



**NOTICE OF A MEETING OF THE
CITY OF HOLLADAY CITY COUNCIL
THURSDAY, AUGUST 11, 2022**

- 5:00 p.m.** **Council Dinner** – *Council members will be eating dinner. No city business will be discussed.*
- 5:30 p.m.** **Briefing Session** - *The Council will review and discuss the agenda items; NO decisions will be made*

PUBLIC NOTICE IS HEREBY GIVEN that the Holladay City Council will hold a Council meeting **Thursday, August 11, 2022 at 6:00 pm** It is possible that a member of the Council will be participating by electronic means. The Council Chambers shall serve as the anchor location. * *Agenda items may be moved in order, sequence and time to meet the needs of the Council*

All documents which are available to the City Council are also available on the City's website or are linked in this agenda. Interested parties are encouraged to watch the **live video stream** of the meeting - <http://cityofholladay.com/government/elected-officials/meetings-and-agendas/>

Persons desiring to make public comment or to make comment during any public hearing may provide such comments as follows:

1. **In-person attendance:** at Holladay City Hall
2. **Email** your comments by 5:00 pm on the date of the meeting to scarlson@cityofholladay.com

AGENDA

- I. **Welcome** – Mayor Dahle
- II. **Pledge of Allegiance**
- III. **Lakewood Site Historical District Recognition**
- IV. **Public Comments**
Any person wishing to comment on any item not otherwise on the agenda may provide their comment via email to the Council prior to 5:00 p.m. on the date of the meeting to scarlson@cityofholladay.com, with the subject line: Public Comment. Comments are subject to the Public Comment Policy set forth below
- V. **Continued Public Hearing on Proposed Rezone for Property Located at 5560 S Wasatch Blvd by Removing the FCOZ (foothill canyons overlay zone) Overlay Zone Regulations** (a proposal by applicant Robert Jensen to amend the Holladay Zone Map at this location from the current, to remove the FCOZ overlay regulations for approximately 1.9 acres of property)
- VI. **Consideration of Resolution 2022-21 Granting Advice and Consent of the City Council for the Appointment of Members to the Planning Commission**

- VII. ***Consideration of Resolution 2022-22 Approving an Interlocal Facilities Use Agreement with Salt Lake County for the Holladay Skate Park*** (Salt Lake County has expressed a desire to use the Skate Park to run a skateboarding clinic once a week for a period of 7 weeks)
- VIII. ***Consideration of Resolution 2022-23 Adopting Tax and Disclosure Compliance Procedures***
- IX. ***Consent Agenda***
a. Approval of Minutes – June 2,16 and July 14, 2022
- X. ***City Manager Report - Gina Chamness***
- XI. ***Council Reports & District Issues***
- XII. ***Recess City Council in a Work Meeting***
a. Discussion on Previous Public Hearings
b. Review of Upcoming City Survey – Kyrene Gibbs, Y2K
c. Proposed Museum Presentation & Discussion – Design Intent
d. Calendar
Council Meetings: Aug. 18, Sept. 8 & 15, Oct. 6 & 20, Nov. 3 & 17, Dec. 1 & 8
Aug. 27 – Blue Moon
- XIII. ***Closed Session pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition (if needed)***
- XIV. ***Adjourn***

Public Comment Policy & Procedure: During each regular Council Meeting there will be a Public Comment Time. The purpose of the Public Comment Time is to allow citizen's access to the Council. Citizens requesting to address the Council will be asked to complete a written request form and present it to the City Recorder. In general, the Chairman will allow an individual three minutes to address the Council. A spokesman, recognized as representing a group in attendance, may be allowed up to five minutes. Comments which cannot be made within these time limits should be submitted in writing to the City Recorder prior to noon the day before the meeting so they can be copied and distributed to the Council. At the conclusion of the Citizen Comment time, the Chairman may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all Public Hearings.

CERTIFICATE OF POSTING

I, Stephanie N. Carlson, the City Recorder of the City of Holladay, certify that the above agenda notice was posted at City Hall, the City website www.cityofholladay.com, the Utah Public Notice website www.utah.gov/pmn, and was emailed to the Salt Lake Tribune and Desert News and others who have indicated interest.

DATE POSTED: Monday, August 8, 2022 at 10:30 am

*Stephanie N. Carlson MMC,
City Recorder City of Holladay*

Reasonable accommodations for individuals with disabilities or those in need of language interpretation service can be provided upon request. For assistance, please call the City Recorder's office at 272-9450 at least three days in advance. TTY/TDD number is (801)270-2425 or call Relay Utah at #7-1-1



SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Jill Remington Love
Executive Director
Department of
Cultural and
Community Engagement



Jennifer Ortiz
Director
Utah Division of State History

November 22, 2021

Dear Property Owner:

We are pleased to inform you that the historic district listed below, in which your building is located, will be considered by the State Historic Preservation Review Board for nomination to the National Register of Historic Places:

PARADE OF HOMES LAKEWOOD SITE HISTORIC DISTRICT, HOLLADAY CITY

The National Register of Historic Places is the federal government's official list of historic properties worthy of preservation. Listing on the National Register provides recognition and assists in preserving our Nation's heritage. Listing of a property provides recognition of its historic significance and assures protective review of federal projects that might adversely affect the character of the historic property. If the property is listed on the National Register, tax credits for rehabilitation and other beneficial provisions may apply.

Listing on the National Register does not place limitations on the property by the federal or state government. Public visitation rights are not required of owners. The government will not attach restrictive covenants to the property or seek to acquire them.

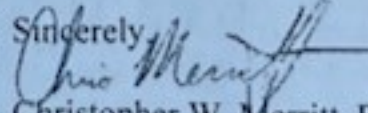
Enclosed please find a notice that explains, in greater detail, the results of listing in the National Register. It also describes the rights and procedures by which an owner may comment on or object to listing on the National Register.

You are invited to attend the virtual Utah State Historic Preservation Review Board meeting at which the nomination will be considered. The Board will meet on **Thursday, Jan. 20, 2022 at 1:00 PM** which can be accessed on Zoom at:

<https://us02web.zoom.us/j/7352004394>

Meeting ID: 735 200 4394

Should you have any questions about this nomination before the meeting, please contact Cory Jensen of the Historic Preservation Office at coryjensen@utah.gov.

Sincerely,

Christopher W. Merritt, Ph.D.
State Historic Preservation

Enclosures



HOLLADAY CITY COUNCIL SUMMARY REPORT

MEETING DATE: July 14, 2022
AGENDA ITEM: ZONE MAP AMENDMENT:
REQUEST: REMOVAL OF FOOTHILLS CANYONS OVERLAY ZONE (FCOZ)
SUBMITTED BY: Planning Staff -- Jonathan Teerlink

ACTION NEEDED:

- 1) Review a request to amend the city zone map for 1.90 acres of land (82,764 sq ft) at 5560 South Wasatch Blvd to remove the FCOZ overlay zone (underlying zone: R-1-21)
- 2) Hold required public hearing, and
- 3) Review recommendation from the Planning Commission made on May 31st 2022

RECOMMENDATION:

Staff recommends the Council to hold the public comment period and keeping the comment period open, move to discuss this request at a later date. Planning Commission forwarded a recommendation to deny the application during their May 31st meeting.

BACKGROUND:

Holladay land use ordinances for this property regulate single-family site plan development (R-1-21). Additionally, this property and the surrounding area, are further regulated by the sensitive lands regulation: Foothills & Canyons Overlay Zone (FCOZ). Created in 1997, the FCOZ overlay in general applies to the foothills and canyons of Salt Lake County canyons areas; Emigration, Parley's, Millcreek, Big Cottonwood, Little Cottonwood, Rose, Heughs and Butterfield Canyons. Specifically, FCOZ refers to ordinances that deal with how, where and when activities and development can happen in local canyons and the flanking foothills, "*...while being cognizant of private property rights...*" (H.C.C. § 13.72.010)

Property owners Robert Jensen have owned the subject parcel since before the FCOZ overlay was established. Now, as their interest in development of the property peaks, discussion with Holladay CED staff has brought to light the extensive regulations of the FCOZ overlay zone. Accordingly, the property owner has requested the development standards revert back to time when they purchased the property – essentially allowing one home per half-acre lot (yielding two home at this location)

GENERAL PLAN (GP) REVIEW

Implementing, changing or altering regulations by zone to anticipate orderly growth of a city while maintaining established goals is a particularly important land use decision. As a legislative action, this decision is guided by the community standards given in the City of Holladay General Plan (GP), and is supported by the Title 13 of the Land Use Ordinances of Holladay. Chapter 8 of the GP highlights Holladay's unique and distinctive environmental character as prized by both visitors' residents. Specifically, this district described as follows (chp 8, pg 73)

NATURAL RESOURCES

Holladay has a broad range of natural resources and these resources need careful protections against future inappropriate development. To guide future decision-makers the following overall goals of this chapter are intended to:

1. *Ensure that future growth and redevelopment in the City respects these natural features, paying heed to natural processes that can affect the health, safety, and public welfare of residents and visitors.*
2. *Protect the riparian areas, waterways and habitats that currently give Holladay its unique character.*
3. *Protect and renew the mature tree canopy, and;*
4. *Protect steep hillsides and slopes from development.*

The majority of land in the City is relatively flat, although there are numerous sloped areas that make views of the valley and mountains possible. Soil types vary and high water tables are common. Steep slopes and the presence of the Wasatch Fault Zone paralleling Highland Drive create development constraints that must be considered during any site planning process. “

ANALYSIS:

The proposal to the remove all elements of hillside, slope protection and implementation measures, without a proposed replacement, is at question. The purpose of the FCOZ zone seeks to protect and preserve natural and sensitive areas while also balancing private property rights and public safety. A lofty goal, but when sensitive lands are of paramount concern, this 13-year-old ordinance establishes a public safety necessity.

Basic FCOZ Restrictions in Holladay

- FCOZ preserves; streams, slopes and vegetation
- Development prohibited on slopes in excess of 30% -Waivers
- Limits of Disturbance (LOD)
- Vegetation protection and replacement

The easily developed lots within Holladay's FCOZ overlay areas are gone/developed. The lots that remain have constraints/reasons that they have not been developed. In these cases, there are options available – waivers and variances for example can be pursued. For extreme issues a text amendment can be petitioned. However, unilateral elimination of the overlay at this location leaves the city without any of these protections in place.

STAFF RECOMMENDATION:

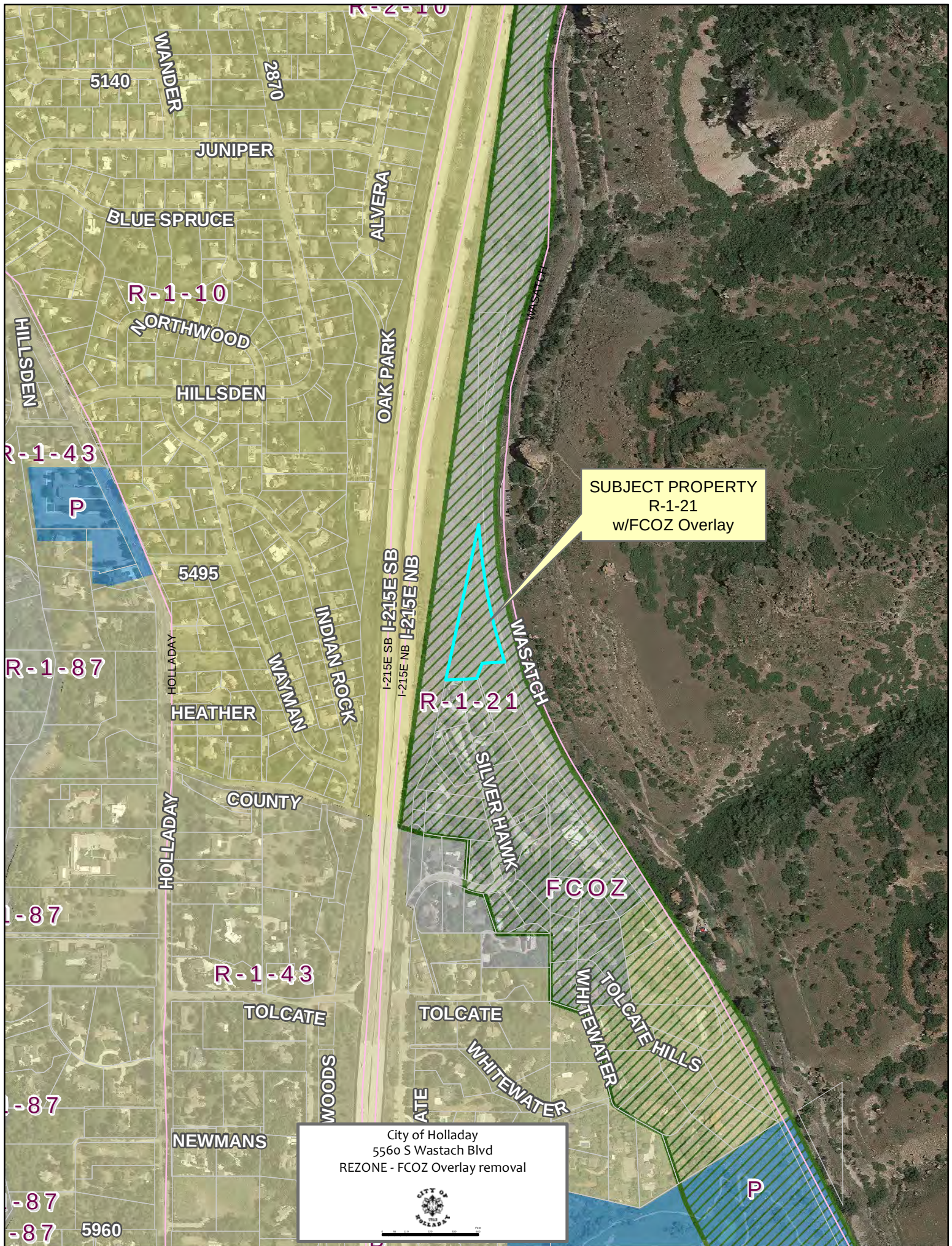
Staff recommends that the Planning Commission allow the applicant time to present their petition and to also gather input from the public via required Public Hearing. Merits of the proposal should be discussed within the framework of points mentioned above (General Plan guidance). As legislative matters are often complex, this item may be continued to a later date for further discussion and final recommendation. However, if a recommendation to the City Council can be derived from tonight's discussion, a set of findings is required to accompany the motion, as per ordinance 13.07.030.G.2.

Staff does not see merit in approving this rezone application. The zone is quite obviously supported by multiple long-range envisioning documents established by the city via public participation to establish allowable and safe development patterns on the city's sensitive areas.

ATTACHMENTS: Applicant, Narrative, Maps,

FISCAL IMPACT: N/A

SUGGESTED MOTION: Motion to continue for discussion during next available agenda



SUBJECT PROPERTY
R-1-21
w/FCOZ Overlay

City of Holladay
5560 S Wastach Blvd
REZONE - FCOZ Overlay removal



From: [Cannon, Lawrence](#)
To: [Stephanie Carlson](#)
Subject: FW: Comments on File # 22-4-05
Date: Wednesday, July 6, 2022 2:44:02 PM

[External Email - Use Caution]

Ms. Carlson,

Thank you for providing me notice of the public hearing. I am assuming Jonathon provided you my comments. Just in case you have not received my comments, I am providing them to you again.

Be Safe and Never Stop Exploring,

Lawrence

Lawrence Cannon, PG
Project Manager/Safety Representative, Salt Lake City, Utah
D 1-801-904-4136 C 1-801-201-8526
lawrence.cannon@aecom.com

AECOM
756 E. Winchester Street, Suite 400, Salt Lake City, Utah 84107
T 1-801-904-4000
www.aecom.com

From: Cannon, Lawrence
Sent: Tuesday, May 24, 2022 10:18 AM
To: Jonathan Teerlink <jteerlink@cityofholladay.com>
Subject: Comments on File # 22-4-05

Jonathon,

I am a professional geologist living in Holladay at 5561 Indian Rock Road. I was raised on Wayman Lane and grew up running and playing on Mount Olympus. I have a few concerns regarding the request for change in zoning (File # 22-4-05) as listed below.

1. This change request is directly west of Mount Olympus trail head. Mount Olympus is an historic trail head in Holladay and has become a very popular trail year-round. I have shared links to some great historic photograph of the trail head. One of the photographs shows Pete's Rock and Wasatch Blvd prior to paving. Parking continues to be limited due to the popularity of the trail head and the new parking lot is often full and parking continues to be needed along Wasatch Blvd. Any changes to zoning that will impact parking and access to the Mount Olympus trail should be rejected. This trail head is the gem of the Holladay area.
2. The large rock located on the subject property is informally known as Indian Rock. What is the historical import of this Rock? Does this rock have historical importance in considering zoning changes?

I am not opposed to the development of the above referenced property if it can be done without impacting UDOT down slope property, groundwater quality, access to public lands, and historical sites. If zoning change is granted, then I am requesting further information regarding the below items.

1. Rock fall hazard needs to be mitigated. UDOT property (I-215) is a critical roadway in the Jordan Valley. If zoning is changed, please provide me professional stamped hazard report for the subject property and how UDOT property will be protected.
2. Groundwater quality beneath this proposed lot needs to be protected. Will the proposed house(s) be connected to city or county sewer or served by septic tank? This lot is located adjacent to the Wasatch Fault in the recharge zone of the principal groundwater aquifer. Groundwater beneath this lot likely would be classified as Class 1A (Pristine Groundwater). If zone is changed, and septic tanks approved, then please provide me documentation how groundwater will be projected.
3. How will Holladay and SL County protect parking along Wasatch Blvd. Mount Olympus trail head is the gem of Holladay.

Thank you,

Lawrence

[Group snapshot of WMC members at the base of Mount Olympus. | University of Utah Marriott Library | J. Willard Marriott Digital Library](#)

[Mount Olympus, \(on the way\), April 24, 1932. Susie, Marg., ?, ?, Grace, Elouise, ?, ?, Edith and? | University of Utah Marriott Library | J. Willard Marriott Digital Library](#)

[Mount Olympus, 1923 \[01\] | University of Utah Marriott Library | J. Willard Marriott Digital Library](#)

Lawrence Cannon, PG

Project Manager/Safety Representative, Salt Lake City, Utah

D 1-801-904-4136 C 1-801-201-8526

lawrence.cannon@aecom.com

AECOM

756 E. Winchester Street, Suite 400, Salt Lake City, Utah 84107

T 1-801-904-4000

www.aecom.com

From: [Matt McCleery](#)
To: [Stephanie Carlson](#)
Subject: Proposed Re-zone at 5560 S Wasatch Blvd
Date: Wednesday, July 6, 2022 1:04:08 PM

[External Email - Use Caution]

Dear Stephanie

I'm writing in response to the proposed re-zoning for 5560 S Wasatch Blvd
I am a resident of Holladay and a biker.

I am opposed to the rezoning and building in this area. As someone who rides along Wasatch Blvd. I enjoy the way the road looks over the city. The view is spectacular and beautiful. My biggest fear is that the homes built here would block the views and encroach on the vistas currently afforded to everyone. Yes I'm afraid that the wealthy will be able to buy the views and block out those who don't have the same wealth

I would also submit that the Foothill overlay was put in place for a reason as a buffer between the foothills and the city.

Allowing a needed space , a buffer protecting wildlife and fires and rain and wind and water to stop before passing from foothill to city or vice versa.

I am opposed to the increase in traffic the construction that building would cause

The lot is odd shaped and not conducive for building. It has little to no access. There is a precarious slope to the area

These are all things that make building in this area less desirable and would cause long term harm to the area, and spaces around the site. Especially down hill. What about the water and mud and rocks where will they go. My fear is that they will cause problems maybe right away but by changing the hillside. The changes will cause mud slides and slope movement and fire danger and basically remove the buffer that was originally placed to help prevent such problems.

I don't want to be lengthy, so I'll end by saying I think the foothills are overbuilt as they are and think that we should stop before we block our views, and send sliding houses down the hill, and destroy the buffer area for wildlife established for the good of our great city

thanks

Matt McCleery
mtmccleery@yahoo.com

CITY OF HOLLADAY

RESOLUTION No. 2022-

**A RESOLUTION GRANTING ADVICE AND CONSENT OF THE CITY COUNCIL FOR THE
APPOINTMENT OF A MEMBER TO THE PLANNING COMMISSION.**

WHEREAS, the City Manager has the responsibility and authority pursuant to Section 2.08.010 City of Holladay, Code of Ordinances to appoint individuals to various boards and commissions; and

WHEREAS, the City Manager has requested advice and consent of the City Council for the appointment of **Ginger Vichinsky** as a member of the Planning Commission from District 2, for a term not to exceed three (3) years; and

WHEREAS, the City Council has met in regular session to consider this appointment;

NOW, THEREFORE, be it resolved by the City Council of the City of Holladay, Utah as follows:

Section 1. Appointment. The City Council hereby gives advice and consent for the appointment of **Ginger Vichinsky** as a member of the Planning Commission from District 2, for a term of three (3) years, to expire on June 30, 2025.

Section 2. Effective Date. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED this 11th day of August, 2022.

HOLLADAY CITY COUNCIL

By: _____
Robert Dahle, Mayor

[SEAL]

VOTING:

Ty Brewer	Yea ____	Nay ____
Matt Durham	Yea ____	Nay ____
Paul Fotheringham	Yea ____	Nay ____
Drew Quinn	Yea ____	Nay ____
Dan Gibbons	Yea ____	Nay ____
Robert Dahle	Yea ____	Nay ____

ATTEST:

Stephanie N. Carlson, MMC
City Recorder

Ginger Vilchinsky has been a resident of Holladay for 15 years and loves her community. As a retired flight attendant, she has been to communities all over the world but Holladay is her favorite. She and her husband Kevin have two daughters and as a family they enjoy all that Holladay has to offer. They owned and operated a local business and actively participated in the Holladay Chamber of Commerce.

Ginger could be described as a builder. She is skilled in using tools and a paintbrush but more importantly, she builds relationships. She is passionate about building community and supporting small, local businesses, and families. Ginger has enjoyed volunteering in schools, serving as PTA President, and promoting and supporting the arts. She has organized numerous service activities for people of all ages. She and her family are focused on making Holladay a great place for all.

CITY OF HOLLADAY

RESOLUTION NO. 2022-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLADAY APPROVING
AN INTERLOCAL AGREEMENT WITH SALT LAKE COUNTY FOR USE OF THE
HOLLADAY SKATE PARK.**

WHEREAS, the City Council of the City of Holladay has reviewed a proposal from Salt Lake County for the use of the Holladay Skate Park for structured recreation programs; and

WHEREAS, the City Council of the City of Holladay desires to enter into the interlocal agreement with Salt Lake County to provide for the recreational opportunities for residents of the County and residents of the City of Holladay;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Holladay as follows:

Section 1. Approval. That certain Interlocal Agreement between Salt Lake County and the City of Holladay is hereby approved. The Mayor of the City of Holladay is hereby authorized to sign the Agreement for and on behalf of the City.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its approval by the City Council.

PASSED AND APPROVED this day of August, 2022.

HOLLADAY CITY COUNCIL

By: _____
Robert Dahle, Mayor

[SEAL]

VOTING:

Ty Brewer	Yea	Nay ____
Matt Durham	Yea	Nay ____
Paul Fotheringham	Yea	Nay ____
Drew Quinn	Yea	Nay ____
Dan Gibbons	Yea	Nay ____
Robert Dahle	Yea	Nay ____

AN INTERLOCAL FACILITIES USE AGREEMENT

This Interlocal Facilities Use Agreement (the “Agreement”) is entered into by and between **CITY OF HOLLADAY**, a municipal corporation of the State of Utah (“City”) and **SALT LAKE COUNTY**, a body corporate and politic of the State of Utah (“County”). City and County may each be referred to herein as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, the City of Holladay owns the Holladay Skate Park (“Skate Park”) which is adjacent to the Holladay City Park at 4580 S. 2300 E. Holladay, UT 84117; and

WHEREAS, Salt Lake County has expressed a desire to use the Skate Park to run a skate boarding clinic once a week for a period of 7 weeks and the City believes that allowing the County to use the Skate Park will serve the public interest; and

WHEREAS, the parties desire to commit their understandings, which are supported by the Utah Interlocal Cooperation Act, to writing;

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

Section 1. During the term herein set forth, and subject to the conditions and restrictions described in this Agreement, the City hereby agrees to permit the county, on a non-exclusive basis, to utilize the Skate Park and related facilities located at 4580 S. 2300 E. Holladay, UT 84117, beginning on August 27, 2022 and continuing to and through October 8, 2022 as follows:

- . Saturday, August 27, 2022 9 a.m. to 12 p.m.
- . Saturday, September 3, 2022 9 a.m. to 12 p.m.
- . Saturday, September 10, 2022 9 a.m. to 12 p.m.
- . Saturday, September 17, 2022 9 a.m. to 12 p.m.
- . Saturday, September 24, 2022 9 a.m. to 12 p.m.
- . Saturday, October 1, 2022 9 a.m. to 12 p.m.
- . Saturday, October 8, 2022 9 a.m. to 12 p.m.

Section 2. Consideration. As consideration for the use of the Skate Park, the County hereby agrees to provide all administration and supervision for the clinics. In addition to administration and supervision, the County shall pay to the City the sum of \$0.00 which together with administration and supervision shall constitute full and fair consideration for the use of the City’s Skate Park during the term of this Agreement. In addition, the County hereby agrees to provide to the City the name of a County representative to serve as contact with the City regarding the County’s use of the facility during the term of this Agreement.

Section 3. Maintenance. The parties hereby acknowledge that the real property comprising the Skate Park together with the improvements and fixtures attached thereto are owned by the City. The County will not modify the facilities in any way. All equipment or items to be utilized in the clinic by the County or by clinic participants shall be furnished by the participants or the County.

Section 4. Supervision and Regulations. All persons utilizing the Skate Park shall, at the time specified in this Agreement, be supervised by County personnel who shall be responsible adults designated by the County and identified upon request to the City's personnel. The designated responsible adult shall be a County employee or a person approved specifically by the City. The County and all persons responsible for providing supervision shall obey any reasonable instructions or directions of personnel of the City and shall comply with applicable rules and regulations of the City. All employees, supervisors, and representatives of the County shall adhere to appropriate safety and legal requirements in operating the clinic and the use of the Skate Park.

Section 5. Insurance and Indemnification. The County is self-insured. The parties hereby agree that they are each public entities and subject to the provisions, restrictions, and protections of the Utah Governmental Immunity Act. Nothing herein is intended to waive or alter either parties' immunity pursuant to the terms of such Act. The Parties agree that each party is responsible for any wrongful or negligent acts which it commits or which are committed by its authorized agents, officials, or employees, and neither party shall have liability whatsoever for any wrongful or negligent act of the other, its agents, officials, or employees.

Section 6. Termination. Either party may terminate this Agreement upon giving 30 days' notice to the other party.

Section 7. Amendment and Assignment. No amendment or modification of this Agreement shall be of any force or effect unless set forth in writing and signed by the parties thereto. The County shall not assign, rent, trade or transfer any rights under this Agreement.

Section 8. Entire Agreement. This Agreement constitutes the entire agreement between the parties and incorporates all prior correspondence, communications or agreements between parties, and cannot be altered, assigned or sublet, in whole or in part, except in writing signed by both parties.

IN WITNESS WHEREOF, each Party hereby signs this Agreement on the date written by each Party on the signature pages attached hereto.

ATTEST:

CITY OF HOLLADAY
a Utah municipal corporation

Signature: _____
Stephanie Carlson, City Recorder

Signature: _____
Robert Dahle, Mayor

APPROVED AS TO FORM:

Signature: _____
City Attorney

ATTEST:

SALT LAKE COUNTY
a body corporate and politic of the State of
Utah

Signature: _____
Sherrie Swensen, County Clerk

Signature: _____
Jennifer Wilson, Mayor (or designee)

REVIEWED AS TO FORM AND LEGALITY:

Signature: _____
County Attorney

CITY OF HOLLADAY

RESOLUTION NO. 2022-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLADAY
ADOPTING THE TAX AND DISCLOSURE COMPLIANCE PROCEDURES FOR THE
CITY OF HOLLADAY RELATING TO BONDS AND BOND DEBT**

WHEREAS, the City Council of the City of Holladay has been advised by bond counsel that the adoption of the attached Tax and Disclosure Compliance Procedures will assist the City in its compliance with requirements relating to bond debt issuance; and

WHEREAS, the City Council of the City of Holladay has reviewed and considered the attached policy and feels that it will promote the public interest, will promote the fiscal integrity of the City, and will assist the City in its compliance with legal requirements relating to the issuance of bonded debt;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Holladay as follows:

Section 1. Adoption. The attached Tax and Disclosure Compliance Procedures Policy is hereby approved and adopted by the City Council of the City of Holladay. City staff are hereby directed to take all steps necessary to comply with the attached policies and procedures.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its approval by the City Council.

PASSED AND APPROVED this ___ day of August, 2022.

HOLLADAY CITY COUNCIL

By: _____
Robert Dahle, Mayor

[SEAL]

VOTING:

Matt Durham	Yea ____	Nay ____
Ty Brewer	Yea ____	Nay ____
Drew Quinn	Yea ____	Nay ____
Paul Fotheringham	Yea ____	Nay ____
Dan Gibbons	Yea ____	Nay ____
Robert Dahle	Yea ____	Nay ____

ATTEST:

Stephanie N. Carlson, MMC
City Recorder

CITY OF HOLLADAY, UTAH

TAX AND DISCLOSURE COMPLIANCE PROCEDURE

Dated as of August 11, 2022

August 11, 2022

TAX AND DISCLOSURE COMPLIANCE PROCEDURE

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TAX AND DISCLOSURE COMPLIANCE PROCEDURE

ARTICLE I DEFINITIONS

Section 1.1 Definitions. Capitalized words and terms used in this Compliance Procedure have the following meanings:

“Annual Compliance Checklist” means a questionnaire and/or checklist described in **Section 6.1** hereof that is completed each year for the Tax-Exempt Bonds.

“Annual Continuing Disclosure Compliance Checklist” means the checklist attached as **Exhibit B**.

“Annual Report” means the information, consisting of annual financial information and operating data, required by the Continuing Disclosure Undertaking to be filed annually on EMMA.

“Bond Compliance Officer” means the Issuer’s Finance Director or, if the position of Finance Director is vacant, the person filling the responsibilities of the Finance Director for the Issuer.

“Bonds” means Disclosure Bonds and Tax-Exempt Bonds.

“Bond Counsel” means a law firm selected by the Issuer to provide a legal opinion regarding the tax status of interest on the Tax-Exempt Bonds as of the issue date or the law firm selected to advise the Issuer on matters referenced in this Compliance Procedure.

“Bond Restricted Funds” means the funds, accounts, and investments that are subject to arbitrage rebate and/or yield restriction rules that have been identified in the Tax Compliance Agreement for the Tax-Exempt Bonds.

“Bond Transcript” means the “transcript of proceedings” or other similarly titled set of transaction documents assembled by Bond Counsel following the issuance of the Tax-Exempt Bonds.

“Code” means the Internal Revenue Code of 1986, as amended.

“Compliance Procedure” means this Tax and Disclosure Compliance Procedure.

“Continuing Disclosure Compliance File” means documents and records which may consist of paper and electronic medium, maintained for the Disclosure Bonds, consisting of the following:

- (a) List of Disclosure Bonds;
- (b) Description of the deadline applicable to each Annual Report;
- (c) Description of the financial information and operating data required to be included in each Annual Report;
- (d) List of events requiring an Event Notice under the Continuing Disclosure Undertaking for each series of Disclosure Bonds; and
- (e) Information about the Issuer’s compliance during the prior five years with the Continuing Disclosure Undertaking then in effect.

“Continuing Disclosure Undertaking” means the Continuing Disclosure Agreement(s), Continuing Disclosure Undertaking(s), Continuing Disclosure Instructions or other written certification(s) or agreement(s) entered into by the Issuer in connection with the issuance of the Disclosure Bonds for the purpose of assisting the underwriters of such Disclosure Bonds in complying with the Rule.

“Cost” or **“Costs”** means all costs and expenses paid for the acquisition, design, construction, equipping or improvement of a Project Facility or costs of issuing Tax-Exempt Bonds for a Project Facility.

“Disclosure Bonds” means any outstanding bond, note, installment sale agreement, lease or certificate in connection with the issuance of which the Issuer entered into or enters into a Continuing Disclosure Undertaking. A list of all Disclosure Bonds outstanding and subject to this Compliance Procedure as of [Insert Date of Adoption], is included on **Exhibit A**.

“EMMA” means the Electronic Municipal Market Access system for municipal securities disclosures established and maintained by the MSRB, which can be accessed at www.emma.msrb.org, or any successor system designated as the means through which municipal securities disclosures are submitted to the MSRB.

“Event Notice” means notice of the occurrence of an event for which notice is required by the Continuing Disclosure Undertaking to be filed on EMMA.

“Final Written Allocation” means the Final Written Allocation of Tax-Exempt Bond proceeds prepared pursuant to **Section 5.4** of this Compliance Procedure.

“Financed Assets” means that part of a Project Facility treated as financed with Tax-Exempt Bond proceeds as reflected in a Final Written Allocation or, if no Final Written Allocation was prepared, the accounting records of the Issuer and the Tax Compliance Agreement for the Tax-Exempt Bonds.

“Governing Body” means the *City Council* of the Issuer.

“Intent Resolution” means a resolution of the Issuer stating (1) the intent of the Issuer to finance all or a portion of the Project Facility, (2) the expected maximum size of the financing and (3) the intent of the Issuer to reimburse Costs of the Project Facility paid by the Issuer from proceeds of the Tax-Exempt Bonds.

“IRS” means the Internal Revenue Service.

“Issuer” means the *City of Holladay, Utah*.

“MSRB” means the Municipal Securities Rulemaking Board, or any successor repository designated as such by the Securities and Exchange Commission in accordance with the Rule.

“Placed In Service” means that date (as determined by the Bond Compliance Officer) when the Project Facility is substantially complete and in operation at substantially its design level.

“Primary Disclosure Document” means any official statement or offering document relating to an offering or remarketing of Disclosure Bonds by or on behalf of the Issuer after the date of this Procedure.

“Project Facility” means one or more facilities or capital projects, including land, building, equipment, or other property, financed in whole or in part with proceeds of an issue of Tax-Exempt Bonds and other sources of funds, if any, pursuant to the same plan of finance.

“Rebate Analyst” means the rebate analyst for the Tax-Exempt Bonds selected pursuant to the Tax Compliance Agreement.

“Regulations” means all regulations issued by the U.S. Treasury Department to implement the provisions of Code §§ 103 and 141 through 150 and applicable to tax-exempt obligations.

“Rule” means Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

“Tax Compliance Agreement” means the Federal Tax Certificate, Tax Compliance Agreement, Arbitrage Agreement, or other written certification or agreement of the Issuer setting out representations and covenants for satisfying the post-issuance tax compliance requirements for the Tax-Exempt Bonds.

“Tax-Exempt Bonds” means any bond, note, installment sale agreement, lease or certificate intended to be a debt obligation of the Issuer or another political subdivision or government instrumentality, the proceeds of which are to be loaned or otherwise made available to the Issuer, and the interest on which is excludable from gross income for federal income tax purposes. A list of all Tax-Exempt Bonds outstanding and subject to this Compliance Procedure as of [Insert Date of Adoption], is included on **Exhibit A**.

“Tax-Exempt Bond File” means documents and records which may consist of paper and electronic medium, maintained for the Tax-Exempt Bonds. Each Tax-Exempt Bond File will include the following information if applicable:

- (a) Intent Resolution.
- (b) Bond Transcript.
- (c) Final Written Allocation and/or all available accounting records related to the Project Facility showing expenditures allocated to the proceeds of the Tax-Exempt Bonds and expenditures (if any) allocated to other sources of funds.
- (d) All rebate and yield reduction payment calculations performed by the Rebate Analyst and all investment records provided to the Rebate Analyst for purposes of preparing the calculations.
- (e) Forms 8038-T together with proof of filing and payment of rebate.
- (f) Investment agreement bid documents (unless included in the Bond Transcript) including:
 - (1) bid solicitation, bid responses, certificate of broker;
 - (2) written summary of reasons for deviations from the terms of the solicitation that are incorporated into the investment agreement; and
 - (3) copies of the investment agreement and any amendments.
- (g) Any item required to be maintained by the terms of the Tax Compliance Agreement involving the use of the Project Facility or expenditures related to tax compliance for the Tax-Exempt Bonds.
- (h) Any opinion of Bond Counsel regarding the Tax-Exempt Bonds not included in the Bond Transcript.

(i) Amendments, modifications or substitute agreements to any agreement contained in the Bond Transcript.

(j) Any correspondence with the IRS relating to the Tax-Exempt Bonds including all correspondence relating to an audit by the IRS of the Tax-Exempt Bonds or any proceedings under the Tax-Exempt Bonds Voluntary Closing Agreement Program (VCAP).

(k) Any available questionnaires or correspondence substantiating the use of the Project Facility in accordance with the terms of the Tax Compliance Agreement for the Tax-Exempt Bonds.

(l) For refunding bond issues, the Tax-Exempt Bond File for the refunded Tax-Exempt Bonds.

ARTICLE II PURPOSE AND SCOPE

Section 2.1 Purpose of Compliance Procedure .

(a) Issuer's Use of Tax-Exempt Bonds. The Issuer uses Tax-Exempt Bonds to fund Costs of a Project Facility. The Issuer understands that in exchange for the right to issue Tax-Exempt Bonds at favorable interest rates and terms, the Code and Regulations impose ongoing requirements related to the proceeds of the Tax-Exempt Bonds and the Project Facility financed by the Tax-Exempt Bonds. These requirements focus on the investment, use and expenditure of proceeds of the Tax-Exempt Bonds and related funds as well as restrictions on the use of the Project Facility.

(b) IRS Recommends Separate Written Procedures. The Issuer recognizes that the IRS has stated that all issuers of Tax-Exempt Bonds should have separate written procedures regarding ongoing compliance with the federal tax requirements for Tax-Exempt Bonds.

(c) Disclosure Responsibilities. The Issuer recognizes the issuance of Disclosure Bonds involves accessing the public capital markets and involves certain obligations arising out of the federal securities laws, including entering into the Continuing Disclosure Undertaking and properly communicating with investors.

(d) Issuer Commitment. The Issuer is committed to full compliance with the federal tax and securities law requirements applicable to its outstanding and future financings. This Compliance Procedure is adopted by the Governing Body to improve and promote tax and securities law compliance and documentation.

Section 2.2 Scope of Compliance Procedure; Conflicts. This Compliance Procedure applies to all Bonds currently outstanding and all Bonds issued in the future. If the provisions of this Compliance Procedure conflict with a Tax Compliance Agreement, Continuing Disclosure Undertaking or any other specific written instructions of Bond Counsel, the terms of the Tax Compliance Agreement, Continuing Disclosure Undertaking or specific written instructions of Bond Counsel will supersede and govern in lieu of this Compliance Procedure. Any exception to this Compliance Procedure required by Bond Counsel as part of a future issue of Tax-Exempt Bonds will be incorporated in the Tax Compliance Agreement for the

future issue. Any requirements imposed on the Issuer in the Tax Compliance Agreement, will be noted by the Bond Compliance Officer and incorporated into the Annual Compliance Checklist.

Section 2.3 Amendments and Publication of Compliance Procedure. This Compliance Procedure may be amended from time-to-time by the Governing Body. Copies of this Compliance Procedure and any amendments will be included in the permanent records of the Issuer.

ARTICLE III BOND COMPLIANCE OFFICER; TRAINING

Section 3.1 Bond Compliance Officer Duties. The Bond Compliance Officer is responsible for implementing this Compliance Procedure. The Bond Compliance Officer will work with other employees that use the Project Facility to assist in implementing this Compliance Procedure. The Bond Compliance Officer will consult with Bond Counsel, legal counsel to the Issuer, accountants, tax return preparers and other outside consultants to the extent necessary to carry out the purposes of this Compliance Procedure.

Section 3.2 Training.

(a) Training Programs. When appropriate, the Bond Compliance Officer and/or other employees of the Issuer under the direction of the Bond Compliance Officer will attend training programs offered by the IRS or other industry professionals regarding Tax-Exempt Bonds that are relevant to the Issuer. When appropriate, the Bond Compliance Officer and/or other employees of the Issuer under the direction of the Bond Compliance Officer will attend training programs offered by the SEC, the MSRB, Bond Counsel, or other industry professionals regarding securities law and disclosure requirements applicable to the Issuer.

(b) Change in Bond Compliance Officer. Any time an individual acting as the Bond Compliance Officer passes the responsibilities for carrying out the provisions of this Compliance Procedure to another individual, the Issuer will ensure the incoming individual acting as Bond Compliance Officer is trained on how to implement the policies and procedures included in this Compliance Procedure to ensure the Issuer's continued compliance with the provisions of this Compliance Procedure and all Tax Compliance Agreements for any outstanding Tax-Exempt Bonds.

ARTICLE IV TAX-EXEMPT BONDS CURRENTLY OUTSTANDING

Section 4.1 Tax-Exempt Bonds Covered by Article IV Procedures . This Article IV applies to all Tax-Exempt Bonds issued prior to the date of this Compliance Procedure that are currently outstanding. These Tax-Exempt Bonds are listed on **Exhibit A**.

Section 4.2 Tax-Exempt Bond File . As soon as practical, the Bond Compliance Officer will attempt to assemble as much of the Tax-Exempt Bond File as is available for the Tax-Exempt Bonds listed on **Exhibit A**.

Section 4.3 Annual Compliance Checklists. As soon as practical following the adoption of this Compliance Procedure, the Bond Compliance Officer will work with Bond Counsel and/or legal counsel to the Issuer and cause Annual Compliance Checklists to be completed for all outstanding Tax-Exempt Bonds and will follow the procedures specified in Article VI to complete the Annual Compliance

Checklists and thereafter include each completed Annual Compliance Checklist in the Tax-Exempt Bond File.

Section 4.4 Correcting Prior Deficiencies in Compliance. In the event the Bond Compliance Officer determines any deficiency in compliance with a Tax Compliance Agreement for an outstanding Tax-Exempt Bond listed on **Exhibit A**, the Bond Compliance Officer will consult with Bond Counsel and, as necessary, follow the procedures described in the Regulations or the Tax-Exempt Bonds Voluntary Closing Agreement Program (VCAP) to remediate the noncompliance. If remediation of the noncompliance requires the Issuer to submit a request under VCAP, the Bond Compliance Officer will undertake this step only after reporting the violation to the Governing Body and obtaining its approval.

ARTICLE V COMPLIANCE PROCEDURE FOR NEW TAX-EXEMPT BOND ISSUES

Section 5.1 Application. This Article V applies to Tax-Exempt Bonds issued on or after the date of this Compliance Procedure.

Section 5.2 Prior to Issuance of Tax-Exempt Bonds.

(a) Intent Resolution. The Governing Body will authorize and approve the issuance of Tax-Exempt Bonds. Prior to or as a part of the authorizing resolution or ordinance, the Governing Body may adopt an Intent Resolution.

(b) Directions to Bond Counsel. The Bond Compliance Officer will provide a copy of this Compliance Procedure to Bond Counsel with directions for Bond Counsel to structure the documentation and procedural steps taken prior to issuing the Tax-Exempt Bonds so that they conform to the requirements of this Compliance Procedure, except to the extent Bond Counsel determines that different procedures are required. The Bond Compliance Officer will consult with Bond Counsel so that appropriate provisions are made to fund or reimburse the Issuer's costs and expenses incurred to implement this Compliance Procedure.

(c) Tax Compliance Agreement. For each issuance of Tax-Exempt Bonds, a Tax Compliance Agreement will be signed by the Bond Compliance Officer. The Tax Compliance Agreement will (1) describe the Project Facility and the anticipated Financed Assets, (2) identify all Bond Restricted Funds and provide for arbitrage and rebate compliance, (3) for new money financings, require a Final Written Allocation, and (4) contain a form of the Annual Compliance Checklist for the Tax-Exempt Bonds. The Bond Compliance Officer will confer with Bond Counsel and the Issuer's counsel regarding the meaning and scope of each representation and covenant contained in the Tax Compliance Agreement.

(d) Preliminary Cost Allocations. For each issuance of Tax-Exempt Bonds, the Bond Compliance Officer in consultation with Bond Counsel, will prepare a preliminary cost allocation plan for the Project Facility. The preliminary cost allocation plan will identify the assets and expected costs for the Project Facility, and when necessary, will break-out the portions of Costs that are expected to be financed with proceeds of the Tax-Exempt Bonds (the "Financed Assets") and the portions, if any, expected to be financed from other sources.

(e) Tax Review with Bond Counsel. Prior to the sale of Tax-Exempt Bonds, the Bond Compliance Officer and Bond Counsel will review this Compliance Procedure together with the draft Tax Compliance Agreement to ensure that any tax compliance issues in the new financing are adequately addressed by this Compliance Procedure and/or the Tax Compliance Agreement. If

Bond Counsel determines that this Compliance Procedure conflicts with the Tax Compliance Agreement, or must be supplemented to account for special issues or requirements for the Tax-Exempt Bonds, the Bond Compliance Officer will ask Bond Counsel to include the written modifications or additions in the final Tax Compliance Agreement. The Bond Compliance Officer will request Bond Counsel to prepare a form of Annual Compliance Checklist for use in monitoring the ongoing compliance requirements for the Tax-Exempt Bonds.

Section 5.3 Accounting and Recordkeeping.

(a) Accounting for New Money Projects. The Bond Compliance Officer will be responsible for accounting for the investment and allocation of proceeds of the Tax-Exempt Bonds. The Bond Compliance Officer will establish separate accounts or subaccounts to record expenditures for Costs of the Project Facility. Where appropriate, the Bond Compliance Officer may use accounts established as part of the Issuer's financial records for this purpose. In recording Costs for the Project Facility, the Bond Compliance Officer will ensure that the accounting system will include the following information: (1) identity of person or business paid, along with any other available narrative description of the purpose for the payment, (2) date of payment, (3) amount paid, and (4) invoice number or other identifying reference.

(b) Accounting for Refunded Bonds and Related Refunded Bond Accounts. For Tax-Exempt Bonds that are issued to refund prior Tax-Exempt Bonds, the Tax Compliance Agreement will set out special accounting and allocation procedures for the proceeds of the financing, and if necessary proceeds of the refinanced Tax-Exempt Bonds.

(c) Tax-Exempt Bond File. The Bond Compliance Officer will be responsible for assembling and maintaining the Tax-Exempt Bond File.

Section 5.4 Final Allocation of Tax-Exempt Bond Proceeds.

(a) Preparation of Final Written Allocation; Timing. The Bond Compliance Officer is responsible for making a written allocation of proceeds of Tax-Exempt Bonds to expenditures and identifying the Financed Assets. This process will be memorialized in the Final Written Allocation. For a new money financing, the Bond Compliance Officer will commence this process as of the earliest of (1) the requisition of all Tax-Exempt Bond proceeds from any segregated Tax-Exempt Bond funded account, (2) the date the Project Facility has been substantially completed or (3) four and one-half years following the issue date of the Tax-Exempt Bonds. For Tax-Exempt Bonds issued only to refund a prior issue of Tax-Exempt Bonds, the Bond Compliance Officer will work with Bond Counsel to prepare and/or document the Final Written Allocation for the Project Facility financed by the refunded Tax-Exempt Bonds and include it in the Tax Compliance Agreement.

(b) Contents and Procedure. The Bond Compliance Officer will consult the Tax Compliance Agreement and, if necessary, contact Bond Counsel to seek advice regarding any special allocation of Tax-Exempt Bond proceeds and other money of the Issuer to the Costs of the Project Facility. If no special allocation is required or recommended, the Bond Compliance Officer will allocate Costs of the Project Facility to the proceeds of the Tax-Exempt Bonds in accordance with the Issuer's accounting records. Each Final Written Allocation will contain the following: (1) a reconciliation of the actual sources and uses to Costs of the Project Facility, (2) the percentage of the cost of the Project Facility financed with proceeds of the Tax-Exempt Bonds (sale proceeds plus any investment earnings on those sale proceeds), (3) the Project Facility's Placed in Service date, (4) the estimated economic useful life of the Project Facility, and (5) any special procedures

to be followed in completing the Annual Compliance Checklist (e.g., limiting the Annual Compliance Checklist to specific areas of the Project Facility that the Final Written Allocation or the Tax Compliance Agreement treats as having been financed by Tax-Exempt Bonds).

(c) Finalize Annual Compliance Checklist. As part of the preparation of the Final Written Allocation, the Bond Compliance Officer will update the draft Annual Compliance Checklist contained in the relevant Tax Compliance Agreement. The Bond Compliance Officer will include reminders for all subsequent arbitrage rebate computations required for the Tax-Exempt Bonds in the Annual Compliance Checklist.

(d) Review of Final Written Allocation and Annual Compliance Checklist. Each Final Written Allocation and Annual Compliance Checklist will be reviewed by legal counsel to the Issuer or Bond Counsel for sufficiency and compliance with the Tax Compliance Agreement and this Compliance Procedure. Following the completion of the review, the Bond Compliance Officer will execute the Final Written Allocation.

ARTICLE VI ONGOING MONITORING PROCEDURES

Section 6.1 Annual Compliance Checklist. An Annual Compliance Checklist will be completed by the Bond Compliance Officer each year following completion of the Final Written Allocation. Each Annual Compliance Checklist will be designed and completed for the purpose of identifying potential noncompliance with the terms of the Tax Compliance Agreement or this Compliance Procedure and obtaining documents (such as investment records, arbitrage calculations, or other documentation for the Project Facility) that are required to be incorporated in the Tax-Exempt Bond File. The Bond Compliance Officer will refer any responses indicating a violation of the terms of the Tax Compliance Agreement to legal counsel to the Issuer or Bond Counsel and, if recommended by counsel, will follow the procedure set out in **Section 4.4** hereof to remediate the non-compliance.

Section 6.2 Arbitrage and Rebate Compliance. The Bond Compliance Officer will monitor the investment of Bond Restricted Funds and provide investment records to the Rebate Analyst on a timely basis. The Bond Compliance Officer will follow the directions of the Rebate Analyst with respect to the preparation of and the timing of rebate or yield reduction computations.

ARTICLE VII DISCLOSURE

Section 7.1 Continuing Disclosure Compliance File.

(a) Compilation and Maintenance of Continuing Disclosure Compliance File. The Bond Compliance Officer shall compile and maintain the Continuing Disclosure Compliance File.

(b) Annual Review of Continuing Disclosure Compliance File. Within 180 days after the end of each fiscal year of the Issuer, the Bond Compliance Officer will complete the Annual Continuing Disclosure Compliance Checklist and update the Continuing Disclosure Compliance File as indicated by the Annual Continuing Disclosure Compliance Checklist.

(c) Remedying Noncompliance. If the Bond Compliance Officer identifies any non-compliance with the Continuing Disclosure Undertaking as a result of the annual review or otherwise, the Bond Compliance Officer shall promptly take steps to remedy the noncompliance,

including by making any necessary remedial filings. In the event the Bond Compliance Officer identifies any such noncompliance, the Bond Compliance Officer shall update the Continuing Disclosure Compliance File to reflect the noncompliance in the Issuer's five-year history of compliance.

Section 7.2 Issuance of New Disclosure Bonds.

(a) Review Primary Offering Documents.

(1) The Bond Compliance Officer will review a draft of the Primary Offering Document for each new issue of Bonds. The Issuer is primarily responsible for the accuracy and completeness of the information in the Primary Offering Document relating to the Issuer. The Bond Compliance Officer will coordinate the Issuer's efforts to ensure that the information in each Primary Disclosure Document relating to the Issuer does not contain any untrue statements of a material fact or omit to state any material fact necessary to make the statements contained therein, in light of the circumstances under which they were made, not misleading. In the review and preparation of Primary Offering Documents, the Bond Compliance Officer shall consult with internal or external counsel and other appropriate officials, employees and agents of the Issuer. The Bond Compliance Officer may designate internal or external counsel or other officials, employees or agents of the Issuer, as appropriate, to assist in the preparation of each Primary Disclosure Document or portions thereof and should discuss with internal or external counsel questions relating to the material accuracy and completeness of any information included in any Primary Disclosure Document.

(2) The Bond Compliance Officer will review any statement in a Primary Offering Document related to the Issuer's past compliance with the Continuing Disclosure Undertaking to determine whether such Primary Offering Document accurately describes such past compliance.

(b) Review Continuing Disclosure Undertakings. The Bond Compliance Officer will review each Continuing Disclosure Undertaking related to a new issuance of Disclosure Bonds. If necessary, the Bond Compliance Officer will confer with Bond Counsel or other counsel regarding the meaning and scope of each obligation contained in the Continuing Disclosure Undertaking.

(c) Update Continuing Disclosure Compliance File. As soon as practicable after the issuance of any new Disclosure Bonds, the Bond Compliance Officer will be responsible for updating the Continuing Disclosure Compliance File to reflect the issuance of such new Disclosure Bonds.

Section 7.3 Annual Report and Event Notice Filing Procedures.

(a) Annual Report Preparation and Submission. The Bond Compliance Officer will prepare or cause the preparation of the Annual Report and cause the Annual Report to be filed with the MSRB on EMMA each year before the deadline required by the Continuing Disclosure Undertaking. If the Issuer has engaged a third-party to submit the Annual Report on the Issuer's behalf, the Bond Compliance Officer will request and review confirmation that such filing has been timely made as required.

(b) Event Notice Submissions. As necessary, the Bond Compliance Officer shall coordinate with those other employees and agents of the Issuer most likely to become aware of the

occurrence of a Material Event to ensure such employee or agent promptly notifies the Bond Compliance Officer upon the occurrence of a Material Event. After obtaining actual knowledge of the occurrence of any event that the Bond Compliance Officer believes may constitute an event requiring an Event Notice, the Bond Compliance Officer will consult with counsel to assist with the determination of whether to determine if an Event Notice is required under the Continuing Disclosure Undertaking. If it is determined that an Event Notice is required, the Bond Compliance Officer will cause an Event Notice to be filed on EMMA.

ADOPTED BY

City of Holladay City Council

August 11, 2022

EXHIBIT A

LIST OF TAX-EXEMPT BONDS AND DISCLOSURE BONDS COVERED BY THIS COMPLIANCE PROCEDURE

Tax-Exempt Bonds:

<i>Issue Name</i>	<i>Purpose</i>	<i>Final Maturity</i>
\$15,830,000 Sales Tax Revenue Bonds, Series 2022	Road, storm water system, physical facilities, and other related improvements	November 15, 2042
\$5,125,000 Sales Tax Revenue Refunding Bonds, Series 2020	Refunding Series 2011 Sales Tax Bonds	November 15, 2031

Disclosure Bonds:

<i>Issue Name</i>	<i>Purpose</i>	<i>Final Maturity</i>
\$15,830,000 Sales Tax Revenue Bonds, Series 2022	Road, storm water system, physical facilities, and other related improvements	November 15, 2042

EXHIBIT B

ANNUAL DISCLOSURE COMPLIANCE CHECKLIST

Name of Disclosure Compliance Officer: <u>Diane Burandt</u>		
Period covered by checklist ("Annual Period"): <u>February 5, annually; commencing 2022</u>		
Date: _____		
Item	Question	Response
1 New/Defeased Bonds	Were any Disclosure Bonds issued, refunded or defeased during the Annual Period?	☐ Yes ☐ No
	If answer above was "Yes," update the Continuing Disclosure Compliance File to reflect the Disclosure Bonds currently outstanding and changes, if any, to the deadline for filing or the content of information required under the Continuing Disclosure Undertaking.	
2 Annual Report Filings	During the Annual Period, was the required Annual Report filed on EMMA by the due date?	☐ Yes ☐ No
	If answer above was "No," file the required Annual Report on EMMA, if not yet filed, and any required Notice of Failure to File. In either case, update the Disclosure Compliance File to reflect the date the Annual Report was filed.	
3 Material Event Filings	During the Annual Period, did any of the following Material Events occur? - principal and interest payment delinquencies; - non-payment related defaults, if material; - unscheduled draws on debt service reserves reflecting financial difficulties; - unscheduled draws on credit enhancements reflecting financial difficulties; - substitution of credit or liquidity providers, or their failure to perform; - adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds; - modifications to rights of bondholders, if material; - bond calls, if material, and tender offers; - defeasances; - release, substitution or sale of property securing repayment of the Bonds, if material; - rating changes; - bankruptcy, insolvency, receivership or similar event of the obligated person; - the consummation of a merger, consolidation, or acquisition involving the obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; [Continued on next page]	☐ Yes ☐ No

	• appointment of a successor or additional trustee or the change of name of the trustee, if material; • incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and • default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.	
	If answer above was “Yes,” was an Event Notice filed on EMMA within 10 business days? If No, file an Event Notice on EMMA. If a Material Event occurred, update the Continuing Disclosure Compliance File to reflect the occurrence of the Material Event and the date the required notice was filed.	☐ Yes ☐ No
4 Upcoming Annual Report	Has the Annual Report for the most recent fiscal year been prepared?	☐ Yes ☐ No
	If answer above was “No,” prepare and file or cause the preparation and filing of the Annual Report for the most recent fiscal year as soon as practicable prior to the deadline.	

**Holladay City Citizens Survey
Draft Questionnaire
July-August 2022**

Note to reviewers: This document is for finalizing survey question wording and available response options. For the final survey instrument these questions will be formatted for online survey administration, including HTML interactive sliders and buttons for recording opinions.

s_qualify. Do you currently live in Holladay?

- 1 Yes
 - 2 No [TERMINATE]
 - 3 DK [TERMINATE]
 - 4 REF [TERMINATE]
-

s_direction. Overall, would you say the City of Holladay is headed in the right direction or the wrong direction?

- 1 Right direction
 - 2 Wrong direction
 - 3 Don't know/Unsure
-

n_overall. All things considered, on a scale from 0 to 100, with 0 being very low and 100 being very high, how would you rate your overall quality of life in Holladay?

s_elected. Do you approve or disapprove of how the Holladay Mayor and City Council are handling their jobs?

- 1 Strongly approve
 - 2 Approve
 - 3 Disapprove
 - 4 Strongly disapprove
-

s_fiveyear. How would you rate the City of Holladay today compared to five years ago? Would you say it is...

- 1 Much better
 - 2 Somewhat better
 - 3 About the same
 - 4 Somewhat worse
 - 5 Much worse
 - 6 Don't know, I haven't been here that long
-

oe_likemost. What do you like most about living in Holladay? (OPEN ENDED)

oe_topissue1. In your opinion, what is the most important issue facing Holladay **today**? (OPEN ENDED)

oe_topissue2. In your opinion, what is the most important issue facing Holladay **in the next 3-5 years**? (OPEN ENDED)

s_recommend. How likely are you to recommend the City of Holladay to friends and family as a good place to live?

- 1 Very likely
 - 2 Somewhat likely
 - 3 Somewhat unlikely
 - 4 Very unlikely
-

s_taxvalue. In general, how do you rate the service you receive from Holladay for your tax dollar?

- 1 Excellent
 - 2 Good
 - 3 Fair
 - 4 Poor
-

To what extent do you agree or disagree with the following statements about Holladay?

- 1 Strongly disagree
- 2 Somewhat disagree
- 3 Neither agree nor disagree
- 4 Somewhat agree
- 5 Strongly agree

s_safe. Overall, I feel safe living in Holladay.

s_family. Holladay is a great place to raise a family.

s_services. Holladay provides all the services I think it should provide.

s_business. Holladay has all the kinds of businesses I want it to have.

s_manage. Overall, I think Holladay does a good job managing city services.

s_develop. Holladay is growing and developing in a positive way.

(IF s_business = 1-4; ASK oe_biz)

oe_biz. What kinds of businesses would you like to see in Holladay that aren't currently available? (OPEN END)

Holladay provides several services to its residents. Some are provided directly by the city, and some are provided by districts or agencies that the city works with. The first group of services are provided directly by the city. Please rate each of the following services using a 0 to 100 scale with 0 meaning you are completely dissatisfied and 100 meaning you are completely satisfied. If you are unfamiliar with a service, select Not applicable.

n_sidewalk.	Sidewalk maintenance
n_streetlights.	Street lighting
n_citycode.	City code enforcement
n_parks.	City parks and open spaces
n_events.	Community events
n_zoning.	Planning, zoning and building services
n_emerg.	Emergency preparedness
n_watercons.	Water conservation efforts

This second group of services is provided by some other district or agency that the city works with. Please rate each of the following services using a 0 to 100 scale with 0 meaning you are completely dissatisfied and 100 meaning you are completely satisfied. If you are unfamiliar with a service, select Not applicable.

n_police.	Police services
n_fireems.	Fire and emergency medical services
n_garbage.	Garbage collection
n_recycle.	Recycling program
n_water.	Culinary (drinking) water
n_animalctrl.	Animal control services
n_snow.	Snow removal services
n_roadmnt.	Surface maintenance on city streets and roads

oe_services. If you have any comments you would like to briefly share about your experience with any of the services listed above in the past year, please enter them here.

How much do you agree or disagree with the following statements about your neighborhood?

- 1 Strongly agree
- 2 Somewhat agree
- 3 Neither agree nor disagree
- 4 Somewhat disagree
- 5 Strongly disagree

(RANDOMIZE ORDER)

s_neighborhood1.	I am pleased with the way my neighborhood looks.
s_neighborhood2.	My neighborhood gets enough attention from the City.
s_neighborhood3.	My neighborhood is connected to the rest of the City.
s_neighborhood4.	Things in my neighborhood have gotten better since I moved here.
s_neighborhood5.	My neighborhood is walkable.
s_neighborhood6.	My neighborhood has access to usable transit.

How well would you say that each of the following statements describe **the roads in the neighborhood where you live?**

- 1 Extremely well
- 2 Very well
- 3 Somewhat well
- 4 Not very well
- 5 Not at all well

(RANDOMIZE ORDER)

s_compst1.	Traffic ignores speed limits/drives too quickly
s_compst2.	They are safe for pedestrians
s_compst3.	They are safe for cyclists
s_compst4.	They are well lit
s_compst5.	They are well maintained

How well would you say that each of the following statements describe **the main roads you use daily around the city?**

- 1 Extremely well
- 2 Very well
- 3 Somewhat well
- 4 Not very well
- 5 Not at all well

(RANDOMIZE ORDER)

s_compst6.	Traffic ignores speed limits/drives too quickly
s_compst7.	They are safe for pedestrians
s_compst8.	They are safe for cyclists
s_compst9.	They are well lit
s_compst10.	They are well maintained

s_sidewalks_num. Which of the following statements best describes your opinion about the amount or availability of sidewalks in Holladay City neighborhoods?

- 1 Holladay neighborhoods have too many sidewalks
 - 2 Holladay neighborhoods have the right amount of sidewalks
 - 3 Holladay neighborhoods have not have enough sidewalks
-

s_sidewalks_qual. Which of the following statements best describes your opinion about the quality and maintenance of sidewalks in Holladay City neighborhoods?

- 1 Holladay neighborhood sidewalks are well maintained
 - 2 Holladay neighborhoods sidewalks could use improvement
-

s_streetlights_num. Which of the following statements best describes your opinion about the amount of streetlights in Holladay City neighborhoods?

- 1 Holladay neighborhoods have too many streetlights
 - 2 Holladay neighborhoods have the right amount of streetlights
 - 3 Holladay neighborhoods have not have enough streetlights
-

s_streetlights_qual. Which of the following statements best describes your opinion about the quality of streetlights in Holladay City neighborhoods?

- 1 Holladay neighborhood streetlights are too bright
 - 2 Holladay neighborhood streetlights are adequate
 - 3 Holladay neighborhood streetlights are not bright enough
-

s_news_current. From which source do you currently receive most of your information about the City of Holladay?

- 1 City insert in Holladay Journal
 - 2 Email from the city
 - 3 City website
 - 4 Newspaper
 - 5 Social media (i.e. Twitter, Facebook, etc)
 - 6 NextDoor app notifications
 - 7 Other (SPECIFY)
-

s_news_pref. From which source would you **prefer** to receive most of your information about the City of Holladay?

- 1 City insert in Holladay Journal
- 2 Email from the city
- 3 City website
- 4 Newspaper
- 5 Social media (i.e. Twitter, Facebook, etc)

- 6 NextDoor app notifications
- 7 Other (SPECIFY)

s_commfreq. Would you prefer to receive more communication from Holladay City, less communication, or are you happy with the level of communication you currently receive from the City?

- 1 I would prefer to receive much more communication from Holladay
- 2 I would prefer to receive a little more communication from Holladay
- 3 I would prefer to receive a little less communication from Holladay
- 4 I would prefer to receive much less communication from Holladay
- 5 I am happy with the level of communication I currently receive from Holladay

s_website_visit. Have you visited the Holladay City website in the past twelve months?

- 1 Yes
- 2 No

(IF s_website_visit = YES, ASK s_web_use)

s_web_use. Which of the following reasons best describe(s) why you visited the Holladay City website? Select all that apply.

- 1 To seek information about a City service
- 2 To find contact information for a City office
- 3 To get updates on City events
- 4 To pay a City service/utility bill
- 5 To look for a job with the City
- 6 Other, please specify:

(IF s_website_visit = YES, ASK s_web_eval1-4)

To what extent do you agree or disagree with each of the following statements?

- 1 Strongly agree
- 2 Somewhat agree
- 3 Neither agree nor disagree
- 4 Somewhat disagree
- 5 Strongly disagree

s_webeval1. The Holladay City website is user friendly.

s_webeval2. It is difficult to find the information I need on the City website.

s_webeval3. The City website is well organized.

s_webeval4. I would recommend the City website to my friends and neighbors in Holladay as a resource for information or city services.

s_contact. During the past year have you contacted any Holladay office to seek service, information, or to file a complaint?

- 1 Yes
- 2 No

(IF s_contact = 1 ASK s_response_sat)

s_response_sat. Were you generally satisfied or dissatisfied with the City's response?

- 1 Very satisfied
- 2 Somewhat satisfied
- 3 Neither satisfied nor dissatisfied
- 4 Somewhat dissatisfied
- 5 Very dissatisfied

(IF s_contact = 1 ASK oe_response)

oe_response. If you have any comments you would like to briefly share about your experience with any Holladay office in the past year, please enter them here.

s_sustainability. Generally speaking, how important would you say it is for Holladay City to take action to become a more sustainable, environmentally friendly city?

- 1 Very important
- 2 Somewhat important
- 3 Not very important
- 4 Not at all important

m_sus_areas. Which, if any, of the following do you think Holladay City should actively pursue to become a more sustainable city? Select all that apply.

- 1 Water conservation
- 2 Reducing carbon emissions/improving air quality
- 3 Transitioning to renewable energy sources
- 4 Preserving and planting trees
- 5 Encouraging active/alternate transportation
- 6 Waste management (e.g., reduce waste, reuse products, recycle)
- 7 None of the above

n_amount: Approximately how much is your electricity bill each month?

[NUMERIC TEXT ENTRY]

s_pollution: How interested would you be in an option to source all of your electricity from renewable energy sources that did not produce air pollution? [RANDOMLY FLIP SCALE]

- 1 Very interested
 - 2 Somewhat interested
 - 3 Not very interested
 - 4 Not at all interested
-

q_statement. The City is considering working with Rocky Mountain Power to implement an optional Community Renewable Energy Program (CREP) designed to achieve net-100% renewable electricity for participating customers in Holladay City by 2030. If the program is approved, Holladay City residents would automatically be enrolled, with the option to opt out.

s_decide. If you had to decide today, and your electric bill would increase by {RANDOMLY PRESENT CALCULATED AMOUNT THAT REPRESENTS 3%, 6%, OR 9% INCREASE COMPARED TO RESPONSE IN n_amount}, how likely would you be to participate in the Community Renewable Energy Program (CREP)?

- 1 Very likely
 - 2 Somewhat likely
 - 3 Not very likely
 - 4 Not at all likely
-

m_housing_future: In your opinion, what type of housing and development is most needed in Holladay? Select up to three (3).

(RANDOMIZE SERIES)

1. Small shopping center with multiple stores, restaurants, and/or services
 2. Mixed-use developments combining ground-level storefronts with apartments or condominiums
 3. Single-family garden courtyard homes with shared open space
 4. Senior housing, such as an assisted living community, retirement village, or residential care home
 5. Townhomes with individual yards
 6. Single-family homes with large yards
 7. Apartments
 8. Accessory Dwelling Units (ADUs, e.g., basement apt, mother-in-law suite, attic apt, tiny home on existing lot, etc.)
 9. Student housing
 10. Other, please specify:
 11. None of these
-

m_fit_mix Which, if any, of the following features would fit well into your area of the City? Select all that apply.

(CARRY FORWARD ALL DISPLAYED CHOICES FROM M_HOUSING_FUTURE)

1. Small shopping center with multiple stores, restaurants, and/or services
 2. Mixed-use developments combining ground-level storefronts with apartments or condominiums
 3. Single-family garden courtyard homes with shared open space
 4. Senior housing, such as an assisted living community, retirement village, or residential care home
 5. Townhomes with individual yards
 6. Single-family homes with large yards
 7. Apartments
 8. Accessory Dwelling Units (ADUs, e.g., basement apt, mother-in-law suite, attic apt, tiny home on existing lot, etc.)
 9. Student housing
 10. Other, please specify:
 11. None of these
-

m_citymix Which, if any, of the following features might not fit well into your area of the City, but would be nice to have somewhere in Holladay? Select all that apply.

(CARRY FORWARD ALL DISPLAYED CHOICES FROM M_HOUSING_FUTURE)

1. Small shopping center with multiple stores, restaurants, and/or services
 2. Mixed-use developments combining ground-level storefronts with apartments or condominiums
 3. Single-family garden courtyard homes with shared open space
 4. Senior housing, such as an assisted living community, retirement village, or residential care home
 5. Townhomes with individual yards
 6. Single-family homes with large yards
 7. Apartments
 8. Accessory Dwelling Units (ADUs, e.g., basement apt, mother-in-law suite, attic apt, tiny home on existing lot, etc.)
 9. Student housing
 10. Other, please specify:
 11. None of these
-

n_allocate. Suppose you were responsible for allocating \$100 of the Holladay City budget. How would you want to see the city divide your \$100 among the city services? (You may spend the \$100 all in one category or divide it up as you please, but the total must be \$100.)

- 1 Police services
 - 2 Fire and emergency medical services
 - 3 Animal control services
 - 4 Snow removal services
 - 5 Surface maintenance on city streets and roads
 - 6 Sidewalks
 - 7 Street lighting
 - 8 City code enforcement
 - 9 City parks and open spaces
 - 10 Community events
 - 11 Planning, zoning and building services
 - 12 Emergency preparedness
 - 13 Renewable energy
 - 14 Water conservation
 - 15 Other (please specify)
-

And now just a few more questions that will help us categorize responses.

s_gender. Which of the following best describes how you think of yourself?

- 1 Male
 - 2 Female
 - 3 Prefer to self-describe
-

n_yearborn. Please enter the year you were born (YYYY, e.g., 1975):

s_timelived. How long have you lived in Holladay?

- 1 Less than 2 years
 - 2 3-5 years
 - 3 6-10 years
 - 4 11-20 years
 - 5 21-30 years
 - 6 31-40 years
 - 7 41 years or more
-

s_ownrent. Which of the following best describes where you are currently living?

- 1 Own or buying my own home
 - 2 Rent my home or apartment
 - 3 Live with parents, relatives, or otherwise rent-free
 - 4 Other
-

s_edu. What is the last year of school you completed?

- 1 Some high school or less
 - 2 High school graduate
 - 3 Some college
 - 4 College graduate
 - 5 Post graduate degree (e.g. MA, MBA, LLD, PhD)
 - 6 Vocational school or technical school
-

s_employ. What is your employment status?

- 1 Self-employed
 - 2 Employed by someone else
 - 3 Unemployed
 - 4 Homemaker
 - 5 Retired
 - 6 Student
-

s_marstat. Are you currently...

- 1 Married
- 2 Divorced
- 3 Widowed
- 4 Living with partner
- 5 Single

m_race. Are you:

- 1 American Indian / Native American
- 2 Asian
- 3 Black / African American
- 4 Hispanic / Latino
- 5 White / Caucasian
- 6 Pacific Islander
- 7 Other

s_income. What do you expect your 2022 family income to be?

- 1 Under \$25,000
 - 2 \$25,000 – 39,999
 - 3 \$40,000 – 49,999
 - 4 \$50,000 – 74,999
 - 5 \$75,000 – 99,999
 - 6 \$100,000 – 124,999
 - 7 \$125,000 – 149,999
 - 8 \$150,000 – 199,999
 - 9 \$200,000 – 249,999
 - 10 \$250,000 or more
-

s_panel. Now that you have completed this Holladay Citizens Survey, we would like to invite you to join the Holladay Citizens Panel.

As a participant in the Holladay Citizens Panel, you will be contacted occasionally by email during the coming months with a request to fill out a brief internet survey on topics related to government and city policy. Your responses will remain completely confidential and your participation will help city elected officials and staff be more informed about public opinion on issues important to you. All surveys will be conducted through the internet. We will never use your email address for commercial purposes and you can withdraw from the Holladay Citizens Panel at anytime.

Would you like to participate in future Citizen Surveys for the City of Holladay?

- 1 Yes
- 2 No

[IF s_panel = 1, ASK q_email]

q_email. Thank you for your willingness to participate in future Holladay Citizen Surveys.

Please enter your email address here: _____

s_quality. Finally, for quality control purposes, please rate your experience taking this poll. Would you consider the experience:

- 1 Excellent
- 2 Good
- 3 Fair
- 4 Poor
- 5 Don't know

oe_comments. Thank you for completing the survey. If you have any comments about this survey or the City of Holladay in general, please enter them here: