

# **WORK MEETING**

**HEBER CITY CORPORATION**  
**75 North Main Street**  
**Heber City, UT 84032**  
**City Council Meeting**

**August 16, 2022**

**4:00 p.m. Work Meeting**  
**6:00 p.m. Regular Meeting**

**TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS**

**I. WORK MEETING-4:00 P.M.**

1. Trust Training (Craig Hale) – 90 min
2. Discuss Finch Creek Townhomes and North Village Annexation (Kohler) – 30 min

**II. REGULAR MEETING-6:00 P.M.**

1. Call to Order
2. Pledge of Allegiance (Mayor Franco)
3. Prayer/Thought by Invitation (Default: Council Member Johnston)

**III. CONFLICT OF INTEREST DISCLOSURE:**

**IV. CONSENT AGENDA:**

1. Approval of August 2, 2022, City Council Meeting Minutes (Cooke)
2. Consider Adoption of Resolution 2022-15 to Establish an Audit Committee Charter (Bingham)

**V. PUBLIC COMMENTS:**

**VI. GENERAL BUSINESS ITEMS:**

1. Cemetery and Parks Administration Building Project – Milestone 1: Review and Feedback of Program and Architectural Design (Rounds, Lythgoe) – 30 min
2. Central Heber Water and Sewer Line Project Update (Funk) – 10 min
3. Rap Tax (Phil Jordan) – 10 min
4. Presentation of Proposed Ordinance for the Tree Management Plan for Heber City by the OSTPT (Open Space, Trails, Parks, and Trees) Tree Sub-committee (Melanie Funk, PJ Abraham) – 30 min

5. Soldier Hollow Advisory Board Planning Meeting (Franco) – 10 min
6. Mayor’s Award to Mindy Kohler for extensive work to implement HVSSD new rates for City’s residential and commercial accounts (Mayor Franco) - 5 min

**VII. ACTION ITEMS:**

1. Consider Name and Ribbon Cutting Date for the Red Ledges Park (Brower) – 15 min
2. Consider Approval of Ordinance 2022-20 to Amend Heber City Municipal Code Chapter 18.116 Flood Damage Prevention, Chapter 18.109 Annexation, and Chapter 18.76 Landscaping (Kohler, Janson) – 15 min

**Recess as Heber City Council and Convene as the Community Reinvestment Agency (CRA) Board**

3. CRA Strategic Discussion – 30 min

**Adjourn as the Community Reinvestment Agency (CRA) Board and Reconvene as the Heber City Council**

4. Discuss MOU with Wasatch County to allow Back 40 Ranch House Grill Connection to the Heber City Sewer Line (Kohler) – 15 min – tentative
5. Consider Approval of All West Franchise Agreement (Smedley) – 10 min
6. Consider Approval of Resolution 2022-21 Updating Heber City’s Sewer Fees to Include the Heber Valley Special Service District (HVSSD) Increased Rates (Bingham) – 5 min

**VIII. COMMUNICATION:**

**IX. CLOSED EXECUTIVE SESSION:**

1. Discussion Regarding the Purchase, Exchange, or Lease of Real Property
2. Personnel

**X. ADJOURNMENT**

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media.

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Trina Cooke at the Heber City Offices 435.657.7886 at least eight hours prior to the meeting.

Posted on August 11, 2022, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at [www.heberut.gov](http://www.heberut.gov), and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave.

# TAB 1

# **PowerPoint Presentation:**



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# **Roles and Responsibilities in City Governance**

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*“What we need is not more  
Federal government, but better  
local government.”*

- CALVIN COOLIDGE

# Six-Member Council Form of Municipal Government: Title 10, Chapter 3b, Part 3 (Utah Code Section 10-3b-301 et seq.)

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“The powers of municipal government in a municipality operating under the six-member council form of government are vested in a council consisting of six members, one of which is a mayor.”

[Utah Code Section 10-3b-301]



# Six-Member Council Form of Municipal Government: The Mayor (Utah Code Section 10-3b-302)

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(1) The Mayor is generally a nonvoting member of the council. [10-3b-302(1)(a)]

- **Exceptions:**

- The Mayor votes as a voting member of the council on each matter for which there is a tie vote of the other council members present at a council meeting. [10-3b-302(1)(b)(i)]; or
- The Mayor votes as a voting member of the council when the council is voting on: (i) whether to appoint or dismiss a municipal manager; or (ii) an ordinance that enlarges or restricts the Mayor's powers, duties, or functions. [10-3b-302(1)(b)(ii)]

(2) The Mayor is the chair of the council and presides at all council meetings. [10-3b-302(1)(c)]

(3) The Mayor exercises ceremonial functions for the municipality. [10-3b-302(1)(d)]

(4) The Mayor may not veto an ordinance, tax levy, or appropriation passed by the council. [10-3b-302(1)(e)]

(5) The Mayor has the powers and duties described in Section 10-3b-104, except as modified by ordinance under Subsection 10-3b-303(2). [10-3b-302(f)]

- Under Section 10-3b-303(2), the council may adopt an ordinance removing or restating to the Mayor a power, duty, or function provided for in Section 10-3b-104 by the affirmative vote of (i) the Mayor and a majority of all other council members, or (ii) all council members except the Mayor.
  - The council, however, may not remove from the Mayor or delegate to a manager appointed by the council: (i) any of the Mayor's legislative or judicial powers or ceremonial functions; (ii) the Mayor's position as chair of the council; or (iii) any ex officio position that the Mayor holds. [10-3b-303(1)(c)]

(6) The Mayor may, within budget constraints, appoint one or more administrative assistants to the Mayor. [10-3b-302(1)(g)]

# Six-Member Council Form of Municipal Government: Mayoral Powers and Duties (Utah Code Section 10-3b-104)

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Subject to certain exceptions, the Mayor in a municipality operating under a six-member council form of government is granted the following powers and duties:

- (1) The Mayor is the chief executive officer of the municipality to whom all employees of the municipality report [10-3b-104(1)(a)]
- (2) The Mayor shall:
  - Keep the peace and enforce the laws of the municipality [10-3b-104(1)(b)(i)]
  - Ensure that all applicable statutes and municipal ordinances and resolutions are faithfully executed and observed [10-3b-104(1)(b)(ii)]
  - If the Mayor remits a fine or forfeiture (under Subsection (1)(c)(ii)), report the remittance to the council at the council's next meeting after the remittance [10-3b-104(1)(b)(iii)]
  - Perform all duties prescribed by statute or municipal ordinance or resolution [10-3b-104(1)(b)(iv)]
  - Report to the council the condition and needs of the municipality [10-3b-104(1)(b)(v)]
  - Report to the council any release granted (under Subsection (1)(c)(iv)) [10-3b-104(1)(b)(vi)]
- (3) The Mayor may:
  - Recommend for council consideration any measure that the Mayor considers to be in the best interests of the municipality [10-3b-104(1)(c)(i)]
  - Remit fines and forfeitures [10-3b-104(1)(c)(ii)]
  - Call on residents of the municipality over the age of 21 years to assist in enforcing the laws of the state and ordinances of the municipality (if necessary) [10-3b-104(1)(c)(iii)]
  - Release a person imprisoned for a violation of a municipal ordinance [10-3b-104(1)(c)(iv)]
  - With the council's advice and consent:
    - Assign or appoint a member of the council to administer one or more departments of the municipality [10-3b-104(1)(c)(v)(A)]
    - Appoint a person to fill: (i) a municipal office; or (ii) a vacancy on a commission or committee of the municipality [10-3b-104(1)(c)(v)(B)(I) and (II)]
  - At any reasonable time, examine and inspect the official books, papers, records, or documents of: (i) the municipality; or (ii) any officer, employee, or agency of the municipality. municipality [10-3b-104(1)(c)(vi)]

# Six-Member Council Form of Municipal Government: Mayoral Powers and Duties – Exceptions (Utah Code Section 10-3b-104(2)(a) and (2)(b)(i))

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## EXCEPTIONS

The powers and duties listed in Section 10-3b-104(1) (*included in the previous slide*) above are subject to:

- (1) [10-3b-104(2)(a)] - Municipal ordinances in effect on May 4, 2008, modifying the powers and duties of the Mayor; **and**
- (2) [10-3b-104(2)(b)(i)] - The council's authority to limit or expand the Mayor's powers and duties under Section 10-3b-303(2)(a)
  - The council may adopt an ordinance removing or restating to the Mayor a power, duty or function provided for in Section 10-3b-104, but this requires the affirmative vote of the Mayor and a majority of all other council members

# Six-Member Council Form of Municipal Government: The Council (Utah Code Section 10-3b-303)

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- (1) The Council exercises any executive or administrative power and performs or supervises the performance of any executive or administrative duty or function that:
  - Has not been given to the Mayor under Section 10-3b-104; or
  - Has been given to the Mayor under Section 10-3b-104 but is removed from the Mayor under Subsection (1)(b)(i)(A)
- (2) The Council may:
  - Adopt an ordinance (i) removing from the Mayor any power, duty, or function of the Mayor under Section 10-3b-104, or (ii) reinstating to the Mayor any power, duty, or function previously removed
    - But see #3 below
    - Adopting an ordinance removing from or reinstating to the Mayor a power, duty, or function provided for in Section 10-3b-104 requires the affirmative vote of: (i) the Mayor and a majority of all other council members; or (ii) all council members except the Mayor
  - Adopt an ordinance delegating to the Mayor any executive or administrative power, duty, or function that the council has (under Subsection 1(a))
  - In conjunction with the Mayor, (i) appoint a manager to perform executive and administrative duties or functions that the council by ordinance delegates to the manager, and (ii) dismiss a manager [These powers are subject to certain exceptions]
  - Assign any or all council members, including the Mayor, to supervise one or more administrative departments of the municipality
- (3) The Council may not remove from the Mayor or delegate to a manager appointed by the council: (i) any of the Mayor's legislative or judicial powers or ceremonial functions; (ii) the Mayor's position as chair of the council; or (iii) any ex officio position that the Mayor holds. Mayor exercises ceremonial functions for the municipality.

# Six-Member Council Form of Municipal Government: The Council (Utah Code Section 10-3b-105)

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- (1) The Council is the legislative body of the municipality and exercises the legislative powers and performs the legislative duties and functions of the municipality [\[10-3b-105\(1\)\]](#)
- (2) The Council may:
  - Adopt rules and regulations, not inconsistent with statute, for the efficient administration, organization, operation, conduct, and business of the municipality [\[10-3b-105\(2\)\(a\)\]](#)
  - Prescribe by resolution additional duties, powers, and responsibilities for any elected or appointment municipal official, unless prohibited by statute [\[10-3b-105\(2\)\(b\)\]](#)
  - Require by ordinance that any or all appointed officers reside in the municipality [\[10-3b-105\(2\)\(c\)\]](#)
  - Create any office that the council considers necessary for the government of the municipality [\[10-3b-105\(2\)\(d\)\]](#)
  - Provide for filling a vacancy in an elective or appointive office [\[10-3b-105\(2\)\(e\)\]](#)
  - Take any action allowed under Section 10-8-84 [\[10-3b-105\(2\)\(f\)\]](#)
    - The municipal legislative body may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city [\[10-8-84\(1\)\]](#)
    - The municipal legislative body may enforce obedience to the ordinances with fines or penalties in accordance with Section 10-3-703 [\[10-8-84\(2\)\]](#)
  - Perform any function specifically provided for by statute or necessarily implied by law [\[10-3b-105\(2\)\(g\)\]](#)

# Role of the Mayor

## (Heber City Municipal Code)

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- (1) “The Mayor holds the executive and administrative powers from U.C.A. 10-3b-104 & 10-3-704. The mayor may sit in counsel with the Legislative Body and offer opinions or suggest areas of legislation, but may not vote on ordinances, resolutions, contracts, or motions; except per U.C.A. 10-3b-301 & 10-3b-302.” [2.04.010 Form]
- (2) “The Mayor shall preside at all meetings and upon the mayor’s temporary absence or disability, the Legislative Body shall elect one of its number to act as mayor pro tem, who during such absence or disability, shall possess the power of mayor.” [2.08.020(A) Mayor Pro Tem – Filling of Vacancy]
- (3) “If a vacancy shall occur in the office of mayor, the Legislative Body shall elect a mayor who shall possess all the rights and powers of mayor until the next municipal election and until a successor is elected and qualified.” [2.08.020(B) Mayor Pro Tem – Filling of Vacancy]
- (4) “The mayor shall preside at all meetings of the governing body, but shall not vote except in the case of a tie, when he/she shall cast the deciding vote.” [2.08.030 Presiding Officer]
- (5) “The mayor shall, by and with the advice and consent of the Legislative Body, appoint all appointive officers provided for by the city ordinances and by statute, and shall appoint all committees authorized by ordinance or resolution of the Legislative Body.” [2.08.050 Appointive Authority]
  - a. See the next slide for specific details on the Mayor’s “appointment powers”

# Mayor's Appointment Powers (Heber City Municipal Code)

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- (1) “The appointment of a person to be known as City Manager shall be by the governing body. Once approved by the governing body, the mayor shall sign the contract entered into with the City Manager on behalf of the city. Pursuant to Section 10-3b-302 of the Utah Code, (U.C.A.), 1953, the mayor may vote in the appointment or dismissal of a city manager, (U.C.A.), 1953.”  
[\[2.14.020 Appointment of City Manager\]](#)
- (2) “The Mayor, with the advice and consent of City Council, shall have the power to appoint, a competent and qualified person to the office of the City Recorder.” [\[2.16.005 Appointment\]](#)
- (3) “The Mayor, with the advice and consent of the City Council, shall have the power to appoint, a competent person to the office of the City Treasurer.” [\[2.20.005 Appointment\]](#)
- (4) “The Mayor, with the advice and consent of the Legislative body, shall have the power to appoint, during each term for which he/she is elected, a competent person to the office of the City Attorney(s) for not more than a four-year or said elective term with a contract. The Legislative Body may change or add City Attorney(s) duties or contract by a majority vote.” [\[2.24.010 Appointment\]](#)
- (5) “The Mayor, with the advice and consent of the City Council, shall have the power to appoint, during the term for which he/she is elected, a competent person to the office of the Airport Manager.” [\[2.30.010 Appointment\]](#)
- (6) “The Mayor, with the advice and consent of the City Council, shall have the power to appoint, during the term for which he/she is elected, a competent person to the office of the Chief of Police.” [\[2.36.025 Chief of Police – Appointment\]](#)

# The Council – Powers and Duties Generally

## (Heber City Municipal Code – 2.04.010 and 2.12.010)

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### [2.04.010(4) Form]

“4. The five at-large City Council members are the Legislative Body of the City per U.C.A. 10-3b-105; who also exercise executive and administrative powers per U.C.A. 10-3b-303(1)(a) & 10-3-705.”

### [2.12.010 Powers and Duties Generally]

“The Legislative Body shall perform such duties and have such powers as are now prescribed, or as may hereafter be prescribed by law and ordinance referring & subject to U.C.A. 10-3b-104, 105 & 10-3b-301, 302, 303:

- A. The City Council is the Legislative Body of the municipality who exercises the legislative powers, performs legislative duties and functions of the municipality; **and**
  - (1) Adopts rules and regulations, not inconsistent with statute, for the efficient administration, organization, operation, conduct, and business of the municipality;
  - (2) Shall prescribe by resolution duties, powers, and responsibilities for any elected or appointed municipal official, unless prohibited by statute;
  - (3) May require by ordinance that any or all appointed officers reside in the municipality;
  - (4) May create any office that the Legislative body considers necessary for the government of the municipality;
  - (5) Provides for filling a vacancy in an elective or appointive office;
  - (6) Shall pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and property to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city;
  - (7) May enforce obedience to the ordinances with fines or penalties

# The Council – Powers and Duties Generally

## (Heber City Municipal Code – 2.12.010 – Continued)

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- (8) Perform any function specifically provided for by statute or necessarily implied by law;
- (9) Exercises any executive or administrative power and performs or supervises the performance of any executive or administrative duty or function that has not been given to the mayor in U.C.A. 10-3b-104 or city code; or adopt an ordinance delegating to the mayor any executive or administrative power, duty, or function that the Legislative Body has;
- (10) Sets appropriate tax levies, adopts the City budget, sets sewer, water, and other utility rates, and other general and service rates & fees;
- (11) Shall consider and give its advice and consent to the Mayor on appointments of department heads and statutory officers and all proposed appointments to City boards or commissions;
  - (a) may assign any or all Legislative Body members, or the mayor, to supervise one or more administrative departments of the municipality
- (12) May remove from the mayor any power, duty, or function of the mayor under U.C.A 10-3b-104; or reinstate to the mayor any power, duty, or function previously removed;
- (13) If adopting an ordinance removing from or reinstating to the mayor a power, duty, or function this requires the affirmative vote of:
  - (a) the mayor and a majority of all other legislative body members; or
  - (b) all legislative body members except the mayor.
- (14) May require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of the municipality. The Legislative Body may by ordinance establish its own procedures for issuing subpoenas to require attendance and production under this section or it may issue subpoenas in its own name, per U.C.A. 10-3-610.
- (15) May pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct, or condition authorized by this act or any other provision of law. An officer of the municipality may not be convicted of a criminal offense where he relied on or enforced an ordinance he reasonably believed to be a valid ordinance. It shall be a defense to any action for punitive damages that the official acted in good faith in enforcing an ordinance or that he enforced an ordinance on advice of legal counsel per U.C.A. 10-3-702.
- (16) May regulate the use and operation of municipal property; may purchase or sell city property by ordinance; and declare surplus property by ordinance.
- (17) May also retain legal counsel as they determine, who is not the same as the City Attorney referenced in 2.24.”

# City Manager – Functions and Duties

## (Heber City Municipal Code – 2.08.010 and 2.14.040)

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### [2.08.010 General Duties]

“The City Manager shall be the **chief administrative officer** of the city to whom all employees of the city report.”

### [2.14.040 Functions and Duties]

- A. Section 10-3b-303, (U.C.A.), 2008, provides that the governing body in a municipality operating under a six-member council form of government may appoint a city manager to perform executive and administrative duties or function that the Legislative Body by ordinance, resolution, employment contract, or legislative motion delegates to the manager. The Legislative Body of the City can change such ordinances, resolutions, contract, motion, duties or functions by a majority vote. The Legislative Body supervises the performance of any executive or administrative duty or function within their powers per U.C.A. 10-3b-303(1)(a).
- B. The governing body may not delegate to the city manager:
  - 1. Any of the mayor’s legislative or judicial powers or ceremonial functions;
  - 2. the mayor’s position as chairman of the council; or
  - 3. any ex officio position that the mayor holds.
- C. The City Manager shall be the chief administrative officer of the city to whom all employees of the city report. The City Manager shall be responsible to the Legislative Body for the administration of all city affairs according to city ordinances, resolutions, motions, or contracts. The City Manager shall assist and report to the Legislative Body of the City in all executive or administrative duties.
- D. The City Manager shall act as purchasing agent for the city and review all claims as to their compliance with city contracts and authorized city budgets before presentation to the city council for payment; see that all goods purchased by and for the city are received as per contract.
- E. The City manager shall attend meetings of the governing body and shall be entitled at all times to any privilege of the floor for the purpose of speaking upon any question that pertains to his/her duties and responsibilities and shall recommend to the Legislative Body for adoption such measures as the Manager deems necessary or expedient. Straw polls, emails, or individual appointments shall not be used by the City Manager for Legislative Body motions or direction, except in emergencies.
- F. The City Manager shall keep the governing body advised and appraised as to the financial condition and needs of the city.
- G. The City Manager shall notify the Mayor and City Council of any emergency existing in any department of the city.
- H. Except for the purpose of inquiry, the city council and its members shall deal with the administrative service solely through the City Manager and neither the city council nor any member thereof or the mayor shall give order to any subordinates of the City Manager, either publicly or privately.”

# City Attorney – Duties

## (Heber City Municipal Code –2.24.020)

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### [2.24.020 Duties]

It is the duty of the City Attorney(s):

- A. To prosecute and defend in all courts all actions on behalf of the City, and defend all actions against any officer or agent of the City on account of official acts;
- B. To prosecute or defend the City or any City official in civil actions with the consent and approval of the City Council, and make the necessary affidavits and verification in such matters; also referring to U.C.A. 10-3-928;
- C. To advise and prepare the Legislative Body or its committees or any City officer on such legal questions as may arise in relation to the business of the City;
- D. Attend the meetings of the Legislative Body; and
- E. Having person knowledge of any violation of a City ordinance or upon receiving reliable information of any such violation, the City Attorney shall immediately institute the necessary steps to bring the offender to justice.
- F. Other duties as assigned by the Legislative Body, including reviewing or preparing proposed resolutions, ordinances, contracts, development agreements, etc.



# Attributes of Exceptional Councils

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1. Develop a sense of team – A partnership with city manager to govern and manage the city.
  - a. Common Purpose
  - b. Establish a core set of values that also values diversity in perspective, value different perspectives
  - c. Think and act strategically to examine issues on a course of action serving the city’s mission and goals
  - d. Workshops and team meetings are tools to build team building
  - e. Create clear protocols, boundaries and rules (norms of behavior) that must be followed to quell acrimony before it even becomes a problem
  - f. Councilmembers have the ability to respectfully disagree
2. Exceptional councils hold themselves and the city accountable. Exceptional councils operate openly, ethically and work to engage the community in a myriad of decisions impacting the prosperity and well-being of their community.
3. Have clear roles and responsibilities that are understood and adhered to. Focusing and aligning plans, policies, agreements and budgets in line with the vision of the city; and holding themselves and the city manager accountable for results



# Attributes of Exceptional Councils Continued

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4. Exceptional councils understand their role is to serve as POLICY MAKER- represent the values, beliefs and priorities of their community while serving in the community's best interest
5. Carry out a variety of responsibilities including:
  - i. developing and adopting a vision for the city;
  - ii. focusing and aligning plans, policies, agreements and budgets in furtherance of this vision; and
  - iii. holding themselves and the city manager accountable for results.
6. Understanding that the city manager is responsible for the day-to-day operations of the city. The city manager is responsible for undertaking and accomplishing the policy objectives of the council.
7. Exceptional councils recognize the subject matter expertise of staff and utilize their knowledge and experience to guide and inform decision making.
8. Having role clarity between the mayor, city council and city management is critical to mutual success. Having clear protocols helps avoid misunderstanding and avoid micromanagement.



# Attributes of Exceptional Councils Continued

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## 9. Communication is essential:

- a. Respectful exchanges
- b. Separate the people from the problem, fix the problem, don't blame the people.
- c. No Complaining, and No Blaming. Be constructive in handling issues and focus on brainstorming solutions.
- d. Accept responsibility for mistakes and move on

## 10. Councils should support their city manager:

- a. By giving him or her permission to take risks and act in an entrepreneurial manner
- b. Provide clear directions with a unified voice
- c. Don't bypass the city manager. Keep interactions with department heads, not their employees, and do not direct them, that is the city manager's job, not the council's.
- d. Assist city manager in translating your policy interests and priorities to achieve action.
- e. Be sensitive to the need to pace the organization and manage priorities, workload and expectations.



# Attributes of Exceptional Councils Continued

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11. In Turn, the City Manager can support the council by:

- a. Treating the council with respect, as a partner and as the employer and tell the unvarnished truth,
- b. Acting within his or her comfort level on council requests and advise the entire council when possible,
- c. Establishing individual relationships with each member of the council to help each council member be effective,
- d. Listening to the council and seeking to understand the council's roll and needs,
- e. Respecting council-to-council and council-to-constituent relationships,
- f. Being politically astute but NOT political,
- g. Communicating with the council and keeping the council as equally informed as possible.

# Separation of Duties

## A case study

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Let's imagine a cashier in your entity receives cash to pay a customer's utility bill, but doesn't record the payment into the accounting record (or voids the receipt), and then subtracts out the amount owed on the customer's account. Since the cashier has both custody of the cash and access to the accounting record, the cashier can steal the cash without detection. Even the utility customer will not notice, since the customer's monthly owed amount was adjusted by the amount the customer paid.



# Chain of Command

Think about an assembly Line for a car

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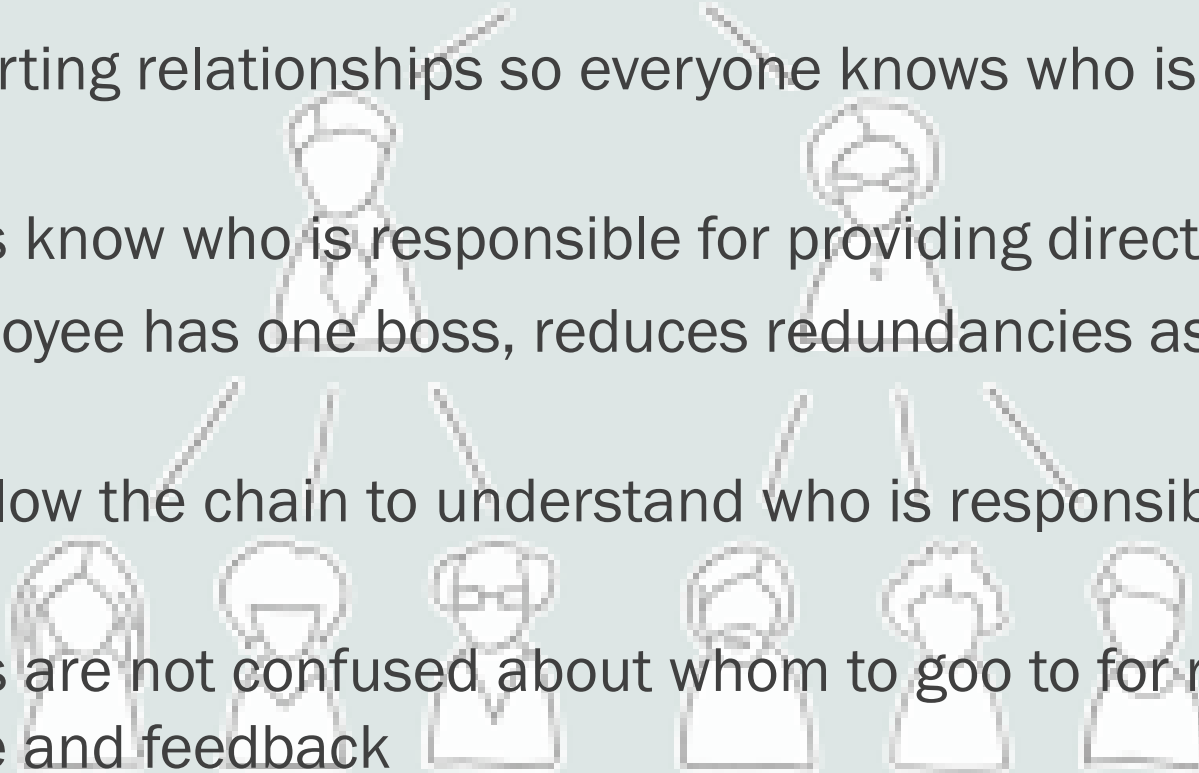
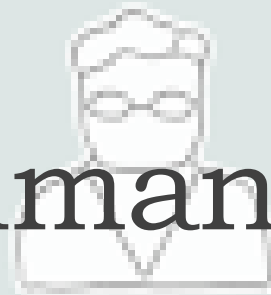


- Each person in the line specializes in a specific part of the car
- Each specialty does not know the other parts of the car
- Management coordinates and communicate and put the picture together
- Creates effective coordination, accountability and organization
- A chain of command exists in most organizations to assure efficient and accurate communication, orderly and organized business operations, and proper allocation of time and resources. When the chain of command is broken, however, the entire business can suffer.

# Chain of Command Advantages

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- Clear reporting relationships so everyone knows who is responsible for what.
- Employees know who is responsible for providing direction
- Each employee has one boss, reduces redundancies as well as conflicting directions
- Easy to follow the chain to understand who is responsible for accountability purposes.
- Employees are not confused about whom to go to for resources, assistance and feedback



# Chain of Command Gone Wrong

## Example: Military

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Prior to the 1980's there was little to no structure to outline chain of command and correlation between different branches of the military. Failure to have an established course of action, responsibility of communication, coordination and defining of rules, led to several military failures.



# Chain of Command Gone Wrong

## Response to Failures

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The Chain of Command Title 10 U.S.C. §162 specifies that the chain of command for military operations goes from the President, to the Secretary of Defense, to Commanders of Combatant Commands. The Chairman of the Joint Chiefs of Staff acts as an intermediary, transmitting orders between the Secretary of Defense and the Commanders of Combatant Commands.

- Articulates how DOD assigns responsibility for different missions and areas of the world.
- Sets forth basic guidance to all unified combatant commanders; establishes their missions, responsibilities, and force structure; delineates the general geographical area of responsibility for geographic combatant commanders; and specifies functional responsibilities for functional combatant commanders

# Chain of Command Gone Wrong

## Family Company Example

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Alberto Sanchez, 3<sup>rd</sup> Generation family member that didn't like the direction company was moving investing in two new lines of business while no longer reinvesting in the original business. He expressed resentment by demanding lengthy reports from members of management, giving directions to staff, and pointing out how short-sighted he felt management's decisions had been.

- Staff confused and uncomfortable with conflicting directions
- One executive actually got ulcers, she would throw up with prior to meetings with Sanchez
- He felt he had the right to talk to anyone in the company with his position

Two Break downs in chain of command:

1. The Board should have informed Sanchez why they were moving markets, because the original market was dwindling. This Communication could have resolved an issue before it occurred.
2. Communication should have occurred to explain why the chain of command is important and how his disregard affected employees and the company and explain what actions are and are not appropriate for his position.

# Chain of Command Gone Wrong

## Business Example

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Common issue is when an employee skips up the ladder, reporting to a supervisor above the assigned supervisor, or an upper-level executive dips down below the intermediate supervisor.

Ramifications:

- Middle supervisor is left out and has no opportunity to remedy the problem itself and is also not able to apply a policy across to other employees, if necessary and is unable to make informed decisions for his or her department.
- Demonstrates a lack of respect and courtesy and deteriorates trust and can lead to negative work environments, undermining, low confidence, increased stress and resentment.
- Leads to confusion, often the higher ups don't know the intricacies of the intermediary's position and can make misinformed decisions that may not be best for the business.
- Efficiency is also diminished creating a system of micromanagement and diluting the duties of the manager that is dipping down, which distracts the manager from his or her actual duties.



# Applying Chain of Command to Heber City

# Pitfall: City council members should have little to no role with individual employees

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1. Councils appoint the highest officials of city, such as city manager or city attorney, but otherwise, individual members and the council as a body have virtually no role with regard to individual city employees.
  - a. Think of your role as similar to that of a resident in your city: an “Interested outsider” looking at the city employment structure
2. Legislative Immunity is limited. Interactions, directions and actions toward individual employees is not only inappropriate but can also open council members, individually or as a whole, to liabilities because the member or members are no longer protected when they step beyond the parameters of their position and are acting “outside the sphere of legitimate legislative activity.”
  - a. Actions should be limited to furthering general city policy, anything outside of that can conceivably lack immunity if they relate to specific individuals.
3. Council members are meant to act as part of the council, not individually. The council conducts city business **ONLY** through duly convened meetings “in the full view of the public.”
  - a. Unilateral action may lose the sanction of the law
  - b. Council members may lose certain protections and immunities from liability;
  - c. Council member actions may more easily be rescinded or disputed when acting individually
  - d. Employees and appointees are likely to be confused and conflicted on how they should act or to whom they should report

# Practical Advice for Council Members Dealing with Employees

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- **Refrain dealing directly with employees outside of social niceties, unless it is a part of one's obligations to the city**
- **Proceed as part of properly convened city council meetings and not individually:** If a council member must become involved in decisions with respect to an individual employee, do not act unilaterally but as part of the council.
- **The city manager or other appropriate city employee should interface with employees.** This is true even for matters of public interest. If city residents object to the conduct of particular employees, the council can respond by asking the city manager to investigate and take appropriate action regarding the objections.
- **Consult with legal counsel.** If in doubt, contact attorney on your roles
- Employees can feel intimidated and conflicted by interactions with council members as council members are elected officials that carry a sense of importance

# Conflict Management Skills

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1. Active Listening
2. Emotional Intelligence
3. Patience
4. Impartiality
5. Positivity
6. Open Communication

# Conflict Resolution Skills

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1. Use *yes, and* statements.
2. Don't point fingers.
3. Let the person explain themselves, and actively listen.
4. Use *I* statements.
5. Maintain a calm tone.
6. Show a willingness to compromise or collaborate.
7. Don't talk behind people's backs.
8. Don't take anything personally.
9. Pay close attention to nonverbal communication.
10. Prioritize resolving the conflict over being right.
11. Know when to apologize and forgive.
12. Focus on the conflict at hand and not past ones.
13. Use humor, when appropriate.
14. Remember the importance of the relationship.



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**Thank you**

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A CRAIG HALE   HALE | WOOD, PLLC   4766 S. HOLLADAY BLVD., HOLLADAY, UTAH 84117

(801) 930-5101 (PHONE) / (801) 208-8995 (FAX) / [ACHALE@HALEWOODLAW.COM](mailto:ACHALE@HALEWOODLAW.COM)

# **REGULAR MEETING**

# **General Business Items**

**TAB 3**

# LET'S RAP

*about the difference you can  
make to Wasatch Recreation,  
Arts and Parks*



RAP provides a way

---



RAP can:

RAP is  
important to  
your  
constituents  
who:

- Ride a bike
- Play pickle ball
- Ride a horse
- Play an instrument
- Skateboard
- Use the pavilions
- Take a hike
- Enjoy the rivers
- Attend the theater



# How RAP works:

It's simple...

Wasatch County Council elects to place RAP on ballot

Majority of Voters approve RAP for ten years

Funds are collected & organizations apply annually

Funding awarded

# How does the County collect RAP?



It's about **pennies**. And pennies add up



Example: You spend \$10 on greeting cards → RAP adds 1/10 of 1% or one penny



If you buy greeting cards, and your friend does – **the pennies add up!**



RAP will not be applied to groceries or gasoline



What are we doing now?

WASATCH  COMMUNITY  
FOUNDATION

 THE  
**Heber**  
**Valley** UTAH

  
**HEBER CITY**  
HEART OF THE WASATCH BACK

wasatch county  
**arts**  
council



Midway



# THE NITTY GRITTY LIST



- **Executable Strategy**
  - Day-by-day or week-by-week roadmap with planned milestones that breakdown each organization's goal
- **Creative**
  - Visual
    - Graphic design & branding
      - Website, collateral, etc.
    - Photography, video and audio
  - The Written Word
    - Advertising copy, blog and social media posts
    - Issue development, speaking notes

# THE NITTY GRITTY LIST



- **Targeting & Marketing**

- Traditional Advertising

- Media buying (television, radio)
- Direct mail (design, print, send)
- Billboard

- Digital Advertising

- Text message strategy
- Email strategy
- Social media (paid, organic)
- Best practices (Retargeting, local website buys, programmatic advertising)
- "Cable-cutter" buys (e.g. Hulu, Verizon, Roku, YouTube)

- Direct Consumer Contact

- Paid phone calls
- Paid canvassing

# THE NITTY GRITTY LIST



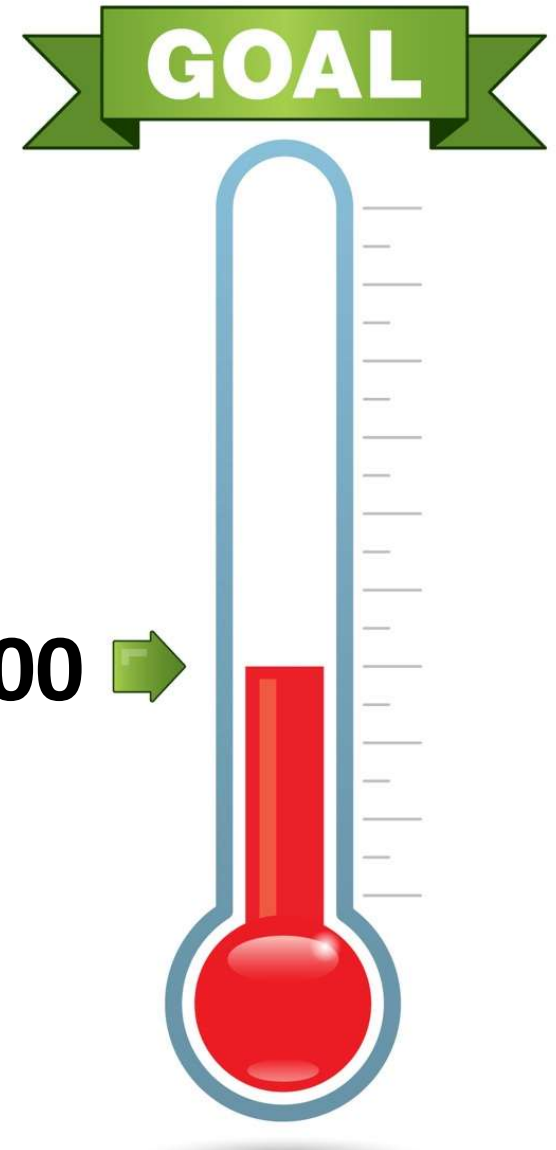
- **Tested Messaging**
  - No nonsense polling
  - Focus group message testing
- **Public and Influencer Relations**
  - Individual reporter pitches, media advisories, press releases, press events
  - Creation of influencer contact list



**\$39,411**

# WASATCH RAP TAX

Personnel	Budget
Direct Mail	\$5,765.19
Polling / Targeting	\$2,800.00
Call Center	\$3,500.00
Paid Grassroots	\$2,500.00
Digital Targeting, Ads, Social, Media Buy	\$7,500.00
P2P Texting	\$1,640.65
Doorhangers / Handouts (7,500)	\$704.99
Total Operating Expenses	\$24,411.19
Management Fee	\$15,000.00
<b>Total Expenses</b>	<b>\$39,411.19</b>



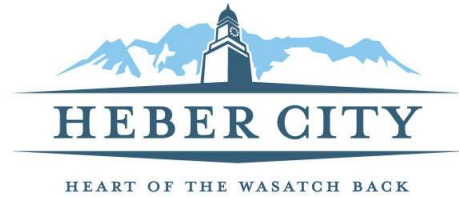
Come RAP with  
us!

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# **ACTION ITEMS**

# TAB 6

# City Council Staff Report



**MEETING DATE:** 08/16/2022

**SUBJECT:** Heber Valley Special Service District Fees

**RESPONSIBLE:** Mindy Kohler Treasurer; Wesley Bingham, Finance Manager

**DEPARTMENT:** Administration

**STRATEGIC RELEVANCE:** Necessary Administrative Action

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## SUMMARY

In the last year, Heber Valley Special Service District prepared a rate study to address capital needs at the treatment plant. The development of the rate study brought to light the inadequacies of the rate structure that has been in place since the 90s. The old rate was \$1.50 per ERU and .52/per 1,000 gallons. Recently, the district increased its rates to \$14.65 per ERU and .65/per 1,000 gallons.

Previously the HVSSD fee has been included in Heber City's sewer rate and was not charged on an ERU basis. It was charged as one base rate of \$1.50 per account and .52/per 1000 gallons to all customers, which was a minimal impact to customers. Because of the substantial rate increase it has been necessary to change the calculation method to ensure that customers are billed in an equitable way and that the City's liability to cover the cost of treatment service is met. This has been done by assigning additional ERUs to higher volume commercial users either by using the number of ERUs assigned to the project during the building permit process or by calculating the ERUs based on their actual usage. To add simplicity and consistency to the billing staff requests that the rate be adopted at \$18.00 per ERU.

An ERU or "equivalent residential unit" for water usage is generally equivalent to 5,000 gallons.

## RECOMMENDATION

Approve Resolution 2022-21 to increase the HVSSD fee to \$18.00 per ERU for the months of June, July and August 2022. A second rate resolution will be brought forward in September to make further adjustments to the sewer rate billing methodology.

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## BACKGROUND

### **Rate Study conducted by Heber Valley Special Service District**

Approximately two years ago, the Heber Valley Special Service District board engaged Zion's Public Finance to prepare a rate study for the operation of the sewer treatment plant. The study was completed in October of 2021 and recognized significant capital investment was needed. The recommended rates result from the study and the associated costs of expanding the plant. The new rates went into effect on July of 2022.

## **Implementing the new rate structure**

In April, a meeting was scheduled with staff from Heber City, Midway Sanitation District (MSD) and HVSSD to discuss the new rate and how it would be billed to customers. Heber City and MSD staff felt that the substantial increases for sewer treatment necessitated the need for additional transparency on the monthly billing by showing the fee in a new line item. Without having the additional transparency called out on the billing, staff felt that further questions would arise. During the April meeting, it was discussed that based on billing, a flat rate of \$18 per ERU would generally be equivalent to a charge of \$14.65 plus \$3.25 for the typical volume. The intent of charging a flat \$18 was to allow uniformity across all jurisdictions that use the sewer treatment plant so that Midway residents would pay the same as Heber and Wasatch County users. It would also eliminate questions if the billing amounts remained the same in future years.

The new rate was implemented June 1, 2022 to meet the increased billing amount from HVSSD on July 1, 2022.

## **DISCUSSION**

During the implementation of this increased fee and change in billing structure it was determined that there was some discrepancy in the ERUs initially assigned to some commercial users at the time their building permit was issued versus what their actual usage would now call for. Staff has received a complaint from a high-volume commercial user about how the ERUs are being calculated for their billing. Staff is working with HVSSD and the Engineering department to determine the correct way to capture the impact of high-volume usage on the system and also be mindful of the financial impact this increase has on their business. It is important to note that not assessing high-volume users ERUs based on their historical usage will result in citizens subsidizing those businesses. We have detailed the impact to customers of the old rate and new rate below.

### **HVSSD Rate Increase**

#### Previous Billing Structure

Base Rate	\$1.50 per account
Usage Rate	0.52 per 1000 gallons

#### Impact to Customers

- Average Residential User \$4.10 – based on 5000 gallon average usage
- Average Commercial User \$14.80 – based on 25500 gallons, commercial average usage
- High Commercial User \$781.50 – based on 1.5 million gallon average usage

#### Revised HVSSD Billing Structure

Flat Rate	\$18.00 per ERU
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#### Impact to Customers

- Average Residential User \$18.00 – based on 1 ERU per residential home
- Average Commercial User \$90.00 – based on 5 ERUs, average number of commercial ERUs
- High Commercial User \$5,400.00 – based on 300 ERUs, 1.5mil

The result of this research may result in a future request to change of the billing structure from a flat rate to the recommended \$14.65 per ERU plus .65/per 1000 gallons of usage from the HVSSD study. At this time, staff recommends that the fee of \$18.00 per ERU be approved for all customers for the months of June, July and August.

### **FISCAL IMPACT**

With the changes in how the billing is recognized as a vendor instead of a pass-through billing for HVSSD, the budget will need to be amended to include both the revenue and expenditures. This amendment will be brought forward later this fiscal year.

### **CONCLUSION**

Approve the proposed resolution 2022-21 adopting the increased HVSSD fee for June, July and August.

### **ALTERNATIVES**

### **CONTRACT ACCOUNTABILITY**

**Department:** Administration

**Staff Member:** Wesley Bingham, Finance Manager, Mindy Kohler, Treasurer

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### **EXHIBITS**

- A. Resolution 2022-21 Adopting HVSSD rate increase for June, July and August 2022

[Pages 4-6]

**HEBER CITY, UTAH  
RESOLUTION NO. 2022-21**

**A RESOLUTION ADOPTING A RATE INCREASE FOR THE MONTHS OF JUNE, JULY AND  
AUGUST, 2022 TO MEET INCREASED COSTS IMPLEMENTED BY HVSSD’S FINANCIAL PLAN  
AND RATE STUDY.**

**WHEREAS**, Heber Valley Special Service District (HVSSD, or District), having initiated a “Financial Plan and Rate Study” in 2021, conducted a review of its rates; and

**WHEREAS**, by resolution, in October, 2021, the District increased those rates to the municipalities that HVSSD serves throughout Wasatch County, and made them effective as of July 1<sup>st</sup>, 2022; and

**WHEREAS**, the purpose of the District rates is to generate sufficient annual revenue to pay the capital repayment costs, and the District’s Capital Projects Fund. These annual costs are distributed to all users of the wastewater system in proportion to each user’s proportion of “Equivalent Residential Units (ERU’s).” The number and type of hookups, and flow characteristics are used as the basis for determining the number of ERU’s to insure proper and equitable distribution of costs to each user. The District determines these total annual costs for said capital repayment, which are necessary to fully fund all outstanding indebtedness, and maintain said Capital Fund; and

**WHEREAS**, pursuant to a particular Agreement between the District and Heber City, dated *August 6, 1979*, Heber City is contractually obligated to pass those rates onto residents and commercial users of the District’s Waste Water Treatment and Disposal Facilities; and

**WHEREAS**, to comply with said Agreement, and meet the District’s increased rate requirement to the City, Heber City increased its individual billings to its respective citizen customers, effective as of June 1<sup>st</sup>, 2022; and

**WHEREAS**, the City will review, return and establish ongoing rates hereafter, and update the consolidated fee schedule.

**NOW, THEREFORE, BE IT RESOLVED**, as a result, Heber City hereby adopts a rate increase for the months of June, July and August, 2022, for services rendered by and through the HVSSD Waste Water Treatment and Disposal Facilities, as detailed and articulated in the attached Exhibit A.

**ADOPTED AND PASSED** by the City Council of Heber City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

	AYE	NAY
Council Member Mike Johnston	_____	_____
Council Member Rachel Kahler	_____	_____

Council Member Ryan Stack

\_\_\_\_\_

Council Member Scott Phillips

\_\_\_\_\_

Council Member Yvonne Barney

\_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Mayor Heidi Franco

ATTEST:

\_\_\_\_\_ Date: \_\_\_\_\_

RECORDER

**EXHIBIT "A"**

## HVSSD Rate Increase

### Previous Billing Structure

Base Rate                    \$1.50 per account  
Usage Rate                 0.52 per 1000 gallons

### Impact to Customers

- Average Residential User            \$4.10 – based on 5000 gallon average usage
- Average Commercial User            \$14.80 – based on 25500 gallons, commercial average usage
- High Commercial User                \$781.50 – based on 1.5 million gallon average usage

### Revised HVSSD Billing Structure

Flat Rate                    \$18.00 per ERU

### Impact to Customers

- Average Residential User            \$18.00 – based on 1 ERU per residential home
- Average Commercial User            \$90.00 – based on 5 ERUs, average number of commercial ERUs
- High Commercial User                \$5400.00 – based on 300 ERUs, 1.5mil gallon/5000