



South Salt Lake City Council
AMENDED REGULAR MEETING AGENDA

Public notice is hereby given that the South Salt Lake City Council will hold a Regular Meeting on Wednesday, July 13, 2022 in the City Council Chambers, 220 East Morris Avenue, Suite 200, commencing at 7:00 p.m., or as soon thereafter as possible. The meeting can be viewed on Ustream. The link can be found on the City Council page on the City's website sslc.com/city-government/council-meetings

Conducting: LeAnne Huff, District 1
Council Chair: Sharla Bynum
Sergeant at Arms:

CITY COUNCIL

MEMBERS:

- LEANNE HUFF
COREY THOMAS
SHARLA BYNUM
PORTIA MILA
SHANE SIWIK
NATALIE PINKNEY
CLARISSA WILLIAMS

220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE
UTAH
84115
P 801.483.6027
F 801.464.6770
SSLC.GOV

Opening Ceremonies

- 1. Welcome/Introductions LeAnne Huff
2. Serious Moment of Reflection/ Pledge of Allegiance Corey Thomas

Approval of Minutes

- May 25, 2022 Regular Meeting
June 8, 2022 Work Meeting
June 8, 2022 Regular Meeting
June 15, 2022 Regular Meeting

No Action Comments

- 1. Scheduling City Recorder
2. Information Chief Addison
a. Fireworks Update Barbara Townsend
b. Jordan Valley Water Property Tax Increase
3. Citizen Comments/Questions
a. Response to Comments/Questions (at the discretion of the conducting Council Member)
4. Mayor Comments
5. City Attorney Comments
6. City Council Comments

Action Items

Appointments by the Mayor

Unfinished Business

- 1. A Resolution of the South Salt Lake City Council Amending the South Salt Lake City Council Rules of Procedure Sharla Bynum
2. A Resolution of the South Salt Lake City Council Naming the Community Garden Located at 3065 South 400 East as Fitts Park Community Garden Sharen Hauri
3. A Resolution of the South Salt Lake City Council Approving the Purchase of Certain Real Property Located at 2650 S. Main St. Sharen Hauri

**New Business**

1. An Ordinance of the South Salt Lake City Council Amending Section 2.60.020 of the South Salt Lake City Municipal Code to bring the City's Selection Requirements Regarding Employment of Relatives and Household Members in Line with State Law Sharla Bynum
  
2. Consideration for Adoption of A Resolution of the City Council of the City of South Salt Lake, Utah, Authorizing the Issuance and Sale of not more than \$10,000,000 Aggregate Principal Amount of Water Revenue Bonds, Series 2022, and Related Matters Crystal Makin

**Motion for Closed Meeting**

Closed meeting held pursuant to Utah Code Annotated, 1953, as amended, Sec. 52-4-204, Sec. 52-4-205 (1) (d) and (e), et seq. for the following purposes: Strategy Session to discuss the sale, purchase, exchange or lease of real property

**Adjourn**

Posted July 12, 2022

Those needing auxiliary communicative aids or other services for this meeting should contact Craig Burton at 801-483-6027, giving at least 24 hours' notice.

**Citizen Comments/Question Policy**

Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business. When a member of the audience addresses the Council and/or Mayor, they will come to the podium and state their name and City they reside. Citizens will be asked to limit their remarks/questions to five (5) minutes each. In meetings during which numerous individuals wish to comment, the time for all citizen comments may be limited to three (3) minutes each, at the discretion of the conducting Council Member. The conducting Council Member shall have discretion as to who will respond to a comment/question. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks. Some comments/questions may have to wait for a response until the next regular council meeting. The conducting Council Member will inform a citizen when they have used the allotted time. Grievances by City employees must be processed in accordance with adopted personnel rules.

**CITY OF SOUTH SALT LAKE  
CITY COUNCIL MEETING**

**COUNCIL MEETING** Wednesday, July 13, 2022  
7:05 p.m.

**CITY OFFICES** 220 East Morris Avenue  
South Salt Lake, Utah 84115

**PRESIDING** Council Chair Sharla Bynum

**CONDUCTING:** LeAnne Huff

**SERIOUS MOMENT OF REFLECTION/  
PLEDGE OF ALLEGIANCE** Corey Thomas

**COUNCIL MEMBERS PRESENT:**  
Sharla Bynum (Zoom), LeAnne Huff, Portia Mila (Zoom), Natalie Pinkney,  
Shane Siwik (via phone), Corey Thomas and Clarissa Williams

**STAFF PRESENT:**  
Mayor Wood (Zoom)  
Josh Collins, City Attorney (Zoom)  
Crystal Makin, Finance Director  
Terry Addison, Fire Chief  
Randy Sant, Interim Community Development Director  
Sharen Hauri, Neighborhood's Director  
Kelli Meranda, Promise South Salt Lake Director  
Julie Taylor, Communications and Outreach Manager  
Craig Burton, City Recorder  
Ariel Andrus, Deputy City Recorder

**APPROVAL OF MINUTES**

- May 25, 2022 Regular Meeting
- June 8, 2022 Work Meeting
- June 8, 2022 Regular Meeting
- June 15, 2022 Regular Meeting

Council Member Pinkney made a motion to approve the minutes as listed.

MOTION: Natalie Pinkney  
SECOND: Clarissa Williams

Roll Call Vote:

- Bynum: Yes
- Huff: Yes
- Mila: Yes
- Pinkney: Yes
- Siwik: Yes
- Thomas: Yes
- Williams: Yes

**NO ACTION COMMENTS**

1. **SCHEDULING.** The City Recorder informed those at the meeting of upcoming events, meetings, activities, etc.
2. **INFORMATION**
  - a. **Fireworks Update.** Fire Chief, Terry Addison, gave an update on the City’s fireworks this holiday season.
  - b. **Jordan Valley Water Property Tax Increase.** The presenter from Jordan Valley was not in attendance.
3. **CITIZEN COMMENTS/QUESTIONS. Liliah Roosenfield, Resident of South Salt Lake.** She spoke against the Elway Motors car dealership projected to be added in the South Salt Lake Downtown area. She does not feel that a luxury dealership fits in the area where this project is being proposed. Other uses for the area were suggested.

**Raven Van Nacht, Resident of South Salt Lake.** She spoke against the Elway Motors Group car dealership. She also feels that there are better uses for the area.

**Sophie, Resident of South Salt Lake.** She gave the Council feedback on the first Flashvote survey that was sent out to South Salt Lake residents. She feels that the City needs better communication with the residents such as monthly newsletter that residents can opt into. She would also like to see better infrastructure such as sidewalks in the City and updated streetlighting and she didn’t see those things budgeted for in the current budget.

**Maryna Detsynra, Resident of South Salt Lake.** She has lived in the City for about six months. She moved here from Ukraine and there are few other refugees around the area as well. They regularly have meet ups and Fitts Park is a convenient area. She asked for their next month meet up if the fee for the pavilion could be waved.

Council Member Huff read a comment from Aeon Johnson. A copy is attached and incorporated by this reference.

- 4. MAYOR COMMENTS..** Mayor Wood thanked staff and volunteers that were involved in the Fourth of July celebrations. The Granite Library ribbon cutting will be happening Friday this week. She is grateful to Salt Lake County for honoring Granite High School so well in the new library.

Interim Community Development Director, Randy Sant, gave an update on the Elway Motors Group project. The dealership will be a Porsche dealership. The South Salt Lake RDA doesn't own this property but rather is owned by Boyer. The Porsche dealership will take up about 3 acres of the total 5.5 acres. There will be 2.5 acres for other development on this property. The development team is currently working with other interested parties including a multi-family developer that is looking to put a substantial development on the additional land. This dealership will bring significant sales tax revenue to South Salt Lake which could help the City in several ways. More information such as site plans will be shared in the future.

Council Member Siwik asked Mr. Sant to put this dealership in relation with the top ten sales tax producers in the City.

Mr. Sant said that the Porsche dealership will be the number one or number two sales tax producer once built. Tesla is the current sales tax producer in the City.

- 5. CITY ATTORNEY COMMENTS.** None.
- 6. CITY COUNCIL COMMENTS.** Council Member Pinkney said she was very sad to miss this year's Fourth of July parade due to COVID. There have been a lot of conversations about the Elway Motors project, and she still believes there are better uses for this property. She feels that the City should be working towards a more walkable City and believes there could be innovative ways to bring in sales tax.

Council Member Williams said she had a good time at the Fourth of July Parade. She addressed the resident, Sophie, and let her know there is a monthly Mayor newsletter that she can sign up for. She also welcomed Ms. Detsynra to South Salt Lake. She discussed why she believes the Porsche dealership will be benefit to the City.

Council Chair Bynum apologized for not being at the meeting in person as she has been exposed to COVID.

Council Member Mila apologized for not being at the meeting in person as she had a work conflict. She thanked everyone for all their efforts with the Fourth of July parade this year.

Council Member Siwik wished everyone out with COVID a speedy recovery.

Council Member Huff said that this weekend the National Suicide Prevention hotline will transition to using 988.

**ACTION ITEMS**

**APPOINTMENTS BY THE MAYOR**

**Lorrina Heisey for a Regular Civilian Review Board Member.**

Council Member Williams made a motion to give advice and consent for Lorrina Heisey to serve as an alternate Civilian Review Board Member.

MOTION: Clarissa Williams

SECOND: Natalie Pinkney

Roll Call Vote:

Bynum: Yes  
Huff: Yes  
Mila: Yes  
Pinkney: Yes  
Siwik: Yes  
Thomas: Yes  
Williams: Yes

**Tara Shuppe for Alternate Civilian Review Board Member.**

Council Member Pinkney made a motion to give advice and consent for Tara Shuppe to serve as an alternate Civilian Review Board Member

MOTION: Natalie Pinkney

SECOND: Corey Thomas

Roll Call Vote:

Bynum: Yes  
Huff: Yes  
Mila: Yes  
Pinkney: Yes  
Siwik: Yes  
Thomas: Yes  
Williams: Yes

**UNFINISHED BUSINESS**

- 1. A Resolution of the South Salt Lake City Council amending the South Salt Lake City Council Rules of Procedure.** Council Chair Bynum gave a brief update on what changes were made in the Council rules. Two main changes were to how citizen can submit written comments to the Council and requiring City Council Members to only use City email for City business.

Council Member Williams made a motion to approve this Resolution

MOTION: Clarissa Williams

SECOND: Natalie Pinkney

Roll Call Vote:

Bynum: Yes  
 Huff: Yes  
 Mila: Yes  
 Pinkney: Yes  
 Siwik: Yes  
 Thomas: Yes  
 Williams: Yes

- 2. A Resolution of the South Salt Lake City Council naming the Community Garden located at 3065 South 400 East as Fitts Park Community Garden.** Neighborhoods Director, Sharen Hauri, said that naming choice of the new community garden was given to community garden members and a majority picked the Fitts Park Community Garden as the name. A copy of the Resolution is attached and incorporated by this reference.

Council Member Pinkney made a motion to approve this Resolution

MOTION: Natalie Pinkney

SECOND: Clarissa Williams

Roll Call Vote:

Bynum: Yes  
 Huff: Yes  
 Mila: Yes  
 Pinkney: Yes  
 Siwik: Yes  
 Thomas: Yes  
 Williams: Yes

- 3. A Resolution of the South Salt Lake City Council approving the Purchase of Certain Real Property located at 2650 South Main Street.** Ms. Hauri gave a summary of this property purchase. A copy of the Resolution is attached and incorporated by this reference.

Council Member Thomas made a motion to approve this Resolution

MOTION: Corey Thomas  
SECOND: Clarissa Williams

Roll Call Vote:

Bynum: Yes  
Huff: Yes  
Mila: Yes  
Pinkney: Yes  
Siwik: Yes  
Thomas: Yes  
Williams: Yes

**NEW BUSINESS**

- 1. An Ordinance of the South Salt Lake City Council amending Section 2.60.020 of the South Salt Lake City Municipal Code to bring the City's selection requirements regarding employment of relatives and household members in line with State Law.** Council Chair Bynum said in a lot of organizations are having issues hiring employees, so the City is trying to think of ways to remove barriers and make hiring individuals a little easier. The City's current code is a little stricter than State code on hiring relatives. The City would like to update this section of the code to align with State code.

Promise South Salt Lake Director, Kelli Meranda, said that over the last couple of years they have struggled with hiring in the Promise South Salt Lake department. There is many part- and full-time positions that are doing direct service work with the community members and they have looked at a lot of different ways to recruit and retain employees. If Promise is not fully staffed it reduces the number of children that can be accepted into the programs. Currently there are seven open full-time positions within the Promise program and thirteen part-time.

Mayor Wood said there are issues throughout the City with positions that are hard to fill for six or more months.

City Attorney, Josh Collins, said he took language from State code regarding employment of relatives and household members and put it into City code with a reference to the Utah code 52-3-1. One major difference with current City code and State code is that relatives of elected officials or appointed officials in South Salt Lake could not work anywhere in the City and that is not restricted under State law. Under State law the restriction is that a relative of an employee cannot work directly under that person.

A majority of the Council agreed that following State code is appropriate for the City on this matter.

Council Member Williams made a motion to suspend the rules in order to pass this Ordinance at this meeting



MOTION: Clarissa Williams

SECOND: Natalie Pinkney

Roll Call Vote:

Bynum: Yes  
Huff: Yes  
Mila: Yes  
Pinkney: Yes  
Siwik: No  
Thomas: Yes  
Williams: Yes

Council Member Siwik stated a point of personal privilege and said he feels that suspending the rules on this matter is very irresponsible of the Council

Council Member Williams made a motion to approve this Ordinance

MOTION: Clarissa Williams

SECOND: Natalie Pinkney

Roll Call Vote:

Bynum: Yes  
Huff: Yes  
Mila: Yes  
Pinkney: Yes  
Siwik: No  
Thomas: Yes  
Williams: Yes

Council Member Pinkney stated a point of personal privilege and said that this code change aligns with State code so she doesn't feel like that is irresponsible

Council Chair Bynum stated a point of personal privilege and said she was not anticipating suspending the rules on this item but feels this is a time sensitive matter that should be passed tonight.

- 2. Consideration for adoption of a Resolution of the City Council of the City of South Salt Lake, Utah, authorizing the issuance and sale of not more than \$10,000,000 aggregate principal amount of Water Revenue Bonds, Series 2022; and related matters.** Finance Director, Crystal Makin, said during budget season there were discussions about the need for a new water well in the City. The City received approval from the Department of Water Resources for funding for the well in the amount of \$8.5 million dollars. This Resolution supports the water bond. A copy is attached and incorporated by this reference.

Alex Buxton with Zions Bank reviewed information and answered questions as needed. There will be a public hearing held on this bond at the August 24 Regular City Council meeting. He explained that this is a super parameters bond and explained what that means for the City.

Council Members Williams asked if the cost of the well projected is more than the bond amount.

Ms. Makin said that the engineers gave the City a cost projection when the City applied for this bond and cost adjustments were taken into account.

Council Member Pinkney made a motion to move this item to Unfinished Business for July 27 Regular Meeting

MOTION: Natalie Pinkney  
SECOND: Clarissa Williams  
Voice Vote:

Bynum: Yes  
Huff: Yes  
Mila: Yes  
Pinkney: Yes  
Siwik: Yes  
Thomas: Yes  
Williams: Yes

**Motion for Closed Meeting**

Strategy session to discuss the sale, purchase, exchange or lease of real property

MOTION: Clarissa Williams  
SECOND: LeAnne Huff  
Roll Call Vote:

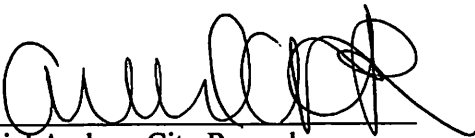
Bynum: Yes  
Huff: Yes  
Mila: Yes  
Pinkney: Yes  
Siwik: Yes  
Thomas: Yes  
Williams: Yes

Council Member Pinkney made a motion to adjourn.

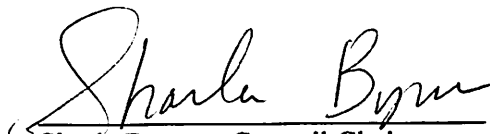
MOTION: Natalie Pinkney  
SECOND: Sharla Bynum  
Voice Vote:

Bynum: Yes  
Huff: Yes  
Mila: Yes  
Pinkney: Yes  
Siwik: Yes  
Thomas: Yes  
Williams: Yes

The meeting adjourned at 8:55 p.m.



Ariel Andrus, City Recorder



Sharla Bynum, Council Chair



801.565.4300  
fax 801.565.4399

jvwcd.org

8215 South 1300 West  
West Jordan, UT 84088



**JORDAN VALLEY WATER**  
CONSERVANCY DISTRICT

June 15, 2022

Dennis Pay  
City Engineer  
195 West Oakland Avenue  
City of South Salt Lake, UT 84115

Dear Dennis:

As you are aware, I am a member of the Board of Trustees of the Jordan Valley Water Conservancy District, representing the City of South Salt Lake. On June 8, 2022, the Board adopted a tentative budget that includes an increase in the property tax levy rate which exceeds the projected certified tax rate for the taxable year 2022. Pursuant to Utah law (§ 17B-1-1003(2), part of the "Limited Purpose Local Government Entities-Local Districts Act"), I am requesting the opportunity to speak with the City Council during an upcoming public meeting about the District's proposed tax increase. My report would include the dollar amount of and purposes for the additional tax revenues, the approximate percentage increase in proposed tax revenues for the District, and any other information requested by the City Council. My report will not take more than five minutes.

If my request is granted, would you please give me three more accommodations. First, would you list my report as a separate item on your Council's agenda. Second, may I be allowed to report to the Council within the next 40 days. And, would you include on your agenda the opportunity for members of the public to comment on the property tax proposal. I would also be ready to address questions and comments from the City Council.

A suggested entry for the Council's meeting agenda could be this simple:

1. Water Supply Issues
  - a) Report by Barbara L. Townsend of a proposed property tax increase by Jordan Valley Water Conservancy District for water service purposes.
  - b) Comment on the report by members of the public and/or the City Council.

Alternatively, you could place my report prior to the normal public comments item on the City Council meeting agenda to provide the opportunity to receive public comments on the property tax increase proposal.

Thank you. I appreciate the good working relationship that exists between the City of South Salt Lake and Jordan Valley Water.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barbara L. Townsend", is written over a faint, illegible background.

Barbara L. Townsend



Ariel Andrus <aandrus@sslc.gov>

Re: Meetings

Aenon Johnson [redacted]  
Reply-To: Aenon Johnson [redacted]  
To: Natalie Pinkney <npinkney@sslc.gov>  
Cc Ariel Andru aandru @ lc gov

Sat, Jun 25, 2022 at 1:30 AM

Wonderful, thank you. I have two concerns:

- 1 I live at the intersection of 500 E and Burton Ave There is a crosswalk across 500 E, but we need a pedestrian crossing sign I've almost been hit twice with my 3 year old and baby in a stroller People in cars are texting, or just fail to see me I think a big sign, and possibly a button with flashing lights, would really make this crosswalk safer Other parents and their children frequently use this crosswalk too South Salt Lake doesn't need a tragic mother and child death, like Salt Lake just had
- 2 Our soliciting ordinances have no teeth I'm an attorney and work from home, and have an infant Pest control, solar, alarm systems, etc constantly knock on my door despite my "no soliciting" sign, prominently displayed by my front door I've sent cease and desist letters to these companies, yet they keep knocking and interrupting my meetings and waking up my baby It's time the city council enact soliciting ordinances with penalties

I hope to make the city council meetings some day, when my daughters are a bit older. Thank you.

Cheers,  
Aenon Johnson  
Attorney  
[redacted]

Information in this message (including any attachments) is confidential, may be legally privileged, and is intended solely for the use of the person(s) identified above. The sender did not intend to waive any privilege by sending this message. If you are not the intended recipient of this message, please notify the sender by replying to this message and delete the original and any copies of the message. Any duplication, dissemination or distribution of this message by unintended recipients is prohibited. I am committed to sustainable practices and encourage the reduction of printed materials.

*My first name spelled phonetically: An-in*

Sent with [Proton Mail](#) secure email.

----- Original Message -----  
[Quoted text hidden]



Ariel Andrus &lt;aandrus@sslc.gov&gt;

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## No to Elway Motor Group

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**Chris and Tena Rohr** [REDACTED]

To: aandrus@sslc.gov

Tue, Jul 12, 2022 at 8:34 PM

Community Council Member Andrus:

Please rescind the authorization to negotiate an MOU with Elway Motors, and reject any downzoning proposals for [2240 South State Street](#). This is the ideal site for street-level community businesses, housing, and/or a public park. We don't need another eyesore parking lot/dealership in direct contravention of both South Salt Lake's Downtown Zoning Code, and the South Salt Lake master plan. Those of us who work, shop and recreate in south Salt Lake would like to have something built that the whole community can enjoy.

Thank you for your attention,  
Tena Rohr

RESOLUTION NO. R2022-19

A RESOLUTION OF THE SOUTH SALT LAKE CITY COUNCIL AMENDING THE SOUTH SALT LAKE CITY COUNCIL RULES OF PROCEDURE

WHEREAS, Utah Code Ann. Section 10-3b-203 authorizes the City Council to adopt rules for the government of the Council, preservation of order, and transaction of the Council's business; and

WHEREAS, the South Salt Lake City Council has adopted the South Salt Lake City Council Rules of Procedure (last amended March 10, 2021) to govern its procedures; and

WHEREAS, the Council met in regular meeting on July 13, 2022, to consider, among other things, amending its Rules of Procedure; and

WHEREAS, Rule 17 of the City Council Rules of Procedure allows for amendments to the Council Rules and governs the process by which a Council Rule may be amended; and

WHEREAS, the Council expressed its desire to correct grammatical and typographical errors contained in its rules; and

WHEREAS, the Council expressed its desire to amend its Rules of Procedure to require that all official email communication between City Staff and Councilmembers be conducted through City issued email; and

WHEREAS, the Council expressed its desire to amend language in its rules to be more inclusive; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of South Salt Lake, that the South Salt Lake City Council Rules of Procedure be adopted as amended and shown in the attached Exhibit A.


(signatures appear on separate page)


(remainder of page intentionally left blank)



APPROVED AND ADOPTED by the South Salt Lake City Council, South Salt Lake, Utah, on this 13 day of JULY, 2022.

BY THE CITY COUNCIL:

  
\_\_\_\_\_  
Sharla Bynum  
vice Council Chair

  
\_\_\_\_\_  
natalie pinkney

City Council Vote as Recorded:

Bynum	<u>YES</u>
Huff	<u>YES</u>
Mila	<u>YES</u>
Pinkney	<u>YES</u>
Siwik	<u>YES</u>
Thomas	<u>YES</u>
Williams	<u>YES</u>

ATTEST:

  
\_\_\_\_\_  
Craig D. Burton  
City Recorder



# EXHIBIT A

**SOUTH SALT LAKE CITY  
CITY COUNCIL RULES OF PROCEDURE  
(Last Amended ~~March 10~~ July 13, 2021)**

Listed below are the rules of procedure used by the South Salt Lake City Council. The Council has not adopted the formality of the Robert's Rules of Order. However, the following rules are based on Robert's Rules of Order, with modifications, and more fully suit the needs of the South Salt Lake City Council. These are not the only rules followed by the South Salt Lake City Council. They are in addition to rules set forth in Utah Code Annotated (Title 10, Utah Municipal Code, and Title 52, Chapter 4, Open and Public Meetings). -All rules and procedures of the South Salt Lake City Council must remain consistent with the Utah Code. These rules shall be made available to the public at each public meeting held by the Council, and shall be posted on the City's website.

When the Rules refer to "2/3 vote of Council Members", 2/3 will be defined as follows:

If there are	7	Council Members present,	5	will be	2/3
If there are	6	Council Members present,	4	will be	2/3
If there are	5	Council Members present,	3	will be	2/3
If there are	4	Council Members present,	3	will be	2/3

Rule 1: Organization of the Council - Election of the Chairperson and Vice-Chairperson

1. The Council Members will elect one Council Member as Chairperson and one Council Member as Vice-Chairperson. The elections will take place once a year at the first work meeting in January, or at a work meeting called specially for such election, to be held immediately preceding the first regular Council meeting in January. The action of the Council will be announced in the first regular Council meeting after such work meeting.
2. The election shall comply with the following procedures:
  - (a) The Council Chair shall call for nominations, and any member of the Council may submit names for

nomination. -A voice vote is necessary to close the period of time for nominations.

(b) If two or fewer names are submitted for nomination, then only one vote will be held. -If three or more are submitted, then voting will take place in two rounds.

(c) Voting shall be by written ballot which identifies the Council member casting the vote. -The City Recorder shall collect all written votes and announce the vote cast, as well as the council member who cast the vote.

(d) In elections with two rounds, the first round shall narrow the field of candidates down to the two who received the most votes, and the Council will vote in a second round.

(e) Separate ballots shall be held for the Chairperson and Vice-Chairperson positions.

(f) All direct ties between two candidates shall be resolved by an immediate coin toss by the City Recorder in the presence of the Council. -The Council Member whose surname is earlier in the alphabet shall be assigned "heads." In the event of a three-way tie in an initial round of voting, the field shall be narrowed by means of drawing straws, with the Council Member who draws the short straw being eliminated. Straws shall be drawn by Council Members in alphabetical order.

3. The Chairperson and Vice-Chairperson shall serve for a one-year term.
4. In the event of a vacancy in the position of Chairperson, the Vice-Chairperson shall become Chairperson and shall serve the remainder of the term. A vacancy in the position of Vice-Chairperson shall be filled by election in the manner prescribed in paragraph 2 of this Rule.

Rule 2: Powers and Duties of the Chairperson and Vice-

Chairperson

1. The Chairperson shall sign:
  - (a) all ordinances and resolutions passed by the Council,
  - (b) all official minutes of City Council meetings after such minutes have been approved, and
  - (c) all correspondence determined by the Council Members to be representative of the group as a whole.
2. The Chairperson shall receive all messages and communications from the Mayor and others addressed to the Council as a body and shall be responsible to convey all such messages and communications to the other Council Members. All email communication between any member of the City Council and the Mayor, or City staff, shall be conducted through City issued email.
3. During emergency, special, or work meetings, the Chairperson shall serve as Conducting Council Member, or the Chairperson may designate another Council Member to conduct. (See Rule 7, number 1).
4. In the absence of the Chairperson, or upon his/her inability to act, or upon request of the Chairperson, the Vice-Chairperson shall preside and shall have all the powers and authority of the Chairperson.
5. In the absence of both the Chairperson and Vice-Chairperson at a meeting, the Council Member who conducted at a meeting may sign all documents identified in this rule upon which final action was taken during that meeting.

Rule 3: Scheduling and Calling of Meetings

The following are the types of Council meetings that may be called or scheduled according to the Utah Code:

Regular Council Meetings  
Work meetings  
Special meetings  
Emergency Meetings  
Closed Meetings  
Public Hearings

1. At least once each year the City Council shall give public notice of its annual meeting schedule as required by Utah Code Annotated 52-4-202(2)(a), 1953, as amended.
2. The City Council will meet in at least one regularly scheduled meeting per month. The City Council intends to hold two meetings per month. Meetings will usually be held the second and fourth Wednesdays unless otherwise calendared. -A Notice/Agenda for such meetings will be noticed in compliance with state law.
3. The Council Chairperson may schedule one or more "work" meeting of the Council each month, as needed. A- Notice/Agenda for such "work" meetings will be "posted" at least 24 hours prior to the time of such meeting. (See Rule 4 for more information about "work" meetings.)  
~~at least 24 hours prior to the time of such meeting.~~  
~~(See Rule 4 for more information about "work" meetings.)~~
4. Any two (2) members of the Council or the Mayor may -"order" a special meeting of the Council if the ~~business of the City requires it.~~ -The order will be entered in the minutes of the City Council and shall ~~provide at least three (3) hours' notice,~~ which notice ~~shall be served by the Recorder on each Council Member~~ ~~who did not sign the order by delivering the notice~~ ~~personally or by leaving it at the Council Member's~~ ~~usual place of abode.~~ Utah Code Ann. Section 10-3-502, as amended. See. 10-3-502, U.C.A. 1953, as ~~amended.~~ Notice of the meeting may also be conveyed by a telephone conversation or voice mail, if personal delivery is not accomplished. -All other notice and voting requirements shall be as required by the Utah

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Open and Public Meetings Act.

5. Any one (1) member of the Council or the Mayor may call an Emergency Meeting for "matters of an emergency or urgent matter." An attempt will be made to notify all Council Members of such meeting ~~(as required by Sec. 52-4-202(5) U.C.A. 1953, amended)~~ and the best notice practicable shall be given ~~(as required by Sec. 52-4-202(5) U.C.A. 1953, as amended)~~ the Open and Public Meetings Act. -A majority of Council Members must vote in the affirmative to hold the meeting. Utah Code Ann. Section 52-4-202, as amended. ~~(Sec. 52-4-202(5) U.C.A. 1953, as amended).~~
6. In certain circumstances, the Council may deem it advisable to take certain matters under discussion at a noticed meeting into a Closed Meeting with only the Council Members and City staff personnel essential to the meeting present. -Such meeting may only be held upon the affirmative vote of 2/3 of the Council Members present at such meeting. (See Rule 7, number 6 for more information about Closed Meetings).
7. A public hearing on Council business generally is a part of a regularly scheduled and noticed Council meeting. -(See Rule 7, number 5 for more information about public hearings).
8. In compliance with this Rule, the Council may permit one or more Council Members located in a remote location to participate in a Council meeting by way of electronic communication.
9. Prior to permitting a Council Member located in a remote location to participate electronically in a Council meeting, the following conditions shall be met:
  - (a) A Council Member who desires to participate in a Council meeting from a remote location shall make a request to the Council Chairperson ~~Person~~ Person at least forty-eight (48) hours prior to the Council meeting.

- (b) The City Recorder will affirm that proper notice of the intent to hold an "electronic meeting" was given as provided in paragraph 10 of this rule;
- (c) The City Recorder will verify that an electronic connection is available, at no substantial cost to the City, sufficient to allow the remotely situated Council Member(s) to hear the discussion occurring in the Council meeting and to be heard in the meeting; and
- (d) Only one member of the Council must be in attendance at the anchor location, which shall be the Council Chambers at City Hall. Notwithstanding the forgoing, upon a written determination by the Council Chair that meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the principal location all members of the Council may join electronically and presence at the anchor location is not required. A quorum shall be present so long as at least four members of the Council participate.

10. Notice of the intent to permit one or more remotely situated Council Members to participate in a Council meeting electronically or hold a meeting electronically without an anchor location will be made in accordance with the Open and Public Meetings Act. ~~("the Act").~~

Rule 4:- Work Meetings

- 1. ~~1.~~—The Council may, at the call of any two Council Members or the Council Chair, sit in a work meeting for the purpose of further discussion or study of items already before the Council for action or for the purpose of discussing items of Council business. The Council Chair, or a Council Member designated by the Chair, shall conduct such meetings.
- 2. Notice of work meetings shall be in conformance with the Utah Open and Public Meetings Act and the agenda for such meetings shall be posted by the City

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Recorder. Only those items listed on the posted agenda will be discussed at a work meeting. All work meetings of the Council shall be open.

3. After discussion, items will be referred to a future regular Council meeting to be considered under Unfinished Council Business or under the Consent Agenda if the matter is ready for final action, or to a future work meeting if the matter needs further work by the Council.
4. No action will be taken at a work meeting on items discussed during that meeting. -However, the Council may suspend its rules to vote on matters under discussion. -Suspension of the rules requires the affirmative vote of a majority of the Council Members.
5. Work meetings may be used for the purpose of special presentations, such as instructions on emergency preparedness, introduction to and discussion about pending or expected Council meeting agenda items, reports from elected officials, etc. -Work meetings also will be used to discuss Council procedures, to set yearly Council meeting dates and to elect Council Chair and Vice-Chair.
6. During a work meeting the Council Members and the Mayor may sit around a conference table, rather than at the podium, to provide a more informal atmosphere and to allow a freer exchange of ideas.

Rule 5: Minutes of the Council - Recordings

1. The City Recorder shall keep the minutes of the proceedings of all open City Council meetings or any meeting during which official action of the Council is taken.
2. Within thirty days of the open meeting, the City Recorder shall present the draft minutes to the Council for final approval by the Council. -When convenient and possible, the Council shall approve, amend, or reject the minutes at its next meeting. Minutes which are submitted for approval, but upon

which action is not taken within thirty days, shall be deemed approved and stand as proposed. -Draft minutes are public records, and must be clearly designated as "draft" minutes on any copy provided to the public.

3. Except for closed meetings to exclusively discuss the character, professional competence, or physical or mental health of an individual, or for discussion regarding deployment of security personnel, devices, or systems (see UCA 52-4-206(1) and (6)), upon request by any Council Member, the City Recorder may also keep minutes of closed meetings. -Minutes and recordings of closed meetings shall be designated as protected records, pursuant to the Utah Government Records Access and Management Act.
4. The minutes of all meetings will include the time and date, the names of those speaking, reflect the essence of the proceedings and the perceived intent of the person speaking and will not necessarily be a verbatim transcript. Where necessary, as determined by the Council to accurately reflect the proceedings, a specific and/or verbatim transcript of the proceedings will be included in the minutes. -If a Council Member, the Mayor, a ~~citizen member of the public~~ or any other person wishes something to be entered verbatim in the minutes, a written copy of such entry will be provided to the City Recorder. Minutes may not be amended to include information which was not a part of the meeting.  
~~something to be entered verbatim into the minutes, a written copy of such entry will be provided to the City Recorder. Minutes may not be amended to include information which was not a part of the meeting.~~
5. The City Recorder shall make and keep an audio or audio-visual recording of all meetings, unless excepted pursuant to state law. -The recording shall be made and kept in a format conducive to long-term storage. -Recordings of open meetings shall be available to the public for inspection or purchase within three (3) business days of the Council hearing.

Rule 6: Order of Business and Organization of Council Agenda

1. The Council will consider business in the following order:

- A. Opening Ceremonies:

1. Welcome/Introductions - Acknowledge Visitors
    2. Serious Moment of Reflection/Pledge of Allegiance
    3. Special recognitions

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- B. Approval of Minutes

- C. No Action Comments

1. Scheduling
    2. ~~Citizen~~ Public Comments/Questions
      - (a) Response to Comments/Questions (at discretion of Conducting Council Member)
    3. Mayor
    4. City Attorney
    5. City Council Members
    7. Information (must be listed on Agenda)

- D. Action Items

1. Consent Agenda
    2. Unfinished Council Business
    3. New Council Business

- E. Public Hearings

- F. Closed Meeting

2. The conducting Council Member, by polling the Council Members, may, by affirmative consensus, proceed out of order to any order of business or return to an order already past. If two or more Council Members oppose, the original agenda will be followed. Information agenda items may be held prior to Public Comment where state law requires a specific Information item to have public comment (such as when a taxing entity other than the City is required to present information to

the Council regarding a tax rate that entity is adopting, which exceeds the certified tax rate and public comment is required on that topic).

3. An item which appears on New Council Business may be referred to (a) the Consent Agenda for final action, (b) Unfinished Council Business for further discussion or action, (c) a work meeting of the Council for further study, or (d) a future meeting for a public hearing, if required.

The Council may suspend the rules to vote to adopt on first reading if immediate action is necessary, or otherwise deemed appropriate. -Suspension of the rules requires the affirmative vote of a majority of the Council Members. -See Rule 17 for more information about suspension of the rules.

4. An item may be placed on the Consent Agenda after discussion at a work meeting for the next regular meeting, or may be placed on the agenda for a regular meeting on the same date as the work meeting, so long as it is done in compliance with state law.
5. Matters appearing on the Agenda may be discussed by the Council prior to any motion being made.
6. All open meetings of the Council shall be open to the public.- Any Council Member, administrative staff or member of the public may request time to discuss matters of City business or to place an item on the agenda. -Request for time to discuss a matter shall be made to the Chairperson with sufficient time for it to be placed on an agenda in compliance with state law, and whenever practical, shall be scheduled by the Chairperson for the first available regular or work Council meeting.

Rule 7:- Conducting of Meetings and Agenda Definitions

The Chairperson shall serve as Conducting Council Member for special, emergency, or work meetings, or the Chairperson may designate another Council Member to

conduct.

Each Council Member, other than the current Chairperson, shall conduct at regular Council meetings for a period of one month, not less than once per year nor more than twice per year, progressing in order from the representative for District #1 to the representative for District #5. ~~At-~~ large representatives shall rotate after the District ~~seats~~ representatives in alphabetical order.

The powers of the Conducting Council Member shall be limited to conducting the regular meetings of the Council only.

The Conducting Council Member will sit at the center of the podium, with the Council Chairperson at his or her right and with the Council Vice-Chair at his or her left.

The following steps are detailed to coincide with the form of the Agenda (as discussed in Rule 6 above) when conducting a regular Council meeting:

1. Opening Ceremonies.

- (a) Welcome/Introductions - Acknowledge Visitors.  
The Conducting Council Member will strike the gavel, call the meeting to order, welcome those in attendance and acknowledge visitors.
- (b) Serious Moment of Reflection/Pledge of Allegiance. The Council Member assigned to give the serious moment of reflection will announce the name of the person scheduled to present the serious moment of reflection, the person's connection to the City and the general nature of the presentation, for example, a prayer, supplication, inspirational thought, inspirational reading, a moment of silence or other appropriate activity, or in the absence of such a presenter, ~~shall announce that he or she~~ the Council Member assigned shall present the serious moment of reflection. ~~Following the~~ serious moment of reflection, the Council Member will ask the audience to rise for the Pledge of

Allegiance and lead the Pledge. -As more particularly set forth in Rule 21, any community member may volunteer to present the serious moment of reflection.

(c) Special Recognitions. -Occasionally, ceremonial tasks are performed at the beginning of the Council meeting. -Normally, such items do not require a motion and very seldom require discussion. -Resolutions of Appreciation do require a motion to adopt, a second, and a vote.

2. Approval of Minutes. -The next agenda item is approval of the Minutes of preceding meeting(s). -The Conducting Council Member will ask if there are any changes or corrections. -When changes and corrections have been made, the Conducting Council Member will ask for a motion and second to adopt the minutes as corrected, and a voice vote will be taken. -Once the minutes have been adopted pursuant to a vote by the council, no alterations can be made and they are the official record of the meeting.

3. No Action Comments. -The Conducting Council Member will not need to ask for a motion concerning any items listed under this section of the Agenda. -However, any Council Member can make a request to schedule an item to appear on a future Agenda as an "Action Item."

(a) Scheduling. -The Recorder will inform those in attendance of up-coming events, meetings, etc., in the community which may be of interest to the ~~citizens~~ members of the public.

(b) Citizen-Public Comments/Questions. -Time shall be made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business. -Sign-up cards for Citizen-Public Comments shall be made available to attendees at all regular meetings to gather names and addresses for the Recorder's purposes. -Persons who sign such cards ahead of time may be given priority to speak.

(1) When a member of the audience addresses the Council and/or Mayor, ~~he or she~~ that individual will come to the podium and state ~~his or her~~ the individual's name and city/town in which the individual resides. -Individuals will be asked to limit their remarks/questions to ~~five~~ three (3) minutes each. Comments shall be civil in decorum. All comments shall be directed to the Mayor and City Council. During the comment period, no person shall be allowed to comment more than once. Speakers should not expect any debate or dialogue with the Mayor, City Council, or City Staff during the meeting.

(2) In meetings during which numerous individuals wish to comment, the time for all ~~citizen~~ public comments may be limited to less than three (3) minutes each, at the discretion of the Conducting Council Member. -The Conducting Council Member shall have discretion as to who, if anyone, may respond to a comment/question. -In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks. -Some comments/questions may have to wait for a response until the next regular Council meeting, ~~or~~ meeting or may be referred to the Mayor's office to receive information from or input by staff. The Conducting Council Member (or another individual ~~assigned on their behalf~~ designated by the Conducting Council Member) will inform a ~~citizen member of the public~~ when ~~he or she has used that~~ individual's allotted time for comment has ended.

(3) ~~Citizen~~ Public comments regarding specific matters on a Council meeting agenda may be postponed until later in the regular Council meeting in order to be heard following the presentation of the specific business item at the discretion of the Conducting Council Member.

(4) ~~Citizens~~ Members of the public who are not

able to personally attend a meeting may present written comments, addressed to the City Council and/or Mayor, to the City Recorder at least two (2) hours prior to the meeting. ~~Written comments must be civil and conform to the same rules as all other public comments.~~ -Written comments may be delivered to the City Recorder via letter or electronic mail and should be labeled as "written comment" for a particular meeting. Appropriately labeled and timely received written comments will be distributed to all Council members and attached to the written minutes of the meeting. Council members and/or the Mayor may, in their discretion, reference the receipt of particular written comments. In no event is there a guarantee that written comments will be read verbatim or otherwise referred to during the council meeting. Additionally, anyone who is unable to personally attend a meeting may present a comment by leaving a recorded message with the City at a number, or through another method designated by the City, for that purpose. Each recorded comment shall clearly state at the beginning of the message that it is intended for the Public Comment portion of the City Council meeting, shall clearly state the name of the individual providing comment, and shall clearly state the City in which the individual leaving the comment resides. All comments, whether written or recorded, must be civil and conform to the same rules as all other public comments.

(5) Grievances by City employees must be processed in accordance with adopted personnel rules.

———(c) Mayor. -The Mayor will have the opportunity to address the meeting and inform the Council and the audience of any matters the Mayor desires to present which do not require action of the Council, such as community events, letters from ~~citizens~~ members of the public, happenings within the City, etc.

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- (d) City Attorney. -The City Attorney will have the opportunity to address the meeting and inform the Council of any matters which do not require action of the Council.
- (e) City Council Members. -Each Council Member likewise will have the opportunity to address the other members of the Council, the Mayor and the audience.
- (f) Council Attorney. -The Council Attorney will have the opportunity to address the meeting and inform the Council of any matters which do not require action of the Council.
- (g) Information. -Items may be placed on this portion of the agenda and presented by the Mayor, City Council Members, City staff, ~~citizens~~members of the public, etc. -Items presented are for information only, but must be listed on the printed Agenda for the meeting. -The Council will decide what further action, if any, it desires. -Information items shall be limited to ten (10) minutes.- Lengthier presentations shall be scheduled for a work meeting.

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4. Action Items. -The Conducting Council Member will ask for a motion on any items listed under this section of the Agenda after discussion, as needed, has concluded.

- (a) Consent Agenda. -As a courtesy, the Conducting Council Member should ask if there are any questions concerning the "Consent" items. -The Conducting Council Member should identify and briefly explain the items on the Consent Agenda to all those present at the meeting.
- The Consent Agenda, generally, shall consist of matters which require no further discussion or which are routine in nature. -Usually, all items on the Consent Agenda shall be adopted by a single motion, second and vote. -However, prior to the motion to adopt the Consent Agenda, a Council Member may have an item removed from the

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Consent Agenda without a motion to Unfinished Council Business for further discussion. -Items moved to the Unfinished Council Business agenda will be addressed in that section of the agenda ahead of agenda items listed for discussion.

A motion, second, and vote will be called for the adoption of items remaining on the Consent Agenda.

- (b) Appointments by the Mayor. -~~Individuals subject to Mayoral appointment shall initially be introduced to the Council by The Mayor, or a designee, will introduce a candidate who is subject to appointment to the Council initially~~ in a work meeting. The Council shall be provided with the resume of any candidate who is subject to appointment prior to the work meeting in which ~~he or she~~ the candidate is introduced. The Council may pose questions to the candidate or request further information from the administration at the work meeting. The conducting Council Member may elect to poll the Council members during the work meeting to determine whether there is Council support for a candidate's appointment. The matter may then be referred to a future work meeting or regular meeting for further action by the Council. Advice and consent of the Council requires a majority vote.
- (c) Unfinished Council Business. -The Unfinished Council Business section shall consist of those items which have received a first reading in a prior regular Council meeting or a work meeting. All items on Unfinished Council Business are subject to further discussion. -After discussion, any Council Member may make a motion to vote, such motion to be seconded and a vote taken on these items.

The purpose of the Unfinished Council Business portion of the agenda is to finish the items that appear thereon.

- (d) New Council Business. -The New Council Business section is defined as the introduction or first reading of items on the Council's agenda. New Council Business items shall have a Council Member, Mayor, staff, or presenter's name listed next to each item as the sponsor of the item. Items are dealt with individually.

Matters ~~which are before the Council, which~~ requiring decision of the Council, will first be presented to and discussed by the Council. -No New Council Business item shall receive Council action unless, at the discretion of the Council Chairperson, the item is deemed an emergency, or if immediate action is desirable, and the Council chooses to vote on the item. (See Rule 17, Suspension of the Rules.) Any Council Member can request deferral of an item on the New Council Business section.

After discussion, all New Council Business items not designated emergency shall be referred by a motion and a second to a work meeting or to a future Council agenda for further action.

5. Public Hearings. -A public hearing generally is a part of a regularly scheduled and noticed Council meeting.

Public Hearings shall consist of those items for which the Council would like to receive public input. -Such hearings shall include, but not be limited to, those requiring legal advertisement under sState of Utah law.

When a public hearing is held, a member of the City staff having knowledge about the issue will first present information on the issue and answer questions. Then, all parties interested in addressing the issue are invited to speak before any discussion is held by the Council and before motions are made. -Each individual who speaks will state his or her the individual's name and city/town in which the individual resides ~~address~~ before proceeding.

Commented [JC1]: Due to the change in the citizen comment section we should ask if the Council wants this changed as well to reflect that language.

Individuals who wish to speak during the Public Hearing portion of a meeting, including those who are unable to attend the meeting in person, must be civil and shall follow the same rules stated above relating to Public Comments. Any comment submitted that fails to comply with these rules shall not be allowed.

After all individuals have spoken, the Conducting Council Member will close the public hearing. -The City Council then proceeds with its discussion on the matter. -When discussion by the Council is finished, a motion is made and seconded concerning the item. -The Council will vote to (a) table action until a future specified meeting date, (b) take it to a work meeting for further discussion, or (c) take final action on the matter immediately after the hearing.

6. Closed Meeting. -In certain circumstances, the Council may take certain matters under discussion at a noticed meeting to a Closed Meeting with only the Council Members and City staff personnel essential to the meeting present. Such meeting may be held upon the affirmative vote of 2/3 of the Council Members present at such meeting. (U.C.A. Sec. 52-4-204(1)(a)(iii) as amended).

Closed meetings may only be held for purposes deemed lawful under Utah State law, as provided in U.C.A. § 52-4-205, as amended, which are:

- (a) Discussion of the character, professional competence, or physical or mental health of an individual;
- (b) Strategy sessions to discuss collective bargaining;
- (c) Strategy sessions to discuss pending or reasonably imminent litigation;
- (d) Strategy sessions to discuss the purchase, exchange or lease of real property, including any form of a water right or water shares, if public

discussion of the transaction would disclose the appraisal or estimated value of the property under consideration, or prevent the public body from completing the transaction on the best possible terms;

- (e) Strategy sessions to discuss the sale of real property including any form of a water right or water shares, if:
  - (1) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;
  - (2) the public body previously gave public notice that the property would be offered for sale; and
  - (3) the terms of the sale are publicly disclosed before the public body approves the sale;
- (f) Discussion regarding deployment of security personnel, devices or systems; and
- (g) Investigative proceedings regarding allegations of criminal misconduct.

The reason for holding a Closed Meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name, shall be entered on the minutes of the meeting. -No ordinance, resolution, rule, regulation, contract, or appointment shall be approved in a Closed Meeting.

Unless a meeting is closed to discuss the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices or systems, the City Council shall record the closed portion of the meeting ~~and~~ may keep detailed written minutes that disclose the content of the closed portion of the meeting. Recordings and written minutes of closed meetings are

protected records under ~~Title 63G, Chapter 2,~~ the Utah Government Records Access and Management Act (GRAMA) and unauthorized disclosure triggers criminal penalties.

If the City Council closes a meeting exclusively to discuss the character, professional competence, or physical or mental health of an individual, or to discuss the deployment of security personnel, devices or systems, the person presiding shall sign a sworn statement affirming that such was the sole purpose for closing the meeting.

Actions challenging the legality of a closed meeting are governed by U.C.A. § 52-4-304.

7. Adjournment.

When all items on the Council agenda have been disposed of, a motion to adjourn is made, seconded and voted upon. -The presiding officer may state: "If there is no further business, we'll stand adjourned." The gavel is struck and the meeting is over.

Rule 8: Motions-

1. Matters appearing on the Agenda can be discussed by the Council prior to a motion being made. After a matter has been discussed by the Council, the conducting Council Member will ask for a motion on the matter, and a second to the motion. A motion on the matter shall not be made prior to the conducting Council Member's request for a motion on the matter. The conducting Council Member will (1) announce the author of the motion, (2) restate the motion, (3) announce who seconded the motion, (4) ask if there is a question on the motion, and (5) call for a vote on the motion.

If further Council discussion is needed on a motion, the author of such motion is allowed to speak first. All other Council Members are allowed to address the issue after that. -The author of the motion is also allowed to make a summation.

The author of a motion may amend or withdraw that motion before it has been voted on.

After a motion has been stated by the conducting Council Member, that motion belongs to the Council and it requires a majority vote to withdraw it. However, the author of a motion may withdraw it unless another Council Member objects.

A motion is lost or rejected which fails to receive a "second."

2. A Council Member may make a motion to reconsider an item already voted on during the same or at the immediately preceding meeting if new information or a changed situation makes it appear that a different result might reflect the true will of the Council. -A motion to reconsider must be made by a member present and voting on the prevailing side of the original motion and shall require the affirmative vote of a majority of the Council Members. -Any action taken by the Council shall not be reconsidered at any special meeting unless the number of members of the Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved or disapproved.

An item to be reconsidered shall appear on the unfinished business portion of the agenda and shall be identified as "Reconsideration of ... (the title of the matter previously voted upon)." -Discussion of the substance of the matter to be reconsidered shall occur only after a motion to reconsider has been successfully approved by a majority of the Council present and voting.

3. A motion to rescind may be used to strike out an entire motion, resolution, rule, bylaw, section, or paragraph that has been adopted at some previous time. A motion to rescind may be applied only to a motion on which the vote was affirmative.

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4. Other than the main motion, the most common motion used by the Council is a motion to amend. -The intent of an amendment is to modify the original motion by inserting, adding to, striking out, and striking out and inserting language in the original motion. -A motion to amend a main motion should relate to the same subject as the main motion. -This ensures that the Council will vote on one matter at a time.

A motion to amend should not have as its intent a reversal of the main motion. -For example, if the main motion is to adopt an ordinance, it is not a proper motion to submit an amendment to "not" adopt the ordinance.

Substitute motions are a type of amendment motion. The difference is the striking out of an entire paragraph or more from the motion or ordinance, and substituting different language.

Amendments to the main motion are discussed and voted on before the main motion. -Only the amendment is discussed -not the main motion. -If the amendment fails, then discussion and voting on the main motion, as originally stated, follows. -If the amended motion passes, the amended motion becomes the main motion. The Conducting Council Member will proceed with an amendment motion in the same manner as a main motion.

In conducting a Council discussion on an amendment motion, the author of such motion is allowed to speak first. -All other Council Members are allowed to address the issue after that. -The author of the amendment motion is also allowed to make a summation.

Any Council Member may move to amend any proposed ordinance or proposed resolution; provided, however, that no amendment shall change the original purpose.

Any amendments to a proposed ordinance or proposed resolution recommended by a committee of the Council shall be made to the appropriate document prior to its appearing on the Consent Agenda. -Such amendment will be noted in the Council minutes.



5. The Council may move to table a motion. -The purpose of tabling a motion is to delay action until later in the same meeting. -When a matter is tabled, it takes all subsidiary motions with it (e.g., amendments) to the table. -A matter should be tabled no longer than necessary.

The Council may move to continue a motion. -The purpose of continuing a motion is to delay action until a future date. -A continued motion is preferably scheduled for discussion at the next available regular or work meeting of the Council so that action can be taken as soon as possible.

6. The following procedural motions shall require the affirmative vote of a majority of the Council Members present:

- (a) To adjourn;
- (b) To recess;
- (c) To take up a question out of its proper order;
- (d) To move the previous question;
- (e) To postpone to a day certain;
- (f) To refer to a committee (commit or recommit);
- (g) To limit discussion;
- (h) To lay on the table (temporary only); and
- (i) To amend.

Such motions shall take precedence in the order moved.

Rule 9: Voting

Voting shall be in the form of "yes", "no" and "abstain," and the names of those voting for, against, or abstaining entered in the Council minutes.

The Council usually takes voice votes on noncontroversial items. -A voice vote is when all Council Members say "yes" or "no" at the same time.

A roll call vote is usually taken on controversial items. -A roll call vote is required on the following matters:

- (a) An ordinance;
- (b) A resolution;
- (c) Any action creating a liability against the City; and
- (d) All budget and financial items.

Any Council Member may request a roll call vote on any matter being voted on by the Council.

Any Council Member can change his or her vote before the results of the vote are announced.

At the conclusion of the vote on a matter, a Council Member may state a point of personal privilege and give an explanation of his or her vote, as provided in Rule 14.

Any Council Member can abstain from a vote. -An abstention is not counted as a "yes" or "no" vote. -A Council Member abstaining from voting should, as a common courtesy, state a point of personal privilege and give an explanation of such abstention.

In the event of a tie vote, the motion fails. The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the council, unless otherwise prescribed by law, is four (UCA §10-3-507).

Every Council Member who is in the Council Chambers when a question is stated from the Conducting Council Member shall vote. † No Council Member absent from the

Council Chambers when a question is stated by the Conducting Council Member ~~but no Council Member shall be obliged to vote upon any question unless he or she shall be within the Council Chambers when his or her name is called.~~ A Council Member who is participating in a meeting electronically shall be considered to be within the Council Chambers as long as the Council Member is able to hear and audibly respond by electronic means when the question is stated.

Any Council Member entering the Chambers after the question is stated, but before it is decided, may have the question stated, cast his or her vote and be counted.

Unless another effective date is provided in the ordinance, all ordinances are effective twenty (20) days after publication by the City Recorder or thirty (30) days after final passage, whichever is closer to the date of final passage.

Rule 10: Discussion

The Conducting Council Member shall recognize any Council Member requesting recognition to speak, discuss, give a notice, make a motion, submit a report, or for any reason address the Council, unless a motion taking precedence is offered.

All Council Members shall be allowed to speak at least once on any subject.

During discussion, the Conducting Council Member shall be responsible for maintaining order. -If, in the opinion of the Conducting Council Member, private discourse among or between Council Members or any other disturbance disrupts the Council's business, the Conducting Council Member may call the Council to order. If the Conducting Council Member calls the Council to order, all Council business shall cease until such time as the Conducting Council Member resumes the Council's business.

Any Council Member may make a motion that the Council

be called to order.

The following questions will be decided without discussion:

- (a) To adjourn;
- (b) To recess; and
- (c) Questions relating to order of business.

Rule 11: Conflict of Interest

Council Members are required by the Utah Municipal Officers' and Employees' Ethics Act (Utah Code Ann. 10-3-1301 et seq. the "Ethics Act") to disclose actual or potential conflicts of interest between their public duties and their personal interests. Under most conflict of interest situations, Council Members should abstain from voting on a matter if they have a substantial interest in the item before the Council, and to avoid participating in the discussion as well. "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity (UCA 10-3-1303(9)). See ~~Utah Code Section 10-3-1301 et seq. the Ethics Act~~ for additional direction on conflicts of interest.

Rule 12: Decorum

Conduct of Members of the Council. Members of the Council shall avoid personal attacks and restrict comments to issues before the body. -Violations of Decorum or eConduct of Council Members shall be resolved by the Council Chair.

Council Members should avoid engaging in private discourse or committing any other act which may tend to distract the attention of the Council or the audience from business before the Council, or which

might interfere with any person's right to be heard after recognition by the Conducting Council Member.

Conduct of Citizens and Attendees at Council Meeting.  
Those in attendance ~~should be~~ admonished to avoid personal attacks, demonstrations, or outbursts without being recognized. ~~Individuals should be requested to~~ shall address their remarks directly to the Council as a body concerning the agenda business. ~~Persons engaged in disruptive behavior shall be removed by the Sergeant at Arms at the direction of the Council Chair or Conducting Council Member.~~

When speaking about or discussing matters before the Council, all ~~persons~~ individuals, including Council Members, shall confine ~~their any~~ remarks to the question under discussion, ~~avoiding personalities.~~ Anyone engaging in discussion beyond the question before the Council shall be ordered to stop by the Conducting Council Member, and no further discussion will be allowed by said person.

Individuals engaged in disruptive behavior shall be removed by the Sergeant-at-Arms at the direction of the Council Chair or Conducting Council Member.

Rule 13: Sergeant-At-Arms

Upon request of the Council, a Sergeant-at-Arms will be assigned to a meeting.

The duty of the Sergeant-At-Arms shall be to assist the Conducting Council Member in preserving order and decorum in City Council meetings.

In the case of any disturbance or disorderly conduct within the Chambers or at a Council meeting, the Conducting Council Member may request the Sergeant-At-Arms to escort the offender(s) from the Council meeting.

Rule 14: Personal Privilege - Protest

Any Council Member shall have the right to protest any

action of the Council, stating the reasons, and having the same entered in the minutes, provided such reasons do not impugn the motives or character of any person. A point of personal privilege shall be limited to five (5) minutes in length. Any additional objections may be submitted to the City Recorder in writing within forty-eight (48) hours of adjournment and will be attached to the meeting minutes.

Rule 15: Committees: Special, Ad Hoc, Joint Committee at Request of the Mayor, Oversight

The City Council may, from time to time, create, revise, or abolish any and all Council committees, or make any changes to the committee structure.

The City Council may create any special or ad hoc committee for any specific purpose proper for Council consideration. When such committee is created, its purpose and a relevant time frame will be established. After the final report of the committee, the special or ad hoc committee of the Council will be abolished.

The City Council may or may not elect to formally participate, either by its own membership or its designees, in a committee being established by the Mayor.

Any standing committee, or the Council as a whole, may resolve to sit as an oversight committee for the purpose of investigating items relating to the conduct of City business. -However, no powers are accorded the committee other than those provided by state law.

All meetings of Council committees, standing, ad hoc, oversight, shall provide notice in conformance with the Utah Open and Public Meetings Act.

Rule 16: Suspension of the Rules

If a person presenting a matter to the Council informs the Council Members, by information delivered in Council packets prior to a regular Council meeting, why a matter must be acted upon/voted on at its first

reading, Council Members may suspend their rules and vote on it. -If the Council Members do not vote to suspend the rules on such matter, it will go to Unfinished Business or to the Consent Agenda for the next regular Council meeting.

No rule shall be suspended except by majority vote of the Council Members.

Rule 17: Amendment, Revision or Addition to Rules

Any Council Member may propose amendments, revisions, or additions to these Rules of Procedure.

Each amendment, revision, or addition proposed by a Council Member shall be in written form, and copies shall be provided to each Council Member.

Consideration of any amendments, revisions, or additions to these Rules of Procedure shall be noticed on a Council agenda in conformance with the Utah Open and Public Meetings Act.

—A majority vote of all Council Members shall be required for passage and adoption of an amendment, revision, or addition to these Rules of Procedure.

Each Council Member shall have a copy of the latest edition of the Rules of Procedure.

A copy of the Rules of Procedure will be made available to all department heads of the City, any member of the City staff, any citizen-member of the public or other person who requests the same.

Rule 18: Time Frame for Delivery of Information Packets to Council Members

For each regular Council meeting, work meeting, Closed Meeting, special meeting, public hearing and other Council meetings, Council Members will receive a packet, which may be in digital form, containing the agenda of such meeting(s) and complete information

pertaining to items on the agenda(s). -To allow the Council Members adequate time to study the items for consideration at the upcoming meeting(s), all information for agendas and packets will ideally be delivered to the City Recorder by 5:00 p.m. on the Friday preceding the meeting(s). Notwithstanding the foregoing, a resolution or ordinance shall not be considered by the Council unless such has been properly noticed in accordance with the law and approved as to legal form by the City Attorney. All email communication between any member of the City Council and the Mayor, or City staff, shall be conducted through City issued email.

Rule 19: Computers, Cell Phones and Tablets for Council Members-

The City may acquire and maintain for the Council Members computers, tablets, cell phones, etc., at a level to allow Council Members to access all pertinent City information, such as e-mail, City Code, web sites and network. -The City may also furnish to Council Members all supplies customarily used to operate such equipment. Council Members have discretion to allow others in their household to use the computer equipment in a manner that will not cause harm or ~~breakage~~-damage to the equipment.

When maintenance or service is required for assigned equipment, the Council Members will bring such equipment to the City's ~~MIS Director~~IT Division Manager at City Hall.

The cost allotted for equipment, including maintenance and service, will be addressed and decided by the Council Members each year during budget sessions. -The amount decided upon will be included as a line item in the City Council portion of the General Fund.

Rule 20: Serious Moment of Reflection-

1. Each City Council Meeting will begin with a ~~moment~~serious ~~for moment of~~serious reflection comprised of a prayer,

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other supplication, moment of silence, inspirational thought, an inspirational reading, etc. -The serious moment of reflection will be led either by the member of the City Council assigned or by a volunteer community member.

2. Upon timely request, the serious moment of reflection may be conducted by any person having a significant connection to the South Salt Lake Community, including residents, city business leaders, city educational leaders, city religious leaders, city civic leaders, etc. -Pursuant to Rule 19, the request must be delivered to the City Recorder no later than 8:00 a.m. on the Friday preceding the City Council Meeting for placement on the agenda. -The request shall contain the following information to be printed on the agenda:
  - (a) The name and address of the individual requesting to present the serious moment of reflection;
  - (b) The person's connection to the South Salt Lake community; and
  - (c) The general nature of the presentation, i.e., prayer, supplication, inspirational thought, moment of silence, or will specify if other than these types.
3. Upon receiving the request, if no other person has made an earlier request, the person will be placed on the agenda to present the serious moment of reflection at the next scheduled City Council Meeting. -If multiple requests are made, each person making a request shall be scheduled to present at an upcoming Council Meeting according to the order in which the request is made.
4. Each person who files a request with the City Recorder will be given a copy of the guidelines for presenting the serious moment of reflection.
5. The person providing the serious moment of reflection shall adhere to the following:

- (a) The presentation may not exceed three minutes;
- (b) The presenter must be in attendance and prepared to proceed on time;
- (c) A community member may only present once in a six-month period of time;
- (d) The presenter must abide by the City Council's rules of decorum as set forth in Rule 12;
- (e) The purpose of the serious moment of reflection is to set the tone for the proceedings of the City Council. -It may consist of a prayer, supplication, inspirational thought, inspirational reading, a moment of silence or other appropriate activity.
- (f) It should promote thoughtful attention to public duty and high moral and ethical standards.
- (g) It should promote peace, unity, and tolerance in the community.
- (h) It is not a time to disparage the beliefs of others or to promote one's own beliefs or point of view.
- (i) It should not degrade any person because of religion, race, ethnic background national origin, sex, or philosophy.
- (j) It should not be crude, vulgar, or offensive to the public sense of decency.
- (k) It is not a time to demean or insult local leaders.
- (l) If it is the person's intent to argue, complain, criticize, etc., the ~~Citizen's~~ Public Comments portion of each City Council Meeting is the time to do so, not the serious moment of reflection.

7. To provide equal access to participate, the opportunity to present the serious moment of reflection at City Council Meeting will be advertised to the community by the following methods:

(a)  
~~(i)~~ An invitation to the public to participate will be permanently posted outside the City Council Chambers at City Hall ~~outside the City Council Chambers and~~

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~~(ii)~~ An invitation to the public to participate will be permanently posted on the City's website.

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(b) ~~(b)~~ The invitation will be substantially in the following ~~is~~ form:

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The South Salt Lake City Council invites all South Salt Lake City residents, City businessmen representatives, City education leaders, City civic leaders, City religious leaders, or any other person with a significant connection to our community ~~the City of South Salt Lake~~ to participate at an upcoming City Council Meeting by presenting a serious moment of reflection at the commencement of the meeting. ~~Persons~~ interested in volunteering for this public service should contact the City Recorder at (phone number or email) for more details no later than 8:00 a.m. on the Friday preceding a scheduled City Council Meeting.

8. If an interested community member fails to timely volunteer or, having volunteered, fails to timely appear, the member of the City Council assigned to conduct the meeting shall present the serious moment of reflection.

Rule 21: Confidential Documents

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1. Any document provided to the City Council in connection with a public meeting that is restricted by

state or federal law from public disclosure will be stamped on the front page with a mark that clearly advises of the document's private, confidential, or protected classification.

2. Documents dealing with issues of the character or reputation of an individual, financial details of real estate transactions, security measures, trade secrets, or any other non-public record will be stamped on the front page with a mark that clearly advises of the document's private, confidential, or protected classification and shall only be distributed to Council members by the City Recorder in a closed meeting. -Any such document distributed shall be returned to the City Recorder prior to adjournment of the closed meeting.

Rule 22: Council Staff

1. Any member of the City Council may, individually or jointly with another member, contact staff employed by the Council to initiate legislation, ask questions, seek opinions, request the drafting of documents, reports, and audits, prepare items for discussion at Council meetings, make assignments, and to do all other things necessary for the business of the Council.

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RESOLUTION NO. 2022-20

A RESOLUTION OF THE SOUTH SALT LAKE CITY COUNCIL NAMING THE COMMUNITY GARDEN  
LOCATED AT 3065 SOUTH 400 EAST AS FITTS PARK COMMUNITY GARDEN

WHEREAS, South Salt Lake Municipal Code 2.71.010 defines land, regardless of acreage as a major asset; and

WHEREAS, in order to name a major asset South Salt Lake Municipal Code 2.71.020 requires the South Salt Lake City Council (the "Council") to hold at least one public meeting where there is an opportunity for the public to comment on the proposed name of the major asset; and

WHEREAS, South Salt Lake Municipal Code 2.71.020 further requires the Council to pass a resolution identifying the asset and explaining the rationale for the chosen name of the asset; and

WHEREAS, the Council met in regular meeting on July 13, 2022, to consider, among other things, naming a new community garden located at 3065 South 400 East, next to Fitts Park; and

WHEREAS, during that July 13, 2022, regular time was allotted for public comment on the topic of the new community garden name; and

WHEREAS, community input was the main rationale in deciding the name of the new community garden; and

WHEREAS, the creation and the maintenance of the new community garden is designed to be led as a community effort; and

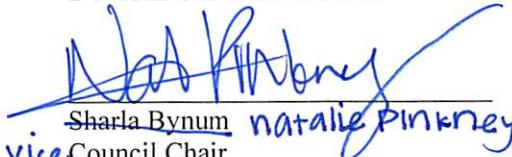
WHEREAS, community gardens provide access to nutritious foods and contribute to the health and food security of residents of the City of South Salt Lake, make significant contributions to civic and cultural life, and create a gathering place where relationships are cultivated; and

WHEREAS, community gardens also promote beautification, conservation, socialization, and provide equitable opportunity for all who wish to garden;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of South Salt Lake, that the new Community Garden be named Fitts Park Community Garden. May the crops be abundant, new friendships cultivated, and the gardens grow more than just produce.

APPROVED AND ADOPTED by the South Salt Lake City Council, South Salt Lake, Utah, on this 13 day of July, 2022.

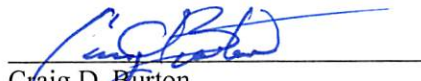
BY THE CITY COUNCIL:

  
~~Sharla Bynum~~ natalie pinkney  
vice Council Chair

City Council Vote as Recorded:

Bynum	<u>YES</u>
Huff	<u>YES</u>
Mila	<u>YES</u>
Pinkney	<u>YES</u>
Siwik	<u>YES</u>
Thomas	<u>YES</u>
Williams	<u>YES</u>

ATTEST:

  
\_\_\_\_\_  
Craig D. Burton  
City Recorder



RESOLUTION NO. 2022- 21

A RESOLUTION OF THE SOUTH SALT LAKE CITY COUNCIL  
APPROVING THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED AT 2650  
SOUTH MAIN STREET

WHEREAS, the City of South Salt Lake (the “City”) desires to purchase the real property located at 2650 South Main Street, South Salt Lake, Utah 84115, consisting of four parcels: 1524482013000, 15244820114000, 1524482015000, and 1524482026000, as more particularly described in Exhibit A, and certain other rights and interests appurtenant thereto (collectively, the “Property”), for the purpose of expanding the City’s parks in accordance with the City’s parks master plan;

WHEREAS, to effectuate the City’s purchase of the Property, the City has negotiated a Purchase and Sale Agreement dated February 14, 2022 (the “Purchase Agreement”), by and between the City, as buyer, and Maverik, Inc., as seller (“Maverik”);

WHEREAS, the Property is a “significant parcel,” as defined in Section 3.14.010 of the South Salt Lake City Code of Ordinances (the “Code”), because the fair market value of the Property, as determined by a reasonable evaluation method, is greater than twenty-five thousand dollars (\$25,000.00) and the total acreage of the Property exceeds five thousand (5,000) square feet;

WHEREAS, Section 3.14.020.A of the Code requires the Mayor to obtain the approval by resolution of the City Council for the purchase of any significant parcel of real property unless the City Council has already appropriated and specifically identified funds for the purchase of the real property in a budget line item;

WHEREAS, the City Council has amended the City budget to identify funds for the purchase of the Property in a budget line item, with funds coming from park impact fees, “Park/Recreation Land Purchase” account 40-80-704-01;

WHEREAS, as required by Section 3.14.020.C.1 of the Code, the Mayor certifies to the City Council that funds are available to pay for the purchase of the Property according to the terms of the Purchase Agreement and has recommended that the purchase price for the Property be paid from such funds;

WHEREAS, the City has commissioned an appraisal of the Property, as required by Section 3.14.020.E of the Code;

WHEREAS, Maverik has made the disclosures required by Section 3.14.020.F of the Code;

WHEREAS, the City has commissioned an environmental assessment of the Property and has otherwise complied with Section 3.14.020.G. of the Code in all respects;

WHEREAS, in accordance with Section 3.14.020.D. of the Code, the City Council has discussed the confidential aspects of the Purchase Agreement and the transaction contemplated thereby in a closed session to enable the City to complete the transaction on the best possible terms; and

WHEREAS, the City Council met in regular session on July 13, 2022, and determined that this Resolution is in the best interests of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of South Salt Lake, that the form, terms, and provisions of the Purchase Agreement and the transaction contemplated thereby be and hereby are determined to be fair to, advisable, and in the best interests of the City, and the Purchase Agreement and the transaction contemplated thereby are hereby approved and adopted in all respects; and

BE IT FURTHER RESOLVED, that the terms and provisions of all other agreements, instruments, certificates and documents, including all exhibits and schedules attached to the Purchase Agreement, as may be necessary or convenient to carry out the transaction contemplated by the Purchase Agreement be, and hereby are, approved and adopted in all respects with such additions, deletions and/or changes thereto as the Mayor may, in her reasonable discretion, determine necessary;

BE IT FURTHER RESOLVED, that the City Council approves the Purchase Agreement and authorizes the Mayor to execute all documents and to take such action as she may deem necessary or advisable in order to carry out and perform the transaction contemplated by the Purchase Agreement, and all actions taken by the Mayor prior hereto with such purpose are hereby ratified;

BE IT FURTHER RESOLVED, that the purchase price for the Property shall be paid from the park impact fees, "Park/Recreation Land Purchase" account 40-80-704-01; and

BE IT FURTHER RESOLVED, that the council chair is hereby authorized and directed by the City Council to execute this Resolution and to do all things necessary to render the same in full force and effect.

(signatures appear on the next page)

(remainder of page intentionally left blank)



DATED this 13 day of July, 2022.


BY THE CITY COUNCIL:



~~Sharla Bynum, Council Chair~~

Natalie Pinkney, council vice-chair

ATTEST:

  
\_\_\_\_\_  
Craig D. Burton, City Recorder

City Council Vote as Recorded:

Huff	<u>YES</u>
Thomas	<u>YES</u>
Bynum	<u>YES</u>
Mila	<u>YES</u>
Pinkney	<u>YES</u>
Siwik	<u>YES</u>
Williams	<u>YES</u>



ORDINANCE NO. 2022- 13

AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL AMENDING SECTION 2.60.020 OF THE SOUTH SALT LAKE CITY MUNICIPAL CODE TO BRING THE CITY'S SELECTION REQUIREMENTS REGARDING EMPLOYMENT OF RELATIVES AND HOUSEHOLD MEMBERS IN LINE WITH STATE LAW.

**WHEREAS**, the South Salt Lake City Council (the "Council") is authorized to enact and amend ordinances establishing regulations related to the health, safety, and welfare of the residents of the City of South Salt Lake (the "City"); and

**WHEREAS**, the Council finds that the internal management of City staff is a matter of public concern; and

**WHEREAS**, the Council finds that the current City ordinance regarding employment of existing employees' relatives and household members is duplicative of state law and therefore potentially confusing; and

**WHEREAS**, the Council finds that state law is sufficient to govern the rare circumstances under which it would be appropriate for the City to hire an individual who is related to an existing City employee; and

**WHEREAS**, the Council hereby determines that amending section 2.60.020 of the South Salt Lake Municipal Code to align with state law governing the employment of relatives and household members is in the best interest of the health, safety, and welfare of the residents of South Salt Lake City;

**NOW, THEREFORE**, be it ordained by the City Council of the City of South Salt Lake:

**SECTION 1. Enactment.** Sections 2.60.020 is hereby amended, as attached hereto and incorporated by reference in "Exhibit A."

**SECTION 2. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. Conflict with Existing Ordinances, Resolutions, or Policies.** To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

**SECTION 4. Effective Date.** This ordinance shall become effective upon Mayor's signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

(signatures appear on separate page)

DATED this 14 day of July, 2022.

BY THE CITY COUNCIL:

/s/ Sharla Bynum  
Sharla Bynum, Council Chair


ATTEST:

  
Craig D. Burton, City Recorder

City Council Vote as Recorded:

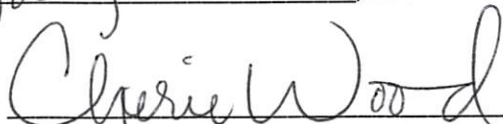
Huff	<u>YES</u>
Thomas	<u>YES</u>
Bynum	<u>YES</u>
Mila	<u>YES</u>
Siwik	<u>no</u>
Pinkney	<u>YES</u>
Williams	<u>YES</u>

Transmitted to the Mayor's office on this 14 day of July, 2022.

  
Craig D. Burton, City Recorder

MAYOR'S ACTION: Approve

Dated this 14th day of July, 2022.

  
Cherie Wood, Mayor

ATTEST:

  
Craig D. Burton, City Recorder



## Exhibit A:

### 2.60.020 Employee hiring.

- A. Employment. Job descriptions defining the essential functions of the vacant position shall be drafted and adopted before the vacancy is posted or otherwise advertised internally or externally.
- B. Recruitment.
1. Internal Advertising.
    - a. It is the city's policy to give first consideration to fill a job position to regular full-time or part-time employees, as long as they have completed their probationary period and they were initially hired through an external advertising process.
    - b. A written notice of the opening will be posted for no less than five weekdays where all city employees will have notice of an opportunity for promotion.
  2. External Advertising.
    - a. Only the human resource department, or designee, is authorized to place advertisements and respond to inquiries from employment agencies and/or job applicants.
    - b. Job opening notices indicating the appropriate qualifications must be advertised in accordance with the city's affirmative action plan, as deemed by the human resource department, on at least three separate days.
- C. Selection.
1. **[Nepotism]Employment of Relatives and Household Members. City employees shall comply with the provisions of Section 52-3-1 et seq., Utah Code Annotated, as amended, prohibiting the employment of relatives and household members.**
    - a. ~~[It is the policy of the city to comply with the provisions of Section 52-3-1 et seq., Utah Code Annotated, as amended, prohibiting the employment of relatives. Except as allowed by state law, the city prohibits city employees from employing, appointing, voting for the appointment of, directly supervising, or being directly supervised by their relative. In addition, no relative of an elected or appointed city officer or the relative's spouse shall be employed by the city, whether in a seasonal, temporary, part-time or full-time status.~~
    - b. ~~As used in this section, "relative" means a father, mother, husband, wife, spouse, son, daughter, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, life partner, cohabitant, ward, fiancé, grandfather, grandmother, grandson, granddaughter, stepparent, and stepchild. "City officer" means any elected or appointed officer, and shall include the mayor, city council, and all appointed city officials.~~
    - e. ~~No relative of an appointed or elected city officer or the relative's spouse employed by the city prior to November 1, 2016 or prior to the election of the city officer shall be affected by this section.]~~
  2. Employment of Minors. It is the policy of the city that no one under the age of fourteen (14) shall be hired for any position.
  3. All individuals considered for any position must meet the minimum requirements as outlined in the job description and determined by the human resource department.
  4. Selection Process.

- a. If three or more current, qualified city employees apply for the position through the internal advertising process, as described above, then no external advertising will occur and the department head, or designee, shall select the person from the top three candidates, as determined by an interviewing process or similar mechanism.
- b. If fewer than three current, qualified city employees apply for the position, then the human resource department shall conduct an external advertising of the position. Any current city employee applying through the internal advertising process shall be guaranteed to be one of the top three candidates from which the department head, or designee, may select, provided that employee meets the minimum requirements for the position.

**D. Placement.**

1. **Rejection Letters.** Within five working days after the job offer has been accepted, non-selected job applicants shall be notified. The human resource department, or designee, will send a job rejection letter to each job applicant who was not selected for a job opening.
2. **Job Offers.** The job offer letter shall clearly state that the offer is not accepted until the candidate signs the written form and returns it to the city by the requested date.
3. **Medical Examinations.** Once the city has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by the city to determine a job applicant's ability to fulfill essential job related requirements. Only the human resource department, or designee, may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by the city. The prospective employee must sign a written release of this information to the city.
4. **Reinstatements.** Employees who are reinstated into the city may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:
  - a. **Layoffs.** Employees who terminate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by the city within one year after date of termination.
  - b. **Voluntary Resignations.** Employees who voluntarily terminate their employment with the city may maintain their original anniversary date, subject to human resource department or designee's approval, if they are re-employed by the city within six months after date of termination.
5. **Orientation.** Newly hired employees shall complete all required paperwork and receive orientation as a new employee of the city on their first day of work, or as soon thereafter as possible.
6. **Probationary Period.**
  - a. All police or fire new employees shall be subject to a one-year probationary period, except persons hired as such who have a conviction for an alcohol-related driving offense, as defined in Section 2.36.160, within the previous three years shall serve an eighteen-month probationary period.

All other new employees shall be subject to a six-month probationary period. During this period, probationary employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal in connection with said termination.

- b. Present employees who are transferred or promoted to another position shall be on probation until the completion of their initial probationary period or for a period of three months, whichever is longer. Present employees who are transferred or promoted to a police department position shall be on probation for a one-year period beginning at the time of transfer or promotion.

- E. Volunteers. Volunteers are considered employees of the city only for the purposes of:**
- 1. Workers compensation benefits for compensable injuries sustained by the volunteer while acting in the scope of employment.**
  - 2. Operating city-owned vehicles or equipment when the volunteer is properly licensed to do so.**
  - 3. Liability insurance coverage offered employees.**

RESOLUTION NO. R-2022 \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH SALT LAKE, UTAH (THE “ISSUER”), AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$10,000,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, SERIES 2022 (TO BE ISSUED IN ONE OR MORE SERIES AND WITH SUCH OTHER SERIES OR TITLE AS MAY BE DETERMINED) (THE “BONDS”); FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; DELEGATING TO CERTAIN OFFICERS OF THE ISSUER THE AUTHORITY TO APPROVE THE FINAL TERMS AND PROVISIONS OF THE BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD AND SETTING OF A PUBLIC HEARING DATE; AUTHORIZING AND APPROVING THE EXECUTION A MASTER RESOLUTION AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, the City Council (the “Council”) of the City of South Salt Lake, Utah (the “Issuer”) desires to (a) finance all or a portion of the costs of the construction of improvements to its water system (the “System”), including the development of a new well, pump station, treatment plant and the replacement of pipes and all related improvements (collectively, the “Project”) and (b) pay costs of issuance with respect to the Bonds herein described; and

WHEREAS, to accomplish the purposes set forth in the preceding recital, and subject to the limitations set forth herein, the Issuer desires to issue its Water Revenue Bonds, Series 2022 (to be issued from time to time as one or more series and with such other series or title designation(s) as may be determined by the Issuer) (collectively, the “Bonds”), pursuant to (a) the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “Act”), (b) this Resolution, and (c) a Master Resolution (the “Master Resolution”), in substantially the form presented to the meeting at which this Resolution was adopted and which is attached hereto as Exhibit B; and

WHEREAS, the State of Utah Department of Natural Resources, Board of Water Resources (the “Purchaser”) has offered to purchase the Bonds; and

WHEREAS, the Act provides that prior to issuing bonds, an issuing entity must (a) give notice of its intent to issue such bonds and (b) hold a public hearing to receive input

from the public with respect to (i) the issuance of the bonds and (ii) the potential economic impact that the improvement, facility or property for which the bonds pay all or part of the cost will have on the private sector; and

WHEREAS, the Issuer desires to call a public hearing for this purpose and to publish a notice of such hearing with respect to the Bonds, including a notice of bonds to be issued, in compliance with the Act; and

WHEREAS, in order to allow the Issuer flexibility in setting the pricing date of the Bonds, the Council desires to grant to the Mayor (or Mayor Pro Tem or similarly authorized officer, collectively, the “Mayor”), or the Finance Director (each a “Designated Officer”), the authority to (a) approve the principal amounts, interest rates, terms, maturities, redemption features, and purchase price at which the Bonds shall be sold and (b) make any changes with respect thereto from those terms which were before the Council at the time of adoption of this Resolution, provided such terms do not exceed the parameters set forth for such terms in this Resolution (the “Parameters”);

NOW, THEREFORE, it is hereby resolved by the City Council of the City of South Salt Lake, Utah, as follows:

Section 1. For the purpose of (a) financing the Project and (b) paying costs of issuance of the Bonds, the Issuer hereby authorizes the issuance of the Bonds which shall be designated “City of South Salt Lake, Utah Water Revenue Bonds, Series 2022” (to be issued from time to time as one or more series and with such other series or title designation(s) as may be determined by the Issuer) in the aggregate principal amount of not to exceed \$10,000,000. The Bonds shall mature in not more than thirty-one (31) years from their date or dates, shall be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof and shall bear interest at a rate or rates not to exceed one percent (1%) per annum, as shall be approved by the Designated Officer, all within the Parameters set forth herein.

Section 2. The Designated Officer is hereby authorized to specify and agree as to the method of sale, the final principal amounts, terms, discounts, maturities, interest rates, redemption features, and purchase price with respect to the Bonds for and on behalf of the Issuer, provided that such terms are within the Parameters set by this Resolution.

Section 3. The Master Resolution, in substantially the form presented to this meeting and attached hereto as Exhibit B, is hereby authorized, approved, and confirmed. The Mayor and City Recorder are hereby authorized to execute and deliver the Master Resolution in substantially the form and with substantially the content as the form presented at this meeting for and on behalf of the Issuer, with final terms as may be established by the Designated Officer within the Parameters set forth herein, and with such alterations, changes or additions as may be necessary or as may be authorized by Section 4 hereof.

Section 4. The Designated Officer or other appropriate officials of the Issuer are authorized to make any alterations, changes or additions to the Master Resolution, the Bonds or any other document herein authorized and approved which may be necessary to



conform the same to the final terms of the Bonds (within the Parameters set by this Resolution), to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Council or the provisions of the laws of the State of Utah or the United States.

Section 5. The form, terms, and provisions of the Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, and number shall be as set forth in the Master Resolution. The Mayor and the City Recorder are hereby authorized and directed to execute and seal the Bonds. The signatures of the Mayor and the City Recorder may be by facsimile or manual execution.

Section 6. The Designated Officer or other appropriate officials of the Issuer are hereby authorized and directed to authenticate and deliver the Bonds in accordance with the provisions of the Master Resolution.

Section 7. Upon their issuance, the Bonds will constitute special limited obligations of the Issuer payable solely from and to the extent of the sources set forth in the Bonds and the Master Resolution. No provision of this Resolution, the Master Resolution, the Bonds, or any other instrument, shall be construed as creating a general obligation of the Issuer, or of creating a general obligation of the State of Utah or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the Issuer or its taxing powers.

Section 8. The Designated Officer and other appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents and other papers (including, without limitation, any escrow agreement permitted under the Master Resolution and tax compliance procedures) and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein.

Section 9. After the Bonds are delivered to the Purchaser and upon receipt of payment therefor, this Resolution shall be and remain irrevocable until the principal of, premium, if any, and interest on the Bonds are deemed to have been duly discharged in accordance with the terms and provisions of the Master Resolution.

Section 10. The Issuer shall hold a public hearing on August 24, 2022, to receive input from the public with respect to (a) the issuance of the Bonds, and (b) the potential economic impact that the improvements to be financed with the proceeds of the Bonds will have on the private sector, which hearing date shall not be less than fourteen (14) days after notice of the public hearing is published (i) in the Salt Lake Tribune, a newspaper of general circulation in the Issuer, (ii) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, and (iii) on the Utah Legal Notices website ([www.utahlegals.com](http://www.utahlegals.com)) created under Section 45-1-101, Utah Code Annotated 1953, as amended. The City Recorder shall cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in Issuer's offices, for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the date of

publication thereof. The Issuer directs its officers and staff to publish a “Notice of Public Hearing and Bonds to be Issued” in substantially the following form:

## NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, (the “Act”), that on July 13, 2022, the City Council (the “Council”) of the City of South Salt Lake, Utah (the “Issuer”), adopted a resolution (the “Resolution”) in which it authorized the issuance of the Issuer’s Water Revenue Bonds, Series 2022 (to be issued in one or more series and with such other series or title designation(s) as may be determined by the Issuer) (the “Bonds”) and called a public hearing to receive input from the public with respect to (a) the issuance of the Bonds and (b) any potential economic impact that the Project described herein to be financed with the proceeds of the Bonds may have on the private sector.

### TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on August 24, 2022, at the hour of 7:00 p.m. at 220 East Morris Avenue, Suite 200, South Salt Lake, Utah. The purpose of the hearing is to receive input from the public with respect to (a) the issuance of the Bonds and (b) any potential economic impact that the Project to be financed with the proceeds of the Bonds may have on the private sector. All members of the public are invited to attend and participate.

### PURPOSE FOR ISSUING THE BONDS

The Bonds will be issued for the purpose of (a) financing all or a portion of the costs of construction of improvements to the Issuer’s water system (the “System”), including the development of a new well, pump station and treatment plant and the replacement of pipes and all related improvements (collectively, the “Project”) and (b) paying costs of issuance of the Bonds.

### PARAMETERS OF THE BONDS

The Issuer intends to issue the Bonds in the aggregate principal amount of not more than Ten Million Dollars (\$10,000,000), to mature in not more than thirty-one (31) years from their date or dates, to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, and bearing interest at a rate or rates not to exceed one percent (1%) per annum. The Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution, a Master Resolution (the “Master Resolution”) which was before the Council in substantially final form at the time of the adoption of the Resolution and said Master Resolution is to be executed by the Issuer in such form and with such changes thereto as shall be approved by the Issuer; provided that the principal amount, interest rate or rates, maturity, and discount of the Bonds will not exceed the maximums set forth above. The Issuer reserves the right to not issue the Bonds for any reason and at any time up to the issuance of the Bonds.

### REVENUES PROPOSED TO BE PLEDGED

The Bonds are special limited obligations of the Issuer payable from the net revenues of the System (the “Revenues”).

## OUTSTANDING BONDS SECURED BY REVENUES

The Issuer does not have any bonds outstanding secured by the Revenues.

## OTHER OUTSTANDING BONDS OF THE ISSUER

Additional information regarding the Issuer's outstanding bonds may be found in the Issuer's financial report (the "Financial Report") at: <https://reporting.auditor.utah.gov/searchreports/s/>. For additional information, including any information more recent than as of the date of the Financial Report, please contact Crystal Makin, Finance Director (801) 412-3226.

## TOTAL ESTIMATED COST OF BONDS

Based on the Issuer's current plan of finance and a current estimate of interest rates, the total principal and interest cost of the Bonds, if held until maturity, is \$9,915,150.

A copy of the Resolution and the Master Resolution are on file in the office of City Recorder, 220 East Morris Avenue, South Salt Lake, Utah where they may be examined during regular business hours of the City Recorder from 8:00 a.m. to 5:00 p.m. Monday through Friday, for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution, the Master Resolution or the Bonds, or any provision made for the security and payment of the Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality, or legality thereof for any cause whatsoever.

DATED this July 13, 2022.

/s/ Craig D. Burton  
City Recorder

Section 11. The Issuer hereby reserves the right to opt not to issue the Bonds for any reason, including without limitation, consideration of the opinions expressed at the public hearing.

Section 12. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

Section 13. The Issuer hereby declares its intention and reasonable expectation to use proceeds of tax-exempt bonds to reimburse itself for initial expenditures for costs of the Project. The Bonds are to be issued, and the reimbursements made, by the later of 18-months after the payment of the costs or after the Project is placed in service, but in any event, no later than three years after the date the original expenditure was paid. The maximum principal amount of the Bonds which will be issued to finance the reimbursed costs of the Project is not expected to exceed \$10,000,000.

ADOPTED AND APPROVED by the City Council this 13th day of July 2022.

BY THE CITY COUNCIL

---

Sharla Bynum, Council Chair

City Council Vote as Recorded:

Bynum	_____
Huff	_____
Mila	_____
Pinkney	_____
Siwik	_____
Thomas	_____
Williams	_____

ATTEST:

---

City Recorder

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Recorder

STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

I, Craig D. Burton, the duly appointed and qualified City Recorder of the City of South Salt Lake, Utah (the “City”), do hereby certify according to the records of the City Council (the “Council”) in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the Council held on July 13, 2022, including a resolution (the “Resolution”) adopted at said meeting as said minutes and Resolution are officially of record in my possession.

All members of the City Council were duly notified of said meeting, pursuant to law.

I further certify that the Resolution, with all exhibits attached, was deposited in my office on July 13, 2022, and pursuant to the Resolution, there will be published, no less than fourteen (14) days before the public hearing date, a Notice of Public Hearing and Bonds to Be Issued (a) in the Salt Lake Tribune, a newspaper having general circulation within the City, the affidavit of which publication will be attached upon availability, (b) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended and (c) on the Utah Legal Notices website ([www.utahlegals.com](http://www.utahlegals.com)) created under Section 45-1-101, Utah Code Annotated 1953, as amended.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said City this July 13, 2022.

(SEAL)

By: \_\_\_\_\_  
City Recorder



EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH  
OPEN MEETING LAW

I, Craig D. Burton, the undersigned City Recorder of the City of South Salt Lake, Utah (the “City”), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the July 13, 2022, public meeting held by the City Council of the City (the “Council”) as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the City at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Salt Lake Tribune either directly or through the newspaper’s subscription to the Utah Public Notice Website (<http://pmn.utah.gov>); and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2022 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the Council to be held during the year, by causing said Notice to be (a) posted on \_\_\_\_\_, at the principal office of the Council, (b) provided to at least one newspaper of general circulation within the City on \_\_\_\_\_, either directly or through the newspaper’s subscription to the Utah Public Notice Website (<http://pmn.utah.gov>), and (c) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this July 13, 2022.

(SEAL)

By: \_\_\_\_\_  
City Recorder

SCHEDULE 1  
NOTICE OF MEETING

SCHEDULE 2

ANNUAL MEETING SCHEDULE

(attach Proof of Publication of  
Notice of Public Hearing and Bonds to be Issued)

EXHIBIT B

FORM OF MASTER RESOLUTION

MASTER RESOLUTION

OF

CITY OF SOUTH SALT LAKE, UTAH

AS ISSUER

DATED AS OF

\_\_\_\_\_, 2022

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## MASTER RESOLUTION

WHEREAS, the City of South Salt Lake, Utah (the “Issuer”), desires to issue its Water Revenue Bonds, Series 2022 (the “Series 2022 Bonds”) to (a) finance the construction of improvements to its water system (the “System”), including the development of a new well, pump station, treatment plant and the replacement of pipes and all related improvements (collectively, the “Series 2022 Project”) and (b) pay costs of issuance of the Series 2022 Bonds herein described pursuant to this Master Resolution; and

WHEREAS, the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated, 1953, as amended (the “Act”), provides that the Issuer may issue non-voted revenue bonds as long as net revenues generated from the revenue producing facilities of the Issuer are sufficient to pay for operation and maintenance of said facilities and debt service on all outstanding obligations secured by the revenues of said facilities; and

WHEREAS, the Issuer does not have on hand money to pay the cost of the Series 2022 Project and the Net Revenues to be derived by the Issuer from the operation of its System (as defined herein) will not be pledged or hypothecated in any manner or for any purpose at the time of the issuance of the Series 2022 Bonds; and

WHEREAS, the Issuer has been advised that the System will generate sufficient Net Revenues to pay for operation and maintenance of the System as well as debt service on all proposed obligations secured by the Net Revenues of the System, including the Series 2022 Bonds authorized herein; and

WHEREAS, as required by the Act, on August 10, 2022, the Issuer held a public hearing with respect to the Series 2022 Bonds, after at least fourteen (14) days public notice; and

WHEREAS, the State of Utah Department of Natural Resources, Board of Water Resources (the “Board of Water Resources”) has offered to purchase the Series 2022 Bonds at the total principal amount of \$\_\_\_\_\_; and

WHEREAS, the Issuer desires to accept the offer of the Board of Water Resources and to confirm the sale of the Series 2022 Bonds to the Board of Water Resources;

NOW, THEREFORE, it is hereby resolved by the City Council of the City of South Salt Lake, Utah as follows:

### ARTICLE I

#### DEFINITIONS

Section 1.1. Definitions. As used in this resolution, the following terms shall have the following meanings unless the context otherwise clearly indicates:

“Act” means the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended.

“Additional Bonds” means any bonds issued on a parity with the Series 2022 Bonds in conformity with this Master Resolution.

“Annual Debt Service” means the total requirement of principal, interest and premium, if any, to be paid by the Issuer during any Sinking Fund Year on the Issuer’s outstanding Series 2022 Bonds or other forms of indebtedness, issued on a parity with the Series 2022 Bonds.

“Average Annual Debt Service” means the sum total of the Annual Debt Service for all Sinking Fund Years divided by the total number of Sinking Fund Years during which any of the Series 2022 Bonds will remain outstanding.

“Board of Water Resources” means the State of Utah Department of Natural Resources, Board of Water Resources or any successor agency.

“Bondholder”, “Registered Owner” or “Owner” means the registered owner of any bonds herein authorized.

“Bonds” means the Series 2022 Bonds and any Additional Bonds.

“Business Day” means a day on which banking business is transacted, but not including any day on which banks are authorized to be closed within the boundaries of the Issuer.

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

“Dated Date” means the initial delivery date of the Series 2022 Bonds.

“Default” and “Event of Default” mean, with respect to any default or event of default under this Master Resolution, any occurrence or event specified in and defined by Section 5.1 hereof.

“Depository Bank” means a “Qualified Depository” as defined in the State Money Management Act of 1974, Title 51, Chapter 7, Utah Code Annotated, 1953, as amended, selected by the Issuer to receive deposits for the Revenue Account as herein described, the deposits of which shall be insured by the Federal Deposit Insurance Corporation.

“Escrow Account” means an account to be held in escrow by the Escrow Agent pursuant to the Escrow Agreement, said account to be used for the purpose of depositing the proceeds of the sale of the Series 2022 Bonds and accounting for said proceeds pursuant to the terms of the Escrow Agreement.

“Escrow Agent” means the Utah State Treasurer, Salt Lake City, Utah, who shall so act pursuant to the terms of the Escrow Agreement.

“Escrow Agreement” means the agreement entered into among the Issuer, the Board of Water Resources, and the Escrow Agent on the date of delivery of the Series 2022 Bonds.

“Exchange Bonds” means the fully registered Series 2022 Bonds issued in substantially the form set forth in Exhibit B, in exchange for the State Bonds representing the Series 2022 Bonds or in exchange for other Exchange Bonds, in the denomination of no less than \$1,000 or any integral multiple thereof.

“Fully Registered Bond” means any single fully registered Bond in the denomination(s) equal to the aggregate principal amount of the applicable Series 2022 Bonds authorized herein.

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

“Interest Payment Date” means each December 1 beginning December 1, 2022.

“Issuer” means the City of South Salt Lake, Utah, or any successor entity.

“Master Resolution” means this Master Resolution dated as of \_\_\_\_\_, 2022.

“Net Revenues” means the Revenues after provision has been made for the payment therefrom of Operation and Maintenance Expenses.

“Operation and Maintenance Expenses” means all expenses reasonably incurred in connection with the operation and maintenance of the System, whether incurred by the Issuer or paid to any other municipality or company pursuant to contract or otherwise, repairs and renewals (other than capital improvements) necessary to keep the System in efficient operating condition, the cost of audits hereinafter required, fees of the paying agents on the Bonds, payment of premiums for insurance on the System hereafter required, and, generally, all expenses, exclusive of depreciation, which under generally accepted accounting practices are properly allocable to operation and maintenance of the System, but only such expenses as are reasonably and properly necessary to the efficient operation and maintenance of the System shall be included.

“Outstanding” or “Outstanding Bonds” means any Bonds which have been issued and delivered and not cancelled in accordance with the provisions hereof, except any Bonds in lieu of or in substitution for which a new Bond shall have been delivered herewith, unless proof satisfactory to the Registrar is presented that such Bonds are held by a bona fide holder in due course.

“Permitted Investments” means those investments specified in Section 51-7-11, Utah Code Annotated 1953, as amended, including but not limited to the Public Treasurers Investment Fund (State Treasurer’s Pool).

“Registrar” or “Paying Agent” means the person or persons authorized by the Issuer to maintain the registration books with respect to the Series 2022 Bonds and to pay the principal on the Series 2022 Bonds on behalf of the Issuer. The initial Registrar and Paying Agent for the Series 2022 Bonds is the City Recorder of the Issuer.

“Revenues” means all gross income and revenues of any kind, from any source whatsoever, derived from the operation of the System, including, without limitation, all

fees, rates, connection charges, impact fees imposed with respect to the Series 2022 Project and other charges, the gross revenues of all improvements, additions, and extensions of the System hereafter constructed or acquired, and all interest earned by and profits derived from the sale of investments made with the income and revenues of the System.

“Series 2022 Bonds” or “Bonds” means the Issuer’s Water Revenue Bonds, Series 2022 issued in the total principal amount of \$\_\_\_\_\_ authorized herein.

“Series 2022 Project” means the construction of improvements to its water system (the “System”), including the development of a new well, pump station, treatment plant and the replacement of pipes and all related improvements.

“Series 2022 Reserve Account Requirement” means, with respect to the Series 2022 Bonds, an amount equal to \$34,200, the maximum annual debt service on the Series 2022 Bonds.

“Sinking Fund Year” means the 12-month period beginning July 1 of each year and ending June 30 of the following year, except that the first Sinking Fund Year will begin on the initial delivery date of the Series 2022 Bonds and will end on the following June 30.

“State” means the State of Utah.

“State Bonds” means the fully registered Series 2022 Bonds issued in substantially the form set forth in Exhibit A in the denominations equal to the aggregate principal amount of the Series 2022 Bonds.

“System” means, collectively, the water facilities of the Issuer, as such facilities now exist, and any other properties now or hereafter owned or operated by the Issuer relating to said facilities and as may hereafter be improved and extended, including specifically all properties of every nature owned by the Issuer and used or useful in the operation of said system, including real estate, personal and intangible properties, contracts, franchises, leases, whether lying within or without the boundaries of the Issuer, including the whole and each and every part of the water facilities of the Issuer, including the Series 2022 Project to be acquired and constructed pursuant to this Master Resolution, and all real, personal, and mixed property, of every nature now or hereafter owned by the Issuer and used or useful in the operation of said System, together with all improvements, extensions, enlargements, additions, and repairs thereto which may be made while the Series 2022 Bonds remain Outstanding.

Section 1.2. Master Resolution to Constitute Contract. In consideration of the purchase and acceptance of any and all of the Series 2022 Bonds authorized to be issued hereunder by the Owners thereof from time to time, this Master Resolution shall be deemed to be and shall constitute a contract between the Issuer and the Owners from time to time of the Series 2022 Bonds; and the pledge made in this Master Resolution and the covenants and agreements herein set forth to be performed by or on behalf of the Issuer shall be for the equal benefit, protection and security of the Owners of any and all of the Series 2022 Bonds all of which, regardless of the time or times of their authentication and delivery or maturity, shall be of equal rank without preference, priority, or distinction of any of the

Series 2022 Bonds over any other thereof, except as expressly provided in or permitted by this Master Resolution.

## ARTICLE II

### ISSUANCE OF SERIES 2022 BONDS

Section 2.1. Principal Amount, Designation, Series, and Interest Rate. The Series 2022 Bonds are hereby authorized for issuance for the purpose of providing funds to (a) finance the Series 2022 Project and (b) pay costs incurred in connection with the issuance of the Series 2022 Bonds.

The Series 2022 Bonds shall be limited \$\_\_\_\_\_ in aggregate principal amount, shall be issued (a) if issued as State Bond(s), in the form set forth in Exhibit A and (b) if issued as Exchange Bonds, in the form set forth in Exhibit B, in fully registered form and shall bear interest at the rate of one percent (1.00%) per annum and shall be payable as specified herein. If issued as Exchange Bonds, the Series 2022 Bonds shall be in the denomination of \$1,000 or any integral multiple thereof. The Series 2022 Bonds shall be numbered from one (1) consecutively upward in order of delivery by the Registrar. The Series 2022 Bonds shall be designated as, and shall be distinguished from the bonds of all other series by the title, "City of South Salt Lake, Utah Water Revenue Bonds, Series 2022."

The Series 2022 Bonds shall be in such form as to permit the Board of Water Resources to make incremental advances on its total loan commitment to the Issuer during the period of acquisition and construction of the Series 2022 Project.

Section 2.2. Advances of Proceeds. On or before fifteen (15) days prior to the first day of each calendar quarter beginning prior to the payment by the Issuer of costs of construction of the Series 2022 Project, or at such other time as shall be specified by the Board of Water Resources, the Issuer shall provide to the Board of Water Resources a certificate setting forth a schedule of the costs of construction which the Issuer estimates will become due and payable by the Issuer during the next calendar quarter. Advances made by the Board of Water Resources on the basis of such certificates shall be deposited in the Series 2022 Bond Fund. All such advances shall be in the amount of \$1,000 or any integral multiple thereof. Upon receipt of evidence of deposit of each advance in the Series 2022 Bond Fund, the City Recorder of the Issuer shall give telephonic authorization followed by written confirmation to the Board of Water Resources to stamp or write the date and amount of such advance made by the Board of Water Resources in the appropriate place on the Certificate of Dates of Payment and Amount appearing on the State Bonds. Each advance made by the Board of Water Resources on the State Bonds shall constitute proceeds of the State Bonds and shall be deemed to constitute the full purchase price of the corresponding principal amount of the State Bonds noted on the Certificate of Dates of Payment and Amount appearing on the State Bond(s).

Section 2.3. Date and Maturities. The Series 2022 Bonds shall be dated as of their date of delivery and shall be paid as provided in this Section 2.4. The Series 2022 Bonds shall be initially issued as a single fully registered State Bond.

Except as provided in the next succeeding paragraph, principal payments, whether at maturity or by redemption, shall be payable upon presentation of the applicable Series 2022 Bond at the offices of the Paying Agent for endorsement or surrender, or of any successor Paying Agent. All payments shall be made in any coin or currency which on the date of payment is legal tender for the payment of debts due the United States of America. Payment of interest on delinquent installments, if any shall be made to the Registered Owner thereof and shall be paid by check or draft mailed to the Registered Owner thereof at his address as it appears on the registration books of the Issuer maintained by the Registrar or at such other address as is furnished to the Registrar in writing by such Registered Owner.

So long as the Board of Water Resources is the Registered Owner of the Series 2022 Bonds, payments of principal and interest shall be made by check or draft and mailed to the Board of Water Resources as the Registered Owner at the address shown on the registration books maintained by the Registrar. So long as the Board of Water Resources is the Registered Owner of the Series 2022 Bonds, in lieu of presentation or the surrender of the Series 2022 Bonds to the Paying Agent for notations by the Paying Agent of such payments, the Board of Water Resources, by its Chair or his/her designee, shall endorse such payments upon the Series 2022 Bonds.

If any annual installment of principal of and interest on the Series 2022 Bonds is not paid when due and payable, the Issuer shall pay interest on the delinquent installment at the rate of eighteen percent (18%) per annum from said due date until paid.

The Issuer shall make annual principal payments on December 1 of each year beginning December 1, 2023, together with interest accruing at the rate of 1.00% per annum from the dated date of the Series 2022 Bonds on the principal amount outstanding payable on December 1 of each year beginning December 1, 2022, such interest to accrue from the date of each incremental advance of the principal, until the total principal sum shall be paid in full as follows:

Principal Installment Payment Date (December 1)	<u>Principal Payable</u>	Principal Installment Payment Date (December 1)	<u>Principal Payable</u>
2021			
2022			
2023			
2024			
2025			
2026			
2027			

Principal Installment Payment Date (December 1)	<u>Principal Payable</u>	Principal Installment Payment Date (December 1)	<u>Principal Payable</u>
2028		2041	
2029		2042	
2030		2043	
2031		2044	
2032		2045	
2033		2046	
2034		2047	
2035		2048	
2036		2049	
2037		2050	
2038		2051	
2039		2052	
2040			

If less than \$\_\_\_\_\_ is advanced on the Series 2022 Bonds, the repayment period shall be shortened and the number of annual principal installments shall be reduced in inverse order of payment (and the amount of the final remaining principal payment shall be reduced, if required) to correspond to the maximum principal amount of the Series 2022 Bonds.

Section 2.4. Optional Redemption and Redemption Prices. Each principal payment of the Series 2022 Bonds is subject to prepayment and redemption at any time, in whole or in part (if in part, in integral multiples of \$1,000), at the election of the Issuer in inverse order of the due dates thereof, and by lot selected by the Issuer, if less than all of the Series 2022 Bonds of a particular due date are to be redeemed, upon notice as provided in Section 2.5 hereof with respect to Exchange Bonds, and upon at least thirty (30) days' prior written notice of the amount of prepayment and the date scheduled for prepayment to the Board of Water Resources with respect to the Series 2022 Bonds, and at a redemption price equal to 100% of the principal amount to be prepaid or redeemed, plus accrued interest, if any, to the date of redemption.

Section 2.5. Notice of Redemption for Exchange Bonds.

(a) In the event any of the Exchange Bonds are to be redeemed, the Registrar shall cause notice to be given as provided in this Section 2.5. Notice of such redemption shall be mailed by first class mail, postage prepaid, to all Registered Owners of Exchange Bonds to be redeemed at their addresses as they appear on the registration books of the Registrar at least thirty (30) days but not more than forty-five (45) days prior to the date fixed for redemption. Such notice shall state the following information:

(i) the complete official name of the Exchange Bonds, including series, to be redeemed, the identification numbers of the Exchange Bonds being redeemed;

(ii) any other descriptive information needed to identify accurately the Exchange Bonds being redeemed, including, but not limited to, the original issue date of such Exchange Bonds;

(iii) in the case of partial redemption of any Exchange Bonds, the respective principal amounts thereof to be redeemed;

(iv) the date of mailing of redemption notices and the redemption date;

(v) the redemption price;

(vi) that on the redemption date the redemption price will become due and payable upon each such Exchange Bond or portion thereof called for redemption; and

(vii) the place where such Exchange Bonds are to be surrendered for payment of the redemption price, designating the name and address of the redemption agent with the name of a contact person and telephone number.

(b) Upon the payment of the redemption price of Exchange Bonds being redeemed, each check or other transfer of funds issued for such purpose shall identify the Exchange Bonds being redeemed with the proceeds of such check or other transfer.

(c) The Registrar shall not give notice of such a redemption until there are on deposit with the Paying Agent sufficient funds for the payment of the redemption price.

Notice of redemption shall be given, not more than forty-five (45) days nor less than thirty (30) days prior to the redemption date, to Registered Owners of the Exchange Bonds, or portions thereof, to be redeemed. A second notice of redemption shall be given, not later than ninety (90) days subsequent to the redemption date, to Registered Owners of Exchange Bonds or portions thereof redeemed but who failed to deliver Series 2022 Bonds for redemption prior to the 60th day following such redemption date. Any notice mailed shall be conclusively presumed to have been duly given, whether or not the Registered Owner of such Series 2022 Bonds receives the notice. Receipt of such notice shall not be a condition precedent to such redemption, and failure so to receive any such notice by any of such Registered Owners shall not affect the validity of the proceedings for the redemption of the Series 2022 Bonds.

In case any Exchange Bond is to be redeemed in part only, the notice of redemption which relates to such Exchange Bond shall state also that on or after the redemption date,



upon surrender of such Series 2022 Bond, a new Series 2022 Bond in principal amount equal to the unredeemed portion of such Series 2022 Bond will be issued.

Section 2.6. Execution and Delivery of the Series 2022 Bonds. The Mayor of the Issuer is hereby authorized to execute by manual or facsimile signature the Series 2022 Bonds and the City Recorder of the Issuer to countersign by manual or facsimile signature the Series 2022 Bonds and to have imprinted, engraved, lithographed, stamped, or otherwise placed on the Series 2022 Bonds the official seal of the Issuer. The City Recorder is hereby authorized to deliver to the Board of Water Resources the Series 2022 Bonds upon payment to the Issuer of the proceeds of the Series 2022 Bonds.

Section 2.7. Delinquent Payments. Payments of principal of and/or interest on the Series 2022 Bonds which are delinquent from the due date thereof shall draw interest at the rate of eighteen percent (18%) per annum on the delinquent payment from said due date until paid in full.

Section 2.8. Exchange of Series 2022 Bonds. As long as the Board of Water Resources is the sole Registered Owner of the Series 2022 Bonds, the Series 2022 Bonds shall be issued only as State Bonds in the form prescribed in Exhibit A. It is recognized that the Board of Water Resources may sell or otherwise transfer the Series 2022 Bonds pursuant to the provisions of the State Financing Consolidation Act, Title 63B, Chapter 1b, Utah Code Annotated 1953, as amended, or otherwise. In the event the Board of Water Resources determines to sell or otherwise transfer all or a portion of the Series 2022 Bonds pursuant to the State Financing Consolidation Act, or otherwise, the Series 2022 Bonds shall be exchanged at the office of the Paying Agent for a like aggregate principal amount of Exchange Bonds in accordance with the provisions of this Section 2.8 and Section 3.1 hereof. Exchange Bonds may thereafter be exchanged from time to time for other Exchange Bonds in accordance with Section 3.1 hereof. Any Series 2022 Bond, or any portion thereof, which is sold or otherwise transferred or liquidated by the Board of Water Resources pursuant to the State Financing Consolidation Act, or otherwise, shall be in the form of an Exchange Bond prescribed in Exhibit B, and shall be executed pursuant to authorization contained in Section 2.6 hereof. Each principal payment on the Series 2022 Bonds not previously paid or cancelled shall be represented by an equivalent principal amount of Exchange Bonds, in authorized denominations, and of like maturity. The Issuer and its officers shall execute and deliver such documents and perform such acts as may reasonably be required by the Issuer to accomplish the exchange of the Series 2022 Bonds for Exchange Bonds, provided that the Board of Water Resources shall pay or cause to be paid all costs and other charges incident to such exchange and the Issuer shall have no obligation to pay any such costs or charges.

In the event the Issuer issues additional bonds pursuant to a General Indenture of Trust and Supplemental Indenture of Trust, the Board of Water Resources agrees, at no cost to it, to issue an exchange bond to replace the Series 2022 Bonds to allow for a trustee to act as paying agent and bond registrar for the exchange bond.

## ARTICLE III

### REGISTRATION, PAYMENT, AND FLOW OF FUNDS

Section 3.1. Execution of and Registration of Series 2022 Bonds; Persons Treated as Owners. (a) The Series 2022 Bonds shall be signed by the Issuer and the Issuer shall cause books for the registration and for the transfer of the Series 2022 Bonds to be kept by the City Recorder who is hereby appointed the Registrar of the Issuer with respect to the Series 2022 Bonds. Any Series 2022 Bond may, in accordance with its terms, be transferred only upon the registration books kept by the Registrar, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Series 2022 Bond for cancellation, accompanied by delivery of a written instrument of transfer in a form approved by the Registrar, duly executed. No transfer shall be effective until entered on the registration books kept by the Registrar. Upon surrender for transfer of any Series 2022 Bond duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Registrar and duly executed by the Registered Owner or his attorney duly authorized in writing, the Issuer shall execute and deliver in the name of the transferee or transferees, a new Bond or Bonds of the same maturity and series for a like aggregate principal amount as the Series 2022 Bond surrendered for transfer. Series 2022 Bonds may be exchanged at the office of the Registrar for a like aggregate principal amount of Series 2022 Bonds of the same series or other authorized denominations and the same maturity. The execution by the Issuer of any Series 2022 Bond of any authorized denomination shall constitute full and due authorization of such denomination, and the Registrar shall thereby be authorized to deliver such Series 2022 Bond. The Registrar shall not be required to transfer or exchange any Exchange Bond at any time following the mailing of notice calling such Series 2022 Bond for redemption.

(b) Series 2022 Bonds surrendered for payment, redemption, or exchange, shall be promptly cancelled and destroyed by the Issuer.

(c) The Issuer, the Registrar, and the Paying Agent may treat and consider the person in whose name each Series 2022 Bond is registered on the registration books kept by the Registrar as the holder and absolute owner thereof for the purpose of receiving payment of, or on account of, the principal or redemption price thereof and for all other purposes whatsoever, and neither the Issuer, nor the Registrar, nor the Paying Agent shall be affected by any notice to the contrary. Payment of any Series 2022 Bond shall be made only to or upon order of the Registered Owner thereof or his legal representative, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Series 2022 Bond to the extent of the sum or sums so paid.

(d) The Issuer may require the payment by the Registered Owner requesting exchange or transfer of Series 2022 Bonds of any tax or other governmental charge and any service charge which are required to be paid with respect to such exchange or transfer and such charges shall be paid before such new Series 2022 Bond shall be delivered.

Section 3.2. Deposit of Bond Proceeds. The proceeds from the sale of the Series 2022 Bonds shall be deposited upon delivery in the Escrow Account and shall be disbursed pursuant to the provisions of the Escrow Agreement. All monies deposited in the Escrow Account shall be used solely for the purpose of defraying all or a portion of the costs of the Series 2022 Project including the payment of costs of issuance of the Series 2022 Bonds. Any unexpended proceeds balance remaining in the Escrow Account after completion of the Series 2022 Project shall be paid immediately into the “City of South Salt Lake City Bond Fund” hereinafter referred to as the “Sinking Fund” established hereunder, and shall be used only for the prepayment of the Series 2022 Bonds based on original principal amount. Principal last to become due shall be prepaid first, and in the event less than all of the principal amount of the Series 2022 Bonds maturing on the last due date are to be redeemed, the Issuer shall by lot select those Series 2022 Bonds to be prepaid. Proceeds from the sale of the Series 2022 Bonds on deposit in the Escrow Account, may at the discretion of the Issuer, be invested by the Escrow Agent as provided in the Escrow Agreement. Following the expenditure of money or a transfer of unexpended funds from the Escrow Account to the Sinking Fund, the Escrow Account will be closed.

Section 3.3. The Series 2022 Bonds Constitute Special Limited Obligations. Notwithstanding anything in this Master Resolution elsewhere contained, the principal and interest on the Series 2022 Bonds shall be payable out of 100% of the Net Revenues, and in no event shall the Series 2022 Bonds be deemed or construed to be a general indebtedness of the Issuer or payable from any funds of the Issuer other than the Net Revenues.

The Issuer may, in its sole discretion, but without obligation and subject to the Constitution, laws, and budgetary requirements of the State of Utah, make available properly budgeted and legally available funds to defray any insufficiency of Net Revenues to pay the Series 2022 Bonds; provided however, the Issuer has not covenanted and cannot covenant to make said funds available and has not pledged any of such funds for such purpose.

Section 3.4. Flow of Funds. From and after the delivery date of the Series 2022 Bonds and until all the Series 2022 Bonds and any Additional Bonds have been fully paid, the Net Revenues shall be set aside into the City of South Salt Lake Water Revenue Fund referred to herein as “Revenue Fund” established hereunder. The Issuer will thereafter make accounting allocations of the funds deposited in said Revenue Fund for the following purposes and in the following priority:

- (a) There shall be allocated to a subaccount established on the books of the Issuer hereunder known as the “Bond Fund,” such amounts as will assure, to the extent of the availability of Revenues, the prompt payment of the principal and interest, if any, on the Series 2022 Bonds as shall become due and on all bonds or obligations issued in parity therewith (including Additional Bonds). The amount to be so set aside with respect to the Series 2022 Bonds shall, as nearly as may be practicable, be set aside and allocated to the Bond Fund, annually, on or before the tenth day of each December, beginning December 10, 2023, an amount equal to the principal and interest payable on the Series 2022 Bonds on the next succeeding

payment date to the end that there will be sufficient funds allocated to the Bond Fund to pay the principal and interest, if any, on the Series 2022 Bonds and principal and interest on all bonds or obligations issued on a parity therewith, including Additional Bonds, as and when the same become due. Amounts allocated to the Bond Fund shall be used solely for the purpose of paying the Series 2022 Bonds and principal and interest on all bonds or obligations issued in parity therewith, including Additional Bonds, if applicable, and shall not be reallocated, transferred, or paid out for any other purpose. In the event insufficient moneys are available to make prompt payment of the full principal and interest on the Series 2022 Bonds as shall become due and the principal and interest on all bonds and obligations issued in parity therewith, including Additional Bonds, such moneys shall be allocated pro rata based on the amount of principal and interest next coming due on the Series 2022 Bonds and any Additional Bonds.

(b) The Issuer shall, upon the issuance of the Series 2022 Bonds, deposit annually \$34,200 into a subaccount established on the books of the Issuer known as the “Series 2022 Reserve Account” until the Series 2022 Reserve Account Requirement of \$342,000 has been met. Amounts deposited in the Series 2022 Reserve Account shall be used to pay the principal and interest falling due on the Series 2022 Bonds at any time when there are insufficient funds in the Bond Fund to pay the same, but pending such use may be invested as hereafter provided. No further deposits to said Series 2022 Reserve Account need be made unless payments from said Series 2022 Reserve Account have reduced the same below the Series 2022 Reserve Account Requirement, in which event the Issuer agrees to deposit prior to the next payment date on the Series 2022 Bonds legally available moneys into the Series 2022 Reserve Account until there shall be on deposit therein \$342,000. In lieu of a separate subaccount as provided herein, the Issuer may use internal notations on its books in order to account for the accumulation and maintenance of the Series 2022 Reserve Account Requirement.

(c) All remaining funds, if any, in the Bond Fund after all of the payments required to be made into the Bond Fund and Series 2022 Reserve Account have been made, may be used by the Issuer (i) to purchase or prepay any Bond in accordance with the provisions hereof governing prepayment of the Bonds authorized hereunder in advance of maturity or, in the case of Additional Bonds, in accordance with the provisions of the resolution authorizing such Additional Bonds governing prepayment of such Additional Bonds in advance of maturity, including payment of expenses in connection with such purchase or prepayment; and (ii) to pay the principal or prepayment price of on any Bonds, for any other lawful purpose, including without limitation, payment of other obligations of the Issuer.

(d) If at any time the Net Revenues of the Issuer shall be insufficient to make any payment to any of the above funds or accounts on the date or dates specified the Issuer shall make good the amount of such deficiency by making additional payments out of the first available Net Revenues thereafter received by the Issuer or from other legally available moneys of the Issuer.

Section 3.5. Investment of Funds. All money maintained on deposit in the Bond Fund, the Series 2022 Reserve Account, and in the Escrow Account shall be held as special and not as general deposits, the beneficial interest in which shall be in the registered owners from time to time of the Bonds. All money so maintained on deposit with the Issuer and the Escrow Agent shall be secured to the fullest extent required or permitted by the laws of the State of Utah pertaining to the securing of public deposits. All or part of the money in the Bond Fund and in the Escrow Account shall be invested by the Issuer or the Escrow Agent, as the case may be, in permitted investments, but any such investments so made shall always be such that the obligations mature or become optional for redemption in amounts and at times so as to assure the availability of the proceeds thereof when needed for the purpose for which such funds were created. Investment earnings on all such investments permitted hereunder shall be maintained in said funds or accounts and used for the purpose for which such fund or account was created. Whenever any money so invested from the Bond Fund or the Escrow Fund is needed for the purpose for which such fund was created, such investments, to the amount necessary, shall be liquidated by the Depository Bank at the direction of the Issuer, and the proceeds thereof applied to the required purpose. Investment earnings received on all investments in the Series 2022 Reserve Account shall be maintained in the Series 2022 Reserve Account until there shall be on deposit therein the Series 2022 Reserve Account Requirement. Thereafter, any investment earnings shall be transferred to the Bond Fund to be used to make payment on the Series 2022 Bonds.

#### ARTICLE IV

#### COVENANTS

Section 4.1. Covenants of Issuer. The Issuer hereby covenants and agrees with each and every holder of the Series 2022 Bonds issued hereunder, the following:

(a) The Issuer covenants that it shall fund and maintain as provided herein all funds referenced herein until such time as the Series 2022 Bonds have been paid in full.

(b) While any of the Series 2022 Bonds remain outstanding and unpaid, any resolution or other enactment of the City Council of the Issuer, applying the Net Revenues for the payment of the Series 2022 Bonds shall be irrevocable until the Series 2022 Bonds have been paid in full, and shall not be subject to amendment or modification in any manner which would impair the rights of the holders of the Series 2022 Bonds or which would in any way jeopardize the timely payment of principal and interest when due.

(c) The rates for all water service supplied by the System to the Issuer and its inhabitants and to all customers within or without the boundaries of the Issuer shall be sufficient for the retirement and/or redemption of the Series 2022 Bonds, provided such rates must be reasonable rates for the type, kind, and

character of the service rendered. There shall be no free service and there shall be charged against all users of the System, except for the Issuer, such rates and amounts as shall be adequate to meet the debt service payments on the Series 2022 Bonds when due, and to make available for purposes having priority junior to the Sinking Fund in the application of the Net Revenues in each Sinking Fund Year, at least twenty-five percent (25%) of the Annual Debt Service for each such year. All Net Revenues, including those received from the Issuer, shall be subject to distribution for the payment of the cost of operating and maintaining the System, and the payment of the Series 2022 Bonds as hereinabove provided.

(d) Each Bondholder shall have a right, in addition to all other rights afforded it by the laws of Utah, to apply to and obtain from any court of competent jurisdiction such decree or order as may be necessary to require the Issuer to charge and collect reasonable rates for services supplied by the System sufficient to meet all requirements of this Master Resolution.

(e) The Issuer will maintain the System in good condition and operate the same in an efficient manner and at reasonable cost.

(f) So long as any Series 2022 Bonds remain outstanding, proper books of record and account will be kept by the Issuer separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the receipt and use of the Revenues. Each Bondholder or any duly authorized agent or agents of such holder shall have the right at all reasonable times to inspect all records, accounts and data relating thereto. Except as otherwise provided herein, the Issuer further agrees that it will within one hundred eighty (180) days following the close of each Sinking Fund Year cause an audit of such books and accounts to be made by an independent firm of certified public accountants, showing the receipts and disbursements for account of the Revenues, and that such audit will be available for inspection by the Bondholder; provided, however, during such periods of time as the Board of Water Resources is the Registered Owner of the State Bonds, each such audit will be supplied to the Board of Water Resources as soon as completed without prior request therefor by the Board of Water Resources.

The Bondholder may, upon written request from the Issuer setting forth the reasons why a certified audit is not necessary or is impractical, waive the audit requirements for any particular Sinking Fund Year set forth in this Subsection Section 4.1(f), provided, however, that such waiver shall not apply to the reporting requirements of the Issuer set forth in Section 4.1(f) herein.

(g) In addition to the reporting requirements set forth in Subsection Section 4.1(f) above, the Issuer shall submit to the Board of Water Resources within one hundred eighty (180) days following the close of each Sinking Fund Year, a summary report substantially in the form as provided by the Board of Water Resources to the Issuer upon purchase of the Series 2022 Bonds.

If a Bondholder is other than the Board of Water Resources, the Issuer agrees to furnish a copy of such information to such Bondholder at its request after the close of each Sinking Fund Year. Any Bondholder shall have the right to discuss with the accountant compiling such information the contents thereof and to ask for such additional information as it may reasonably require.

(h) The Bondholder shall have the right at all reasonable times to inspect the Series 2022 Project, and all records, accounts and data of the Issuer relating thereto, and upon request, the Issuer will furnish to it financial statements and other information relating to the Issuer and the Series 2022 Project as it may from time to time reasonably require.

(i) The Issuer will from time to time duly pay and discharge or cause to be paid all taxes, assessments and other governmental charges, if any, lawfully imposed upon the Series 2022 Project, or any part thereof or upon the Net Revenues, as well as any lawful claims which if unpaid might by law become a lien or charge upon the Series 2022 Project or the Net Revenues or any part thereof or which might impair the security of the Series 2022 Bonds, except when the Issuer in good faith contests its liability to pay the same.

(j) The Issuer will maintain its corporate identity, will make no attempt to cause its corporate existence to be abolished and will resist all attempts by other municipal corporations to annex all or any part of the territory now or hereafter in the Issuer or served by the Series 2022 Project.

(k) The Issuer, in its operation of the System, will carry insurance, including, but not limited to, workmen's compensation insurance and public liability insurance, in such amounts and to such extent as is normally carried by others operating public utilities of the same type. The cost of such insurance shall be considered an Operation and Maintenance Expense of the System. In the event of loss or damage, insurance proceeds shall be used first for the purpose of restoring or replacing the property lost or damaged. Any remainder shall be paid into the Sinking Fund.

(l) The Issuer will not sell, lease, mortgage, encumber, or in any manner dispose of the System or any substantial part thereof, including any and all extensions and additions that may be made thereto, until all Series 2022 Bonds have been paid in full, except that the Issuer may sell any portion of said property which shall have been replaced by other property of at least equal value, or which shall cease to be necessary for the efficient operation of the System, provided, however, that in the event of any sale as aforesaid, the proceeds of such sale shall be paid into the Sinking Fund.

(m) The Issuer may consolidate the bills submitted for water service and sewer service with those submitted for water service, if applicable, for those persons who are liable for the payment of charges for such services and require that each such consolidated bill be paid in full as a unit, and refuse to permit payment

of one portion without payment of the remainder. Any bill not paid within thirty (30) days from the date it is mailed to the customer shall be deemed delinquent. The Issuer hereby agrees that if any water bill remains delinquent for more than sixty (60) days, it will initiate proceedings to cause all water service to the water user concerned to be cut off immediately. The Issuer shall reserve the right to reasonably adjust these billing procedures to protect the health and safety of customers or in response to a declared emergency or similar situation.

(n) The Issuer will from time to time duly pay and discharge or cause to be paid all taxes, assessments and other governmental charges, if any, lawfully imposed upon the System or any part thereof or upon the Revenues, as well as any lawful claims for labor, materials or supplies which if unpaid might by law become a lien or charge upon the System or the Revenues or any part thereof or which might impair the security of the Bonds, except when the Issuer in good faith contests its liability to pay the same.

(o) The Issuer will not grant a franchise for the operation of any competing water system within its corporate limits, as long as the Series 2022 Bonds authorized herein remain outstanding.

(p) The Issuer, in order to assure the efficient management and operation of the System and to assure the Bondholders from time to time that the System will be operated on sound business principles, will employ competent and experienced management for the System, will use its best efforts to see that the System is at all times operated and maintained in first-class repair and condition and in such manner that the operating efficiency thereof shall be of the highest character, and will use its best efforts to see that Operation and Maintenance Expenses are at no time in excess of the Revenues reasonably available for the payment thereof.

(q) All payments falling due on the Series 2022 Bonds shall be made to the Bondholder thereof at par and all charges made by the Depository Bank for its services shall be paid by the Issuer.

Section 4.2. Additional Indebtedness. No additional indebtedness, bonds or notes of the Issuer secured by a pledge of the Net Revenues senior to the pledge of Net Revenues for the payment of the Bonds herein authorized shall be created or incurred without the prior written consent of the Owners of 100% of the Outstanding Bonds. In addition, no Additional Bonds or other indebtedness, bonds or notes of the Issuer payable on a parity with the Series 2022 Bonds out of Net Revenues shall be created or incurred, unless the following requirements have been met:

(a) No Event of Default is existing under this Master Resolution on the date of authentication of such Additional Bonds, unless the Owners of all Outstanding Bonds have each consented to the issuance of such Additional Bonds despite the existence of an Event of Default.



(b) Net Revenues for the Bond Fund Year immediately preceding the proposed date of issuance of such Additional Bonds are at least equal to 125% of the Average Annual Debt Service Requirement on all Bonds; provided, however, that such Revenue coverage test shall not apply to the issuance of any Additional Bonds to the extent they are issued for refunding purposes and the Average Annual Debt Service for such Additional Bonds does not exceed the then remaining Average Annual Debt Service for the Bonds being refunded therewith.

(c) All payments required by this Master Resolution to be made into the Bond Fund must have been made in full, and there must be in the Series 2022 Reserve Account the full amount required by this Master Resolution to be accumulated therein at such time.

## ARTICLE V

### MISCELLANEOUS

Section 5.1. Default and Remedies. Failure of the Issuer to (i) pay principal or interest on the Series 2022 Bonds, when due and payable, or (ii) perform any covenant or requirement of the Issuer under this Master Resolution within thirty (30) days after having been notified in writing by a Bondholder of such failure shall constitute an event of Default hereunder and shall allow each Bondholder to take the following enforcement remedies:

(a) The Bondholder may require the Issuer to pay an interest penalty equal to eighteen percent (18%) per annum of the outstanding principal amount on the Series 2022 Bonds, said interest penalty to accrue from the date of the notice of the Bondholder to the Issuer referenced hereinabove until the default is cured by the Issuer. Said interest penalty shall be paid on each succeeding payment date until the default is cured by the Issuer.

(b) The Bondholder may appoint a trustee bank to act as a receiver of the Net Revenues for purposes of applying said Net Revenues toward the Revenue allocations required in Section 3.4 herein and in general, protecting and enforcing each Bondholder's rights thereto, in which case, all administrative costs of the trustee bank in performing said function shall be paid by the Issuer.

No remedy conferred herein is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative and shall be in addition to any other remedy given to each Bondholder hereunder or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right, power, or remedy accruing upon a default shall impair any such right, power, or remedy or shall be construed to be a waiver of any default or acquiescence therein; and every such right, power, or remedy may be exercised from time to time as may be deemed expedient.

Section 5.2. Amendments to Master Resolution. Provisions of this Master Resolution shall constitute a contract between the Issuer and the Bondholder; and after the issuance of the Series 2022 Bonds, no change, variation, or alteration of any kind in the

provisions of this Master Resolution shall be made in any manner until such time as all of the Series 2022 Bonds have been paid in full except as hereinafter provided.

The Bondholders shall have the right from time to time to consent to and approve the adoption by the Issuer of resolutions modifying or amending any of the terms or provisions contained in this Master Resolution in the manner and to the extent set out below.

Whenever the Issuer shall propose to amend or modify this Master Resolution under the provisions of this section, it shall cause notice of the proposed amendment to be sent to all Bondholders of all Series 2022 Bonds then outstanding. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy of the proposed amendatory resolution is on file in the office of the City Recorder for public inspection. Should a Bondholder consent to the proposed amendment to this Master Resolution, it shall submit to the Issuer a written instrument which shall refer to the proposed amendatory resolution described in said notice and shall specifically consent to and approve the adoption thereof. Upon receipt of Bondholder consents representing at least seventy-five percent (75%) of the principal of Series 2022 Bonds outstanding, the governing body of the Issuer may adopt said amendatory resolution, and it shall become effective, provided, however, that nothing in this Section 5.2 shall permit or be construed as permitting (a) an extension of the stated maturity or reduction in the principal amount of, or reduction in the rate of or extension of the time of paying of interest on delinquent payments, without the consent of the Bondholder of such Series 2022 Bonds, or (b) a reduction in the amount or extension of the time of any payment required by any Fund or account established hereunder without the consent of the Bondholders of all the Series 2022 Bonds which would be affected by the action to be taken, or (c) a reduction in the aforesaid aggregate principal amount of Series 2022 Bonds, the Bondholders of which are required to consent to any such waiver or a mandatory resolution, or (d) affect the rights of the Bondholders of less than all Series 2022 Bonds then outstanding, without the consent of the Bondholders of all the Series 2022 Bonds at the time outstanding which would be affected by the action to be taken.

If a Bondholder at the time of the adoption of such amendatory resolution shall have consented to and approved the adoption thereof as herein provided, said Bondholder shall not have any right or interest to object to the adoption of such amendatory resolution or to object to any of the terms or provision therein contained or to the operation thereof or to enjoin or restrain the Issuer from taking any action pursuant to the provisions thereof. Any consent given by a Bondholder pursuant to the provisions of this section shall be conclusive and binding upon all successive Bondholders.

The fact and date of the execution of any instrument under the provisions of this section may be proved by the certificate of any officer in any jurisdiction who by the laws thereof is authorized to take acknowledgments of deeds within such jurisdiction, that the person signing such instrument acknowledged before him the execution thereof, or may be proved by an affidavit of a witness to such execution sworn to before such officer.

Section 5.3. Maintenance of Proceedings. A certified copy of this Master Resolution and every amendatory or supplemental ordinance or resolution shall be kept on file in the office of the City Recorder where it shall be made available for inspection by any Bondholder or his agent. Upon payment of the reasonable cost of preparing the same, a certified copy of this Master Resolution, any amendatory or supplemental ordinance or resolution will be furnished to any Bondholder. The Bondholders may, by suit, action, mandamus, injunction, or other proceedings, either at law or in equity, enforce or compel performance of all duties and obligations required by this Master Resolution to be done or performed by the Issuer. Nothing contained herein, however, shall be construed as imposing on the Issuer any duty or obligation to levy any tax either to pay the principal on the Series 2022 Bonds authorized herein or to meet any obligation contained herein concerning the Series 2022 Bonds.

Section 5.4. Defeasance of the Series 2022 Bonds. If the Issuer shall pay or cause to be paid, or there shall be otherwise paid or provision for payment made to the Registered Owner of the Series 2022 Bonds for the payments due or to become due thereon at the times and in the manner stipulated therein, then the first lien pledge of the Net Revenues under this Master Resolution and any and all estate, right, title, and interest in and to any of the funds and accounts created hereunder (except moneys or securities held by a Depository Bank for the payment of the Series 2022 Bonds) shall be cancelled and discharged.

Any Series 2022 Bond shall be deemed to be paid within the meaning of this section when payment of the Series 2022 Bonds (whether such due date be by reason of maturity or upon prepayment or redemption as provided herein) shall have been made in accordance with the terms thereof. At such time as the Series 2022 Bonds shall be deemed to be paid hereunder, they shall no longer be secured by or entitled to the benefits hereof (except with respect to the moneys and securities held by a Depository Bank for the payment of the Series 2022 Bonds).

Section 5.5. Sale of Series 2022 Bonds Approved. The sale of the Series 2022 Bonds to the Board of Water Resources, at par, is hereby ratified, confirmed, and approved.

Section 5.6. Bondholders Not Responsible. The Bondholders shall not be responsible for any liabilities incurred by the Issuer in the acquisition of the Series 2022 Project.

Section 5.7. Notice of Public Hearing and Bonds to be Issued. In accordance with the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, the Issuer has previously authorized the publication of a “Notice of Public Hearing and Bonds to be Issued” (a) once in the Salt Lake Tribune, a newspaper having general circulation in the Issuer, (b) posted on the Utah Public Notice website created under Section 63A-16-601, Utah Code Annotated 1953, as amended and (c) posted on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended and confirms the publication and posting of said notices. The public hearing was held on August 10, 2022, to receive input

with respect to the issuance of the Series 2022 Bonds and the potential economic impact that the Series 2022 Project will have on the private sector.

Section 5.8. Additional Certificates, Documents, and Other Papers. The appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents, and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Master Resolution and the documents authorized and approved herein.

Section 5.9. Severability. If any section, paragraph, clause, or provision of this Master Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Master Resolution. It is hereby declared by the governing body of the Issuer that it is the intention of the Issuer by the adoption of this Master Resolution to comply in all respects with the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated, 1953, as amended.

Section 5.10. Resolutions in Conflict. All resolutions or parts thereof in conflict with the provisions of this Master Resolution are, to the extent of such conflict, hereby repealed.

Section 5.11. Effective Date of Resolution. This Master Resolution shall take effect immediately upon its approval and adoption.

Section 5.12. Counterparts. This Master Resolution may be executed in any number of counterparts, each of which shall be deemed an original and all of which, when so executed and delivered, shall constitute but one and the same instrument.

(SEAL)

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Recorder

EXHIBIT A

FORM OF STATE BONDS

UNITED STATES OF AMERICA  
STATE OF UTAH  
CITY OF SOUTH SALT LAKE, UTAH  
WATER REVENUE BOND, SERIES 2022

City of South Salt Lake, Utah (the “Issuer”), a political subdivision and body politic of the State of Utah, acknowledges itself indebted and for value received hereby promises to pay, but solely in the manner and from the Net Revenues and sources hereinafter provided, to the registered owner hereof or registered assigns, the maximum principal amount of \$\_\_\_\_\_ together with interest accruing beginning December 1, 2022 on the unpaid principal balance from date of delivery of the Bonds, at the rate of one percent (1.00%) per annum (calculated on the basis of a year of 360 days comprised of twelve 30-day months), payable annually on December 1 of each year, with principal and interest payable beginning on December 1, 2023. Principal, together with accrued but unpaid interest shall be payable in registered installments on December 1 of each of the years as set forth in the following Repayment Schedule:

Principal Installment Payment Date (December 1)	<u>Principal Payable</u>	Payment Date (December 1)	Principal Installment Principal Payable
2021		2037	
2022		2038	
2023		2039	
2024		2040	
2025		2041	
2026		2042	
2027		2043	
2028		2044	
2029		2045	
2030		2046	
2031		2047	
2032		2048	
2033		2049	
2034		2050	
2035		2051	
2036		2052	

Except as provided in the following paragraph, principal and interest payments, whether at maturity or by redemption, shall be payable upon surrender of this Bond at the offices of the Paying Agent, or of any successor Paying Agent.

If less than \$\_\_\_\_\_ in principal is advanced on the Series 2022 Bonds, the repayment period shall be shortened and the number of annual principal installments shall be reduced in inverse order of payment (and the amount of the final remaining principal payment shall be reduced, if required) to correspond to the maximum principal amount of the Series 2022 Bonds.

As long as the Board of Water Resources is the registered holder of this Bond, installment payments of principal and interest shall be made by check or draft mailed to the Board of Water Resources as the registered holder at the address shown on the registration books maintained by the Registrar.

If any installment of Bond principal and/or interest is not paid when due and payable, the Issuer shall pay interest on the delinquent installment at the rate of eighteen percent (18%) per annum from said due date until paid. All payments shall be made in any coin or currency which on the date of payment is legal tender for the payment of debts due the United States of America. All payments shall be applied first to interest and then to principal.

This Bond is payable solely from a special fund designated the “City of South Salt Lake Bond Fund” into which fund and into a reserve therefor, to the extent necessary to assure prompt payment of this Bond, shall be pledged one hundred percent (100%) of the Net Revenues (all as defined in the Master Resolution) to be derived from the operation of the Issuer’s secondary water system (the “System”), all as more fully described and provided in the Master Resolution dated as of \_\_\_\_\_, 2022, as authorized by the City Council of the Issuer on July 13, 2022 (the “Master Resolution”).

This Bond is issued pursuant to (a) the Master Resolution, and (b) the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated, 1953, as amended, for the purpose of (i) financing all or a portion of the costs of the construction of improvements to its water system (the “System”), including the development of a new well, pump station, treatment plant and the replacement of pipes (collectively, the “Series 2022 Project”) and (ii) paying costs of issuance of the Series 2022 Bonds. This Bond is a special limited obligation of the Issuer payable solely from the Net Revenues (as defined in the Master Resolution) and does not constitute an indebtedness of the Issuer within the meaning of any state constitutional or statutory limitation. In no event shall this Bond be deemed or construed to be a general obligation indebtedness of the Issuer or payable from any funds of the Issuer other than the Net Revenues (as defined in the Master Resolution).

As provided in the Master Resolution, bonds, notes, and other obligations may be issued from time to time in one or more series in various principal amounts, may mature at different times, may bear interest at different rates, and may otherwise vary as provided in the Master Resolution, and the aggregate principal amount of such bonds, notes, and other obligations which may be issued is not limited. This Bond and all other bonds, notes, and

other obligations issued and to be issued under the Master Resolution on a parity with this Bond are and will be equally and ratably secured by the pledge and covenants made therein, except as otherwise expressly provided or permitted in or pursuant to the Master Resolution.

This Bond is subject to prepayment and redemption at any time, in whole or in part (if in part, in integral multiples of \$1,000), at the election of the Issuer in inverse order of the due date of the principal installments hereof and by lot selected by the Issuer if less than all Bonds of a particular due date are to be redeemed, upon notice given as hereinafter set forth, at a redemption price equal to the principal amount to be so prepaid.

Notice of redemption shall be mailed by the Issuer, postage prepaid, not less than thirty (30) days prior to the date fixed for prepayment, to the registered owner of this Bond addressed to such owner at its address appearing on the registration books maintained by the Issuer.

Subject to the provisions of the Master Resolution, the Bonds are issuable in fully registered form, without coupons, in denomination equal to the principal amount of the bonds or, upon exchange, in the denomination of \$1,000 and any integral multiple thereof.

The Issuer covenants and agrees that any resolution, ordinance, or other enactment of the governing body of the Issuer applying the Net Revenues for the payment of the Bonds shall be irrevocable until these Bonds have been paid in full, and shall not be subject to amendment in any manner which would impair the rights of the holders of such Bonds or which would in any way jeopardize the timely payment of principal when due.

To the extent and in the respect permitted by the Master Resolution, the Issuer covenants and agrees that it will fix rates for water service sufficient to pay when due this Bond, and the principal and interest on all bonds issued on a priority to or parity with this Bond, if any, as the same fall due, provided such rates must be reasonable rates for the type, kind, and character of the service rendered, and will collect and account for the Revenues (as defined in the Master Resolution) to be received for such service, and will set aside one hundred percent (100%) of the Net Revenues of the System to pay the Bond according to the payment terms hereinabove set forth and the principal and interest on all bonds issued on a parity with this Bond, if any.

The Master Resolution may be modified or amended by action on behalf of the Issuer taken in the manner and subject to the conditions and exceptions prescribed in the Master Resolution. The holder or owner of this Bond shall have no right to enforce the provisions of the Master Resolution or to institute action to enforce the pledge or covenants made therein or to take any action with respect to an event of default under the Master Resolution or to institute, appear in, or defend any suit or other proceeding with respect thereto, except as provided in the Master Resolution.

This Bond shall be registered in the name of the initial purchaser and any subsequent purchasers in an appropriate book in the office of the City Recorder of the Issuer, who shall be the Registrar. This Bond is transferable only by notation upon said

book by the registered owner hereof in person or by its attorney duly authorized in writing, by the surrender of this Bond, together with a written instrument of transfer satisfactory to the Issuer, duly executed by the registered owner or his attorney duly authorized in writing; thereupon, this Bond shall be delivered to and registered in the name of the transferee.

It is hereby declared that all acts, conditions, and things required to exist, happen, and be performed precedent to and in the issuance of this Bond have existed, have happened, and have been performed in regular and due time, form, and manner as required by law, that the amount of this Bond does not exceed any limitation prescribed by the Constitution or statutes of the State of Utah, that the Net Revenues (as defined in the Master Resolution) have been pledged and that an amount therefrom will be set aside into a special fund by the Issuer sufficient for the prompt payment of this Bond and all bonds issued on a parity with this Bond, if any, and that said Net Revenues are not pledged, hypothecated, or anticipated in any way other than by the issue of this Bond and all bonds issued on a parity with this Bond, if any.



IN TESTIMONY WHEREOF, the Issuer has caused this Bond to be signed (by manual or facsimile signature) by its Mayor and countersigned (by manual or facsimile signature) by its City Recorder under the corporate seal of said Issuer this \_\_\_\_\_, 2022.

(SEAL)

By: \_\_\_\_\_ (Do Not Sign)  
Mayor

COUNTERSIGN:

By: \_\_\_\_\_ (Do Not Sign)  
City Recorder

REGISTRATION CERTIFICATE

(No writing to be placed herein except by  
the Bond Registrar)

<u>Date of Registration</u>	<u>Name of Registered Owner</u>	<u>Signature of Bond Registrar</u>
_____	State of Utah Department of Natural Resources, Board of Water Resources	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CERTIFICATE OF DATES OF PAYMENT AND AMOUNT

The undersigned authorized representative of the State of Utah Department of Natural Resources, Board of Water Resources (the "Board"), hereby certifies that the Board has received written authorization from the City Recorder of the Issuer to stamp or write the amount or amounts indicated below on the date or dates set forth opposite such amount(s); that the amount last inserted under the column "Total Principal Sum" is the total amount received by the issuer for the issuance of this Bond, and that the undersigned has placed his/her signature in the space provided opposite such amount(s) to evidence the same.

<u>Amount of Payment</u>	<u>Date of Payment</u>	<u>Total Principal Sum</u>	<u>Board Representative Signature</u>
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____
\$ _____	_____	\$ _____	_____

EXHIBIT B

FORM OF EXCHANGE BOND

UNITED STATES OF AMERICA  
STATE OF UTAH  
CITY OF SOUTH SALT LAKE, UTAH  
WATER REVENUE BONDS, SERIES 2022

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Issue Date</u>
%		_____, 2022

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_ Dollars

City of South Salt Lake, Utah (the "Issuer"), a political subdivision and body politic of the State of Utah, acknowledges itself indebted and for value received hereby promises to pay, but solely in the manner and from the Net Revenues and sources hereinafter provided, to the Registered Owner identified above, or registered assigns, on the Maturity Date specified above, upon presentation and surrender thereof, the Principal Amount identified above at the Interest Rate specified above on the Principal Amount hereof (calculated on the basis of a 360 day year of twelve thirty day months) and payable on December 1 of each year (each an "Interest Payment Date") identified above by the City Recorder of the Issuer (the "Paying Agent"), to the Registered Owner hereof beginning \_\_\_\_\_ and on each \_\_\_\_\_ thereafter until this Bond is paid in full. Principal and redemption price of this Bond shall be payable upon presentation of this Bond to the Paying Agent, or its successor as such paying agent, for payment at maturity.

If this Bond or any installment of interest hereon is not paid when due and payable, the Issuer shall pay interest on the unpaid amount, together with any delinquent installments of interest at the rate of eighteen percent (18%) per annum from the due date thereof until paid in full.

This Bond is one of an authorized issue of bonds of like date, term and effect except as to maturity, in the aggregate principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), issued in exchange for the conversion of the Issuer's Water Revenue Bonds, Series 2022 (the "Series 2022 Bonds") dated \_\_\_\_\_, 2022, in the total principal sum of \$\_\_\_\_\_, authorized by a Parameters Resolution of the Issuer duly adopted on July 13, 2022 authorizing a Master Resolution dated as of \_\_\_\_\_, 2022 (the "Master Resolution"). This Bond and the issue of Bonds of which it is a part is issued pursuant to (a) the Master Resolution and (b) the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated, 1953, as amended, for the purpose of (i) financing the construction of improvements to its water system (the "System"), including the development of a new well, pump station, treatment plant and the replacement of pipes

(collectively, the “Series 2022 Project”) and (ii) paying costs of issuance of the Bonds. This Bond is a special limited obligation of the Issuer payable solely from the Net Revenues (as defined in the Master Resolution) and does not constitute an indebtedness of the Issuer within the meaning of any state constitutional or statutory limitation. In no event shall this Bond be deemed or construed to be a general obligation indebtedness of the Issuer or payable from any funds of the Issuer other than the Net Revenues (as defined in the Master Resolution) of the System.

As provided in the Master Resolution, bonds, notes, and other obligations may be issued from time to time in one or more series in various principal amounts, may mature at different times, may bear interest at different rates and may otherwise vary as provided in the Master Resolution, and the aggregate principal amount of such bonds, notes, and other obligations which may be issued is not limited. This Bond and all other bonds, notes, and other obligations issued and to be issued under the Master Resolution on a parity with this Bond are and will be equally and ratably secured by the pledge and covenants made therein, except as otherwise expressly provided or permitted in or pursuant to the Master Resolution.

This Bond is subject to redemption prior to maturity at any time, in whole or in part (if in part, in integral multiples of \$1,000), at the election of the Issuer, in inverse order of maturity and by lot within each maturity if less than the full amount is redeemed, upon not less than thirty (30) days’ nor more than forty-five (45) days’ prior notice, at a redemption price equal to one hundred percent (100%) of the principal amount of each Bond to be redeemed. Notice of redemption shall be mailed by the Issuer, postage prepaid, to the registered owners of said Bonds addressed to such owners at their address appearing on the registration books maintained by the Issuer.

Subject to the provisions of the Master Resolution, the Series 2022 Bonds are issuable in fully registered form, without coupons, in denomination equal to the principal amount of the bonds or, upon exchange, in the denomination of \$1,000 or any integral multiple thereof.

The Issuer covenants and agrees that any resolution, ordinance or other enactment of the governing body of the Issuer applying the Net Revenues for the payment of the Bonds shall be irrevocable until the Bonds have been paid in full, and shall not be subject to amendment in any manner which would impair the rights of the holders of such Bonds or which would in any way jeopardize the timely payment of principal when due.

To the extent and in the respects permitted by the Master Resolution, the Issuer covenants and agrees that it will fix rates for water service sufficient to pay this Bond when due and principal and interest on all bonds issued on a priority to or parity with this Bond, if any, as the same fall due, provided such rates must be reasonable rates for the type, kind, and character of the service rendered, and will collect and account for the Revenues (as defined in the Master Resolution) to be received for such service, and will set aside one hundred percent (100%) of the Net Revenues of the System (as defined in the Master Resolution) to pay this Bond according to the payment terms hereinabove set forth and the principal and interest on all bonds issued on a parity with this Bond, if any.

The Master Resolution may be modified or amended by action on behalf of the Issuer taken in the manner and subject to the conditions and exceptions prescribed in the Master Resolution. The Registered Owner of this Bond shall have no right to enforce the provisions of the Master Resolution or to institute action to enforce the pledge or covenants made therein or to take any action with respect to an event of default under the Master Resolution or to institute, appear in, or defend any suit or other proceeding with respect thereto, except as provided in the Master Resolution.

This Bond is transferable by the registered holder hereof in person or by his attorney duly authorized in writing at the office of the City Recorder (the "Registrar") in the City of South Salt Lake, but only in the manner, subject to the limitations and upon payment of the charges provided in the Master Resolution and upon surrender and cancellation of this Bond. Upon such transfer a new registered Bond or Bonds of the same series and the same maturity and of authorized denomination or denominations for the same aggregate principal amount will be issued to the transferee in exchange therefor.

It is hereby certified, recited, and declared that all conditions, acts, and things essential to the validity of this Bond and the issue of which it forms a part do exist, have happened, and have been done, and that every requirement of law affecting the issue hereof has been duly complied with; that this Bond and the issue of which it forms a part does not exceed any limitation prescribed by the Constitution and laws of the State of Utah; that one hundred percent (100%) of the Net Revenues (as defined in the Master Resolution) have been pledged and will be set aside into said special fund by the Issuer to be used for the payment of this Bond and the issue of which it forms a part and all bonds issued on a parity with this Bond, if any, and that said Net Revenues are not pledged, hypothecated, or anticipated in any way other than by the issue of Bonds of which this Bond is one and all bonds issued on a parity with this Bond, if any.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed (by manual or facsimile signature) by its Mayor and countersigned (by manual or facsimile signature) by its City Recorder with the seal of said Issuer affixed, all as of this \_\_\_\_\_, 2022.

(SEAL)

By: \_\_\_\_\_ (Do Not Sign)  
Mayor

COUNTERSIGN:

By: \_\_\_\_\_ (Do Not Sign)  
City Recorder

ASSIGNMENT

FOR VALUE RECEIVED, \_\_\_\_\_, the undersigned sells, assigns, and transfers unto:

\_\_\_\_\_  
(Social Security or Other Identifying Number of Assignee)

\_\_\_\_\_  
(Please Print or Typewrite Name and Address of Assignee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney for registration thereof, with full power of substitution in the premises.

DATED: \_\_\_\_\_

Signature: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name of as it appears on the face of this Bond in every particular without alteration or enlargement or any change whatever.

Signature Guaranteed:

\_\_\_\_\_

THE SIGNATURE(S) SHOULD BE GUARANTEED BY AN ELIGIBLE GUARANTOR INSTITUTION (BANKS, STOCKBROKERS, SAVINGS AND LOAN ASSOCIATIONS AND CREDIT UNIONS WITH MEMBERSHIP IN AN APPROVED SIGNATURE GUARANTEE MEDALLION PROGRAM), PURSUANT TO S.E.C. RULE 17Ad-15.