

5:30 p.m. – Work Session

No motions or decisions will be considered during this session, which is open to the public.

6:00 p.m. – Council Meeting (Council Chambers)

A. Welcome & Roll Call

B. Pledge of Allegiance – Alan Arnold, Councilmember

C. Invocation – TBA, by invitation

D. Public Comment

(This is an opportunity to address the City Council regarding your concerns or ideas. No action will be taken during public comment. Please try to limit your comments to three minutes.)

E. Presentations and Reports

1. Mayor's Report
2. City Administration Report
 - a. Department Reports June
 - b. July Anniversaries Employee Recognition
 - c. Staffing Authorization Plans
 - d. Community Development Report
 - e. Legislative Summary Report

F. Consent Items

1. Consideration to approve meeting minutes from:
 - July 5, 2022 Council Work Session
 - July 5, 2022 Council Meeting

G. Action Items

1. Motion to approve a new liquor license local consent for Maverik, located at approximately 1472 West Riverdale Road, Riverdale Utah 84405.
Presented by Michelle Marigoni
2. Consideration of Ordinance #954 regarding proposed rezone request from Mobile Home Park-Recreational Vehicle Park (RMH-1) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately 671 West 4400 South, Riverdale, Utah 84405, as requested by H&H – 39th Street, LLC.
Presented by Mike Eggett
3. Consideration of Resolution #2022-26 adopting the Interlocal Cooperation Agreement for Hazardous Materials Recovery and Cleanup.
Presented by Jared Sholly
4. Consideration of Resolution #2022-27 adopting the amendment to the Interlocal Cooperative Agreement for seal and secure services.
Presented by Jared Sholly
5. Approval of Lease of Infrastructure Agreement with Eminent Technical Solutions (ETS) for the City's communication tower located near the city's water tanks and Roy Water Conservancy District's facility.
Presented by Cody Cardon

6. [Approval of Master Service Agreement renewal with Eminent Technical Solutions \(ETS\) with updated pricing.](#)
Presented by Cody Cardon

H. Comments

1. City Council
2. City Staff
3. Mayor

I. Adjournment

In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Offices (801) 394-5541 at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 15th day of July 2022 at the following locations: 1) Riverdale City Hall Noticing Board 2) the City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html> and 4) A copy was also provided to the Standard-Examiner.

Michelle Marigoni
Riverdale City Recorder

****The City Council meeting on July 19, 2022 is viewable electronically and may be accessed by clicking on the link below. The regular City Council Chambers will be available for in person participation with recommended social distancing followed. The agenda for the meeting is also attached above. ****

https://www.youtube.com/channel/UCegcYe-pIXSRZGd5llencvA/videos?view_as=subscriber

Minutes of the **Work Session** of the **Riverdale City Council** held Tuesday July 5, 2022, at 5:30 p.m., at the Civic Center in the Council Chambers, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present:

City Council:	Braden Mitchell, Mayor Alan Arnold, Councilmember Bart Stevens, Councilmember Steve Hilton, Councilmember Anne Hansen, Councilmember Karina Merrill, Councilmember
City Employees:	Steve Brooks, City Administrator/Attorney Mike Eggett, Community Development Cody Cardon, Business Administration Scott Brenkman, Police Chief Michelle Marigoni, City Recorder

Excused:

The City Council Work Session meeting began at 5:30 p.m. Mayor Mitchell welcomed all in attendance. It was noted for the record that all Councilmembers were present, as well as city staff.

Councilmember Arnold moved to adjourn into closed session to discuss real property. This was seconded by Councilmember Hilton and received a unanimous vote.

Closed session to discuss real property pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law began at 5:33 pm.

Councilmember Arnold moved to adjourn the closed session and resume the work meeting. This was seconded by Councilmember Merrill and received a unanimous vote.

Open work session resumed at 5:48 p.m.

Public Comment:

Presentations and Reports:

Mayor's Report

Council Assignment Reports

Community Development Report

Consent Items

1. Consideration to approve meeting minutes from:
June 21, 2022 Council Work Session
June 21, 2022 Council Meeting

Mayor Mitchell asked if there were any changes to the minutes from the June 21 meetings. Councilmember Hanson asked to abstain from the vote since she was not present at the meeting. Mayor Mitchell said he noticed one change, as there was an incomplete sentence.

2. Consideration to set a public hearing for the truth in taxation process. – Hearing would need to be scheduled August 16 per Weber County.

Action Items

1. **Consideration of Ordinance #953 for proposed rezone request from Agricultural (A-1) Zoning to Single-Family Residential (R-1-6) Zoning for property located at approximately 3450 South Parker Drive, Riverdale, Utah 84405 as requested by Hugh Parke**
Mike Eggett

Mr. Eggett explained multiple comments were received at the public hearing, and that the rezone was recommended from PC. He briefly went over executive summary.

Mr. Brooks advised that any motions on this item need to have findings explained and comments need to be relevant to zoning only.

2. Consideration of Resolution #2022-23, for proposed AFCU – Operations Building Site Plan, property located at approximately 4624 South 1500 West, Riverdale Utah 84405, as requested by America First Federal Credit Union and AWA Engineering.

Mike Eggett, Community Development

Mr. Eggett went over executive summary.

No questions from council.

3. Consideration of Resolution #2022-24 authorizing execution of Second Addendum to Development Agreement between Riverdale City and Bach Land and Development, LLC as requested by Bach Land and Development, LLC.

Mike Eggett, Community Development

Mr. Eggett reminded councilors that this was extended for six months, and explained the updated agreement is the same as it was before sans the paragraph regarding the city property.

4. Consideration of Resolution #2022-25 authorizing execution of Development Agreement between Riverdale City and Riverdale Commercial Holdings, LLC as requested by Riverdale Commercial Holdings, LLC.

Mike Eggett, Community Development

Mr. Eggett went over the executive summary.

Ms. Hansen asked if it would be a problem to table this item due to the short time allowed to look at the materials. Mr. Eggett explained the documents are the same as the packet, but the exhibits were added later.

Comments

1. City Council:
2. City Staff:
3. Mayor:

Adjournment.

Having no further business to discuss, the Work Session was adjourned at 6:00 p.m.

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, July 5, 2022, at 6:00 p.m., at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present:

City Council:	Braden Mitchell, Mayor Alan Arnold, Councilmember Bart Stevens, Councilmember Steve Hilton, Councilmember Anne Hansen, Councilmember Karina Merrill, Councilmember
City Employees:	Steve Brooks, City Attorney/City Administrator Mike Eggett, Community Development Scott Brenkman, Police Chief Michelle Marigoni, City Recorder
Visitors:	Dennis Peters Hugh Parke Tim Snideman Natalie Nichols Kim Choate Ted Heap Jake Tate Paul Willey Veldon Wardle Tammy Donohoo Brandon Ames

Welcome & Roll Call

The City Council meeting began at 6:00 p.m. Mayor Mitchell called the meeting to order and welcomed all in attendance, including all Council Members, City Staff, and all members of the public.

Pledge of Allegiance – Steve Hilton

Invocation – Anne Hansen, Rajan Zed

Public Comment

Veldon Wardle, Riverdale City Resident, commented on item #1 the rezone. He said Mr. Purin has been a good neighbor, has kept the weeds down near the fence lines. He understands there must be a compelling reason to change the city plan. He has concerns that multiple truckloads of dirt were added, and that complaints of illegal dumping were taken to the city, but the city had no recourse for this. Now is an opportunity for the city to have recourse on this. The fill needs to be completely removed before any development can be done. Once the fill is removed, the area should be the same zoning as the neighboring properties. The developer should have it in writing that any negative effects, such as drainage issues, are paid for by the developer.

Mr. Arnold asked about the property levels. Mr. Wardle said it was previously about 6 inches below his property but is now about three feet above and slopes toward his property.

Mrs. Donohoo presented a petition form with signatures against the rezone. She said the soil testing has been done with no explanation. She is not opposed to development but would have problems with runoff and all the dirt. She would not like it to be back there.

Presentations and Reports

1. **Mayor's Report:** Senator Millner spoke at the sunrise service. Mayor Mitchell and former Mayor Burrows spoke to her after about sales tax. She is willing to set up a meeting later in the year with other representatives and Riverdale City to discuss the issue.

Mayor Mitchell, Steve Brooks, and Mike Eggett recognized Jeff Woody, building inspector, for 30 years of service. Mr. Eggett spoke about Jeff as an employee, friend, and associate who is a hard worker, a perfectionist, the best building inspector in the county and one of the most knowledgeable in the state regarding building code. He is courteous but also firm in dealing with people. He was presented with a certificate and gift.

2. **Council Assignment Reports**

3. Community Development Report

Mike Eggett reported:

- No new developments regarding Cheddar's
- Shake Shack preliminary will be before PC next week
- Take 5 is moving quickly
- Chick Fil A resubmitted their building permit for remodel
- Maverik on 1500 West now has signs up, but is delayed due to unavailability of concrete
- Sierra Trading Post and Home Goods will be moving into the old Gordman's building

Consent Items

1. Consideration to approve meeting minutes from:
June 21, 2022 Council Work Session
June 21, 2022 Council Meeting

Mayor Mitchell asked if there were any changes to the minutes from the June 21 meetings. There were no changes, other than those addressed in the work meeting. Councilmember Hansen asked to abstain from voting, as she was not present for the meeting. Councilmember Arnold made a motion to approve the minutes, Councilmember Hilton seconded the motion. Four Councilmembers voted in favor, with Councilmember Hansen abstaining.

2. Consideration to set a public hearing for the truth in taxation process.
Councilmember Arnold moved to set a public hearing for August 16, 2022. The motion was seconded by Councilmember Merrill, and all were in favor.

Action Items

1. **Consideration of Ordinance #953 for proposed rezone request from Agricultural (A-1) Zoning to Single-Family Residential (R-1-6) Zoning for property located at approximately 3450 South Parker Drive, Riverdale, Utah 84405 as requested by Hugh Parke**

Mike Eggett, Community Development went over the executive summary.

Discussion:

Mayor Mitchell asked if Mr. Hilton needed to disclose that this may affect him. Mr. Brooks explained there was no financial impact, therefore it shouldn't be an issue.

Councilmember. Hansen asked if the fill dirt issue could be required to be fixed before building. Mr. Eggett explained this would be required in the site plan process. It could also be a condition for moving forward in the process.

Councilmember Hilton stated that the property owner was issued a cease and desist when the fill was being brought in and recalled the owner promising to use it as a farm. He asked if the fill issues should be addressed before the rezone. He asked if it could be required that all 2 story homes be build on the north end of the property. Mr. Brooks said it could be added to the site plan requirements. He asked what legal standing council would have if they required it to be zoned the same as the neighboring properties. Mr. Brooks said what is requested should be what is addressed.

Councilmember Arnold said any time a rezone is done, control is lost, and the developer has the ordinances on their side. The property could be sold again or used for anything in R-1-6. There was flooding in the area in 2011 and it could happen again if the water level rises again. If the property is sold again, there is no way to require the helical piers and future homeowners may be at risk. The water issue is a serious problem in Riverglen, not merely an inconvenience. Whenever the next high water comes in, homes will flood. He would be upset if the rezone passes without a flood analysis. His main concern is what is going to happen in the next flood event. He would even go so far as to table this until a flood analysis could be done and more information is received.

Ms. Hansen recalled that everything Mr. Arnold was saying was exactly what was said when Riverglen was built. This is privately owned property and landowners have rights. The issues need to be taken care of, but she is nervous about pushing requirements on this owner that were not required of the developer for Riverglen.

Mr. Hilton agreed with everything Mr. Arnold said and that he had running water directly behind his fence line. He is concerned about property that will devalue the current homes' values. The property values need to be protected.

Mr. Arnold suggested it is not only a private property issue, but there will be city streets and drainage systems that will also have problems that will need to be addressed. Mr. Hilton said the city was blamed in 2011 for the water problems.

Mayor Mitchell said people told him he was crazy for moving there, and his house has flooded twice.

Ms. Hansen said the developers may be able address the issues. Mr. Brooks said it would probably require a development agreement, which is an option.

Mayor Mitchell reiterated it is the intent of the city to require all the illegal fill be removed.

Mr. Stevens said when the zoning is changed from A to R the value of the land is increased. He can't support it if the illegal fill remains.

Hugh Parke addressed the council and said a lot of these issues come up at plat and design, not at rezone. He is not sure if it is legal to deny a zoning request based on these issues, or to set requirements such as these for the rezone. He said fill issues are mitigated all the time, and they didn't bring in the fill, but they will take care of it. Engineers are willing to sign off on the construction methods without removing the fill. These issues should be left up to the professionals who know about it. As far as the flooding goes, there are no basements.

Mr. Arnold said these houses are not going to be the ones to flood, but the existing houses will. He would like to see a study for runoff and flooding. Someone who has gone to school may need to come in and educate council on these items. Mr. Parke said all these issues need to be addressed when the plat is being put together, not at the rezone.

Mayor Mitchell indicated the council seems to feel that if the rezone is approved, there is a chance the project will not end up being completed and then the city and residents would be held to the new zoning.

Dennis Peters, Parke's partner, asked if a qualified engineer and the city engineer say it is okay to leave it and address the concerns, if the council would still have a problem.

Councilmember Hansen said she would not have a problem with it.

Mr. Peters asked if they were responsible for the flooding that has happened and if they were to blame. Mr. Arnold said no one is being blamed, but that water runs downhill, into these basements.

Mr. Peters explained they are going to level, lower the dirt and do whatever the engineers say needs to be done. They don't want to increase the problem but shouldn't be responsible for problems in the neighboring property. Mr. Arnold said yes, due to the illegal fill. He said the fill is a separate issue from the flooding, as the fill was added after the flood happened. Mr. Arnold said the standing water was there before the fill, and raising the level there makes the water flow into the current developed properties.

Mr. Peters reiterated they will abide by whatever the qualified engineers say they need to do. Mr. Hilton said qualified engineers also approved his lot, which has had flooding.

Mr. Parke asked what made the fill illegal. Mr. Hilton said it was not compacted.

There was discussion between Mr. Peters and Mr. Hilton about foundation systems, soil types, earthquake standards, and liquefaction. Mr. Peters said the helical piers are effective and used almost exclusively in the St. George area and there are some in Riverton that go down 25 feet.

Mr. Arnold said going to R-1-6 means the city loses all control, and there is no way to guarantee that this plan will happen. Mr. Parke said he has done other developments in Riverdale that have all turned out beautifully. He only wants to develop on land that makes sense and that he can make the best solutions on for surrounding properties,

Mr. Peters suggested the city make a condition of the rezone that the flood study is done.

Mr. Arnold believed the rezone should be tabled until the results are received. If the standards are met, the rezone would be approved. If the standards are not met, the rezone would be denied. Mr. Peters said he would like to have the rezone approved now with the condition in place.

Mr. Hilton said he still prefers the property to be R-1-8.

Ms. Hansen said she is okay with it and there is a need for smaller lots and homes. She can see the benefit of it for the city if it is safe and will not cause problems in the future. She would be on board with the rezone after the studies.

Mr. Peters asked to see the petition that was submitted by the resident and said there is no reasoning listed other than "I don't want it" and that it will affect their home values.

Mayor Mitchell informed the petitioners that the general plan is being updated, and that currently the plan is showing agricultural. Mr. Peters said it says it can be used for low density housing. Mr. Eggett read the exact language from Area 5 of the general plan.

Mr. Peters said the development will increase the value of the neighboring homes. There was discussion about the types of homes and property values.

Ms. Hansen asked if the property was sold later, the council would still have the opportunity to require and possibly deny requests for development. Mr. Eggett said regardless of the property owner, the process would be the same. Mr. Arnold said the rezone will take away much of the control the council would have, as it would be subject to the zoning ordinance.

There was further discussion about the subdivision process.

Motion: Councilmember Arnold moved to table this item until a Geotech or flood analysis could be done, as they do not have enough information at this point.

Second: Councilmember Hilton

Roll Call Vote:

Councilmember Hansen: Yes
Councilmember Hilton: Yes
Councilmember Merrill: Yes
Councilmember Arnold: Yes
Councilmember Stevens: No

2. Consideration of Resolution #2022-23, for proposed AFCU – Operations Building Site Plan, property located at approximately 4624 South 1500 West, Riverdale Utah 84405, as requested by America First Federal Credit Union and AWA Engineering.

Mike Eggett, Community Development went over the executive summary.

Discussion:

Councilmember Hansen asked if the cost would all fall on AFCU. Mr. Eggett confirmed it would. She asked if there was any discussion or concerns about 1500 west being part of the historical Lincoln Highway Mr. Eggett said the historical spirit would still be maintained, even if the road was moved. There was general discussion about the Lincoln Highway and the historical significance.

Mr. Arnold said this is a beautiful plan, but that America First's grass is terrible right now. He asked if the new plan would be allowed dry up and die. Natalie Nichols, AWA, said there is very little plan for sod and the landscaping will be water conscious. They want the campus to look nice and not barren, so there will be some trees but not much sod. Mr. Eggett let council know that the plan has been through design review, and it was all compliant with the landscaping ordinances.

Motion: Councilmember Arnold moved to approve Resolution 2022-23 as written.

Second: Councilmember Hilton

Roll Call Vote:

Councilmember Hilton: Yes
Councilmember Stevens: Yes
Councilmember Hansen: Yes
Councilmember Merrill: Yes
Councilmember Arnold: Yes

3. Consideration of Resolution #2022-24 authorizing execution of Second Addendum to Development Agreement between Riverdale City and Bach Land and Development, LLC as requested by Bach Land and Development, LLC.

Mike Eggett, Community Development went over the executive summary and said the clause that was causing concern has been removed and there have been no other changes.

Mr. Brooks said city administration is good with the development agreement as written.

Mayor Mitchell asked about the redline in the packet on the development agreement. Mr. Eggett and Mr. Brooks explained it was the same in form, though a few wording changes had been made. There was discussion about the density. Mayor Mitchell asked about the number of units, which Mr. Eggett explained was the acreage multiplied by the density allowed.

Mr. Ames said water has not been found yet, and that the developers are still willing to work with the city to find an alternative solution.

Motion: Councilmember Arnold moved to approve

Second: Councilmember Hansen

Roll Call Vote:

Councilmember Merrill: Yes
Councilmember Arnold: Yes
Councilmember Stevens: Yes
Councilmember Hansen: Yes
Councilmember Hilton: Yes

4. Consideration of Resolution #2022-25 authorizing execution of Development Agreement between Riverdale City and Riverdale Commercial Holdings, LLC as requested by Riverdale Commercial Holdings, LLC.

Mike Eggett, Community Development went over the executive summary and the history of the development agreement.

Mr. Brooks explained the development agreement has been looked over and changed multiple times at the request of the city administration. The city feels comfortable with the agreement as it stands now, as it is a win-win for both the developer and the city.

Ms. Hansen said she is happy to see this has come this far, but she did not have much time to look at the materials. She feels she may need to vote against it for this reason if it is not able to be tabled.

Mr. Stevens and Mr. Hilton said they have no problem voting on this tonight.

Mr. Heap addressed the council and said he would like it to be approved as soon as possible. Mr. Hilton thanked him for his patience

Discussion:

Motion: Councilmember Arnold moved to approve Resolution 2022-25.

Second: Councilmember Hilton

Mr. Arnold suggested Ms. Hansen doesn't need to vote on this as an attorney and read everything but should be able to vote based on the recommendations of the staff.

Roll Call Vote:

Councilmember Stevens: Yes
Councilmember Hansen: Abstained
Councilmember Arnold: Yes
Councilmember Hilton: Yes
Councilmember Merrill: Yes

Mr. Arnold questioned the timeline of the project and when improvements would be started. Mr. Tate said the irrigation season is affecting the timeline.

Mr. Hilton said there are still a lot of warehouses, but no restaurants and asked if that was still in mind. Mr. Heap confirmed.

Comments

1. City Council:
2. City Staff:
3. Mayor:

Adjournment.

Having no further business to discuss, Councilmember Arnold made a motion to adjourn. Hilton seconded and the meeting was adjourned at 7:35 p.m.

Department Reports

June 2022

Business Administration:

Cody Cardon:

- Routine phone & computer problem resolution throughout the city.
- Routine management issues and resolution.
- Various meetings and trainings attended.
- Working on Monthly Accounting.
- Budgeting for FY2023
- Truth In Taxation and final acting budget

Stacey Comeau:

New Hires:	Issac Martinez	Community Services
	Mackenzzy Higgins	Community Services

Promotions:

Terminations:	Taylor Folk	Fire
	Joey Clark	Police

- Random drug testing for the month
- Processed semimonthly payroll
- Responded to job inquiries
- Updated Staffing Authorization Plan
- Prepared Employee Recognition
- Completed monthly payroll reconciliation
- Conducted exit interview with terminating/retiring employees
- Prepared ACH files for Rent, RDA, and Early Retiree payments
- Notarized various documents
- Responded to requests for RDA loan payoff and verification of employment, both verbally and in writing
- Prepared RDA loan disbursements
- Responded to inquiries on Purchase Assistance Program and RDA Loan Program
- Worked with various personnel to resolve issues and concerns

Chris Stone:

- Enjoyed some vacation time off.
- Completed the removed artificial plants and bark from between windows and cleaning all inside windows at the Civic Center.
- Put together some Veterans Memorial gift items for the City Council recognition of Mr. Dave Leahy.
- Cleaning of the Veterans Memorial.
- Order and pick up of custodial supplies.
- Covered for part-time custodial staff off sick or on vacation.
- Various updates to the city website and social media sites.
- Formatted the Annual Water Quality Report for printing.
- Completed the city newsletter for July.
- Completed the employee newsletter for July.

**RIVERDALE CITY
MONTHLY UTILITY REPORT
FOR MAYOR & CITY COUNCIL
JUNE 2022**

Water Fund

	Total Gallons Used (in thousands)	Total Billings	Total Customers Billed	Average Gallons used Per Customer (in thousands)	Average Bill Per Customer
Residential	27,223	\$ 45,871	2,190	12	\$ 20.95
Commercial	20,077	\$ 33,278	258	78	\$ 128.98

Sewer Fund

	Total Billings	Total Customers Billed	Average Bill Per Customer
Residential	\$ 55,396	2,168	\$ 25.55
Commercial	\$ 46,314	228	\$ 203.13

Storm Water Fund

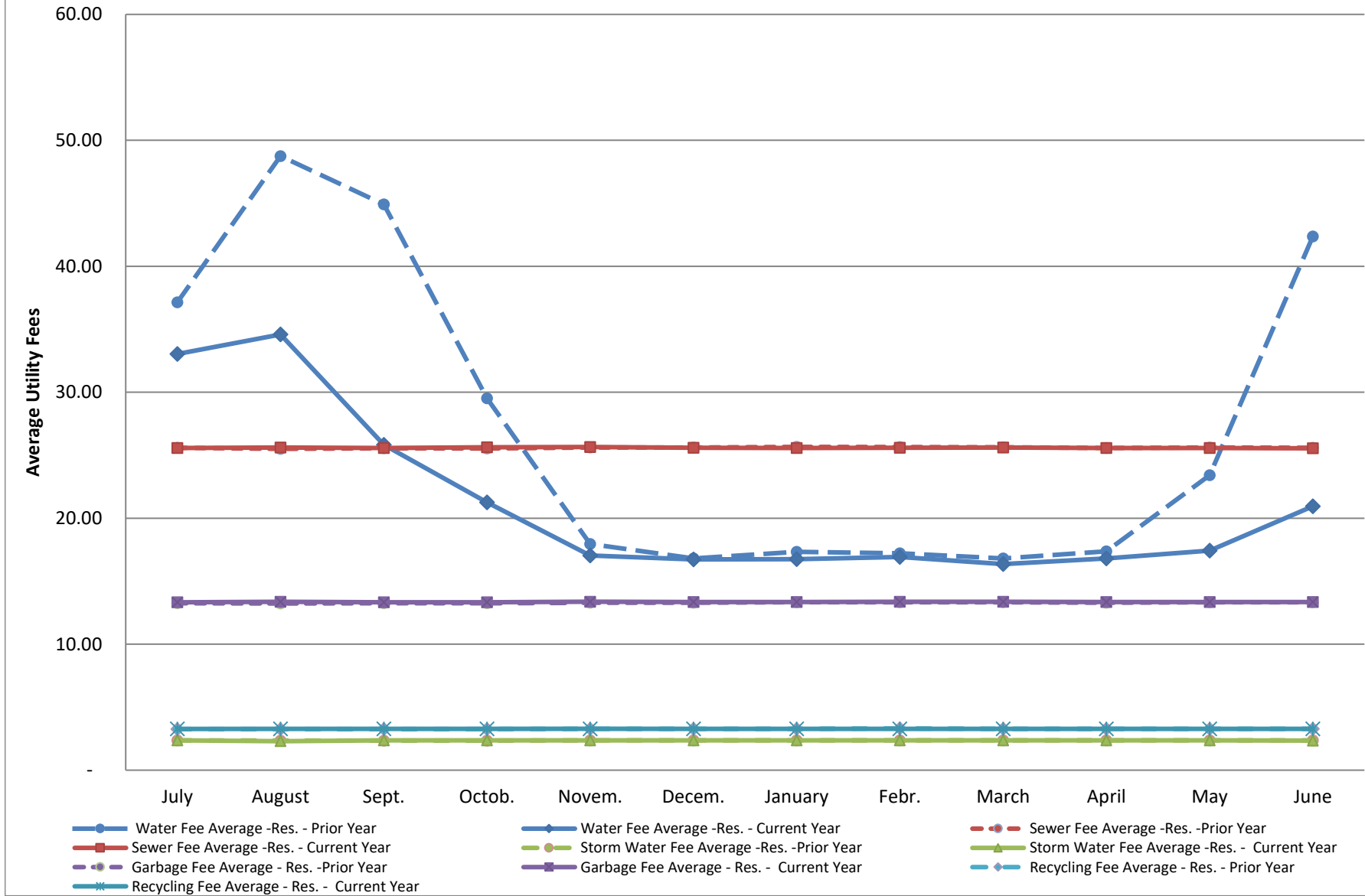
	Total Billings	Total Customers Billed	Average Bill Per Customer
Residential	\$ 5,150	2,186	\$ 2.36
Commercial	\$ 14,104	199	\$ 70.88

Garbage Fund

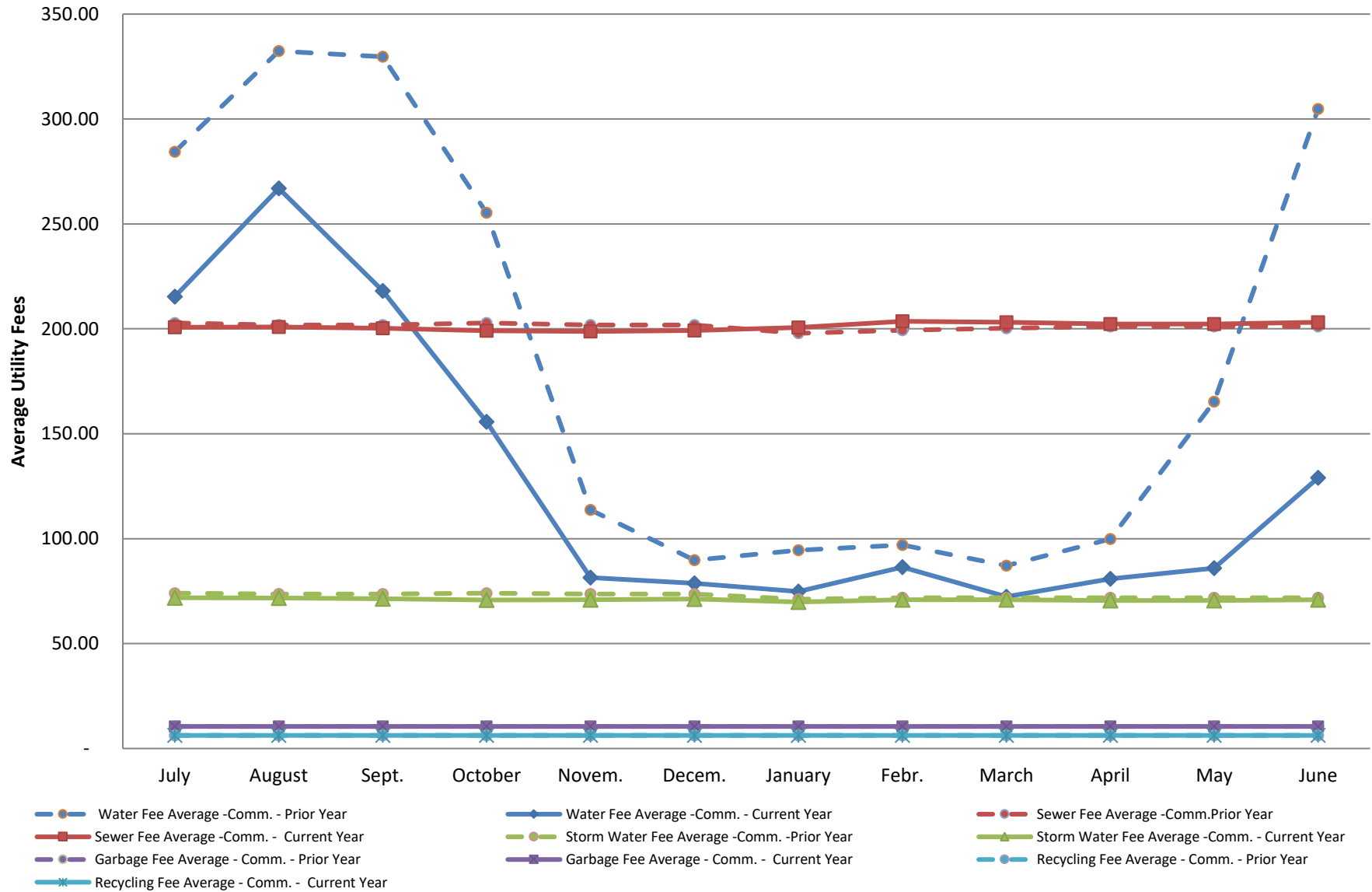
	Total Billings	Total Customers Billed	Average Bill Per Customer	
Residential - Garbage	\$ 28,745	2,152	\$ 13.36	*
Residential - Recycling	\$ 6,014	1,837	\$ 3.27	
Commercial - Garbage	\$ 21	2	\$ 10.52	*
Commercial - Recycling	\$ 19	3	\$ 6.24	

* Some garbage utility customers have more than one garbage can, this is an average of all customers.

Residential Average User Fees
Fiscal Year 2021 & 2022



Commercial Average User Fees Fiscal Year 2021 & 2022





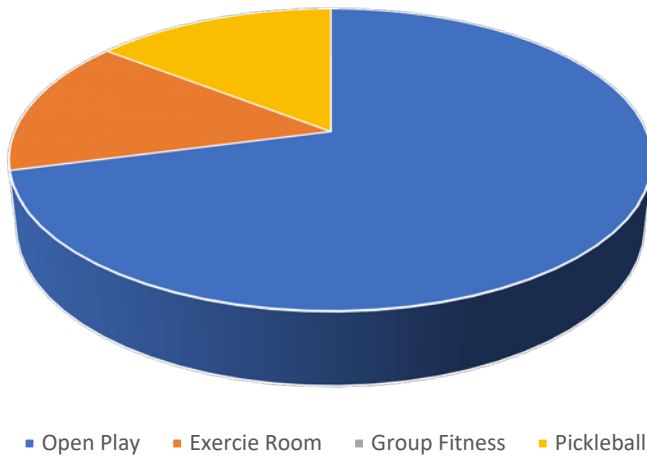
Mayor & City Council Monthly Summary Report June 2022

Community Development Department:

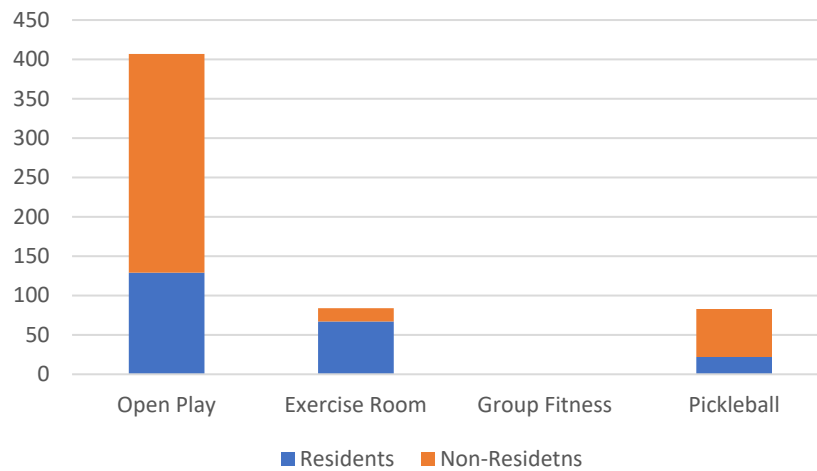
- Maverik (1500 Store Site) – Lath inspection
- Brookhaven Office Building Small (Air Force Tenant Improvement) – Electrical, mechanical, and plumbing inspections
- Brookhaven Office Building Large (Tenant Improvement) – Framing, electrical, mechanical, and plumbing inspections
- Royal Aesthetics Tenant Improvement – Plumbing, electrical, and insulation inspections
- 5th Ave Salon Studios Tenant Improvement – Framing and insulation inspections
- Shoe Carnival Remodel – Framing, electrical, and final inspections
- Take 5 – Footings inspections
- Ercanbrack Subdivision – Power, footings, foundation, plumbing, and final inspections
- Home inspections for various projects on residential lots
- Inspection of solar panel and equipment installation
- Meeting with property owners, contractors, and developers to discuss project plans
- Building plan drawings and documents review
- Fire inspections, sprinkler inspections, fire investigations, and associated fire checks for various businesses
- Pick-up of various signs in violation of sign ordinance
- Design Review Committee Meeting for AFCU new operations building project
- Design Review Committee Meeting for Buffalo Wild Wings exterior redesign
- Meeting with RDA staff re: West Bench RDA area development plans
- Meetings with RDA staff, Ted Heap/Paul Willie, AWA re: West Bench RDA area plans
- Meeting with AFCU team and AWA team re: AFCU campus redesign and roadway plans
- Meeting with Dee Hansen re: 550 West RDA area and other redevelopment plans
- Meeting with General Plan Consultant Review Committee re: General Plan Update
- Meeting with Tom Freeman re: Development ideas and concepts, introduction
- Quarterly City Training meeting attendance by department staff
- Department heads meetings attendance by department member
- 2022 Land Use Update training attendance by department member
- People's Legal Aid presentation attendance by department member
- Northern Utah Resilience and Preparedness Conference attendance by department member
- Weber County Emergency Managers meeting attendance by department member

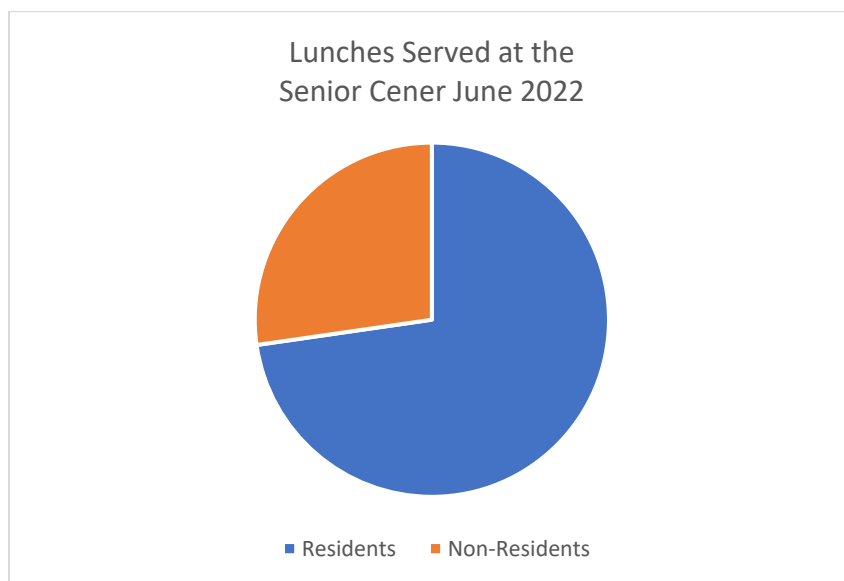
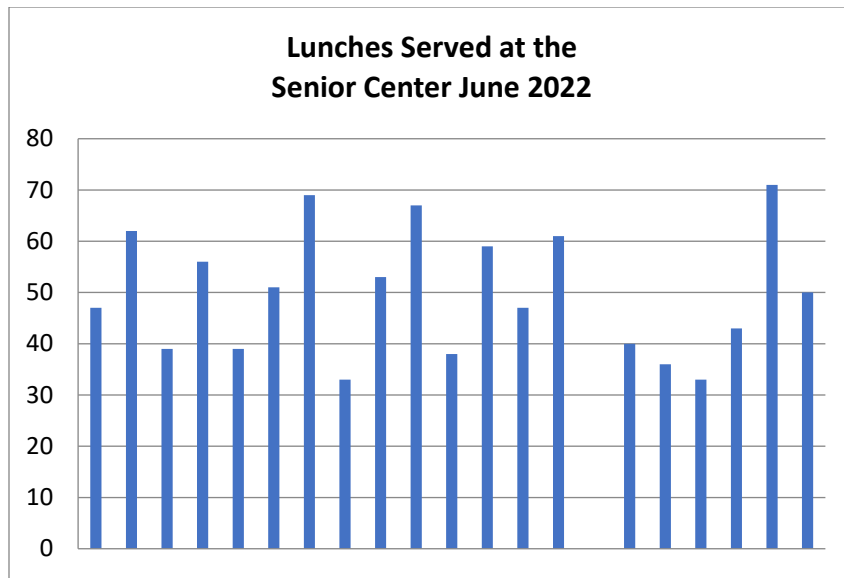
Fire Inspection / Code Enforcement Report: **see attached**

Community Center Usage June 2022



Community Center Usage June 2022





Community Services:

Attended staff meetings
 Held monthly departmental staff meeting
 Created monthly issue of Riverdale Connections
 Attended City Council
 Handled RDA housing duties

 Continued planning for Old Glory Days

 Met with Youth City Council

 Attended Roy Aquatic Swim Nights

Monthly report - June, 2022

Legal Dept., City Attorney - Steve Brooks:

- Resolutions/Ordinances work-
 - Legal work concerning - Fire interlocals, Water, Leslie's, GRAMMA, Bailiff, Senior center, West bench, Redd, Atkin, Drought, MOVU, Nuisances, RDA issues, Cooling zones, RDA loans, Legislative changes, Old Glory days, Budget, Des. Review, HAFB, AFCU, Sen. Center, Higgs, Truth in taxation, Bach, Spec. Events, Gen. Plan, Public defend., Trailer park, RDA audit, Cutrubeus, Landscaping.
- Legal research/review -
- Legal Department meetings/work -
- Planning commission review/ordin/mtgs/minutes
- Walk-ins/Police reviews/Court/Court screenings/Court filings
- Formal training attended-
- RSAC- Drug Court -
- Legal reviews of minutes/resolutions/ordinances
- Records request reviews

COURT MONTHLY REPORT

591 Total traffic cases	YTD 2487 (Jan. 1, 2022 to December 31, 2022)	
5 DUI	463 Moving violations	0 FTA
0 Reckless/DUI red.	89 Non-moving violations	0 Other
34 License violations	0 Parking	

74 Total Misdemeanor cases	YTD 290 (Jan. 1, 2022 to Dec. 31, 2022)	
5 Assault	0 Ill. sale Alc.	0 Dom. animal
18 Theft	1 Other liq. viol.	0 Wildlife
0 FTA	8 Contr. subst vio	0 Parks/rec.
4 Public intox	0 Bad checks	0 Planning zon./Fire/Health
		14 Dom. violence
		24 Other misd./infrac

430 Total cases disposed of this month	2103 Total number of cases disposed of for the year (Jan. 1, 2022 to Dec. 31, 2022)	
664 Total offenses this month	2773 Total offenses for year (Jan.1, 2022 to Dec. 31, 2022)	

Small Claims	Total number of cases for the year (Jan. 1, 2022 to Dec. 31, 2022) --	Filed=4 Settled/Dismissed=0
1 Cases filed	0 Trials	
0 Settled/dismissed	0 Default judgment	

# CITATIONS BY AGENCY	YTD (July 1, 2020 to June 30, 2021)	
Riverdale City	148	1692
UHP	142	1794

REVENUE/MISC. YTD (June 1, 2021 to May 31, 2022)

Total Revenue collected	\$ 81,613.89	\$ 686,514.63
Revenue Retained	\$ 47,133.14	\$ 415,147.85
Warrant Revenue	\$ 50,015.00	\$ 407,046.00
Issued warrants	83	795
Recalled warrants	78	1113

RSAC MONTHLY REPORT

7 participants	52 drug tests given	1 walked away/warrants issued
2 orientations	1 in jail/violations	0 ordered to inpatient
0 new participant	0 positive UA's/tests/dilutes	0 other
0 graduates	2 incentive gifts	
0 terminated/quit	0 spice tests given	

Public Works Monthly Report June 2022

- Continued work with Weber Basin to discuss alternatives for them providing additional water, instead of drilling well.
- Continued Storm Water review to meet new state regulations.
- Continued design work on 1050 W Ritter Dr. Roundabout.
- Started Weber Basin Water connection project.
- Continued inspections on Cheddar's
- Continued inspections on Maverick Project.
- Continued design review on AFCU Campus.
- Continued biweekly sprinkler inspections on city owned systems.
- Continued 950 W Overlay Project.
- Continued 4600 S Road Project.
- Continued Take 5 inspections.
- Started reviews on Riverdale Townhomes.

Fire Department:

Chief Jared Sholly

169 Calls for Service and 327 Vehicle Movements

Fires

Riverdale Mountain View Apartment Fire
House Fire (Cooking Fire)
(7) Brush Fires
Fire Contained

Total: 10

Rescue & Emergency Medical Service Incidents

74 EMS call, excluding vehicle accidents
with injuries
3 Motor vehicle accidents with injury
4 Motor vehicle accidents without injury

Total: 81

Hazardous Condition

1 Powerline Down
1 Biological Clean-up
1 Vehicle Accident Clean-up

Total: 3

Service Call

1 Lock-Out
7 Public Assist
1 Unauthorized Burning
3 Assist Police

Total: 12



Good Intent Call

47 Dispatched and Canceled
5 No Incident Found on Arrival
2 Smoke Scare
1 Hazmat Investigation

Total: 55

Fire Alarm

1 Fire Alarm or False Call
1 Sprinkler Activation
1 CO Detector Activation
5 Alarm Sounded Activation, No Fire-
Unintentional

Total: 8

Department Report:

- **Firework Education**
 - **Restriction Signs Installed**
 - **Facebook Firework Safety**
 - **Facebook Firework Restriction Map**
 - **Facebook Firework Discharge Dates and Times**
- **Ogden Regional EMS Case Review**
- **Old Glory Days Incident Action Plan Completed with Department**
- **EMS Committee Meeting**
- **Weber County Heavy Rescue Meeting**
- **County USAR Committee Meeting**
- **City Staff Meeting**
- **(Randy) Emergency Management Meeting**
- **Weber County Fire Chiefs Meeting**
- **Operational Dispatch Committee**
- **Fire Sub Meeting with County Chiefs and Dispatch**
- **Fire Training**
 - **Fire Engine Pump Operations/Calculations**
 - **Chlorine Release from Rail Car**
- **Medical Training**
 - **Cardiovascular Emergencies**
 - **Respiratory Emergencies**
 - **Anaphylaxis with Epinephrine**

Patrol Report June 2022

Assault- A male reported another male assaulted him with a baseball bat. The suspect left the scene after the assault but was later located at his residence. The victim was transported to the hospital where he received treatment for his injuries. The suspect was booked into jail.

Assault- A customer at Walmart reported witnessing a possible assault that occurred in the parking lot earlier in the day between an unknown male and female. Officer Panunzio submitted a report.

Assault- A male was assaulted by a friend outside of his home. The suspect has not been located at this time. The victim was not supportive of charges and refused to complete a witness statement.

Rape of a Child- Officers responded to a residence where a 19 year old male was found in bed with an 11 year old female. It was discovered that the 11 year old was believed to be pregnant by the 19 year old. Officers interviewed the suspect who admitted to having intercourse with the 11 year old. A warrant for DNA was obtained and served. The suspect was booked into jail for rape of a child.

Child Abuse - Officers were dispatched to a child abuse. It was reported a neighbor was striking her child in the back yard. Officers made contact with the suspect and it was found a 14-year-old was disrespecting her mother. The mother tried to smack the 14 year old in a disciplinary manner but did not make any contact. There was no evidence of child abuse and the child admitted to being disrespectful. Education was given to the parents.

Neighbor Disturbance- Officers responded on a disturbance where a neighbor turned her sprinklers so they were spraying water on the neighbors vehicles. The suspect admitted to intentionally turning the water on to a level that it would over spray onto the neighbor's property. She stated she did this because she was upset with them for playing loud music.

Retail Theft- This case is in reference to a retail theft in progress at Walmart. Loss Prevention reported a male was stealing and had another male and female with him as a lookout. When police arrived, both males had left in a unknown vehicle. The female was still on scene walking in the parking lot and was stopped to see what her involvement in this case was and she had possibly been trespassed from Walmart due to prior thefts. The female was identified and had no involvement with the theft, but had committed a theft two days prior at this location. The female admitted to the theft post Miranda and was issued a citation and released. The male suspects were also cited.

Weapon Disturbance- Two employees were involved in an altercation at a business. During the altercation, one of the employee's spouses arrived and allegedly pulled a knife on the employee. Several parties were transported to the office and interviewed. Further investigation will be completed.

Cardiac Arrest- Officers responded to a residence where it was reported that a male was bleeding from his head and was unresponsive. Upon arrival it was found that the male had been riding on a lawn mower and accidentally drove off a retaining wall. It appeared the mower struck the male in the head as he fell causing his death. Detectives, CSI, and the ME investigated.

Family Disturbance- A mother and daughter were involved in a verbal disturbance. The daughter left the residence so things could calm down.

Vehicle Burglary- A male reported that his fishing gear was stolen out of the back of his truck while he was parked in the parking lot of the BMX Bike Park. There is no suspect information.

Criminal Mischief- This report is in reference to a criminal mischief complaint that occurred at the Riverdale Walmart. The victim's car was keyed while he worked at Walmart. The victim provided information with whom he believed is the suspect. Video request was put into Walmart Asset Protection in order to further investigate this case. This case will remain active for follow up.

DV assault- Police responded to a disturbance. Two siblings had been fighting and were intoxicated. Although they did not reside together, they are siblings. Both denied any fight took place, but given the information received and the obvious injuries to each, both will be summonsed for DV assault and intoxication.

Family fight- Police responded for a disturbance complaint. A male was causing a disturbance fighting with his girlfriend. It was reported the male struck the female in the head. The male has an active protective order against him forbidding him from contacting, harassing or assaulting the female. The male was booked at the Weber County Jail.

Psychiatric- A female attempted to overdose on medication in an attempt to kill herself. The female was transported to McKay Dee where she was involuntarily committed.

Disturbance- Officers responded to Check City on a disturbance. A male was yelling about a gun and someone was trying to kill him. The male has mental problems and acts out on the voices in his head. There were no problems. He was offered services but refused. He was asked to stop yelling and made his way back to Ogden.

Disturbance- Officers responded to Motel 6 on a disturbance. Some unhappy customers reported they had roaches and mold in the room and wanted their money back. Because they were not nice with the clerk, and were having a marijuana fest in the room, they were asked to leave and left prior to our arrival.

Family Fight- Officers responded to a family fight. Upon arrival, officers were forced to engage in a physical altercation with the suspect. During the altercation, the suspect bit an officer and spit blood on another officer. After the suspect was secured in handcuffs, he was transported to Ogden Regional. The suspect assaulted and choked his fiancée in front of their children. He was booked on several charges once released from the hospital.

Disturbance- Officers responded to 7-11 on a weapons disturbance that occurred in the parking lot of 7-Eleven. A witness observed two males have a verbal argument, and after the argument one of the males pointed a gun at the other male in the parking lot. Both males involved left the area prior to arrival. One of the males was interviewed at his home and the gun he had was recovered. Further follow up will be conducted.

Assault- Officers responded to Walmart on an assault. A female confronted a male about leaving his dogs in a hot car with the windows rolled up. The male then assaulted the female for no reason by pushing her and grabbing her. The suspect was located and booked into jail.

Investigations Report June 2022

Retail Theft- Detectives followed up on a report of a female scanning lower priced items for higher priced items at the self check out. Detectives interviewed the female who confessed to intentionally not scanning items in order to get them cheaper. The female was cited for retail theft.

Retail Theft- Detectives followed up on a report of a female stealing several items from Walmart. Detectives located the suspect who confessed to the theft.

Retail Theft- Detectives followed up on a retail theft where the suspects stole several iPhones and iPads. The suspect was identified by detectives. The suspect was summonsed for felony retail theft.

Retail Theft- Detectives followed up on a retail theft where the suspect stole a knife and ammunition from Sportsmen's Warehouse. The suspect confessed to the theft and returned the ammunition. He was unable to locate the stolen knife.

Retail Theft- Detectives followed up on 2 suspects stealing several bags of cement and fencing material. One of the suspects confessed to the theft, the other denied being involved. Both were summonsed for retail theft.

Domestic Violence Criminal Mischief- Detectives followed up on a male ramming his vehicle into the back of his girlfriend's car. The suspect was cited for DV criminal mischief.

Retail Theft- Detectives followed up on a retail theft at Walmart where the suspect selected several items and left the store without paying for them. The suspect was cited for retail theft.

Stolen Vehicle- Detectives followed up on a report of a stolen vehicle. The complainant's associate took the vehicle and never returned. The vehicle was recovered in Salt Lake City a few weeks after the report. A warrant was issued for the suspect's arrest.

Retail Theft- Detectives followed up on a retail theft where the suspect stole a pair of shoes from a shoe store. Detectives identified the suspect who was cited for retail theft.

DV Assault- Detectives followed up on a female who assaulted her female partner. The female was cited for DV Assault.

Arson- Detectives followed up on a dumpster fire. They identified the suspect. A warrant was issued for his arrest.

RIVERDALE POLICE DEPARTMENT CRIME BULLETIN

June 2022
Report #22-6

June Police Calls

- **1073 Calls for Service**
 - **37 Animal Complaints**
 - **295 Crime Reports Written**
 - **9 Forgery/Fraud**
 - **5 Assault / Fights**
 - **8 Retail Thefts**
 - **21 Family Offenses**
 - **19 Burglary/Theft Complaints**
 - **2 Stolen Vehicle Complaints**
 - **66 Arrests**



The remainder of calls involved Welfare Checks, Disorderly Conduct, Suspicious Activities, Citizen Assists, Lost/Found property, Trespassing, Medical Assists, Warrant Services, etc.

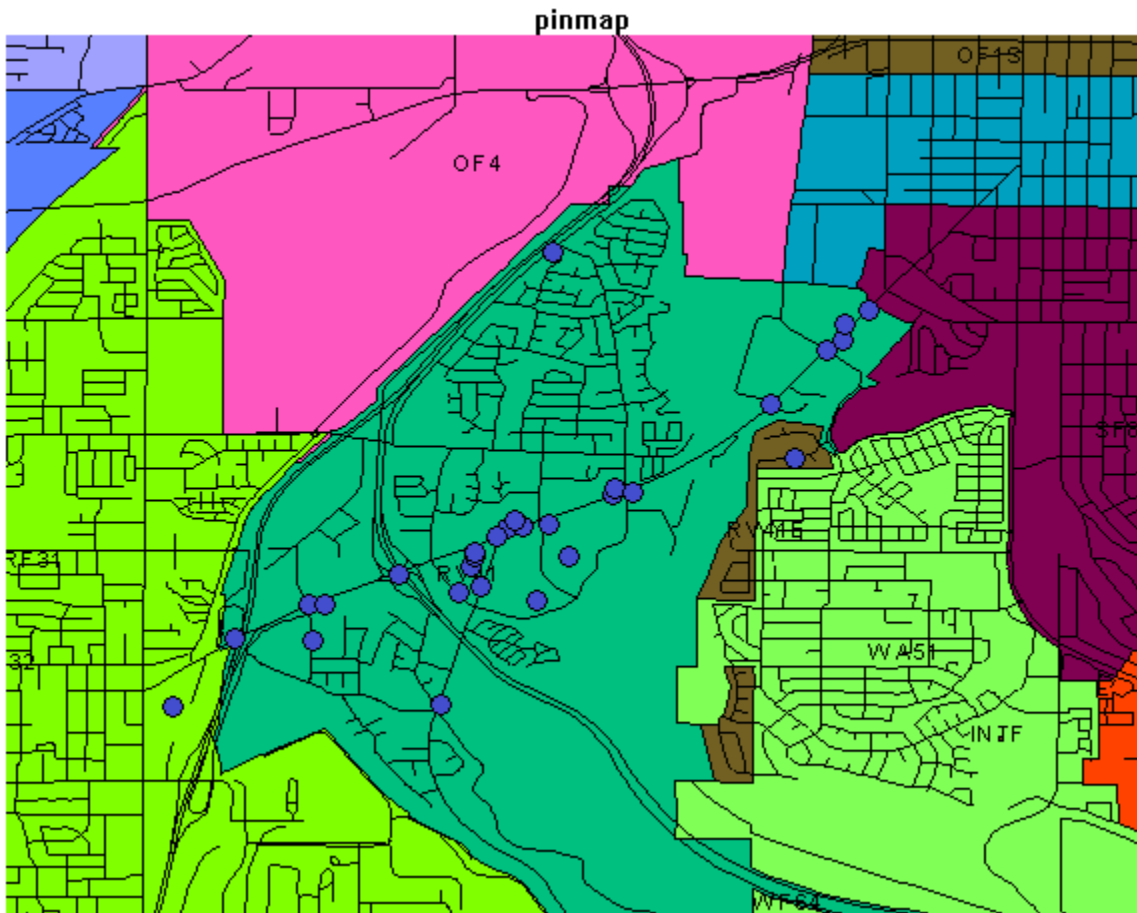
Traffic Patrol and Enforcement

- **136 Traffic Stops resulting in:**
 - **101 Citations**
 - **155 Total Violations**
 - **54 Warnings Issued**

RIVERDALE POLICE DEPARTMENT CRIME BULLETIN

June 2022
Report #22-6

- **32 Traffic Accidents**



- 33 New Cases sent to Investigations
- 42 Investigative Cases Closed

POLICE LINE - DO NOT CROSS

POLICE LINE - DO NOT CROSS

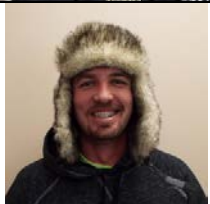
POLICE LINE - DO NOT CROSS

POLICE LINE - DO NOT CROSS

POLICE LINE - DO NOT CROSS

FOR LAW ENFORCEMENT USE ONLY!

July 2022 Employee Anniversaries

Employee Recognition – July 2022 Anniversaries			
Years	Employee		Department
32		Randy Koger	Community Development
20		Brandon Peterson	Police
19		Lynn Wright	Police
8		Jordan Cubbedge	Fire
8		Steven Whetton	Fire
7		Steve Hodges	Business Administration
5		Ryne Schofield	Police
5		Travis Dahle	Public Works

5		Sherri Taylor-Brown	Community Services
5		Jon VanDyke	Fire
4		Maxmilian Higley	Fire
4		Shane Erisoty	Fire
3		Shalee Nay	Police
3		Scott Call	Fire

Staffing Authorization Plans



Staffing Authorization Plan

As of December 31, 2005		
Department	FTE Authorization	FTE Actual
City Administration	3.00	3.00
Legal Services	5.50	5.50
Community Development	3.50	3.50
Bus Admin - Civic Center	5.75	5.50
Bus Admin - Comm Services	10.00	6.75
Public Works	12.00	11.00
Police	26.00	26.00
Fire	11.50	12.75
Total	77.25	74.00

As of June 30, 2022		
Department	FTE Authorization	FTE Actual
City Administration	2.00	1.00
Legal Services	4.50	4.50
Community Development	3.00	3.00
Business Administration	6.25	6.25
Community Services	9.00	8.00
Public Works	11.00	11.00
Police	22.75	21.50
Fire	15.50	13.00
Total	74.00	68.25

Staffing Reconciliation - Authorized to Actual		
Department	FTE Variance	Explanation
City Admin	(1.00)	City Administrator/City Attorney
Legal Services	0.00	
Community Development	0.00	
Community Services	(1.00)	Recreation Assistants
Business Administration	0.00	
Public Works	0.00	
Police	(1.25)	Officer / Crossing Guard
Fire	(2.50)	PT Firefighters unfilled
Totals	(5.75)	Staffing <u>under</u> authorization

Actual Full Time Employees	55.00
Actual Part Time Employees	43.00
Seasonal Employees	0.00

Riverdale City Staffing Authorization Plan

Department: Elected - Mayor & Council

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>Election</u>	<u>Term of Office</u>	<u>Authorized</u>	<u>Actual</u>
	Mayor Braden Mitchell	2015	2022-2025	1.00	1.00
					
	Councilor / Mayor Pro Tem Alan Arnold	2015	2020-2023	1.00	1.00
					
	Councilor			4.00	
	Steve Hilton	2020	2020-2023		1.00
	Bart Stevens	2017	2022-2025		1.00
	Anne Hansen	2022	2022-2025		1.00
	Karina Merrill	2022	2022-2023		1.00
					
					
					
					
	Total			6.00	6.00

Riverdale City Staffing Authorization Plan

Department: Planning Commission

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOA-City</u>	<u>Term Apptm't</u>	<u>Authorized</u>	<u>Actual</u>
	Open Chairman Kathy Eskelsen	2/1/2022	01-2026	1.00	1.00
					
	Vice Chairman Robert Wingfield	01/2016	01/2024	1.00	1.00
					
	Commissioner			5.00	
	Amy Spiers	07/2018	01/2025		1.00
	Blair Jones	01/2016	01/2024		1.00
	Rikard Hermann	12/2018	01/2025		1.00
	Wanda Ney	02/2019	01/2023		1.00
	Kent Anderson	04/2020	01/2024		1.00
					
	Total			7.00	7.00

Riverdale City Staffing Authorization Plan

Department: City Administration

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
130/140	City Recorder Michelle Marigoni	6/17/2021	6/17/2021	1.00	1.00
					
125	City Administrator Steve Brooks	11/1/2004	2/1/2022	1.00	0.00
					
Total				2.00	1.00

Riverdale City Staffing Authorization Plan

Department: Legal Services

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
1042	Court Clerk III Nicole Green	10/31/2021	10/31/2021	1.00	1.00
					
1045	Court Outreach Coord. Joan Dailey	11/28/2005	11/28/2005	1.00	1.00
					
1040	Court Clerk II Raelyn Boman	9/3/2013	11/1/2021	0.50	0.50
					
1070	Prosec. Attorney Teral Tree	1/30/2017	1/30/2017	0.50	0.25
	Letitia Toombs	1/30/2017	1/30/2017		0.25
					
					
XXX	Justice Court Judge Paul Olds	1/22/2020	1/22/2020	0.50	0.50
					
1025	City Attorney / Dept Head Steve Brooks	11/1/2004	11/1/2004	1.00	1.00
					
Total				4.50	4.50

Riverdale City Staffing Authorization Plan

Department: Community Development

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
325/310	Building Official Jeff Woody	6/22/1992	6/1/2005	1.00	1.00
					
1710/330	Fire Insp./Code Enf. Randy Koger	7/9/1990	1/1/2012	1.00	1.00
					
345/380	Comm Dev Dir Michael Eggett	4/16/2013	4/16/2013	1.00	1.00
					
Total				3.00	3.00

Riverdale City Staffing Authorization Plan

Department: Business Administration - Civic Center Division

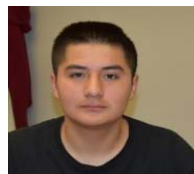
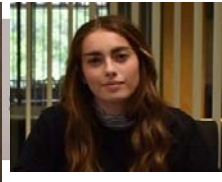
<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
600	PT Custodian			0.75	
	Neil Amidan	8/1/2013	8/1/2013		0.25
	Steve Hodges	7/6/2015	7/6/2015		0.25
	Brenda Green	10/5/2018	10/5/2018		0.25
					
760	Civic Center Service Clerk			1.00	
	Cami Jacobsen	9/5/2017	9/5/2017		0.50
	Amy Cummings	10/21/2021	10/21/2021		0.50
					
720/200	Acctg. Clerk			0.50	
	Laurie Greenhalgh	5/16/2019	5/16/2019		0.50
					
730	Utility Billing Clerk			1.00	
	Angie Pierce	4/18/2016	4/18/2016		1.00
					
610	Fac. Custodial Coordinator/ Pub Comm Spec			1.00	
	Chris Stone	12/1/1992	12/1/1992		1.00
					

195/145	HR Manager/Treasurer Stacey Comeau	1/31/2005	1/31/2005	1.00	1.00
					
165/780	Business Administrator Cody Cardon	1/8/2019	1/8/2019	1.00	1.00
					
	Total			6.25	6.25

Riverdale City Staffing Authorization Plan

Department: Business Administration - Community Services Division

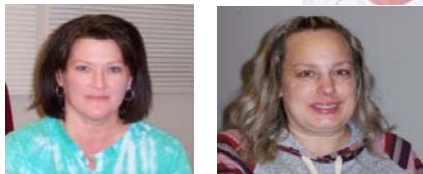
<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
XXX	Rec Assistant			2.75	
	Ashlyn Bardwell	6/10/2021	6/10/2021		0.25
	Jake Henstra	6/10/2021	6/10/2021		0.25
	Dallin Woodbury	6/10/2021	6/10/2021		0.25
	Jake Roberts	8/23/2021	8/23/2021		0.25
	Aspen Wardle	5/23/2022	5/23/2022		0.25
	Carrigan Sanders	12/30/2020	12/30/2020		0.25
	Issac Martinez	6/1/2022	6/1/2022		0.25
	Mackenzzy Higgins	6/24/2022	6/24/2022		0.25
	Tommy Richards	5/23/2022	5/23/2022		0.25
	Open				0.00
	Open				0.00



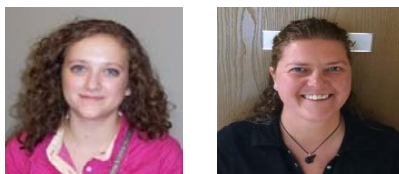
XXX	Group Fitness Instructor			0.50	
	Sherilyn Taylor-Brown	7/27/2017	7/27/2017		0.25
	Dione Silva	1/22/2020	1/22/2020		0.25



1266	Comm Services Cust Service Clerk			2.00	
	Karen Dille	9/13/1999	9/13/1999		0.50
	Shari Casper	5/23/2022	5/23/2022		0.33
	Betty Wilson	9/2/2014	9/2/2014		0.33
	Amy Wright	4/10/2015	4/10/2015		0.33
	Angela Choate	12/3/2021	12/3/2021		0.33



1270	Rec Specialist			0.50	
	Baylee Cascaddan	8/31/2015	10/16/2021		0.25
	Elisa Anger	6/17/2016	8/1/2017		0.25



XXX	Sr. Center Worker RDA Open			0.50	0.00
1570	Sr. Center Cook Stephanie Olpin	1/13/2021	4/16/2021	0.50	0.50
					
1424	Sr. Center Kitchen Aide Christine Jessamine	10/18/2021	10/18/2021	0.25	0.25
					
225	Seniors Program Specialist Miranda Rizzi	3/20/2014	7/1/2017	1.00	1.00
					
340	Comm Services Director Rich Taylor	6/30/2014	6/30/2014	1.00	1.00
					
	Rounding				0.18
	Total			9.00	8.00

Riverdale City Staffing Authorization Plan

Department: Public Works

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
1230	Park Mtnc Specialist I Zachary Henstra	5/24/2022	5/24/2022	1.00	1.00
					
1235	Park Mtnc Specialist II			0.00	0.00
1240	Park Mtnc Specialist III Matthew Guymon John Flynn	9/1/2017 10/2/2018	1/16/2018 10/2/2018	2.00	1.00 1.00
					
2034	Assistant Public Works Director Norm Farrell	8/17/1998	12/20/2004	1.00	1.00
					
1900	Crew Leader Travis Gibson Bart Poll	5/2/2011 8/24/1998	5/2/2011 7/1/2004	2.00	1.00 1.00
					
2105	Utility Mtnc Operator I Gage Bennett	3/2/2020	3/2/2020	1.00	1.00
					

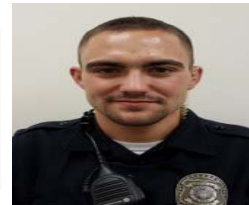
2110	Utility Mtnc Operator II Dallas Nalder	3/2/2020	3/2/2020	1.00	1.00
					
2115	Utility Mtnc Operator III			0.00	
2115/2030	PW Inspector/Operator III Travis Dahle	7/18/2017	7/18/2017	1.00	1.00
					
2105/2000	Utility Mtnc Operator I/Equipment Mtnc Spec Abraham Torres	5/9/2006	3/15/2016	1.00	1.00
					
2025	PW Director Shawn Douglas	5/20/1991	10/16/2011	1.00	1.00
					
Total				11.00	11.00

Riverdale City Staffing Authorization Plan

Department: Police

<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
XXX	School Crossing Guard Kathy Doxey Tamara Jones Open	8/10/2015 8/22/2007	8/10/2015 8/22/2007	0.75	0.25 0.25 0.00
	  				
1510	Animal Control Kimberlee Winn	5/31/2020	5/31/2020	1.00	1.00
					
2335	Patrol Secretary/Recptionist Camille Tesch	3/8/2004	3/8/2004	1.00	1.00
					
2310	Administrative Executive Assistant Shalee Nay	7/1/2019	6/1/2021	1.00	1.00
					

1749	Pol Officer			13.00	
	Lynn Wright	7/1/2003	2/16/2004		1.00
	Open				0.00
	Jamie Boots	11/16/2016	11/16/2016		1.00
	Jared Baker	9/16/2021	9/16/2021		1.00
	Tyrel Dalton	3/1/2018	3/1/2018		1.00
	Gerardo Vazquez	4/30/2018	4/30/2018		1.00
	Matthew Phillips	6/16/2016	6/16/2016		1.00
	Ryne Schofield	7/16/2016	7/16/2016		1.00
	Robert Lovato	6/30/2016	6/30/2016		1.00
	Luigi Panunzio	5/26/2016	5/26/2016		1.00
	Jeffrey Dingman	3/21/2020	3/21/2020		1.00
	Jacob Stanger	6/30/2018	6/30/2018		1.00
	Jeffrey Edminster	9/30/2021	9/30/2021		1.00



1765	Pol Sgt			4.00	
	Michael McNeely	2/16/2018	3/1/2020		1.00
	Derek Engstrom	11/16/2010	7/1/2015		1.00
	Joel Pippin	2/16/2004	7/1/2016		1.00
	Brandon Peterson	7/12/2002	7/16/2016		1.00



1745	Police Lt. Casey Warren	4/16/2004	7/1/2015	1.00	1.00
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1740	Police Chief Scott Brenkman	4/14/1999	7/1/2016	1.00	1.00
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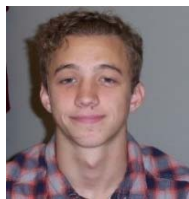


Total				22.75	21.50
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Riverdale City Staffing Authorization Plan

Department: Fire

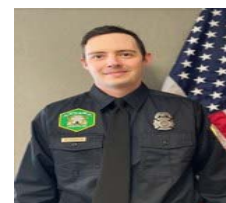
<u>Job Code</u>	<u>Job Title / Incumbent</u>	<u>DOH-City</u>	<u>DOH-Position</u>	<u>FTE Authorized</u>	<u>FTE Actual</u>
XXX	PT Firefighter			5.00	
	Jace Stromberg	8/10/2021	8/10/2021		0.25
	Lance Beech	5/10/2017	5/10/2017		0.25
	Mitchel Preator	5/1/2017	5/1/2017		0.25
	Jordan Cubbedge	7/29/2014	7/29/2014		0.25



Cody Pitkin	4/6/2022	4/6/2022	0.25
Maximilian Higley	7/2/2018	7/2/2018	0.25
Shane Erisoty	7/19/2018	7/19/2018	0.25
Open			0.00



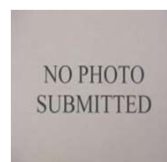
Open			0.00
Shawn Stanger	8/21/2019	8/21/2019	0.25
Open			0.00
Marcus Garcia	11/20/2019	11/20/2019	0.25



Tyler Reece	3/31/2020	3/31/2020	0.25
Open			0.00
Open			0.00
Open			0.00



Open			0.00
Open			0.00
Open			0.00
Open			0.00



2335	Fire Admin Secretary			0.50	
	Krystn Hinojosa	10/18/2004	10/18/2004		0.50



1695	FT Firefighter/EMT			6.00	
	Paul Flaig	4/4/1983	6/16/2011		1.00
	Dean Gallegos	8/21/1995	8/21/1995		1.00
	Scott Call	7/10/2019	7/10/2019		1.00
	Steven Whetton	7/29/2014	8/31/2016		1.00
	JR VanDyke	7/28/2017	7/28/2017		1.00
	Cameron Cessna	6/27/2019	7/19/2019		1.00





1675	Fire Captain			3.00	
	Matthew Hennessy	12/5/2005	2/1/2012		1.00
	Nathan Tracy	11/6/2012	8/1/2018		1.00
	Garrett Henry	9/21/2018	3/1/2019		1.00



1680	Fire Chief			1.00	
	Jared Sholly	10/21/2015	10/21/2015		1.00



	Rounding			0.00	0.00
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	Total			15.50	13.00
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COMMUNITY DEVELOPMENT PROJECTS STATUS REPORT

July 14, 2022

ONGOING DEVELOPMENTS



Maverik Convenience Store construction is well underway on a new location at 1472 W. Riverdale Road.



Cheddar's Scratch Kitchen has started construction on a new restaurant at 4171 S. Riverdale Road.



Take 5 Oil Change has started construction of their new location at 4021 S. Riverdale Road.



FIIZ Drinks is planning to open a new location at 4023 S. Riverdale Road.



J.Dawgs has announced that they will open a location in Riverdale. They will be located in the building at 4104 S. Riverdale Road next to Starbucks.



Home Goods is planning to start construction for a new location at 1101 W. Riverdale Road in a section of the former Gordmans building.



Sierra Trading Post is planning to start construction for a new location at 1101 W. Riverdale Road in a section of the former Gordmans building.



Legislative Summary Report

Legislative Summary 2022 General Session

This document is a publication of the Utah Prosecution Council. This publication constitutes summaries of legislation passed during the 2022 General Session of the Utah Legislature relating to criminal issues and to county and city government. The publication contains summaries only, not the full text of bills. There is no substitute for reading the actual legislative language.

Enrolled copies of bills passed during the 2022 General Legislative Session can be obtained by going to the Utah Legislature's web site: www.le.utah.gov.

UNLESS OTHERWISE INDICATED, LEGISLATION PASSED DURING THE 2022 GENERAL LEGISLATIVE SESSION BECOMES EFFECTIVE ON MAY 4, 2022.

I have cleaned up many of the summaries and deleted text that was cumbersome or not applicable to our purposes. I have also color-coded them (see below) to the department(s) I felt it was most applicable to. Some are marked more as an FYI and may not have current application to that department(s) but may serve more as information and/or possible future changes or legislative direction.

sb

	Police (Lt. Blue)		Legal/Court
	Recorder		Admin
	Fire		Council
	Comm. Devel. (Teal)		IT
	Pub. Works		

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HOUSE BILLS

INTIMATE IMAGE DISTRIBUTION AMENDMENTS

HB 18

Rep. Collard

The offense of aggravated unlawful distribution of a counterfeit intimate image is now limited to individuals 18 years old and older. Juveniles can no longer be charged under this statute.

AMENDS: 76-5b-205

DRIVING OFFENSES AMENDMENTS

HB 29

Rep. Acton

This bill was part of a collaborative process between prosecutors, defense attorneys, police, and other stake holders in impaired driving to consolidate and make penalties for impaired driving related offenses consistent. This bill amends 28 code sections, enacts one new code section, is nearly 3,000 lines long and is 105 pages. This is a lesson that when you embark on cleaning up the impaired driving related statutes in Utah, it impacts A LOT of different places in the code! While this impacts many different code sections, the changes are really fairly simple and helpful.

Prior to this legislation, the penalties for impaired driving offenses largely depended upon which section of the code the prosecutor decided to charge, and even was dependent upon which substance was present in the offender's blood. A DUI with alcohol only resulting in death was a 3rd degree felony. Driving with a measurable controlled substance with heroine that resulted in death, even if the prosecutor did not prove impairment, was a 2nd degree felony. The same offense with marijuana was a class A misdemeanor. The collaborative effort in this legislation was not to punish impaired driving offenses more seriously, neither was it to give lighter sentences even though both of those things happened in this bill. The goal was to make penalties consistent, as inconsistencies in the law is not good for anyone.

This new law takes all impaired driving offenses resulting in injury, serious bodily injury, or death (whether it be DUI or driving with a measurable controlled substance) out of where they were currently placed in the code and creates a new offense that does not change penalties based upon the substance, but by the level of harm done and consistently applies the penalties across the board. Essentially, if you can prove the elements of the offense charged under the new statute the penalties will be as follows: If there is an injury it will be a class A misdemeanor. If there is serious bodily injury it will be a 3rd degree felony. If there is a death caused it will be a 2nd

degree felony. There is some nuance to how the elements of each offense are met, however, and that will be discussed here.

Previously one could be charged with various levels of offenses in 58-37-8(g) and (h) for driving with a measurable controlled substance and causing injury or death. These code subsections not longer are contained in 58-37-8. The felony portions of the DUI statute that resulted in serious bodily injury have also been removed from 41-6a-503.

The meat of this bill starts in the change to the automobile homicide statute in 76-5-207 which will not be called “automobile homicide” going forward, but now “Negligently operating a vehicle resulting in death.” Any impaired driving related offense, whether it be a DUI with impairment or driving with a measurable controlled substance offense will be contained in 76-5-207 now, and the penalty will be a 2nd degree felony across the board. The burden is different depending upon whether you can prove impairment or not. If it is an impairment case where the person is over .05 BAC or has drugs/alcohol in their system sufficient to render them incapable of safely operating the vehicle, then the standard of simple negligence causing the death is sufficient to prove the case. If you are unable to prove impairment and are proceeding under the any measurable amount of any controlled substance prong, then criminal negligence causing the death will be required to prove your case.

The remaining meat of this bill is in a new code section 76-5-102.1, “Negligently operating a vehicle resulting in injury.” Again, all injury related impaired driving penalties from 58-37-8 and 41-6a-503 have been removed from those code sections and are contained in this newly enacted code section. And again, there is no differentiation based upon what substance is present. If you can prove your case and there is injury, it will result in a class A misdemeanor. If you can prove your case and there is serious bodily injury, that will be a 3rd degree felony. The same nuance based upon impairment versus driving with a measurable controlled substance above applies here as well. If a person is .05 BAC or higher or has drugs/alcohol in their system rendering them incapable of safely operating a vehicle, then the standard for negligence causing the injury is simple negligence. If you are proceeding with only the driving with any measurable amount of any controlled substance prong, then criminal negligence causing the injury will be required.

PROPERTY THEFT AMENDMENTS

HB 38

Rep. Wilcox

The bill adds catalytic converter purchasers to the Pawnshop and Secondhand Merchandise database, requiring catalytic converter purchasers to document and input information into the central database for pawnshops and secondhand businesses. It also sets penalties for a catalytic converter purchaser’s failure to document and input required information into the central database. Catalytic converter purchasers must meet specific requirements in the Pawnshop and Secondhand Merchandise Transaction Information Act, including holding period requirements, an annual fee, and annual training requirements, with penalties for noncompliance. The bill requires the multi-agency joint strike force to report to the legislature the number of annual

catalytic converter thefts and arrests and modifies the membership of the Pawnshop and Secondhand Merchandise Advisory Board. It limits the type of payment for certain purchases of a catalytic converter.

The bill makes theft of a catalytic converter a third-degree felony. It modifies the presumptions for knowingly receiving stolen property for catalytic converter purchasers, secondhand merchandise dealers, and coin dealers—the presumption now applies only if such dealers did not substantially comply with the pertinent documentation requirements.

FORENSIC BIOLOGICAL EVIDENCE PRESERVATION

HB65

Rep. King

This bill delineates time periods during which biological evidence obtained during the investigation or prosecution of a violent felony must be preserved. These retention requirements are also integrated into asset forfeiture provisions. Biological evidence includes any item that contains blood, semen, hair, saliva, epithelial cells, latent fingerprint evidence that may contain biological material suitable for DNA testing, or other identifiable human biological material. Additionally, this bill creates remedies for non-compliance that include granting a new trial, reduction of sentence, dismissal of the criminal charge, vacation of the conviction, or entry of a finding that the noncompliant evidence presumptively would have been exculpatory.

VEHICLE MERGER AMENDMENTS

HB 76

Rep. Brammer

This bill enacts a new section in the code and requires all drivers to use the “zipper method” when two traffic lanes merge into one at any merge point. The zipper method requires drivers in each of the two lanes approaching a merge point to use both lanes of travel until their vehicle reaches the merge point, and once they reach the merge point, alternate yielding the right-of-way into the single traffic lane.

SEXUAL SOLICITATION AMENDMENTS

HB81

Rep. Pulsipher

This bill shifts the focus of prostitution and solicitation offenses to be more severe for anyone creating demand for prostitution and trafficking as follows:

It limits the elements for Prostitution to “if the actor engages in sexual activity with another individual for a fee, or the functional equivalent of a fee.”

It adds additional elements to Sexual Solicitation to include “takes steps to arrange a meeting ...or agrees to meet and meets...for purpose of being hired to engage in sexual activity...” It further adds language regarding loitering “for purpose of being hired to engage in sexual activity...”.

It changes the penalty for Sexual Solicitation with enhancement upon a third or subsequent violation.

It enhances penalties for Patronizing a Prostitute if the sex worker is under the age of 18 and disallows mistake of age as a defense.

Lastly, it requires those who get convicted of Patronizing a Prostitute or Sexual Solicitation to complete court-approved educational programs.

FORCIBLE ENTRY WARRANT MODIFICATIONS

HB124

Rep. Gwynn

This bill primarily addresses forcible entry with the use of knock and announce and no-knock search warrants. The only thing this bill did to restrict the use of a no-knock search warrant is law enforcement cannot use a no-knock search warrant for misdemeanor cases.

An added requirement to the statute is that Law Enforcement must “knock” more than once when using a knock and announce search warrant. Remember, a “knock” is a wrap on the door at least three times in quick succession. Before using forcible entry after the knock, Law Enforcement must give the occupant a reasonable amount of time to answer the door before forcing entry.

Another added requirement is a supervisory review of an affidavit for both a no-knock and a knock-and-announce search warrant. The review must be done before giving the affidavit to a judge. There is small print language on what the supervisory official needs to look for, so make sure this part of the bill is read carefully.

A new requirement for the no-knock search warrant request is an affiant needs to articulate certain facts to a judge to get a no-knock search warrant granted. Again, have supervisors look at the small print on this part of the bill.

Lastly, all knock and announce and no-knock search warrants are to be served by officers wearing readily identifiable clothing.

VICTIMS' RIGHTS REVISIONS

HB134

Rep. Rohner

When a criminal case may resolve prior to trial, a prosecuting entity shall provide notice of that possibility as soon as practicable to the victim(s). Upon request of the victim(s), the prosecutor shall also explain the available details of the anticipated plea deal.

PRACTICE POINTERS: Victim's should be aware of the resolution of a case before it occurs. While the plea deal is at the discretion of the prosecutor the victim has the right to be heard whether it is in agreement or opposition to the plea deal.

DUI AMENDMENTS

HB137

Rep. Eliason

Legislation frequently passes with language that does not appear problematic until it goes into effect and starts making its way through the court process. This is a cleanup bill from various other legislative items from previous years.

First, this bill addresses when the enhanced penalties in Utah's "extreme DUI" sentencing requirements apply. Previously the law stated "when there is admissible evidence that an individual had a blood alcohol level..." It did not specifically state "breath alcohol," so some judges were interpreting that to mean the enhanced penalties are only required in blood draw cases over .16 BAC and not breath test cases. This is not true legally, as breath tests are even monitoring the blood alcohol content in a person's body, but the language now says "blood or breath" to remove any counterargument, not matter how incorrect those arguments would have been.

The next portion this bill addresses is for criminal refusals that happen under 41-6a-520. The legislative intent was to create an incentive for individuals to not refuse a blood draw and require officers to use physical force to obtain the evidence for their case. The penalty for each refusal of a blood draw after the admonition was read and a warrant had been issued would be equal to the penalty for which the DUI being investigated could be prosecuted. There was a loophole with a couple of the DUI enhancements, particularly those involving DUIs with children in the car, and the new language in this bill closes those holes.

This bill also cleans up and clarifies when a court may order supervised probation.

The last thing this legislation did was clarify an absurd result where it could be argued that a person is not subject to traffic laws simply by not being a licensed driver.

TRAFFIC VIOLATION AMENDMENTS

HB 139

Rep. Teuscher

This bill creates a traffic deferred prosecution program statewide that allows individuals to apply for deferred prosecution of traffic infractions if they meet certain requirements. Essentially, the legislature has set up a statewide plea in abeyance program for traffic infractions but could not call it a plea in abeyance because a plea in abeyance requires a prosecutor's approval, and this legislation would not have the for every case. Essentially a person that receives a citation for a moving traffic infraction may apply for a deferred prosecution. This is how this will work: A person will apply for a deferred prosecution through an online application process that the AOC will develop. They will be required to pay the relevant fine, pay an administrative fee to the judicial council, and complete a 12-month deferral period. The court will enter a deferred plea of no contest into the system and the person will be reviewed at the end of the 12-month deferral period to see if they complied with the requirements of the deferral. If they did, then their no contest plea will be dismissed and not entered as a conviction against them on their record. If they did not comply, then the no contest plea and judgment of conviction will automatically enter and be recorded on their record. This sounds an awful lot like a plea in abeyance, no?

Not every driver will qualify for this automatic deferred prosecution. The following are not able to apply for deferred prosecution:

- An individual under the age of 21;
- an individual with a CDL;
- an individual who has not been issued a Utah driver license;
- any individual that has been convicted of a traffic infraction or violation within the 24 months immediately preceding the date of the application for deferred prosecution;
- an individual charged with two or more traffic infractions related to the same episode or occurrence;
- an individual charged with multiple traffic infractions related to the same episode or occurrence if any of the offenses is a misdemeanor or felony traffic violation;
- an individual charged with one or more traffic infractions if none of the traffic infractions are moving traffic violations;
- any traffic infraction or violation that is part of an episode or occurrence involving a traffic accident;
- a moving violation that is for speeding 20 mph or more above the posted speed limit;
- a moving violation that is for speeding at a speed of 100 mph or more; and
- and individual who is currently within a deferral period related to a separate episode or occurrence.

DUI PENALTY AMENDMENTS

HB 143

Rep. Nelson

This bill makes a significant change to DUI offenses under Utah Code. A 2nd DUI offense in a 10-year period is now a class A misdemeanor. None of the mandatory penalties for DUI,

including the 10 days of jail, enhanced fine, etc. have changed. Just the charging level of offense. Any subsequent DUI offense within a 10 year will now be enhanced.

PRACTICE POINTER: Where these cases are prosecuted will likely be the biggest difference moving forward. It isn't likely that offenders will be penalized above the minimum mandatory requirements already in code that went unchanged under this legislation. You simply will not see a second DUI offense in 10 years in justice courts anymore, and if a city is not prosecuting its own class A misdemeanor offenses, these cases will now go over to the counties for prosecution.

AMENDS: 41-6a-503; 41-6a-505

ATTORNEY GENERAL PROSECUTION REVIEW

HB 159

Rep. Lisonbee

This bill requires a district attorney, county attorney, and law enforcement agency to provide information to the attorney general when the attorney general conducts a de novo review of a first-degree felony case, as provided under 2020's HB281. Within 14 days of a request by the attorney general, the district or county attorney and law enforcement agency must provide all information and materials related to the investigation and must provide access to evidence and persons with information about the investigation. Additionally, the bill permits the attorney general to seek a court order to enforce timely compliance.

CUSTODIAL INTERROGATION AMENDMENTS

HB171

Rep. Wilcox

This bill states that Law Enforcement, or anyone doing a custodial interrogation for Law Enforcement, cannot provide false information about evidence that is reasonably likely to elicit an incriminating response. Basically, when custodial interrogation is being done with a juvenile, one cannot use deception about evidence one does not have.

Lastly, there can be no unauthorized statement about leniency for the offense being investigated.

PROTECTION OF ANIMALS AMENDMENTS

HB175

Rep. Romero

This bill defines 'household animal' and expands the definition of 'emotional distress' to include 'significant mental or psychological suffering resulting from harm to an animal'. It then allows for animals to be included in dating violence and cohabitant abuse protective orders. It allows the

courts to prohibit the respondent from injuring, threatening to injure, or taking possession of household animals owned or kept by either the petitioner or respondent.

AMENDS: 76-5-106.5, 78B-7-102, 105, 404, and 603

OFF-ROAD VEHICLE SAFETY AMENDMENTS

HB 180

Rep. Albrecht

This bill requires that every individual operating an off-highway vehicle on public lands in the state of Utah must complete an off-highway vehicle safety education and training program as described now in Utah Code. Operators under the age of 18 that does not possess a valid Utah driver license must complete both a written exam and an operational skills instruction and exam to comply with this new law. Those with a driver license do not have to complete the operational skills portion, only the written exam. There are a couple exceptions where taking the new written exam is not required. Most of them existed in prior iterations of this law, but the new one is if the off-highway vehicle is operated as part of a sanctioned off-highway vehicle event or part of an official tour by a person licensed as an off-highway tour guide in this state. Any violation of this is new law requires a fine of not more than \$150.

PRACTICE POINTER: While this new law goes into effect January 1, 2023, the legislation instructs that enforcement of the new online exam requirements will not begin until February 1, 2023.

TRANSFER OF DOMESTIC VIOLENCE CASES

HB196

Rep. Pitcher

Any prosecutor working in a justice court is cognizant of a significant problem in domestic violence cases—subjecting a DV victim to two trials, one in justice court and one in district court. Beginning on May 4, 2022, if a domestic violence offense in a justice court is set for trial either the prosecutor or defense counsel may file a notice of transfer moving the case to the district court. If such a notice is filed the justice court “shall transfer the criminal action to the district court.”

Note that this bill has a sunset date of July 1, 2024.

CRIME VICTIM REPARATIONS AMENDMENTS

HB228

Rep. Ivory

This bill allows a victim of sexual assault to be eligible for crime victim reparations without the requirement to report the sexual assault or cooperate with law enforcement or prosecution, if the

victim seeks assistance from an advocacy services provider, a criminal justice system victim advocate, or a nongovernment organization victim advocate; and the advocacy services provider, the criminal justice system victim advocate, or nongovernment organization victim advocate completes a questionnaire, provided by the office, regarding the sexual assault.

A victim of strangulation in the course of interpersonal violence, is also eligible for reparations without being required to cooperate with the investigation or prosecution of the crime, if the victim reports the strangulation to law enforcement or seeks medical care for the strangulation.

PROPERTY AND FINANCIAL OFFENSE AMENDMENTS

HB229

Rep Brammer

For many years it has been apparent that white collar crime sentences are not in sync with the damages caused to victims and do not adequately address public safety. This bill attempts to put in place the process to address these issues.

The Sentencing Commission must create new sentencing and supervision guidelines for the enumerated financial and property offenses where pecuniary loss to a victim exceeds \$50,000. The Sentencing Commission must publish those guidelines for public comment no later than August 1, 2022.

The bill also provides some “teeth” to false statements by a defendant on a financial declaration made pursuant to Section 77-38b-204 (commonly used to require a defendant to disclose his or her assets prior to sentencing and a restitution order). A false statement made on a financial declaration is now a third degree felony rather than a class B misdemeanor.

The bill also clarifies that a prosecutor may subpoena evidence at any time (both pre-filing and during pendency of the case) to obtain evidence relevant to the defendant’s assets and to restitution.

PRACTICE POINTER: Before sentencing a prosecutor should ensure the court orders the defendant provide a full financial declaration pursuant to Section 77-38b-204. Also, a prosecutor should work closely with investigators to find and preserve assets before filing the information and pre-trial.

JUVENILE AMENDMENTS

HB 248

Rep. Snow

This bill contains many of this year's juvenile court reforms, consisting of a scintillating 304 pages. Almost all of the bill deals with the dependency side of juvenile court, and assistant AGs in child protection need to read the bill. The delinquency side did not entirely escape the eye of the sponsors, though. Juvenile prosecutors might take note that although most of the few delinquency-related changes were to spelling or grammar, the legislation did kill off the already moribund SHOCAP code provisions.

PUBLIC PROSECUTOR MODIFICATIONS

HB257

Rep. Christofferson

This bill partially undoes changes made in 2020 to the jurisdiction of a county justice court. A prosecutor is now prohibited from filing a class B or C misdemeanor in a county justice court "if the facts support the filing of the charged offense as a felony."

LAW ENFORCEMENT USE OF UNMANNED AIRCRAFT

HB 259

Rep Wilcox

Amends provision to allow law enforcement to use unmanned aircraft systems in conjunction with an imaging surveillance device.

The rules in place for use of unmanned aircraft system by law enforcement also apply to an imaging surveillance device when that is used in conjunction with an unmanned aircraft system.

Recap of rules that now apply to the imaging surveillance device: cannot obtain, receive, or use the data unless it is obtained through a warrant or warrant exception; for purposes that are not related to a criminal investigation; or if used by a nongovernment person if the data appears to be criminally related; or law enforcement in good faith believe it pertains to an imminent/ongoing emergency where someone could be seriously injured and disclosing the data would help abate the emergency.

AMENDS: 72-14-203

LAW ENFORCEMENT RECORDING RELEASE AMENDMENTS

HB260

Rep. Wheatley

This bill deals with responding to requests to release body-worn camera recordings associated with an officer when death or serious bodily injury results or when the officer fires a weapon. It

balances the public's interest in transparency, the accused's interest in due process, and the injured party's interest in privacy.

An agency shall release recordings upon request if a prosecutor declines to file charges on the incident, or if criminal charges were filed on the incident and a judge determines that the release of the recording would not have a substantial likelihood of prejudicing a finder of fact.

Despite the above, the recording cannot be released if an injured individual or an immediate family member of the individual injured or killed in the incident requests it not be publicly distributed.

PRACTICE POINTERS: When an officer-involved critical incident happens and there is body cam footage, law enforcement agencies will be asking prosecutors whether charges are going to be declined so they know how to respond to these requests. If charges are filed, the prosecutor will have to let the judge in the case know that there's a footage release request. The question for the judge will be about how releasing the footage would affect a finder of fact.

AMENDS: 77-7a-107

JUVENILE COMPETENCY AMENDMENTS

[HB277](#)

Rep. King

This bill focuses on the narrow subset of juveniles who have been found not competent to proceed. "Attainment" is the juvenile equivalent of "restoration to competency" in the adult system. Under this bill, any statements a juvenile makes during attainment and any fruits of those statements are inadmissible against the juvenile. Even so, the statements and fruits are admissible for the purposes of determining competency and for the juvenile's mental condition as long as the juvenile has introduced evidence about their mental condition. Additionally, the statute's use of "against" implies that defense counsel may be able to use statements in the juvenile's favor.

AMENDS: 80-6-401; 80-6-402; 80-6-403

FALSE EMERGENCY REPORTING AMENDMENTS

[HB 353](#)

Rep. Matthews

Section 76-9-202 penalizes, among other things, making a false report to an emergency response service that an ongoing emergency exists at a specific location involving serious bodily injury,

serious physical injury, or death (or an imminent threat thereof). The offense is a third-degree felony unless an emergency responder causes physical injury to someone at the specified location as a result of the false report, in which case it's a second-degree felony.

This bill adds another aggravating circumstance that would result in a second-degree felony offense: if the false report is made (or aided, abetted, or caused) with the intent to ambush, attack, or otherwise harm an emergency responder.

AMENDS: 76-9-202

MEDICAL CANNABIS RELATED BILLS FOR THE SESSION

There were three bills that revised various provisions related to medical cannabis and hemp products. These will all be discussed together, but the three bills were:

<u>HB 385</u>	HEMP AND CBD AMENDMENTS	Rep. Daily-Provost
<u>SB 190</u>	MEDICAL CANNABIS ACT AMENDMENTS	Sen. Vickers
<u>SB 195</u>	MEDICAL CANNABIS ACCESS AMENDMENTS	Sen. Escamilla

The vast majority of these three bills deals with licensing and administrative matters. There are a handful of things that will apply to the criminal justice system, however.

When it comes to medical dosage form, beginning December 1, 2022, the liquid suspension form may not exceed 30ml. It also may not include a liquid suspension branded as a beverage. Medical dosage form will now include aerosol applications.

Cannabis products that exceed 0.3% THC content by dry weight are considered noncompliant materials under the code and are illegal to distribute, sell, etc. It is also illegal to produce, sell, or use cannabinoid products that are added to conventional food or beverages, marketed or manufactured to be enticing to children, or a smokable flower.

It is not certain what a “smokable flower” is since “unprocessed cannabis flower” is considered medical dosage form these days. We may need to wait for another legislative session and the inevitable massive medical cannabis bills that will be presented to get clarification on this provision.

SB 195 went into effect upon signature of the governor on March 24, 2022. SB 190 and HB 385 will go into effect on May 4, 2022.

JUVENILE JUSTICE CHANGES

HB 299

Rep. Snow

This bill expands juvenile court jurisdiction a bit to include 18 year old high school students who commit felony-level offenses at school. It also clarifies the ability of juvenile court to deal with children who are unsafe boaters on Utah streams. The bill spells out when, after a petition is filed, a juvenile court may place a child in DCFS or some other placement. Fines are supposed to be imposed with consideration of a minor's ability to pay within presumptive time frames of probation or custody (there was a separate bill to eliminate fines in juvenile court, but it did not pass); there is a tweak to the extension of time to do hours, in that the extension must be as intake probation. Restitution is supposed to be imposed with consideration of the minor's ability to pay within six months, and unpaid restitution should be listed as a civil judgment. However, there are now also provisions for extending restitution for up to four three month periods, so long as informal or formal probation is terminated, and restitution compliance is reported to the judge every three months by staff at juvenile court. The bill allows, in limited circumstances, a minor who does not qualify for an independent living program to be placed with a relative or guardian. There is a provision clarifying transfer of criminal cases from district court to juvenile court, and provisions dealing with bail.

PRACTICE POINTERS: Keep in mind that some 18 year olds will now be coming to juvenile court, so don't reflexively send those cases to district court. Be aware of the possible extensions of time to pay restitution, and consider following up on whether juvenile court staff is requesting appropriate extensions.

AMENDS: 29 different code sections

ENACTS: 80-6-206

WEAPON POSSESSION PENALTY AMENDMENTS

HB329

Rep. Teuscher

An exemption to the crime of carrying a dangerous weapon while under influence of alcohol or drugs now includes someone who:

has a valid prescription for a medication approved by the FDA for the treatment of ADD or ADHD, and takes the medication as prescribed.

AMENDS: 76-10-528

EXPUNGEMENT FEE AMENDMENTS

[HB392](#)

Rep. Dunnigan

The expungement petition process is both labyrinthian and expensive. First, a petitioner must pay the Bureau of Criminal Identification (BCI) \$65 to perform a background check. Then, if the petitioner is informed that they have one or more cases eligible for expungement, the petitioner must pay BCI \$65 for each case they wish to expunge to get a certificate of eligibility. At that point, the petitioner must file the certificate with a petition in each court case court with a fee of \$150 to district courts and \$135 to justice courts. So someone seeking to expunge three cases could expect to pay about \$700 in fees to BCI and the courts. This bill offers a temporary reprieve to petitioners. They will still have to pay \$65 to BCI for the original background check, however, this bill expends over \$500,000 to waive the certificate fees to BCI and the filing fees to the courts for just over a year until July, 2023. Fiscal analysts expect that over 5,000 Utahns will save hundreds of dollars in fees next year because of this legislation.

ENACTS: 77-40-117

AMENDS: 53-10-202.5; 63I-1-277; 63I-1-278; 77-40-103; 77-40-106; 77-40-107; 78A-2-301; 78A-2-301.5

GOVERNMENT RECORD AMENDMENTS

[HB 399](#)

Rep. Wilcox

This bill modifies the list of records that may be classified as protected to include an employee statement given as part of a governmental entity's personnel or administrative investigation into potential misconduct involving the employee. Such records are protected only if the governmental entity requires the statement under threat of disciplinary action for refusal to provide the statement and assures that the statement cannot be used against the employee in any criminal proceeding.

This bill also makes certain claims for attorney fees and costs under GRAMA not subject to the Governmental Immunity Act of Utah. It authorizes awarding costs against a governmental entity in certain situations for suits brought by that entity to restrict access to confidential records under section 63G-2-405. Finally, it specifies that the Court of Appeals lacks jurisdiction over a GRAMA proceeding that precedes judicial review under section 63G-2-404.

AMENDS: 63G-2-305, 63G-2-405, 63G-2-802, 63G-7-301, 63G-7-302, 78A-4-103

MARIJUANA DEFINITION **AMENDMENTS**

[HB442](#)

Rep. Gwynn

This bill was run at the request of SWAP because of a codified disparity between the penalties for possession/distribution of marijuana and one of marijuana's psychoactive compounds, THC. THC is frequently extracted from the natural plant and distributed in concentrated forms colloquially referred to as 710, wax, earwax, honey oil, budder, butane hash oil, butane honey oil, shatter, dabs, black glass, or errl. As originally drafted, the bill would have excluded THC from the definition of marijuana and resulted in higher penalties for THC concentrates. After pushback on the house floor, Representative Gwynn agreed to clarify the disparity in the opposite direction, making THC extracts a part of the marijuana definition

AMENDS: 58-37-2, 58-37-4

SENATE BILLS

EXPUNGEMENT **MODIFICATIONS**

[SB35](#)

Sen. Weiler

This bill was drafted by Salt Lake County's Criminal Justice Advisory Council, or CJAC. CJAC is a criminal justice coordinating council with various justice stakeholders (think Utah's CCJJ at the local level). CJAC's goal with this bill was to streamline and clarify the expungement petition process and it implements eleven improvements for both petitioners and public safety stakeholders.

First, the Utah Prosecution Council has a new duty to gather and maintain contact information for all prosecuting entities in Utah and to distribute that information on the UPC website. Second, cases with an active stalking injunction or protective order are statutorily ineligible for expungement. Third, intoxication and underage purchase of tobacco were added to the list of minor regulatory offenses. Fourth, when law enforcement agencies receive a notice of automatic expungements for old acquittals or dismissals, law enforcement agencies have one year after receiving notice to process the expungement. Fifth, minor traffic offenses will be automatically deleted five years after adjudication for infractions and class C misdemeanors, and six years after adjudication for class B misdemeanors. Sixth, defendants currently on probation or parole cannot get an expungement. Seventh, if a defendant stays crime-free for ten years after finishing incarceration, probation or parole, the numerical limits on class B misdemeanor cases and below is eliminated. Eighth, county and district attorneys are directed to contact the city prosecutor when a declined case up for expungement was in the purview of the city. Ninth, rather than showing an expungement would "not be contrary to the public interest," the new standard for

petitioners is to show that “the interests of the public would not be harmed by granting the expungement.” Tenth, BCI is now responsible for distributing expungement orders instead of the petitioner. Eleventh, prosecutors may communicate with other prosecutor agencies about expunged records related to stalking, domestic violence, weapons offenses, and sex offender registry eligible offenses.

ENACTS: 77-40a-301; 77-40a-306

AMENDS: 53-5-704; 53-10-202.5; 53e-6-506; 67-5a-1; 78b-9-108

RENUMBERS AND AMENDS: 77-40a-101 through 105; 77-40a-201 through 203; 77-40a-302 through 305; 77-40a-401 through 405.

REPEALS: 77-40-101; 77-40-103

DRIVER SPEED AMENDMENTS

SB 53

Sen. Iwamoto

This bill amends the reckless driver and exhibition of speed statutes. Reckless driving requires a person to operate a vehicle in a willful or wanton disregard for the safety of persons or property. Statute previously included a definition of when that occurred which was when someone committed three or more moving violations in a series of acts within a single continuous period of driving covering three miles or less. That provision still exists, but the legislature has added a person traveling at a speed of 105 mph or greater to the per se willful and wanton disregard for the safety of persons or property.

This legislation requires a court to fine someone not less than 150% of the suggested fine in the uniform fine schedule if the person was traveling above 100 mph.

This legislation makes engaging in a speed contest or exhibition of speed under 41-6a-606 a class A misdemeanor. This is not an offense we often charge as the language can be difficult to prove, but in those cases where we can go forward, it will be as a class A misdemeanor. A person that participates in obstructing the road or barricading a road for a speed contest has committed a class B misdemeanor.

PRACTICE POINTER: While reckless driving lists a couple provisions that are per se willful and wanton disregard for the safety of a person or property, these are not the ONLY situations where this may occur. You may have evidence where someone has committed reckless driving without meeting the two subsections articulated specifically in the statute.

AMENDS: 41-6a-528; 41-6a-601; 41-6a-606

CRIMINAL STALKING EXEMPTION AMENDMENTS

SB56

Sen. Weiler

This bill exempts from the criminal stalking statute

- (1) a law enforcement officer,
- (2) a governmental investigator, or
- (3) a private investigator (as defined in 76-9-408, and only so long as they are not engaging in conduct that constitutes grounds for disciplinary action under 53-9-118)

IF/WHEN acting in an official capacity for legitimate official or business purpose.

AMENDS: 76-3-203.5, 76-5-106.5, 78B-7-903

ASSET FORFEITURE AMENDMENTS

SB65

Sen. Weiler

This bill amends the definition of “interest holder” in the Forfeiture and Disposition of Property Act to protect the interests of commercial lenders when an asset is seized by law enforcement. It also clarifies that it is the State and not an agency that files forfeiture actions and receives forfeitures.

PROTECTIVE ORDER AND STALKING INJUNCTION EXPUNGEMENT

SB85

Sen. Weiler

This bill allows respondents of ex parte protective orders/stalking injunctions and civil protective orders/stalking injunctions to petition the court for expungement and the court may grant the expungement. For clarity of this summary, parties are referenced based on who is the initial petitioner and respondent of the order to be expunged.

An initial respondent can file petition with court and provide notice to initial petitioner of request for expungement.

The initial petitioner has 30 days to file written objection. If an objection is filed, the court will set a hearing and send notice to all parties at least 30 days in advance of the hearing. The initial respondent can file a response to the initial petitioner’s objection within 14 days of the objection

If initial petitioner does not file written objection a court may grant the expungement without a hearing after 60 days.

A court may grant an expungement as follows:

A court may grant an expungement as follows:

1. Ex parte protective order/stalking injunction may be expunged if:
 - a. It was issued but subsequently dismissed/dissolved/expired upon a hearing
 - b. A PO/CSI was not issued on the same circumstances for which the ex parte was issued
 - c. 30 days have passed from when ex parte issued
 - d. No arrest/charge/conviction has occurred for violating the ex parte, **and**
 - e. No criminal proceedings are pending in the state

OR

- a.. Initial petitioner did not appear at the ex parte hearing
- b. 30 days have passed from the last hearing date (whether set/reset/continued)
- c. No arrest/charge/conviction has occurred for violating the ex parte, and
- d. No criminal proceedings are pending in the state

2. Civil PO/CSI may be expunged if:

- a. PO/CSI has been dismissed/dissolved/vacated/expired
- b. More than 3 years have passed since it was dismissed/dissolved/vacated/expired
- c. No arrest/charge/conviction has occurred for violating the PO/CSI, and
- d. No criminal proceedings are pending in the state

If an expungement is granted, it is the initial respondent's responsibility to deliver the order to an affected agency (expungement does not include DCFS). The affected agency must then seal and restrict access to the expunged document(s). The effect is to as if it never occurred and the initial respondent can respond to inquiries and act as if it never existed. However, the expunged document(s) may still be released in certain very specific situations as outlined in the statute, such as to parties to a civil action that arises out of the expunged order. Other limits to the power of the expungement order exists in certain 'pending' circumstances.

WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE

SB 102

Sen. Wilson

This legislation updated the definition from "handheld wireless communications device" to "wireless communication device." This is an update keeping up with the advances in technology. It also added new prohibited conduct, including taking a photograph and reading any electronic communication such as texts, emails, photographs, videos, etc.

AMENDS: 41-6a-1716; 53-3-218; 53-3-402; 76-5-207.5; 80-6-712; 80-6-804

UNMANNED AIRCRAFT AMENDMENTS

SB 122

Sen Kennedy

A working group is created to study advanced air mobility; and a criminal charge of committing a criminal offense with the aid of an unmanned aircraft system is added.

The Department of Transportation will create a working group from several entities to study the current state laws and identify possible changes to make that would facilitate the development of advanced air mobility operations in Utah. They are to have a report no later than September 30, 2022 which must include their findings in reference to: ways to improve state airplane fleet operations, funding, and replacement options.

A new criminal offense is created that criminalizes using an unmanned aircraft in the commission of a criminal offense if the unmanned aircraft system is in the person's control at the time of the criminal offense. The new statute is under the culpability section of the code, so it would appear that the new offense is related to the mental state requirement.

CRIMINAL CODE RECODIFICATION

SB123

Sen. Mayne

This bill, as well as its companion SB124, begin a multi-year process of rewriting the criminal code to create a uniform structure and format for criminal statutes. This bill recodifies offenses in Title 76 Chapters 5 (Crimes Against the Person) and 5b (Sexual Exploitation Act), while future legislation will take on the rest of Title 76. Under the new structure, criminal sections will be built as follows:

Subsection (1): Definitions

Subsection (2): Elements of the offense referring to an "actor"

Subsection (3): Classification of the penalty as well as additional elements for increased penalties

Subsection (4): Limitations and exceptions to the offense

Subsections (5) and beyond: any necessary miscellaneous subsections.

ENACTS: 76-1-101.6; 76-5-109.2; 76-5-109.3; 76-5-111.2; 76-5-111.3; 76-5-111.4; 76-5-308.1; 76-5-308.3; 76-5-310.1; 76-5-404.3; 76-5-412.2; 76-5-413.2.

AMENDS: Lots. Seven pages of this 214-page bill are dedicated to listing the amended sections. For the purposes of space conservation, every

section up through the end of Chapter 5(b) in Title 76 should be carefully reviewed.

RENUMBERS AND AMENDS: 76-1-101.5; 76-5-114

REPEALS: 76-5-210; 76-5-306; 76-5-416.

TINTED WINDOW AMENDMENTS

SB 149

Sen. McCay

This bill amends the amount of window tint allowed on the front side windows of vehicles. The old law required at least 43% light transmittance, and now only 35% light transmittance is required. Additionally, there is now allowed a 5% variance observance by police officers when metering the light transmittance.

AMENDS: 41-6a-1635

PROTECTION AGAINST EXTORTION AMENDMENTS

SB 156

Sen. Thatcher

This expands sexual extortion to include those scenarios where an actor threatens the distribution of an intimate image in order to extort a thing of value. Previously, you needed to show that the goal of the extortion was to obtain a sexual image or sexual act. This criminalizes using the threat of distribution of a sexual image for the goal of obtaining a thing of value. It also expands sexual extortion to juvenile offenders with reduced severity levels.

PRACTICE POINTERS: Watch for the specific threat vs. goal in what a perpetrator is after relative to their threat. It will also now allow prosecution of juveniles.

AMENDS: 76-5b-204

SEXUAL EXPLOITATION AMENDMENTS

SB 167

Sen. Wilson

This separates out of Production and Distribution of child pornography from Possession and Viewing. Production and Distribution are now 1st degree felonies, and Possession and Viewing will remain 2nd degree felonies. It also directs the Utah Sentencing Commission to promulgate new guidelines specifically tailored to sexual exploitation of a minor.

ENACTS: 76-5b-201.1

AMENDS: 30-5a-103, 31A-21-501, 62A-2-120, 63M-7-404, 63M-7-502, 76-1-302, 76-3-203.1, 76-3-203.5, 76-3-407, 76-5b-201, 76-5b-205, 76-9-702.5, 76-10-1302, 76-10-1602, 77-22-2.5, 77-36-1, 77-41-102, 77-41-106, 78B-6-117, 80-1-102

CRIMINAL JUSTICE AMENDMENTS

SB179

Sen. Weiler

This bill represents one part in the Legislature’s overarching attempt to improve data gathering, reporting and sharing among the many entities involved with criminal justice.

All counties must create “Criminal Justice Coordinating Councils” (CJCCs) by January 1, 2023. Counties may create CJCCs jointly with another county or counties. Membership in each CJCC is specified. Each CJCC must develop and implement a strategic plan for each county’s criminal justice system and then report on the plan’s progress to the Utah Commission on Criminal and Juvenile Justice (CCJJ) by November 30 of each year.

Significantly, CCJJ is prohibited from awarding grant funding to any county not complying with the requirements of establishing a CJCC and reporting to CCJJ. CCJJ is also prohibited from awarding grant funding to *any* entity not in compliance with statutory reporting requirements to CCJJ. This prohibition includes county jails contracting for state inmates.

Residential, vocational and life skill programs must now collect recidivism data and send it to CCJJ.

The bill revises how the Division of Substance Abuse and Mental Health (DSAMH) regulates mental health and substance abuse treatment programs with the intent to better establish performance goals and obtain data on treatment outcomes and recidivism.

DOC must track offenders’ compliance with treatment while on probation or parole and create case action plans within certain timelines.

The bill clarifies that a felony offense is not a prerequisite for participation in a drug court program.

ENACTS: 13-53-111, 17-55-101, 17-55-201, 63M-7-218

AMENDS: 17-22-32, 62A-4a-412, 62A-15-103, 62A-15-123, 62A-15-602, 63M-7-204, 64-13-6, 64-13-21, 64-13-26, 64-13e-103, 78A-5-201.

REPEALS: 62A-15-103.5

PROTECTIVE ORDER REVISIONS

[SB217](#)

Sen. Weiler

This bill expands jurisdiction to file a petition for an ex parte civil protective order/civil protective order to be brought where either party ‘is temporarily domiciled’, in addition to the previously allowed jurisdiction where either party resided or the action complained of took place.

Jurisdiction is similarly expanded to petitions for ex parte stalking injunction/civil stalking injunction. In addition, the court shall hold a hearing ‘at the earliest possible time’ within the 10 days previously required unless the court finds a compelling reason to do otherwise.

CIVIL HOUSE BILLS

EMERGENCY RESPONSE AMENDMENTS

[HB 16](#)

Rep. Dunigan

This bill first makes some fiscal changes, as it increases the limit (from \$150,000 to \$500,000) the Division of Emergency Management (DEM) may spend on expenses incurred by the National Guard when called into service, for expenses not otherwise covered by emergency disaster funding sources; lowers the minimum fund balance from \$10 Million to \$5 Million when DEM is considering advanced funding for disasters.

It also defines an *Emergency Responder*, *Emergency Response Team*, *Emergency Response Team Member*, and *Sponsoring Agency*, for the purposes of establishing DEM’s ability to contract with a sponsoring agency that has an Urban Search and Rescue Task force to provide those services in the event of a disaster. The agreement would provide for DEM’s ability to reimburse the sponsoring agency for those costs. Then these Team Members would be considered DEM employees for the purposes of Workers’ Compensation benefits (also thereby limiting DEM’s liability), when lawfully operating a vehicle as authorized, and would receive the protection and indemnification of a DEM employee.

PRACTICE POINTER: If your entity desires to organize a National Urban Search and Rescue Response System task force (described in 44 C.F.R. 208) to assist FEMA or locally, you could also enter into an agreement with DEM to assist the State and be eligible for reimbursement when providing assistance. (You’re always eligible for

reimbursement from FEMA if you can tolerate the paperwork and record keeping.)

ENACTS: 53-2a-1501 – 53-2a-1503

AMENDS: 53-2a-603

OPEN AND PUBLIC MEETINGS ACT MODIFICATION

HB 22

Rep. Welton

This bill makes three changes to the Open and Public Meetings Act related to electronic meetings. First, by December 31, 2022, the policy that governs how a public body convenes and conducts an electronic meeting must establish the conditions under which a remote member is included in calculating a quorum. Second, if the public body is statutorily authorized to allow members to act by proxy, the electronic meeting policy must establish the conditions for proxy votes or actions. If there is no policy for proxy votes or actions, then proxy votes or actions are not authorized during electronic meetings. Third, for electronic meetings, all votes shall be done by roll call unless they are unanimous.

PRACTICE POINTERS: Policies regarding electronic meetings need to be updated before the end of the year to reflect how remote members are including in calculating a quorum. It is highly unlikely that any public body within county government has statutory authority to conduct action by proxy so the provision requiring a policy for proxy voting likely does not apply to county organizations.

AMENDS: 52-4-207

FIRST RESPONDER MENTAL HEALTH SERVICES

HB23

Rep. Wilcox

Requires all first responder agencies to provide mental health resources for employees, spouses, children and retirees. The bill provides \$5,000,000 non-lapsing appropriation in 2023 and lays out procedure to receive grants through the Department of Public Safety to cover costs of mental health resources including treatment assessment, outpatient mental health therapist services and peer support specialist services.

PRACTICE POINTERS: Bill provides that all access to mental health services be kept confidential, so assure records are properly classified by records officer.

ENACTS: 53-20-101, 53-20-102, 53-20-103
AMENDS: 63I-2-262
REPEALS: 62A-15-120

STATE MONUMENTS ACT AMENDMENTS

HB 27

Rep. Eliason

This bill makes changes to the State Monuments Act. This bill:

Defines terms;

Defines “application”, which allows entities (including county commissions) to submit applications to nominate a historic landmark/structure, geological formation, cultural site, or archaeological resource as a state monument.

Amends the procedure for considering a proposed state monument;

Requires the division to submit completed applications with division findings to the commission of all counties that contain all/some of the proposed state monument.

Requires the county commission to then adopt a resolution supporting or opposing the proposed state monument and submit the resolution to the division. (The application then goes through a similar process with municipalities legislative bodies and state legislators.) If a county or municipality opposes the state monument, the monument is not proposed to the state legislature.

Repeals sections related to the procedure for considering a proposed state monument and the management of a state monument; and

Makes technical and conforming changes.

INSTREAM WATER FLOW AMENDMENTS

HB33

Rep. Ferry

Authorizes a temporary or permanent change of use for instream flows which are beneficial to the maintenance of a natural or altered stream. Authorizes a temporary or permanent change in use to provide water to sovereign lands, which are lands lying below the ordinary high-water mark of navigable bodies of water at the date of statehood and owned by the state by virtue of its sovereignty.

ECONOMIC DEVELOPMENT MODIFICATIONS

HB 35

Rep. Handy

This bill is a significant redirection of financial (tax) incentives local governments may provide for developments within their respective jurisdictions. As stated by the Governor’s Office of Economic Opportunity, “this legislation is considered an overhaul of the Economic Development Tax Increment Financing (EDTIF) incentive program, which serves as the state’s flagship incentive program. These changes include more targeted use of incentives along the Wasatch Front, with more aggressive incentives to benefit rural Utah. This legislation also provides the ability for our office to proactively work with counties and cities to identify sites that are best prepared to accommodate growth for enhanced incentive opportunities.”

The “targeted use” language means that the ability to use TIF incentives will be limited, and these incentives will be more readily available for the rural areas, meaning counties of the 3rd, 4th, 5th, and 6th class.

It appears as though the state is again placing restraints on local government. Counties and cities may create economic development zones as long as it includes a long-term plan that addresses transportation and infrastructure, workforce development, housing needs, and is approved by the Governor’s Office of Economic Opportunity.

It uses the term “targeted industries” and then authorizes the Unified Economic Opportunity Commission to redefine that term every five years, based on the state’s needs.

PRACTICE POINTERS:	This is required reading for those involved in economic development to see the new limitations along the Wasatch Front, and to see the increases for those in the rural counties, and cities and towns that have populations of less than 10,000
ENACTS:	63N-2-104.1 through 104.3; and 63N-2-110
REPEALS:	63N-2-108
AMENDS:	59-7-614.2; 63N-1a-102; 63N-1a-202; 63N-1a-301; 63N-2-102 through 105 and 107; 63N-3-102 and 63N-3-111

COMMISSION ON HOUSING AFFORDABILITY AMENDMENTS

HB36

Rep. Waldrip

Makes the Commission on Housing Affordability permanent, removing its sunset date. The Commission is a subcommittee of the Unified Economic Opportunity Commission, and tasked with studying, recommending, and facilitating policies and programs to address housing affordability.

STATE WATER POLICY AMENDMENTS

HB37

Rep. Stratton

State water policy is expanded to include aquifer recharge.

AMENDS: 73-1-21

STATE CONSTRUCTION CODE AMENDMENTS

HB39

Rep. Ferry

Title 15A had language and numbering revisions, but the substance of the Title 15A was not amended. Language was also amended to allow for a licensing exemption for a person certified by the National Institute for Certification in Engineering Technologies at level III or IV in Water-Based System Layout or Fire Alarm systems if they submit a fire sprinkler/alarm system layout to the authority have jurisdiction, the fire code official, or the building official for approval. Also exempt from licensure are a fire code or building official reviewing construction documents for code compliance; and a fire code or building official conducting an inspection for code compliance.

AMENDS: 15A-3-202, 15A-3-203, 15A-3-205, 15A-3-306, 15A-3-402, 15A-5-302, 58-22-305

EFFECTIVE: July 1, 2022

COUNTY PROPERTY TAX STATEMENT AMENDMENTS

HB41

Rep. Barlow

Removes the requirement for the county auditors to send the annual assessment roll statement to the state auditor. The auditor is still required to send the annual statement to the Utah State Tax Commission in a manner prescribed by the Commission.

JUSTICE COURT JUDGE ELECTIONS AMENDMENTS

HB 45

Rep. Hawkins

This bill amends the ballot requirements for a retention election of a justice court judge. Previously if a Justice Court Judge held more than one office, the Judge would need to be listed

on the appropriate ballot separately for each office. If the Judge received more no votes than yes votes in any of the elections, the Judge could not serve in that office, but could continue to serve in other offices. Now, when a Judge has more than one office that includes a county justice court judge office and/or a municipal justice court office for municipalities of the fourth or fifth class, the Judge is only listed once on any ballot and all offices are listed. If the Judge is up for retention in one or more municipalities of the first, second, or third class, the Judge is only listed on the respective ballot of those municipalities.

INTERGENERATIONAL POVERTY MITIGATION

HB 50

Rep. Handy

This legislation eliminates the Intergenerational Welfare Reform Commission and its Intergenerational Poverty Advisory Committee. Additionally, it ends the Intergenerational Poverty Plan Implementation Pilot Program early, upon effective date rather than January 1, 2023. The reporting responsibilities on intergenerational poverty, formerly performed by the Commission, will be the responsibility of the Department of Workforce Services with the assistance of the Department of Cultural and Community Engagement, Department of Health, State Board of Education and Department of Human Services who are obligated to provide certain information to be included into the Department of Workforce Services' annual report.

BIG GAME AMENDMENTS

HB62

Rep. Snider

Division of Wildlife Resources amendments were made to the big game animal provisions involving private land. A new statute was made in reference to hiring a guide or outfitter for public land hunting and criminal penalties that attach for a violation

This bill quickly addresses the timeline and requirements for a landowner to mitigate losses of crops and other damage to land by killing big game. The main portion of this legislation that will apply in the criminal justice system has to do with outfitters and compensating others to locate big game animals.

A person is only allowed to compensate another for locating or monitoring big game animals according to this new code section. "Compensation" is defined as anything of value in excess of \$25 that is paid, loaned, given, granted, donated, or transferred to a person. The following stipulations apply to hiring an outfitter or a guide for big game hunting. A person may only hire one outfitter or guide to hunt on public lands. And the outfitter or guide is only allowed to use one compensated individual to go locate or monitor big game animals on public land.

If a big game animal is killed on private property, the owner must make reasonable efforts to preserve the animal and allow the Division of Wildlife Resources reasonable access to the property so they can dispose of the animal.

The amendments also have the mitigation review panel be the entity where appeals for compensation decisions are made. Compensation for damages to cultivated crops on private land is now also based on the estimated number of big game animals that damages the crops, the estimated quantity of cultivated crops damaged, the local market value of the crops, the replacement value of orchard trees of the same age, and other documented costs directly incurred as a result of the damage by big game animals. Damages do not include any speculation on future value.

Additions were made to when claims for damages are denied. In addition to compensation claim denials for unreasonably restricting hunting on the land and failure to exercise reasonable care and diligence to avoid or minimize the damage, a claim will be denied if the owner does not provide reasonable access to the property; fails to allow the division to implement reasonable mitigation measures; and does not provide evidence of crop values.

A new code section was enacted in reference to the use of hunting outfitters or guides for hunting on public lands. Specifically, an individual is allowed to pay a hunting guide or outfitter to assist the individual on a public land hunt if: the outfitter or guide is properly registered; the individual has retained the outfitter or guide and is receiving those services; the individual has the proper licenses and permits to hunt; the individual only uses one outfitter or guide; and only one individual is provided by the outfitter or guide to assist the individual. The new section also allows a hunting guide or outfitter, in good standing, to pay another person to monitor or locate big game animals on public land if: that person was retained by the hunting guide or outfitter; that person has the proper hunting licenses and permits; that person is not assisting another outfitter or guide; and only one person is paid to locate or monitor big game animals. A violation of the new code section qualifies as an unlawful take and may be penalized criminally.

A violation of these provisions for outfitters, guides, or the hunter are considered an unlawful take under section 23-20-3 and will also constitute unlawful conduct under the sections regulating guides and outfitters.

COVID-19 VACCINE EXEMPTIONS

HB63

Rep. Burton

Requires and employer to exempt an employee or a prospective employee from a COVID-19 vaccine requirement under certain circumstances. However, an employer may require an employee or a prospective employee to receive or show that employee has received a COVID-19 vaccination if: the employer establishes a nexus between the employee's assigned duties or identifies an external requirement for vaccination not imposed by the employer. An employer

has to pay for all COVID-19 testing related to employment and it prohibits and employer from keeping or maintaining records an employee's COVID-19 test results.

ENACTS: 34-56-102, 34-56-201

RENUMBERS AND AMENDS: 34-56-101

VOTER ROLL MAINTENANCE AMENDMENTS

HB67

Rep. Peterson

This bill amends provision relating to maintaining the official register of voters. Requires the county clerk no later than 90 days before each primary and general election to update the official register by reviewing the official register and taking the actions permitted or required under 20A-2-305; 20A-2-304.5; and 20A-2-306. Requires the lieutenant governor 90 days prior to each primary and general election to compare the information received under 26-2-13(11) and (12) with the official register. Requires an election officer to include return mailing instructions on the outside of the envelope for returning the ballot if the individual to whom the election officer mails the ballot does not live at the address to which the ballot is sent.

PUBLIC SAFETY DISABILITY BENEFITS AMENDMENTS

HB70

Rep. Gwynn

This bill requires a Utah Retirement Systems participating employer to offer a benefit protection contract to public safety and firefighters who are injured in the line of duty. It allows a participating employer to offer a benefit protection contract to public safety and firefighters who become disabled while employed with the participating employer, even if the disability is not as a result of an injury in the line of duty.

EFFECTIVE DATE: July 1, 2022

AMENDS: 49-11-404

ENACTS: 49-14-602, 49-15-602, 49-23-602

RETIREMENT SYSTEM AMENDMENTS

HB75

Rep. Dunnigan

Provides options and procedures for withdrawing from Utah Retirement Systems.

AMENDS: 49-12-203, 49-13-203, 49-22-203, 67-3-12
ENACTS: 49-11-626

MEDICATION FOR INMATES

HB77

Rep. Dailey-Provost

Adds a patch or vaginal ring to the types of contraceptives that may be provided to inmates and removes repeal dates for provisions requiring county jails to provide inmates with prescribed contraceptives.

GOVERNMENT RECORDS FEE AMENDMENTS

HB 96

Rep. Johnson

This bill modifies provisions of the Government Records Access and Management Act related to fees. This bill modifies a provision relating to a prohibition against a governmental entity charging a fee for the first quarter hour of staff time, prohibits a governmental entity from charging a fee for the first quarter hour of staff time spent responding to a record request, unless the person who submitted the request submitted a separate request within the preceding 10 days and is not a Utah media representative.

AMENDS: 63G-2-203

TAX SALE NOTICE AMENDMENTS

HB106

Rep. Welton

Prior to this bill, the county auditor had to send the tax sale notice by certified and first-class mail. HB106 now gives the auditor the option of sending it through a shipping service instead of through certified mail (but first-class mail is still also required). The shipping service must include tracking and delivery confirmation.

SMALL CLAIMS AMENDMENTS

HB107

Rep. Brammer

This bill amends the amount required for a small claims action. Previously the maximum amount of a claim for a small claims action was \$11,000. Beginning May 4, 2022 the claim cannot exceed \$15,000. Beginning January 1, 2025 it cannot exceed \$20,000. Beginning January 1, 2030 it cannot exceed \$25,000.

AMENDS: 78A-8-102

VICTIM ADDRESS CONFIDENTIALITY PROGRAM

HB117

Rep. Pitcher

Creates a state-run program to protect from public disclosure the home addresses of Utahns who are victims of sexual or domestic violence, human trafficking, or stalking, as well as their children and other dependents who live with them. It allows victims to use their state-issued “assigned address” to receive mail, title their vehicles, pay property taxes, register their children for school, receive voting materials, and for all other aspects of civic life. Victims can apply to the program through program assistants—paid individuals or trained volunteers who interview victims and help determine eligibility—if they are victims of sexual or domestic abuse, human trafficking, or stalking, and they have relocated (or will soon relocate) to a home address unknown to their abuser and they fear for their own physical safety or the physical safety of their dependents if their abuser finds their new home. A big exception? Those required to make their home address public—e.g., registered sex offenders—may not participate.

WETLAND AMENDMENTS

HB 118

Rep. Snider

This bill requires the collection and publication of wetland data and a study of the viability of an in-lieu fee program for wetland mitigation. This bill:

Defines terms;

Requires land use authorities (including counties) to provide a copy of a land use permit that affects wetlands to the Utah Geological Survey;

Directs the Department of Natural Resources to:

publish land use permits that affect wetlands on the department's website; and

study and make recommendations to the Natural Resources, Agriculture, and Environment Interim Committee regarding the viability of an in-lieu fee program for wetland mitigation; and

Makes technical and conforming changes.

AMENDS: 10-9a-521, 17-27a-520, 79-3-202

ENACTS: 79-2-406

STATE TRANSIENT ROOM TAX MODIFICATIONS

HB 125

Rep. Albrecht

This bill eliminates the scheduled repeal of the State Transient Room Tax Act. Relating to the use of TRT revenue it also eliminates the scheduled repeal of the Hospitality and Tourism Management Education Account, the Hospitality and Tourism Management Career and Technical Education Pilot Program, and the Outdoor Recreational Infrastructure Grant Program.

UNIFORM EASEMENT RELOCATION ACT

HB 132

Rep. Snow

This bill enacts the Uniform Easement Relocation Act. This bill:

defines terms;

addresses the applicability of the Uniform Easement Relocation Act (Act) to certain easements;

excludes certain easements from relocation under the Act;

establishes the right of a property owner to relocate an easement in certain circumstances;

allows a property owner to commence a civil action to relocate an easement;

provides the requirements for commencing a civil action to relocate an easement;

addresses a court order for relocation of an easement;

requires the parties to a civil action for easement relocation to act in good faith in facilitating relocation;

addresses when a proposed easement relocation is considered to be final and complete;

addresses the effect of an easement relocation under the Act;

provides that the right of a property to relocate an easement under the Act cannot be waived, excluded, or restricted by agreement;

provides that the law should be applied and construed to promote uniformity with other states that enact the Act;

contains a provision on the Act's relation to the Electronic Signatures in Global National Commerce Act;

provides that the Act applies to an easement created before, on, or after the effective date of this bill; and

provides a severability clause.

ENACTS: 57-13c-101 through 114.

LOCAL LICENSING AMENDMENTS

HB 146

Rep. Lisonbee

This bill attacks local control of numerous elements of business licensing related to food trucks and ATVs. It expands the definition of a food truck to include ice cream trucks; restricts city and county regulation/inspection of food trucks; requires a political subdivision to honor a food truck business license from another jurisdiction; prohibits local land use/zoning regulation of food trucks including their size; and prioritizes the rights of a handful of ATV business owners over the rights of all over business owners, home owners, and visitors thereby securing the ATVs status as the largest predator in the food chain, driving out all other users via excessive noise pollution and damage.

The less biased summary: This bill expands the definition of a food truck to include ice cream trucks; restricts city and county regulation/inspection of food trucks; requires a political subdivision to honor a food truck business license from another jurisdiction; prohibits local land use/zoning regulation of food trucks including their size; and restricts city and county regulation/inspection of ATV businesses.

PRACTICE POINTER: Just give up already?!?

ENACTS: 11-65-101

AMENDS: 10-1-203, 11-56-102, 11-56-103, 11-56-104, 17-53-216

WATER FACILITY AMENDMENTS

HB166

Rep. Watkins

Redefines and clarifies the crime of knowingly interfering with the operation of a water facility. Also allows for the collection of reasonable costs and attorney fees in a civil action for the same.

PREFERENCES OF WATER RIGHTS AMENDMENTS

HB168

Rep. Albrecht

Authorizes the Governor to declare a Temporary Water Shortage Emergency caused by drought, manmade causes or natural causes for a period of up to one calendar year. During the state of emergency, water used for drinking, sanitation, generation of electricity, and fire suppression has a preferential right and priority in use. Water for agricultural purposes has the next priority in use.

AMENDS: 73-2-1, 73-3-21.1

ENACTS: 73-3-21.3, 73-3-21.5

STATE AND LOCAL EMPLOYEE DISASTER SERVICES

HB 169

Rep. J. Burton

Last year the legislature enacted the Local Emergency Management Act, HB 96 (2021), which required municipalities and counties to adopt a local emergency operations plan, and to appoint an emergency manager. HB 169 (2022) allows for municipal or county personnel to be activated by their chief executive officer if a disaster is declared by their chief executive officer, and requires the personnel to comply with the local emergency operations plan. Similarly, state, municipal, and county personnel may be activated by the governor if the governor declares an emergency, and requires the personnel to comply with the emergency operations plan adopted by the Utah Division of Emergency Management. It contains some provisions regarding rights and responsibilities of personnel during and after a disaster, such as they may check on their immediate family and assist them if they are in imminent danger during a disaster.

AMENDS: 53-2a-104

ENACTS: 53-2a-221

OFF-ROAD VEHICLE SAFETY EDUCATION

HB180

Rep. Albrecht

This bill requires: an individual operating an off-highway vehicle (except within a guided tour) to complete an online education course; an individual under the age of 18 without a valid license to complete an operational safety test before operating an OHV; an individual convicted of certain violations of OHV laws to complete community services hours to repair damage caused by the violation; and issuance and display of a license plate on each OHV.

AMENDS: 41-22-3, 41-22-5.1, 41-22-12.2, 41-22-12.5, 41-22-19, 41-22-30,
41-22-31, 41-22-35

LOCAL HEALTH DEPARTMENT AMENDMENTS

HB 182

Rep. Strong

This bill was enacted to strip local health departments, counties, and municipalities of authority to respond to public health emergencies. Specifically, this bill (1) excludes state facilities and the capitol hill complex from the authority and jurisdiction of a local health department pertaining to an order of constraint; (2) prohibits a chief executive officer of a municipality from exercising emergency powers in response to a pandemic or epidemic; (3) prohibits a chief executive officer of a municipality or county from vetoing an action by the legislative body to terminate an order of constraint or a declaration of a local emergency; and (4) provides 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.

OUTDOOR RECREATION RELATED EDUCATION

HB206

Rep. Chew

This bill requires additional education to be integrated into hunter and OHV education courses, including the importance of agricultural fences and gates (and closed gates).

BALLOT MEASURE AMENDMENTS

HB 218

Rep. Teuscher

This bill defines terms and modifies provisions relating to a ballot title for a constitutional amendment and establishes a process for electronic collection of signatures in the presence of a signature gatherer using an approved device.

FISHING AND HUNTING RESTRICTIONS FOR NONPAYMENT OF CHILD SUPPORT

HB 231

Rep Lisonbee

Amends the restrictions on when a person who is delinquent on child support payments can obtain a fishing or hunting license, permit or tag.

An individual placed on a 12-month payment schedule for delinquency on child support payments who missed payment for one month due to new employment may still obtain a fishing or hunting license, permit, or tag if: they provide information about the new employer within 30 days from the missed payment; pay the missed payment amount in 30 days from when the payment was due; and comply with all other child support payments in the 12 month period.

UTAH LAKE AUTHORITY

HB 232

Rep. Brammer

This bill enacts provisions relating to the Utah Lake Authority. This bill:

creates the Utah Lake Authority;

defines the status of the Utah Lake Authority and provides for the Authority's purposes, powers, duties, policies, and objectives;

The lake authority's purpose is to work in concert with government entities (including counties) to develop and implement the management plan for Utah Lake and related issues.

The lake authority has no jurisdictional control or power over another political subdivision, unless otherwise stated.

The lake authority may receive funding, borrow money, contract with, or accept financial or other assistance from governmental entities.

The lake authority may not impair or affect existing water rights or projects.

The lake authority shall respect permits and agreements from governmental entities.

The lake authority board shall provide a copy of the proposed management plan to each adjacent political subdivision before adopting a plan.

Political subdivisions of the state are encouraged to help the lake authority.

establishes a board to govern the Utah Lake Authority and provides for board membership, appointment, terms, duties, and responsibilities;

The legislative body of Utah County shall appoint a member for the legislative body of Utah County as a lake authority board member.

authorizes the board to appoint nonvoting members, board officers, and advisory committees;

The lake authority board shall appoint one or more local government group to consult with and advise the board in the performance of the board's duties in fulfilling the purposes of the lake authority.

prohibits certain individuals from serving as a member of the board or executive director and prohibits board members and the executive director from receiving certain benefits;

requires the authority board to adopt and implement a management plan for Utah Lake;

authorizes the authority to enter into an agreement for the improvement of Utah Lake;

provides for the hiring of an executive director, defines the executive director's role,

and provides for the qualifications and duties of the executive director;

requires the attorney general to provide legal services to the lake authority;

provides a process for the adoption and amendment of a project area plan and a project area budget;

provides for the Utah Lake Authority to be paid certain sales tax revenue and other sources of revenue, and provides for the allowable uses of revenue;

authorizes the Utah Lake Authority to issue bonds and includes provisions related to bonds;

requires the Utah Lake Authority board to adopt an annual budget and provides a process for preparing and adopting or amending a budget;

requires the Utah Lake Authority to provide reports and requires the Authority to comply with audit requirements; and

provides limits on the dissolution of the Utah Lake Authority and requirements if a dissolution occurs.

BEHAVIORAL HEALTH AMENDMENTS

HB 236

Rep. Eliason

This bill creates the collaborative care grant program administered by the Division of Substance Abuse and Mental Health. Small primary health care practices (10 or fewer primary care physicians or primarily based in a county of the third through sixth class) may apply for a grant to support or implement a program to provide integrated physical and behavioral health services under a collaborative care model.

This bill requires the base budget to include certain appropriations to the Department of Health for behavioral health services. The Office of the Legislative Fiscal Analyst must now include an estimate of the cost of behavioral health services in certain Medicaid funding forecasts. The state suicide prevention program may now also include a public education campaign.

PRACTICE POINTERS: Many volunteer fire departments will still be non-compliant with this Act, but most other volunteer programs should now have protections for compensation they are providing. Sponsor has already agreed to work in interim to address issues with volunteer fire and volunteer EMS that are compensated above limits in this bill.

LOCAL DISTRICT MODIFICATIONS

HB237

Rep. Robertson

Requires a local district to make a tentative budget available for public inspection (i) at its offices, (ii) on its website, and (iii) on the Utah Public Notice Website, for at least seven days prior to adopting a final budget.

STATE HOLIDAY MODIFICATIONS

HB238

Rep. Hollins

Provides for the observation of Juneteenth National Freedom Day each year as a holiday throughout the State.

AMENDS: 63G-1-301

SECONDARY WATER METERING AMENDMENTS

HB242

Rep. Peterson

A secondary water supplier must install water meters on all new secondary water connections for pressurized irrigation beginning April 1, 2020 for counties of the first and second class, and May 4, 2022 for counties of the third, fourth, fifth and sixth class. Further, all secondary water connections of a secondary water supplier must be equipped with a meter no later than January 1, 2030. Secondary water suppliers in the fifth and sixth class counties can get an exemption under certain circumstances. Beginning January 1, 2030, secondary water suppliers in violation of

these requirements will be subject to fine by the State Engineer and shall not be eligible for future state monies for water related purposes. The Board of Water Resources will administer a grant program to assist secondary water suppliers in meeting the requirements of “full metering” by January 1, 2030.

AMENDS: 73-2-1, 73-3-21.1

ENACTS: 73-3-21.3, 73-3-21.5

CIVIL COMMITMENT REVISIONS

HB 261

Rep. Lyman

This bill makes small adjustments to the civil commitment process by adding individuals who can perform various functions in the process.

Adds Physician’s Assistant and Nurse Practitioner to the list of individuals authorized to evaluate whether an adult meets criteria for involuntary civil commitment.

Physician assistant and nurse practitioner also now authorized to arrange transportation of someone being civilly committed if a peace officer is not necessary.

AMENDS: 62A-15-629

MUNICIPAL ALTERNATE VOTING METHODS AMENDMENTS

HB 264

Rep. Welton

This replaces the term “canvassing phase” with the term “ballot-counting phase” and includes provisions for determining a voter’s intent on an instant voting ballot. A ranking is valid for a particular ballot-counting phase if the voter indicates his/her preference or if the voter skips a number, the voter indicates an order of preference for the candidates. In addition, the bill provides criteria for a full recount of a multi-candidate race after the completion of all ballot-counting phases.

AMENDS: 20A-4-101; 20A-4-102; 20A-4-304; 20A-4-601; 20A-4-603; 20A-4-604.

CAPITAL ASSETS RELATED TO WATER

HB269

Rep. Stratton

A wastewater service provider, to include a political subdivision, who owns, operates, or otherwise sponsors through agreement a sewerage system, a treatment works, or a large

underground wastewater disposal system is required to adopt a capital asset management plan, as a condition to receiving state or federal financing or grants. Further, a wastewater service provider must participate in the EPA's 2022 Clean Water Needs Survey and provide data to that survey no later than December 31, 2022. A water service provider, to include a political subdivision, who owns water works and provides retail water or is a water conservancy district, is required to adopt a capital asset management plan, as a condition to receiving state or federal financing or grants. Further, a water service provider must participate in any Division of Drinking Water or Division of Water Resources survey. The Water Development Coordinating Council will review these capital asset management plans and evaluate best practices for wastewater and water service providers.

AMENDS: 73-10c-3

ENACTS: 19-5-201, 19-5-202, 19-5-203, 73-10g-401, 73-10g-402, 73-10g-403, 73-10g-404

WATER WISE LANDSCAPING AMENDMENTS

HB282

Rep. Wilcox

Cities and counties may not prohibit water wise landscaping under LUDMA or CLUDMA. Nor may they require a property owner to install or maintain lawn or turf in an area with a width less than eight feet. Cities and counties may, however, require compliance with a site plan review process and the maintenance of plant material in a healthy condition. Further a city or county may prohibit certain uses of mulches considered detrimental, and may restrict or prohibit the use of specific plant materials. Lastly, a city or county may impose a minimum or maximum vegetation coverage standard. These water wise prohibitions also apply to homeowner's associations and their covenants, conditions, and restrictions (CC&Rs).

ENACTS: 10-9a-535, 17-27a-531, 57-8a-231

VOLUNTEER GOVERNMENT WORKERS AMENDMENTS

HB 287

Rep. Dunnigan

Bill was requested by State Risk Management to allow for compensation to volunteers beyond expenses actually incurred while retaining protections for volunteers under workers compensation and the Governmental Immunity Act. Allows for certain stipends, gear and gifts. Also changes volunteer authorization from executive and Personnel Director to just executive or their designee.

PRACTICE POINTERS: Many volunteer fire departments will still be non-compliant with this Act, but most other volunteer programs should now have protections for compensation they are providing. Sponsor has already agreed to work in interim to address issues with volunteer fire and volunteer EMS that are compensated above limits in this bill.

AMENDS: 34A-3-113, , 6G-7-102, 67-20-2, 67-20-3, 67-20-4

INSURANCE COVERAGE FOR EMERGENCY MEDICAL SERVICE PERSONNEL

HB 289

Rep. D. Johnson

Creates and funds the Volunteer Emergency Medical Service Personnel Health Insurance Program which will provide PEHP health benefits to certain EMS personnel in counties of the third, fourth, fifth and sixth class. Program sunsets July 1, 2027.

PRACTICE POINTERS: Administration of the program will be handled by an association chosen by PEHP, not the volunteer entity. Volunteer entity will likely be called upon to provide data on number of runs by volunteer to determine eligibility. Volunteer entity should identify personnel eligible and provide them information on the program but are not required to do so.

EFFECTIVE DATE: No effective date or implementation date was shown in the bill, but considering an advisory committee must be formed to write rules, benefits will likely not be available until sometime in 2023.

ENACTS: 26-8a-603

AMENDS: 49-20-201, 63I-1-226, 63G-7-102, 67-20-2

REAL ESTATE INTEREST TERMINATION AMENDMENTS

HB 291

Rep. Peterson

This bill amends provisions related to the termination of an interest in real estate. This bill:

amends provisions related to the termination of an interest in real estate, including the disclosing of a termination of interest upon the death of a tenant; and

makes technical and conforming changes.

MICROENTERPRISE HOME KITCHEN AMENDMENTS

HB 292

Rep. Watkins

This bill amends the 2018 edition of the International Fire Code making it no longer necessary for a microenterprise home kitchen to have a Type 1 hood requirement for cooking appliances.

PRACTICE POINTER: Local Health Departments will need to update their permitting requirements.

AMENDS: 15A-5-203

LOCAL LAND USE AMENDMENTS

HB303

Rep. Peterson

Provides that a county or city may not require a developer to provide a certain number of moderate income housing units as a condition of a land use approval. If a county requests such units, the county has to provide incentives. The developer can voluntarily agree to build moderate income housing units. A county also may not deny a land use application based on a developer's failure to provide moderate income housing units. There was a carve-out exception for Park City/Summit County because they passed an ordinance before January 1, 2022. (UCA 17-27a-531)

HB 303 also sets out a new rule for noticing public meetings and public hearings. If the county is changing the text of its zoning code, the posted notice must include "a summary of the effect of the proposed modifications . . . designed to be understood by a lay person." The proposed modifications must be provided to anyone upon written request.

A few more important changes in HB 303 not related to housing affordability:

Expanded notice times apply to amendments to public improvement requirements for subdivisions and developments. Subdivision ordinance amendments now require: (1) give 30 days' notice, (2) conduct a public hearing, and (3) mail specific notice to each applicant with a pending land use application and each person who makes a written request to receive a copy of the notice, and give them an opportunity to provide public comment in writing or in person. (UCA 17-27a-212)

Deleted a section that said an applicant for a building permit for a single family dwelling, for 10 years, only has to comply with the requirements and land use regulations in place at the time of plat approval. (UCA 17-27a-508(4) *deleted*)

Substantial evidence of a nonconforming use or noncomplying structure can include evidence outside of city or county records. (UCA 17-27a-510(4)(a))

A landowner does not have to amend a subdivision plat in order to combine lots (if the county has passed an ordinance on this topic). (UCA 17-27a-601)

When the district court reviews a land use decision, it presumes the decision is valid unless it is arbitrary and capricious, or illegal. “Illegal” was expanded to include if it “conflicts with the authority granted by this title.” (UCA 17-27a-801(3)(c)(ii))

If a lot line is adjusted by a recorded boundary line agreement under UCA 17-27a-523, it is effective between the parties. However, it’s not effective against the county, and it doesn’t circumvent the requirement of a subdivision plat amendment if the lots are in a recorded subdivision. Also, it is not land use approval, and the county can withhold approval of an application if the agreement didn’t comply with land use regulations. (UCA 57-1-45(1), (6) & (7)) This will affect county recorders and assessors who have to adjust the boundaries for title vesting and assessment purposes. (UCA 57-1-45(5))

Some regulations related to annexations and disconnections were amended.

Notice requirements changed.

It was clarified that only people with standing can challenge an annexation in District Court (i.e. the legislative body or affected landowner). (UCA 10-2-407 & 501)

AMENDS: 10-2-407, 10-2-501, 10-9a-103, 10-9a-205, 10-9a-212, 10-9a-509, 10-9a-511, 10-9a-601, 10-9a-603, 10-9a-608, 10-9a-801, 17-27a-205, 17-27a-212, 17-27a-508, 17-27a-510, 17-27a-601, 17-27a-603, 17-27a-608, 17-27a-801, 57-1-45, 10-9a-535, 17-27a-531

ELECTION SECURITY AMENDMENTS

HB313

Rep. Hawkins

This bill clarifies the restriction for a voter to vote in more than one election regardless of where the election is held. It prohibits an election officer from soliciting, accepting or using funds donated for an election from anyone other than a government entity. It requires the lieutenant governor to take and store for 22 months a copy of the official register for a) the voter registration deadline; b) the day of the election; and c) the last day of the canvass. It re-worded the language about voters receiving electronic ballot notifications. Requires a voter to provide valid voter identification prior to voting. Creates a requirement for the director of elections in the lieutenant governor’s office to create rules establishing requirements for election officials regarding ballot security, custody, handling, processing, disposition and tabulation of ballots.

Creates a requirement for the election officer to certifying compliance by affidavit and maintain the voter registration database according to law. Outlines what the legislative auditor general may and may not do. Requires 24-hour video surveillance of each unattended ballot drop box. Requires at least two poll workers be present when collecting ballots from a ballot drop box

location and requires an election officer to ensure the proper chain of custody of those ballots. Creates “Part 9. Election Security” which outlines various requirements for the lieutenant governor regarding audits, security of election equipment, cyber security, voter fraud, software validation procedures, printing and mailing ballots, and appropriation. Also authorizes a one time appropriation of \$500,000 from General Fund (fiscal year 2023).

ENACTS: 20A-3a-404, 20A-5-207, 20A-5-901, 20A-5-902, 20A-5-903, 20A-5-904, 20A-5-905, 20A-6-108.

AMENDS: 20A-1-603, 20A-2-304, 20A-2-308, 20A-3a-202, 20A-3a-204, 20A-4-202, 20A-5-403.

TRANSIENT ROOM TAX AMENDMENTS

HB 323

Rep. Last

This bill provides additional flexibility to spend TRT revenue for counties that have a National Park located within or partially within the county. First, these counties can use 10% of the total TRT revenue for “visitor management and destination development.” If a county uses this option, it reduces the maximum amount of funds that are available for project or mitigation spending under Utah Code §17-31-2(4), but does not reduce the amount required to be spent on promotion activities under Utah Code §17-31-2(2)(a). Second, counties with a National Park that have 150% windfall tax year may transfer additional funds to their TRT reserve account.

Normally a reserve fund includes accumulated unappropriated surplus TRT revenue and may not exceed 50% of the actual TRT revenue for the current fiscal year. However, for fiscal years beginning on or after July 1, 2019 and ending on or before July 1, 2023, counties with a National Park that collected more than 150% TRT than the previous fiscal year may have a maximum of the 50% of actual collections of TRT from the previous fiscal year plus any windfall amount (anything over 100% of the previous fiscal year collection). If a county qualifies for the windfall transfer amount and the county transfers the full windfall amount to the reserve fund, all of that windfall amount may be spent on “visitor management and destination development.” The bill further clarifies that a county annual report on TRT expenditures required under Utah Code § 17-31-5.5 must be in writing and completed before October 1 of each year. It also makes a requirement that at least once each year, each county must consider “the priorities and recommendations” of the county’s tourism tax advisory board in one or more public meetings before finalizing the expenditures of TRT revenue. This requirement does not apply to counties that have a written contract with their Tourism Tax Advisory Board, or equivalent board, that clearly delineates how TRT revenue is expended.

ECONOMIC AND WORKFORCE DEVELOPMENT AMENDMENTS

HB 333

Rep. Hawkes

The focus of this legislation is to ensure grant, loan and other financial assistance to the rural areas of the state. Besides a lot of renumbering sections, reassigning responsibilities among boards, commissions, committees and subcommittees, and renaming some of those boards, commissions, committees and subcommittees, it:

- authorizes grants for entities to create or enhance return to work programs;
- repeals the repeal date for the Governor's Economic Development Coordinating Council;
- requires the Unified Economic Opportunity Commission to develop criteria for pass-through funds, or they otherwise lapse;
- provides the Board of Economic Opportunity is to have at least five members who reside in counties of the 3rd through 6th class, and that Board is authorized to make recommendations to the Industrial Assistance Account; and cannot authorize a tax credit for a new commercial project located within a county of the 1st or 2nd class;
- requires reviews or consultation with the GO Utah Board; amends the criteria grants and loans;
- creates an Economic Assistance Grant Program and establishes requirements for assistance (63N-3-802);
- directs the Center for Rural Development is to assist in administering that program;
- defines a rural county as one of the 3rd through 6th class;
- creates a Rural Opportunity Program (63N-4-802), which is to distribute an equal amount of grant money to each county that has established a County Economic Opportunity (CEO) Board, and establishes other grant, loan or financial assistance opportunities, and creates requirements therefor;
- creates a Rural Opportunity Advisory Committee;
- creates a Rural Opportunity Fund;
- creates a Board of Tourism Development, and establishes its duties;
- creates with the GO Utah office the Utah Office of Tourism;
- creates a Center of International Business and Diplomacy; and
- contains coordinating clauses if HB 35 and SB 91 pass.

PRACTICE POINTERS: This is required reading for those involved in economic development, particularly those in the rural counties, and cities and towns that have populations of less than 10,000.

ENACTS: 53B-33-109; 63N-1a-307; 63N-3-801 through 805; 63N-7-104; 63N-19-101 through 104

REPEALS AND REENACTS: 63N-7-101 through 103; 63N-7-201 and 202

AMENDS: 35A-1-109; 53B-1-404; 63B-1b-202; 63I-1-235 and 263; 63L-2-301; 63N-1a-102, 292, 303, and 306; 63N-2-104, 511, and 810; 63N-3-105, 109, 112, and 204; 63N-4-104, 402 through 404; 63N-6-301; and 63N-7-301

RENUMBERS AND AMENDS: 9-23-101, 201 through 205, and 301 through 318; 9-24-101 through 103; 53B-33-101 through 108; 63N-1a-401 and 402; 63N-1b-401 through 404; and 63N-4-803

REPEALS: 17-54-101 through 103; 35A-11-101; 53B-1-114, and 407; 63N-4-201 through 205, 601 through 604, and 701 through 704; and 63N-10-101.

PUBLIC SAFETY EMPLOYEE PERSONAL DATA AMENDMENTS

HB 345

Rep. Wilcox

Several years ago the legislature enacted these provisions to protect the personal information of law enforcement personnel. Entities were required to develop a form by which these personnel could request their information be protected. This amendment to that law expands the personnel covered by these provisions. It now includes dispatchers, correctional facility employees, or current or retired employees or contractors of law enforcement agencies or correctional facilities.

PRACTICE POINTERS: Remember, you have an affirmative requirement to create, provide and assist in filling out this request form. This amendment makes an enormous expansion. At first it seems innocuous when adding dispatchers and jail personnel. But adding retirees and contractors is a significant expansion. Your entity will need to determine the efforts to be made to reach out to retirees, as well as define “contractors.” (Those that you contract with for software? For equipment? To fill your vending machines?)

REPEALS: 53-18-101

AMENDS: 53-18-102 and 103

PROPERTY TAX EXEMPTION AMENDMENTS

HB347

Rep. Welton

This bill makes four primary changes related to the property tax exemption process for non-profits. First, it removes from the definition of “nonprofit entity” the requirement that the entity must not receive income that exceeds its operating and long-term maintenance expenses. Second, it changes the requirement that non-profit applicants must appear before the county board of equalization and instead makes it optional at the discretion of the board of equalization. Third,

the bill codifies the Commission rule that continuing exemption applications are due by March 1 each year and extends the deadline for applications when property is acquired after January 1.

Finally, the bill allows a one-month extension for a non-profit to file its continuing exemption application for certain circumstances involving a medical emergency, death, or other “extraordinary and unanticipated circumstances.”

PRACTICE POINTER: Note that although the statute removed the requirement regarding income not exceeding expenses, this requirement comes from caselaw interpreting the constitutional exemption provision and therefore is still a factor that must be considered in the exemption process. In addition, it is not clear how the extension deadline for circumstances involving a medical emergency or death should be applied to non-profit corporations since corporations do not generally have medical emergencies or die in any traditional sense.

Accordingly, attorneys may receive questions on how those circumstances should be applied.

EFFECTIVE DATE: January 1, 2023

AMENDS: 59-2-1101 and 59-2-1102

EMINENT DOMAIN APPRAISAL AMENDMENTS

HB357

Rep. Petersen

Requires a condemning authority to obtain a new appraisal before making a settlement offer pursuant to Section 78B-6-509(3)(a) if: (1) more than 90 days have passed since an appraisal “as described in 78B-6-510(3)” was obtained and no additional appraisal has been obtained related to a mediation or arbitration under Section 78B-6-522 or (2) more than 90 days have passed since an appraisal was obtained related to a mediation or arbitration under Section 78B-6-522.

This obligation can be waived in writing by the property owner. The condemning authority must pay for the additional appraisal, and the additional appraisal must use a valuation date that is no more than 120 days prior to the trial date. The condemning authority must use the appraisal with the highest value in the settlement offer pursuant to Section 78B-6-509(3)(a). Additional appraisals obtained pursuant to Section 78B-6-509(3)(b) are not admissible in evidence and may not be referred to at trial.

AMENDS: 78B-6-509

CONVENTION AND TOURISM BUSINESS ASSESSMENT AREA ACT

[HB 373](#)

Rep. Spendlove

This new legislative enactment authorizes counties of the first and second class to designate and create a convention and tourism business assessment area and to levy assessments on lodging businesses that benefit from activities in the area. It can only be initiated by petition from property owners within the area. The statute establishes the requirements of the petition, the required notices and the public hearing processes that follow, including the opportunity for property owners within the area to protest the establishment of the assessment area. The assessment area cannot include any portion of a municipality without that municipality's permission, as done by ordinance or resolution. The enacting county must contract with a third party administrator to implement the beneficial activities for the area. The management plan may be amended, again by going through the notice and hearing process.

The assessment area can last no longer than 10 years, but may be renewed. The statute also provides the process for dissolution of the area. The funds collected must be expended on the properties benefitted by the activities.

MINING OPERATIONS AMENDMENTS

[HB 378](#)

Rep. Lund

This bill excludes boulders from certain mining definitions. This bill: modifies definitions to exclude boulders or the extraction of boulders; and

Defines "Boulder" to mean a naturally occurring consolidated rock fragment greater than 75 millimeters in size that is associated with unconsolidated material and detached from bedrock.

Includes boulder in the definition of "Deposit."

Excludes the extraction of boulders from the definition of "mining operation."

makes technical changes.

BALLOT PROCESSING AMENDMENTS

[HB 387](#)

Rep. Mark Strong

This bill amends provision relating to the administration and security of the election process. It defines some terms and what appears to be other grammatical changes. Removes the requirement of the election officer to release an estimate of the total number of voted ballots. Changes some of the wording that requires an election officer post statistics regarding ballots and outlines the

schedule for processing ballots in the enacted 20A-3a-404 “Ballot statistics” section. Modifies that a person must be registered or preregistered to be a “watcher” and outlines the access to poll watchers. Creates notification of ballot processes requirements and states what the “ballot process” includes. Requires the lieutenant governor to provide each election officer with a standard form to maintain a log of all replicated ballots and states what information is required to be logged from each ballot. Requires an election officer to store adjudicated ballots separately from other ballots.

ENACTS: 20A-3a-404, 20A-3a-807.

AMENDS: 20A-3a-402, 20A-3a-801, 20A-4-104, 20A-4-105, 20A-3a-404, 20A-3a-807.

LOCAL DISTRICTS AMENDMENTS

HB 388

Rep. Handy

This bill modifies provisions related to local districts. This bill:

modifies provisions related to adopting a resolution related to a local district;

If a county adopts a resolution indicating that the county will provide the service proposed to be provided by the proposed local district, the resolution shall include a reasonable timeline for the county to begin providing the service.

If the legislative body of a county fails to adopt the above resolution, the county legislative body shall be considered not only to have declined to provide the service requested, but also to have consented to the creation of the local district.

If the county fails to timely provide the requested service after passing a resolution, the county will be considered to have declined to provide the service, and the creation of the local district may proceed accordingly.

If adequate protests are not filed with respect to a resolution proposing the creation of a local district for which an election is not required, a resolution approving the creation of the local district shall [changed from may] be adopted by the legislative body of a county whose unincorporated area is included within the proposed local district and the legislative body of a municipality whose area is included within the proposed local district; or the board of trustees of the initiating local district.

modifies the requirements for being a board member of certain local districts;

modifies requirements related to obtaining insurance coverage for a board member of a local district;

modifies the requirements for appointing a board member to a local district;

modifies requirements related to a person filing to become a candidate for an elective position on a local district board;

modifies provisions related to compensation of a board member of a local district;

modifies provisions related to the purchasing procedures of a local district;

modifies provisions related to the authority of a municipal services district; and

Municipal service district may assist a county located within a municipal services district by providing staffing and administrative services.

makes technical changes.

LARGE PUBLIC TRANSIT DISTRICT AMENDMENTS

HB 404

Rep. Ballard

This bill requires a large public transit district to compare costs for different types of available zero emissions propulsion systems for passenger rail cars or buses via a request for information. The cost comparisons shall consider purchase price, fuel cost/mile, service/maintenance, lifespan, passenger capacity, and supply chain costs/risks.

JAIL PHOTO DISTRIBUTION

HB406

Rep. Stratton

Provides that an image taken of an individual during the process of booking the individual into jail is not a protected record when disseminated by a law enforcement agency to a potential witness or other individual with direct knowledge of events relevant to a criminal investigation or criminal proceeding for the purpose of identifying or locating an individual in connection with the criminal investigation or criminal proceeding.

RECREATION INFRASTRUCTURE AMENDMENTS

HB409

Rep. Snyder

This bill creates the Outdoor Adventure Infrastructure Restricted Account, diverts certain sales and use taxes into the account; and appropriates \$36.2 million dollars in one-time funding for construction, repair, improvement and access to outdoor recreation infrastructure.

VOTING ADMINISTRATION AMENDMENTS

H.B. 411

Rep. Peterson

This bill amends provisions relating to the administration of elections. Changes the timing of curing a rejected ballot from the day before the canvass begins to three days before the canvass begins. Changes the language regarding making contact to verify identity and establishes that a voter must be directly communicated with and the voter provides the election officer with identifying information using the voter's voter registration file. Makes technical and conforming amendments.

POINT OF THE MOUNTAIN STATE LAND AUTHORITY AMENDMENTS

HB 438

Rep. Snow

Permits Point of the Mountain State Land Authority ("Authority") to impose municipal energy sales tax (with similar limits/requirements that are placed on municipalities) and prohibits a municipality from imposing the same within the point of the mountain state land. The composition of the Point of the Mountain loan committee is amended, adding more expertise in public finance or infrastructure, and making the loan committee an advisory body to the Point of the Mountain Board (rather than having final approval authority). Qualifications for legislative appointments to the Point of the Mountain Board are specified, together with clarification on and disclosure of potential disqualifying conflicts. Another basis for closing a public meeting is added to the Open and Public Meetings Act to discuss a proposed development agreement, project proposal, or financing proposal related to State property. The Point of the Mountain Authority is authorized to impose impact fees, other development fees, and to provide other funding for public infrastructure. The Authority is authorized to spend Authority funds, including repayment of loans and bonds and payment of Authority salaries and operating expenses. The Executive Appropriations Committee of the Legislature must approve loans for infrastructure from the point of the mountain fund.

The biggest direct impact of this bill on a county (Salt Lake and Utah) is assessment and collection of the annual fee in lieu of property tax, and assessment/collection of property tax augmentation (similar to tax increment). The County assessor is to assess a fee in lieu of property tax on property within the Authority boundaries owned by the State and leased to a private person, similar to a privilege tax. The County treasurer collects and distributes the fee in the same manner as a property tax (and may retain an administrative fee for its costs).

Property tax augmentation is property tax based on the difference in value between the base taxable year—the date the State transfers ownership to a private person—and the current tax year. Augmentation does not include property tax revenue from the multicounty assessing and

collecting levy, a judgment levy, or a general obligation bond levy. 75% of Augmentation is paid to the Authority for 25 years (which the Authority Board can extend an additional 15 years if doing so will provide a significant benefit to the Authority). The County treasurer collects augmentation and distributes to the Authority in the same manner as property taxes.

ELECTED PUBLIC BODY TRANSPARENCY AMENDMENTS

HB 439

Rep. Acton

This bill modifies provisions of the Open and Public Meetings Act. For any public body that includes one or more elected members, the meeting minutes must include a record of the votes taken by the members that is in “list format”; by category by each action taken including yes votes, no votes, and members absent; and by each member’s name. This bill removes the language about how a quorum is formed for electronic meetings. Quorums for electronic meetings are now addressed by HB 22 which requires the public body to have a policy regarding how a quorum is calculated during electronic meetings.

AMENDS: 52-4-203, 52-4-207

HOMELESS SERVICES AMENDMENTS

HB 440

Rep. Eliason

Modifies the membership of the Utah Homelessness Council and establishes the Utah Homeless Network Steering Committee within the Office of Homeless Services. The Utah Homeless Network Steering Committee supports and coordinates services for homeless individuals and makes recommendations to the Utah Homelessness Council regarding awarding of funds.

Provides loan repayment assistance to homeless shelters and creates the Homeless Shelter Cities Mitigation Restricted Account and a formula for dispersing account funds to municipalities to mitigate the cost of hosting an eligible homeless shelter and

Also, requires a county of the first class to annually prepare an overflow plan that will detail the county’s plan to operate temporary overflow shelters each year from October 1st through the following April 30th. The plan shall be submitted to the Office of Homeless Services for review and approval by September 1st of each year. If the Office of Homeless Services determines that the proposal is not compliant with the requirements of 35A-16-502, homeless shelters within the county could expand capacity as detailed or the state could open temporary overflow shelters at state-owned facilities within the county.

UTAH INLAND PORT AUTHORITY AMENDMENTS

This bill makes some changes to the definition of terms in the State Code governing the Utah Inland Port Authority (the “Authority”), including creating new definitions for “intermodal facility” and “multimodal facility” and changing the definition of “public infrastructure and improvements” to include privately owned “infrastructure, improvements, facilities or buildings” that meet certain requirements.

It changes the membership of the “loan approval committee” to be the members of the Authority’s board (the “Board”).

It makes expands the powers and duties of the Authority, particularly regarding the development and implementation of zero-emissions logistics. It expands the policy objective of the Authority to “aggressively pursue world-class businesses” and seek “land remediation and development opportunities for publicly owned land.” It allows the Board to consider the emissions profile of “road, yard, or rail vehicles” to determine access by those vehicles to Authority owned or financed facilities and to set fees.

It requires a primary municipality (defined so that it can only be Salt Lake City) to enter into an agreement with the Authority by December 31, 2022, to efficiently process land use applications and provide at least one full-time employee to be the single point of contact for such applications.

It reduces the membership of the Board from 11 to 5 members. Two members are appointed by the governor; one each is appointed by the president of the Senate and the speaker of the House of Representatives; and one is jointly appointed by the president and the speaker. The Board will also now include three nonvoting members, one of which is a member of the Salt Lake City Council. All of the voting members serve at the pleasure of and can be removed, with or without cause by, the individuals who appointed them.

The terms of the nonvoting members are set by the Board. The terms of the voting members of the Board are 4 years, except that the initial term of one of the members appointed by the governor and of the member appointed by both the president and the speaker is only two years.

The bill authorizes the use of Authority money to pay a business recruitment incentive to qualified individuals. The business recruitment incentive can be “up to 20% of the property tax differential generated from a tax differential parcel for a period of 20 years” if a person can demonstrate that \$1 billion of capital expenditure will occur because of that person’s development project. Lesser amounts for fewer years are available at the \$500 million and \$100 million levels. Alternatively, a person can be awarded different levels of business recruitment incentives if the person demonstrates that the person’s development project will create 1,000, 500, or 250 high-paying jobs.

The bill requires the “primary municipality” (i.e., Salt Lake City), the City’s community development and renew agency, and the Authority to enter into an agreement by December 31, 2022, to govern how the Authority will spend a portion of property tax differential generated by a property tax levied by the primary municipality (i.e., Salt Lake City) on property within the boundaries of the Inland Port that are located with the jurisdiction boundaries of the City.

Details of how this property tax is to be paid and distributed are provided.

The bill allows the Authority to use an automatic license plate reader system within the Inland Port if the purpose is “to improve supply chain efficiency” or improve “the efficiency of the movement of goods” and the license plate information is anonymized.

The bill clarifies that 50% of sales and use taxes collected within the Inland Port will be distributed to the Authority beginning July 1, 2022.

BEREAVEMENT LEAVE MODIFICATIONS

HB 449

Rep. Shipp

Essentially a substitute bill for SB 63, passed earlier in the session, which provided bereavement leave benefits to state, county and municipal government employees suffering a miscarriage or still birth and employees that are the spouse or partner of an individual who loses a child due to miscarriage or still birth or are a former spouse or partner of such an individual if the employee would have been the biological parent of the child lost due to miscarriage or still birth. HB 449 extends SB 63 to include coverage for employees who would have been adoptive or surrogate parents of a child lost due to miscarriage or still birth.

AMENDS: 10-3-1103; 17-33-5, 20A-1-508, 53B-1-401, 53B-1-402, 63A-17-106

UTAH HOUSING AFFORDABILITY AMENDMENTS

HB462

Rep. Waldrip

If they haven’t already done so, counties and cities must update their general plans to include a moderate income housing element, and an implementation plan. The implementation plan must provide opportunities to meet the need for additional moderate income housing within the next five years, selecting three or more strategies from the list. (UCA 17-27a-403(2))

The plan also has to have a timeline and benchmarks for implementing the selected strategies. The deadline for counties of the first, second, or third class to update their general plans is October 1, 2022. (UCA 17-27a-401(3))

Counties can select from a modified list of criteria to meet moderate income housing goals, including these and more:

Use grant money and provide incentives to landlords to deed restrict units for moderate income housing or establish a housing loss mitigation fund

Waive or eliminate impact fees on affordable housing (i.e., external ADUs)

Use, or partner with others that use, programs for affordable housing under the Dept. of Workforce Services

Reduce regulations on multifamily residential dwellings in walkable communities

Combine resources with other local governments to acquire or fund moderate income housing

Pass an ordinance that requires 10% or more of new residential development be dedicated to moderate income housing. (Note: HB 303 prohibits a county from requiring this, but I guess we could “incentivize” it?) This may suggest there is a local funding source to support the moderate income housing, and the financial burden isn’t falling on a developer.

Counties must report their implementation strategies and progress to the Housing and Community Development Division within the Department of Workforce Services annually. The report contents are greatly expanded in new UCA 17-27a-408. Read and comply with this by October 1, 2022.

The bill also establishes a Rural Housing Fund to provide loans for moderate income housing projects in rural areas. It provides loans for projects in counties of the third, fourth, fifth, or sixth class. (UCA 35A-8-509.5)

The bill permits a county to grant real property to a developer for moderate income housing, if it is deed restricted for 30+ years. (UCA 63L-12-102)

A few more changes in HB 462 not related to housing affordability:

County general plans have to include a resource management plan for public lands. (UCA 17-27a-401(3))

Counties can’t impose impact fees for certain internal ADUs. (UCA 11-36a-202)

The Governor’s Office can use Economic Opportunity funds to assist cities (not counties?) in hiring technical assistance for planning regarding housing, transportation and growth. (UCA 63N-3-113)

This bill has a lot to say about public transit districts, and city planning and development around fixed public transit stations. (UCA 10-9a-403.1 & 17B-2a, *et. seq.*)

Referenda and referability restrictions were imposed for land use laws related to certain qualifying transit areas. (UCA 20A-7-601 & 602.8)

EFFECTIVE DATE: June 1, 2022

AMENDS: 10-9a-103, 10-9a-401, 10-9a-403, 10-9a-404, 10-9a-408, 10-9a-509, 11-36a-202, 11-59-203, 17-27a-103, 17-27a-401, 17-27a-403, 17-27a-404, 17-27a-408, 17-27a-508, 17B-2a-802, 17B-2a-804, 20A-7-601, 35A-8-101, 35A-8-503, 35A-8-504, 35A-8-507.5, 35A-8-508, 35A-8-509, 35A-8-510, 35A-8-511, 35A-8-512, 35A-8-513, 35A-8-803, 35A-8-2105, 35A-8-2106, 35A-8-2203, 63J-5-802, 63N-3-603, 72-1-304, 72-2-124.

ENACTS: 10-9a-403.1, 35A-8-509.5, 63L-12-101, 63N-3-113.

RENUMBERS AND AMENDS: 63L-12-102 (renumbered from 10-8-501).

CIVIL SENATE BILLS

LOCAL ELECTION AMENDMENTS

SB11

Sen. Iwamoto

This bill allows municipal legislative bodies and local district boards to cancel a local election by passing a resolution at least 20 days before a scheduled election that states there are no contested races or propositions to include on the ballot. The bill also allows cancelling a race in a local election if it is uncontested.

AMENDS: 20A-1-206

ELECTION MODIFICATIONS

SB18

Sen. Thatcher

This bill makes technical and clarifying corrections to various election statutes. For example, the term “person” is replaced with “individual” and “location” is changed to “place.” The bill also replaces the pronoun “his” with gender neutral terms.

EFFECTIVE DATE: March 3, 2022

AMENDS: 17-20-5, 17B-1-306, 20A-1-102, 20A-1-509.3, 20A-1-608, 20A-1-611, 20A-2-207, 20A-3a-201, 20A-3a-202, 20A-3a-801, 20A-4-306, 20A-4-403, 20A-4-405, 20A-5-102, 20A-5-403, 20A-5-406, 20A-5-601, 20A-7-211, 20A-7-611, 20A-9-201, 20A-9-503, 20A-11-202, 20A-11-901, 20A-13-101.5, 20A-14-101.5, 20A-15-104, 67-1a-2, 67-1a-3 REPEALS: 20A-16-406, 20A-16-407, 67-1a-14

ELECTION REVISIONS

SB19

Sen. Thatcher

This is a cleanup bill. It amends the dates a special election can be held in an odd-numbered year, which are the second Tuesday after the first Monday in August, or the First Tuesday after the first Monday in November. The bill also makes it a crime to “willfully alter” a ballot without lawful authority granted by an election’s officer. It requires a county to switch a registered voter’s party affiliation to “unaffiliated” if the political party is no longer registered with the state. It changes the date for municipalities to decide to participate in rank choice voting to May 1 of an odd-numbered year. Finally, it modifies conflict of interest reporting requirements.

AMENDS: 11-14-203, 20A-1-102, 20A-1-204, 20A-1-403, 20A-1-604, 20A-2-107,
20A-4-602, 20A-5-102, 20A-5-405, 20A-5-605, 20A-7-103, 20A-11-1604

PROPERTY TAX AMENDMENTS/ Telecommunication Properties

SB 20

Sen. Bramble

This bill transfers assessment jurisdiction of telecommunication properties from the Commission to local assessment by County Assessors. The objective is to force assessments based upon Commission tax schedules. The transfer is expected to reduce assessment values by 40%, transferring \$19 million in tax burden from telecommunication companies to other taxpayers on an annual basis. However, while telecommunication companies welcomed the tax break, they did not want the inconvenience of filing tax returns in 29 counties. Thus, the bill creates a quasi-centrally assessed system using the Multicounty Assessment Trust (MCAT) to accept a single return and then transmit the assessment data to each Assessor. To fund this quasi-centrally assessed system, the Multi State Assessing and Collecting Levy is increased to raise an additional \$1 million annually. In sum, the bill requires taxpayers to pay \$1 million annually to fund a new assessment process for telecommunication property to replace what already existed at the Commission for the past 80 years, solely for the purpose of providing a \$19 million tax reduction to certain telecommunication companies.

Unrelated and less important, the bill makes changes to the fee in lieu applicable to certain exempt electricity generators and to the process for changing a primary residential exemption.

UTAH RETIREMENT SYSTEMS REVISIONS

SB 24

Sen. W. Harper

This bill creates additional certification requirements for URS participating employers regarding whether employees are eligible, ineligible, or a re-employed retiree. It provides that a public

safety employee who is promoted to administration may continue in the public safety retirement system. There are many other minor changes to the URS code.

EFFECTIVE DATE: July 1, 2022

AMENDS: 49-11-603, 49-11-1207, 49-12-102, 49-13-102, 49-14-102, 49-14-201, 49-15-102, 49-15-201, 49-16-102, 49-22-102, 49-22-201, 49-22-204, 49-22-205, 49-22-401, 49-23-102, 49-23-201, 49-23-203, 49-23-401

REPEALS: 49-11-904

PROPERTY TAX DEFERRAL AMENDMENTS

SB25

Sen. Fillmore

Updates and expands the property tax deferral program to help certain individuals avoid having their primary residence sold at tax sale. Increases the age requirement to 75, expands the household income limitation to 200% of the circuit breaker household income table, defines types of liquid resources to be considered, and requires the owner's residence be no greater than 100% of the median property value within the county or, alternatively, that the owner has owned the property for 20 continuous years. Adjusts the deferred interest to 50% of the normal tax delinquency rate. Also allows the county to request reimbursement from the Utah State Tax Commission for granting the deferrals for the next five years to account for the differences in collection rates for purposes of the certified tax rate. After five years, the county must repay the amount. Finally, in 2025, the property tax deferral becomes mandatory rather than discretionary.

VOTING HISTORY AMENDMENTS

SB32

Sen. Thatcher

This bill requires an election officer, when reporting voter history for an election, to include certain information related to voters whose registrations are classified as private without disclosing the identities of those voters. This information includes the dates individuals receive ballot in the mail and the dates the election officer receives the returned ballots or the dates the individuals vote early or in person.

AMENDS: 20A-5-410

BALLOT AMENDMENTS

SB38

Sen. Thatcher

The bill requires an election officer to prepare an impartial title and short summary for initiatives and referenda on ballots. For state initiatives and referenda there is a presumption that a summary is impartial unless it can be shown that it is “clearly and convincingly” false or biased. There is no presumption for local initiatives or referenda.

AMENDS: 20A-7-209, 20A-7-308, 20A-7-508, 20A-7-608

UTAH PROTECTION OF PUBLIC EMPLOYEES ACT

SB40

Sen. Thatcher

The amendments replace the term “adverse” with “retaliatory” and thus prohibit state and local governments from taking retaliatory action against a public employee in any of the scenarios listed in the various affected sections. Retaliatory action includes (1) dismissal, (2) reduction in compensation, (3) failure to increase compensation by an amount the employee is otherwise entitled to or was promised, (4) failure to promote the employee if the employee would have otherwise been promoted, or (5) threatening to take any of the previously listed actions. The amendments then create a burden-shifting framework in which an employee who alleges a violation first has the burden to prove by a preponderance that the employee, in good faith, engaged in protected activity and suffered retaliatory action. If the employee meets this initial burden, the employer then has the burden to prove by substantial evidence that the employer’s action was justified. If the employer meets its burden, the burden shifts back to the employee to show by a preponderance that the employer’s justification is pretextual.

PRACTICE POINTERS: If taking any of the above actions against an employee, first check to make sure it is not based on a prohibited reason. If the action has a permitted basis, document reasoning to be prepared for potential challenges from employees.

AMENDS: 26-61a-111, 67-21-2, 67-21-3, 67-21-3.5, 67-21-3.6, 67-21-3.7, 67-21-4, 67-21-6

BEHAVIORAL HEALTH SERVICES AMENDMENTS

SB41

Sen. Kennedy

Requires the Department of Health to award a grant to a local mental health authority to implement or expand integrated behavioral health programs and appropriates \$116,000 ongoing and \$87,000 one-time to fund the grants.

Requires the Department of Health to develop a proposal and apply for a waiver to allow the state Medicaid program to reimburse a local mental health authority for physical health services in an integrated health care setting.

Allows buprenorphine prescribed to treat substance use withdrawal symptoms or an opiate use disorder to be recycled under the Charitable Prescription Drug Recycling Act.

DELINQUENT PROPERTY TAX COLLECTION AMENDMENTS

SB61

Sen. Harper

This bill limits when a governmental entity can seize someone's state income tax refund for delinquent property taxes. The process for seizing someone's tax refund cannot be used to collect on property taxes unless the property taxes are three or more years delinquent. The bill also dictates that tax refunds seized and applied to property taxes must be applied to the earliest delinquent year first and then through each successive year to the most recent.

BEREAVEMENT LEAVE AMENDMENTS

SB 63

Sen. Harper

Extends bereavement leave to employees affected by the miscarriage or stillbirth of a child. Requires the Utah Board of Higher Education and human resource bodies of state, county and municipal governments to implement rules that provide three work days of paid bereavement leave to employees who suffer the loss of a child due to miscarriage or still birth. Covers employees suffering a miscarriage or still birth and employees that are the spouse or partner of an individual who loses a child due to miscarriage or still birth or are a former spouse or partner of such an individual if the employee would have been the biological parent of the child lost due to miscarriage or still birth.

PRACTICE POINTER: See also HB 449, Bereavement Leave Modifications, which adds coverage for intended adoptive and surrogate parents.

AMENDS: 10-3-1103; 17-33-5, 20A-1-508, 53B-1-401, 53B-1-402, 63A-17-106

ELECTRIC ASSISTED BICYCLE USE AMENDMENTS

SB 66

Sen. Weiler

This bill requires a state agency or local authority to consider accommodations for persons with "mobility disabilities" while planning and constructing "soft surfaced trails" (which does not

include trails on which federal law/rule prohibits motorized use or conservation easements which prohibit motorized vehicles).

AMENDS: 41-6a-102, 41-6a-1115.5

REAL PROPERTY RECORDING AMENDMENTS

SB 80

Sen. Winterton

This bill addresses the recording of documents concerning real property. This bill:

- provides the requirements for a legal description of real property in a document to be recorded with a county recorder; and
- makes technical and conforming changes.

COMMISSION ON HOUSING AFFORDABILITY AMENDMENTS

SB81

Sen. Iwamoto

Establishes how a county Assessor should determine the fair market value of real property that is subject to an affordable housing covenant restricting rents charged for the units. The assessor must send a form to each owner of real property in the county that is subject to an affordable housing covenant, and the owner has to comply with disclosure requirements.

WATER AMENDMENTS

SB89

Sen. Iwamoto

Clarifies the requirement that a water provider who supplies culinary water and has more than 500 service connections must file a water conservation plan with the Division of Water Resources. The water conservation plan must include a water conservation goal consistent with state statute and administrative rule. Prior to adopting the water conservation plan, the water provider must give notice and hold a public hearing. Simultaneous with the filing of the water conservation plan, the water provider must adopt a water conservation rate structure. Failure to file a water conservation plan results in being ineligible for state water development funding.

AMENDS: 73-10-32, 73-10-32.5

TAX ADMINISTRATION AMENDMENTS

SB90

Sen. Harper

Clarifies that parties to an administrative garnishment order issued by the Utah State Tax Commission must file requests and motions regarding the garnishment orders in district court. In addition, in the context of sales and use tax, the bill renames “remote seller,” to “voluntary seller.”

LIMITATIONS ON EMPLOYER LIABILITY

SB95

Sen. Owen

This limits employer liability for negligent hiring of an employee based solely on evidence that the employee has prior criminal convictions. Certain claims for negligent hiring may still be asserted where there are additional facts that support the action, but the claims allowed are identified specifically in this section. Importantly, governmental immunity is not waived under this section, and the section does not create a cause of action or expand existing causes of action. This section has a sunset date of July 1, 2025.

PRACTICE POINTERS: Consider raising a governmental immunity defense if facing claims of negligent hiring based on an employee’s criminal history.

ENACTS: 78B-4-518

AMENDS: 63I-1-278

CORRECTIONAL OFFICER ELIGIBILITY AMENDMENTS

SB96

Sen. Iwamoto

Allows 19-year-olds to become certified and work as correctional officers and/or special function officers. A 19-year-old special function officer may only work as a correctional officer.

WATER AS PART OF GENERAL PLAN

SB110

Sen. McKelle

Requires cities (except for cities of the fifth class) and counties to adopt a Water Use and Preservation Element to their land use general plans no later than December 31, 2025. This

Element must address (i) the effects of existing permitted development on water demand and water infrastructure, (ii) the methods of reducing water demand for existing and future development, and (iii) the opportunities for a city or county to modify operations to eliminate practices or conditions that waste water. Various policies, landscaping options, and sustainability principles set forth in the statute must be addressed in the Element. A city is required to consult with the local public water provider as to the effect of the Element on water supply planning and distribution. Cities and counties may include water demand reduction strategies as part of the Element, including water concurrency standards. The Element must include a recommendation for low water use landscaping standards for all new commercial and multifamily development.

AMENDS: 10-9a-401, 10-9a-403, 10-9a-404, 17-27a-401, 17-27a-403, 17-27a-404, 73-10-36

ENACTS: 73-10-36

FIREARM PREEMPTION AMENDMENTS

SB115

Sen. Wilson

Reserves jurisdiction for all firearm regulations to the Legislature. Prohibits any local or state governmental entity from adopting or enforcing any ordinance, regulation, rule, or policies that inhibits or restricts the possession, ownership, purchase, sale, transfer, or transportation of a firearm. Establishes limits on the possession of a firearm in or near a homeless shelter. Creates a civil action against a local or state governmental entity that attempts to enforce an ordinance, regulation, policy, or rule that violates the legislative firearm preemption statute.

PRACTICE POINTERS: The Utah Legislature declares “molonlabe.”

ENACTS: 53-5a-103.5, 78B-6-2301, 78B-6-2302, and 78B-6-2303

AMENDS: 53-5a-102, 63G-7-301, and 76-10-500

DUTY TO REPORT

SB126

Sen. Iwamoto

This bill puts into Utah Code the existing constitutional duty for law enforcement officers to intervene when they see another officer engage in police misconduct and to report that misconduct to their supervisors. Specifically, the bill requires the Peace Officer Standards and Training Council to adopt minimum standards for officer intervention and reporting of police misconduct, consistent with definitions and minimum standards set forth in code. The bill also requires that officers report when they observe police misconduct, so that supervising officers

know of problematic behaviors within their departments. Last, the bill provides that officers who observe and report misconduct may not be retaliated against for making that report.

AMENDS: 53-6-107

ENACTS: 53-6-210.5

HOUSING AND TRANSIT REINVESTMENT ZONE

SB140

Sen. Harper

Allows a Housing and Transit Reinvestment Zone (HTRZ) within ¼ mile of a Bus Rapid Transit Station or a Light Rail Station on up to 100 noncontiguous acres within the county for a maximum of 15 years with an 80% increment. Within each county, an HTRZ can contain a maximum of eight (8) Light Rail Stations and three (3) Bus Rapid Transit Stations. Clarifies that developable area within an HTRZ only includes the development footprint of the commercial, residential or industrial uses, and does not include open space, trails or public facilities. Requires an evaluation of parking impacts, as well as a determination of whether the increment will adequately cover the eligible costs associated with the transit-oriented development. Allows a county with a transit hub to scale the HTRZ to between 39 – 49 units per developable acre with a reduced increment of 60%.

ELECTION SCHEDULE AMENDMENTS

SB170

Sen. Harper

The bill changes the dates to file a declaration of candidacy for a qualified political party. Beginning on January 1, 2024, the filing period begins on January 2nd of the year in which the next general election is held and ends four business days later at 5:00 p.m. If January 2nd falls on a weekend, then the filing period begins the following business day. The bill also modifies the dates for gathering signatures to have a name placed on the ballot. An individual may file a notice of intent to gather signatures during the same time period as filing a declaration of candidacy and gather signatures until 5:00 p.m., fourteen days before the qualified political party's convention is held.

EFFECTIVE DATE: February 14, 2022

ENACTS: 20A-9-201.5

AMENDS: 20A-1-508, 20A-1-509.1, 20A-8-402.5, 20A-9-101, 20A-9-201, 20A-9-406, 20A-9-407, 20A-9-408, 20A-9-502, 20A-9-503, 20A-14-203

RECORDING AMENDMENTS

SB 184

Sen. McCay

This bill modifies requirements for county recorders to accept electronic documents. This bill: requires county recorders to accept an electronic version of a plat for recording (by January 1, 2023); and makes technical changes.

MEDICAL CANNABIS ACT AMENDMENTS

SB 190

Sen. Vickers

This bill made many small adjustments to the medical cannabis act. Among the changes are modifying some definitions, including defining “cannabinoid product THC level” (which is same < 0.3% of THC), and then updated references to reflect these changes, along with other technical and conforming changes. It also added a requirement that industrial hemp (hemp) and cannabinoid retailers inform consumers that their products are not cannabis or medical cannabis. It clarifies that hemp permit includes needing permit for cannabinoid product. It allows the Ag department to work with research universities as independent cannabis testing laboratories and gives them rulemaking authority over laboratory performance and product labelling and packaging. It adds an aerosol and explains when sugar coating can be used in cannabis production. For professional licenses it aligns unprofessional conduct with other medical providers. It allows the Cannabis Production Establishment Advisory Board to go into a closed session under OPMA to review confidential information. For caregivers, for certain terminal patients it allows UDOH to issue a conditional caregiver card, eliminates the requirement that a medical provider approve a patient’s caregiver designation and potentially allows a caregiver to have more than one medical cannabis cardholder. For cannabis pharmacies, it removes the prohibition on hiring felons, it allows UDOH to issue conditional licenses in certain situations, adds additional continuing education on privacy laws, and allows them to indicate whether they are licensed for home delivery and provide non-promotional information regarding their inventory on their website.

PRACTICE POINTER: Positions requiring peace officer certification and any usage of cannabis within 12 hours of starting a shift, are exempted from the protections afforded public employees under the Medical Cannabis Act.

EFFECTIVE DATE: March 23, 2022

AMENDS: 4-41-102; 4-41-103.3; 4-41-103.4; 4-41-105; 4-41-402; 4-41a-102; 4-41a- 201; 4-41a-203; 4-41a-501; 4-41a-502; 4-41a-602; 4-41a-603; 4-41a-701; 26-61a-102; 26-61a-103; 26-61a-111; 26-61a-201; 26-61a-202; 26-61a-204; 26-61a-301; 26-61a-303; 26-61a-

305; 26-61a-401; 26-61a-501; 26-61a-502; 26-61a-505; 26-61a-604; 26-61a-606; 52-4-205; 58-5a-102; 58-31b-502; 58-70a-503.

MEDICAL CANNABIS ACCESS AMENDMENTS

SB 195

Sen. Escamilla

This legislation renames the Cannabinoid Product Board to the Cannabis Research Review Board and requires the physicians on the board be qualified under the medical cannabis act (qualified providers) and current physician board members have until July 1, 2022 to become qualified if they are not already, otherwise they will be replaced. Additionally, starting January 1, 2023, hospice programs must have one or more cannabis qualified providers to consult with hospice patients. Acute pain where opioids would be prescribed was added as a qualifier for a limited cannabis supply. Qualified providers must consider a patient's substance use and opioid history before prescribing cannabis. Renewal fees must be paid before patients will have access to their cards. A care facility is now allowed to take delivery for its resident cardholders.

UDOH enforcement now includes couriers in addition to pharmacies. It also revises cannabis advertising to consolidate much into a new advertising provision which codified the name and logo rule to make sure the emphasis is medical and not recreational. Finally, the U of U will use qualified providers to oversee their pain treatment fellows.

REVISIONS TO PROPERTY TAX

SB200

Sen. Harper

Currently, when a taxing entity wants to do a property tax increase, it goes through the truth and taxation process and the proposed difference in what a taxpayer would pay if the increase is adopted is shown on the property tax valuation notice. This bill essentially does the same thing for changes in the minimum basic tax rate at the state level for schools and this information will now be required to be shown on the valuation notice. The bill also requires the county assessor to send a notice to taxpayers who are exempt from personal property tax because their property value is below the exemption threshold. The notice must inform them they are not required to file their annual signed personal property tax statement going forward unless they no longer qualify for the exemption. For those taxpayers who are still required to file the annual personal tax statement, they must now also provide the taxpayer's North American Industry Classification System code.

RIGHT-OF-WAY DISPOSAL AMENDMENTS

SB 202

Sen. D. McCay

This bill mostly applies to the State (UDOT and Utah Division of Facilities). It does apply to a county by fleshing out existing requirements for a county to grant a right of first refusal to the original owner, their successor in interest in adjacent land, or their assignee, in the event that the county sells a property interest, including an easement, that was acquired through eminent domain.

WRONGFUL DEATH ACTION AMENDMENTS

[SB207](#)

Sen. Weiler

This section amends the definition of “heirs” for purposes of wrongful death actions. The decedent’s stepchildren qualify as “heirs” only if they are younger than eighteen years old at the time of death, and at the time of death they either (1) received financial support from the decedent, or (2) resided with the decedent at least part-time.

ELECTION FUNDING AMENDMENTS

[SB219](#)

Sen. Grover

Prohibits election officers from soliciting, accepting, or using funds donated from any person other than a governmental entity.

HOMELESS SERVICES MODIFICATIONS

[SB 238](#)

Sen. Anderegg

Established the COVID-19 Homeless Housing and Services Grant Program. Allocates \$55 million of federal grant funds received by the state as part of the American Rescue Plan Act to the Department of Workforce Services for it to administer the grant program through its Office of Homeless Services. Grant funds will support affordable housing projects for lower income individuals negatively impacted by the COVID-19 pandemic.

GOVERNMENT RECORDS ACCESS REVISIONS

[SB254](#)

Sen. Cullimore

Expands the protected record status under GRAMA of security plans, to include plans to mitigate terrorist activity and plans for emergency and disaster response and recovery. An entity’s risk assessment or security audit are also GRAMA protected records, but not a certification that a community water system has conducted a risk and resilience assessment under federal law. Further, a drinking water or wastewater facility’s engineering or architectural drawings, or

records detailing tools and processes the facility uses to secure or prohibit access are GRAMA protected records.

AMENDS: 63G-2-106, 63G-2-305

LAW ENFORCEMENT/ PUBLIC SAFETY SPECIFIC BILLS

POLICE REFORM LEGISLATION

HB 124

FORCIBLE ENTRY WARRANT MODIFICATIONS

[HB0124 \(utah.gov\)](https://legislature.utah.gov/bills/2019/00100-00199/00124)

This bill primarily addresses forcible entry with the use of knock and announce and no-knock search warrants. The only thing this bill did to restrict the use of a no-knock search warrant is: Law Enforcement cannot use a no-knock search warrant for misdemeanor cases.

An added requirement to the statute is that Law Enforcement must “knock” more than once when using a knock and announce search warrant. Remember, a “knock” is a wrap on the door at least three times in quick succession. Before using forcible entry after the knock, Law Enforcement must give the occupant a reasonable amount of time to answer the door before forcing entry.

Another added requirement is a supervisory review of an affidavit for both a no-knock and a knock and announce search warrant. The review must be done before giving the affidavit to a judge. There is small print language on what the supervisory official needs to look for, so make sure this part of the bill is read carefully.

A new requirement for the no-knock search warrant request is an affiant needs to articulate certain facts to a judge to get a no-knock search warrant granted. Again, have supervisors look at the small print on this part of the bill.

Lastly, all knock and announce and no-knock search warrants are to be served by officers wearing readily identifiable clothing.

**CUSTODIAL
INTERROGATION
AMENDMENTS**

[HB0171 \(utah.gov\)](#)

This bill states that Law Enforcement, or anyone doing a custodial interrogation for Law Enforcement, cannot provide false information about evidence that is reasonably likely to elicit an incriminating response. Basically, when a custodial interrogation is being done with a juvenile, one cannot use deception about evidence one does not have.

Example: “Your buddy is in the other room spilling his guts, so why don’t you just tell me the truth?”, but the buddy is not spilling his guts. Instead, one might reframe the question to say, “We are talking to your buddy in the other room, what is he telling us that you aren’t?”

Example: “We have your DNA on the gun, just tell us what happened.” Instead, one might reframe this statement/question to say, “We know there will be DNA on the gun we found, it would suck if that DNA belonged to you, wouldn’t it? Just tell us what happened.”

Lastly, there can be no unauthorized statement about leniency for the offense being investigated.

**OFFICER
INTERVENTION AND
REPORTING
AMENDMENTS**

[SB0126 \(utah.gov\)](#)

This bill outlines a duty to intervene on and/or report police misconduct. “Police misconduct” is defined as “force that is clearly excessive...”, an unlawful search or seizure without a warrant, and biased or discriminatory conduct based on a person’s identification status (e.g., race, age, sex, etc.).

The duty to intervene only applies to force and unlawful search and seizure. However, the duty only exists if it is safe for the officer to intervene. If it is not safe for the officer to intervene, the duty of the officer is only to report it after the fact.

The duty to report is for all the police misconduct defined in Section 53-6-210.5 (roughly defined above).

There is language providing protection against retaliation for employees who intervene or report in good faith. There is also language that the employee is responsible to prove the retaliation for intervening or reporting.

That’s it in a nutshell for SB 126, but this is one you will want to read through.

HB 23

FIRST RESPONDER
MENTAL HEALTH
SERVICES
AMENDMENTS

[HB0023 \(utah.gov\)](#)

This bill requires that all first responder agencies provide or make available mental health resources to first responders, their spouses and/or children, surviving spouses of first responders who lose their life in the line of duty, and first responders who have retired from a first responding agency. A “first responder” includes a dispatcher, a correctional officer, a special functions officer, a search and rescue worker under the supervision of a Sheriff, and a crime scene investigator technician.

The other part of this bill creates a grant program for agencies to apply for money to either start their own mental health resource program or extend an already existing program within an agency. There is fine print to the grant program you will want to read if you are interested in applying. The bill was fully funded at \$5 million dollars for the grant program. There is prioritization for counties and cities of the 3rd-6th class and “towns”.

HB 70

PUBLIC SAFETY
DISABILITY BENEFITS
AMENDMENTS

[HB0070 \(utah.gov\)](#)

This bill “requires a participating employer to provide a benefit protection contract for a public safety service employee or a firefighter service employee if the employee is injured or becomes ill as the result of external force or violence while performing employment duties” and “authorizes a participating employer to provide a benefit protection contract for a public safety service employee or a firefighter service employee for other injuries or illness”. This bill has some intricate details that you should read through for a full understanding.

HB 260

LAW ENFORCEMENT
RECORDING RELEASE
AMENDMENTS

[HB0260 \(utah.gov\)](#)

This bill protects recordings from being released based upon request if the recording is associated with an incident between an officer and an individual that results in death or serious bodily injury or where an officer fires a weapon.

An agency shall release recordings upon request if a prosecutor declines to file charges on the incident where the recordings were made, or if criminal charges were filed on the incident and a

judge determines that the release of the recording would not have a substantial likelihood of prejudicing a finder of fact.

The recording cannot be released upon request if an individual involved in the incident or an immediate family member of the individual injured or killed in the incident requests it not be publicly distributed.

HB 345

**PUBLIC SAFETY
EMPLOYEE PERSONAL
DATA AMENDMENTS**

[HB0345 \(utah.gov\)](#)

This bill expands who is allowed to have personal information classified as private if the employee is a “Public Safety Employee”. The old language referred to a Law Enforcement Officer. The new language includes a Law Enforcement Officer and adds a dispatcher, a current or retired employee, or a contractor of a Law Enforcement Agency, or a Correctional Facility.

HB 353

**FALSE EMERGENCY
REPORTING
AMENDMENTS**

[HB0353 \(utah.gov\)](#)

This bill adds language to the existing statute dealing with false emergency reporting. The bill makes it a second-degree felony for an actor when “the actor... makes the false report or aids, abets, or causes a third party to make the false report with intent to ambush, attack, or otherwise harm a responding law enforcement officer or emergency responder”.

HB 399

**GOVERNMENT RECORD
AMENDMENTS**

[HB0399 \(utah.gov\)](#)

The main thing this bill does for law enforcement purposes is clarify that a statement made under Garrity (the bill doesn’t explicitly mention Garrity, but that is what it is referring to) is a protected record under GRAMA. This was a top priority bill for Law Enforcement and many thanks to the two Sponsors (Rep Wilcox and Sen Bramble).

HB 406

**JAIL PHOTO
DISTRIBUTION
PROHIBITION**

[HB0406 \(utah.gov\)](#)

This bill allows for the distribution of a booking photo “to a potential witness or other individual with direct knowledge of events relevant to a criminal investigation or criminal proceeding for

the purpose of identifying or locating an individual in connection with the criminal investigation or criminal proceeding”.

SB 96

**CORRECTIONAL
OFFICER ELIGIBILITY
AMENDMENTS**

[SB0096 \(utah.gov\)](#)

This bill “removes the prohibition for 19-year-olds to work as correctional officers for the Department of Corrections; removes the repeal date from the pilot program allowing 19-year-olds to work as correctional officers; allows 19-year-olds to become special function officers; and adds special function officers to the list of 19-year-olds who may work as correctional officers, as long as they are also certified as correctional officers”.

This is a huge step in gaining access to people who may be eligible to work in jails and prisons within the state. It is a much needed recruitment tool and correctional agencies should benefit greatly.

SEX CRIMES LEGISLATION

HB 18

**INTIMATE IMAGE
DISTRIBUTION
AMENDMENTS**

[HB0018 \(utah.gov\)](#)

This bill restricts the offense of aggravated unlawful distribution of a counterfeit intimate image to individuals 18 years old and older.

HB 81

**SEXUAL SOLICITATION
AMENDMENTS**

[HB0081 \(utah.gov\)](#)

This bill does a handful of things. First, it cleans up the language for the Prostitution statute. It enhances penalties for Patronizing a Prostitute if the sex worker is under the age of 18 and it doesn't matter if there is a mistake of age. Second, the bill also decreased the penalty for sexual solicitation from an AM to a BM; however, it can be enhanced to an AM upon a third or subsequent violation. Lastly, it requires those who get convicted of Patronizing a Prostitute to complete a court-approved educational program on prostitution/human trafficking. Additionally, those who get convicted of Sexual Solicitation will need to complete a court-approved program on the negative effects of prostitution intended to help the individual no longer engage in prostitution.

SB 156

**PROTECTION AGAINST
EXTORTION
AMENDMENTS**

[SB0156 \(utah.gov\)](#)

This bill allows for the prosecution of Sexual Extortion to include juveniles moving forward. It also allows for the ability to arrest and charge an individual for extorting another for anything of value (e.g., money, car, phone, rent, etc.) in exchange for sexually explicit behaviors (e.g., more nude photos or videos). For juvenile offenders, the penalties are reduced one to two levels depending on the facts of the case.

SB 167

**SEXUAL EXPLOITATION
AMENDMENTS**

[SB0167 \(utah.gov\)](#)

This bill creates the offense of Aggravated Exploitation of a Minor. Simply put, if an actor intentionally distributes child pornography, knowingly produces child pornography, or if a parent or guardian knowingly consents to the exploitation of their child, it is a 1st degree felony. There is a penalty decrease if the actor is under the age of 18. Additionally, it requires the sentencing commission to study and update sentencing guidelines about sexual exploitation and aggravated sexual exploitation.

VICTIM CENTRIC LEGISLATION

HB 117

**VICTIM ADDRESS
CONFIDENTIALITY
PROGRAM**

[HB0117 \(utah.gov\)](#)

Simply put, this bill creates an address confidentiality program for certain victims. The program will keep the victim's actual address confidential, and the program will create an assigned address for the involved victim to use as needed. It does allow for expedited requests from Law Enforcement for official purposes to gain access to the actual address of a participating victim.

HB 134

**VICTIM'S RIGHTS
REVISIONS**

[\(HB0134 \(utah.gov\)\)](#)

This bill requires a prosecuting entity to provide notice of a plea deal to a victim and share the available details of the anticipated plea deal.

HB 175

**PROTECTION OF
ANIMALS
AMENDMENTS**

[\(HB0175 \(utah.gov\)\)](#)

This bill allows for animals to be included in certain protective orders. It also allows the courts to enjoin the respondent from injuring, threatening to injure, or taking possession of certain animals. Lastly, there is an included definition of “emotional distress” that identifies harm to an animal as significant mental or psychological suffering.

HB 228

**CRIME VICTIM
REPARATIONS
AMENDMENTS**

[HB0228 \(utah.gov\)](#)

This bill allows a victim of sexual assault to receive reparations without the requisite to cooperate or report a sexual assault to Law Enforcement if the victim seeks assistance from an advocacy services provider, a criminal justice system victim advocate, or a nongovernment organization victim advocate; and the advocacy services provider, the criminal justice system victim advocate, or nongovernment organization victim advocate completes a questionnaire, provided by the office, regarding the sexual assault.

If a victim wants to receive reparations for strangulation, the victim still needs to report the strangulation to Law Enforcement, but the victim is not required to cooperate with an investigation if the victim sought medical care for the strangulation immediately after the strangulation occurred.

GENERAL FYI LEGISLATION

HB 38

**PROPERTY THEFT
AMENDMENTS**

[\(HB0038 \(utah.gov\)\)](#)

This bill does several things in terms of catalytic converter recycling and secondhand purchasing. The metal recycling industry now has guidelines on purchasing catalytic converters, documentation surrounding sellers of catalytic converters, contains requirements when catalytic converters are brought in, etc. The goal was to treat catalytic converters similarly to pawned property for Law Enforcement to address the growing problem of catalytic converter theft.

HB 65

**FORENSIC BIOLOGICAL
EVIDENCE
PRESERVATION**

[HB0065 \(utah.gov\)](#)

This is a bill worth reading. Why? Because if it is not followed, a defendant arrested for and potentially convicted of a violent felony offense can get off on a technicality. Most simply put, if an agency collects “biological evidence” (means an item that contains blood, semen, hair, saliva, epithelial cells, latent fingerprint evidence that may contain biological material suitable for DNA testing, or other identifiable human biological material), retain it until you speak to a prosecutor. Biological evidence can include a lot of different things, so again, READ THROUGH THIS BILL.

HB 229

**PROPERTY AND
FINANCIAL OFFENSE
AMENDMENTS**

[HB0229 \(utah.gov\)](#)

The primary piece of this bill for most law enforcement purposes is that the Sentencing Commission is to publish new sentencing guidelines for high-dollar property crimes. The goal was to increase the sentencing of fraud-related crimes where sums of money taken from victims can range from tens of thousands to millions of dollars. When this kind of money is taken from victims, offenders should not be treated equally to someone involved in a \$5k theft. That was the goal of this legislation.

There are a couple of other changes to include increasing a penalty for a violation of a written false statement on a financial declaration and the ability for a prosecutor to subpoena certain information, but that won’t matter to most unless it is a fraud type detective or prosecutor. Again, the primary goal was to increase sentencing associated with high-dollar theft and fraud activities.

SB 53

**DRIVER SPEEDING
AMENDMENTS**

[SB0053 \(utah.gov\)](#)

This bill adds traveling at 105 MPH or over to the definition of “willful or wanton disregard” in terms of reckless driving. It also imposes a mandate on the consequence of a speeding violation when the driver is going 100 MPH or more. The mandated fine is not less than 150% of the suggested fine in the uniform fine schedule.

This bill also increased the penalty to a class AM for those involved in a speed contest or exhibition of speed on a highway. It also allows for the seizure of a vehicle that is not street legal and the driver is violating the speed contest or exhibition of speed on a highway statute.

**WIRELESS
COMMUNICATION
DEVICE USE IN A
MOTOR VEHICLE**

This bill adds a few things to the existing statute that you cannot do with a phone while driving. The new offenses include taking or viewing a photograph, and reading a written communication to include a text, an instant message, or an email.

JRI/DATA LEGISLATION

**JUSTICE
REINVESTMENT
INITIATIVE
MODIFICATIONS**

Please read this carefully. Why? If you are not in compliance with this bill by July 1, 2023, you will not be eligible for state grants from CCJJ.

Essentially this bill creates the ability for CCJJ and the Division of Technology Services (DTS) to create a database with collaboration of the counties to collect certain data. Currently, the list of data that will be collected is:

- (a) Section [13-53-111](#), recidivism reporting requirements;
- (b) Section [17-22-32](#), county jail reporting requirements;
- (c) Section [17-55-201](#), Criminal Justice Coordinating Councils reporting;
- (d) Section [24-4-118](#), forfeiture reporting requirements;
- (e) Section [41-6a-511](#), courts to collect and maintain data;
- (f) Section [63M-7-214](#), law enforcement agency grant reporting;
- (g) Section [63M-7-216](#), prosecutorial data collection;
- (h) Section [64-13-21](#), supervision of sentenced offenders placed in community;
- (i) Section [64-13-25](#), standards for programs;
- (j) Section [64-13-45](#), department reporting requirements;
- (k) Section [64-13e-104](#), housing of state probationary inmates or state parole inmates;
- (l) Section [77-7-8.5](#), use of tactical groups;
- (m) Section [77-20-103](#), release data requirements;
- (n) Section [77-22-2.5](#), court orders for criminal investigations;
- (o) Section [78A-2-109.5](#), court demographics reporting;

The master standards and format of the data being collected will be created by CCJJ and DTS.

SB 150

**CRIMINAL JUSTICE
DATA MANAGEMENT
TASK FORCE**

[SB0150 \(utah.gov\)](#)

This bill creates a task force consisting of several people, including representatives from UCOPA, USA, DOC, DPS, UAGO, UAC, CCJJ, etc. The task force's responsibilities include:

(7) The task force shall review the state's current criminal justice data collection requirements and make recommendations regarding:

- (a) possible ways to connect the various records systems used throughout the state so that data can be shared between criminal justice agencies and with policymakers;
- (b) ways to automate the collection, storage, and dissemination of the data;
- (c) standardizing the format of data collection and retention; and
- (d) the collection of data not already required related to criminal justice.

My guess is this new group will provide recommendations on what would need to be included in the database being created by HB 403 (above).

SB 179

**CRIMINAL JUSTICE
AMENDMENTS**

[SB0179 \(utah.gov\)](#)

The premise of this bill is the creation of Criminal Justice Coordinating Councils by each county in Utah. Counties can join up with another county if needed or desired to create their joint Criminal Justice Coordinating Council.

You will want to read through this bill. The same consequence exists in this bill as in HB 403, taking away your ability to collect CCJJ state grants.

The bill emphasizes the collection and reporting of certain data. For LE purposes, I'm not sure that data will be any different than what will be formulated by the above two bills. Most of the new reporting requirements are associated with mental health and substance abuse.

Final warning, read all three bills listed under "JRI/Data Legislation" as there are consequences. I would also suggest you read through these bills in conjunction with your local city, county, or state attorney to ensure that you understand all the requirements that are now being implemented via HB 403, SB 150, and SB 179. Just sayin...

DUI LEGISLATION

Finally, there were three DUI-type bills that I won't go into detail on, but the links are provided below.

[HB0029 \(utah.gov\)](#)

[HB0137 \(utah.gov\)](#)

[HB0143 \(utah.gov\)](#)



Riverdale City

APPLICATION FOR LIQUOR OR BEER LICENSE INSTRUCTIONS

Fill out the Business License application and submit the following items:

1. Schedule A completed by the following individuals based upon the type of business organization submitting the application:
 - a. Sole proprietorship. Owner and, if applicable, manager;
 - b. Partnership. Each general partner and every manager who has operational authority over the activity dispensing beer or liquor;
 - c. Corporations and Associations. Each officer and every manager who has operational authority over the activity dispensing beer or liquor.
2. Schedule B showing a detailed diagram of the proposed licensed premises.
3. A copy of the Articles of Incorporation and a certificate of good standing of each corporation listed in response to any item hereinabove (including applicant).
4. A copy of the partnership agreement or agreement of association for each partnership or association listed in response to any items hereinabove (including applicant).
5. A copy of each contract for the lease of the proposed licensed premises and management or operation of business of which license is sought. **(For non-profit corporation only.)**
6. A list of all employees and their date of employment, along with a copy of a certificate granted by the Utah Division of Alcoholism and Drugs showing that each employee has completed the Alcohol Training and Education Seminar, as required in Utah Code Annotated Section 32A-1-401 and 62A-8-103.5. Within six months of beginning employment, employees must complete an alcohol training and education seminar. **This requirement shall not apply to an applicant for a Class "A" beer license.**
7. Applicant shall submit full license fee at time of submission of application. In the event the license is denied, license fee shall be refunded.

NOTE: If the application is for an on-premise alcohol consumption license, a State license is required before sales may take place. Please contact the Utah Department of Alcoholic Beverage Control for said license.

RIVERDALE CITY
APPLICATION FOR LIQUOR OR BEER LICENSE

NAME OF APPLICANT: Maverik, Inc.

APPLICANT IS:

 A sole proprietorship (an individual)

 ✓ A corporation organized for profit

 A non-profit corporation

 An unincorporated association

If applicant is a partnership, list name of each general partner.

If applicant is a corporation (either profit or nonprofit), or an association, list name of each officer, showing his title.

NAME	TITLE
<u>Charles E. Maggelet</u>	<u>President/CEO</u>
<u>Andre M. Lortz</u>	<u>Executive Vice President</u>
<u>Kim Lazerus</u>	<u>Vice President</u>
<u>Michael D. Kattleman</u>	<u>Vice President</u>
<u>Lance A. Dunkley</u>	<u>Vice President</u>
<u>John D. Hillam</u>	<u>Vice President</u>
<u>David B. Hancock</u>	<u>Legal Counsel</u>
<u>Tyler Call</u>	<u>Treasurer</u>
<u>Joseph L. Hobson</u>	<u>Vice President</u>

TYPE OF LICENSE APPLIED FOR

____ CLASS "A" LIQUOR

____ CLASS "B" LIQUOR

____ CLASS "C" LIQUOR

____ CLASS "D" LIQUOR

☒ CLASS "A" BEER

____ CLASS "B" BEER

____ CLASS "C" BEER

____ CLASS "D" BEER

ADDRESS OF PROPOSED LICENSED PREMISES: _____

1472 West Riverdale Road, Riverdale, UT. 84405

ZONE OF PROPOSED LICENSED PREMISES: C - 3

If applicant is a non profit corporation, provide the following information:

Name of individual, partnership or corporation with whom nonprofit corporation has or intends to contract with for else of proposed licensed premises and management or operation of business for which license is sought, together with the name of each general partner and officer thereof, where applicable:

NAME

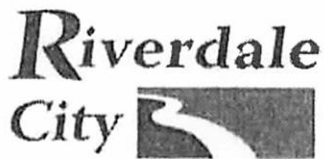
TITLE

N/A

HAS APPLICANT EVER HELD A LIQUOR OR BEER LICENSE ISSUED BY RIVERDALE CITY OR ANY OTHER LOCAL GOVERNMENT? IF SO, PROVIDE COMPLETE DETAILS:

Yes. Maverik, Inc. #564 located at 899 W. Riverdale Road, Riverdale, UT. 84405.

All other Utah Maverik locations have been licensed by local and state authorities.



SCHEDULE "A"
APPLICATION FOR LIQUOR OR BEER LICENSE

Full Name Nylander Louis [REDACTED]
LAST FIRST MIDDLE

PERMANENT RESIDENCE ADDRESS [REDACTED]

OCCUPATION OR BUSINESS Store Director for Maverik, Inc. #546

BUSINESS ADDRESS 899 W. Riverdale Road, Riverdale, UT. 84405

DATE OF BIRTH [REDACTED] PLACE OF BIRTH [REDACTED]

DRIVER'S LICENSE NUMBER [REDACTED] STATE Utah

CITIZENSHIP USA SS# [REDACTED]

List all felonies and misdemeanors (other than minor traffic offenses – you must list any driving under the influence or public intoxication violations) to which you have pleaded guilty or no contest, forfeited bail, or of which you have been convicted within the past **10 years**:

****If you do not have any, please indicate by writing NONE.**

<u>DATE OF OFFENSE</u>	<u>PLACE OF OFFENSE</u>	<u>NATURE OF CHARGE</u>	<u>FINE &/OR SENTENCE</u>
<u>NONE</u>			

List three character references other than blood relatives:

<u>NAME</u>	<u>ADDRESS, CITY & STATE</u>	<u>PHONE NUMBER</u>	<u>OCCUPATION</u>
1. <u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
2. <u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
3. <u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>

The undersigned hereby represents that the above information is true and correct.

Date: 7/12/2022

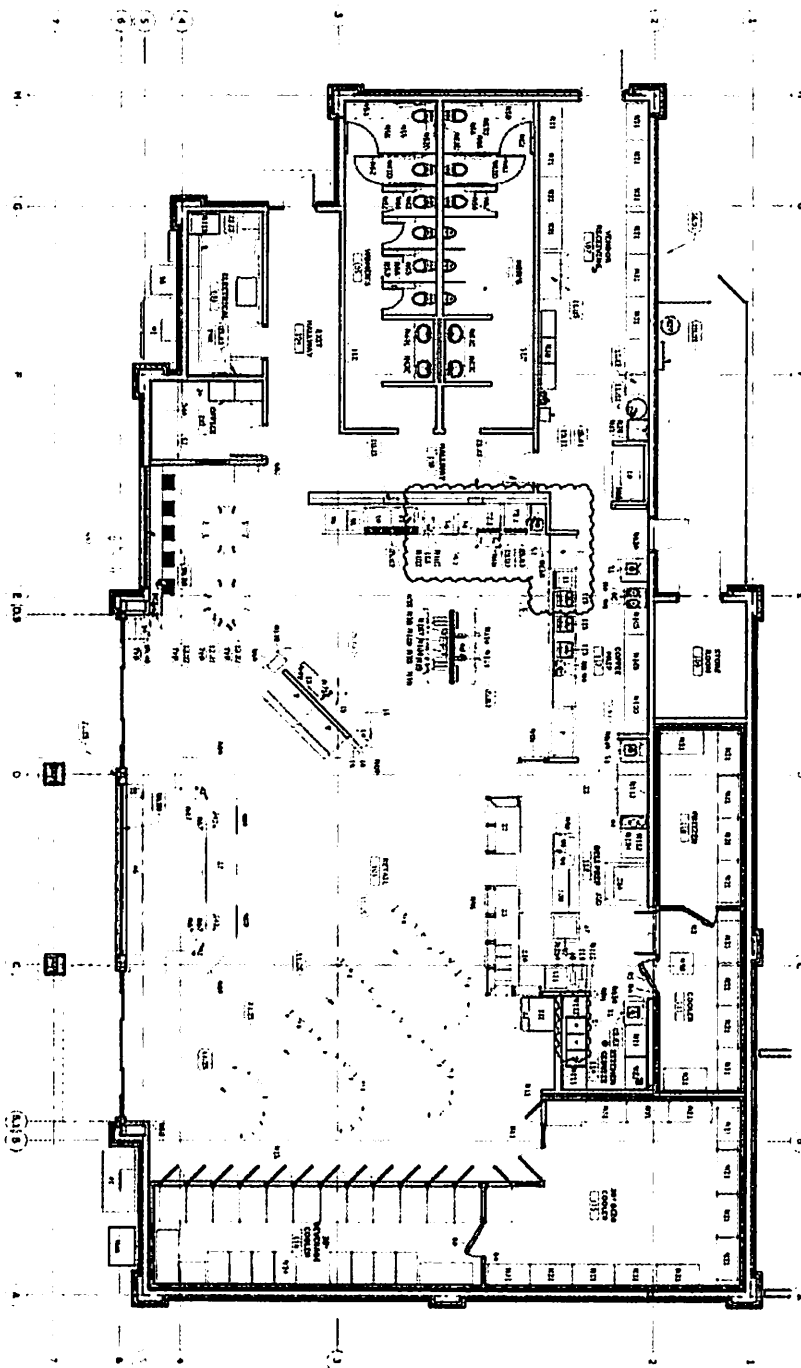
Mellyn Maxfield
Mellyn Maxfield, Licensing Clerk

**SCHEDULE B
TO
APPLICATION FOR LIQUOR OR BEER LICENSE**

**PROVIDE HEREON A DETAILED DIAGRAM TO SCALE OF THE
PROPOSED LICENSED PREMISES:**

Please see attached floor plan.

1 EQUIPMENT FLOOR PLAN
SCALE: 1/8" = 1'-0"

[illegible][illegible][illegible]

STATE OF Utah }

COUNTY OF Salt Lake }

The undersigned, being first duly sworn on oath, deposes and says that Charles Maggelet has read the foregoing application For Liquor or Beer license and the contents thereof are true and correct to the best of my knowledge and belief.

Dated this 12th day of July, 20 22

[Signature]

Subscribed and sworn before me this 12th day of July, 20 22

[Signature]
Notary Public



Davis County
Residing at:

11/06/2024
My commission expires :

A single copy of this affidavit shall be submitted as the final page of the application. It shall be signed by the owner of a sole proprietorship, the managing general partner of a partnership, or the president of a corporation or association. By signing, the signer is swearing that the contents of the entire application are true.

OFF-PREMISE BEER LICENSE

Local Consent

PURPOSE: Local business licensing authority provides written consent to the Alcoholic Beverage Services Commission to issue an off-premise beer license for a person to purchase, store, sell, or offer for sale beer for consumption off the premises of the applicant.

AUTHORITY: Utah Code 32B-5-201, 203, 205, and 32B-7

Riverdale
Local business license authority

☒ City ☐ Town ☐ County

hereby grants its consent to the issuance of an off-premise beer license to:

Business Name (DBA): Maverik, Inc. #688

Entity Name (or owner's name if sole proprietor): Maverik, Inc.

Location Address: 1472 West Riverdale Road, Riverdale, UT. 84405

Authorized Signature

Name/Title

Date

This is a suggested format. A locally produced city, town, or county form is also acceptable.
The local consent must be submitted to the DABS by the applicant as part of a complete application.

**DEFINITIONS OF BEER AND LIQUOR LICENSES AS PER RIVERDALE CITY
CODE TITLE 3: LIQUOR CONTROL §3-2-1:**

A. Class A Liquor License; Single Event Permit: Authorizes the licensee, which shall be a bona fide corporation, church, political organization or incorporated association or a recognized subordinate lodge, chapter or other local unit and which is conducting a convention, civic or community enterprise, to store, sell, service and consume liquor for a period not to exceed seventy two (72) consecutive hours in strict compliance with the Utah alcoholic beverage control act of 1990. No more than two (2) special event permits shall be issued to the same group in any calendar year.

B. Class B Liquor License; Package Agency: Authorizes the licensee to operate a "package agency", as defined by the Utah alcoholic beverage control act of 1990, in strict compliance with said act, upon the licensed premises.

C. Class C Liquor License; Restaurant: Authorizes the licensee to sell liquor on premises occupied by a restaurant, in strict compliance with the Utah alcoholic beverage control act of 1990, and upon the licensed premises.

D. Class D Liquor License; Private Club: Authorizes the licensee to sell liquor on premises occupied by a private club in strict compliance with the Utah Alcoholic Beverage Control Act of 1990 and Utah Code Annotated section 16-6-18 et seq., upon the licensed premises.

E. Class A Beer License; Off-Premises: Authorizes the licensee to sell beer on the licensed premises in original containers for consumption off the licensed premises.

F. Class B Beer License; Restaurant: Authorizes the licensee to sell beer on the licensed premises occupied by a restaurant in the original containers for consumption either on or off the licensed premises; or in open containers in any size not exceeding two (2) liters and in strict compliance with the Utah Alcoholic Beverage Control Act of 1990.

G. Class C Beer License; Tavern Or Private Club ¹⁰ : Authorizes the licensee to sell beer on the licensed premises occupied by a tavern or private club on draft or in open containers in any size not exceeding two (2) liters or in the original containers for consumption either on or off the licensed premises and in strict compliance with the Utah Alcoholic Beverage Control Act of 1990.

H. Class D Beer License; Temporary: Authorizes the licensee to sell beer on the licensed premises on draft or in open containers in any size not exceeding two (2) liters or in the original containers for consumption on the licensed premises for a period not to exceed thirty (30) days and in strict compliance with the Utah Alcoholic Beverage Control Act of 1990.

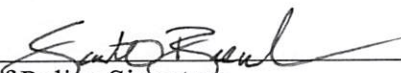


REPORT OF THE RIVERDALE CITY POLICE DEPARTMENT

Upon investigation of the enclosed application, I find the following facts:

1. General reputation of the applicant: New Business-Maverik 1472 W. Riverdale Rd
2. Character of the premises: Good
3. Character of the persons who frequent the premises: New Business
4. Nature and kind of business conducted at the premises by applicant or anyone else:
Convenience Store-Gas Station
5. Whether intoxicating liquors are or have been served or permitted to be drunk in said place, or by any person named in Paragraph 1 of application at any other place:
No
6. Whether said place is or has been conducted in an orderly, lawful and quiet manner:
This is a new business
7. The nature and kind of entertainment, if any, at said place: None
8. Whether gambling or dancing is or has been permitted or gambling devices displayed upon the premises, or by any person named in Paragraph 1 of application at any other place:
No
9. Proximity of such premises to any church or school: Bravo Arts Academy 1200 ft which is allowable under law
10. Whether there is any grounds to believe any statement made in the application is untrue:
No
11. Any other information:
New business; no incidents at this time.

Upon the review of the facts I recommend: ☒ APPROVAL ☐ DISAPPROVAL


Chief of Police Signature

7/14/2022
Date

Issuance of license authorized _____ refused _____ by City Council.

Date: _____

City Recorder

**RIVERDALE CITY
CITY COUNCIL AGENDA
July 19, 2022**

AGENDA ITEM: G2

SUBJECT: Consideration of Ordinance #954 regarding proposed rezone request from Mobile Home Park-Recreational Vehicle Park (RMH-1) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately 671 West 4400 South, Riverdale, Utah 84405, as requested by H&H – 39th Street, LLC.

PRESENTER: Mike Eggett, Community Development

INFORMATION:

- a. [671 West 4400 South Rezone Exec Summ – CC \[20220719\]](#)
- b. [Ordinance #954](#)
- c. [Riv General Plan – Medium Dens & Area 7](#)
- d. [671 W 4400 S Rezone Area – 20220616](#)
- e. [Minutes 20220628 PC Meeting, public hearing](#)
- f. [671 W 4400 S – H&H-39thStreet Rezone Update CC App \[20220519\]](#)
- g. [671 W 4400 S Rezone – Pub Hear Notice Checklist 20220616](#)
- h. [671 W 4400 S Rezone – Pub Entities List 20220617](#)
- i. [Riv Living LLC Rezone 10-9a-205\(4\)\(a\) notice to H&H 39th Street LLC](#)
- j. [671 W 4400 S Rezone – CERT OF SIGN PLACEMENT\[rkoger\] 20220616](#)
- k. [671 W 4400 S Rezone – Sign Posting 20220616](#)
- l. [Notice of Public Hearing 6-28-2022 Rezone](#)
- m. [671 W 4400 S Stand Exam Publish \[20220615\]](#)

[BACK TO AGENDA](#)



City Council Executive Summary

For the Council meeting on: 7-19-2022

Petitioner: H&H-39th Street, LLC
Represented by Chris Hatch and Matthew Steiner

Summary of Proposed Action

H&H-39th Street, LLC, the petitioner in this matter, is requesting a rezone of property located at approximately 671 West 4400 South from Mobile Home Park-Recreational Vehicle Park (RMH-1) zoning to Multiple-Family Residential (R-4) zoning to allow for the possibility of future development for a form of multiple family residential unit facilities on this property (see the application documents for further explanation). Neighboring properties to the north are currently zoned with RMH-1 and R-5 zoning; property to the east is currently zoned with RMH-1 zoning and then the Weber River is here; properties to the south are zoned with C-3 zoning and Riverdale Road is also here; and properties to the west are zoned with C-3 zoning. This request is for approximately 4.62 acres of land located on this property along 4400 South and Riverdale Road and near to 700 West that would potentially be affected by the proposed rezone request (see the attached zoning map document for more information).

On June 28, 2022, as required by State Code and to allow for public commentary, a public hearing was noticed and held to receive and consider public comment on the proposed amendment to the zoning map. Prior to the public hearing, one telephone inquiry was received by City Staff and we have also received letters of concern regarding this request and details associated with this request. At the conclusion of the public hearing, the Planning Commission discussed the request and forwarded a favorable recommendation to the City Council for approval of this proposed rezone request.

Following discussion in the matter, the City Council may provide a motion in support of the rezone request or not in support of the rezone request, with the appropriate findings of fact to support the Council's approval. The Council may also elect to table the request with the appropriate findings and reasoning to do such.

Title 10 Ordinance Guidelines (Code Reference)

This rezone request is regulated under City Code 10-5 "Rezone Requests" and is affected by City Codes 10-9G "Mobile Home Park-Recreational Vehicle Park (RMH-1) zone" and 10-9E "Multiple-Family Residential (R-4) zone".

The petitioner's property is currently listed in the County Records under the ownership of H&H-39th Street, LLC. This property is currently being used as a mobile home park/recreational vehicle park residential area. There have been and continue to be multiple code enforcement concerns and violations in this residential area over the years and there also have been fire hazards (including multiple fires) and other safety hazards/behaviors identified in this residential area throughout the more recent years.

The appropriate application and supporting documentation have been submitted and provided to the City Council for review (please see attached applicant response documentation and maps for more).

For more information relative to the zoning codes affecting this request and permitted and conditional uses for these zones, please reference the respective sections of City Code, as noted above.

Public hearing notifications required by State and City Codes have been completed in conformance with the standards established by these Codes and as reflected in the attached documentation.

Staff would encourage the City Council to review this matter and discuss with the petitioners any concerns that may arise in this matter. Staff would then recommend that the City Council act accordingly to approve, table, or not approve the rezone request based upon sufficient findings of fact to support the City Council decision.

General Plan Guidance (Section Reference)

Please note that the General Plan and Land Use Master Plan element are advisory documents established for guidance regarding citywide land use decisions.

The General Plan use for this area is currently set as “Residential – Medium Density”. The proposed rezone request and project concept requested use may be in partial compliance with this land use designation and is somewhat supported in this area by the General Plan language for Area 7 of the Riverdale General Plan, depending on the type of multi-family housing being pursued by the applicant, specifically wherein the General Plan defines “Medium Density Residential” as:

“[O]wner occupied attached or small lot housing usually in a Planned Unit type of development with at least one enclosed parking space. Second car and guest parking may be open or under a carport.”

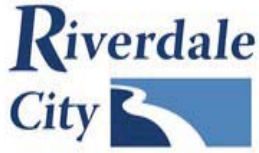
Documentation regarding the Riverdale General Plan definition of “Residential – Medium Density” and language from General Plan Area 7 has been provided in this packet.

Legal Comments – City Attorney

Steve Brooks, Attorney

Administrative Comments – City Administrator

Steve Brooks, City Administrator



ORDINANCE NO. 954

AN ORDINANCE AMENDING THE ZONING OF PROPERTY AND THE CITY'S LAND USE MAP, TO CHANGE THE LAND USE DESIGNATION OF LAND LOCATED AT APPROXIMATELY 671 WEST 4400 SOUTH FROM MOBILE HOME PARK (RMH-1) TO MULTIPLE-FAMILY RESIDENTIAL (R-4) ZONING; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the petitioner, H&H-39th Street, LLC, (Petitioner), has requested that approximately 4.62 acres, located at approximately 671 West 4400 South be rezoned from Mobile Home Park-Recreational Vehicle Park (RMH-1) to Multiple-Family Residential (R-4) zoning, all located in Riverdale City, Weber County; and

WHEREAS, the Riverdale City Planning Commission held a duly advertised public hearing on June 28, 2022 to receive comments on the proposed amendment and has considered all comments received, as required by state law and local ordinance and approved a recommended motion to grant the requested rezone and amendment to the land use map; and

WHEREAS, the Planning Commission voted to approve the rezone request and forwarded that approval to the City Council. The original petition has now been passed on to the City Council to either follow or modify the recommendation of the Planning Commission and either allow or deny the rezone and plan amendment; and

WHEREAS, the Riverdale City Council has conducted a duly advertised public meeting on the proposed amendment and reviewed the minutes of the Planning Commission and all other relevant information and finds that the proposed rezone IS in the best interest of the City or of the citizens of Riverdale City; and

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

Section 1.

After reviewing the material presented to the Planning Commission in the public hearing, and all subsequent information and evidence presented in addition thereto, the Riverdale City Council finds that it IS in the best interest of Riverdale City and DOES meet the goals or policies of the City's land use development plan and does not raise significant issues or concerns about safety, planning and/or the impact on the City's resources and services. The Council hereby APPROVES the rezone request made by the landowner to amend approximately 4.62 acres, located at or near 671 West 4400 South from Mobile Home Park (RMH-1) to Multiple-Family Residential (R-4) zoning and directs staff to implement any and all action(s) to help facilitate the lawful and conforming re-zone approval.

Section 2. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the intent to pass the Ordinance without such unconstitutional or invalid part therein, and the remainder of this Ordinance shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 3.

The effective date of this ordinance shall be effective immediately.

PASSED, ADOPTED AND ORDERED POSTED this 19th day of July, 2022.

Braden Mitchell, Mayor

Attest:

Michelle Marigoni, City Recorder

- In addition to these residential zones, the City also allows clustered residential developments under Planned Residential Unit Development and Cluster Subdivisions ordinances. The PRUD provisions function as overlay zones and allow design flexibility in the development of lands within the City. These clustering ordinances encourage the realization of several potential public benefits, one of them being to encourage the construction of affordable housing units within the City under conditions and requirements that will insure development of residential environments of sustained desirability and stability.
- Riverdale City currently has several PRUD developments currently with 170 single story on-grade patio homes. These developments typically have small lots and with this type of dwelling are geared more toward the senior population.
- Riverdale City encourages the availability of affordable housing alternatives for the disabled, elderly, single mothers, persons with AIDS, victims of domestic abuse and the homeless. Riverdale City has never adopted ordinances that would prevent the development of moderate income housing for the above mentioned groups. Considered a regional retail hub, Riverdale is a small suburb with a population of approximately 8,600 residents adjacent to Ogden City and therefore subsidizes alternative housing in larger cities in Weber County because 80 percent of Riverdale's population sales tax is redistributed to neighboring cities with larger populations. This redistribution of tax dollars helps to fund affordable housing for the disabled, elderly, single mothers, persons with AIDS, victims of domestic abuse and the homeless. Large facilities designed to house the homeless and those with AIDS are located approximately two miles from Riverdale in Ogden at The Ogden Rescue Mission and three miles from Riverdale at St. Anne's Shelter/Lantern House. Housing for victims of domestic abuse is available three and a half miles from Riverdale at the Ogden YCC and the WSU Women's Center provides housing resource assistance for single mothers with a dedicated resource center three miles east of Riverdale. Developmental and physically disable housing is available at Graham Court and OWCAP Disabilities Housing in Ogden both just two short miles from Riverdale and at Tri-County Independent Living which is three miles and Trinity Mission Wide Horizons located five miles from Riverdale. The former Christian Heritage Academy in Riverdale is currently vacant and on the market for sale and could be converted into alternative housing for any of these groups.

4. SURVEY OF RESIDENTIAL ZONING¹⁵

The City has fifteen zones that allow for residential uses. They are: Agricultural A-1 (40,000 sq. ft.) and A-2 (2 acres); Residential Estate RE-15 (15,000 sq. ft.) and RE-20 (20,000 sq. ft.); Single Family Residential R-1-10 (10,000 sq. ft.); R-1-8 (8,000 sq. ft.) R-1-6 (6,000 sq. ft.) and R-1-4.5 (4,500 sq. ft.); Residential Single Family R-2 (8,000 sq. ft.) and Single

¹⁵ Riverdale City Code http://www.sterlingcodifiers.com/codebook/index.php?book_id=631

Family and Rental Unit R-2 (10,000 sq. ft.); Multiple Family R-3 (moderate density), R-4 (moderate/high density) and R-5 (high density); Mobile Home Park RMH-1; Low Impact Transition Overlay LIT (specialized housing/apartments/assisted care); Mixed Use MU (housing/apartments in a commercial setting). Riverdale City also has an ordinance regulating Planned Residential Unit Developments PRUD with areas of the city that are designated for such type of development specified in the General Plan, and supports cluster development options and multiple family residential overlay (MFROZ) desires.

The Residential Zones of Riverdale City are formulated to provide a range of housing choices to meet the needs of Riverdale City residents, to offer a balance of housing types and densities, and to preserve and maintain the City's residential areas as safe and convenient places to live. These zones are intended for well-designed residential areas free from any activity that may weaken the residential strength and integrity of these areas. Typical uses include single family dwellings, two-family dwellings, multifamily dwellings, condominiums and townhouses. Also allowed are parks, open space and conservation areas, pedestrian pathways, trails and walkways, utility facilities and public service uses required to meet the needs of the citizens of the City and residents of each of the City's neighborhoods.

The larger land zones including the A-1 and A-2 zones are primarily for agricultural use; however residential uses are also included. The A-1 and A-2 zones may be designed to preserve lands suited for farming and ranching operations and may be in areas that are intended to protect land suited for farming and ranching operations and may be in areas that are intended to protect the land from adverse development, this protective measure is in place on properties along South Weber Drive as part of the Air Installation Compatible Use Zone AICUZ implemented by Hill Air Force Base and the State of Utah. Additionally, these zones are intended to allow viable agricultural uses to remain on lands potentially suited for the eventual development for other uses, pending proper timing and the provision of the required services including all public utilities, streets, parks, schools and other facilities so that an orderly development pattern is encouraged.

The purpose of the Low Density Residential Zones (RE-15, RE-20, R-1-10, R-1-8, R-1-6 and R-2) is to provide for single family residential areas and single family dwelling units on larger individual lots.

The purpose of the Medium Density Residential Zone (R-2 with rental unit and R-3) is to identify and encourage the development of a variety of medium housing density types and styles, including single family dwellings, two-family dwellings and four family dwellings. The purpose of the High Density Residential Zone (R-4 and R-5) is to provide an environment and opportunities for higher density residential uses, including single family detached and attached residential units, apartments. The city recently passed a Multiple Family Residential Overlay Zone (MFROZ) ordinance to facilitate the development of condominiums and townhouses. The purpose of the Mixed Use (MU) Zone is to foster and provide an area of mixed, compatible residential, commercial and office uses in certain areas of the City. The purpose of the Low Impact Transition Overlay Zone LIT is to allow the presentation of uses that will not adversely impact adjacent properties; specialized apartments such as senior housing may be considered in this zone.

In addition to these residential zones, the City also allows clustered residential developments under Planned Residential Unit Development (PRUD) and Cluster Subdivisions ordinances. The PRUD provisions function as overlay zones and allow design flexibility in the development of lands within the City. These clustering ordinances encourage the realization of several potential public benefits, one of them being to encourage the construction of affordable housing units within the City under conditions and requirements that will insure development of residential environments of sustained desirability and stability.

Zoning for multifamily housing: Multifamily housing in Riverdale City is considered housing that is comprised of attached units such as apartments, condominiums and town houses. Riverdale City currently has seven, R-5, High Density residential complex developments (RCC 10-9F), five of which are rental apartment developments and two are owner occupied condominium developments. Additionally there is a senior apartment complex located in a Low-Impact Transition Zone that is considered high density.

There are two areas of the city that are zone R-4 which is a medium/high density zone (RCC10-9E). One area is occupied by apartments and the other area has a number of single family dwellings currently existing on the property with additional undeveloped vacant property making up the area.

The R-3 zoned areas (RCC 10-9C) are considered a medium density. There are currently four areas of the city that are zoned R-3, three of these areas contain fourplex dwelling units and one of these areas would accommodate a fourplex structure.

The R-2 (RCC 10-9C) areas of the city allows and has mixed existing attached Two Family dwellings, which consist of side-by-side duplex type dwellings or over/under apartment type dwellings, mixed in with a large amount of single-family dwellings. Approximately half of Riverdale City's low density residential areas are zoned R-2.

Additionally, there are two, four unit townhouses existing in a Mixed Use (MU) Zone.

Provision of density bonuses: Riverdale City has adopted ordinances, RCC 10-13H: Multiple Family Residential Overlay Zone (MFROZ), RCC 10-22: Planned Residential Unit Development (PRUD) and RCC 10-23: Cluster Subdivisions. These zones allow the implementation for increasing densities through clustering, lot area reduction, reduction of yard setbacks and by the flexibility of entering into a Development Agreement between the city and developer.

Allowance of inclusionary zoning: Riverdale City has implemented the concept of inclusionary zoning; it is something that naturally exists within our city. Approximately 30 percent of the city's residential areas are rental properties. This includes single family, apartments and manufactured (mobile) homes all of which are affordable to lower-income households.

Special infill and adaptive reuse ordinance: Riverdale City ordinance, RCC 10-12: INFILL LOTS allows for residential development on lots that would not otherwise qualify for development under existing ordinances. The provision for a residential development

AREA SEVEN

See Figure 13 for more regarding this area. This area is bounded by I-84 on the west, transitional areas of low density residential uses and senior living apartments to the north in Area Six, the Weber River and its trail system to the east, and a mobile home park site to the south adjacent to I-84 and the Schneider's Riverside Golf Course.

There is a transitional section of this area to the north and planning efforts should be in this northern location should be sensitive to the needs and impacts on residential areas located in the south of Area Six. The property on the south side of 4400 South, between 1025 West and 700 West is an extremely strategic land use area for Riverdale City. It is very important in terms of stabilizing and enhancing the neighborhood development to the north since it represents the transitional area between traditional residential neighborhoods and intense development along Riverdale Road. The area between 700 West and 900 West, property fronting 4400 South (the north portion of the parcels), should remain Residential. Properties fronting 4450 South (the south portion of the parcels) are designated as Mixed Use, with the line of demarcation between residential and commercial extending to the west side of 900 West, where residential would front 4400 South, and commercial to the south fronting 900 West. The demarcation line runs between 4400 South and 4450 South, from 700 West approximately 442.50' West at 130' from 4400 South to that point continuing to 900 West at 227' from 4400 South. The area north of this line would remain residential. The area south of this demarcation line running to 4450 South may be a mixed use. The H & P properties are currently zoned commercial on the south side of the demarcation line and two lots on the north side of the line are zoned mixed use residential where two (2) separate four (4) unit owner occupied townhouses currently sit. The land use map reflects current planned uses for this location. Additionally, a single-family residential patio home development project has been developed in this area at 785 West 4450 South. This residential development is located in a Planned Unit Residential Development overlay district and the residences are subject to a homeowner's association. The Mixed Use zone is designed to permit only those businesses which would not have a noise impact on surrounding residential areas, would not accept deliveries at late hours; would not incur heavy vehicle traffic (such as fast food restaurants, low impact retail, etc.), and would have limited hours of operation. The mixed use zone protects existing residential while allowing property owners on 4450 South choices on developing their property as residential, residential/commercial mix or commercial.

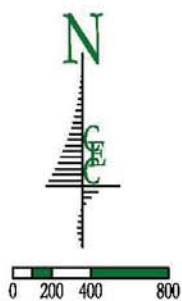
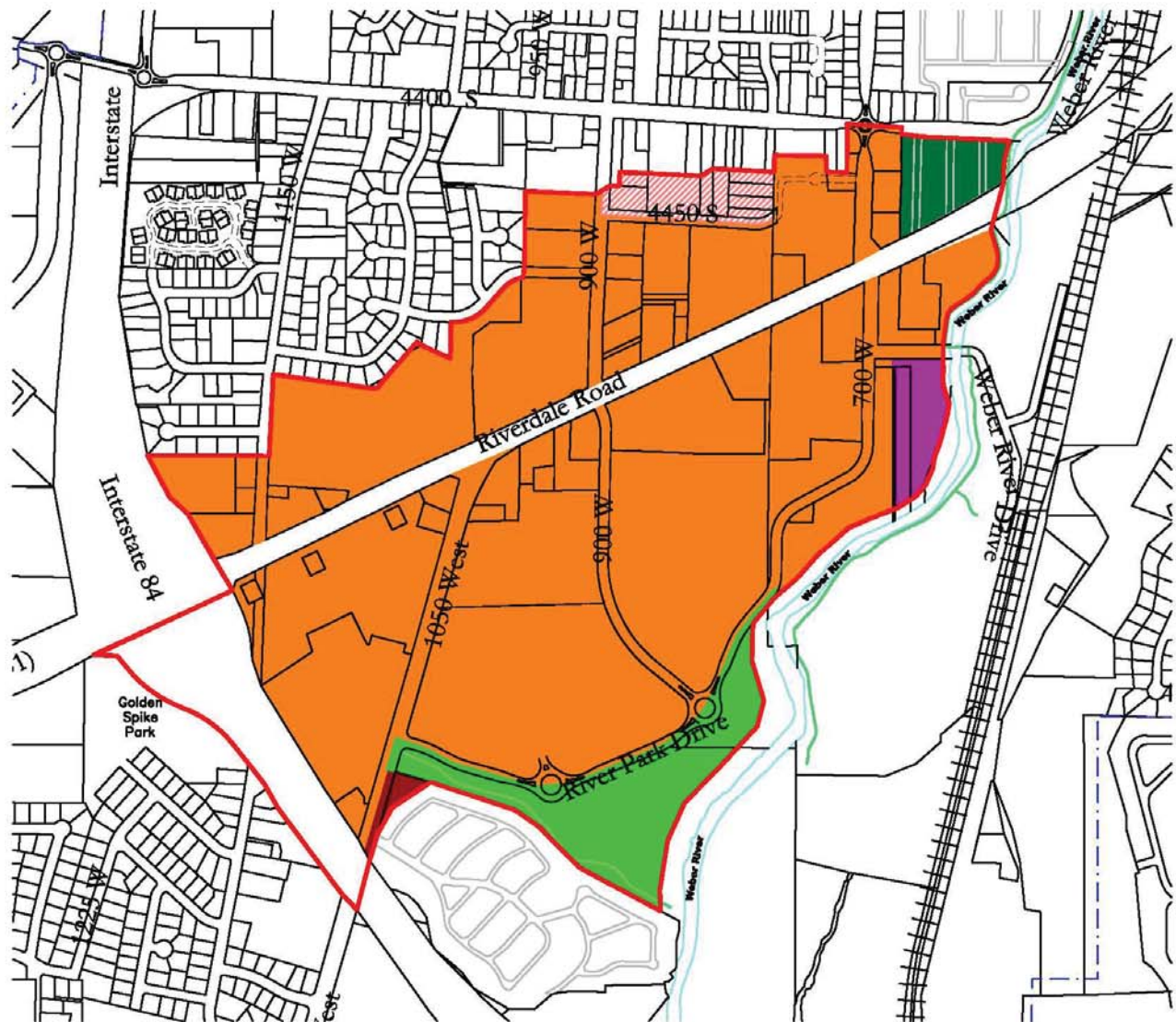
There is an existing gas station/convenience store on the east side of 700 West and Riverdale Road and a small retail/office shopping plaza on the west side of 700 West that is in the Planned Commercial High land use category. There is also a section of residential medium density in the northeast of this area, along 4400 South and near 700 West, which has potential to be converted to a planned commercial use in the future. A future transition in housing options on the modular home park in this area (at approximately 650 West 4400 South) may also make sense in order to accommodate potential alternative multi-housing options at the modular home park location. There is also a parcel along 4600 South, owned by Crabtree Auto, which is reflected as Planned Manufacturing and, for the time being, should remain as such. Additionally, there is an abundance of Planned Commercial High land use category properties in this area that should continue to be planned for this

use in the future. These properties are crucial to the continued financial operations of the City and its resources. Fostering and maintaining positive relationships with businesses are property owners in this area is key to the City's continued success.

On the south side of this area there is a section of property located along Weber River Drive that is designated as Recreational/Open Space and is now planned to be developed as a regional park by the City. Multiple other land use proposals have been considered for this property, but have had difficulties in changing the use of the property due to the City's historical desire to see the land developed for an Office Park use or similar retail/commercial use. Initial concepts for this land included a mixture of commercial development, office park development and open-space development, which could be developed pursuant to a City approved overlay zone and development agreement. However, in the summer of 2014 the City leadership had the opportunity to acquire this property from the landholder. This purchase of the property, if completed, will allow the City to have the option of establishing a major regional city park at this location and this would likely be of great benefit to the residents of the community. The City is in need of a new site for a large park as the current Riverdale Park is running out of capacity for any additional development and may be encroached upon in the future by the Weber School District in order to meet the expansion needs of the Riverdale Elementary School.

Riverdale Road, 1050 West, 700 West, 900 West, and Weber River Drive are all major roadways in this area. UDOT has completed a major reconstruction of Riverdale Road in recent years and also has oversight over 1050 West construction and use. Weber River Drive, 700 West, and 900 West are all City roads and should be maintained and enhanced to the benefit of this area for continued operational functionality.

Figure 13 - Alternate Land Uses - Area 7



AREA 7

LAND USE GENERAL PLAN

	Agricultural		Planned Manufacturing
	Residential - Low Density		Special Use District - Light
	Residential - Medium Density		Industrial / Business Park
	High Density - Multi Family		Institutional
	Residential Overlay Zone		Recreational / Open Space
	Mixed Use		Weber River Parkway
	Neighborhood Commercial - Low		Utility
	Planned Commercial / Prof. Office		
	Planned Commercial - High		
	Commercial/Office/Business Park		

walls and landscaping must buffer the residential uses. No structure shall be greater than two stories (35 feet).

MDR

Medium Density Residential - owner occupied attached or small lot housing usually in a Planned Unit type of development with at least one enclosed parking space. Second car and guest parking may be open or under a carport.

OFF-PARK

Office Park - office uses and incidental retail and service support business. The nature of the office park development is development consistent with that of City Hall in the way it is landscaped, undulated and integrated with its natural surroundings. Objectives for the development would be to preserve as much of the natural forest and vegetation, wetlands, river front and character of the area as possible. The "foot print" of buildings and parking areas would be as small as possible. Therefore higher structures (4-6 stories) and structured or underground parking would be encouraged. A low ratio of developed area to open space would be required. There would be a strict conditional use approval process. It has even been suggested that, in addition to traditional open lawns and tree plantings, a transition toward xeriscape landscape design techniques be added to provide an orderly visual transition to the natural habitat.

P

Parks - developed recreation facilities

OS

Open Space - open space, protected natural habitat with limited or no development allowed.

PRUD

Planned Residential Unit Development - an owner occupied, attached or small lot residential development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines that allow and encourage sensitive and efficient development of unique lots with steep topography, high ground water, wetlands, unique natural habitat, etc. The present zoning ordinance needs to be updated to better reflect the quality in design and site planning desired.

SFD

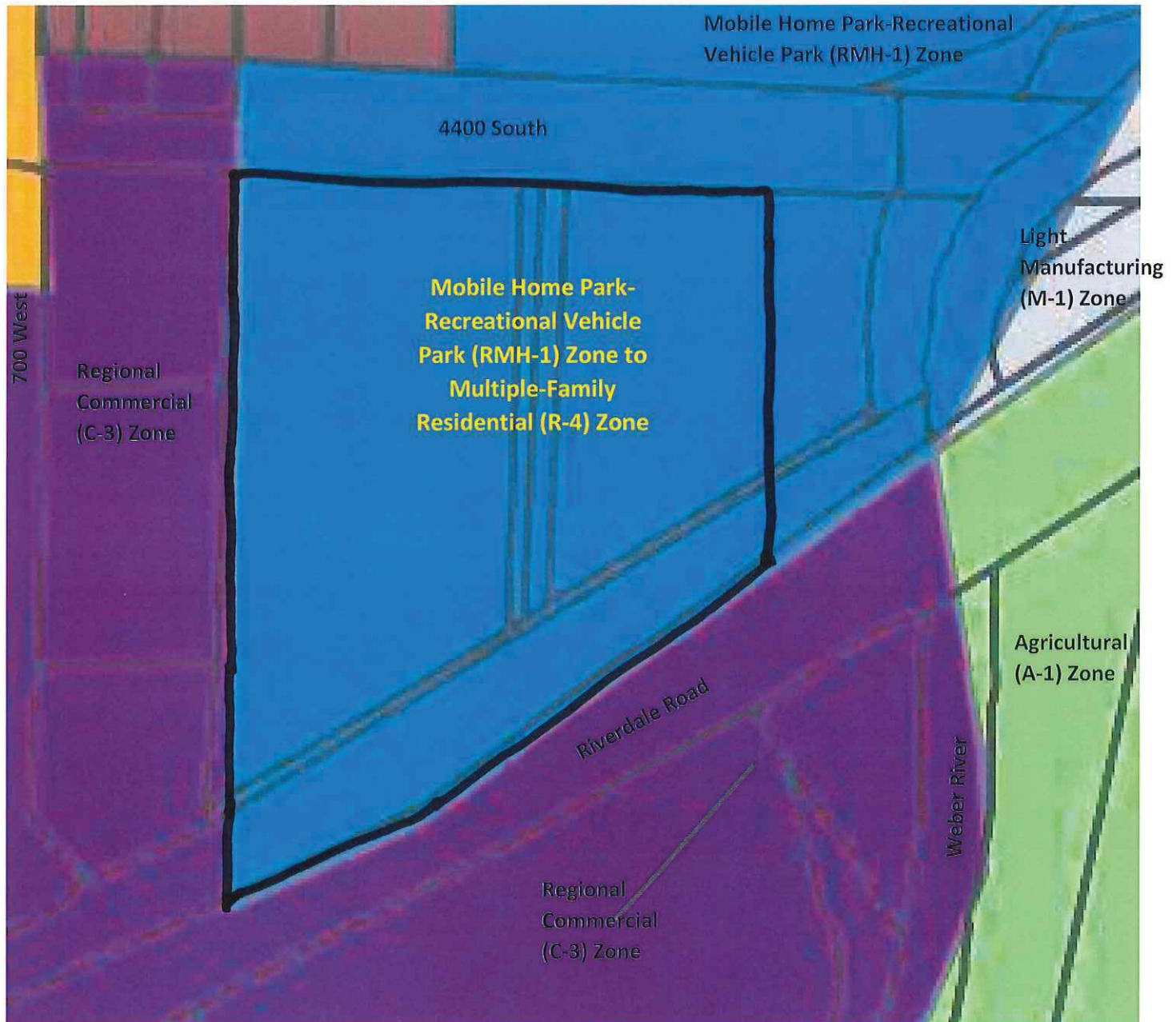
Single Family Detached Housing - with the possibility of secondary rental unit as a conditional use with apartment license required.

U

Utility - public or private utility use.

June 16th, 2022

H&H-39th Street, LLC – rezone request for property at approximately 671 West 4400 South from Mobile Home Park-Recreational Vehicle Park (RMH-1) Zone to Multiple-Family Residential (R-4) Zone. Area bound in black requested to be rezoned as noted.



Minutes of the **Regular Session** of the Riverdale City **Planning Commission** held Tuesday, June 28, 2022, at 6:30 p.m., at the Community Center, 4360 S Parker Dr., Riverdale City, Weber County, Utah.

Present:

Commissioners:	Kathy Eskelsen, Chairman	
	Robert Wingfield, Vice Chairman	
	Blair Jones, Commissioner	
	Amy Ann Spiers, Commissioner	
	Rikard Hermann, Commissioner	
	Wanda Ney, Commissioner	
	Kent Anderson, Commissioner	
City Employees:	Mike Eggett, Community Development	
	Steve Brooks, City Administrator, Attorney	
	Jared Sholly, Fire Chief	
	Michelle Marigoni, City Recorder	
Visitors:	Jinny & Jack Schad	Grant Peterson
	Tom & Julie Shelton	Matt Steiner
	Denise Romero	Tim Garcia
	Karrington Pryor	Jesus Rodriguez
	Stacie Smith	Andrew Lund
	Kristie Minor	Christopher Eaton
	Jason Williams	William Gillman
	Kerry Jacobson	Lola Heath
	Doug Rands	Lowell Heath
	Amber Rands	Tanya Miller (? illegible)
	Denise Clontz	Minerve Gallegos
	Jennifer Barrett	Brigitte Williams
	Casey Simmons	Tomas Morales
	Heidi Simmons	Jann Ewing
	Iris Simmons	Lori Fleming
	Ivy Simmons	Jordan Shelton
	Lovie Simmons	Ashland Shelton
	July Velazquez	others (illegible)

A. Welcome & Roll Call

The Planning Commission Meeting began at 6:34 p.m. Chairman Eskelsen welcomed everyone to the meeting and stated for the record that members of the Planning Commission were present. She explained the reason for the venue change was to accommodate the amount of people.

B. Public Comment

Chairman Eskelsen asked if there were any public comments that were not a part of the agenda items tonight. July Velazquez said Riverdale City is the best city, mostly because of the law enforcement. She appreciates the officers and feels safe in the city.

C. Presentations and Reports

D. Chairman Eskelsen turned the time over to Mr. Eggett, who reported the following:

- Shake Shack site plan has been received
- Vacation plat request for an additional road has been submitted by AFCU
- Mike & Michelle will not be here on 7/26 – no PC Meeting
- ULCT Conference October 5-7 SLC
- Nothing new on Cheddar's
- Take 5 about to start building
- West Bench development agreement – city council 7/5
- Bach Homes development agreement – city council 7/5

E. Consent Items

Consideration of Meeting Minutes from June 14, 2022 Work Session and June 14, 2022 Regular Meeting.

Chairman Eskelsen asked if there were any changes to the minutes. There were no changes. Commissioner Spiers moved to approve the minutes; Commissioner Wingfield seconded the motion, and all were in favor.

F. Action Items

1. **a. Public hearing to receive and consider comments regarding proposed rezone request from Mobile Home Park-Recreational Vehicle Park (RMH-1) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately 671 West 4400 South, Riverdale, Utah 84405, as requested by H&H - 39th Street, LLC.**

Mr. Eggett went over the executive summary, as follows:

Two telephone inquiries and four letters were received regarding the matter.

Motion: Commissioner Wingfield moved to open the public hearing

Second: Commissioner Anderson

Chairman Eskelsen asked for an orderly meeting and that comments are Michelle Marigoni, City Recorder, read the four letters that were received regarding this rezone from the following individuals:

Jordan & Trevor Bowthorpe

Cory Bowthorpe

Kyle Bowthorpe

Janean & Alan Bowthorpe

Chairman Eskelsen invited the public to comment:

Jason Williams said ruthless owners came in and kicked people out of their homes. The owners have permitted planned degradation of this park. He said there were no fines put on the owners regarding the fire code. The city has turned a blind eye to the conditions of the park. The conditions should have been addressed with fines with the owners.

Riverdale City has bought property and made millions of dollars instead of helping the residents of the park. He can't move anywhere because the trailers cannot be moved. He lives in a trailer park to be free of debt and support his kids. He asked that the trailers be allowed in the back of the property. There are less people because they have been forced out by high rents.

Jack Schad said he moved into the park because his 1-bedroom apt rent was raised from 1200 to 1600 and he couldn't afford to live anywhere else. To take away the one place families have left that is affordable where people live paycheck to paycheck is wrong. He doesn't want to live in a park and be homeless. He lost a significant amount of money on their last house. The city needs to stand up for these residents. Affordable housing is just to make more money. There is nowhere else to go, and no one will stand up for them other than themselves. They worked hard to get where they are and would like to stay. Their lot is in great repair and has grass. He asked commissioners not to take their homes away.

Tonya Rotunda, #23, agrees with Jason and Jack that the tactic is ridiculous that is being used to get them out. She is disabled and will be homeless. She used to think that Riverdale was a great place. People are allowed to do whatever they want to do, and no one does anything about it.

Lowell Heath #22 has lived there for years and asked commissioners to give them a break

Lola Heath #22 agrees with the past comments that were made. This is unfair and unjust. She and her husband are disabled and live paycheck to paycheck. She cries every night wondering what to do and asked for a break.

July Vasquez #40 thanked Riverdale for trying to come up with ideas to help everyone out. She thanked H&H for allowing her to stay when she couldn't afford it, and so she wasn't homeless. They are all trying, and if they all help each other out and communicate more they may be able to come up with something. Everyone needs to fight to have a place to stay. They are nervous about where to go, how to do it. This has been happening for several years and she wants to know when it ends. How are they supposed to feel and what are they supposed to do? What is next? If she can do anything to help anyone else, she would love to. It's chaos for everyone. She can barely make the rent there and has no idea how she can afford someone else. She would like to see a manager on site.

Doug Rands #15 said is he is a veteran and there are tons of vets that need the help that has been provided by the trailer park. There is nowhere else where he can move his RV in the state, he would have to move out of state because no parks will accept the RV. He is trying to take care of his wife and animals, and his son who lives in lot #2. He and his wife have medical and mental problems but are trying to cope with the situation. They were all able to get into this park after being homeless for four years.

Jordan Shelton #35 worked his whole life, many hours. Was living with his brother and they couldn't afford it, just moved in a few months ago. Park managers have not communicated at all with residents other than a note taped to the door.

Julie Shelton, Jordan's mother. She and her husband bought the trailer for their sons so they could have affordable housing. They just put 38000 into a trailer that is going to be lost. They already have several family members they are taking care of and may need to file bankruptcy if this park closes. She asked commissioners to keep these stories in mind.

Jennifer Barrett is new to the neighborhood, has been there about 4 months. They are a community, and she is terrified of not knowing where her boys are going to sleep. She understands that people have their reasoning for wanting to rezone, but they don't understand the reasoning and asked for an answer. She asked if there is anything they can do as a community to keep the park open. The residents are informed of very little by the owners and are not sure where they stand or the owners.

Sally Huntington's brother lives in lot 16. She echoed the same things as other residents. Her brother and his husband could not afford rent any other place. He was unable to find anything he could afford after his mother passed. Although the rent has increased, they have been making do. They wouldn't be able to afford anything else. She understands that homes that are being taken away for development are purchased by those asking for the rezones. What happens to the trailers and their residents? They all have family that are doing their best to support them. They have been trying to get the yard to look better and now have grass growing. It would be a detriment to society. She works in assisted living and sees veterans who have nothing, but this veteran (who spoke earlier) has something. Please don't take it away from him.

As there were no further comments from members of the public, Commissioner Hermann made a motion to close the public hearing. Commissioner Ney seconded the motion. The commission was polled at the request of Chairman Eskelsen:

Commissioner Wingfield:	Yes
Commissioner Ney:	Yes
Commissioner Eskelsen:	Yes
Commissioner Hermann:	Yes
Commissioner Anderson:	Yes
Commissioner Spiers:	Yes
Commissioner Jones:	Yes

The public hearing was closed.

b. Consideration to forward a recommendation to the City Council regarding proposed rezone request from Mobile Home Park-Recreational Vehicle Park (RMH-1) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately 671 West 4400 South, Riverdale, Utah 84405, as requested by H&H - 39th Street, LLC.

Discussion:

Matthew Steiner, whose law firm represents H&H, said he is happy to address any questions. Getting the rezone is the first step to know what the plan is there. There is no site plan yet. There are a variety of different housing types that can go there. If it is rezoned to multi-family, it will have more density than it does now. By state standards, it would be affordable housing. He does not know what products will work there yet. He is representing the owner and does not have details.

Mrs. Spiers clarified that they are asking for the rezone and do not know what they are going to do with it. Mr. Steiner said townhomes or walk-up apartments would be most likely, as R-4 does not allow super dense. Mr. Steiner said it is expensive to start surveying, reporting, evaluating water resources, etc. The way things have been going with this project, they have not wanted to spend a lot of money until the rezone is done. 50 to 60 thousand dollars is outstanding in past due rent, which is part of the motivation for the rezone request. The same company runs other mobile home parks and has no desire to continue to run this park. New trailers can't move into the type of lots that are there.

Mrs. Spiers asked how the rezone would help with that situation. Mr. Steiner said then the money would be invested to start to change the use of the property. Mrs. Spiers asked what happens to the residents that are currently there. At a minimum, after permits are acquired and site plans are approved, a long process. Tenants need to be given 9 months to make arrangements.

Mr. Anderson asked if there would be options provided to the current residents in the new development. Mr. Steiner said it is hard to answer that question without knowing the zoning.

Mr. Anderson asked if H&H would be the developer, and who would finance the development. Mr. Steiner said most likely H&H would contribute the land in a joint venture.

Mr. Steiner said it can't be decided until the zone is approved.

Mr. Hermann said last time the R-4 was requested it was denied. He asked what has changed that would change the commissions mind on this request. Mr. Steiner said the motivation is the same, there are problems running it as a mobile home park.

Mrs. Ney stated the mobile home park has deteriorated immensely. She asked what the owners have done to try and improve the current park. Mr. Steiner said the city comes to the owners with code violations. The owners are not allowed to go into the trailers as they only own the land. All they can do is evict them if they won't fix the violations. A lot of money has gone into fixes on the plumbing. It has been under constant repair and is sometimes sabotaged. An assessment has been done on the water and sewer to see about fixing it. There have not been many improvements due to the trailers being the property of the tenants, and only the lots being accessible by management. There are squatters in the park who pull up trailers and don't pay rent or have a lease. Many residents do not welcome the managers and owners, who feel threatened when entering the park.

Mrs. Eskelsen reminded commissioners these are not the issues that need to be discussed, only the zoning.

Mrs. Spiers asked for more information about the possible uses of R-4, which was explained by Mr. Eggett.

Mr. Steiner said state policy is moving toward cities helping add more units of housing that are affordable. The transition would be difficult, but more relatively affordable housing would be added to Riverdale.

Mr. Anderson asked which areas around the lot are R-5 which is a higher density. Mr. Eggett explained it is the Stoneybrook area and a yet-to-be-developed lot.

Mrs. Ney asked how long the residents would have to find new homes and how they would be helped. Mr. Steiner said the process is 9 to 12 months, and then 9 months' notice is given. He said it may be a year or 18 months before the use change actually happens.

Mrs. Spiers asked if they participate in assisting them help find new housing. Mr. Steiner said he is not the owner, so he is not sure, although it is not required by state law. Often help has been given to make the transition easier in other mobile home parks.

Motion: Commissioner Spiers moved to send an unfavorable recommendation to the city council for rezone of the property since they are requesting a rezone with nothing behind it and no information.

Second: No second. Motion dies.

Motion: Commissioner Jones moved to forward a favorable recommendation on the rezone request for the mobile home park to R-4 residential zoning of the property. He feels in the future that would be a better development for the area due to the cost to bring that park up to current standards. Multifamily would be a better use.

Second: Commissioner Ney

Discussion on motion: Commissioner Hermann added that the current plan of an R-5 across the street, a R-4 would fit well in the area and would be a better use of the property.

Roll Call Vote:

Commissioner Anderson: Yes
Commissioner Spiers: No
Commissioner Hermann: Yes
Commissioner Wingfield: Yes
Commissioner Jones: Yes
Commissioner Ney: Yes
Commissioner Eskelsen: Yes

Motion carries 6 to 1.

Items presented by: Mike Eggett, Community Development

G. Comments

Chairman Eskelsen thanked everyone for coming and explained the issue would be on an agenda for an upcoming council meeting.

H. Adjournment

As there was no further business to discuss, Commissioner Spiers moved to adjourn. This was seconded by Commissioner Hermann. The Planning Commission meeting adjourned at 7:49 p.m.

Kathy Eskelsen
Planning Commission Chair

Michelle Marigoni
City Recorder

Date Approved: _____



Riverdale City

Community Development
4600 So. Weber River Drive
Riverdale, Utah 84405

RIVERDALE CITY REZONE REQUEST APPLICATION

DATE SUBMITTED

May 19, 2022

FEE SCHEDULE: \$350

APPLICANT NAME

H & H - 39TH STREET, LLC

PHONE NUMBER: 801-278-4747

APPLICANT ADDRESS

5200 S. HIGHLAND DRIVE, STE 300

HOLLADAY, UT 84117

ADDRESS OF SITE

671 W. 4400 S. RIVERDALE, UT 84405

PROPERTY OWNER

H & H - 39TH STREET, LLC

PRESENT ZONING

RMH-1

PRESENT USE:

MOBILE HOME PARK

PROPOSED ZONING

R-4

PROPOSED USE:

MULTI-FAMILY HOUSING

PROPERTY ACREAGE:

4.62 ACRES

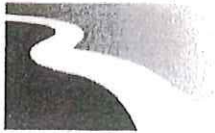
Answer the following questions with specifics on a separate sheet. This information will be forwarded to the Planning Commission members for review.

- A. Why should the present zoning be changed?
- B. How is the proposed change in harmony with the City General Plan for this area?
- C. If the proposed change is not in harmony, what conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
- D. How is the change in the public interest as well as the applicant's desire?

Signature of Applicant

Signature of Property Owner

I authorize MATTHEW P. STEINER to act as my representative in all matters relating to this application.



**Riverdale
City**

Community Development
4600 So. Weber River Drive
Riverdale, Utah 84105

APPLICATION REQUIREMENTS AND PROCEDURE FOR REZONE REQUEST

1. The applicant shall submit to the City Recorder the following:
 - a. Completed REZONE REQUEST APPLICATION formally requesting a rezone and stating the reasons for the request.
 - b. PROPERTY PLAT MAP of the area of the requested rezone. Plats are available at the Weber County Recorder's Office.
 - c. LEGAL DESCRIPTION of the subject property.
 - d. REZONE REQUEST FEE of \$250 as established by resolution of the Riverdale City Council.

2. The Planning Commission, following the public hearing, will consider action to approve or deny the rezone request. The Planning Commission may take up to thirty (30) days following the public hearing to act on the rezone request. The decision of the Planning Commission will be forwarded to the City Council with the Planning Commission recommendation. The City Council will then make the final decision. If the request is approved, an ordinance will be signed and filed. The application / property owner may obtain a copy of the ordinance if desired.

3. If approved, the rezone will become effective upon posting of the ordinance.

Planning Commission scheduled public hearing:

Date: 6/28/2022

Decision: Recommend City Council Approval

City Council consideration of application:

Date: 7/19/2022

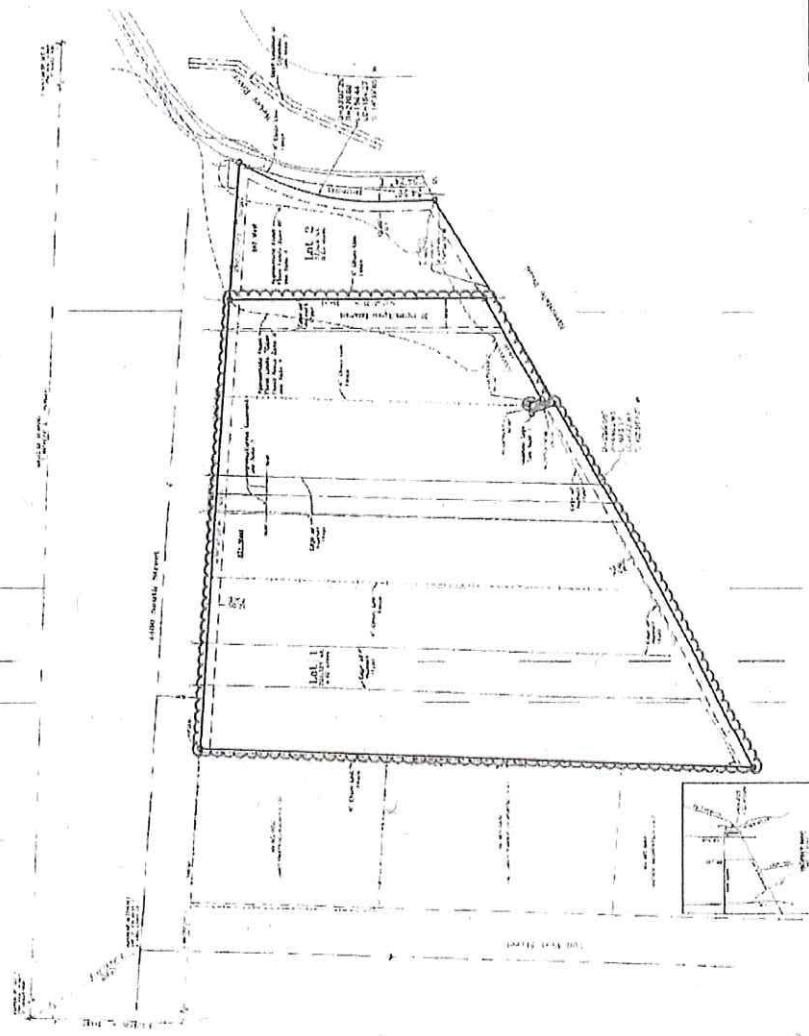
Decision: _____

Legal Description of 671 W. 4400 S., Riverdale UT 84405

**LOT 1, GARFF-LESLEY SUBDIVISION, ACCORDING TO THE OFFICIAL MAP ON FILE AND OF
RECORD IN THE WEBER COUNTY RECORDER'S OFFICE.**

[illegible]

GARFF-LESLEY SUBDIVISION
PART OF THE SE 1/4 OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
RIVERDALE CITY, WEBER COUNTY, UTAH - FEBRUARY 2019



Study is based on letters to the paper, written questions, answers, to the press, and to the *Journal of the Royal Society of Medicine*, and was supported by National Health Service Research Grant 11/81/2000.

[illegible][illegible][illegible]

Edward Kellogg
1870-1900
1-1-1900
1-1-1900

THE RECOVERY FROM THE DEPRESSION

SARAFI AND

[illegible]

SLIPSTYRENE COPOLYMER

10.1301/JN.119.1.101-110

Questions for Planning Commission

A. Why should the present zoning be changed?

Current zoning needs to be changed from RMH-1 to R-4 to develop for multi-family housing.

B. How is the proposed change in harmony with the City General Plan for this area?

The Riverdale City's General Housing Plan calls for "safe, accessible, sanitary, and aesthetically pleasing" homes. The gentrification of the property and development of new multi-family housing will help reach those goals already set by the General Housing Plan, as well as increase safety, increase density and revitalize the surrounding area.

C. If the proposed change is not in harmony, what conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

The proposed change will be in harmony with both the general area and General Plan.

D. How is the change in the public interest as well as the applicant's desire?

The proposed development will help beautify the area, and improve the health, safety, and welfare of the new and neighboring residents.

RIVERDALE CITY CORPORATION
4600 SOUTH WEBER RIVER DRIVE
RIVERDALE UT 84405

394-5541

Receipt No: 15.550125

May 20, 2022

H & H 39th STREET

Previous Balance:	.00
MISCELLANEOUS - ZONING & SUBDIV. FEE	250.00
10-34-1500 ZONING & SUB. FEES	

Total:	250.00
--------	--------

CHECK	Check No: 162	250.00
Total Applied:		250.00

Change Tendered:	.00
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05/20/2022 3:29 PM

RIVERDALE CITY CORPORATION
4600 SOUTH WEBER RIVER DRIVE
RIVERDALE UT 84405

394-5541

Receipt No: 15.550183

May 25, 2022

H & H 39TH STREET,LLC

Previous Balance:	.00
MISCELLANEOUS - ZONING & SUBDIV. FEE	100.00
10-34-1500 ZONING & SUB. FEES	

Total:	100.00
--------	--------

CHECK	Check No: 164	100.00
Total Applied:		100.00

Change Tendered:	.00
------------------	-----

05/25/2022 10:28 AM

671 West 4400 South – Checklist Regarding Public Hearing Notice for Rezone Request

- ☒ Notice Sent to Affected Entities (10 days before hearing date)
 - ☒ Documented List Verifying Date Sent
- ☒ Form Letter Sent to Affected Property Owner(s) Due to Rezone per 10-9a-205(4)(b) (10 days prior to hearing date)
- ☒ Notice in Newspaper of General Circulation (10 days prior to hearing date)
- ☒ Notice on City Website (10 days prior to hearing date)
- ☒ Sign Placed on Subject Property (10 days prior to hearing date)
 - ☒ Picture and Certification of Sign Placement Completed
- ☒ Notice Placed on State Public Meeting Notice Website (10 days prior to hearing date)

Affected Entities Notice Listing Information

671 West 4400 South

Affected entity notice was sent to the following groups on the dates listed below.

1. UDOT – Region One: sent on June 17, 2022
2. Weber School District: sent on June 17, 2022
3. Weber County Government: sent on June 17, 2022
4. Roy Water Conservancy District: sent on June 17, 2022
5. Weber Basin Water Conservancy District: sent on June 17, 2022
6. Comcast: sent on June 17, 2022
7. Century Link: sent on June 17, 2022
8. Rocky Mountain Power: sent on June 17, 2022
9. Dominion Energy: sent on June 17, 2022
10. Central Weber Sewer District: sent on June 17, 2022



Riverdale
City

Community Development
4600 So. Weber River Drive
Riverdale, Utah 84405
801-394-5541

June 17th, 2022

H&H 39th Street, LLC
5200 South Highland Drive, Ste 300
Holladay, UT 84117

Dear H&H 39th Street, LLC Group:

Below is a notice of public hearing for a proposed rezone request for property located at approximately 671 West 4400 South in Riverdale City.

Notice of Public Hearing
Riverdale Planning Commission
Tuesday, June 28th, 2022
Which begins at 6:30 p.m.

Riverdale Community Center
4360 South Parker Drive
Riverdale, Utah

The Riverdale Planning Commission will hold a public hearing to receive and consider public comment on the following proposed rezone request:

The rezone request is for property located at approximately 671 West 4400 South in Riverdale City from Mobile Home Park-Recreational Vehicle Park Zone (RMH-1) zoning to Multiple-Family Residential (R-4) zoning.

Further information regarding this proposal can be viewed at www.riverdalecity.com. Public comment is invited and interested parties are encouraged to attend. The public may also participate by emailing the City Recorder at mmarigoni@riverdalecity.com.

You may review the current and proposed zoning on our city website (www.riverdalecity.com) under the “City Code” tab. The A-1 zoning language is found under Title 10, Chapter 8; and the R-2 zoning language is found under Title 10, Chapter 9C.

As a potentially affected owner of property at the proposed rezone location, you may, no later than 10 days after the day of the first public hearing, file a written objection to your inclusion of property to this rezone request. Any formal protests should be submitted by mail to Riverdale Civic Center, 4600 So. Weber River Drive, Riverdale, UT 84405, or by email to meggett@riverdalecity.com. Any formal protests submitted to the City will be shared with the Planning Commission and City Council respectively throughout the process.

Please feel free to contact me with any follow-up questions, comments, or concerns that you may have regarding this matter via telephone at 801-394-5541 ext. 1215 or email at meggett@riverdalecity.com.

Thank you,

Michael Eggett

Riverdale City
Community Development Director



CERTIFICATION OF SIGN PLACEMENT

This is to certify that on the 16th day of June, 2022, I supervised the placement of a sign on property located at approximately 671 West 4400 South, Riverdale, Utah as a notice of a rezone request. I further certify that said sign was posted in compliance with all requirements of Riverdale Municipal Ordinance Code 10-5-3(A).

Dated this 16th day of June, 2022.

A handwritten signature in black ink, appearing to read "Randy Koger", is written over a horizontal line.

Randy Koger, Community Development Department





Riverdale
City

NOTICE OF REZONE REQUEST

FOR INFORMATION, CONTACT RIVERDALE CITY AT:

801-394-5541 x 1215



**RIVERDALE CITY
PLANNING COMMISSION
PUBLIC HEARING NOTICE**

Riverdale City gives notice that on Tuesday, June 28, 2022, at 6:30 p.m., at the Riverdale City Community Center, 4360 South Parker Drive, Riverdale, Utah, the Planning Commission will hold a public hearing to receive and consider public comments regarding the following:

Proposed Rezone Request from Mobile Home Park – Recreational Vehicle Park (RMH-1) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately 671 West 4400 South, Riverdale, Utah 84405, as requested by H&H – 39th Street, LLC.

The public is invited to review and inspect all information available concerning such proposal(s) at the Riverdale City Offices during the regular office hours, 8:00 a.m. to 5:00 p.m. Monday through Friday. The public or any interested parties may present written or oral testimony to the Riverdale Planning Commission concerning the proposed action at the aforementioned time and place.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Riverdale City limits on this 16th day of June, 2022 at the following locations: 1) Riverdale City Hall Noticing Board 2) Riverdale City website at <http://www.riverdalecity.com/> 3) the Public Notice Website: <http://www.utah.gov/pmn/index.html>.

This notice is scheduled to be published in the Standard Examiner on Saturday, June 18, 2022.

Michelle Marigoni
Riverdale City Recorder

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Standard-Examiner** on the dates indicated below. If changes are needed, please contact us prior to deadline at (801) 625-4302.

Notice ID: Jc7l9vU5xUzsnJE8mWi0 | **Proof Updated: Jun. 15, 2022 at 03:51pm MDT**
Notice Name: Public Hearing 6/28/22 Rezone 671 W 4400 S

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
Michelle Marigoni mmarigoni@riverdalecity.com (801) 394-5541	Standard-Examiner
Columns Wide: 1	Ad Class: Legals
06/18/2022: Custom	124.13
Subtotal	\$124.13
Tax %	0.00
Processing Fee	\$12.41
Total	\$136.53

Public Hearing Notice

Riverdale City gives notice that on Tuesday, June 28, 2022, at 6:30 p.m., at the Riverdale City Community Center, 4360 South Parker Drive, Riverdale, Utah, the Planning Commission will hold a public hearing to receive and consider public comments regarding the following:

Proposed Rezone Request from Mobile Home Park – Recreational Vehicle Park (RMH-1) Zoning to Multiple-Family Residential (R-4) Zoning for property located at approximately 671 West 4400 South, Riverdale, Utah 84405, as requested by H&H – 39th Street, LLC.

The public is invited to review and inspect all information available concerning such proposal(s) at the Riverdale City Offices during the regular office hours, 8:00 a.m. to 5:00 p.m. Monday through Friday. The public or any interested parties may present written or oral testimony to the Riverdale City Council concerning the proposed action at the aforementioned time and place.

**RIVERDALE CITY
CITY COUNCIL AGENDA
July 19, 2022**

AGENDA ITEM: G3

SUBJECT: Consideration of Resolution #2022-26 adopting the Interlocal Cooperation Agreement for Hazardous Materials Recovery and Cleanup

PRESENTER: Jared Sholly, Fire Chief

INFORMATION:

- a. [Executive Summary](#)
- b. [Resolution 2022-26](#)
- c. [Hazardous Materials Interlocal agreement 2022-2025](#)

[BACK TO AGENDA](#)



City Council Executive Summary

For the Council meeting on:
July 19, 2022

Petitioner:
Jared Sholly, Fire Chief

Summary of Proposed Action

Consideration of Resolution 2022-26, Adopting the Interlocal Cooperation Agreement for Hazardous Materials Recovery and Clean Up.

Summary of Supporting Facts & Options

Ogden City Corporation, through the Ogden City and Weber/Morgan County Fire Departments and Police Agencies (Roy, Weber Fire District, South Ogden, Riverdale, Morgan County, Mountain Green, North View, Plain City, Participating Police agencies, UDOT, and Washington Terrace) are seeking to establish a list of Contractors that can provide services on a rotating basis for Hazardous Materials Recovery and Clean Up ("Rotation List").

By entering into this Agreement, Contractor acknowledges that it can and if appropriate will perform the following services for the affected party:

- (1) Ability to respond and provide services within (1) hour withing Weber County and an hour and a half (1 1/2) for the Upper Valley area
- (2) Ability to provide necessary services with proper equipment and materials to perform services efficiently and effectively.
- (3) Ability to ensure that all contractor employees have sufficient experience and/or training to provide the agreed upon services in a lawful, safe, proper, and effective manner.
- (4) Cities reserve the right to hire a contractor if hazardous materiel clean up or recovery is required for a city facility.

Legal Comments – City Attorney

Steve Brooks, Attorney

Fiscal Comments – Business Administrator/Budget Officer

Cody Cardon,
Business Administrator

Administrative Comments – City Administrator

Steve Brooks, City Administrator



RESOLUTION NO. 2022-26

A RESOLUTION OF RIVERDALE CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT BETWEEN RIVERDALE CITY AND NUMEROUS OTHER LOCAL AGENCIES CONCERNING A CONTRACTORS LIST TO BE USED FOR THE RECOVERY AND REMOVAL OF HAZARDOUS WASTE MATERIAL UTILIZED AFTER STRUCTURE FIRES.

WHEREAS, Utah Code Ann. § 11-13-101 et. sec. permits governmental entities to enter into cooperation agreements with each other; and

WHEREAS, Riverdale City has previously entered into Interlocal Agreements necessary after a fire, with numerous local entities. Amendments to those agreements have also been previously entered into by Riverdale City; and

WHEREAS, the parties hereto have met and considered the need for an additional provision that would compile a professional rotating contractors list that the agencies could use for the recovery and removal of hazardous waste material services after a fire occurs; and

WHEREAS, the Riverdale City Council has fully reviewed the attached Interlocal Agreement between Riverdale City and numerous other entities concerning a joint agreement for a rotating contractors list to provide the for the recovery and removal of hazardous waste material after structure fires and agrees to all the additional terms and conditions contained therein; and

NOW THEREFORE, the Riverdale City Council hereby approves the attached Interlocal Cooperation Agreement for the recovery and removal of Hazardous Waste Material Services rotation list (attached hereto and incorporated hereby) as written and authorizes the Mayor of Riverdale City to execute this Agreement on behalf of the City.

RESOLVED this ____ day of July 2022.

Mayor Braden Mitchell
Riverdale City

Attest:

Michelle Marigoni
City Recorder

INTERLOCAL COOPERATION AGREEMENT
FOR HAZARDOUS MATERIALS RECOVERY AND CLEAN UP ROTATION LIST

This Interlocal Cooperation Agreement for Hazardous Materials Recovery and Clean Up Rotation List is made and entered into this ____ day of _____, 2022, pursuant to the provisions of the Interlocal Cooperation Act, Section 11-13-101, et. seq., Utah Code Annotated, 1953 as amended, by and between Ogden City, a Utah Municipal Corporation, hereinafter referred to as "Ogden City," Weber Fire District, a political subdivision of the State of Utah, hereinafter referred to as "Weber Fire," Morgan County, a Utah Municipal Corporation, hereinafter referred to as "Morgan County", Mountain Green, a Utah Municipal Corporation, hereinafter referred to as "Mountain Green", North View Fire District, a political subdivision of the State of Utah, hereinafter referred to as "North View Fire," Plain City, a Utah Municipal Corporation, hereinafter referred to as "Plain City", Riverdale City, a Utah Municipal Corporation, hereinafter referred to as "Riverdale City," Roy City, a Utah Municipal Corporation, hereinafter referred to as "Roy City," and South Ogden City, a Utah Municipal Corporation, hereinafter referred to as "South Ogden City," Washington Terrace, a Utah Municipal Corporation, hereinafter referred to as Washington Terrace, and the Weber Area Dispatch 911 and Emergency Services District, hereinafter referred to as "Weber Area Dispatch," the parties.

WHEREAS, the parties have entered into an Interlocal Cooperation Agreement for Hazardous Materials Recovery and Clean Up Rotation List dated January 1, 2022, in order to cooperate in arranging post-incident board and seal services for members of the public who are in need of such services; and

WHEREAS, the parties wish to enter into an Agreement in certain respects, on the terms and conditions described herein.

IT IS THEREFORE agreed as follows:

SECTION ONE
EFFECTIVE DATE AND DURATION

1. This Agreement shall be effective January 1, 2022, and continue for a term of three (3) years unless otherwise terminated as provided in this Agreement.
2. The for Hazardous Materials Recovery and Clean Up List shall include the following Contractors: EnviroCare and EnviroServe

SECTION THIRTEEN

TERMINATION

1. Any party may terminate any rights and obligations under this agreement at any time by giving thirty (30) days written notice to the other parties of its intent to withdraw from this Agreement. In addition, the parties may mutually agree to terminate the Agreement prior to the expiration of the term.

2. Except where such terms or conditions are clearly inapplicable, all other terms and conditions of the Agreement remain unmodified.

IN WITNESS WHEREOF, the below signing parties have signed and executed this Agreement, after resolutions duly and lawfully passed, on the dates listed below.

MORGAN COUNTY

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Morgan County

MOUNTAIN GREEN

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Mountain Green

NORTH VIEW FIRE

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for North View Fire

OGDEN CITY

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Ogden City

PLAIN CITY

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Plain City

RIVERDALE CITY

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Riverdale City

ROY CITY

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Roy City

SOUTH OGDEN CITY

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for South Ogden City

WASHINGTON TERRACE

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Washington Terrace

WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES DISTRICT

By: _____
Its: _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Weber Area Dispatch 911
And Emergency Services District

WEBER FIRE DISTRICT

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Weber Fire District

**RIVERDALE CITY
CITY COUNCIL AGENDA
July 19, 2022**

AGENDA ITEM: G4

SUBJECT: Consideration of Resolution #2022-27 adopting the Interlocal Cooperative Agreement for seal and secure services

PRESENTER: Jared Sholly, Fire Chief

INFORMATION:

- a. [Executive Summary](#)
- b. [Resolution 2022-27](#)
- c. [Interlocal Agreement for Seal and Secure Services](#)

[BACK TO AGENDA](#)



City Council Executive Summary

For the Council meeting on: July 19, 2022

Petitioner:
Jared Sholly, Fire Chief

Summary of Proposed Action

Consideration of Resolution 2022-27 Adopting the amendment to the Interlocal Cooperative Agreement for seal and secure services.

Summary of Supporting Facts & Options

Ogden City and Weber County Fire Departments (Roy, Weber Fire District, South Ogden, Riverdale, Morgan County, Mountain Green, North View, Plain City, and Washington Terrace) are seeking to establish a list of Contractors that can provide services on a rotating basis to seal and secure residential and commercial structures post-incident ("Rotation List").

By entering into this Agreement, Contractor acknowledges that it can and if appropriate will perform the following services for the affected party at no cost to Agency:

- (a) Ability to provide physical security measures to all damaged areas including but not limited to secure or protect exposed roof areas, doors and/or windows before leaving scene with appropriate material such as plywood, tarps, etc.
- (b) Ability to provide security, including installing temporary fencing, caution tape, to secure the affected property.
- (c) Ability to provide heavy rescue/structural services when needed.
- (d) Ability to provide complete damage assessment and engineering, if needed, as well as ability to provide additional services such as clean-up or restoration.
- (e) For doors that need to be secured, contractor to provide a lock hasp and combination pad lock for each; for fencing, contractor shall provide a chain and combination pad lock when needed. The code shall be provided to the authority having jurisdiction or their designee.
- (f) Seal and Secure services are to be provided to affected party at no cost to the Agencies of Weber County.
- (g) Cities reserve the right to hire a contractor if seal and secure services are required for a City facility.

Legal Comments – City Attorney

Steve Brooks, Attorney

Fiscal Comments – Business Administrator/Budget Officer

	Cody Cardon, Business Administrator
Administrative Comments – City Administrator	
	Steve Brooks, City Administrator



RESOLUTION NO. 2022-27

A RESOLUTION OF RIVERDALE CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT BETWEEN RIVERDALE CITY AND NUMEROUS OTHER LOCAL AGENCIES CONCERNING A CONTRACTORS LIST TO BE USED FOR SEAL AND BOARD SERVICES UTILIZED AFTER STRUCTURE FIRES.

WHEREAS, Utah Code Ann. § 11-13-101 et. sec. permits governmental entities to enter into cooperation agreements with each other; and

WHEREAS, Riverdale City has previously entered into Interlocal Agreements concerning Secure and Seal Services that become necessary after a fire, with numerous local entities. Previous Amendments to those agreements have also been previously entered into by Riverdale City; and

WHEREAS, the parties hereto have met and considered the need for an additional provision that would compile a professional rotating contractors list that the agencies could use for the Securing and Sealing services after a fire occurs; and

WHEREAS, the Riverdale City Council has fully reviewed the attached Interlocal Agreement between Riverdale City and numerous other entities concerning a joint agreement for a rotating contractors list to provide the Board and Seal Services utilized after structure fires and agrees to all the additional terms and conditions contained therein; and

NOW THEREFORE, the Riverdale City Council hereby approves the attached Interlocal Cooperation Agreement for Seal and Secure Service Rotation List (attached hereto and incorporated hereby) as written and authorizes the Mayor of Riverdale City to execute this Agreement on behalf of the City.

RESOLVED this ____ day of July 2022.

Mayor Braden Mitchell
Riverdale City

Attest:

Michelle Marigoni
City Recorder

INTERLOCAL COOPERATION AGREEMENT FOR SEAL AND SECURE ROTATION LIST

This Interlocal Cooperation Agreement for Seal and Secure Rotation List is made and entered into this ____ day of _____, 2021, pursuant to the provisions of the Interlocal Cooperation Act, Section 11-13-101, et. seq., Utah Code Annotated, 1953 as amended, by and between Ogden City, a Utah Municipal Corporation, hereinafter referred to as "Ogden City," Weber Fire District, a political subdivision of the State of Utah, hereinafter referred to as "Weber Fire," Morgan County, a Utah Municipal Corporation, hereinafter referred to as "Morgan County", Mountain Green, a Utah Municipal Corporation, hereinafter referred to as "Mountain Green", North View Fire District, a political subdivision of the State of Utah, hereinafter referred to as "North View Fire," Plain City, a Utah Municipal Corporation, hereinafter referred to as "Plain City", Riverdale City, a Utah Municipal Corporation, hereinafter referred to as "Riverdale City," Roy City, a Utah Municipal Corporation, hereinafter referred to as "Roy City," and South Ogden City, a Utah Municipal Corporation, hereinafter referred to as "South Ogden City," Washington Terrace, a Utah Municipal Corporation, hereinafter referred to as Washington Terrace, and the Weber Area Dispatch 911 and Emergency Services District, hereinafter referred to as "Weber Area Dispatch," the parties.

WHEREAS, the parties have entered into an Interlocal Cooperation Agreement for Board and Seal Services Rotation List dated January 1, 2022, in order to cooperate in arranging post-incident board and seal services for members of the public who are in need of such services; and

WHEREAS, the parties wish to enter into an Agreement in certain respects, on the terms and conditions described herein.

IT IS THEREFORE agreed as follows:

SECTION ONE EFFECTIVE DATE AND DURATION

1. This Agreement shall be effective January 1, 2022, and continue for a term of three (3) years unless otherwise terminated as provided in this Agreement.
2. The Board and Seal Rotation List shall include the following Contractors:
Alpine Cleaning and Restoration , ARS Flood and Fire Cleanup, Certified Disaster Services Inc., Liberty Restoration, Paul Davis Restoration, ServPro, and Utah Disaster Kleenup, ,

SECTION THIRTEEN
TERMINATION

1. Any party may terminate any rights and obligations under this agreement at any time by giving thirty (30) days written notice to the other parties of its intent to withdraw from this Agreement. In addition, the parties may mutually agree to terminate the Agreement prior to the expiration of the term.

2. Except where such terms or conditions are clearly inapplicable, all other terms and conditions of the Agreement remain unmodified.

IN WITNESS WHEREOF, the below signing parties have signed and executed this Agreement, after resolutions duly and lawfully passed, on the dates listed below.

MORGAN COUNTY

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Morgan County

MOUNTAIN GREEN

By: _____
Its _____

Attest:

By: _____
Its _____

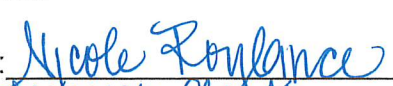
APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Mountain Green

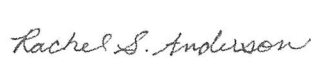
NORTH VIEW FIRE

By: 
Its Fire chief

Attest:

By: 
Its District Clerk

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

 Digitally signed by Rachel S.
Anderson
Date: 2022.05.02 14:18:16 -06'00'

Attorney for North View Fire

OGDEN CITY

OGDEN CITY

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Ogden City

PLAIN CITY

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Plain City

RIVERDALE CITY

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Riverdale City

ROY CITY

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Roy City

SOUTH OGDEN CITY

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for South Ogden City

WASHINGTON TERRACE

By: _____
Its _____

Attest:

By: _____
Its _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Washington Terrace

WEBER AREA DISPATCH 911 AND EMERGENCY SERVICES DISTRICT

By: _____
Its: _____

Attest:

By: _____
Its: _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Weber Area Dispatch 911
And Emergency Services District

WEBER FIRE DISTRICT

By: _____
Its: _____

Attest:

By: _____
Its: _____

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

Attorney for Weber Fire District

**RIVERDALE CITY
CITY COUNCIL AGENDA
July 19, 2022**

AGENDA ITEM: G5

SUBJECT: Approval of Lease of Infrastructure Agreement with Eminent Technical Solutions (ETS) for the City's communication tower located near the water tanks and Roy Water Conservancy District facility.

PRESENTER: Cody Cardon, Business Administration

INFORMATION:

- a. [Executive Summary](#)
- b. [Lease of Infrastructure Agreement](#)

[BACK TO AGENDA](#)



City Council Executive Summary

For the Council meeting on:
July 19, 2022

Petitioner:
Cody Cardon, Business Administrator

Summary of Proposed Action

Approval of Lease of Infrastructure Agreement with Eminent Technical Solutions (ETS) for the City's communication tower located near the city's water tanks and Roy Water Conservancy District's facility.

Summary of Supporting Facts & Options

Several years ago, the City constructed a communication tower located near the City's water tanks near Roy Water Conservancy District. ETS was utilized in the construction of this tower and at the time of construction expressed interest in leasing part of the facility to provide internet service to other of its clients. The City ultimately decided it was easier to construct the tower and then look into leasing agreements. After extensive negotiations with ETS and City staff the following agreement has been drafted for your review.

Legal Comments – City Attorney

Steve Brooks, Attorney

Fiscal Comments – Business Administrator/Budget Officer

Cody Cardon, Business Administrator

Administrative Comments – City Administrator

Steve Brooks, City Administrator



1. Lease of Infrastructure. The City hereby leases to ETS (a) the Infrastructure and (b) the locations on the Property and the Infrastructure where the Wireless Facilities are located or attached. The City hereby grants to ETS and its Authorized Personnel an irrevocable license to access the Infrastructure, the Premises and the Wireless Facilities 24 hours, 7 days per week for the purposes permitted under this Agreement and the Permitted Use. For purposes hereof, "**Authorized Personnel**" means employees, engineers, technicians, servants, or contractors of ETS (or persons or entities under direct supervision thereof).

2. Acceptance of Infrastructure. ETS accepts the Infrastructure in their "AS-IS" condition. The City shall have no obligation whatsoever to install, improve or modify the future wireless Infrastructure not owned by the city.

3. Term. The term of this Lease shall commence as of the date of signing and the Wireless Facilities are installed and operational and ETS obtains all applicable permits and approvals for the operation of the Wireless Facilities (the "**Commencement Date**") and expire on the last day of the month that is three (3) years following the Commencement Date (the "**Term**"). The Term of this agreement may be renewed for up to two (2) additional one (1) year terms at Client's option or shall continue on a month-to-month basis after the expiration of the Term, which month-to-month tenancy may be terminated by either Party by providing thirty (30) days' prior written notice to the other Party. The City and ETS may mutually agree to extend the Term of this Agreement.

4. Rent. The Parties acknowledge that ETS may design and install future Wireless Facilities at no out-of-pocket cost or expense to the City. The City leases the Infrastructure to ETS in the amount of 40% of all monthly recurring charges between ETS and third-party clients served with wireless services.

5. Taxes and Assessments. ETS shall pay any taxes, assessments, charges, or fees identifiable and directly attributable to the Wireless Facilities. ETS shall be responsible for billing, collecting, reporting, and remitting sales or use taxes directly related to any fees and other payments received by ETS.

6. Utility Service and Costs. The Wireless Facilities will be connected to the electrical facilities owned and operated by the City. The City without charge to ETS will operate, maintain, and repair the electrical facilities and will provide uninterrupted electrical service to the Wireless Facilities. ETS will not be charged for any electrical service or consumption related to the operation of the Wireless Facilities. The city agrees to give ETS reasonable prior notice regarding any planned interruption in electrical service to the Wireless Facilities. In the event that the amount of electricity consumed by the Wireless Facilities substantially increases after the first 6 months of this Agreement, or the nature of the Wireless Facilities changes, or facilities are



updated, ETS shall pay to the City fees, on an annual basis, at the then applicable rate, for the amount of electricity consumed that is above and beyond the amount consumed during the first 6 month period of this Agreement.

7. Use/Restrictions. ETS shall use the Licensed Space for the sole purposes of installing, operating, maintaining, repairing, and replacing the Wireless Facilities and providing wireless transmissions and service (including, but not limited to, cellular and wireless signals in accordance with wireless network protocols (i.e., IEEE 802 protocols) within, on, from, and/or about the Premises (collectively, "***Permitted Use***"). The City agrees that ETS shall have the exclusive right to use the Property, the Premises and the Infrastructure for the operation of Wireless Facilities and/or providing wireless transmissions and services, and shall not allow any other third parties to place or operate Wireless Facilities or to provide wireless transmissions and/or services from the Property, the Premises or the Infrastructure or in any way to interfere or cause interference (i.e., electromagnetic interference, adjacent or co-channel interference, or signal/frequency interference) with the services provided by ETS. ETS or any third parties shall notify Riverdale City before entering site less during emergency response at which point ETS will make best effort to contact City prior to entry. ETS and third parties shall remove all their equipment at termination of the agreement. ETS or third-party use shall not cause any interference or negative impacts on city owned equipment.

8. Operation, Maintenance and Repair. During the Term of this Agreement, ETS, at its sole cost and expense, shall operate, manage, maintain, repair, and replace the Wireless Facilities in good order and operational condition consistent with industry custom and standards, provided. ETS shall, at its sole cost and expense, repair any damage to the Infrastructure caused by ETS or any of its agents, representatives, employees, contractors, subcontractors, or invitees. If ETS fails to repair any such damage, the City may, in its sole discretion, repair such damage and ETS shall reimburse the City of all reasonable costs and expenses actually incurred in such repair within thirty (30) days after receipt of invoice from the City including satisfactory documentation evidencing the costs and expenses. City space is priority and the city reserve the right to have ETS and third-party vendors move or remove to accommodate City needs



ACCEPTED AND AGREED:

Provider: Eminent Technical solutions

CUSTOMER: Riverdale City

Signature: _____

Signature: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

**RIVERDALE CITY
CITY COUNCIL AGENDA
July 19, 2022**

AGENDA ITEM: G6

SUBJECT: Approval of Master Service Agreement renewal with Eminent Technical Solutions (ETS) with updated pricing.

PRESENTER: Cody Cardon, Business Administration

INFORMATION:

- a. [Executive Summary](#)
- b. [Master Service Lease](#)

[BACK TO AGENDA](#)



City Council Executive Summary

For the Council meeting on:
July 19, 2022

Petitioner:
Cody Cardon, Business Administrator

Summary of Proposed Action

Approval of Master Service Agreement with Eminent Technical Solutions (ETS) with updated pricing whereas the current agreement has expired.

Summary of Supporting Facts & Options

Currently our Master Service Agreement with ETS, the City's external IT provider, has expired and needs to be renewed. The updating pricing should be covered in the City's current budget.

Legal Comments – City Attorney

Steve Brooks, Attorney

Fiscal Comments – Business Administrator/Budget Officer

Cody Cardon, Business Administrator

Administrative Comments – City Administrator

Steve Brooks, City Administrator

THIS MASTER SERVICES AGREEMENT (“MSA”) is effective as of the last date when fully-executed (“Effective Date”) and entered into between the undersigned client (“Client,” “Customer,” “you,” or “your”) and each entity listed in an attached **Exhibit A** and **Exhibit B** (“Company,” “ETS,” “our,” “us,” or “we”). ETS or Client is a “party” and ETS and Client are the “parties.”

Recitals

WHEREAS, Client may select various goods and services (collectively “Services”) from various ETS companies (collectively “ETS”);

WHEREAS, the Services you choose will be subject to this MSA, plus any applicable **Terms and Conditions** (Found here: <https://etscorp.com/terms> which contains, generally, additional terms applicable to the Services, and is not required to be executed by the parties) and any applicable **Exhibit A & B** (which contains, generally, additional terms applicable to the Services, such as scope of work and pricing, which is required to be executed by the parties) attached to this MSA as described herein; and

WHEREAS, the ETS company that will be responsible in all respects for providing applicable Services will be as listed in an applicable **Exhibit A** and **Exhibit B** attached to this MSA.

NOW, THEREFORE, in consideration of the foregoing preamble and recitals, which are incorporated in full by reference, and the following covenants, promises, representations, and warranties, the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

Agreement

1. Services. ETS shall deliver and perform the “Services” as applicable as expressly described in attached **Exhibits**.

2. Payment. Unless otherwise expressly stated in this MSA, unless specified otherwise in **Exhibit B**, ETS shall invoice Client for the Services in advance for the amounts and on the terms described in attached **Exhibit B**. Client shall pay all amounts when due, and in any event within 30 days of ETS’ delivery of an invoice. To the maximum extent permitted by applicable law, past due amounts are subject to a late charge of 1% per month (12% per year) beginning the due date until paid in full. Client shall have the right to withhold payment to ETS for reasonably disputed charges by delivering written notice to ETS within such 30-day period and, in such event, the parties shall use commercially best efforts to resolve the dispute; provided, that Client shall be deemed to have waived any disputed charges not noticed to ETS within such 30-day period. In no event will Client be liable to ETS for more than the invoiced amounts for Services, unless expressly stated in **Exhibit B** or otherwise agreed to in writing by the parties.

3. Change Orders. Any changes to the Services listed in attached **Exhibit A** or **B** shall require a written change order ("Change Order"). No change order will be valid unless signed by both parties. Client acknowledges that changes to an **Exhibit A** or **B** usually require a Change Order, to be referenced in a new **Addendum** to attached Exhibits, which can affect scope of work, deliverables due dates, and pricing. In the event Client desires to make any modifications to an **Exhibit A** (such as, without limitation to Specifications, as defined therein, or a deliverable), Client must provide a detailed Change Order in writing as described in this MSA. Client acknowledges that if Client provides a Change Order to ETS, ETS has the right to terminate this Agreement and the applicable **Exhibit A**, and to receive payment for Services or to revise the payment due by Client to ETS under **Exhibit B**.

4. Deliverables Due Dates. The parties shall use commercially reasonable efforts to cooperate with each other to facilitate performance of their respective obligations under this MSA. The parties acknowledge that deliverables due dates may be affected by factors such as acts of God, force majeure events beyond either party's reasonable control, and Change Orders, and upon the occurrence of any such factor, the parties shall exercise commercially reasonable efforts to adjust deliverables due dates to the extent reasonably required under the then-existing circumstances.

5. Warranty and Warranty Period. The Services shall be subject to the following warranty ("Warranty"): (a) For any equipment and related parts that comprise the Services, such equipment shall be subject to manufacturer's express warranty; and (b) for all other Services, for a period of one year from Acceptance ("Warranty Period"), ETS warrants: (i) Services shall substantially conform to express terms of this MSA, and (ii) Services shall be free from defects. The Warranty shall not apply in cases of damage or defect caused by abuse, alterations to the Services not performed by ETS, improper or insufficient maintenance, improper operation, normal wear and tear and normal usage, or to claims for Warranty made after the Warranty Period. Client shall deliver notice of a claim under the Warranty within the Warranty Period to ETS. Upon receipt of written notice of a claim under the Warranty, ETS shall immediately (but in no event greater than 30 days), in its sole discretion, repair, replace, or reperform the Services. If more time greater than 30 days is required for reasons outside of ETS' reasonable control, ETS shall immediately notify Client. ETS shall notify Client of substantial completion of the repair, replacement, or reperformance, and thereafter Client shall deliver to ETS notice of acceptance or rejection of the Warranty work. If Client delivers notice of rejection, ETS shall have one final 30-day period to repair, replace, or reperform the Services. If ETS determines in its sole and reasonable discretion that it cannot make repair, replace, or reperform, then as Client's sole and exclusive remedy for the Services, ETS shall refund to Client the pro rata amount reasonably apportioned to the non-conforming Service for the then-remaining Term.

6. Term. The Term of this MSA shall begin on the Effective Date and remain in effect until terminated in accordance with this MSA ("Term").

7. Termination. This MSA shall terminate as follows: (a) immediately as required by law; (b) by mutual written agreement of the parties; (c) 30 days after a non-breaching party has delivered written notice of a breach of this MSA to the breaching party, and such breach remains uncured (provided, however, that Client's payment obligations hereunder shall not be subject to a cure period); (d) upon the completion of all applicable **Exhibits B** plus the expiration of an applicable Warranty Period; (e) upon expiration of the Term; (f) immediately if any party becomes insolvent or the subject of a voluntary or involuntary bankruptcy action, or becomes the subject of a receivership, custodianship, or the like; or (g) immediately by us if you fail to pay us timely all amounts you owe us under this MSA. If we terminate this MSA due to **Sections 7(c)** or **Sections 7(g)** of this MSA, you shall pay us, as a non-exclusive remedy, all past due amounts and interest up to the date of termination, plus the amounts we could have billed you in the then-remaining Term if applicable, plus our costs of collections, including attorneys' fees. The following Sections of this MSA shall survive any termination or expiration for any reason: **2, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18** and **19**.

8. Relationship. This MSA is non-exclusive, meaning Client may contract with other suppliers for services the same or similar to the Services, and ETS may provide services to competitors of Client that are the same or similar to the Services. ETS is and shall be at all times during the Term of this MSA an independent contractor in fact and law, and not an employee of Client. Neither party shall hold itself out as an employee, joint venturer, agent, representative, or partner of the other party, and neither party shall have any power or authority to incur any debt, obligation, or liability on behalf of the other party except as expressly stated herein.

9. Subcontractors. ETS may contract with contractors to perform the Services under this MSA, provided, however, that ETS shall be liable for the acts and omissions of such contractors the same as if ETS had committed acts and omissions.

10. Insurance. During the Term of this MSA, ETS shall maintain, at its sole expense, for itself and its employees and contractors, insurance coverage policy for comprehensive general liability, workers compensation and property damage in an amount not less than \$2,000,000 per occurrence with a \$3,000,000 aggregate and professional liability insurance in the amount of at least \$500,000. ETS shall name Client as an additional insured. ETS shall notify Client immediately if any such coverages are subject to cancellation or non-renewal. ETS shall provide Client with evidence of insurance coverages upon request.

11. Confidentiality. Neither party shall disclose to any person or entity any confidential or proprietary information of the other party including the contents of this MSA, trade secrets, methods, systems, lists of party's customers and potential customers, vendors, suppliers, contractors, and employees, reports, pricing and pricing methodology, market plans and strategies, intellectual property, and other such information of any nature (the foregoing in this Section, "Confidential Information"), whether marked as confidential, made available by a party to the other party under this MSA. Each party shall maintain Confidential Information as confidential during the Term of this MSA and after its termination or expiration.

12. Representations and Warranties.

A. By ETS. ETS represents and warrants to Client as of the Effective Date and during the Term of this MSA the following: (i) ETS is under no restriction to enter into this MSA, (ii) ETS shall comply with all applicable federal, state, and local laws in its performance under this MSA, (iii) ETS is free to enter into this MSA and under no disability, restriction, prohibition, or agreement that will interfere in any manner with its performance under this MSA; and (iv) the undersigned individual who signs on behalf of ETS is duly authorized to execute this MSA.

B. By Client. Client represents and warrants to ETS as of the Effective Date and during the Term of this MSA the following: (i) Client is under no restriction to enter into this MSA, (ii) Client shall comply with all applicable federal, state, and local laws in its performance under this MSA and in Client's use of the Services, (iii) Client is free to enter into this MSA and under no disability, restriction, prohibition, or agreement that will interfere in any manner with Client's performance under this MSA; (iv) the undersigned individual who signs on behalf of Client is duly authorized to execute this MSA; (v) Client has evaluated the Services and has determined that such Services are adequate for its business needs, and (vi) Client has determined that it has the requisite staff, systems, resources, and infrastructure to use such Services and that it possesses the requisite skill and experience to make the foregoing determinations to enter into this MSA.

13. Indemnification.

A. By ETS. ETS shall indemnify, defend, and hold harmless Client and its affiliates, and their shareholders, directors, members, managers, officers, employees, contractors, representatives, agents, suppliers, customers, attorneys, insurers, successors in interest, and assigns from and against any and all claims or liability of a third party (collectively, "Client Claims") directly arising out of or in connection with ETS' breach of this MSA, including a breach of a representation and

warranty in [Section 12](#) above. The indemnity in this [Section 13a](#). shall not apply to the extent of Client's negligence.

B. By Intellectual Property Infringement. Without expanding any other limitations in this MSA, ETS shall defend, indemnify, and hold harmless Client for and from any third party claim, damage, expense, liability, judgment, or loss alleging the Services infringe such third party's intellectual property rights ("IP Claim"), provided, that Client shall promptly notify ETS of such IP Claim, and ETS shall at its sole expense, in its sole discretion, and as Client's sole remedy for any IP Claim: (i) promptly undertake to procure for Client the right to continue using applicable Services subject to such IP Claim; (ii) promptly modify such Services to make them non-infringing but functionally equivalent; (iii) promptly substitute such Services with a replacement that is non-infringing but is functionally equivalent; or (iv) terminate the applicable [Exhibits](#) to which the applicable Services pertain, refund Client for any prepaid fees for such Services, and excuse the parties' from any further performance obligations under an applicable attached [Exhibits](#) for such Services. ETS shall not have any indemnity obligations under this [Section 13b](#) to the extent the IP Claim is based upon, in whole or in part, Client's specifications, Client's breach of this MSA, or Client's negligence.

C. By Client. Client shall indemnify, defend, and hold harmless ETS and its affiliates, and their shareholders, directors, members, managers, officers, employees, contractors, representatives, agents, suppliers, customers, attorneys, insurers, successors in interest, and assigns from and against any and all claims or liability of a third party (collectively, "ETS Claims") directly arising out of or in connection with Client's breach of this MSA, including a breach of a representation and warranty in [Section 12](#) above. The indemnity in this [Section 13c](#). shall not apply to the extent of ETS' negligence.

14. Disclaimers, Limitations of Liability.

A. IN NO EVENT WILL EITHER PARTY BE LIABLE HEREUNDER FOR ANY SPECIAL, INCIDENTAL, PUNITIVE, INDIRECT, EXEMPLARY, OR CONSEQUENTIAL DAMAGES ARISING OUT OF THIS MSA, INCLUDING DAMAGES FOR LOSS OF BUSINESS PROFITS OR BUSINESS INTERRUPTION, WHETHER ARISING IN TORT, INCLUDING NEGLIGENCE, CONTRACT, OR ANY OTHER LEGAL THEORY, EVEN IF A PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

B. EACH PARTY'S MAXIMUM CUMULATIVE LIABILITY FOR ANY CLAIMS ARISING OUT OF OR RELATED TO THIS MSA WILL BE LIMITED TO THE AMOUNT ACTUALLY PAID OR PAYABLE BY CLIENT TO ETS UNDER THIS MSA.

C. ETS DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTIES REGARDING THE SERVICES, INCLUDING MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

D. ETS DOES NOT PROMISE OR GUARANTEE ANY LEVEL OF REVENUE OR BUSINESS AS A RESULT OF THE SERVICES.

E. ETS DOES NOT GRANT OR ASSIGN TO CLIENT ANY RIGHT, TITLE, INTEREST, OR LICENSE IN OR TO ANY PROPERTY, WHETHER TANGIBLE, INTANGIBLE, REAL, OR OTHERWISE.

15. Notices. All notices required or permitted in this MSA shall be in writing and shall be deemed to have been duly given if hand-delivered with confirmation of delivery, or sent by First Class U.S. Mail, return receipt requested, postage pre-paid, return receipt requested, or sent by reputable courier company, postage pre-paid, proof of delivery requested, to the registered agent listed on a party's state of formation, or such other address as may be provided in accordance with this Section.

16. Assignment. No party may assign this MSA, except with the written consent of the other party; provided, however, that ETS may assign this MSA in the event of a merger, business reorganization, or the like. Any assignment, delegation, or subcontract not made in accordance with this [Section 16](#) shall be void and shall have no effect. This MSA shall inure to the benefit of and bind the respective parties' permitted successors and assigns.

17. Construction. This MSA together with any applicable Exhibit attached to and in accordance with this MSA, each of which is included in this MSA in full by this reference, constitutes the entire agreement of the parties concerning the subject matter hereof. This MSA supersedes any and all agreements, arrangements, dealings, and understandings, whether oral or written, heretofore made by the parties with reference to the subject matter hereof. This MSA and any applicable exhibit may not be modified without the written agreement of the parties. If there is a conflict between this MSA and an exhibit, the conflicting term in this MSA shall prevail. The provisions of this MSA shall not be construed for or against a party on the basis that a party is deemed the drafter of this MSA. The word "including" shall be deemed to mean "including, without limitation," each as the context may require. Any failure by either party to exercise any of its rights hereunder shall not be deemed a waiver of any rights or remedies that such party may have. Previous custom, practice, or course of dealing shall not be deemed a waiver of any rights or remedies that the parties may have hereunder. If a court of competent jurisdiction determines that any provision of the MSA is void, invalid, or unenforceable, the remainder of the MSA shall continue in full force and effect as if such provision were not contained herein, and the parties shall agree upon a substitute provision, and

failing agreement of the parties then such court shall determine a substitute provision most closely approximating the provision to be replaced as written.

18. Enforcement. This MSA shall be governed by, construed, and enforced in accordance with the laws of the State of Utah, without regard to its conflicts or choice of law principles. The UCC shall not apply to this MSA and its attached Exhibits. The exclusive venue for any judicial action arising out of this MSA shall be the federal and state courts of competent jurisdiction located in Salt Lake City, Utah, and the parties hereby waive any claim that such venue is inconvenient. The prevailing party in any such action shall be entitled to collect from the non-prevailing party, in addition to any rights and remedies under this MSA, at law, or in equity, its reasonable costs, fees, and expenses, including, attorneys' fees, court costs, depositions, travel expenses, and expert witness fees.

19. Counterparts. The MSA may be executed in counterparts, including by electronic signature, and may be exchanged by facsimile or electronic transmission, each of which shall be deemed an original for all purposes and together shall constitute one document.

[Signature Page Follows]

ACCEPTED AND AGREED:

ETS: Eminent Technical Solutions

Signature: _____

Print Name: _____

Title: _____

Date: _____

CUSTOMER:

Signature: _____

Print Name: _____

Title: _____

Date: _____

IT Managed Services:

Provider may provide technical services as follows:

Maintenance and support of the core network. Maintenance and support of the core network based on requirements as discussed with client. This could include, but is not limited to:

1. Ongoing management of data & records: Files, digital media, document management systems, software licensing, contractual information and historical data in accordance with Client's retention schedule.
2. Ongoing management of network connectivity: Internet connection, firewall, network switches (Layer2/Layer3), and remote/VPN access. Connectivity for Main and Remote Offices including SD-WAN.
3. Name resolution and IP management (two tiers of DNS): Internal/external management.
4. Ongoing general management of core servers and services such as Virtual servers, DNS, DOMAIN, WEB, APPLICATION, DATABASE, VPN, MAIL, Office 365, PRINT, FILE, & BACKUP.
5. Vendor Certified updates and other system-wide patches and updates such as VMware, Ubiquiti, Cisco, Microsoft, Apple, Windows Server 2008/2012/2016/2019, Exchange 2007/2010/2012/2016/2019 & macOS Server, server services, Windows, and anti-virus. Patches are routinely tested and verified prior to installation.
6. Consulting for web related systems and infrastructure.
7. Maintenance of existing user and network resources: Usernames & passwords, logon scripts, network shares, and printers. (At the request of the client, creation of new users, services and/or software licensing, within accounts will be billed on an additional support request or project estimate at their contractual rate.)
8. General consultation for off the shelf and custom user applications and document management systems, not developed by ETS. *Note: in the event that one or any of these services is broken or not active, Provider will quote a replacement solution.
9. System-wide and application-specific backups. System wide backups refers to data backups of the core services and user file shares. Application-specific backups refers to data backups necessary to restore the state of a user application. Both are periodically audited for integrity. Excludes locally stored user data and profiles.
10. System Security and Threat Management: Viruses, malware, spyware, and network security scans both internal and external.
11. Documentation of systems and services: Configurations, changes, designs, and implementations.

12. Access to online Help Desk system to input support requests, track service and receive priority service for service issues.
13. Systems monitoring: 24x7x365 systems monitoring, uptime monitoring for client systems and exception monitoring for custom applications.
14. Access to 24x7x365 tech support, remote and on-site.
15. Connectivity: Monitoring and resolving connectivity of the core network pertaining to individual PCs, Macs, tablets and other devices.

Provider Products. Maintenance, installation and support of core network products. Note those listed below are typical core network products which vary by network. When purchased by Provider, Client shall be billed additionally for required software, licenses and subscriptions.

1. Co-location and Hosting services required outside of Client owned data center(s).
2. SSL certificates and SSL certificate renewal.
3. DNS
4. Firewall / UTM Services.
5. Off-site backup annual subscription.

Phone System Services:

Provider may provide phone services as referenced in an attached Exhibit B and/or project quote(s).

Internet Services:

Provider may provide internet services as referenced in attached Exhibit B Pricing and/or project quote(s).

Software Development Services:

Provider may provide software development services as follows:

Software Development. Maintenance and support of software systems based on requirements as discussed with client. This could include, but is not limited to:

1. Managed hosting
2. Backups of user generated content
3. SSL certificate management
4. Domain management
5. Platform updates
6. Application monitoring

7. Maintenance of agreed upon software/website users and resources: Usernames & passwords, logins.
8. Defect repair/bug fixes
9. Enhancements/new features
10. Support for ETS-developed software and websites
11. General consultation
12. Web application development
13. Mobile application development
14. Website development

Door Access Control Services:

Provider may provide door services as follows:

Door Maintenance. Maintenance and support of door access system based on requirements as discussed with client. This could include, but is not limited to:

1. Cloud Access
2. Managed Access
3. Remote troubleshooting- Service call 's not included (billed per incident after system has been established)
4. Software/Firmware Updates
5. Vendor certified updates and new features

Camera Maintenance Services:

Provider may provide camera services as follows:

Camera Maintenance. Maintenance and support of camera system based on requirements as discussed with client. This could include, but is not limited to:

1. Quarterly Camera Inspection & Cleanings
2. Perpetual System maintenance
3. Semi-Monthly Monitoring
4. Quarterly Hour system training
5. Sample Recordings Day/Night
6. Camera View Inspection and System Assessment
7. 48 Hour broken camera replacement



Exhibit B - Pricing



Estimate of Costs Under Service Agreement

		Term Length	Year 1			Year 2			Year 3		
A.	IT Managed Services	36 Month	Rate	Estimated Monthly Amt	Estimated Yearly Amt	Rate	Estimated Monthly Amt	Estimated Yearly Amt	Rate	Estimated Monthly Amt	Estimated Yearly Amt
	Maintenance Services										
1	Maintenance and Support of the Core Network (see Exhibit A)			\$1,432.00	\$17,184.00		\$1,517.92	\$18,215.04		\$1,609.00	\$19,307.94
2	Monthly Support Calls/Work Orders 8:30am-5:30pm		\$ 95.00			\$ 95.00			\$ 95.00		
3	After Hours Billing Rate 5:31pm-8:29am		\$ 142.50			\$ 142.50			\$ 142.50		
4	Training and Professional development										
	Core Network Products and Licensing		Annual Billing Date			Annual Billing Date			Annual Billing Date		
5	ETS Off-site Backup Annual Subscription (\$700/TB)		July		\$3,969.00	July		\$3,969.00	July		\$3,969.00
6	Premium Firewall Annual Services		July		\$500.00	July		\$500.00	July		\$500.00
7	Office 365 Licensing		Monthly	\$1,246.50	\$14,958.00	Monthly	\$1,246.50	\$14,958.00	Monthly	\$1,246.50	\$14,958.00
8	ETS Cloud-Hosted Unified Controller (2 Location - 39 devices total)		July		\$896.00	July		\$896.00	July		\$896.00
				Estimated Totals:			Estimated Totals:			Estimated Totals:	
	Total IT Managed Services			\$2,678.50	\$37,507.00		\$2,764.42	\$38,538.04		\$2,855.50	\$39,630.94
B.	Phone/Internet Services			Year 1		Year 2		Year 3			
				Estimated Monthly Amt	Estimated Yearly Amt	Rate	Estimated Monthly Amt	Estimated Yearly Amt	Rate	Estimated Monthly Amt	Estimated Yearly Amt
	Phone Services	36 Month									
	ETS Phone System (all city locations) (Taxes and Usage Not included) - Hosted VoIP PBX - SIP phone lines - Analog Fax Line - Server Licensing and Maintenance - DID numbers for city use - User and Device ETS unlimited support - User and Device ETS unlimited warranty		Monthly	\$1,082.56	\$12,990.72	Monthly	\$1,082.56	\$12,990.72	Monthly	\$1,082.56	\$12,990.72
	Internet Services	36 Month	Annual Billing Date			Annual Billing Date			Annual Billing Date		
2	1 GB Fiber Internet (non-SLA) with ETS Cloud Managed SD-WAN Services		Monthly	\$950.00	\$11,400.00	Monthly	\$950.00	\$11,400.00	Monthly	\$950.00	\$11,400.00
				Estimated Totals:			Estimated Totals:			Estimated Totals:	
	Total Phone and Internet			\$2,032.56	\$24,390.72		\$2,032.56	\$24,390.72		\$2,032.56	\$24,390.72
C.	Door Access Control and Cameras		Annual Billing Date								
	Door Access Control										
1	Civic Center (4 Doors) 5/1/20-4/30/23		January 1st	\$15/door/month	\$720.00	January 1st		\$720.00	January 1st		\$720.00
2	Senior Center (2 Doors) 5/1/19-4/30/22		January 1st	\$15/door/month	\$288.00	January 1st		\$288.00	January 1st		\$288.00
3	Public Works & Police CM-0505 (1 Doors) 3/1/21-1/31/24		January 1st	\$15/door/month	\$1,980.00	January 1st		\$1,980.00	January 1st		\$1,980.00
4	Community Center Doors CM-0555 (2 Doors) 2/1/21-1/31/24		January 1st	\$15/door/month	\$360.00	January 1st		\$360.00	January 1st		\$360.00
				Estimated Totals:			Estimated Totals:			Estimated Totals:	
	Total Door Access Controls and Cameras			\$0.00	\$3,348.00		\$0.00	\$3,348.00		\$0.00	\$3,348.00
D.	Software Development	Term Length		Year 1		Year 2		Year 3			
			Rate	Estimated Monthly Amt	Estimated Yearly Amt	Rate	Estimated Monthly Amt	Estimated Yearly Amt	Rate	Estimated Monthly Amt	Estimated Yearly Amt
	Maintenance and Support	36 Months +									
	Monthly Support Calls/Work Orders 8:30am-5:30pm		\$ 125.00			\$ 125.00			\$ 125.00		
	After Hours Billing Rate 5:31pm-8:29am		\$ 187.50			\$ 187.50			\$ 187.50		
				Estimated Totals:			Estimated Totals:			Estimated Totals:	
	Total Software Development			\$0.00	\$0.00		\$0.00	\$0.00		\$0.00	\$0.00
E.	High-voltage Electrical Services	Term Length		Year 1		Year 2		Year 3			
			Rate	Estimated Monthly Amt	Estimated Yearly Amt	Rate	Estimated Monthly Amt	Estimated Yearly Amt	Rate	Estimated Monthly Amt	Estimated Yearly Amt
	Monthly Support Calls/Work Orders 8:30am-5:30pm		\$ 125.00			\$ 125.00			\$ 125.00		
	After Hours Billing Rate 5:31pm-8:29am		\$ 187.50			\$ 187.50			\$ 187.50		
				Estimated Totals:			Estimated Totals:			Estimated Totals:	
	Total Electric			\$0.00	\$0.00		\$0.00	\$0.00		\$0.00	\$0.00
				Combined Estimated Totals:			Combined Estimated Totals:			Combined Estimated Totals:	
	Combined Total			\$4,711.06	\$65,245.72		\$4,796.98	\$66,276.76		\$4,888.06	\$67,369.66

TERM. Billable term agreement will commence upon first invoice date.

A. IT Managed Services: The initial term of this Agreement shall be for a period of three (3) years from the Effective Date. The Agreement may be renewed for up to two (2) additional one (1) year terms at Client's option.

B. Phone / Internet Services: The initial term of this Agreement shall be for a period of three (3) years from the Effective Date. The Agreement may be renewed for up to two (2) additional one (1) year terms at Client's option.

C. Door Access Control and Cameras: Existing Agreement for door Access Control as referenced above. New Services may be added as a separate addendum to this agreement.

Notes: Projects will be quoted outside of monthly support and labor will be billed at the referenced hourly rate.

*After Hours Billing is rarely used but in the scenario in which the client requests work be performed after hours and such work cannot be accommodated inside the client/ETS stated hours of operations, such work will be billed as referenced above.

ACCEPTED AND AGREED:

Eminent Technical Solutions

Mailing Address: 1103 N 1600 W Layton, UT 84041

Signature: _____

Print Name: _____

Title: _____

Date: _____

Riverdale City

Billing Address: 4600 South Weber Drive Riverdale, UT 84405

Signature: _____

Print Name: _____

Title: _____

Date: _____