has the authority, in his or her discretion, to record the notice of violation or administrative code enforcement order with the County Recorder's Office.

12.3.130 PROCEDURES FOR RECORDATION.

- A. Once the Director has issued a notice of violation to a responsible person, and the property remains in violation after the deadline for compliance established in the notice of violation, and no request for an administrative hearing has been filed, the Director shall record a notice of violation with the County Recorder's Office.
- B. If an administrative hearing is held, and an order is issued in the Metro Township's favor, the Director shall record the administrative code enforcement order with the County Recorder's Office.
- C. The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, and a copy of the notice of violation or order.
- D. The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.

12.3.140 SERVICE OF NOTICE OF RECORDATION.

A notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in Section 12.1.210 of this Title.

12.3.150 FAILURE TO REQUEST.

The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation.

12.3.160 NOTICE OF COMPLIANCE – PROCEDURES.

- A. When the violations have been corrected, the responsible person and/or property owner may request an inspection of the property from the Director.
- B. Upon receipt of a request for inspection, the Director shall re-inspect the property as soon

as practicable to determine whether the violations listed in the notice of violation or the order have been corrected, and whether all necessary permits have been issued and final inspections have been performed.

- C. The Director shall serve a notice of satisfaction to the responsible person or property owner in the manner provided in Section 12.2.210 of this Title, if the Director determines that:
- D. All violations listed in the recorded notice of violation or order has been corrected;
- E. All necessary permits have been issued and finalized;
- F. All civil penalties assessed against the property have been paid or satisfied; and
- G. The party requesting the notice of satisfaction has paid all administrative fees and costs.
- H. If the Director denies a request to issue a notice of satisfaction, upon request, the Director shall serve the responsible person and/or property owner with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in Section 12.1.210 of this Title.

12.3.170 WITHHOLDING OF MUNICIPAL PERMITS FOR NONCOMPLIANT PROPERTIES.

The Metro Township may, in its sole discretion, withhold any municipal permit that has been requested for a property that is in violation of any provision of the Metro Township Code until the Director issues a notice of satisfaction for the applicable violation(s) pursuant to this Title. The Metro Township may not withhold permits that are necessary to obtain a notice of satisfaction or that are necessary to correct serious health and safety violations.

12.3.180 CANCELLATION OF RECORDED NOTICE OF VIOLATION.

The Director or responsible person shall record the notice of satisfaction with the County Recorder's Office. Recordation of the notice of satisfaction shall cancel the recorded notice of violation.

12.3.200 PART 2 – ADMINISTRATIVE CIVIL PENALTIES

12.3.210 AUTHORITY.

- A. Any person violating any provision of the Metro Township Code, or applicable state codes, may be subject to the assessment of civil penalties for each violation.
- B. Each and every day a violation of any provision of the Metro Township Code or applicable state codes exists is a separate violation subject to the assessment of civil penalties.
- C. Civil penalties cannot be assessed when a criminal case has been filed for the same date and violation, because fines will be assessed with the criminal case.

- D. Interest shall be assessed per Metro Township policy, or at the judgment rate provided in Utah Code Ann. § 15-1-4 in the absence of a Metro Township policy, on all outstanding civil penalties balances until the balance has been paid in full.
- E. Civil penalties for violations of any provision of the Metro Township Code or applicable state codes shall be assessed pursuant to the Metro Township's applicable fee schedule.

12.3.220 ASSESSMENT OF CIVIL PENALTIES.

- A. If a responsible person fails to bring a violation into compliance within ten days of service of the notice of violation, civil penalties shall be owed to the Metro Township for each and every subsequent day of violation.
- B. Civil penalties are assessed and owing immediately for any violation of the Metro Township Code or applicable state codes for an administrative citation.

12.3.230 DETERMINATION OF CIVIL PENALTIES.

- A. Civil penalties shall be assessed per violation per day pursuant to the applicable Metro Township fee schedule.
- B. Civil penalties shall continue to accrue until the violation(s) has/have been brought into compliance with the Metro Township Code or applicable state codes.

12.3.240 MODIFICATION OF CIVIL PENALTIES.

- A. Upon compliance with the notice of violation or administrative enforcement order, the responsible person may request a modification of the civil penalties based on good cause as defined in this Title or other extenuating circumstances.
- B. Civil penalties may be waived or modified by the Administrative Law Judge, in his or her discretion, if the Administrative Law Judge finds good cause for such modification or waiver.

12.3.250 FAILURE TO PAY PENALTIES.

The failure of any person to pay civil penalties assessed within the specified time may result in the Director pursuing any legal remedy to collect the civil penalties as provided in the law.

12.3.300 PART 3 – ABATEMENT OF VIOLATION

12.3.310 AUTHORITY TO ABATE.

The Director is authorized to enter upon any property or premises to abate the violation of the Metro Township Code and applicable state codes pursuant to this Part. The Director is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs. If additional abatements are necessary within two years, treble costs may be assessed against the responsible person(s) for the actual abatement.

12.3.320 PROCEDURES FOR ABATEMENT.

- A. The Director may abate a violation pursuant to this Part after providing notice under Section 12.2.020 and by following the process set forth in Utah Code Ann. § 10-11-3 or any applicable successor statute(s) if the responsible person:
 - 1. Does not abate a violation within the time period prescribed in a notice issued pursuant to Sections 12.2.020 and 12.2.400, et seq.; and
 - 2. Did not file a request for an administrative code enforcement hearing under Section 12.2.530.
- B. The Director may, in his or her discretion, request a default hearing pursuant to Section 12.2.504, but is not required to do so to abate the violation under this Part and may abate the violation without a default hearing pursuant to Utah Code Ann. § 10-11-3 or applicable successor statute(s).
- C. The Director may use Metro Township personnel or by a private contractor acting under his or her direction or the direction of the Metro Township to abate the violation.
- D. Metro Township personnel or a private contractor may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the notice of violation or administrative code enforcement order.
- E. If the responsible person abates the violation before the Metro Township performs the actual abatement pursuant to a notice of violation or administrative code enforcement order, the Director may still assess all costs incurred by the Metro Township against the responsible person.
- F. When the abatement is completed, the Director shall prepare an itemized statement of the work performed that complies with Utah Code Ann. § 10-11-3 or any applicable successor statute(s).
- G. The Director shall serve the itemized statement on the responsible person in accordance with Utah Code Ann. § 10-11-3 or any applicable successor statute(s).
- H. The Administrative Law Judge shall hear any appeals filed by the responsible person in response to an itemized statement issued under this Part and shall conduct such appeals and any related hearings in accordance with Utah Code Ann. § 10-11-3 or any applicable successor statute(s).

12.3.400 PART 4 – COSTS

12.3.410 DECLARATION OF PURPOSE.

- A. The Council finds that there is a need to recover costs incurred by enforcement officials and other Metro Township personnel who spend considerable time inspecting and re-inspecting properties throughout the Metro Township in an effort to ensure compliance with the Metro Township Code or applicable state codes.
- B. The Council further finds that the assessment of costs is an appropriate method to recover

expenses incurred for actual costs of abating violations, re-inspection fees, filing fees, attorney fees, hearing officer fees, title search, and any additional actual costs incurred by the Metro Township for each individual case. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of the Metro Township Code or applicable state codes.

12.3.420 AUTHORITY.

- A. Whenever actual costs are incurred by the Metro Township on a property to obtain compliance with provisions of the Metro Township Code and applicable state codes, the Director may assess costs against the responsible person.
- B. Once a notice of violation has been issued, the property will be inspected one time. Any additional inspections shall be subject to re-inspection fees pursuant to the applicable Metro Township fee schedule as adopted in the Metro Township's annual budget.

12.3.430 NOTIFICATION OF ASSESSMENT OF REINSPECTION FEES.

- A. Notification of any applicable re-inspection fees adopted by the Metro Township shall be provided on the notice of violation served to the responsible person(s).
- B. Re-inspection fees assessed or collected pursuant to this Part shall not be included in any other costs assessed. Re-inspection fees shall be assessed after two failed inspections.
- C. The failure of any responsible person to receive notice of the re-inspection fees shall not affect the validity of any other fees imposed under this Part.

12.3.440 FAILURE TO TIMELY PAY COSTS.

The failure of any person to pay assessed costs, including re-inspection fees, by the deadline specified in the invoice shall result in a late fee pursuant to Metro Township policy.

12.3.500 PART 5 – ADMINISTRATIVE FEES

12.3.510 ADMINISTRATIVE FEES.

The Director or the Administrative Law Judge is authorized to assess administrative fees for costs incurred in the administration of this program, such as investigation of violations, preparation for hearings, hearings, and the collection process. The fees assessed shall be the amount set in the applicable Metro Township fee schedule.

12.3.600 PART 6 – INJUNCTIONS

12.3.610 CIVIL VIOLATIONS – INJUNCTIONS.

In addition to any other remedy provided under the Metro Township Code or state codes, including criminal prosecution or administrative remedies, any provision of the Metro Township Code may be enforced by injunction issued in the Third District Court upon a suit brought by the Metro Township.

12.3.700 PART 7 – PERFORMANCE BONDS

12.3.710 PERFORMANCE BOND.

- A. As part of any notice, order, or action, the Director or Administrative Law Judge has the authority to require the responsible person to post a performance bond to ensure compliance with the Metro Township Code, applicable state codes, or any judicial action.
- B. If the responsible person fails to comply with the notice, order, or action, the performance bond will be forfeited to the Metro Township. The performance bond will not be used to offset the other outstanding costs and fees associated with the case.

CHAPTER 12.4 - RECOVERY OF CODE ENFORCEMENT PENALTIES AND COSTS

12.4.100 PART 1 – CODE ENFORCEMENT TAX LIENS

12.4.110 DECLARATION OF PURPOSE.

The Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders. The Council further finds that collection of civil penalties, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the Metro Township’s code enforcement system. The procedures established in this Part shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the Metro Township Code or applicable state codes.

12.4.120 PROCEDURES FOR TAX LIENS WITHOUT A JUDGMENT.

- A. Once the Metro Township has abated a condition or violation on public or private property involving but not limited to weeds, garbage, refuse, or unsightly or deleterious objects or structures, the Director shall prepare three copies of the Itemized Statement of Costs incurred in the removal and destruction of the relevant conditions and deliver them to the Metro Township Mayor within 10 days after completion of the abatement.
- B. The Director shall send, by registered mail to the property owner’s last known address, a copy of the Itemized Statement of Costs informing him or her that a code enforcement tax lien is being recorded for the amount of the actual costs of abatement. Payment shall be due within 20 calendar days from the date of mailing.
- C. Upon receipt of the Itemized Statement of costs, the Metro Township Mayor shall record a Code Enforcement Tax Lien against the property subject to the abatement action(s) with the County Treasurer’s office.
- D. The failure of any person with a financial interest in the property to actually receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding costs of abatement.

12.4.130 PROCEDURES FOR TAX LIENS WITH A JUDGMENT.

Once a judgment has been obtained from the appropriate court assessing costs against the responsible person(s), the Director may record a code enforcement tax lien against any real property owned by the responsible person(s).

12.4.140. CANCELLATION OF CODE ENFORCEMENT TAX LIEN.

Once payment in full has been received for the outstanding civil penalties and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Director shall either record a Notice of Satisfaction of Judgment, or provide the property owner or financial institution with the Notice of Satisfaction of Judgment so that it can record this notice with the County Recorder's Office. The notice of satisfaction of judgment shall include the same information as provided for in the original Code Enforcement Tax Lien. Such notice of satisfaction of judgment shall cancel the code enforcement tax lien.

12.4.200 PART 2 – COLLECTION BY WRIT

After obtaining a judgment, the Director may collect the obligation by use of all appropriate legal means, including (a) filing a writ with an applicable court for execution on personal property owned by the responsible person, or (b) the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.

12.4.400 PART 4 – ALLOCATION OF FUNDS COLLECTED UNDER ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM

12.4.410 ABATEMENT FUND.

There is hereby established a revolving fund to be known as the "Abatement Fund" to defray costs of administrative and judicial abatements. The fund shall be reimbursed by collection from the responsible person and/or property owner as specified in this Title. The Emigration Canyon Metro Township Council shall establish accounting procedures to ensure proper account identification, credit, and collection. This fund may be operated and used in conjunction with procedures ordered or authorized under the abatement provisions of this Title.

12.4.420. REPAYMENT TO ABATEMENT FUND.

All monies recovered from the sale or transfer of property or by payment for actual abatement costs shall be paid to the Metro Township Treasurer, who shall credit the appropriate amount to the Abatement Fund.

12.4.430 CODE ENFORCEMENT ADMINISTRATIVE FEES AND COST FUND.

Administrative fees and administrative costs, except for actual abatement costs, collected pursuant to this Part shall be deposited in a fund established by the Metro Township Council. Fees and costs deposited in this fund shall be appropriated and allocated in a manner determined by the Metro Township Council. The Metro Township Council shall establish accounting procedures in consultation with the Metro Township Auditor to ensure proper account identification, credit, and collection.

12.4.440 ALLOCATION OF CIVIL PENALTIES.

Civil penalties collected pursuant to this Part shall be deposited in the General Fund of the Metro Township. Civil penalties deposited in the fund shall be appropriated and allocated in a manner determined by the Metro Township Council. The Metro Township Council shall establish

accounting procedures to ensure proper account identification, credit, and collection.

THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ELECTRONICALLY ON TUESDAY, NOVEMBER 16, 2021, PURSUANT TO ADJOURNMENT ON TUESDAY, OCTOBER 26, 2021, AT THE HOUR OF 7:00 P.M., VIA ZOOM.COM.

COUNCIL MEMBERS

ELECTRONICALLY PRESENT: DAVID BREMS
GARY BOWEN
CATHERINE HARRIS
JENNIFER HAWKES, Deputy Mayor
JOE SMOLKA, Mayor

OTHERS IN ATTENDANCE:

POLLY MCLEAN, LEGAL COUNSEL
CAMERON PLATT, LEGAL COUNSEL
NICHOLE WATT, DEPUTY CLERK



Mayor Smolka, Chair, presided.



Pursuant to Utah Code 52-4-202 the undersigned, as Mayor of the Emigration Canyon Metro Township Council, hereby declares that providing an anchor location for the electronic meetings of the Council will present a substantial risk to the health and safety of those who may be present at the anchor location for the following reasons:

The Township is located in Salt Lake County and is still under an “Yellow” alert stage for the COVID 19 pandemic; and

The regular meeting place for the Council (the Fire Station in the Canyon) does not have sufficient space in the meeting room to provide for the recommended physical distancing to keep people safe from infection.



STAFF MEETING

The Council reviewed the following items:

- Emigration Canyon Metro Township General Plan
- Mayor Smolka updated the Council on the following items:
 - Installation and removal of power poles.
 - Pinecrest Canyon paving project has been delayed while a culvert is replaced.
 - An additional \$600,000 has been allocated for repaving in Pinecrest Canyon.
 - The turnaround for the fire trucks in Killyons Canyon had its final inspection.
 - The sinkhole at the bottom of Sunnydale has been repaired.

DATE TUESDAY NOVEMBER 16, 2021

- Applications for the MSD General Manager position have been received and four of fifty qualify.
 - MSD bond documents are in the process of being completed.
- Public Notice postings
- Assign a Record's Officer



PUBLIC MEETING

Public Hearing

2021 Emigration Canyon Metro Township Budget Adjustment

THIS BEING THE TIME heretofore set for a public hearing to consider the 2021 Emigration Canyon Metro Township Budget Adjustment.

Council Member Bowen, seconded by Council Member Brems, moved to open the public hearing. The motion passed unanimously.

Mayor Smolka reviewed the 2021 budget adjustment is to recognize the CARES Act and ARPA funding.

No one spoke in favor of or in opposition to the 2021 budget adjustment.

Council Member Bowen, seconded by Council Member Brems, moved to close the public hearing. The motion passed unanimously.

Council Member Bowen, seconded by Council Member Harris, moved to approve the following Resolution 2021-11-01, opening and amending the 2021 annual budget:

RESOLUTION NO. 2021-11-01

Date: November 16, 2021

A RESOLUTION OF THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL OPENING AND AMENDING THE ANNUAL BUDGET FOR THE YEAR 2021 FOR THE OPERATION OF THE TOWNSHIP.

WHEREAS, the Emigration Canyon Metro Township Council has previously adopted a budget for the 2021 budget year; and

WHEREAS, the Emigration Canyon Metro Township needs to open and amend the adopted budget because of changes that have occurred during the year; and

WHEREAS, the Emigration Canyon Metro Township Council has held a public hearing on the proposed amended 2021 amended annual budget for the Township;

DATE TUESDAY NOVEMBER 16, 2021

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE EMIGRATION CANYON METRO TOWNSHIP:

1. That the attached exhibit A is hereby adopted as the amended 2021 annual budget for the operation of the Emigration Canyon Metro Township for the 2021 calendar year.
2. This resolution shall take effect upon passing.

Mayor

/s/ JOE SMOLKA

Mayor

ATTEST:

/s/ SHERRIE SWENSEN

The motion passed unanimously.

2022 Emigration Canyon Metro Township Budget

THIS BEING THE TIME heretofore set for a public hearing to consider the 2022 Emigration Canyon Metro Township annual budget.

Mayor Smolka reviewed the 2022 annual budget.

Council Member Harris, seconded by Deputy Mayor Hawkes, moved to open the public hearing. The motion passed unanimously.

No one spoke in favor of or in opposition to the 2022 annual adjustment.

Council Member Harris, seconded by Council Member Brems, moved to close the public hearing. The motion passed unanimously.

Council Member Brems, seconded by Council Member Bowen, moved to approve the following Resolution 2021-11-02, considering the 2022 annual budget:

RESOLUTION NO. 2021-11-02

Date: November 16, 2021

A RESOLUTION OF THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL ADOPTING THE ANNUAL BUDGET FOR THE YEAR 2022 FOR THE OPERATION OF THE TOWNSHIP

WHEREAS, the Emigration Canyon Metro Township Council has previously adopted a tentative budget for the 2022 budget year; and

WHEREAS, the Emigration Canyon Metro Township has made the tentative budget available to the public for review and consideration as required by law; and

WHEREAS, the Emigration Canyon Metro Township Council has held a public hearing on the proposed 2022 annual budget for the Township;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE EMIGRATION CANYON METRO TOWNSHIP:

1. That the attached exhibit A is hereby adopted as the 2022 annual budget for the operation of the Emigration Canyon Metro Township for the 2022 calendar year or until such time as it may be amended.
2. This resolution shall take effect upon passing.

Mayor

/s/ JOE SMOLKA
Mayor

ATTEST:

/s/ SHERRIE SWENSEN

The motion passed unanimously.



Citizen Input

None



Rocky Mountain Power Community Renewable Energy Program

Lindsay Beebe, Senior Campaign Representative, Utah Sierra Club, stated she has worked with city advocates and Rocky Mountain Power to help draft legislation to create the Community Renewable Energy Program. The program is the first of its kind in Utah that allows for community directed renewable energy development that would achieve 100 percent net renewable electricity for participating communities by 2030. There is an opportunity to build close to 7,200 gigawatts of clean energy in Utah, which would provide benefits to the local economy as well as reduce the load on long transmission lines. Salt Lake and Summit County were the original participants that brought Rocky Mountain Power to the table to negotiate. Since then, there have been 15 other municipalities, cities, and counties across Utah that have signed on to join the program. The program is voluntary and allows municipalities to exit the program during the opt out period. If Emigration Canyon Metro Township joins the program it would be responsible to pay an administrative cost of \$456 in phase one. During phase two there would be another cost of \$456 and then a second payment of \$446. The Council would need to pass a resolution approving the governance agreement. The deadline to join is May 31, 2022.

Council Member Brems asked how many homes in Emigration Canyon currently have photovoltaic arrays or the amount of renewable energy that is being produced in the Canyon.

Ms. Beebe stated she does not have that information.

Council Member Brems stated he would like Emigration Canyon Metro Township to support and be part of this program.

Mayor Smolka stated he does not think the Council should support the program. The Metro Township will have to pay into the program for quite a few years and it locks the residents into a higher rate on their power bills. The Council passed a resolution in 2019 to acknowledge its intent to study and consider participation in the program. The Council requested additional information from Rocky Mountain Power but has never received it.

Council Member Brems stated the funds being asked for will be used to allow the Metro Township to remain active in the program and gather more information. Even if the Metro Township chooses to participate in the program, individuals can opt out. This is a good deal for residents in the canyon.

Ms. Beebe stated the cost for the first and second year is \$456 per year for administrative fees that will help determine program rates and cost projections. During the program design phase, the Utah Public Service Commission will be presented with more detailed information on impact rates for municipalities and individual residents. In approximately two years, municipalities that want to participate will need to pass an ordinance to finalize its participation in the program.

Council Member Harris stated it makes sense to be involved in a program like this. It does require a small financial commitment that works out to be about \$.30 per resident. There has not been a lot of discussion since the program was introduced in 2019. It would be beneficial to get regular updates to keep the Council informed.

Council Member Bowen stated given the growth of other technology, he questions if this program is worth participating in.

Deputy Mayor Hawkes stated she is inclined to support the program for the next two years so she can get more information. The presentation that Rocky Mountain gave to the Council in 2019, was not informative and the Council has not been given information since. If the Council decides to participate, it needs more information and will need to be continuously updated.

Council Member Brems stated the Council needs to be kept updated on the program, how it is working, and how it effects residents.

Ms. Beebe stated the Community Renewable Energy Agency has a public meeting once a month and if the Metro Township joins the program, it will have a voting seat on the Agency.

Mayor Smolka stated because nobody has reached out to the Council to provide information is a big negative. The Council was promised it would receive additional information and it has not heard anything.

Council Member Brems asked what is being requested from the Council tonight.

Ms. Beebe stated there are a couple of different options the Council can take. If it would like more information about the program, there are representatives from the Agency that can present and answer questions. If the Council feels it has enough information at this time, it can proceed with a resolution approving the governance agreement.

Council Member Brems suggested that the Council review the information that Ms. Beebe emailed to the Council and then have a representative attend the next meeting to provide a more thorough explanation of the program and answer questions. In the meantime, Polly McLean can review the governance agreement.



Emigration Canyon Community Council Report (ECCC)

Mayor Smolka stated Bill Tobey is unable to update the Council tonight.

Council Member Harris stated she will forward the email with Bill Tobey's update to the Council.



Unified Police Department (UPD)

Detective Jake Elsasser reviewed calls for service for the month of October. In future reports, he will include the time that the incident took place.

Cameron Platt asked if there are any updates on the resolution of the citations that were issued for noise.

Chief Wayne Dial stated the court report is showing that individuals that were issued a citation are paying the fine and not fighting it in court. He will continue to follow-up with the courts to see how the other cases are being finalized. As the warmer months approach and more people are out, UPD will continue to monitor and enforce the noise ordinance. As the Council considers funding for the next year, he would like it to consider purchasing a sign board for the top of the canyon to educate people on enforcement actions.



Unified Fire Authority (UFA)

Captain Michael Conn updated the Council on Captain Merrill Bone's passing. UFA and Salt Lake County Fire is celebrating its 100th anniversary in November 2021. Several new employees have been hired including paramedics that have been hired on a lateral process from other organizations. There will be a lot of movement within UFA after the first of the year with several promotions and retirements. Recruit camp starts in February with 30 new members. Some of the older UFA fire stations are going through a seismic retrofit. He has put in a request for an operations chief to attend the next meeting to discuss and answer questions regarding the budget process.



Council Business

Resolution 2021-11-03 – 2022 Consolidated Fee Schedule

The Council reviewed the following Resolution adopting the 2022 fee schedule:

RESOLUTION NO. 2021-11-03

Date: November 16, 2021

A RESOLUTION ADOPTING A FEE SCHEDULE FOR FEES AND OTHER ASSESSMENTS FOR SERVICES PROVIDED BY THE EMIGRATION CANYON METRO TOWNSHIP FOR 2022 AND REPEALING AND REPLACING RESOLUTION 2020-11-03

RECITALS

- A. The Emigration Canyon Metro Township (“Emigration Canyon”) is a municipality pursuant to Utah Code Annotated (“UCA”) §§ 10-2a-401 *et seq.* and as such has the power to assess and collect fees for services and to recover the reasonable cost of regulating certain activity within the Township.
- B. The Emigration Canyon Metro Township Council (the “Council”) is the municipal legislative body of Emigration Canyon pursuant to UCA §10-3b-501.
- C. The Township provides services and regulates activity within the Township and in this regard has previously established or been the successor of Salt Lake County to previously established fees and assessments for these services and activities.
- D. The Council feels it is necessary to repeal and replace the previously adopted fee schedule to reflect increase costs and other changes in the Township activities.

RESOLUTION

NOW THEREFORE BE IT RESOLVED, by the Emigration Canyon Metro Township Council that the attached Exhibit A hereto is hereby adopted as the Fee Schedule for the Emigration Canyon Metro Township to be in effect on January 1, 2022 until amended or replaced pursuant to law and Resolution 2020-11-03 is hereby repealed.

DATE TUESDAY NOVEMBER 16, 2021

APPROVED AND ADOPTED in Emigration Canyon Metro Township, Salt Lake County, Utah, this 16th day of November 2021.

MAYOR

/s/ JOE SMOLKA

ATTEST:

/s/ SHERRIE SWENSEN

Clerk

Council Member Bowen, seconded by Council Member Harris, moved to adopt Resolution No. 2021-11-03. The motion passed unanimously.

Ordinance 2021-11-01 – 2022 Meeting Schedule

The Council reviewed the following Ordinance adopting the 2022 Emigration Canyon Metro Township Council meeting:

ORDINANCE NO. 2021-11-01

Date: November 16, 2021

AN ORDINANCE OF THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL APPROVING AND ADOPTING THE 2022 EMIGRATION CANYON METRO TOWNSHIP COUNCIL REGULAR MEETING SCHEDULE

WHEREAS, Utah Code 10-3-502 requires the council by ordinance prescribe the time and place for holding its regular meeting and hold a regular meeting at least once each month; and

WHEREAS, Utah Code 52-4-101 et seq. requires that metro township council meetings be compliant with the Utah Open and Public Meetings Act; and

WHEREAS, the Emigration Canyon Metro Township Council (“Council”) met in regular session on November 16, 2021 to consider adopting Emigration Canyon Metro Township’s 2022 regular meeting schedule;

NOW, THEREFORE, BE IT ORDAINED by the Emigration Canyon Metro Township Council, the Council adopts the attached 2022 Emigration Canyon Metro Township Regular Meeting Schedule.

APPROVED AND ADOPTED in Emigration Canyon Metro Township, Salt Lake County, Utah, this 16th day of November 2021.

MAYOR

/s/ JOE SMOLKA

ATTEST:

/s/ SHERRIE SWENSEN
Clerk

Council Member Harris, seconded by Council Member Brems, moved to approve Ordinance 2021-11-01. The motion passed unanimously.

Legal Issues

Polly McLean stated if Robert Pinon, Council Member elect, has any questions, he can reach out to her. She will also send out the training information for newly elected officials.

Budget Items

Mayor Smolka reviewed the Clerk’s and Acorn Hills fire break invoices.

Minutes

Council Member Brems, seconded by Deputy Mayor Hawkes, moved to approve the minutes of the Emigration Canyon Metro Township Council meeting held on October 26, 2021. The motion passed unanimously.



Council Member Reports

Unified Police Department (UPD) & Salt Lake Valley Law Enforcement Service Area (SLVLESA)

Council Member Brems stated UPD is working with a lobbyist to help research different sources of revenue to fund UPD.

Planning Commission

Council Member Brems stated he and Robert Pinon will meet with a prospective planning commission member in the next week or so.

Unified Fire Authority (UFA) & Unified Fire Service Area (UFSA)

Council Member Bowen stated the seismic upgrade to the Emigration Canyon fire station has been completed, the upgrades were very minimal. There will be a major remodel of the plumbing system at the Emigration Canyon fire station and will be completed early next year. The process of replacing Chief Dan Peterson has begun.

Animal Services

Nothing to report

Wasatch Front Waste and Recycling District (WFWRD)

Council Member Harris stated the 2022 budget was passed by the Board without a fee increase. For the last three months, it is earning money for recycling and that is a huge turnaround.

Watershed Plan

Council Member Harris stated she will be meeting with Sandy Wingert, UDWQ, and River Restoration to discuss future items.

Website

Deputy Mayor Hawkes stated she has made some updates and will be posting the Emigration Canyon Metro Township 2022 budget. The domain name needs to be transferred to the program that is used for the Council's website. She will try and get that transferred over a holiday weekend.

CodeRED

Deputy Mayor Hawkes stated she would like to send a CodeRED message to residents regarding the helicopters.

Restrooms

Deputy Mayor Hawkes stated while cleaning the restroom vault it was discovered that there are two vaults. She asked the Council for its thoughts on if it wants to leave the configuration the way it is. She will be attending an upcoming grant workshop to see if there are additional opportunities to fund the restrooms.

Greater Salt Lake Municipal Services District (MSD)

The MSD report was given in the Staff Meeting.

Landfill Council

Mayor Smolka stated the next meeting is on December 8.

Legislative Update

Mayor Smolka stated he is watching H.B. 1003 that will take jurisdiction away from municipalities on home inspections and plan permitting.

Other announcements

Captain Michael Conn recognized Council Member Bowen for being a supporter of UFA and thanked him for always being informed and engaged.



THERE BEING NO FURTHER BUSINESS to come before the Council at this time, the meeting was adjourned.

SHERRIE SWENSEN, METRO TOWNSHIP CLERK

By: _____
Deputy Clerk

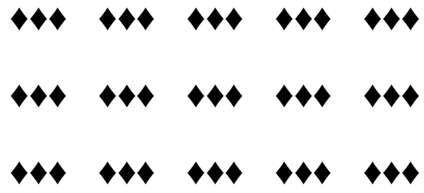
MAYOR, EMIGRATION CANYON METRO TOWNSHIP COUNCIL

DATE

TUESDAY

NOVEMBER

16, 2021



THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ELECTRONICALLY ON TUESDAY, DECEMBER 14, 2021, PURSUANT TO ADJOURNMENT ON TUESDAY, NOVEMBER 16, 2021, AT THE HOUR OF 7:00 P.M., VIA ZOOM.COM.

COUNCIL MEMBERS

ELECTRONICALLY PRESENT: DAVID BREMS
GARY BOWEN
CATHERINE HARRIS
JENNIFER HAWKES, Deputy Mayor
JOE SMOLKA, Mayor

OTHERS IN ATTENDANCE: CAMERON PLATT, LEGAL COUNSEL
NICHOLE WATT, DEPUTY CLERK



Mayor Smolka, Chair, presided.



Pursuant to Utah Code 52-4-202 the undersigned, as Mayor of the Emigration Canyon Metro Township Council, hereby declares that providing an anchor location for the electronic meetings of the Council will present a substantial risk to the health and safety of those who may be present at the anchor location for the following reasons:

The Township is located in Salt Lake County and is still under an “Yellow” alert stage for the COVID 19 pandemic; and

The regular meeting place for the Council (the Fire Station in the Canyon) does not have sufficient space in the meeting room to provide for the recommended physical distancing to keep people safe from infection.



STAFF MEETING

The Council reviewed the following items:

- Emigration Canyon Metro Township General Plan.
- Discussion on the Emigration Canyon Metro Township budget.
- Mayor Smolka updated the Council on the following items:
 - Proposed limestone quarry in Parleys Canyon.
 - Repair work from a leak on Sunnydale.
 - Installation of power poles in the canyon.
 - Installation of CenturyLink fiber optic lines.
- Consideration of resuming in-person meetings.



PUBLIC MEETING

Recognize Visiting Officials

Robert Pinon, Emigration Canyon Metro Township Planning Commission, introduced Jodi Geroux and stated she is being considered for the appointment of Planning Commissioner for the Emigration Canyon Metro Township Planning Commission.

Jodi Geroux stated she has lived in Utah since 2005 and moved to Emigration Canyon about seven months ago.



Citizen Input

Eliza Cowie, Government Relations, o2 Utah, stated she is following up with the Council on the status of the Community Renewable Energy Program.

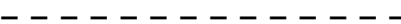
Mayor Smolka stated the Council will be discussing this item later in the meeting.



Reports from Municipal Service Providers

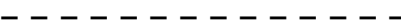
Emigration Canyon Community Council Report (ECCC)

Mayor Smolka stated Bill Tobey sent an email updating the Council on the Firewise grants. The U.S. Forest Wildfire Research team has scheduled a meeting on January 26, 2022, to present the findings of its study regarding wildfire.



Unified Police Department (UPD)

Detective Jake Elsasser reviewed November calls for service stating there were 77 calls for service with 22 initial reports taken. He will put the time that the call was dispatched for the Councils reference.



Unified Fire Authority (UFA)

Captain Michael Conn reviewed the November monthly report. Twenty-one recruits have been offered jobs and will begin camp in February. Construction continues for five stations and the was a ground-breaking at station 102 in Magna. UFA vaccination rate is at 90 percent and efforts to get employees a vaccination booster is underway. A committee was formed

to begin the process of replacing Chief Dan Peterson who is retiring in the Spring. The scheduling and payroll software that UFA uses were breached and is being held up by ransomware.



Council Business

Resolution 2021-12-01 – Community Renewable Energy Program

Christopher Thomas, Community Renewable Energy Agency, presented a PowerPoint presentation regarding the Community Renewable Energy Program Governance Agreement and progress update. He reviewed what the community renewable energy program is, participation status of municipalities, comparisons between different renewable energy programs, the governance agreement, program implementation expenses, Community Renewable Energy Agency voting, project timeline, and the Agency structure.

Council Member Brems stated if the program is implemented what does the costs look like.

Mr. Thomas stated it is hard to determine what the cost is right now; it will depend on a lot of different factors.

Council Member Bowen asked what is the source of the renewable energy that is will be used.

Mr. Thomas stated state law defines what type of resources are considered renewable for the program. Wind, solar, geothermal, and other enabling technology will all be considered.

Council Member Bowen stated he does not think this program will serve the residents of Emigration Canyon.

Deputy Mayor Hawkes stated the presentation stated that the estimated rates would be available in the spring; however, the deadline to sign up for the program is May 31. The Council will need the rate information to compare to the existing costs that residents are paying now. Will the estimates be available in the spring?

Mr. Thomas stated the Agency board is doing its best to get those estimates out by May 31. This is a new program and one of its kind in the country, so it is inventing the wheel as it goes. If the rate estimates are delayed, the deadline date will be extended.

Council Member Harris stated the Agency Board is very large and will continue to get bigger if fall the municipalities join. How will the Board work with it being so large?

Mr. Thomas stated there can be up to 23 participating communities and that does make for a big board. Since the board is larger, it has been separated into working committees that the board members sit on and then the final decision will go to the full board.

Emily Quinton, Secretary, Community Renewable Energy Agency, stated the board has come up with a good process. The entire board meets monthly and the committees meeting more frequently depending on the issue.

Mayor Smolka stated he is concerned about the weighted voting. Because of the size of Emigration Canyon, its vote is not considered as strongly. The rates and impacts to residents are unknown at this time. Many of the residents in the canyon already have solar and this program may impact their bills. The presentation was more about the Agency and not about the program, he needs more information about the program.

Council Member Brems stated the cost to continue with the program and get answers to questions is nominal. If the Council does not like the information presented, then it can opt out.

Council Member Harris stated since the Council will get a new Council Member in January, she would like to table the decision and revisit it in February.

Cameron Platt stated if the Council approves the agreement and resolution, it preserves its ability to join at a future date. The state statute requires that the board produce a plan and allow municipalities to withdraw. The weighted voting is likely to be the general rule. There will be about five municipalities that will control the vote. The metro township can join now and withdraw later.

Mr. Thomas stated the Council can make the first payment and if the Council is not happy with the progress, it can opt out of making the second payment.

Mayor Smolka stated the discussion will continue in February.

Emigration Canyon Metro Township Administrator

Mayor Smolka stated he invited Brooke Barnes, Human Resources and Payroll Specialist, Greater Salt Lake Municipal Services District (MSD), to the meeting to help the Council with the hiring of an administrator.

Brooke Barnes stated she sent job descriptions from Magna, White City Metro Townships, and the Town of Brighton to Mayor Smolka. She would like the Council to review the job descriptions and pick and choose what items they want to include in the Emigration Canyon Metro Township Administrator job description. She will then put together a job description and when the Council ready, she will post the job description and help with the interview process.

Council Member Brems asked how much money is allocated to an administrator and how many hours would that person work?

Mayor Smolka stated the Council has budgeted approximately \$20,000 - \$25,000 annually.

Council Member Bowen asked if that amount includes benefits and salary.

Ms. Barnes stated that amount would be for wages only, there is not a benefit option.

Council Member Brems asked if this position would be part-time.

Ms. Barnes stated it would be part-time, 10 – 15 hours a week, depending on how much work you have for that person. The average hourly rate is \$18.00 - \$20.00 per hour.

Deputy Mayor Hawkes stated FICA and Medicare will need to be factor in when deciding wages.

Ms. Barnes stated the FICA and Medicare taxes would need to be matched and are the only benefits that would be matched. An employee needs to work 30 hours or more to be benefit eligible. If the Council decided to offer benefits, it would need to work through the Utah Local Governments Trust and join the large group association to get full-time positions signed up for benefits. The employee can also be hired through a contract; however, the salary would be paid through accounting instead of payroll.

Council Member Bowen suggested having one or two Council Members work with Ms. Barnes to finalize the job description.

Council Member Brems stated he would help.

Council Member Harris stated she would be able to help after the first of the year.

Ms. Barnes stated she will reach out to Council Members Brems and Harris to set up a time to meet.

Assign / Reassign Board Appointments

Mayor Smolka stated board assignments are typically done in January; however, there will be a Unified Fire Authority (UFA) and Unified Fire Service Area (UFSA) Board meeting prior to a Emigration Canyon Metro Township Council meeting. He would like to appoint someone to the UFA and UFSA Boards, effective January 3, 2022.

Council Member Harris stated she is interested in being appointed to these boards.

Mayor Smolka, seconded by Council Member Bowen, moved to appoint Council Member Harris to the Unified Fire Authority and Unified Fire Service Area Boards. The motion passed 4 to 1, showing Council Member Harris abstained from the vote.

Emigration Canyon Metro Township Planning Commission Appointment

Mayor Smolka stated the Council will consider the appointment of Jodi Geroux at the January, 2022 Council meeting.

Greater Salt Lake Municipal Services District (MSD) Bond

Mayor Smolka stated the bond is moving forward and will be going with a private offering as opposed to a public offering. The availability of money and potential of having an almost equal interest rate is right now.

ARPA Funds

Mayor Smolka stated getting funding for the restrooms has been difficult. ARPA funds may be able to be used for the restrooms.

Deputy Mayor Hawkes stated she has looked at outdoor recreation grants. A lot of the available grant money is for new construction. She wants to move forward and possibly propose building restrooms at a location the Council has previously discussed. She is also working with Helen Peters, Director, Salt Lake County Regional Transportation, Housing, & Economic Development, on other resources to get the restrooms completed. ARPA funds would be a good to fall back on.

Budget Items

Mayor Smolka stated invoices from Polly McLean, Clerk servicers, Acorn Hills, and payroll have been approved. He expects an invoice for the first installment of snowplow services.



Council Member Reports

Unified Police Department (UPD) & Salt Lake Valley Law Enforcement Service Area (SLVLESA)

Council Member Brems stated SLVLESA adopted a tentative budget and will be working with lobbyists to find sources of income for UPD officers.

Planning Commission

Nothing to report.

Unified Fire Authority (UFA) & Unified Fire Service Area (UFSA)

Council Member Bowen stated he will make sure UFA and UFSA gets notice that Council Member Harris will be the representative for Emigration Canyon Metro Township. UFA is in the process of creating a special committee to hire the next fire chief.

Animal Services

Nothing to report.

Wasatch Front Waste and Recycling District (WFWRD)

Council Member Harris stated the decision on if WFWRD will be able to convert to a local district is still an ongoing concern. WFWRD is waiting Salt Lake County Council to make a decision. Several homes in upper Pinecrest did not get their garbage collected. She spoke to Pam Roberts, General Manager, WFWRD, and she will try and get crews up there tomorrow if the storm is not too bad.

Watershed Plan

Council Member Harris stated she will not be meeting with Sandy Wingert, UDWQ, and River Restoration until after the first of the year to discuss the progress and goals. She spoke with Eric McCulley about the timeline for grant applications and he thinks there will be some information coming out of the report that will help obtain grants. The third best practices session will be on January 11, 2022, via Zoom.com.

Website

Deputy Mayor Hawkes stated she updated the website with information on the last watershed meeting.

CodeRED

Deputy Mayor Hawkes stated she sent a message out regarding garbage pickup.

Restrooms

Deputy Mayor Hawkes stated she thinks two separate grants can be applied for: one for new construction and one for restoration of the existing restroom.

Greater Salt Lake Municipal Services District (MSD)

Mayor Smolka stated a new General Manager was hired and will be announced on Thursday.

Landfill Council

Nothing to report.

Legislative Update

Mayor Smolka stated the MSD is getting ready for several items that will be discussed at the legislature in 2022. He is also watching H.B. 98.

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THERE BEING NO FURTHER BUSINESS to come before the Council at this time, the meeting was adjourned.

SHERRIE SWENSEN, METRO TOWNSHIP CLERK

By: _____
Deputy Clerk

MAYOR, EMIGRATION CANYON METRO TOWNSHIP COUNCIL

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DATE TUESDAY DECEMBER 14, 2021

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