



STAFF REPORT

To: Summit County Council
From: Janna Young, Deputy County Manager
Date of Meeting: February 2, 2022
Type of Item: 2022 General Session of the Utah State Legislature
Process: Work Session

During the 2022 general session of the Utah State Legislature, staff, along with Councilmembers Glenn Wright and Malena Stevens, will provide the County Council weekly updates on the issues and activities the County is monitoring and working on at the State Capitol.

Requested Council Action

None.

Background

On Tuesday, January 18, 2022, the general session of Utah’s 65th legislature began and will run until Friday, March 4, 2021. Over the next 45 days, Summit County’s internal legislative working group will track activity at the State Capitol and provide updates to the County Council.

The County’s legislative working group is comprised of the County Assessor, Auditor, Clerk, (2) Councilmembers, Recorder, Treasurer, Health Department Director, Chief Financial Officer, Community Development Director, Economic Development Director, Transportation Planning Director, County Manager, Deputy County Manager, Sustainability Program Manager, APRA Grants Coordinator, Public Lands Manager, Emergency Manager, and representatives from the County Attorney’s Office and Sheriff’s Office.

This group meets weekly to monitor bills, share information, decide County positions on legislation, participate in Utah Association of County’s (UAC) weekly policy coordinating meetings, work closely with the County’s House and Senate members and the County’s lobbyist on issues, attend committee meetings, and potentially testify before committees, if appropriate.

Each week at the County Council meeting, Councilmembers Glenn Wright and Malena Stevens, and Deputy County Manager, Janna Young will report to the Council on these activities, and request input on issues and support for proposed county positions on bills.

2022 Legislative Session

Expectations

On January 10, 2022, the County hosted a virtual meeting with the Summit County Senate and House delegation to better understand how we can communicate and work together effectively this session. Our five state legislators gave us useful insight into what to expect this session as outlined below.

COVID-19 Pandemic

The COVID-19 pandemic will continue to play a prominent role this session, both in terms of legislative operations and protocols, and in terms of policy direction. For example, on day one of the legislature, which was January 18, we saw the Senate pass a joint resolution to terminate the mask mandates put into place in Salt Lake City, Salt Lake County, and Summit County. We also expect to see the pandemic as a subject in the budget and appropriations discussions as the need for testing, vaccination, and support for public health are ongoing.

Budget

For the past several years, the state budget has seen billion dollar surpluses. There is a great deal of talk around tax cuts, particularly income tax cuts. The Governor has also mentioned looking at a grocery tax credit. Summit County will watch closely to see how those surplus dollars are spent in case there is an opportunity to secure funding for County projects, and where the legislature decides to cut.

Tax Policy

For the past three sessions, Transient Room Tax (TRT) has been a prevalent discussion topic with multiple efforts to allow smaller counties to utilize more TRT revenues on tourism impacts instead of tourism promotion. There continues to be a lot of talk around allowing 3rd-6th class counties to use TRT revenues on Emergency Medical Services and fire services.

Last legislative session, Summit County's lobbyist began planting the seed with the Utah League of Cities and Towns and specific legislators about allowing counties to take advantage of the community resort tax, previously reserved for resort cities only. The idea being a very narrowly tailored authorization for counties who have resorts within their unincorporated areas or who border a resort city and therefore, experience the impacts of the resorts on roads, transit, law enforcement, solid waste, and other areas but do not have access to the same tax revenues that resort cities do to mitigate those impacts. There may be support for this type of construct and we intend to continue the discussion this legislative session.

We will also monitor any property tax proposals as those tend to generate tax shifts, which burden some property owners over others. Last session, several bills were introduced to create property tax cuts to families experiencing economic hardship as a result of the COVID-19 pandemic. We expect similar bills this session as well. While the County supports the concept and principle, we do have concerns about the resulting tax shifts and would like to see income limits and other guardrails to prevent the tax cut from applying to every property owner.

Infrastructure Development

There are early indications that legislative leadership will place a large emphasis on infrastructure development and investment, especially water infrastructure. Utah is the second most arid state in the nation and has experienced severe drought for many years, while at the same time is experiencing population growth. Water availability, quantity, and quality are becoming a big concern that the Legislature plans to tackle this session.

We also expect the legislature to approve additional funding for the Governor's Office of Planning and Budget (GOPB) American Rescue Plan Act (ARPA) matching grant program for cities and counties. Summit County was awarded \$1 million from this program in 2021 for our Weber River Watershed Project/Resilience Fund and \$177,653 for new vans for our senior citizen program. We have several other applications for projects ranging from affordable housing, to drinking water infrastructure, to a new facility along the US-40 corridor pending with GOPB and would love to see them funded with additional appropriations approved this session.

Land Use

Summit County is concerned we may see fallout from the Hideout hostile annexation and the County's various lawsuits involving it, as well as from the delayed decision in the Dakota Pacific Development. Currently, we do not see any bills pertaining to annexation or zoning, but we know the Land Use Task Force is working on one that we believe only pertains to cities and towns currently. We are also hearing murmurings that there may be a bill that would take away our local land use authority in unincorporated areas of the County. We will continue to watch for that proposal.

Miscellaneous

Representative Kera Birkeland has a bill that would reduce the period of time a retired teacher or law enforcement professional needs to wait before rejoining public service without penalizing their Utah Retirement System benefits, which we support. Sheriff Justin Martinez in particular supports this change as he sees it as a way to recruit experienced law enforcement personnel who retired from another agency but who want to work for Summit County.

Senator Ron Winterton has a bill (SB 49) that would provide uncapped, post-performance incentives to the film industry if they choose to film in rural Utah. We support this effort as productions have brought significant economic activity to rural areas of our County in the past. This bill passed favorably as a Committee bill out of the interim session and is likely to pass during the general session.

Bills Summit County and UAC are Currently Monitoring

NOTE: The below information is subject to change. The legislative process is dynamic, ever-evolving as legislators work with colleagues, lobbyists, and the public to negotiate, refine, and amend their bills. The information presented below represents the state of affairs at the time of drafting this staff report.

Behavioral Health

HB 99 – Civil Commitment Amendments (Rep. Dailey-Provost) (UAC Opposes)

This bill clarifies whether parental consent is required before a child may be temporarily civilly committed to a local mental health authority; clarifies abuse and neglect reporting requirements regarding a child who is temporarily civilly committed to a local mental health authority; modifies and clarifies the circumstances under which a child may be civilly committed to a local mental health authority; and repeals provisions related to civil commitment of a minor to a secure drug or alcohol facility or program.

HB 148 – Commitment in Criminal Proceedings (Rep. Abbott) (UBHC, USACCC, and UAC Oppose)

This bill is intended to expand mental health cost coverage that is provided at the District Court level (State) to the Justice Court level (County). It will require counties to cover the cost of all examinations, treatments, and inpatient care for individuals who have a mental illness who either plea to or have a verdict of guilty of a misdemeanor or infraction. There are no state funds available to cover the costs of administering the program so the full cost would be the responsibility of counties. Utah Association of Counties (UAC), UBHC, and the Utah State Association of County Councils and Commissioners (USACCC) are opposing the bill as currently written on the grounds that there is little to no funding at the county level to cover the costs of implementing the program.

HB 207 – Inmate Treatment Amendments (Rep. Watkins)

This bill requires county and municipal jails to allow the continuation of medication assistance treatment/programs by a state-approved entity for inmates who were active clients prior to incarceration. The Utah Division of Substance Abuse and Mental Health supports this bill, however, UBHC has concerns and is meeting with the bill sponsor.

The concern from both Local Health Authorities and law enforcement is the danger to inmates in jails, which lack appropriate facilities to administer medically assisted treatments (MAT). Unlike medications administered for physical health conditions, such as high blood pressure, MAT often utilizes controlled or restricted medications (such as methadone, lithium, or other psychotropic medications) that would require an inmate to remain in medical observation or isolation for at least 90 to 120 minutes to ensure that the medication has been absorbed in the system and can not be "retrieved".

This is an important added step for administering MAT in jail as there are cases of inmates using physical harm to acquire the MAT from other inmates due to the effects MAT prescriptions can have on an individual. The former Summit County Jail Nurse has stated that he has seen instances, at other jails, where inmates force the patient to regurgitate the medications and then take them themselves.

Medicaid Cuts to Drug Court Testing

While not a bill, UBHC is challenging the current Medicaid budget proposal in the Social Services Appropriations Committee. The Utah Courts and other groups affiliated with drug court programs are also in opposition. Rep. Kohler, Summit County's representative, serves on this committee.

The current Medicaid Budget proposal will reduce the number of UAs (Drug Tests) covered by Medicaid for participants in a certified Drug Court program from 60 to 48 UAs a year. This is a high level concern for UBHC as Medicaid cut the number of UAs last year from 120 to 60 and UAs provide a level of accountability for program participants which is critical to the successful completion of this program. Participants who successfully complete the Summit County Drug Court program have less than a 2% recidivism rate.

Depending on the phase a drug court participant is in, they could be tested upwards of six times a week.

If Summit County were to subsidize the cost of UAs, the cost per UA would be \$24 for a presumptive (Simple) test, and \$75 for a definitive (Complex, usually only done when the presumptive is inconclusive) test.

Economic Development

SB 49 – State Film Production Incentives Amendments (Sen. Winterton)(Summit County and USACCC Support)

This bill provides uncapped, post-performance incentives to motion picture companies to film in rural Utah. Summit County has seen the economic benefits of

film productions locally and believes these incentives would help attract more film productions to our community.

Elections Bills

HB 45, HB 56, SB 11, SB 19, SB 32, SB 38 – (County Clerks and UAC Support)

All of these bills are ones on which the County Clerks have worked directly with legislators. They make tweaks to elections procedures that are helpful to the Clerks, which is why UAC voted to support them.

Some of the proposed reforms would:

- Require an election officer to provide an accessible voting option for a voter with a disability, make rules regarding signature verification for individuals who are unable to sign their name consistently due to a disability, and require election notices include instructions for how a voter with a disability may obtain information on voting in an accessible manner (**HB 56, Rep. Gwynn**)
- Describe the circumstances under which, and the method by which a municipal legislative body or local district board may cancel a local election or race in a local election (**SB 11, Sen. Iwamoto**)
- Change the dates of a special election in an odd-numbered year to coincide with the dates of municipal elections; modify requirements relating to the publishing and posting of sample ballots; modify the crime of destroying election documents or supplies to include altering documents; provide for a voter's party affiliation to be changed to "unaffiliated" if the voter is affiliated with a party that is no longer a registered political party; modify the deadline for determining whether a municipality will conduct an election by ranked choice voting to coincide with the deadline for publishing a notice of election; and modify the conflict of interest reporting requirement (**SB 19, Sen. Thatcher**)

HB 185 – Initiative and Referendum Amendments (Rep. Robertson) (UAC is Monitoring this Bill)

This bill addresses initiatives and referenda at both the State and local levels. Currently, signature thresholds have to be met at each level in order to get items on the ballot. At the state level it is 12% of registered voters and at the County level it varies by size of County but is no less than 8% of registered voters. This bill reduces those thresholds at the state level from 12% to between 4% and 6%, and at the County level from 8% to 4% if unpaid signature gatherers are used.

Government Operations

S.J.R. 3 – Joint Resolution to Terminate Public Health Orders Pertaining to Face Coverings (Sen. McCay) (Summit County, USACCC, and UAC Oppose)

In the 2021 general session, the legislature amended Utah state code to allow the legislature by joint resolution to terminate a public health emergency declaration that has been in effect for 30 days, or an order of constraint enacted under that public health emergency declaration. S.J.R. 3 is a joint resolution that terminates the mask mandates/orders of constraint enacted in Summit County, Salt Lake County, and Salt Lake City. The joint resolution passed both the Senate (on Jan. 18) and the House (on Jan. 21), immediately terminating the mask mandate in Summit County.

SB 57 – County Counsel Amendments (Sen. Fillmore) (UAC Opposes)

This bill modifies the duties of an attorney appointed by a county legislative body in a county that has a county executive-council form of county government, and modifies the duties of a district attorney in a county that has a county executive-council form of county government.

SB 63 – Bereavement Leave Amendments (Sen. Harper) (UAC Opposes)

This bill would require a county or city to have a bereavement policy for employees and their spouses who experience still born births or miscarriages. Opposition to this bill stems from the trauma that comes from requiring an employee who has gone through this experience to get a doctor's note to prove what happened. UAC's feeling is a County should do this on their own and not be mandated to do it.

SB 69 – Animal Shelter Revisions (Sen. Hinkins) (UAC Opposes)

A similar bill was brought up during the last two sessions that would require lethal injection to be the only form of euthanasia administered by county animal shelters. Unlike previous versions of this bill, it only applies to euthanasia of dogs and cats, not wildlife, and allows discretion in emergency cases to use the most humane method possible.

HB 22 – Open and Public Meetings Act Modifications (Sen. Welton) (UAC Supports)

Requires counties to have a resolution or an ordinance by December 2022 on how the legislative body defines a quorum if using electronic means to conduct public meetings and some members are attending the meeting in-person while some are attending virtually. If conducting an electronic meeting, members of the body would not be allowed to vote by proxy, and if it is unanimous vote, it should be done by roll call to make the record clear how each member voted.

HB 57 – Government Records Access Amendments (Rep. Stoddard) (UAC is Monitoring)

This bill would prohibit an entity subject to the Government Records Act from searching the personal device of an employee in response to an open records request. The entity can ask the employee to provide their device to be searched but cannot require it. Second, whatever record or lack of record is found on the employee’s personal device is considered a complete record even if it is a smaller image on the phone compared to a computer. UAC decided to wait to take a formal position on the bill until the civil attorneys have a chance to weigh in on it and the bill makes it out of the House Rules Committee.

HB 96 – Government Records Fee (Rep. Johnson) (UAC Supports)

Current GRAMA records laws say that if someone requests records, the governmental entity cannot charge the requester fees for the first 15 minutes of the search period to find the records. This bill would allow governmental entities to charge for the accumulative time it takes to pull all records, including the first 15 minutes, if the same individual has multiple requests in the same day or same period of days.

HB 135 – Open and Public Meeting Comment Requirements (Rep. Brammer) (Summit and UAC Oppose)

This bill modifies the Open and Public Meetings Act, requiring a public body holding an open meeting to allow a reasonable opportunity for the public to provide verbal comment during the meeting on meeting agenda items. The bill can be interpreted to mean that public comment must be allowed on every item on the meeting agenda, which could lead to long and inefficient public meetings.

HB 140 – Government Attorney Fees Amendments (Rep. Birkeland)

For any litigation in which the government is involved, if they are not the prevailing party, the government entity must pay attorney and expert fees of the prevailing party. Counties are very concerned about the cost burden of this bill, particularly when it comes to code enforcement programs. The County Civil Attorneys group, CivLac, along with the State Attorney General (AG), have been speaking with Rep. Birkeland to see if she would be willing to make changes. She has not seemed willing to do that. The AG explained enforcement of the provisions of the bill would require substantial FTE and administrative costs, which makes the bill’s fiscal note extremely high (somewhere in the millions of dollars), which will likely effectively kill the bill.

HB 182 – Local Health Department Order Amendments (Rep. Schultz) (Summit County and UAC Oppose)

This bill excludes state facilities and the Capitol Hill complex from the authority and jurisdiction of a local health department. It also limits the applicability of a public health order of constraint issued by a local health department, prohibits a

chief executive officer of a municipality from exercising emergency powers in response to a pandemic, an epidemic, or public health emergency, and enacts a provision indicating that the Disaster Response and Recovery Act preempts and supersedes any law of a political subdivision of the state pertaining to disaster and emergency response.

HB 189 – Electric Vehicle Charging Amendments (Rep. Briscoe)

This bill would allow renters and property owners in HOAs to install and use EV charging stations.

HB 205 – County Officer Fees Amendments (Rep. Nelson)

This bill requires a county legislative body to adopt an ordinance or resolution that establishes fees for certain county services provided by a county officer.

Land Use

SB 110 – Water as Part of General Plan (Sen. McKell) (UAC Opposes)

This bill requires a water use and preservation element to be part of a municipal or county general plan; outlines how a water use and preservation element is integrated into a general plan and what steps to take in developing a water use and preservation element; provides for action related to the general plan by the legislative body of a municipality or county; and addresses assistance by the Division of Water Resources.

HB 85 – Eminent Domain Amendments (Rep. Petersen) (UAC Opposes)

This bill removes the creation of a public park as a public use for which the right of eminent domain may be exercised.

HB 95 – Landscaping Requirement Prohibition (Rep. Ward)

This bill prohibits certain government or private entities from requiring a property owner or resident to plant or maintain lawn or turf on their properties with the goal of water conservation in our arid state.

HB 121 – Water Conservation Modifications (Rep. Spendlove) (Summit County and UAC Support)

This bill prohibits certain lawn or turf requirements for property owners; imposes requirements related to water conservation at state government facilities and by state agencies; provides for incentives to replace lawn or turf with drought resistant landscaping; grants rulemaking authority; and requires the Legislative Water Development Commission to study water conservation in the state.

Natural Resources

HB 46 – Utah Energy Infrastructure Amendments (Rep. Albrecht) (UAC Supports)

This bill repeals provisions related to the Utah Energy Infrastructure Authority; moves the Utah Energy Infrastructure Board under the Office of Energy Development; clarifies the duties of the Utah Energy Infrastructure Board regarding the evaluation of an application for a tax credit under the High Cost Infrastructure Development Tax Credit Act.

HB 64 – Drinking Water Amendments (Rep. Watkins) (UAC is Monitoring this Bill)

This bill creates the Drinking Water Capacity Account and authorizes the Division of Drinking Water to implement an annual fee on public water systems to be deposited into the Drinking Water Capacity Account.

HB 131 – Watershed Restoration Initiative (Rep. Bennion) (Summit County and UAC Support)

This bill codifies the Watershed Restoration Initiative (WRI) in the Department of Natural Resources, ensuring it has a steady stream of funding, rather than depending on discretionary appropriations approved by the legislature every year and private donations. WRI is an extremely useful funding tool for watershed restoration and fuel reduction projects statewide with a partnership focus. Summit County has received WRI funding for the Upper Provo watershed, sponsored by the United States Forest Service and the Turkey Federation. The bill also sets up a special revenue fund to which Summit County could donate money and then earmark funds for projects in our County, but the state would manage the fund. This would help us greatly with our Resilience Fund and our management of treatments in the Weber River Watershed.

HB 145 – Wildfire Amendments (Rep. Snider)

This bill would allow the Division of Forestry, Fire, and State Lands to annually increase the amount counties pay to the Division for fire warden services based on the Consumer Price Index as long as the Division gives counties a 6-month notice and the increase starts at the beginning of the calendar year. The bill also requires a study be conducted on the creation of a wildfire prevention and preparedness program that will provide recommendations on how the Division may determine a qualifying property, wildfire preparedness actions, and defensible space, as well as how a prevention and preparedness fee would be calculated, collected, and expended.

HB 204 – Trust Land Disposal Requirements (Rep. Snider)

This bill requires the director of the School and Institutional Trust Lands Administration (SITLA) to invite input from local legislators before advertising a

proposed sale of trust lands, and adds specific requirements regarding the timing of a proposed sale of more than 5,000 contiguous acres of trust lands.

Public Safety and Criminal Justice

S.J.R. 4 – Joint Resolution Supporting Qualified Immunity (Sen. Harper)

This resolution recognizes that public safety workers are frequently required to make split-second decisions in stressful circumstances with limited information. It affirms the doctrine of qualified immunity as a vital component of the law, and calls upon public officials, including judges of the courts, to support the doctrine of qualified immunity.

SB 55 – Citation Fines Amendments (Sen. Ipson)

This bill requires that a fine collected by a justice court for certain violations issued by the Utah Highway Patrol be paid to the General Fund.

HB 12 – Public Safety Retirement Amendments (Rep. Gwynn)(Summit County and UAC Support)

This bill reduces the length of the period of separation for postretirement reemployment of a retiree from a public safety system or a firefighter retirement system; modifies the years of service and age requirements for a member's retirement from the New Public Safety and Firefighter Tier II Contributory Retirement Act; and modifies the multiplier percentage for the calculation of the retirement allowance of a member in the New Public Safety and Firefighter Tier II Contributory Retirement Act.

Summit and UAC support the bill. The Sheriff's Association has been working with Rep. Gwynn on changes to this bill. There is a substitute bill draft that has not yet been adopted in committee. The substitute strips out all of the other language about modifying tier 2 public safety and just becomes a post retirement modification for law enforcement dropping the requirement from a year to 60 days.

HB 23 – First Responder Mental Health Services Amendments (Rep. Wilcox)(UAC is Monitoring this Bill)

This bill requires all first responder agencies to provide behavioral health services to responders and their spouses during active service and into retirement. UBHC supports the program but is concerned about how to continue to provide these services for retirees. For Summit County, we are already providing these services to our first responders through a private donation fund. If passed, this bill would allow us to expand this program.

HB 61 – Postretirement Reemployment Amendments (Rep. Birkeland)(Summit County Supports)(UAC is Monitoring this Bill)

This bill, similarly to HB 12, provides the circumstances under which a retiree who was a public safety service employee or a teacher immediately before retirement may be reemployed with a participating employer within the one-year separation period without cancellation of the retiree's retirement allowance. Summit County believes this change would allow the sheriff's office to recruit experienced law enforcement professionals that have retired from another agency but still want to work and would be interested in coming to Summit County.

Revenue and Taxation

SB 12 – Property Tax Appeals Process Amendments (Sen. Millner)

In an appeal to a county board of equalization (BOE), this bill would require the parties to disclose certain evidence before the public hearing on the appeal; would allow a party to provide a written response to any previously undisclosed evidence that another party presents at the public hearing; and would authorize a county BOE to create rules related to the disclosures described in the bill, provided the rules are no less stringent than the provisions of the bill. County Assessors remain neutral on the bill. Already, Assessors are required to provide information 10 days in advance of an appeal hearing. They are not necessarily opposed to giving information 5 days in advance of a local hearing, however, the Auditor's Office in scheduling BOE hearings would need to be aware of the requirement and schedule accordingly.

SB 20 – Telecommunications Tax Amendments (title changed to Property Tax Amendments) (Sen. Bramble)(UAC is Monitoring this Bill)

This bill modifies the circumstances under which a county has to require a written declaration to qualify for the primary residential property tax exemption; modifies a property owner's right to appeal a determination about the owner's eligibility for the primary residential property tax exemption; defines "public utility" and "telecommunications service provider"; provides that the State Tax Commission may not assess property owned by a telecommunications service provider; and creates a process for the Multicounty Appraisal Trust (MCAT) to value personal property of a telecommunications service provider before forwarding the information to county assessors for assessment.

The Assessors group is split in whether or not to oppose this bill, though there is agreement that it creates confusion and raises questions, particularly when the values are appealed if the MCAT does the assessment, and whether the levy proposed is enough to cover the cost of this shift in assessment.

SB 25 – Property Tax Deferral Amendments (Sen. Fillmore) (UAC Opposes)

This bill was introduced last session and dropped. The bill sponsor, Senator Fillmore, has put a tremendous amount of work into it to make it better for counties, working directly with County Treasurers and Auditors. His goal is to try and help families/individuals who are property rich but income poor and can no longer afford to pay taxes on their property because the values have increased so much.

Specifically, the bill allows individuals 75 years and older, who provide proof of income, to defer their property taxes. The bill also comes with a \$10 million fund to help counties receive those deferred taxes back. When the property sells, then the taxes that were deferred will be paid back to counties with interest.

County Auditors are concerned about some of the administrative aspects of the program. The County Assessors are remaining neutral or simply not responding to the bill. Summit County Assessor, Stephanie Poll believes it would be more beneficial to the taxpayer, who may not understand this program is a tax *deferral* and not an exemption, if instead the legislature increased the circuit breaker/indigent level. We do not have numbers to understand how many families might take advantage of this deferral to understand the impact on the County budget or the magnitude of a tax shift it would create in Summit County.

SB 81 – Affordable Housing Tax Amendments (Sen. Iwamoto)

This bill prescribes a valuation method for determining the fair market value of real property subject to a low-income housing covenant and requires a county assessor to send a form approved by the State Tax Commission to each owner of real property subject to a low-income housing covenant. The County Assessors support this bill because it would impose a possible 5% penalty on developers who do not respond to their letters of notice.

SB 93 – Business Tax Amendments (Sen. Fillmore)

This bill exempts supplies used in the course of business from personal property tax; exempts certain tangible personal property consumed in the performance of a taxable service from sales and use tax; and exempts certain tangible personal property used or consumed in the production or development of taxable computer software from sales and use tax. County Assessors are divided on this bill. In Summit County, we believe it is a bit of a non-issue as the supplies line item on the Personal Property billing is somewhat nominal in comparison to the overall market value of our county.

SB 140 – Housing and Transit Reinvestment Zone Amendments (Sen. Harper)

We have been anticipating a bill this session that makes corrections to the bill adopted last year establishing Housing and Transit Reinvestment Zones, for which

no entity has been able to apply and utilize. SB 140 is that bill. It allows housing and transit reinvestment zones around light rail and bus rapid transit facilities; amends provisions related to the size limitations and number of allowed housing and transit reinvestment zones; requires equal participation by all local taxing entities; defines the term of each type of housing and transit reinvestment zone; amends the membership of the housing and transit reinvestment zone committee; requires relevant zoning changes be made before the housing and transit reinvestment zone may be approved by the committee; amends provisions related to the efficiency and feasibility analysis of a housing and transit reinvestment zone; and amends provisions related to state participation in a housing and transit reinvestment zone.

HB 187 – Agricultural Assessment Amendments (Rep. Kohler)

This bill provides that if a person withdraws land from assessment under the Farmland Assessment Act, any portion of the land that is assessed under the Urban Farming Assessment Act is not subject to a rollback tax; establishes a renewal application under the Urban Farming Assessment Act; and for property that was previously assessed under the Farmland Assessment Act, addresses eligibility and application of the rollback tax under the Urban Farming Assessment Act.

The biggest concern about this bill in Summit County stem around abuse of the exemption; much like the abuse of the Greenbelt agricultural properties. It is very difficult to audit these types of uses (i.e., urban farming). Additionally, our growing season is not long in Summit County and most areas that may try to qualify for this exemption have other restrictive ordinances for animals, etc. It also does not seem to be a popular request in our area. County Assessor Stephanie Poll only recalls one phone call over the past couple of years inquiring about an exemption.

HB 199 – Tangible Personal Property Tax Amendments (Rep. Spendlove)

This bill removes the requirement that a taxpayer file a signed statement after the first calendar year in which a taxpayer qualifies for a property tax exemption for tangible personal property if the taxpayer continues to qualify for the exemption for consecutive subsequent years. County Assessors oppose this bill and would like more of a study done on how long a start-up business takes to surpass the \$25,000 de minimus exemption.

Transportation

SB 66 – Electric Assisted Bicycle Use Amendments (Sen. Weiler)

This bill allows a person with certain disabilities to apply for a trail accessibility card to operate an electric assisted bicycle on a trail open to the use of a bicycle; outlines the application requirements for a trail accessibility card; limits the use of

certain electric assisted bicycles on certain trails based on power output of the electric assisted bicycle; amends the definition of an off-highway vehicle to include a class 1 electric assisted bicycle with a power output of 251 watts or more, a class 2 electric assisted bicycle, and a class 3 electric assisted bicycle.

Grand County has expressed concerns with the bill, primarily that their trails are almost entirely on federal land constructed with federal dollars and off-highway vehicles are prohibited on them. Secondly, in Moab, people can quickly get into the backcountry where search and rescue (SAR) activity is complicated and cell phone reception nonexistent. The risk is these bikes allow inexperienced riders to access remote terrain and possibly get in trouble either by arriving upon technical trails beyond their ability, risking injury, or experiencing mechanical problems with their bike, such as a dead battery. The Grand County Attorney and Council have requested changes to the bill to address these concerns.

Notable Dates

- January 18 Legislative Session Begins
- January 20 Last day legislators can designate priority bills
- January 27 Last day to either pass or defeat each base budget bill
- January 28 Last day to request bills or appropriations without floor approval
- March 2 Last day to prioritize fiscal note bills and identify other programs for new funding
- March 2 Final action must be taken on each appropriations bill
- March 3 Last day to pass any bill with a fiscal note of \$10k or more
- March 4 Last Day of the Session
- March 24 Last day the Governor may sign or veto bills
- May 3 Last day a veto-override session may begin
- May 4 Normal effective date for bills
- May 4 First day a legislator can open a bill file for appropriation request for the next general session
- Every Monday during session: Meeting of the Summit County Legislative Working Group
- Every Thursday During Session: Meeting of the UAC Legislative Coordinating Committee

Engagement, Access, and Transparency

Interested citizens can watch Utah's 2022 legislative session in real time or access archived materials through the Legislature's online tool. To access this tool, go to <https://le.utah.gov/> and click on the "calendar" button. Click on the desired meeting and the committee webpage will have links to materials and the audio/video recording.

Additionally, the Legislature's website allows citizens to sign up to follow individual

bills and receive email alerts whenever action is taken on the measure. To sign up for alerts, go to <https://le.utah.gov/>; click on the "Bills" tab at the top of the page. Then either perform a bill request or keyword search. Once locating the desired bill, click on either the "Track this" or "Email notification" button underneath the photograph of the bill sponsor.

The website for each individual bill also provides the bill text, status information, audio/video of any committee hearings or floor debate, and details on the bill sponsor.



STAFF REPORT

To: Summit County Council

From: Jessica Kirby, Public Lands Manager
Matt Leavitt, Finance Officer

Date of Meeting: February 2, 2022

Type of Item: Approach to GO Bond for open space

Process: Work Session

BACKGROUND

Summit County has a long history in environmental stewardship, water source protection, and active land use management, placing a high value and emphasis on the conservation of land, preservation of water, and air to protect the values that residents share about living in Summit County. As such, the County Council has acted, either with partners, like the local land conservancies, cities, Snyderville Basin Special Recreation District, or on their own to protect strategic parcels of land either through open space purchase or conservation easement acquisitions across the County.

It is well known that many of County Council's open space efforts have focused within the Snyderville Basin and with the increasing growth pressure on farms and ranches, Council is interested in increasing focus on eastern Summit County, while not forgetting there are still priority areas of emphasis in the Snyderville Basin.

Currently there are two open space advisory committees serving to provide input to the County Manager and the County Council: Eastern Summit County Agricultural Preservation Advisory Board (ESAP) and Basin Open Space Advisory Council (BOSAC). While both committees are purposed with land preservation, they have very different directives, funding mechanisms and objectives. ESAP was established for the purpose of "creation, identification and preservation of agricultural and open space lands within eastern Summit County," and BOSAC for the purpose of "creation, preservation, and identification of open space within the Snyderville Basin in order to ensure high conservation values and promote the resort and scenic character of the area."

In furtherance of the County Council's countywide open space objective, on August 18, 2021, the County Council adopted a parameters resolution that officially put a General Obligation (GO) bond on the November 2021 ballot. On November 2, 2021, Summit County voters overwhelmingly supported the GO bond and approved an investment up to \$50 million dollars.

With the recent GO bond having a countywide emphasis rather than an east or west county focus, there is much to be revealed about the Council's expected strategy for accomplishing a countywide open space objective.

DISCUSSION

Recognizing that collaboration and thoughtful evaluation are necessary to strategically implement a successful and meaningful open space protection plan, Staff has organized this work session to provide background, bond issuing timelines, and discussion with the Council on approach to spending these bond funds. Staff envisions this being an open dialog with Council to bring both clarity to the countywide open space vision and to inform staff, and members of the public, of Council's direction and expectations for the future expenditure of the GO Bond open space funds.

OVERVIEW OF CURRENT OPEN SPACE

Open space map and current status will be presented.

BONDING DETAILS

Should the Council opt for issuing a portion of bond proceeds in 2022 there are certain dates that must be met as determined by the property tax calendar (Utah State Code 59-2). Property tax rates must be finalized and submitted to the Utah Tax Commission by June 22nd. In order to achieve that objective, Staff recommends that the Council adopt a parameters resolution before May 22, 2022, the date that the Assessor is required to complete and submit the assessment roll in order for the Auditor to calculate the tax rate.

The legal requirements for issuing the parameters resolution that will meet the May 22nd date is to approve the parameters resolution at the April 6th Council meeting. There is a 30-day contest period in addition to notification requirements that must be met before the bonds can be issued. Also, there are due diligence meetings and bond ratings that will be done in the background, before the parameters resolution is adopted. Staff will keep the Council updated on the progress of these steps.

The entire amount of authorized bonds (\$50 million) does not have to be issued at once. They may be issued in a series of bonds. Factors that determine how much the Council issues are, a) availability of funds to purchase desired properties/easements; b) utilization of funds within a 3-5 year timeframe; and c) leveraging available bond funds for best return on investment. Maximum par amount of bonds issued is \$50 million. Interest rates, as well as the ability to issue bonds at a premium will determine the total amount of bond proceeds.

Once a parameters resolution is adopted by the Council, the County is not obligated to issue the entire amount specified in the resolution. This allows the Council some

additional flexibility going forward to determine the actual amount of bonds that the Council wants to issue. However, the amount of bonds issued does affect the annual tax rate that is to be set by the Auditor before June 22nd. Staff does not recommend issuing a parameters resolution for the entire amount of \$50 million unless the Council intends on utilizing the entire amount within the next 3-5 years. Staff suggests the County's Debt Committee bring a recommendation for the amount of the first bond to the full Council for consideration and discussion.

DISCUSSION

Staff is looking to Council for clear direction on an implementation strategy for GO bond funds and is requesting a discussion related to the following topics:

An overall strategy for approaching open space objectives with a countywide focus.

- How should the County approach spending the GO bond funds and identifying and evaluating properties/parcels of land for consideration of bond funds?
- Does the Council desire to utilize ESAP, BOSAC, or a new advisory committee to develop evaluation and screening criteria and make recommendations to the Council, or not use an advisory committee?
- Does the Council desire a public engagement, survey and/or public outreach process, and what level of engagement/outreach effort should be deployed?
- Does the Council desire to invite the expertise and partnership of the non-profit land conservation groups, Mayors, and other groups to interact with Council and participate in whatever process is chosen?

What are Council's priorities in terms of where to target the bond proceeds to help Staff or the advisory committee develop a screening matrix for identifying and evaluating properties? Staff provided some suggestions below and would like the Council to rank them by priority or add priorities not on the list. Should bond proceeds be focused on properties that address:

- Growth management
 - Watershed, habitat, landscape scale
 - Viewshed, entry/corridor preservation
 - Agriculture and heritage preservation
 - Riparian, wetlands, water quality, river access
 - Recreation, trails, and trailheads
- Finally, Staff seeks direction from the Council on prioritizing the transaction options and/or approach to utilizing these bond funds, keeping in mind that a County asset must be recorded and must maintain its value for the life of the bond. Purchase vs conservation easement

- Fee title purchase
- Use the dollars to leverage more dollars such as through a federal program, for example

NEXT STEPS

- Staff and Council meeting with local Conservation groups.
- Staff forms and convenes the advisory committee; develops committee's mission, objectives, and deliverables.
- Advisory committee develops priority criteria and screening/evaluation matrix.

REQUESTED COUNCIL ACTION

Staff requests the Council provide guidance and direction on the following questions related to the issuance and expenditure of GO bond funds:

- Should we initiate a public engagement campaign to both inform the public about the GO bond process and collect feedback from them regarding what to prioritize in the screening and evaluation criteria for properties?
- Should we utilize an advisory committee to identify and evaluate properties and bring recommendations to the Council?
 - If yes, should this committee have independence in the evaluation of projects/potential purchases?
 - Do Council members want to be involved in the committee process?
 - Should there be a central recommending committee that is in charge of maintaining overall vision based on the Council's priorities?
 - Should we use members of ESAP and BOSAC to form the committee or should it be a new committee?
 - Should Staff start to draft a mission and bylaws for the advisory committee that would guide the recommending committee structure? If so, what are the values underlying the mission? (Examples include agriculture preservation, growth management, water quality protection, viewshed conservation, and leveraging bond funds to make them extend further/last longer)
- Should the County's Debt Committee start meeting to provide advice to the Council on the amount to issue for the first bond?
- Should Staff engage with the nonprofit land conservation partners so they are involved with our process and help advise on next steps based on their experience and expertise?
- How frequently does the Council want updates on the progress of this effort?
- Are there questions or other discussion topics Council members want to raise and discuss at today's meeting?

NORTH SUMMIT FIRE SERVICE DISTRICT

Bylaws of the Administrative Control Board

Adopted February, 2022

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**ARTICLE I
DEFINITIONS**

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- 1.1 “Board” means the voting membership of the Administrative Control Board (“ACB”) of the North Summit Fire Service District.
- 1.2 “Board Action” means an official vote or action of the Board Members.
- 1.3 “Board Member” means a member of the ACB of the North Summit Fire Service District.
- 1.4 “Clerk/Secretary” is the person appointed by the Board to record and safeguard all minutes of the Board and act as the secretary to the Board.
- 1.5 “County” means Summit County, Utah.
- 1.6 “County Council” refers to the legislative body of Summit County who is the Governing Body of the District.
- 1.7 “District” means the North Summit Fire Service District (“NSFSD”).
- 1.8 “Treasurer” is one of two Board Members designated and authorized to cosign all checks and other disbursements on behalf of the District, and to provide recommendations to the Board regarding the collection of revenues, disbursements of funds for expenses, and the custody of funds that comply with state law and sound accounting controls.
- 1.9 “Manager” is the Fire Chief of the NSFSD, as appointed by the County Council, who serves as its executive officer in accordance with Summit County Code Section 2-25-6.
- 1.10 “Officer” means the chair, vice-chair, and treasurer of the ACB.

**ARTICLE II
ADMINISTRATIVE CONTROL BOARD**

- 2.1 The District shall be governed by an Administrative Control Board (“Board”) which shall manage and conduct the District’s business and affairs in accordance with its delegated powers from the County Council, acting as the Governing Board of the District. All powers of the District are exercised through the Board or County Council in accordance with the law.

2.2 The Board shall be comprised of five (5) voting members, and is hereby constituted as set forth below:

2.2.1 Three (3) members shall be appointed by the Summit County Council.

2.2.2 One (1) member shall be appointed by the Coalville City Council.

2.2.3 One (1) member shall be appointed by the Henefer Town Council.

2.3 Qualifications: To be eligible for appointment as a voting member, each member of the Board shall:

2.3.1 Be a registered voter at the location of the member's residence.

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2.3.2 Reside within the District boundaries.

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2.3.3 Not be employed by the District, whether as an employee or under contract.

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2.3.4 Not have an immediate family member be employed by the District (at the time of appointment and during that Board Member's term of service).

2.4 Functions of the Board

2.4.1 The Board shall exercise all powers and duties enumerated in Utah Code § 17D-1-103, except for those reserved to the County Council as Governing Body under Utah Code § 17D-1-301(4)(a) and Section 2-25-5(A) of the Summit County Code.

2.4.2 Manager prepares and proposes to the Board an annual budget in conformance with Utah Code § 17B-1-601 et seq, and the Board shall vote on a final budget recommendation to the County Council.

2.4.3 The Board passes resolutions and policies. The Board establishes policy through broad general policy directives and general task assignments of a goal-oriented nature.

2.4.4 The Board reviews the Manager's performance.

2.4.5 In every case, the will of the Board shall be expressed by a majority vote of a quorum of the Board. No statement or act of any individual member of the Board shall be viewed as the will of the Board.

2.4.6 The Board will review this document periodically to ensure that it is pertinent and current.

2.5 Individual Board Members shall not give orders to any staff member of the District, either publicly or privately, but may ask for information from the Manager to be presented to the Board.

2.6 All members of the Board shall serve in accordance with Utah Code and Title 2, Chapter 25 of the Summit County Code.

2.7 The interests of the NSFSD are best served if a balance is achieved among Board Members. Such balance strives, if possible, to give representation to the following interests:

2.7.1 Fire Service Background;

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2.7.2 Financial Background;

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2.7.3 Governance Background; and/or

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2.7.4 Any other relevant experience or qualifications.

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Deleted: 2.7.5 One Commissioner representing Henefer.¶

ARTICLE III TERM OF OFFICE

3.1 Except as provided below, the term of office for each appointed member of the Board shall be four (4) years.

3.2 Each Board Member's term shall begin at noon on the first Wednesday following the member's appointment.

3.3 Board Members shall serve until a successor is duly appointed, unless the member is removed from office or resigns.

3.4 Each Board Member may serve a maximum of three (3) appointed terms (Summit County Code 2-25-4).

3.5 Vacancies of the five (5) appointed members of the Board, created other than by expiration of term, shall be filled by either the appropriate municipality or the County Council for the unexpired term of the Board Member whose vacancy is filled. At the end of a Board Member's term, the position is considered vacant and the appropriate municipality or the County Council may either reappoint the old Board Member or appoint a new member after following the appointment procedures under Utah law. The County Council may remove a Board Member for cause at any time after a hearing and vote by two-thirds (2/3) of the County Council.

ARTICLE IV
OFFICERS

- 4.1 The Board shall elect from among its members, a chair, vice-chair, and a treasurer who shall act as the Officers of the District. Elections shall be held at the first scheduled public meeting in January and annual thereafter, except if the changing of a commission seat in mid-year necessitates a reassigning of officers and/or duties. The Board may elect to forgo the election of a clerk/secretary, choosing instead to appoint this position in which case it will not be considered an Officer of the District.
- 4.2 Chair
- 4.2.1 Conducts meetings.
- 4.2.2 Schedules public meetings and any or all special public meetings. Collaborates with the Manager to set ACB meeting agendas. The Chair shall have final say in determining whether an item is placed on an agenda, [subject to the exception that an item shall be placed on the agenda upon the agreement of any two Board Members.](#)
- 4.2.3 Act as official spokesperson for the ACB to the public or designate such spokesperson.
- 4.2.4 Coordinates and follows through on projects and assignments of the Board.
- 4.2.5 Arranges for on-going dialogue and interaction with interfacing entities such as the County Council and other local town/city councils within the District, and other public entities for the purposes of information exchange, insight and analyzing future growth and development.
- 4.3 The Vice Chair shall act as Chair in the absence or at the direction of the same.
- 4.4 Clerk/Secretary
- 4.4.1 Attends Board meetings and keeps a record of the proceedings.
- 4.4.2 Maintains financial records.
- 4.4.3 Presents a financial report at least quarterly to the Board.
- 4.4.4 May be appointed by the ACB to serve a 4 year term which may be renewed upon further vote of the ACB. When appointed, the Clerk/Secretary is not an Officer or Board Member.
- 4.5 Treasurer
- 4.5.1 Primarily responsible for the funds and assets of the NSFSD and accountability for the same.

4.5.2 Reviews placement and status of NSFSD's monetary funds.

4.5.3 One of two Board Members on the NSFSD's operating account signature card.

4.6 Entire Board

4.6.1 Provides policy framework, sets vision/goals/policies.

4.6.2 Delegates policy implementation to the Manager.

4.6.3 At least quarterly, reviews all expenditures authorized by the Manager.

4.6.4 Any Board Member may submit a request to the Chair to place an item on a future agenda, provided that such request shall be submitted no fewer than ten (10) business days in advance of the meeting for which the item is requested.

4.7 Removal of Board Member

4.7.1 The interests of the NSFSD are best served by allowing for the removal of a Board Member by the County Council when a majority of the Board perceives that a member no longer fulfills the responsibilities of a Board Member. Reasons for removal may include, but are not necessarily limited to, the following:

1. Unreasonable absence from three (3) consecutive meetings.
2. Unreasonable absence from four (4) regularly-scheduled meetings per year.
3. Failure to abide by the guidelines and duties for Board Members as set forth in these Policies and Procedures.
4. Conduct unbecoming to a public official.
5. Gross disinterest or failure to perform needed or necessary duties on behalf of the NSFSD.
6. Impairment of impartial and objective decision-making abilities because of a conflict of interest which is either personal or business/employment related.

4.7.2 Since removal is an extreme measure, and leave of absence is a practical impossibility, the Board Member in question should be accorded the opportunity to either resign voluntarily or reprioritize his/her commitment to the NSFSD before any action is taken by the Summit County Council.

4.8 Compensation. The District shall pay Board Members a monthly stipend in exchange for their service. The Board shall set the stipend amount annually during its budgeting process. The stipend is not to exceed actual costs of attending meetings and participating on the Board.

4.9 Vacancies. Whenever there is a vacancy in the Board membership, a replacement Board Member shall be appointed by the Summit County Council or appointing entity within ninety (90) days.

ARTICLE V
OPEN AND PUBLIC MEETINGS

5.1 Open Meetings

The NSFSD Administrative Control Board operates within the guidelines of the Open and Public Meetings Act of the State of Utah. Annual training will be scheduled by NSFSD administration regarding the Open and Public Meetings Act. The Chair of the Board will ensure that its members are provided with annual training on the requirements of the Open and Public Meetings Act. Within one year of appointment NSFSD Administrative Control Board Members will complete State Auditor's Office/Utah Association of Special Districts training.

With a quorum present, an open meeting will include workshops and Executive Sessions but does not include chance meetings or social meetings.

5.2 Closed Meetings

A meeting may only be closed pursuant to Utah Code §§ 52-4-204 through 206.

The Board may enter a Closed Meeting only from a properly-noticed Open Meeting, with a motion to enter a Closed Meeting. A two-thirds vote will be required of Board Members present at an Open Meeting to enter a Closed Meeting, and the motion to convene a Closed Meeting must be publicly announced and recorded. The reason for closing the meeting must be clearly stated, and the location of the Closed Meeting must be recorded. The vote of each Board Member must also be recorded (by roll call vote). No board action may be taken in a Closed Meeting. No recorded minutes are required if the meeting is closed to discuss: the character, professional competence, or physical or mental health of an individual. In lieu of recorded minutes, Utah Code requires a sworn written statement from the Chair. All other Closed Meetings require the Board to record the closed portion of the meeting, and detailed written minutes be kept.

5.3 Emergency Meetings

Emergency meetings may be held in the event of unforeseen circumstances. The best practicable notice must be given of meeting date, time, place, and items to be considered. A reasonable attempt will be made to notify all Board Members, and a majority of the Board Members must approve of the meeting.

5.4 Electronic Meetings

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The Board may conduct electronic meetings consistent with the provisions of Utah Code § 52-4-207 and Summit County Resolution 2021-06.

5.5 Electronic Messages

No deliberation shall occur outside of a publicly noticed and held meeting, including through any electronic communications. During meetings, Board Members shall not transmit electronic messages. Electronic messages are defined as: email, instant messages, electronic chat, text messaging, or other means of electronic messaging. All Board Members will be issued a NSFSD email address upon appointment. All electronic communications involving Board business are considered public records and must be preserved and retained according to the State retention schedule.

ARTICLE VI VOTING

- 6.1 Number of votes: Each member of the Board shall have one vote on all matters brought before the Board.
- 6.2 Passage: The affirmative vote of majority of all voting members present at any meeting of the Board at which a quorum of voting members was presented shall be necessary and sufficient for the passage of any item before the Board or Board Action.

ARTICLE VII QUORUM

- 7.1 A majority of the members of the Board shall constitute a quorum. No action may be taken by the Board unless a quorum is present.

ARTICLE VIII CONDUCT OF MEETINGS

- 8.1 The Board shall, with the Manager, establish a regular meeting schedule which shall not be less than one meeting per month.
- 8.2 All meetings shall be noticed pursuant to and comply with all provisions of the Utah Open and Public Meetings Act.
- 8.3 A copy of the agenda and notice for each Board meeting shall be provided via electronic mail to the Summit County Manager no less than twenty-four (24) hours prior to the scheduled meeting.
- 8.4 A copy of the minutes of each Board meeting shall be provided via electronic mail to the Summit County Manager within five (5) working days following the approval of the minutes. Draft minutes, recordings of electronic meetings, and final minutes shall be posted

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to the District's webpage (if any) and to the Utah Public Notice webpage as required by the Open and Public Meeting Act.

- 8.5 The Board shall adopt a form of parliamentary procedure (Robert's Rules of Order) and shall conduct all meetings in a manner consistent with that procedure and consistent with all applicable laws.

ARTICLE IX
ETHICS

The following ethical principles shall guide the actions of the Board and its members in carrying out the powers and duties described above:

- 9.1 Gifts.

Board Members will not solicit or accept gifts. An occasional non-pecuniary gift having a value of less than \$50 or an award public presented in recognition of public services may be accepted.

- 9.2 The primary obligation of the Board and each member is to serve the public interest.

- 9.3 Conflict of Interest.

Any potential conflicts of interest require full disclosure. A Board Member may not have a personal investment or pecuniary interest in any business entity which will create a substantial conflict between private interests and public duties. The Board and its members shall avoid conflicts of interest and the very appearance of impropriety. A Board Member with a potential conflict of interest shall publicly disclose that interest, abstain from voting on the matter, and not participate in any deliberations on the matter, but may remain in the chamber where such deliberations are to take place except when the Board may go into executive session. When the Board is in executive session, any Commission member with a potential conflict shall remove himself/herself from the chamber. Also, the Board Member with a potential conflict shall not discuss the matter privately with any other Board Member or public official voting on the matter.

ARTICLE X
PENALTIES

- 10.1 Certain penalties under Utah Code may apply in the event of breach of conduct in accordance with the above-stated policy.

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NORTH SUMMIT FIRE SERVICE DISTRICT

Bylaws of the Administrative Control Board

Adopted February, 2022

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 3. Failure to abide by the guidelines and duties for Board Members as set forth in these Policies and Procedures.
 4. Conduct unbecoming to a public official.
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 6. Impairment of impartial and objective decision-making abilities because of a conflict of interest which is either personal or business/employment related.
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ARTICLE V OPEN AND PUBLIC MEETINGS

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The Board may enter a Closed Meeting only from a properly-noticed Open Meeting, with a motion to enter a Closed Meeting. A two-thirds vote will be required of Board Members present at an Open Meeting to enter a Closed Meeting, and the motion to convene a Closed Meeting must be publicly announced and recorded. The reason for closing the meeting must be clearly stated, and the location of the Closed Meeting must be recorded. The vote of each Board Member must also be recorded (by roll call vote). No board action may be taken in a Closed Meeting. No recorded minutes are required if the meeting is closed to discuss: the character, professional competence, or physical or mental health of an individual. In lieu of recorded minutes, Utah Code requires a sworn written statement from the Chair. All other Closed Meetings require the Board to record the closed portion of the meeting, and detailed written minutes be kept.

5.3 Emergency Meetings

Emergency meetings may be held in the event of unforeseen circumstances. The best practicable notice must be given of meeting date, time, place, and items to be considered. A reasonable attempt will be made to notify all Board Members, and a majority of the Board Members must approve of the meeting.

5.4 Electronic Meetings

The Board may conduct electronic meetings consistent with the provisions of Utah Code § 52-4-207 and Summit County Resolution 2021-06.

5.5 Electronic Messages

No deliberation shall occur outside of a publicly noticed and held meeting, including through any electronic communications. During meetings, Board Members shall not transmit electronic messages. Electronic messages are defined as: email, instant messages, electronic chat, text messaging, or other means of electronic messaging. All Board Members will be issued a NSFSD email address upon appointment. All electronic communications involving Board business are considered public records and must be preserved and retained according to the State retention schedule.

ARTICLE VI VOTING

- 6.1 Number of votes: Each member of the Board shall have one vote on all matters brought before the Board.
- 6.2 Passage: The affirmative vote of majority of all voting members present at any meeting of the Board at which a quorum of voting members was presented shall be necessary and sufficient for the passage of any item before the Board or Board Action.

ARTICLE VII QUORUM

- 7.1 A majority of the members of the Board shall constitute a quorum. No action may be taken by the Board unless a quorum is present.

ARTICLE VIII CONDUCT OF MEETINGS

- 8.1 The Board shall, with the Manager, establish a regular meeting schedule which shall not be less than one meeting per month.
- 8.2 All meetings shall be noticed pursuant to and comply with all provisions of the Utah Open and Public Meetings Act.
- 8.3 A copy of the agenda and notice for each Board meeting shall be provided via electronic mail to the Summit County Manager no less than twenty-four (24) hours prior to the scheduled meeting.
- 8.4 A copy of the minutes of each Board meeting shall be provided via electronic mail to the Summit County Manager within five (5) working days following the approval of the minutes. Draft minutes, recordings of electronic meetings, and final minutes shall be posted

to the District's webpage (if any) and to the Utah Public Notice webpage as required by the Open and Public Meeting Act.

- 8.5 The Board shall adopt a form of parliamentary procedure (Robert's Rules of Order) and shall conduct all meetings in a manner consistent with that procedure and consistent with all applicable laws.

ARTICLE IX ETHICS

The following ethical principles shall guide the actions of the Board and its members in carrying out the powers and duties described above:

- 9.1 Gifts.

Board Members will not solicit or accept gifts. An occasional non-pecuniary gift having a value of less than \$50 or an award public presented in recognition of public services may be accepted.

- 9.2 The primary obligation of the Board and each member is to serve the public interest.

- 9.3 Conflict of Interest.

Any potential conflicts of interest require full disclosure. A Board Member may not have a personal investment or pecuniary interest in any business entity which will create a substantial conflict between private interests and public duties. The Board and its members shall avoid conflicts of interest and the very appearance of impropriety. A Board Member with a potential conflict of interest shall publicly disclose that interest, abstain from voting on the matter, and not participate in any deliberations on the matter, but may remain in the chamber where such deliberations are to take place except when the Board may go into executive session. When the Board is in executive session, any Commission member with a potential conflict shall remove himself/herself from the chamber. Also, the Board Member with a potential conflict shall not discuss the matter privately with any other Board Member or public official voting on the matter.

ARTICLE X PENALTIES

- 10.1 Certain penalties under Utah Code may apply in the event of breach of conduct in accordance with the above-stated policy.



STAFF REPORT

To: Summit County Council
From: Tom Fisher, County Manager
Janna Young, Deputy County Manager
Date of Meeting: February 2, 2022
Type of Item: Consideration and possible adoption of the 2022 Work Plan and Council-Manager Compact
Process: Regular Session

Requested Council Action

Adoption of the 2022 Work Plan and renewal of the Council-Manager Compact.

Introduction

In 2018, the County Council began adopting an official Work Plan each budget cycle as a way to focus staff hours and align their work with the budget. This approach was adopted after several years of the County taking on an ambitious, and sometimes unstructured, work schedule. The Council made the decision to plan more deliberately, budget, study, and make decisions about where to focus staff resources in order to do things better, complete long-standing projects, generate sustainable results, and make sure the County organization was not growing the need for staff without an analysis of priorities.

Traditionally, the proposed Work Plan lists projects for each County office and department that either have a direct tie to the Council's strategic priorities or are critical to advancing a County function but do not tie directly to the Council's priorities. This list demonstrates to the public and the County organization the areas where staff hours and county budget will be spent.

To develop the Work Plan, each year, the County Manager's Office works with the directors and leaders of the various County departments and offices to identify all the major tasks, projects, and work anticipated for the next year, both those that are specifically budgeted and the day-to-day work and responsibilities. Staff then associate a level of effort (Low, Medium, High) to the project, assign a priority ranking, and identify other departments or offices expected to contribute resources to the project to get a full picture of the overall impact on the County.

The County Manager then works with the Council to further narrow down those projects to a workload that is realistically achievable in the year. The final Work Plan is presented to the Council in a public meeting and adopted along with the next year's budget.

The proposed 2022 Work Plan followed a somewhat different path. Most significantly, the Work Plan was not considered in December 2021 when the Council adopted the budget. This was because the County Manager wanted more time to better understand the challenges we expect in 2022 and ruthlessly prioritize work than in previous years in light of those challenges, which are outlined in more detail below.

Council's 2022 Strategic Objectives and Definitions

July 26 and 27, 2021, the County Council and staff members met in a retreat to discuss the County's priorities for the next year. Those priorities were further defined in subsequent meetings, settling on the following:

1. **Transportation and Traffic Congestion:** The County will work closely with federal, state, and local governments, as well as regional transportation service providers, to plan for and make improvements to our transportation system to reduce traffic congestion and promote active transportation.
2. **Local Housing Choice:** The County will work with state, private development interests and regional government partners to understand what is needed in workforce and other types of targeted need housing. The County will set policies and codes that work for the unincorporated portions of the County contributing to defined housing choices in our community; all done with a strict eye towards the way Summit County wants to grow.
3. **Environmental Stewardship:** The County will demonstrate leadership in implementing plans and policies to secure, preserve and protect our water, land and air quality for the present and future, as well as implement an internal organizational culture that supports environmental stewardship. This public health issue is led through our Health Department and Community Development Department, but requires a collaborative, all-of-government effort to achieve the ideal.
4. **Land Use and Regional Planning:** The County will review and refine the General Plans and Development Codes that reflect a desired growth pattern that is developed in conjunction with other local governments in Summit County and our region, focusing on improving and connecting the regions physical, natural, and economic environments and communities.

Considerations for 2022

For 2022, the County Manager is recommending a conservative Work Plan with a scaled-down workload compared to previous years. The following considerations factored into this direction:

1. **COVID-19 Public Health Emergency:** With the expectation that the workload will diminish, Summit County will continue to devote unknown levels of resource to responding to the COVID-19 virus in 2022, including testing and vaccinations. Additionally, the County workforce will continue to be impacted by COVID-19 with employees out sick or quarantined, potentially resulting in staff shortages and reduction in services or service levels. Further, there is still a great deal of uncertainty surrounding the virus and what will occur in 2022. Due to this uncertainty, it seems wise not to overcommit to too many ambitious projects.
2. **Current Labor Market:** One of the unexpected consequences from the COVID-19 pandemic, which started in 2021, is the “Great Resignation” and other shifts in the labor market. The County organization is not immune to those changes and like every employer, is struggling to retain and recruit employees. We anticipate this challenge will continue into 2022 with no indication when it will level out. Due to actions the County Council took with the 2022 budget, which included pay differentials, bonuses, and other wage increases, we have been able to slow down and stabilize workforce losses. We expect to devote additional attention to employee retention and recruitment this year.
3. **Potential Retirements:** The scaled-down Work Plan is also intentional to allow us to devote time to succession planning in anticipation of potential retirement announcements of some of our critical employees in 2022.
4. **Unknown of the Unknown:** What is known is we are living in tumultuous times and have been for the past several years. Uncertainty and change are things we can count on occurring this year. Of course, with things changing so frequently, it is difficult to plan ahead and anticipate critical issues that will emerge. Therefore, it is important we reserve staff hours/capacity to respond to needs and unexpected emergencies that surface during the year.

Highlights of Proposed 2022 Work Plan

Much of the work proposed for 2022 is heavy on planning and community engagement and not as much on the implementation of large-scale projects.

Some of the highlights include:

- Right-of-way acquisitions for roads the County needs to construct
- Advancement of the sales tax bond facilities projects in our Public Works Department and on the Gillmor property along the US-40 corridor
- An extensive community engagement/visioning and data collection process to inform County general plans and development codes
- Progress on the County’s 100% net renewable energy goals for county operations and the community/countywide

- A regional coordination effort to align County, Park City, and east Summit County municipalities' goals around development, density, and open space
- Continued work on building the County's Resilience Fund for watershed restoration and wildfire mitigation projects
- Complete finance process to acquire revenues from the voter approved General Obligation Bond for open space and establish conservation and open space priorities with screening criteria to assist the Council and non-profit land conservancies in evaluating properties and expending those bond proceeds

See the attached proposed Work Plan for the full list of projects, which are prioritized for each strategic effect of the Council and organized by Department lead.

Council-Manager Compact

For the past several years, the Council and County Manager have signed a compact (see attached) that commits the Council, Manager and Staff to the projects in the Work Plan, a process for revising the Work Plan, and outlines how everything will be communicated to the public. The purpose of the compact is:

- To have clear, well-defined, and achievable accomplishments for Summit County
- To communicate expectations clearly to the community, down to the specific project level
- To consider Staff resources and budget when committing to projects, work, and activities
- To better align the budget to the County's work
- To focus on the projects/work that most significantly advance or set the foundation to advance the Council's strategic priorities within the limits of the County's resources
- To plan more effectively for future (multi-year) tasks, projects, budget, and resources and
- To facilitate the Council thinking and performing at a strategic, big-picture level, setting direction for the County and empowering Staff to figure out and implement the details

The compact makes it clear how the Council and Manager will make decisions around the projects included in the Work Plan and sets up a process for how to address new priorities that come up during the year after the Work Plan has been established, taking into consideration Staff capacity and budget.

The County Manager is proposing once again that the Council sign the compact, agreeing to the proposed Work Plan for 2022.



Summit County's Fiscal Year 2022 Work Plan Project List (Organized by Strategic Priorities)

Adopted [February 2], 2022

Strategic Priority: Transportation and Traffic Congestion

2022 Work Plan Elements (Prioritized by Department):

Public Works and Engineering Department:

1. Bitner to Silver Creek Connection: Finish right-of-way (ROW) acquisition and delay build/construction of the road to 2023
2. Old Ranch Road: Complete ROW acquisition and delay build/construction of the road segment
3. SR-32 between Marion and Kamas: Acquire grants and start building paved trail
4. Hoytsville Road: Complete next planned extension improvements

County Transportation Planning:

1. Kimball Junction/I-80 Interchange Improvements: Continue to work with UDOT and the State Legislature to make progress on this project
2. Support High Valley Transit District with the following initiatives:
 - Environmental clearance of SR-224 Bus Rapid Transit (BRT)
 - Wasatch County and High Valley Transit District (HVTDD) planning for regional transit
3. Work with Park City Municipal Corporation on SR-248 and Quinns Junction with a focus on parking options for traffic headed into Park City

Community Development Department:

- Hire and onboard a new Transportation Planner

Capital Facilities

- Advance sales tax bond facilities projects (i.e., Justice Center remodel, new County facility, HVTD operations facility, Mountain Regional Water Special Service District headquarters) on the Gillmor parcel along the US-40 corridor with a concentration on constructing the HVTD operations facility

Strategic Priority: Local Housing Choice

2022 Work Plan Elements (Prioritized by Department):

Administration, Community Development, Economic Development, Sustainability:

- Better understand what affordable housing looks like in our community through the convening of a Blue Ribbon Commission to study it, gather public input, help the Council develop goals and objectives, and evaluate tools we have to achieve those goals and objectives

Strategic Priority: Environmental Stewardship

2022 Work Plan Elements (Prioritized by Department):

Health Department:

- Continue to advance 100% net renewable energy goal for County government operations
- Continue to advance 100% net renewable energy goal for community countywide

Public Works

- Procure and implement next solid waste collections contract

County Administration

- Establish and continue to creatively capitalize the Weber River Watershed Resilience Fund, working with state and federal partners and lobbyists
 - As part of the Resilience Fund work item, procure vendor through the United States Forest Service's *Bioeconomy Development Opportunity Zone Initiative* to conduct an analysis of biomass viability of the Weber River Watershed and assign an investment rating to help the County pull in investment to process biomass extracted from the forest from fuel reduction treatments (include cost for the

analysis in Watershed Restoration Initiative grant application)

Strategic Priority: Land Use and Regional Planning

2022 Work Plan Elements (Prioritized by Department):

County Administration and Community Development Department:

1. Initiate an extensive community engagement/visioning and data collection process to inform County general plans and development codes that utilizes a survey instrument or focus group approach that is valid, unbiased, and complete
2. As part of the community visioning process, conduct a regional coordination effort to align County, Park City, and east Summit County municipalities' goals around development, density, and open space. Consider an Interlocal Agreement or rural planning organization structure to cover land use so there is coordination among entities on zoning and development decisions, particularly in declared annexation areas
3. Adopt Critical Lands/Riparian code amendments for both planning districts
4. Adopt Landscaping Ordinance, including water use conservation methods, in both planning districts

Question for work session with full Council: Do we want to follow up with State Parks about taking ownership over the Rail Trail as a work item in 2022?

Administration, Community Development, Finance, Public Lands

1. Complete finance process to issue general obligation bonds for open space approved by voters in 2021 in order to have bond revenues in 2022
2. Establish conservation and open space priorities with screening criteria to assist the Council and non-profit land conservancies in evaluating properties and expending general obligation bond proceeds

Other Priorities that Do Not Fall Under One of the Four Strategic Priorities

2022 Work Plan Elements:

- Assist County Clerk in general election process
- Consider Truth in Taxation process for County budget
- Complete study/master planning process for future EMS provision in Summit County and present recommendations to EMS Board and the County Council

- Make progress on joint North Summit Special Recreation District–County Fairgrounds sports complex project funded by RAP Tax bond and Restaurant Tax monies
- Dakota Pacific Real Estate (DPRE) development agreement decision (cross-cutting impacts with housing and transportation, etc.)
- Complete senior citizen program strategic planning process with Park City Municipal Corporation, nonprofits, seniors, and other partners
- Ongoing COVID-19 and vaccination response



**Council-Manager Compact for County Work Plan
Summit County
2022 Fiscal Year
[Adopted 02/02/2022]**

The Summit County Council and County Manager agree that this compact outlines the County's Fiscal Year 2022 Work Plan and how the Council, Manager, and Staff will share the responsibility for advancing the County's strategic priorities. It also describes the Council's and Manager's respective roles and responsibilities in directing staff to work on special projects, and a commitment to considering Staff resources and County budget when revising the Work Plan.

RATIONALE FOR COMPACT

- To have clear, well-defined and achievable accomplishments for Summit County.
- To communicate expectations clearly to the community, down to the specific project level.
- To consider Staff resources and budget when committing to projects, work, and activities.
- To better align the budget to the County's work.
- To focus on the projects/work that most significantly advance or set the foundation to advance the Council's strategic priorities within the limits of the County's resources.
- To more effectively plan for future (multi-year) tasks, projects, budget and resources and follow up on strategic priorities.
- To facilitate the Council thinking and performing at a strategic, big-picture level, setting direction for the County and empowering Staff to figure out and implement the details.

JOINTLY DEVELOPED

The Council, Manager and Staff of Summit County partnered together to develop this Council-Manager compact for achievement. The Council set the strategic priorities, the Manager worked with Staff to add projects to advance each strategic priority, and Staff provided input on the types of support they needed and data on the capacity of their departments to complete special projects. All parties partnered together to define their roles and responsibilities and came to agreement on how decisions will be made regarding the Work Plan and how it is revised. The Council and Manager will review this compact annually and make suggested revisions based on an evaluation of the needs of the community and feedback received from Staff and the community.

For this compact to be successful, it is first important to understand the Council's and Manager's goals for achievement:

COUNCIL'S GOALS:

- Provide excellent, ethical and efficient services that ensure quality of life for present and future generations.*
- Regional collaboration.*
- Take action in a timely manner, meeting the needs of citizens.*
- Preserve our air, water, land and culture.*
- Show leadership, motivating others to collaboratively achieve goals.*
- Stay focused on the tasks outlined in the Work Plan and be deliberate about new initiatives that may arise.*

MANAGER'S GOALS:

- Recruit and retain talented employees with expertise within their given field.*
- Avoid employee burnout.*
- Have tangible, meaningful accomplishments that best serve the residents of Summit County.*
- Avoid constant changes in direction to Staff and to the organization.*
- Provide Staff with focus-specific tasks that can be achieved in a reasonable amount of time.*
- Stay focused on the tasks outlined in the Work Plan and be deliberate about new initiatives that may arise.*

To meet these goals, the Council and Manager will work together to:

- Support Staff and lean on their expertise to facilitate tangible accomplishments.
- Focus on priorities and communicate frequently.
- Schedule Council work sessions to facilitate planning, discussion, and resources (budget and staff) around projects included in the Work Plan.
- Align budget and Staff resources with expectations involving projects and workload.
- Collaborate with Staff and the community on setting priorities and setting up the Work Plan.

The Council, Manager, and Staff commit to:

COUNCIL'S RESPONSIBILITIES:

- (1) Think and perform at a strategic level, collaborating and giving direction to County Manager and Staff on projects to advance the Council's strategic priorities; empowering Staff to figure out the implementation details.*
- (2) Respect County Manager and Staff process without unilateral redirection by individual Council members.*
- (3) Align the strategic priorities with the County budget.*
- (4) Go to the Manager with requests that require Staff resources, rather than directly to Staff.*
- (5) Before going to the Manager with a project request or work order, have a discussion on the issue with the full Council in a public meeting to confirm commitment of resources.*
- (6) Initiate a joint conversation with the full Council and Manager, as priorities change or new ones arise, about any revisions to the Work Plan outside the annual review, so resources and budget can be evaluated and a decision made about which project to remove from the Work Plan to accommodate the new work.*

MANGER’S RESPONSIBILITIES:

- (1) Direct and monitor Staff on projects, process, and progress.*
- (2) Help Staff figure out the “weeds” and implementation strategies as appropriate.*
- (3) Respond to Council requests.*
- (4) Communicate frequently with Council on progress made on projects and strategic priorities.*
- (5) Address barriers and challenges with the Council and Staff as barriers and challenges surface, impacting progress made on projects and strategic priorities.*
- (7) Engage in a joint conversation with the full Council, as priorities change or new ones arise, about any revisions to the Work Plan outside the annual review, so resources and budget can be evaluated and a decision made about which project to remove from the Work Plan to accommodate the new work.*
- (6) Remove a project from the Work Plan if a decision is made to add a new priority or project outside of the annual review.*

STAFF RESPONSIBILITIES:

- (1) Communicate to the Manager a change in capacity or resources that would impact progress made on agreed projects in the Work Plan.*
- (2) Provide quarterly updates to the Council on actions completed on projects.*
- (3) Communicate to the Manager progress made on projects and strategic priorities and any barriers or challenges encountered impacting that progress.*
- (4) Inform the Manager of any requests received from the Council or community.*
- (5) Help the Council and Manager communicate the Work Plan and progress made to the community.*
- (6) Provide feedback to the Council and Manager at the annual review of this compact and the Work Plan.*

COMMUNICATION ABOUT THE WORK PLAN:

Council and Manager are committed to frequent two-way communication with each other, Staff and the community about the County’s strategic priorities and Work Plan. Some examples of how the parties will communicate are:

- *Meetings*
- *Emails*
- *Strategic Plan portal/SharePoint sites*
- *Public meetings*
- *County website*
- *Newsletter to employees and the community*
- *Employee town halls*
- *Social Media*
- *Other*

THE FISCAL YEAR 2022 WORK PLAN:

The County’s 2022 Strategic Priorities Are:

- **Transportation and Traffic Congestion:** The County will work closely with federal, state, and local governments, as well as regional transportation service providers, to plan for and make improvements to our transportation system to reduce traffic congestion and promote active transportation.
- **Local Housing Choice:** The County will work with state, private development interests and regional government partners to understand what is needed in workforce and other types of targeted need housing. The County will set policies and codes that work for the unincorporated portions of the County contributing to defined housing choices in our community; all done with a strict eye towards the way Summit County wants to grow.
- **Environmental Stewardship:** The County will demonstrate leadership in implementing plans and policies to secure, preserve and protect our water, land, and air quality for the present and future, as well as implement an internal organizational culture that supports environmental stewardship. This public health issue is led through our Health Department and Community Development Department, but requires a collaborative, all-of-government effort to achieve the ideal.
- **Land Use and Regional Planning:** The County will review and refine the General Plans and Development Codes that reflect a desired growth pattern that is developed in conjunction with other local governments in Summit County and our region, focusing on improving and connecting the regions physical, natural, and economic environments and communities.

Attachment:

Fiscal Year 2022 Work Plan Project List

County Council Signatures:

_____ Date: _____ Date: _____

_____ Date: _____ Date: _____

_____ Date: _____

County Manager Signature:

_____ Date: _____



PROCLAMATION RECOGNIZING

JAMI R. BRACKIN

FOR 20+ YEARS OF PUBLIC SERVICE TO THE CITIZENS OF

SUMMIT COUNTY, UTAH

AND DECLARING THAT JAMI BRACKIN WILL BE SORELY MISSED AND FORMALLY EXTENDING SUMMIT COUNTY’S GRATITUDE FOR HER SELFLESS YEARS OF DEDICATION AND SERVICE EVEN THOUGH SHE IS MOVING SOMEWHERE WARM

Whereas, Jami Brackin spent almost twenty-one (21) years as a dedicated Deputy County Attorney for Summit County, a role she served in with distinction and integrity; and

Whereas, Jami completed her undergraduate education at a university known inside the State of South Carolina as “the other USC;” and

Whereas, Jami obtained her law degree from “the other law school” in the State of Utah; and

Whereas, prior to joining Summit County, Jami spent the early days of her career working as:

- A celebrity wrangler at Mark Goodson Productions in Los Angeles, California;
- An intern at the United States Attorney’s Office in Washington, D.C.;
- A summer law clerk at Goody and Lubing in Jackson, Wyoming;
- A law clerk at Clyde, Pratt and Snow in Salt Lake City, Utah;
- An adjunct instructor at Western Wyoming Community College;
- The City Attorney for the Town of Lyman, Wyoming; and

Whereas, Jami once danced with Fred Astaire, but most of us cannot dance without imitating a large flightless bird; and

Whereas, Jami lived through the Canyons developments, no fewer than four County Attorneys, and has been a fixture at the Snyderville Basin Planning Commission meetings; and

Whereas, Jami has knowingly, and subject only to mild duress and coercion, served Summit County in multiple Legislative sessions; and

Whereas, Jami has a plethora of knowledge of all things EPA; and

Whereas, at Summit County, Jami, vampire-like in her ability to toil during nighttime hours, has burnt the midnight oil preparing and litigating the Hideout Annexation; and

Whereas, Jami was a host for the 2002 Canadian Olympic Team and played a vital role at the Olympic Command Center; and

Whereas, off-the-job Jami has a personality that is fun, infectious, and the life of the party; and

Whereas, on-the-job Jami may or may not have individually filled enough swear jars to treat the entire County Attorney’s Office to brunch at La Caille – twice; and

Whereas, Jami knows where all the bodies are buried, and nobody wants her to leave upset; and

Whereas, everyone always knows what is on Jami’s mind because she does not have a “poker face;” and

Whereas, Dave will miss being Jami’s sounding board (not); and

Whereas, Jami loves dressing up for Halloween, playing Bunco, golfing, the beach, reading, her kids and her grandkid; and

Whereas, Jami has been a trustworthy, fair, and thorough Deputy County Attorney in Summit County; and

Whereas, Jami’s presence will be dearly missed;

Now, therefore, be it resolved that the Summit County Council does hereby recognize and honor Jami Brackin for her dedicated and irreplaceable service, and thanks her for 20-plus years of service to Summit County.

APPROVED AND ADOPTED this 2nd day of February, 2022, BY THE SUMMIT COUNTY COUNCIL.

Glenn Wright

Christopher F. Robinson, Chair

Doug Clyde

Roger Armstrong, Vice Chair

Malena Stevens

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
NEWPARK HOTEL CONFERENCE CENTER
1476 NEWPARK BLVD, PARK CITY, UT 84098
WEDNESDAY, DECEMBER 1, 2021

Members of the County Council, presenters, and members of public, could attend by electronic means, using Zoom (phone or video). Such members could fully participate in the proceedings as if physically present.

To view Council meeting, live, remotely, attendees visited the “Summit County, Utah” Facebook page

OR

To participate in Council meeting remotely, attendees joined the Zoom webinar at <https://zoom.us/j/772302472>

OR

To listen by phone only attendees dialed 1-301-715-8592, Webinar ID: 772 302 472

PRESENT:

Glenn Wright, *Council Chair*
Chris Robinson, *Council Vice-Chair*
Doug Clyde, *Council Member*
Malena Stevens, *Council Member*
Roger Armstrong, *Council Member*

Tom Fisher, *Manager*
Janna Young, *Deputy Manager*
Annette Singleton, *Executive Assistant*
Margaret Olson, *Attorney*
Dave Thomas, *Civil Chief Deputy Attorney*
Jami Brackin, *Deputy Attorney*
Kirsten Whetstone, *AICP, Planner*
Pat Putt, *Community Development Director*
Jeff Gochmour, *Dev. Dir. Dakota Pacific Real Estate*
Marc Stanworth, *CEO, Dakota Pacific Real Estate*
Dan Hemmert, *Ex. Dir., Gov.’s Ofc. Econ Dev.*
Eve Furse, *Clerk*
Amy Price, *Chief Deputy Clerk*
Brian Craven, *IT Specialist*

ON ZOOM:

The Council was called to order at 6:00 P.M.

Presentation, public input session, and possible adoption of amendments to the 2008 Summit Research Park Development Agreement to amend allowed land uses and to approve a revised master land use plan, according to Ordinance 698-A, an Ordinance approving and adopting Amendments to the Development Agreement for the Summit Research Park at Kimball Junction (aka Park City Junction); Kirsten Whetstone, Pat Putt, Jami Brackin and Applicant Jeff Gochnour (6:00 P.M.)

Pat Putt, Community Development Director, welcomed the attendees and explained the plan for the evening. (6:01 P.M.)

(6:05 P.M.) Marc Stanworth, CEO, Dakota Pacific Real Estate, and Jeff Gochnour, Development Director, Dakota Pacific Real Estate, presented the historical background on the 2008 Summit Research Park Development Agreement as well as their vision for the project and proposed amendments. They explained that this is a choice between two different projects—Option A or Option B—Option A being what the current Development Agreement allows and Option B being the proposed changes to the Agreement. This is not a choice between growth and no growth. Dakota Pacific has a path forward under either option. The Kimball Junction Neighborhood Master Plan motivated the proposed changes. Additionally, Dakota Pacific recognized that creating a fly under for through traffic and allowing surface traffic to go east and west through the Olympic and Ute intersections would make a definite, positive impact on Kimball Junction. The new proposal would allow creation of an HTRZ (Housing and Transit Reinvestment Zone) and a PID (Public Infrastructure District), both of which would help pay for traffic improvements. The new proposal also allows additional affordable housing and increased sustainability measures compared to that under the original Development Agreement.

(6:31 P.M.) Dan Hemmert, Executive Director of the Governor's Office of Economic Opportunity, presented an economic perspective as to why the Governor's office supports the project. The Office administers the HTRZ program. Mr. Hemmert explained that the HTRZ is meant to encourage smart growth around transit hubs. UDOT is instructed to prioritize projects within these zones. Having an HTRZ also allows the County to control/direct up to 80% of the property tax increment for use within the HTRZ. The approval process for an HTRZ is an objective process based solely on whether the Zone qualifies as an HTRZ, not whether the office likes the proposal or not.

Members of the public shouted out that Mr. Hemmert had previously worked for Dakota Pacific approximately seven years ago, which Mr. Hemmert confirmed.

(6:40 P.M.) Mr. Gochnour and Mr. Stanworth continued to present the proposal with details about the HTRZ, affordable housing, and sustainability in particular. They noted that 80% of the proposed project is conditioned on the successful HTRZ designation. They also read a letter of support submitted to the Council from the Speaker of the House and Senate President of the Utah Legislature.

(6:57 P.M.) Kirsten Whetstone, AICP, Planner, presented the staff report and how the proposal fits within the Snyderville Basin General Plan and the Kimball Junction Neighborhood Plan (2019).

(7:02 P.M.) Council Chair Wright asked the Council Members if they had any questions. The Council Members stated they would hold their questions until after they heard from the public. Council Member Armstrong asked for civility, noted the Council Members had received hundreds of emails. He asked those speaking to raise issues that haven't been thought of or to keep their comments short if they are repetitive. Council Member Armstrong thanked the citizens for being there, and Council Chair Wright stated it was good to have people in attendance.

Public Input (7:05 P.M.)

The public had the opportunity to submit comments to Council by emailing publiccomments@summitcounty.org by 12:00 p.m. on Wednesday, December 1, 2021. People who wished to interact with Council at 6:00 p.m. for public input were asked to follow the "Public Comment and Public Hearing Instructions".

Council Chair Wright opened the meeting for public input. He limited comments to three minutes for each speaker with the exception of James Anderson, to whom he gave 10 minutes as the legal representative of Friends of Summit County for Responsible Development. (7:06 P.M.)

(7:07 p.m.) **James Anderson** is an attorney with Clyde Snow & Sessions. He and Ted Barnes represent Friends of Summit County for Responsible Development. The Group urges the Council to vote no. Section 2.3 of the Snyderville Basin Development Code prohibits new residential entitlements until existing entitlements are significantly exhausted unless there is an exceptional countervailing public interest. Traffic and housing can be addressed without this change. Mr. Anderson contended that construction of more commercial space will have little to no immediate impact. If residential units are approved, those building will be built right away and increase the traffic burden right now. The delay in commercial development will give time to work with UDOT on the traffic issues over the next 20 years. There is overwhelming public opposition to the project. The Council should conduct an independent study of these impacts. Mr. Anderson stated that the group is prepared to go forward with a referendum if the Council goes forward with the proposal. He thanked the Council for its time.

(7:10 p.m.) **Bob Richer** lives in Snyderville Basin, works in Park City, and has lived in the County for 41 years. Mr. Richer prepared a speech against the proposed plan and appreciates the Council's time and effort. He asked Council to listen to the people, and vote no. The proposal is not ripe and too big. Mr. Richer urged Council to press on to find a more elegant solution. He proposed starting the process over in a way that is fair to the developer and fair to the community. Initially, he asked the County to request the developer give land to the County so it could build and control its own affordable housing. Additionally, he stated the County should request more land to increase the size of the transit hub and should reduce density, not increase it. The density of the project increased since the planning commission rejected it. He summarized by saying the County can do so much better.

(7:15 p.m.) **Gary Peacock** lives in the Synderville Basin and is retired. He spoke against the proposal reminding Counsel that it has an obligation to mirror the will of the people and that the Council Members are not trustees. Mr. Peacock noted the turnout at the meeting, the Change.org petition with 3500 signatures, 31 letters to the Park Record, and 4 or the 5 Op-Eds in the Park Record as evidence of the will of the people. He noted the lack of agreement from UDOT about improving the traffic situation and that 100% of the risk of their saying no falls on the citizens.

(7:18 p.m.) On Zoom: **Krista Dalton** of Silver Creek, works from home and lived in Newpark Terrace for three years. She attended all of the working sessions on this and felt like today was a threat requiring the Council to say yes to this proposal or the Dakota Pacific would develop and unsustainable tech park with no open space and no traffic solutions. Ms. Dalton questioned how adding 39% deed restricted housing while adding 61% market priced housing would improve the existing affordability problem. She also questioned whether new employees of the new commercial development moving in to the additional affordable housing would help the existing housing problem or just make it worse. She also wanted to know what the UDOT HTRZ prioritization meant in terms of years.

(7:20 P.M.) **Dave Kenton** lives in Ranch Place. He spoke against the proposal based on water consumption. According to statistics on water usage from the Summit County Water Distribution Company, the proposal will increase water consumption by 80 million gallons per year if on average, the additional residential units are occupied by two people. The latest hydrology study of the water district is from 1998. We are experiencing a water crisis with rationing around the corner. Dakota Pacific will be long gone by the time that happens having made millions in profit. Corporate greed must stop here and now.

(7:23 P.M) On Zoom: **Jessie Curtis** lives Salt Lake County and has taught at Ecker Hill Middle School for 8 years. He spoke in favor of the project. He would like to live in Summit County and likes the design options. But most important is the affordability of the proposed housing and proximity to the schools.

(7:25 P.M.) **Vincent Novack** lives in Sun Peak and moved here to escape rampant development elsewhere. Summit County residents have a strong desire to limit overdevelopment as demonstrated by repeated and recent support for open space bonds. Mr. Novack would like to see the proposal submitted to the public for a vote before doing this. He questioned how many communications have been received and what percentage are against the project. At a minimum follow the recommendations of the Planning Commission.

(7:28 P.M.) On Zoom: **Jill Lesh** lives in Old Town on Woodside Avenue and is retired. She is in favor of the proposal based on sustainability, expediting UDoT's interchange reconstruction, and providing for a future diversified economic base.

(7:29 P.M.) **Mitch Solomon** lives and works in the Snyderville Basin. He thanked the Council and staff for their service. They have a tough job, and we appreciate your work.

The Council's constituents oppose this project as is clear from the letters, signatures on the petition, the social media posts, the large donations and the people present at the meeting. There have been very few people in support of this project. The Council doesn't know better than the community on this project. The community has studied the project and agrees with the Planning Commission, who rejected the project. It won't solve the traffic problem. The impact of 3,000 new residents on our community is too great on the roads, water, fire, police, schools, health care, trails, and much more. Aside from the legal short comings and the likelihood of a referendum, the Council should follow the will of the people and the Planning Commission and vote against the project.

(7:33 P.M.) On Zoom: **Jeff Pearce** could not be heard.

(7:33 P.M.) **Jeff Revoy** lives in Silver Springs and moved here seven years ago from the Bay area. He founded a number of his own companies including one in Utah. He was a founder of Friends of Summit County and would like the opportunity to present formally other options and their own expert in a formal way. What was presented today is a false choice. They'd like to show alternatives. This project does not address workforce housing.

(7:37 P.M.) On Zoom: **Shellie Barrus** lives in Salt Lake City and has worked in Summit County for the last 11 years. She is the Executive Director of Habitat for Humanity and is speaking on behalf of the organization as a supporter of affordable housing and an employer in Summit County. Development will happen on this property no matter what. The inclusion of additional affordable housing in the proposal will help address the workforce housing shortage and help meet community needs. This is the right place to add affordable housing because of proximity to public transit and shopping. They wanted to make sure the housing is guaranteed for the Summit County workforce and at a price they can afford.

(7:38 P.M.) **Vince DeSimone** is retired, living in the Pinebrook area since 1979. County staff has been forthcoming about sharing information on transportation. That information is from a Dakota Pacific consultant and is driving the decision making. The existing traffic is a problem. This proposal, and the original development plan, should require an independent transit study, not one paid for by Dakota Pacific. Perhaps there is a third alternative not yet developed that would be more appropriate.

(7:41 P.M.) On Zoom: **Joy Harris** could not be heard.

(7:42 P.M.) **Jim Tedford** lives in SunPeak and is a retired school teacher. Economic diversification is more important today than in 2008 because the winter sports industry is not flourishing. Perhaps the difficulty with the Tech park has to do with poor marketing. Dakota Pacific should have to develop the property as it was zoned when they purchased it.

(7:43 P.M.) On Zoom: **Kelley Hart** is an urban planner and attorney living in the Snyderville Basin. Ms. Hart liked the PID proposal as long as the PID revenue is above and beyond standard taxes and that must be clearly stated. The developer should be paying direct impact fees to offset impacts. The traffic measures should have to be completed before the development goes forward. The prohibition on nightly rentals and investment properties must be enforceable. The traffic studies are outdated given how many people have moved to the area in the last year. Ms. Hart further noted that there

has to be destination density for an HTRZ to work, and Summit County doesn't have that. It is too spread out.

(7:47 P.M.) **Craig Kelly** lives and works in the Basin. There are traffic problems already. The more people who live here will only make every single problem worse. The economy will need to diversify, and there will need to be commercial space for that. The County needs to do a better job of pretending that public input matters.

(7:50 P.M.) On Zoom: **Beau Maxon** is a Kimball Junction business owner for the last 4 years and supports the development. The proposal will address the traffic problem somewhat. Finding employees in the current climate is difficult. Supplying additional workforce housing will help with that.

(7:51 P.M.) **Marlene Peacock** lives in Willow Creek Estates and is retired. She thanked her husband Gary Peacock for starting this campaign and Mitch and Jeff for stepping up and taking the fight to a different level. She wondered of those Council Members that are not seeking reelection, do you want this to be your legacy? And for those seeking reelection, keep in mind that the ballot box reflects the people's voice and there may be consequences.

(7:53 P.M.) On Zoom: **Kathy Mears** echoes the opposition and thanked the Council for having another hearing. Council has an enviable leadership position. Put the brakes on all pro-growth policies. You have community clout to say no. She firmly opposes the enormity of the proposed plan. Step back and reassess and do what the community is asking you to do. Redirect the planning department to do what is best for the community.

(7:56 P.M.) **Jason Owen** has been a resident of Silver Springs for the last 7 years. He read the 800 emails you received and only two were in favor of the development. He asked the County to conduct independent traffic, water, and a total economic cost analyses. His own analysis shows the cost of the project at over \$400 million in capital expenditures—police, EMT, and schools. Mr. Owens thinks there is an option C which is not A or B. There is a need for office space in this community, as shown by Kiln, that has to be addressed.

(7:59 P.M.) On Zoom: **Krista Lauer** lives in Sun Peak and is the Medical Director for a company in SLC and works from home. She shares the concerns already mentioned about water use and traffic. She overlooks 224 from her home. She sees the traffic backed up in the early afternoon. She is not anti-development but thinks the Junction is not the place. The developer noted that there is an increased interest in a tech department. She thanked the developer and the Council for listening to the public's concerns.

(8:02 P.M.) **Ulrik Binzer**, lives and works in the Basin. He started the petition that now has 3900 signers who all live in Summit County. He thinks at least 50% and probably more like 90% of the Council's constituents oppose this development. Only 2% are in favor it. It's a simple analysis. Only 55 housing units are truly affordable. There is also a 120,000 sq. ft. hotel, which will require 300 employees. So the argument does not make sense.

(8:04 P.M.) Zoom: **Angela Moschetta** lives and works in Old Town. This should be a forward looking, community forging development. The best way to solve the housing problem is to build more affordable units than market rate units and heavily dead restrict them to 80% AMI and below. The Council should work with UDoT on a wholistic solution for all of the traffic problems in the Snyderville Basin. The traffic study replied up is paid for by developer. Project needs more smart growth, with more affordable units, and office space or lab space.

(8:08 P.M.) **Heather Currie** lives in Old Town and works Summit County. Affordable housing presents the best opportunity for her to live here long term, and she is against the bill. She noted that the people in favor of the development are stating that they are interested in affordable housing. There are other was to do this without including a hotel and everything else. A 6% increase in population at the portal to Park City will drastically impact traffic. 152 units of affordable housing are not enough. This will exacerbate affordable housing while increasing the need for employees.

(8:10 P.M.) Zoom: **Thomas Cooke** lives in the Snyderville Basin, previously lived in Silver Summit and Park Meadows, back then local owners rented to local ski instructors. He read a quote from the Housing director for the town of Vail. We are not going to building our way out of the problem. Mr. Cook is the Chair of the Snyderville Planning Commission. At an earlier meeting Jim Charlier, Dakota Pacific Real Estate, said that there is demand for housing so it will get built somewhere it might as well get built here. That is not a compelling reason. The small number of affordable housing proposed is not helping. He urged the Council to consider the work the Planning Commission put in on this project.

(8:14 P.M.) **Ruby Diaz** is an Environmental Engineer in Salt Lake City and has two kids in the Park City School District. The County is in the middle of a severe drought. Air quality in the Park City area reached hazardous levels this year. Air quality will affect all of the community's health. This development will stress the fire departments and schools. Waste water treatment is not enough to keep the micropollutants and microcontaminants out of the water supply.

(8:17 P.M.) On Zoom: **David Kaiser** lived in Park City for 24 years and currently lives in Jeremy Ranch. He came in person but was turned away due to capacity at the meeting. He stated that the public is being presented with a false choice between the tech park and the proposed development. Dakota Pacific bought rights to build a tech park not to build a housing development. The County should be pushing for a better mix with more affordable housing and an outcome everyone can agree to.

(8:18 P.M.) **Petra Butler** has lived in Bear Hollow for 12 years. The traffic is a complete disaster. She has to plan the times she intends to cross Rt. 224 based on traffic patterns. Ms. Butler is frustrated about the additional money needed if this proposal comes to fruition. New schools will need to be built, and the public will have to pay that bill—new elementary school, new middle school, new high school. The other occupants of the project—retail workers, hotel workers—they will have to drive here. The new schools will

need more teachers. The project will generate the need for more affordable housing not meet the need. Please look for a plan C.

(8:21 P.M.) On Zoom: **Kim Wolfe** has lived in Jeremy Ranch for 4 years and opposes the project.

(8:22 P.M.) **Dee Downing** lives in Prospector and works at Red Ink Works as a landscaper. Housing and affordability have impeded her business. She cannot find people to work for her. Her lowest paid person makes \$20.00/hour, and she cannot find workers. This proposal is not innovative, and the community shouldn't even have to discuss it given the climate crisis and housing crisis. We need regenerative housing building, food security, and water security. Ms. Downing is pro development under some conditions that create live and vitality for the people who live her. She believes we can do better.

(8:25 P.M) Zoom: **Joy Harris** is a working mom who shops in Kimball Junction often and bought her home in Park City six years ago. She wouldn't be able to afford her home today if she had to buy it now. She is worried about her kids being about to afford to live in PC. She does not like that so many people want to shut the doors of Summit County to those coming after them. She is in favor of the project because it provides needed and affordable housing and helps address the traffic problem.

(8:26 P.M.) **Jorge Velarde** is retired and has lived here with his wife for 10 years because of the quality of life. His background is managing large multinational companies. Long term planning of more than 3 years is always wrong. In Dakota Pacific's estimation, the best-case scenario 10 years out is to move from an e to d with respect to traffic. In reality, the traffic will end up an e or an f. The County can do better master long term planning to sustain the quality of life the County has, which is amazing.

(8:28 P.M.) On Zoom: **Rob McNally** noted that places like Park City have physical limitations. We can't add 3000 residents here. The hope that this project will make UDOT pay attention is a pipe dream. Voting over the top of this opposition would be crazy. There is a clear outpouring. Mr. McNally recommends at the very least to delay the project, but really to just vote no.

(8:31 P.M.) **Reed Galen** lives in Willow Creek and offices at the Kiln. He has working in development and has given similar pitches in the past and thinks this one was as bad a pitch as he's seen. 5-2 on the Planning Commission means that the people who actually know about development thought this was a terrible idea. If the County goes forward with this, someone's going to sue. Mr. Galen offered to personally assist on a referendum if it is passed, and he stated he had done more ballot measures than anyone in the room. Mr. Galen remarked that the County was better off going back to the negotiating table. Dakota Pacific is never going to build a tech center. He explained that he understood how TIF (Tax Increment Financing) financing works, that Dakota Pacific will get to pay taxes at 2021 levels for the next 25 years. He indicated that Dakota Pacific had failed at trying to pull one over on the community.

(8:33 p.m.) On Zoom: **Ryan Fish** is disappointed with the mob mentality. His dealings with Dakota Pacific have always been good. As an employer he has had an impossible time finding workers who can live and work in Summit County. All his workers live in the Salt Lake valley. 70 % of employees commute from Salt Lake or Wasatch County. This development meets those needs. The project is not ideal, but it's a good project. He asked the Council to vote in favor of it.

(8:35 p.m.) **Kathy Sonzini** is a Utah native and moved to Park City in 1993 and Snyderville in 1994. She works in sales and has a perspective as a landlord with workforce tenants. 80% of her tenants have cars even though they live near bus stops. The idea that people will live here and not have cars is not going to happen. They like to go places the bus won't take them. She has watched all the Workforce housing go to nightly rentals. Incentives to stop apartments and condos from going to nightly rentals are needed. The idea of making traffic worse to get UDOT solve the traffic problem is absurd. It is likely saying we should have more drug addicts in order to get federal aid to help drug addicts.

(8:37 P.M.) On Zoom: **Norman Schwartz** lives in Jeremy Ranch. He is in the Real Estate business and is totally against the project. It will not fulfill any community needs and will create a drain on resources. The people the Council represents have said no. Elected representatives should follow the citizen's lead. The project creates more of an affordable housing need than the amount of affordable housing it adds, so it's a net loss. He implored the Council to do the right thing and vote no. The technology park hasn't been properly marketed as a tech center as demonstrated by the fact that Salt Lake City is having a tech boom.

(8:40 p.m.) **Mike Ruzek** works and lives in the Basin. He thanked Council for their time and service. The original approval had very specific uses. The County doesn't owe anything to the developer. He felt there are a lot of missteps taken in the project. There is a 2% vacancy in office space in Summit County. The tech center would fill up just like the Kiln. Mr. Ruzek stated that this is not the last place left in the County to put affordable housing. He pointed out that the left side of Rt. 224 from Kimball Junction to Canyons has 1100 units. Putting all that development on this one small area, and adding cars is too much. This project is right next to the Olympic Park. Mr. Ruzek stated that the County will get an updated Kimball junction if it gets the Olympics.

(8:43 p.m.) Zoom: **Austin Young** lived in Park City but moved away. Now he wants to move back but can't. He is a ski instructor with Park City Mountain Resort. This is the type of project needed to allow him to move back. He would rather live in Park City than commute. Mr. Young stated that the County could find solutions to the traffic problem. He supports the idea and asked Council to vote yes.

(8:45 P.M.) **Andre Shoumatoff** is a small business owner. He was a Summit County resident who had to move to Salt Lake. Kamas is further away. Wasatch County has 2600 homes slated for construction. Mr. Shoumatoff noted how the consequences of climate change should inform this decision. Within 20 years this County will have massive growth,

and within 30 years the ski industry will be decimated. Great Salt Lake will dry up. He is disappointed with the mob mentality right now. We need to support Dakota Pacific, the Planning Commission, and the County Council. These are the people the community has elected, and they are working hard to do what is best for the community. But, this proposal is bad; it is too much. The County needs affordable housing. He asked Dakota Pacific to retract this proposal, come back with a better one. He suggested that at that point, Counsel and the public should look at the proposal open mindedly.

(8:48 P.M.) Zoom: **Dave Staley** is a 30-year resident of Park City. Park City and the County collaborated to buy this piece of property to limit housing in the area. Redstone was supposed to be a great walkable community, but that effort failed. It's not the right solution. The community has spent millions of dollars to buy open space land. It's a disservice to vote in favor of this development and flies in the face of all of the bonds we have voted for. Now all the County needs to do is say no.

(8:51 P.M.) **Newt Collinson**, from Bitner Ranch Road, works from home. He spoke to address Council Chair Wright's Op-Ed in the Park Record. Putting more people in a compact area will not prevent global warming. There aren't an additional 1100 high paying jobs. So, people will have to commute to Salt Lake to live here. He noted that most of the comments were negative tonight. He therefore suggested that the Council move the project to a vote.

(8:52 P.M.) Zoom: **Jack Simpson**, is a 15-year-old, and is against Dakota Pacific's proposal. He is concerned because it will harm global warming.

(8:53 P.M.) **Emily O'Hara** is a 4th grader from Jeremy Ranch Elementary School. She is concerned that the project will destroy the natural beauty of the area. She asked the Council to please vote no.

(8:54 P.M.) Zoom **Richard Chapman**, couldn't be heard

(8:54 P.M.) **Thad Jacobs**, lives in Summit Park, has a business in Summit Park and in Park City. He agrees with everyone who spoke in favor of the project and thanked everyone who is involved and working on this project. The venom is misdirected. The resource drain and environmental impacts are magnitudes greater in what is going on around Park City. This plan almost triples the existing open space. We need more affordable housing.

(8:57 P.M.) Zoom: **Susan Daniero** is a full-time resident of Park City and a business owner in Park City and moved to Park City 5 years ago from Virginia. She believes the community will be a big part of the 2030 Olympics. UDOT will provide the necessary improvements for the 2030 Olympics. She finds it difficult to believe that Governor Cox and the Legislature would want the profits of one company to negatively impact the image of Utah in front of the world. The idea of a huge apartment complex at the bottom of Utah's iconic ski jumps should be enough to make the Council vote no. She stated that this was

an opportunity for Council Member Stevens to represent the citizens and vote no on the amendment despite supporting it when she was on the Planning Commission.

(8:59 P.M.) **Bill Pidwell** lives in Park Meadows and has lived in Park City for 25 years. He works with Orthopedic Partners, formerly Rosenberg, Cooley, & Metcalf Clinic. He thanked the Council Members for all of their work. He supports developers building out their rights, but doesn't support buying a project with the hope of getting the rights changed. To change it, the proposal has to be a win-win. The arguments in favor are nonsensical. Hence the whole room is wearing red. The idea of let's break the system so UDoT will come fix it is comical. He has zero desire to live through the breaking phase, which would likely last decades. The idea that Summit County needs the developer to go to the Legislature to get the interchange fixed is just disgusting. But, if the Legislature is that corrupt and this developer is that powerful make them prove it. Have the developer get the road fixed first then decide whether to allow development. Doing this against the will of citizens will lead to years of law suits and referenda. The Planning Commission got this one right. Please support them and vote no.

(9:02 p.m.) Zoom: **Todd Wolpert** would like Dakota Pacific to talk to Vail and the other resorts to figure out what could be beneficial for everyone. There have been plenty of conversations around the pluses and minuses around what we could do.

(9:02 p.m.) **Alan Ni** lives and works in Jeremy Ranch. He was pleased by the turn out and noted the community is truly united on this topic, which is not true of other issues facing the community this year. Mr. Ni acknowledged that there certainly is a workforce housing issue. He questioned why the community is taking and accelerating that issue with old school technology. There are many new housing tracks and more being planned. There is tremendous growth already in the works both at market and for workforce housing. The community just voted for an \$80 million school district bond and will need another \$50 million to meet its needs. This development wasn't even part of the consideration. The community also passed a \$50 million open space bond. With these bonds he doesn't know how much more the community will be able to absorb. He implored Council to vote no and to take a vote right now.

(9:06 p.m.) Zoom: **Mary**. Mary could not be heard by the room.

(9:06 p.m.) **Debbie Sebek** has lived in Silver Springs for 28 years now. She and her husband are self-employed, local landlords, and she has been a Deer Valley instructor. She has seen drastic changes in the traffic flow over that time. This is a special place. It's our home and community, and it's a resort town. We need to think about what makes it special and why people come here. During ski season it takes 1 hour to get from Deer Valley to Silver Springs. If she needs to go the Smith's to go shopping after skiing, it takes an hour and a half. We have a serious traffic problem. The traffic study shown must have been done during mud season. People have a choice about where to ski. Ms. Sebek has been told by people that they are not coming back because the traffic is insane. We have two funnels coming into City—one from I-80 and one is Kearns. This development will

block one. She stated she is completely against this and hopes the Council will reconsider.

(9:09 p.m.) Zoom: **Susan Adams** has lived in Park City resident for 17 years. She lives at Crestview Condos, and has for the last 6 years. She will be directly affected by the tech center. She is against the amendment and asks the Council to vote no.

(9:10 p.m.) **Mike Washington** is a 30-year resident of the Snyderville Basin, served 9 years on the planning commission and was here when the tech center deal was first brought to us. It eliminated a large chunk of density which was 25% larger than what is being proposed now. The deal was done, and everyone was happy. He thinks the deal is still a good deal and still has potential to benefit the County. This residential development at this place in the County is going to cost us for our schools, trails, rec. centers, and there is no benefit to it. It's a big net loss. He asked the Council to reject the project - it's not a matter of tweaking it. He thought they should vote now.

(9:12 p.m.) Zoom: **Emma Joyce**, lives in Salt Lake City, was a resident of the Timberline area. Her daughter still attends the Weilenmann School forcing her to commute every day. A development like this would make it more affordable for a single parent like herself to live in the area. She impacts the environment negatively by driving up the canyon daily. The land use currently in place has already developed the land. She why people would not want to concentrate use rather than develop an undeveloped area. She would love not to have to have a car and be able to walk everywhere. Ms. Joyce favors project. It would benefit lots of people who don't know about this proposal or hearing. She felt it was narrow minded not to share the area with other people. She was in favor of the project to enable some diversity so the population is not limited to the very wealthy or the very luck who got there when it was affordable.

(9:16 p.m.) **Jared Pulham**, has lived in Jeremy Ranch for the last three years. Water is his biggest concern. The area is in a severe 20-year drought; the reservoir is at 30%; he couldn't get his boat out this year because the Park Service couldn't get down its ramp. He would have like to have seen more data about affordable housing. Labor moves. 30 minutes is not a problematic commute. He liked Park City's appreciation for architecture. It seems like the codes were abandoned. This plan doesn't look like Park City. It looks like it's come out of Silicon Valley. If it is going to be developed let's think bigger, look broader, look ahead to the Olympics.

(9:19 p.m.) Zoom: **Ben Holzman** lives in Silver Springs and works in Snyderville Basin. It would increase the population in Snyderville by 40%. Please don't fall for the presentation of a false choice. This proposal increases the need for more affordable housing it does not help solve the problem. Summit County can find better ways to incentivize and fund affordable development. He asked for the vote tonight and for the Council to vote against it. Mr. Holzman also told the crowd not to worry: if this passes, it will go to a referendum.

(9:20 p.m.) **Bonnie Park** lives in Park Meadows and is a 42-year resident of Park City. She came in August and asked that the development agreement be brought up to a

standard, that Council had reviewed it, that the public had had a chance to review the agreement, and that the Council would then take public input. She didn't imagine this crowd would be here, and its due to a number of new members of our community. She was troubled by the workforce housing discussion. She was involved with Basin Recreation for years, the Citizens Allied for Responsible Transit, and the Recreation and Arts and Parks initiative. Our community can do amazing things together. Ms. Park related Miles Rademan's thoughts that the County should get Dakota Pacific to donate the land, and the County should build the work force housing so it is not driven by the profit motive. Ms. Park suggested putting together an interagency Blue-Ribbon Committee that addresses the whole community. Neighborhood planning should always involve the community or the development fails.

(9:24 p.m.) Zoom: **Maura Hanrahan** has lived in Park City for 29 years and works in Summit and Salt Lake Counties. She thanked the Council members for their hard work. She agrees with the objections already stated. There are already many units of affordable housing slated to be built. These are units the Council cannot impact. She would like to see staff map out how many units are already vested. The County should not be addressing the affordable housing issue by adding units that don't already have approval.

(9:25 p.m.) **Ian Tettelbach**, lives in Jeremy Ranch and is a student at Park City High School. The traffic problem interferes with the ability of kids to get to school already with a 10-30 minute delay and occasionally an hour. This will only make the problem worse. Sleep deprivation affects mental health, increases car accidents, diabetes, and heart health.

(9:28 p.m.) Zoom: **Kathy Higginson**, has lived in the Park City area for 40 years, and is now living in Silver Springs. She retired four years ago. She is very aware of the need for affordable housing. This project doesn't solve the problem, providing only 300 of the 4000 units needed.

(9:30 p.m.) **Kathy Pratchett** is from Jeremy Ranch. She stated that the County doesn't have enough water for this development as pointed out by her son in fifth grade. There are people who are calling in who don't live here and didn't vote for the Council Members. Ms. Pratchett stated that she did vote for the Council Members and pay taxes in the County. Putting in EV charging stations undermines the claim that the housing will be affordable. She lives here and doesn't even own a Tesla. She urged the members to vote no.

(9:32 p.m.) **Nadia Axakowski** lives in the Canyons and has been here for 2 ½ years. She is a realtor in Park City. She is against this development despite her financial interest. She didn't get a residential discount at the Canyons because Park City didn't have the infrastructure to have all these new families, and the Canyons was positioned as a short-term area. 50% of the development rights in the Canyons remain to be built out. How will the County support the existing entitled development? She suggested doing more affordable development where the County needs it like the affordable housing at the

Canyons. Ms. Axakowski asked the Council Members to vote no. The proposal is not in the best interest of Park City.

(9:34 p.m.) **Debi Scoggan** lives on Old Ranch Rd. and has lived in Park City for 33, but really 40 years with her family. She told the people who moved away because they couldn't afford it, that if they move back, they still won't be able to afford it. Her taxes have increased 130% in 8 years. She asked what the invisible threat is that has everyone but Council Member Armstrong pushing this project so vehemently. The Council is ignoring the General Plan. The Kimball Junction Master Plan never had viable buy in by the community. The people who sat on that committee were pro development and not representatives of the community. Conventional wisdom is that there was no real buy in for the community. Ms. Scoggan questioned why the developer have more weight with UDoT; the public are taxpayers; why would Dakota Pacific have more weight than taxpayers.

(9:38 p.m.) Zoom: **Alexis Smith** lives in Silver Creek and supports this project based on what it will do for this community.

(9:38 p.m.) **Lilah Rosenfield** grew up in the Snyderville Basin and lives in Pinebrook. She has a bachelor's degree in Urban and Regional Studies from the Department of City and Regional Planning from Cornell University and works as a Mountain Planner with SE Group. She spoke on her own behalf and not on behalf of her employer or any client. She thanked everyone for being present and participating. She says "Yes, in my back yard." Let's build this development. This community has grown tremendously in the last two years, changing the character of the community, and that is hard. But it is a good thing that more people should have the opportunity to experience this community. The Dakota Pacific development will provide high density development and walkable living. Ms. Rosenfield leans toward liberal. There are no concerns with gentrification, displacement, or exclusive benefits to the developer here. Up here, we are already the gentry. Gentrification isn't an issue. The alternatives are massive sprawl or continuing upward pressure on housing price, pricing out all but Mark Zuckerberg or Jeff Bezos. Alternatively, the County could expropriate the land and build commie blocks, but that's the next step. For now, build. Most of Summit County is zoned for low-density single-family housing. It's snob zoning. Single family housing is bad for the environment and bad for community. She advocated for a community moving toward a more European high-density mountain town model linked by public transit. She asked the community to reconsider their position and welcome newcomers into an inclusive community. She asked Council to reject NIMBY, snob zoning, and say yes to a, forward looking, sustainable, and inclusive mountain community.

(9:41 p.m.) Zoom: **Bassam Salem** is a 23-year resident of the Snyderville Basin currently residing in Ranch Place. He is the CEO of a software company in the basin with 25 employees, which he started just over 5 years ago. He thanked Council for what they do. *His connection cut out.*

(9:42 p.m.) **Jean Tabin** has lived in Snyderville Basin for 17 years and is a physician at the Moran. She is into green building, sustainability, and the environment. For the last ten years she has either rented or given her house to workforce people to live in. She stated this project is too big and does not address affordable housing issues. Ms. Tabin explained that approving the project based on what UDoT might or might not do is a bad idea. The County lacks the infrastructure to support this project. This project will increase traffic and increase the need for workforce housing. The community needs to build this area much more carefully. She doesn't understand why the Council is pushing it through.

(9:44 p.m.) Zoom: **Kael Westin** stated he was impressed with civic involvement. He was the Democrat who ran against Chris Stewart. He addressed the community, saying the bigger test is what the community does after this vote. He stated that he hopes there are workforce housing projects the community will support. The bigger question is what are we as Utah's going to do to get those people where they belong.

(9:45 p.m.) **Eric Moxham** has lived in Silver Spring for about two years after moving here from Austin, Texas. He is an executive in a software company focused on real estate. He knows a lot about the big players in real estate. Affordable housing is an issue in every ski town and growing city. He argued that this is not the right location. Kimball Junction is a complete disaster. It is not safe. There are accidents all the time. The Tech center was a great idea as originally conceived. The Tech industry is thriving and trying to attract employees. There is no better way to do that than have the amenities that exist in Park City with world class trails, resorts, and natural beauty. Dakota Pacific should be able to build the development it bought as entitled. Mr. Moxham rejects that idea that it's not a viable opportunity as a tech center. This is a huge County don't put more housing in an area that is already a disaster. He urged the Council to vote no, and go back to the drawing board with this developer. If they can't make it work as an office, they should sell it. There are plenty of other developers who would develop responsibly.

(9:48 p.m.) Zoom: neither **Lizzy Jordan** nor **Bassam Salem** could connect

(9:49 p.m.) **Edwin Rutan** has lived in Pinebrook for about 20 years. He is retired, but for the last 10 years of his legal career he was the City Attorney for Salt Lake City. He was impressed by the turnout – once or maybe twice in 10 years of meetings has he seen this kind of a turnout. This is not a 50/50 split. It's 90/10, 95/5. We believe in your experience and judgment to do what is best for the community, but if you are going to vote against such strong opposition you have an obligation to explain to the community based on the facts in terms the community can understand why this is the best opportunity. The facts are very heavily against this proposal. Until you can explain to us on the facts why this project should proceed, you should vote against it. The institutional credibility of the Council is on the line here. Once it's lost, you don't get it back very easily.

(9:52 p.m.) Zoom: **Bassam Salem** is a CEO of software company based in Kimball Junction. The company employs 25 fulltime people. The Company has been in existence for 5 years. He thanked the Council for making difficult decisions for the benefit of the community. He served as the chair of the Basin Planning Commission and was on the

Commission when this deal was made. The community purchased a large portion of the density. They created an opportunity to diversify the economy, so it would not be a tourism only destination. Don't ignore original agreement. They created a home for future tech companies. The County can't re-entitle property with density when the County paid to remove that density already. The County made this deal to promote high paying jobs and job opportunities. It's his dream for his business to be able to afford a place in the tech center. He also dreams that his kids to be able to afford to live in Summit County. Don't ignore the rationale behind the original agreement.

(9:55 p.m.) **Gina Mason** has lived in the Basin for 15 years and teaches in the Park City School District. She thanked everyone for voting in favor of the bond. She was concerned that they will not be able to handle another bond. She was concerned that the legacy being left behind if there is a yes vote on this proposal. The children won't reap any rewards from this. Workforce housing is a lengthy application process. Many teachers were rejected from the project on 40. She doesn't think the people who think this will help them move up here appreciate what it would take to be granted one of those units.

(9:58 p.m.) Zoom: **Dinah Vipond** lives in Liberty Peak. She lived in Jackson for 23 years and moved here in 2013. There aren't enough affordable housing units. It just doesn't need to go there. There isn't snow. The Council has to think about what it is doing. No one is saying anything about the wildlife. There are moose throughout this area. This proposal would put 1100 units on the small area. Liberty Peak is 150 units. That is 3000 additional people and every one has a car. Summit County needs to do better for keeping the employees here. This is not it.

(10:01 p.m.) **Josh Mann** is from Jeremy Ranch. You can't legally take account of schools on your decision. All of our schools are full, and the most likely place the school is going go is Bear Hollow. They own the property and considered it before. That's going to make traffic even worse at Kimball Junction. He doesn't like the plan but he likes the tech park and would like to give that a chance. He questioned whether this is really going to work. He questioned whether the County has enough water, whether the proposal will cure affordable housing, and whether UDoT is really going to build the underpass. UDoT wouldn't even allow a freeway exit for the Ecker Hill Park and Ride. Given the refusal to do that, he questions their willingness to build the underpass.

(10:04 p.m.) Zoom: **Ilene Sorenson** hoped everyone would get home safely and appreciates everyone getting involved. If Dakota Pacific is going to bring development, the plan has to be remarkable, with sustainability, environmentally consciousness, and conservation. With all the brilliant people commenting, she suggested that maybe the community ought to suggest to Dakota Pacific what it wants.

(10:05 p.m.) **Brice McKalip** works in Summit County in the tech industry and lives in Redstone. He chose Redstone because it was away from the tourist crowds. He hoped a tech company would come in. He would like to see the day when he can walk to work. Tech companies are hiring in PC right now. The Kiln working space is already full in less

than a year. He doesn't want the Council to give up on the idea of a tech center. Tech employees want the office environment. We are humans and want to work with people.

(10:07 p.m.) Zoom: **Ed Parrigian** started by talking about countervailing community interest. Countervailing community interest is the reason you can change the development on this. The County could bring in a senior care facility. The County doesn't have any of that; it would be good for our community. Let's include everyone; this is a perfect spot for senior care and senior living space. That would give you a countervailing community benefit. A few extra workforce housing units doesn't speak to a countervailing community benefit. The underpass isn't the answer. By Dakota Pacific's own admission, the underpass only takes traffic from an F to an E; that isn't really a fix.

(10:10 p.m.) **Liz McCaffrey** lives in the Silver Creek area. We've had a problem with a new subdivision that has not improved even though the development was supposed to fix the traffic problem. We need to fix the traffic problem first. We should not be doing all these new projects without first fixing traffic.

(10:12 p.m.) Zoom: **Brooke Jacobs** lives in Summit Park and owns a business in Kimball Junction. She's lived in the Park City area for 25 years. One of the most alarming changes she's seen is the lack of affordable housing for young families. If her family had lost their home due to the fire they would not be able to afford to continue living in Summit County. While one development won't solve the issue at least their addressing it. Her company pays \$20/hour with full benefits but are unable to fill their open positions. They are a health care facility and even their doctors can't afford to live in Summit County. This is an issue for all of the employers she talks to. This project will also force UDoT's hand. Having silicon slopes in Park City will bring an influx of thousands of commuters, which will not help traffic at all. She asked the Council to please vote yes because she didn't want to gamble on a nonexistent plan C.

(10:15 p.m.) **Bill Silliman** lives in Highland Estates. He is a retired pharmacist and current photographer. There was a senior retirement center in Highland Estates for 5 years. It just closed. It has 18 rooms. It's up for sale. They didn't make it.

(10:16 p.m.) Zoom: **Kathy Becker** lives in Fox Point. She thanked the Council Members as well as the community for coming out tonight. Civic engagement is hard and tiring, but it's really valuable.

(10:16 p.m.) Zoom: **Bradley Smith** moved to PC in the mid-80s. He moved away for work and came back to raise his family. He is the Assistant Coach of the High School girls tennis team. He is in favor of the project because he believes the locally based developers with ties to the community want what's best for the community. Much better than some foreign developer. There is no viable way to address traffic without the County taking this first step. Mr. Smith is ashamed of the community members who moved here and now say no one else can.

(10:18 p.m.) **Carolyn Lewis** lives in Pinebrook and moved here 5 years ago from Atlanta. She has working in the apartment industry for 16 years and is a huge proponent of apartment development. Her concern stems from her management of 1100 unit developments before. One of them had their own police department, own gas station. It's a lot of people. She stated that 150 additional units isn't going to solve the problem. She encouraged the Council to visit a housing development of that size so you can envision it. A lot of people who have spoken are retired, but we have to think about our future. Remote workspaces are going quickly. Think about this in our community, listen, keep the quality of life in mind.

(10:20 p.m.) **Council Member Armstrong** corrected the misimpression that the 152 units at Liberty Peak are part of the 330 proposed with this project. That is not the case. Those units are complete. The 330 affordable units proposed are in addition to those units.

(10:21 p.m.) Zoom: **Cabot Woolley** expressed his pride in the community and its polite and intelligent discussion tonight. He lives in Jeremy Ranch with his wife and three children. His great, great, great uncle is the Kimball, Kimball Junction was named for. His wife's great, great, great Grandfather built what is now the Hi-Ute Ranch. Communities are strengthened when people live where they work. He would have stopped development more than 30 years ago, but that's not what's evolved. His parents live in old town and haven't had neighbors in years because the houses are rented out or only occupied a few months a year. His major concern is affordable housing. One of the special things about Park City is the people live here, work here, and go to school here. But this is diminishing year after year as it gets more unaffordable. He thinks adding housing to the development should be considered and would strengthen our community through diversity. He is impressed with the plan and thinks it would benefit the community and would help us improve the traffic situation.

An unidentified person at the microphone stated that Bradley Smith was a Dakota Pacific employee.

(10:24 p.m.) Zoom: **Matthew Nagie** can't be heard.

(10:24 p.m.) Zoom: **Katie Hammond**, lives in town and has lived in Park City for 30 years. She agreed with Cabot Woolley's statements. Growth is here. The traffic at the junction is terrible and is only going to get worse. She encouraged Council to approve the plan. It is the only option the County has to make a significant impact on the traffic coming into and out of our community.

(10:26 p.m.) Zoom: **Matthew Nagie** is 27 years old lives in Old Town and works as a Park City School District teacher. He is in favor of the project. The people speaking against the project are older. He's grew up in Park City and has lived here longer than many. His friends cannot afford to live in PC. He can live here because he got affordable housing through the City because he's a teacher. He thinks that the people who would be for the project have been forced out of the community because of affordability. Hearing people say there is not enough water for a dense multi-family development is irksome coming

from single family home owners who have lawns. The argument is being made in bad faith and is code for being just anti-development in general. He urges people to come out in favor of affordable housing. It's a little too late to come out in favor of it generally but against any specific proposal to provide it.

(10:29 p.m.) Zoom: **Mark Kruger** moved to Park City from Phoenix 3 years ago. Traffic was bad there, and traffic is bad here. If the tech center were built, we'd have more people driving up from the valley. He supports the changes. They create more housing to allow young people and families to move here.

(10:31 p.m.) Zoom: **Canice Hart** served on the planning commission for 2+ terms, helped rewrite the general plan, served on the Kimball Junction blue ribbon committee, and spent a year and a half looking at the Dakota Pacific proposal. He gave a negative recommendation and his comments are on the record. He thought the Council was in an interesting position. The common thread he heard was when people were for the project it was because they supported affordable housing. His analysis was that this puts the county in a net negative because it will create more jobs than affordable housing. In 2017, UDoT promised to do a traffic study. This is the same study that Dakota Pacific was able to get. He wanted to correct misinformation as to what the benefits are.

(10:34 p.m.) Zoom: **Justin Hammond** is a 12-year resident of Redstone and then Park Meadows. He was for the project in hopes this will solve the traffic problem. He works in Salt Lake and drives through Kimball Junction every day. If they can help put through a solution, he's in favor of it.

Council Chair Wright closed public input. (10:35 P.M.)

Council Members addressed those present thanking people for their attendance and thoughtful and respectful comments. They expressed that there were a lot of facts and opinions to review and would like time to do that.

Council Member Robinson moved to adjourn; Council Member Stevens seconded the motion; all voted in favor, 5-0. (10:56 P.M.)

The Council meeting adjourned at 10:56 P.M.

Glenn Wright, Chair

Eve Furse, Clerk



Summit County's Annual Legislative Reception

Monday, January 10, 2022

6-7:30pm

Zoom Webinar: <https://summitcountyut.zoom.us/j/95780612631>

MINUTES

PRESENT on Zoom:

Chris Robinson, *Council Chair*
Malena Stevens, *Council Member*
Roger Armstrong, *Council Vice Chair*
Glenn Wright, *Council Chair*

Tom Fisher, *Manager*
Janna Young, *Deputy Manager*
Matt Leavitt, *Financial Officer*
Margaret Olson, *Attorney*
Eve Furse, *Clerk*
Rhonda Francis, *Recorder/Surveyor*
Justin Martinez, *Sheriff*
Corrie Forsling, *Treasurer*
Patrick Putt, *Community Development Dir.*
Derek Siddoway, *Comm'n & Pub. Engagement Dir.*
Dana Jones, *Snyderville Basin Rec Dist. Dir.*
Aaron Newman, *Dir. of Behavioral Health*
Jeff Jones, *Economic Dev. & Housing Dir.*
Dave Thomas, *Civil Chief Deputy Attorney*
Andrew Wright, *Administrative Lieutenant*
Bridget Conway, *Comm'n & Pub. Engagement Deputy Dir.*
Lisa Wilkinson, *Grants Coordinator*
Kim Carson, *Chair High Valley Transit*
Caroline Rodriguez, *E.D. High Valley Transit*
Emily Quinton, *Sustainability Coordinator*
Brian Craven, *IT Specialist*
Sen. Ron Winterton, *Dist. 26*
Rep. Brian King, *Dist. 28*
Rep. Kera Birkeland, *Dist. 53*
Rep. Mike Kohler, *Dist. 54 (joined later)*

Welcome message and introductions (Chris Robinson, Council Chair) 6:03pm

Council Chair Robinson welcomed the participants and introduced each of the County attendees stating their rolls with the County. Following those brief introductions, Chair Robinson asked the State Legislative guests to introduce themselves.

6:07 p.m. **Senator Winterton** started off by explaining that he advocates for counties and cities, doesn't want to harm locals, and is concerned about legislation without funding. He is sponsoring a number of bills this year that clean up legislative definitions so courts don't have to make law.

6:09 p.m. **Representative King** explained that he represents House District 28, which includes a small section of Summit County and that he has enjoyed representing the County since 2011. He stated that he appreciated Senator Winterton's statements about local control and that he wants the Legislature to respect our local subdivisions. He stated that he has open ears and an open mailbox—text or email if him if he can help.

6:12 p.m. **Representative Birkeland** ran for office to help make government more efficient. She knows how hard it can be to get things done and seeks to change that. Representative Birkeland wants to be a good liaison. She wants to improve education by providing local choice so that each school district can spend the money they get the way they see fit to best benefit their students. Representative Birkeland is also very involved with criminal justice reform and serves as the Vice Chair of the Executive Offices and Criminal Justice Appropriations Subcommittee. The prison audit came out last month. She stated that we incarcerate too many people and need to provide tools other than incarceration to address these situations. She was also concerned about the audit results showing that Utah needs to take better care of the people we incarcerate.

6:16 p.m. **Presentation of Summit County's issues and requests for the 2022 session**

- 6:16 p.m. **Transportation and transit funding** (Tom Fisher) County Manager Fisher discussed the County's particular concerns about traffic, public transportation, and funding issues. He discussed the likelihood that the legislature will be allocating surpluses, ARPA funds, and the federal infrastructure bill and would enjoy being at the table to discuss Summit County's countywide needs during these processes. Manager Fisher talked about the launch of High Valley Transit and thanked the Legislators for their help. He talked about working with Wasatch County toward expanding High Valley Transit.
 - 6:20 p.m. Kim Carson, Board Chair of High Valley Transit and former County Council Member, gave the history and a description of High Valley Transit and discussed current challenges. She detailed their greatest need right now is

construction of permanent maintenance and bus storage facilities. Currently, they are in the planning/design stage for those facilities but are still seeking funding. High Valley Transit is working on future regionalization of its services and has begun regular meeting with Wasatch County. Chair Carson invited the Legislators to contact her if they had any questions or would like to know more. She provided her contact information in the chat.

- 6:31 p.m. **Annexation** Dave Thomas, Civil Chief Deputy Attorney, discussed the County's concerns that the same parties who had previously advocated for passage of the annexation law that Senator Cullimore and Representative Musselman sponsored and that had to be repealed would again seek legislation to enable them to avoid the court rulings regarding the attempted Hideout Annexation. Attorney Thomas stated that every time these folks lose in court, they seek a legislative fix. He asked the Legislators to please be cautious about any annexation, conservation easement, and Sheriff sales bills. He did not anticipate that a specific bill would be run to address these concerns, but rather the proponents would seek to amend other bills to include the desired fixes. Attorney Thomas asked that if these bills come up, please call the Summit County Attorney's Office.
 - 6:38 pm **Land use** Pat Putt, Community Development Director, introduced himself as overseeing both planning and building services. Director Putt talked about the County having two planning commissions, each with its own planning code and general plan and that both Commissions were reviewing their general plans. He explained that the County is considering its decisions in concert with the municipalities with the goal of building in predictability for all concerned, infrastructure for the entire community, clean water, and sufficient sewer facilities. Local efficiency plan review and inspection services are key services his office provides. The time frames put on by recent legislation are really tough to meet. He is really proud of the Summit County crew because they promptly completed a record number of plan reviews and inspection services over the last year despite short time frames. When these things come up in the future, he stated that his office would appreciate solving these problems together. He explained that building up in Summit County can be complicated and different. By way of example he talked about the length of time inspecting a 20 or 30,000 square foot newly constructed home would take, and how such homes are not unusual in Summit County.

- 6:45 p.m. **Issues from independently elected offices:** Attorney (Margaret Olson), Assessor (Stephanie Poll), Auditor (Michael Howard), Clerk (Eve Furse), Recorder (Rhonda Francis), Sheriff (Justin Martinez), Treasurer (Corrie Forsling)
 - 6:45 p.m. Eve Furse, Clerk, mentioned that the Clerk's Office expected to see a number of bills about elections this year and would be monitoring them. She stated that she appreciated Senator Winterton's concern about unfunded mandates to the local governments, because that was a concern she shared particularly in connection with the election bills. Clerk Furse invited the Legislators to visit the Clerk's Office to see how elections were conducted. She also offered to be available to answer any questions about elections that might come up, and indicated she would be in touch as bills came up during the session.
 - 6:47 pm Justin Martinez, Sheriff, explained that retention and recruiting of Law Enforcement Officers (LEOs) was really difficult at the moment and really important. He asked the legislators to support efforts to improve retirement benefits available to LEOs and decrease the length of time needed between retirement and a post-retirement reemployment
 - 6:49 Representative Birkeland volunteered that she is supporting Representative Gwynn's bill to improve LEOs taking post-retirement employment first. She has a bill that would allow LEOs and teachers to return to public service part-time within 3 months after retirement. If Representative Gwynn's bill is successful in Committee, Representative Birkeland will substitute her bill to add the proposed reduction of time for post-retirement reemployment to educators.
 - 6:50 Council Member Stevens asked what the time frame was for educators to return to full time rather than part time employment post-retirement under Representative Birkeland's bill. Representative Birkeland responded that most of the retired educators she had spoken with wanted to return to part time work and were not interested in returning to full time work.

Legislators share 2022 session outlook & legislative priorities

6:52 p.m. Representative Kohler considers himself a defensive legislator, trying to prevent government from doing more than they ought to. He hopes to repeal the prohibition on impact fees for school districts and would like to try to stabilize tax increases for older people. He plans to offer some tweaks to the urban farming bill to make the process user

friendly. Representative Kohler provided his cell number and invited attendees to call or text.

6:55 p.m. Representative Birkeland hopes to use ARPA funds to build infrastructure across the state. She expects the Legislature will spend a lot of time on water issues. With respect to law enforcement she supports Representative Wilcox's legislation providing mental health treatment for officers and funding for de-escalation training. She expects time will be spent on affordable housing. She also has a couple of bills on athletics for high school students and adoption that she is running. Representative Birkeland provided her personal cell phone number.

6:58 p.m. Representative King is running a bill requiring preservation of evidence collected regarding commission of a felony for the length of time a person is in prison for the felony. The Bill is supported by the Rocky Mountain Innocence Project and is meant to allow for evidence to be retained to help prove innocence at a later date even if such technology may not exist at the time of trial. He is also working with Representative Eliason to expand mental health resources for state and county employees to make sure they receive the same benefits guaranteed by the federal Mental Health Parity and Addiction Equity Act. Representative King will again run a bill expanding background checks for firearms purchases. He is intrigued by the Governor's proposed grocery tax credit and has no problems with providing tax relief for those who need it, something he expects to see addressed in this year's legislature. Representative King provided his cell phone number.

7:06 p.m. Senator Winterton expressed his support for the County's efforts in transportation. He is concerned that Rt. 224 isn't elevated enough on the Utah Department of Transportation (UDoT)'s priority list and wants to keep pushing for the state to address the traffic problem. UDoT has said if we get the Olympics it will get fixed. He doesn't think the problem should wait for that contingency. He is excited about Wasatch County and Summit County working together on High Valley Transit. He has a committee bill on a rural filming incentive with no cap. It would provide a post-performance incentive—the filmmakers spend and then the state will give a percentage of money spent in the state back to the filmmakers. He is also running a definitions bill, SB 80, for the recorders about getting more definite mineral easements. There is also an agricultural resolution to recognize what they contribute to us—value, open spaces, food supply. Senator Winterton wants to protect conservation deeds. He is always happy to talk to a sponsor or help tweak a bill.

7:10pm **Q&A and facilitated discussion** (Legislators, county officials, staff, others)

Council Member Stevens thanked the Representatives and Senator for attending the meeting. She expressed her appreciation for their cooperation.

Council Member Armstrong indicated that he had film industry clients and that film industry incentives are really necessary to finance films these days. He explained that the incentives bring films here, and without them the film makers will have to go elsewhere.

Much of the filming in Utah occurs in rural counties, and it is a great way to bring in revenue.

Council Chair Robinson summarized the discussion. Summit County is dealing with a lot of issues—congestion, affordable housing, water—all growth issues. We are all doing our best for our constituents, and it takes time. Sometimes people seek relief from higher authority—the Legislature. He asked the Legislators to give the County time to work through their processes. He thanked the Legislators for their attention to the Wasatch back and willingness to serve.

Deputy County Manager Janna Young-chimed in—introducing Derek Siddoway, Bridget Conway from the County Communications Department. She also introduced Lisa Wilkinson the County's new Grant Coordinator. Deputy Young explained that Summit County had been awarded two projects already—the Weber River Watershed Resilience Fund and the Senior Center Vans. She expressed how much the County values the Legislators' partnership and looks forward to continuing to working together.

7:24pm Reception ends.

Public Comment Instructions

2/2/2022

If you would like to make public comments, please email publiccomments@summitcounty.org by 12:00 p.m. on Wednesday, February 2nd. Your comments will be made part of the meeting record.

If you are wishing to interact with Council during the public input, please:

1. Go to <https://zoom.us/j/772302472>
2. Enter meeting ID: 772-302-2472
3. Type in your full name, so you are identified correctly.
4. Set up your audio preferences.
5. You will be muted upon entering the meeting.
6. If you would like to comment, press the "Raise Hand" button at the bottom of the chat window.
7. When it is your turn to comment, the moderator will unmute your microphone. You will then be muted again after you are done speaking.