



Ferron City Council Meeting Agenda September 14, 2022
Council Chambers – Ferron City Hall
20 East Main Street, Ferron Utah
Phone - (435) 384-2350 Fax - (435) 384-2557 Web - ferroncity.org

Pursuant to Utah Code Annotated; Section 52-4-202 (6), Notice is hereby given that the City Council of Ferron City, Emery County, Utah, will hold a regular Council Meeting Wednesday, September 14, 2022, commencing at 7:00 p.m. This will be hosted in the Council Chambers of the City Hall.

1. **CALL TO ORDER, ROLL CALL, WELCOME & PLEDGE OF ALLEGIANCE**

CONSENT AGENDA

2. **APPROVAL OF MINUTES DATED August 17, 2022**

GENERAL BUSINESS/DISCUSSION ITEMS

3. **PEACH DAYS REVIEW**
4. **GREATLIFE RENTAL AGREEMENT**
5. **PLAYGROUND GRANT UPDATE**
6. **RPLUS ENERGIES**
7. **APPOINT ATTORNEY**

REPORTS

8. **MAYOR AND COUNCIL REPORTS**

MAYOR JUSTICE

COUNCIL MEMBER RICHMAN

COUNCIL MEMBER WINN

COUNCIL MEMBER STOTLER

COUNCIL MEMBER WINTER

COUNCIL MEMBER MEAD

9. **GOLF COURSE AND MAINTENANCE REPORTS AND WORK ORDER REVIEW**

10. (IF NEEDED) CONSIDERATION TO ENTER CLOSED SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, PENDING OR REASONABLE IMMINENT LITIGATION, AND THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, PURSUANT TO UTAH CODE SECTION 52-4-205

11. **APPROVAL AND PAYMENT OF WARRANTS**

12. **ADJOURNMENT**

The public is invited to attend all City Council Meetings. In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder, Barbara Bowles at (435)384-2350 at least 24 hours prior to the meeting.

I, the undersigned duly appointed Recorder of Ferron City, hereby certify that the foregoing notice of agenda was posted at the Ferron City Hall, Ferron Post Office, on the internet at www.ferroncity.org, and the Utah Public Meeting Notice Website on this 13TH Day of September 2022.

Barbara Bowles
Ferron City Recorder



Ferron City Council Meeting Minutes 08/17/2022
Council Chambers – Ferron City Hall
20 East Main Street, Ferron, UT
Phone (435) 384-2350 FAX (435) 384 2557 ferroncity.org

Present: Mayor Adele Justice Council Member Brad Richman Council Member Gerry Stotler
Council Member Dell Mead

Also Present: Julie Benson Shaelynn Lofley Erin Lofley Aspyn Hinkins Casey Hinkins
Tyson Hinkins Makenzi Jones-Cheshire Ashlynn Lofley Kodee Behling
Stephanie Behling Paizley Jackson Courtney Behling Kaicee Behling
Kallee Cook Demi Pitchforth Hauvala Pitchforth Jacque Wilde Barbara Bowles
Liz Nielson Shane Thompson

1. **CALL TO ORDER, ROLL CALL, WELCOME & PLEDGE OF ALLEGIANCE**

Mayor Justice called the Council Meeting to order at 7 pm.
Council Member Dell Mead lead the meeting in the Pledge of Allegiance.

CONSENT AGENDA

2. **APPROVAL OF MINUTES DATED JULY 13, 2022**

3. **APPROVAL OF MINUTES DATE JULY 28, 2022 COUNCIL MEETING AND PUBLIC HEARING**

4. **BOARD OF EQUALIZATION REQUESTS**

BRAD BENSON	\$180.55	\$40.47	\$26.05	TOTAL \$ 247.07
JAKE CHAMBERS	\$27.08			

COUNCIL MEMBER MEAD MOTIONED TO APPROVE THE MINUTES FOR JULY 13, 2022 AND THE MINUTES FOR JULY 28, 2022. ALSO MOTIONED TO APPROVE THE BOARD OF EQUALIZATION REQUESTS. COUNCIL MEMBER RICHMAN SECOND THE MOTION. ROLL CALL: RICHMAN AYE, STOTLER AYE, MEAD AYE. MOTION CARRIED.

GENERAL BUSINESS/DISCUSSION ITEMS

5. **PEACH DAYS PAGEANT CONTESTANTS ACKNOWLEDGED**

Shaelynn Lofley	Leah Garcia	Aspyn Hinkins	
Makenzi Jones-Cheshire	Ashlynn Lofley	Kodee Behling	Sage Cook
Paizley Jackson	Jaivery Pitchforth	Courtney Behling	Kaicee Behling

Mayor Justice acknowledged each of the girls and their participation in the pageant. Thanks was given to the Codirectors Colette Weinstock and Devin Sealy

6. **GREATLIFE RENTAL AGREEMENT**

There has been a discussion about \$200.00 per month plus utilities. Council Member Winter is working on the contract with GreatLife. We will need to postpone this discussion until Council Member Winter can be present and also GreatLife.

7. **SHANE THOMPSON**

Shane describes a problem that he has been having, there is a smell that comes from the sewer that makes enjoying his backyard sometimes unbearable. CVSSD is aware of the problem. They have added another manhole. Sometimes CVSSD will come and flush the line and it will smell better for a time but will come right back. Perhaps there is sag in the line. This needs to be a priority. Need to talk to Council Member Winn and see what we need to do to get it bumped to the front of the line. Every Fall there is a list that goes to the CVSSD. This would be something before curb and gutter. As a city the mayor said that we would be happy to write a letter to have this be a priority.

COUNCIL MEMBER RICHMAN MOTIONED TO MAKE THIS A PRIORITY. COUNCIL MEMBER STOTLER SECONDED. ROLL CALL: RICHMAN AYE, STOTLER AYE, MEAD AYE. MOTION CARRIED.

8. **SUPERIOR SECURITY SYSTEMS -**

City Hall does not have smoke detecting system. Superior Systems can install a system that will work with our security system for \$880.32. We have already upgraded our WIFI system.

COUNCIL MEMBER MEAD MOTIONED TO HAVE A FIRE ALARM SYSTEM INSTALLED. COUNCIL MEMBER RICHMAN SECONDED. ROLL CALL: RICHMAN AYE, STOTLER AYE, MEAD AYE. MOTION CARRIED.

9. **PEACH DAYS**

FUN RUN Tuesday at 6 pm

BINGO Dessert View Credit Union will be doing this for the city. They would like to choose the night to do this. They would also like to choose the venue and charge for Bingo – No problem.

BIKE RIDE – Chris Winn

DESSERTS CONTEST – Thursday Night at Mayors Park. She has her judges

SIDEWALK PICASSO- Youth Council will be handling.

FIELD OF FLAGS – Winter

DINNER – Tacos, Richman and his daughter. No charge. Mayor wants to give back. There will be a band Friday Night at the dinner and then during the day on Saturday at Mayor's Park.

FIREWORKS – Friday Night at dusk. Fireworks are at the Fire Station.

MORNING PARADE – 10 am.

FD BREAKFAST – 7 am – 9 am

CAR SHOW – Randy Kenny. Gerry Stotler is working with him.

GAME NIGHT – 6 pm to 8 pm at the Fairgrounds on the track. He will need the stage. He will talk to Council Member Winter about the stage. Council Member Mead is doing this. He will be having games for Adults and children.

FUN AT THE PARK – The Mayor is taking care of this, Bounce houses.

HORSE RACES – Roger Ewell is helping with the horse races. 1 pm to 4 pm

ORDINANCE 2022-1

10. AN ORDINANCE TO AMEND THE ARTICLE D. RECREATIONAL VEHICLE COURT

The ordinance was presented to the City Council. Questions were asked such as will there be a time limit for as long as they can stay, Landscaping, etc. Council Member Richman will take this back to Planning and Zoning and clarify their questions and then bring it back.

COUNCIL MEMBER RICHMAN MOTIONED TO TABLE THE ORDINANCE UNTIL THE ORDINANCE COULD BE CLARIFIED. HE WILL TAKE IT BACK TO PLANNING AND ZONING. COUNCIL MEMBER MEAD SECONDED. ROLL CALL: RICHMAN AYE, STOTLER AYE, MEAD AYE. MOTION TABLED.

REPORTS

11. MAYOR AND COUNCIL REPORTS

MAYOR JUSTICE – Advised that she had given the staff a cost-of-living raise. Ashley Mills will be helping with the Youth Council. Updated the Council on how the CIB meeting went. She will be going back on the 6th of October and asked for someone on the council to go with her. Mayor explained the different options that the CIB had presented. \$66,000 in grant with the rest in 0% - 2% interest. There was a error with the application that will need to be corrected before the October 6 meeting. The monies will not be available if we are awarded until November.

COUNCIL MEMBER RICHMAN – He will be doing the dinner for Peach Days. Taco Bar with his daughter helping.

COUNCIL MEMBER WINN – Not Present

COUNCIL MEMBER STOTLER – Council Member Stotler gave a report on the 24th of July PIG ROAST. She felt that it had gone well. Thanked everyone for all their help. As of today, she doesn't have a date on when the Secondary water will be shut off.

COUNCIL MEMBER WINTER – Not Present

COUNCIL MEMBER MEAD – Reported that the fire department has had calls to the care center, 3 roll over accidents on I 70 and they are continuing to help Emery Fire Department. Mayor Justice stated that she really appreciated all the work that the Fire Department does for the Community. Council Member Mead also reported that they had a dog bite, a cat that had been attacking people and a report of a bear.

12. GOLF COURSE AND MAINTENANCE REPORTS AND WORK ORDER REVIEW

The Golf Course reported that they had some vandalism to come golf carts. The police and been notified. Kasey is currently working with the parents and minors to have the golf carts repaired. He will keep the council updated on the status of repairs. Because of the age of the offenders the Golf Course and City will be careful with their identify.

Sid Swasey reported that they are busy getting everything ready for Peach Days. He also wanted to thank the council for all their support and wanted to motion if he could that they all needed raises.

13. (IF NEEDED) CONSIDERATION TO ENTER CLOSED SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL, PENDING OR REASONABLE IMMINENT LITIGATION, AND THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, PURSUANT TO UTAH CODE SECTION 52-4-205

No closed session needed.

14. **APPROVAL AND PAYMENT OF WARRANTS**

COUNCIL MEMBER MEAD MOTIONED TO PAY THE BILLS. COUNCIL MEMBER RICHMAN SECONDED. ROLL CALL: RICHMAN AYE, STOTLER AYE, MEAD AYE. MOTION CARRIED.

15. **ADJOURNMENT**

COUNCIL MEMBER RICHMAN MOTIONED TO ADJOURN. COUNCIL MEMBER MEAD SECONDED. ROLL CALL: RICHMAN AYE, STOTLER AYE, MEAD AYE. MOTION CARRIED. CITY COUNCIL MEETING ADJOURNED

Attest:

Mayor Adele Justice

Barbara Bowles
Ferron City Recorder

Peach Days Review

How can we hear from our citizens on what they liked?

What can we improve on?

APPLICATION
FOR
CITY ATTORNEY
OF
CITY OF FERRON
BY



Initial Contacts:

Lisa Watts Baskin
J. Craig Smith
Nathan S. Bracken

257 East 200 South, Suite 500
Salt Lake City, Utah 84111
Telephone (801) 413-1600
lwaskin@shutah.law
jcsmith@shutah.law
nbracken@shutah.law

City of Ferron

Attn: ferroncity@ferroncity.org

Adele Justice, Mayor adelej@ferroncity.org

Barbara Bowles, City Recorder recorder@ferroncity.org

Re: City Attorney Position

Dear Mayor Justice and City Recorder Bowles:

Smith Hartvigsen PLLC appreciates this opportunity to apply to be Ferron's City Attorney. We are grateful for the connection made through Orangeville City's Treasurer Carolyn Marsing. Craig Smith and Lisa Baskin serve as Orangeville City's City Attorney. We have also provided legal services to Castle Dale over the years; former Mayor Neal Peacock could serve as a reliable reference. Partner Craig Smith was born and raised in Price, and Lisa Baskin lived and worked in Castle Dale at *The Emery County Progress*. Our collective experiences provide a working understanding of the Emery County communities.

We can perform the full scope of services you would need with our significant expertise and skills acquired from decades of combined experience. Our firm serves as the city attorney for several municipalities throughout Utah that range in population from less than 1,000 people to nearly 40,000 people. We also serve as special counsel to multiple municipalities on water, land use, redevelopment, governance, and other matters.

The character, education, experience, and ethics of each attorney give us the ability to provide the best legal services possible to Ferron City. Profiles are attached for our lead attorneys with anticipated areas of focus and expertise you might require. We propose that Lisa Watts Baskin would serve as Ferron's primary City Attorney with J. Craig Smith and Nathan Bracken serving as Assistant City Attorneys. Jeff Gittins and Peter Gessel could represent Ferron on water matters, while Katy Steffey, Clayton Preece, and Jennie Garner could manage employment law and litigation matters. J. Craig Smith and Adam Long could assist on redevelopment matters.

Thank you in advance for your consideration of our proposal. We would be delighted to meet with you, the Mayor, and the City Council to discuss our willingness to be your counsel.

SMITH HARTVIGSEN, PLLC



Lisa Watts Baskin

J. Craig Smith

Nathan S. Bracken



FIRM RESUME

1. FIRM BACKGROUND INFORMATION

1.1. FIRM MISSION STATEMENT

Our Mission Statement encapsulates who we are and what we strive for each day:

Smith Hartvigsen is comprised of attorneys, paralegals, assistants, and staff who are dedicated to professionalism and providing quality legal services to our clients. To us, professionalism means using our combined decades of experience to zealously advocate for our clients and to develop creative and effective solutions to our clients' problems. Professionalism means listening to our clients and working within our clients' budgets to accomplish their goals. Professionalism means promptly responding to our clients' emails and phone calls and keeping our clients informed regarding all aspects of their legal needs. Professionalism means being big enough to handle large complicated matters but small enough to provide personal service to each client. Professionalism means always striving to be the most knowledgeable experts in our areas of practice and practicing law with the highest level of ethics, integrity, and ability. We look forward to meeting your legal needs by serving as your counsel and demonstrating to you our commitment to professionalism.

1.2. FIRM HISTORY

Smith Hartvigsen began in 2002 when our founding members, Craig Smith and David Hartvigsen, left a long-established Utah law firm to create a firm that would focus on issues important to our clients, including water law, land use law, litigation, redevelopment law, municipal and local government representation, and advocacy in courts, administrative bodies, and the Utah legislature.

Our attorneys have extensive experience in a broad range of practice areas, particularly those of importance to Ferron City. Our attorneys have appeared before administrative agencies and courts of law throughout Utah. We have a reputation for diligent representation in litigation and for thorough and reasoned assistance in contractual and transactional matters. Our goal is to do what is right for our clients as their zealous advocates. We are proud to note that the vast majority of our clients were originally referred to us by other clients or lawyers. We take pride in our dedication to finding the best resolution for our clients' legal issues. Our clients stay with us because they value our advice, our skill, and our concern for them.

We care about the communities that we serve, just as our clients do. We are active in providing pro bono legal services and supporting and participating in civic organizations and other worthwhile projects. As a demonstration of such efforts,

Smith Hartvigsen was recognized by the Utah State Bar as the Distinguished Pro Bono Law Firm for 2015. The individual attorneys at Smith Hartvigsen have been similarly recognized for their legal expertise and ethics by peer ratings from virtually all of the major attorney rating entities. Most recently, six of our attorneys were recognized as "Utah Legal Elite 2020" in their respective areas of practice by Utah Business Magazine, based on voting by fellow attorneys.

2. QUALIFICATIONS AND EXPERTISE

2.1. PRACTICE AREAS

2.1.1. Municipal Law

Primary Attorneys: Lisa Watts Baskin, J. Craig Smith, Nathan Bracken, Jeffry Gittins, Kathryn Steffey, Adam Long, and Clayton Preece

We provide legal services to numerous cities, metro townships, districts, and counties across Utah. We are proficient at drafting ordinances, code amendments, municipal contracts, interlocal agreements, mutual aid agreements, and other documents that our municipal clients need on a regular basis. Our municipal clients commonly request that our attorneys attend city or township council meetings, planning and zoning meetings, and other municipal meetings, either in person or remotely, in order to provide immediate legal advice and input. We strive to have excellent working relationships with city council members, city managers, and other city staff to ensure that the final work product is as complete and correct as possible.

Examples of Municipal projects that our attorneys have handled include:

- Served as city attorney for Bear River City, Copperton Metro Township, Town of Daniel, Duchesne City, Orangeville City, Myton, Kearns Metro Township, and Woodland Hills.
- Oversaw the restatement of the municipal codes for two municipalities and the restatement of the land use codes for five municipalities.
- Developed code enforcement and abatement programs for five municipalities.
- Prevailed in multiple business license and code enforcement matters and related administrative hearings and litigation.
- Assisted with rewriting several cities' ordinances regarding water dedication requirements for development.
- Provided training to city councils and staff regarding open meeting requirements, compliance with the Utah Government Records Access and Management Act (GRAMA), and other state statutes governing municipal governments.

- Advised cities regarding GRAMA requests relating to police activities, police use of force, and other matters.

2.2. ATTORNEYS

The attorneys at Smith Hartvigsen have unparalleled education, experience, and expertise. Profiles of the attorneys that will primarily provide legal services to the City are included in the Appendix to this Proposal.

2.3. REPRESENTATIVE CLIENTS

Smith Hartvigsen has a robust practice representing governmental entities, including districts, cities, towns, counties, and redevelopment agencies. For some governmental entities, Smith Hartvigsen acts as general counsel and provides the full scope of legal services. For other governmental entities, Smith Hartvigsen provides specific services in certain areas, such as water, land use and planning, litigation, contracts, redevelopment, or environmental.

2.3.1. City Attorney

Bear River City
Copperton Metro Township
Corrine City
Town of Daniel
City of Duchesne
Kearns Metro Township
Orangeville City

2.3.2. Redevelopment Agency Counsel

Bluffdale Redevelopment Agency	South Ogden Redevelopment Agency
Brigham City Redevelopment Agency	South Salt Lake Redevelopment Agency
Box Elder County Redevelopment Agency	Spanish Fork Redevelopment Agency
Riverton Redevelopment Agency	Tooele County Redevelopment Agency
South Jordan Redevelopment Agency	West Jordan Redevelopment Agency

2.3.3. Municipal Specialty Counsel

American Fork City	Garfield County	Town of Portage
Beaver County	Grantsville City	Providence City
Bluffdale City	Green River City	Riverton City
Bountiful City	Heber City	Roy City
Brigham City	Honeyville City	Sevier County



Carbon County
Clearfield City
Coalville City
Cornish Town
Daggett County
Town of Daniel
Emigration Canyon
Township
Ephraim City
Escalante City
Fairfield Town

Iron County
Kane County
Town of Manila
Magna Township
Midvale City
Moab City
Morgan City
Mt. Pleasant City
Myton City
North Ogden City
Orangeville City
Park City

City of South Jordan
South Ogden City
City of South Salt Lake
Spanish Fork City
Springville City
City of St. George
Syracuse City
Uintah County
Vernal City
Town of Vernon
West Jordan City
White City Township

2.3.4. Local District Counsel

Angell Springs Special Service District
Benchland Water District
Cache Water District
Canyon Land Improvement District
Copperton Improvement District
East Riverton Drainage District
Fruitland Special Service District
Greater Salt Lake Municipal Services
District
Jordan Valley Water Conservancy
District
Magna Water District
Mountain Regional Special Service
District

North Fork Special Service District
Skyline Mountain Special Service
District
Snyderville Basin Special Rec. District
South Summit Cemetery Maintenance
District
Summit County Service Area No. 3
Ticaboo Utility Improvement District
Traverse Ridge Special Service District
Twin Creeks Special Service District
Vernon Waterworks Special Service
District

2.3.5. Bonds and Municipal Finance

Primary Attorneys: Nathan Bracken and Adam Long

Our municipal finance practice group has successfully obtained tens of millions of dollars in bonding and financing for a range of public and private entities, including municipalities, local districts, and special service districts.

Some recent Municipal Financing projects that we have handled for clients include:

- Handled the transactional work for project owners in bond matters for \$500 million and \$50 million projects.
- \$19 million bond for a special service district for sewer treatment plant improvements.
- \$18 million in financing, including grants from EPA, for a local district and public water supplier to construct a water treatment facility along with a secondary water system.
- \$1.8 million in financing from the Utah Board of Water Resources for an irrigation company to construct a water storage reservoir and associated facilities.
- \$1 million in financing from the USDA Rural Development and \$800,000 in funding from the Utah Drinking Water Board for a culinary water company to replace water tanks and water lines.
- \$600,000 electric revenue bond from the Community Impact Board and \$350,000 water revenue bond from the Drinking Water Board for a utility improvement district.
- \$500,000 in financing from the Community Impact Board for construction of a water tank and other improvements to the city's water system.

2.3.6. Governmental and Legislative Relations

Primary Attorneys: Lisa Watts Baskin, Craig Smith, Nathan Bracken, Peter Gessel, and Ethan Smith

Several of our attorneys are registered lobbyists who primarily lobby on behalf of municipalities and local districts. Our attorneys have been instrumental in passing, as well as stopping or modifying, hundreds of bills impacting local cities, districts, and water companies. We also recognize that effective governmental relations often do not require legislation, and we therefore work frequently with state and federal officials to maintain productive relationships for our public sector clients.

In 2022, Lisa Baskin joined Smith Hartvigsen. She has been a licensed attorney and public law attorney for nearly 35 years. Notable Governmental and Legislative Relations projects that she has handled for clients include:

- Served as Associate General Counsel to the Utah State Legislature (1990-1997).
- Serve as Elected Official to North Salt Lake City Council for three terms, presently serving.
- Served as Second Vice President and Executive Board Member to Utah League of Cities and Towns.
- Serves on the Legislative Policy Committee, ULCT.
- Drafted hundreds of legislative bills and drafted and consulted on multiple city ordinances.

- Assists in the ongoing recodification of metro township codes.
- Advises and litigates for private and public sector clients regarding petitions, initiatives, and referendums.
- Serves as Administrative Law Judge to Utah Office of Inspector General.
- Served as Judicial Law Clerk to Utah Supreme Court Justice Richard C. Howe.

In 2015, Nathan Bracken joined Smith Hartvigsen from the Western States Water Council, where he represented western state engineers and other water managers from Utah and 17 other western states before Congress and the Administration. Among other issues, Nathan influenced numerous federal bills and regulations involving water, including EPA's "Water Transfers" and "Waters of the U.S." rules as well as the U.S. Forest Service's now withdrawn "Groundwater Directive."

Notable Governmental and Legislative Relations projects that we have handled for clients include:

- Drafted and led the lobbying effort to pass S.B. 214, which the Utah Legislature passed in 2020 to close loopholes in the Utah Code that gambling machine manufacturers were using to operate slot machines throughout Utah.
- Co-facilitated the multi-stakeholder group that developed S.B. 26, which the Utah Legislature passed unanimously in 2020 to create Utah's first water banking program.
- Drafted and lobbied for an amendment to Utah's statutes regarding procedures for the dissolution of districts.
- Drafted and lobbied for an amendment to the Utah Constitution (Art. XIII, Sec. 3(1)(j)) and Utah statute to exempt water infrastructure from state tax on behalf of a large, urban nonprofit water supplier.
- Assisted in the recodification of the Land Use, Development, and Management Act, as well as the recodification of the Procurement Code.
- Acquired \$300,000 in legislatively approved funding to assist two municipal clients in a long-standing dispute involving public lands.
- Secured passage of state and federal legislation to protect the interests of two municipalities in water rights originally appropriated by a federal agency.
- Drafted significant portions of Utah Code Title 17C—Community Reinvestment Agency Act during the 2016 rewrite of that Title.
- Secured passage of an amendment to Utah Code allowing certain funds to be used for student housing.
- Advised public sector clients regarding petitions, initiatives, and referendums.

2.3.7. Eminent Domain

Primary Attorneys: Nathan Bracken, Craig Smith, Jeffry Gittins, and Kathryn Steffey



Our attorneys assist local governments and private clients with acquiring fee title, easements, and other property interests through eminent domain. We have assisted water suppliers in condemning property for reservoirs, pipelines, storage tanks, and access roads. We have also assisted clients with avoiding condemnation actions in courts through negotiating the acquisition of necessary property interests. Because we have also represented individuals in defending against condemnation actions, we understand all facets of condemnation proceedings and how to achieve the best results for our clients in eminent domain actions. Some recent Eminent Domain projects that we have handled include:

- Filed and prosecuted a court action for condemnation of land and easements from several property owners for a water storage reservoir, pipelines, and road access for secondary water company.
- In order to avoid condemnation proceedings, negotiated on behalf of a water company for the acquisition of an easement for a water pipeline across property owned by the State of Utah.
- Governor Cox appointed Nathan Bracken to the Property Rights Ombudsman's Land Use and Eminent Domain Advisory Board in 2021.

2.3.8. Land Use, Entitlements, and Real Property

Primary Attorneys: Craig Smith, Nathan Bracken, Jeffry Gittins, and Adam Long

Smith Hartvigsen provides expertise in land use, zoning and entitlements, community development, and redevelopment law, as well as water right aspects of real estate issues and transactions. Our land use clients include municipalities, local districts, commercial developers, residential developers, contractors, purchasers, sellers, lessors, lessees, homeowners associations, local districts, and water companies. For instance, Smith Hartvigsen is the land use attorney for the Greater Salt Lake Municipal Services District, which provides land use, business licensing, and code enforcement services for over 80,000 people in unincorporated portions of Salt Lake County and five municipalities; namely, Copperton, Emigration Canyon, Kearns, Magna, and White City.

This broad representation gives us unique insight into the varying interests inherent in real estate transactions. For example, we handled all of the real estate and entitlement aspects for the development of the world class Amangiri Resort in southern Utah, including acquisition of land from School and Institutional Trust Lands Administration, creation of private and public entities to provide utility services, and negotiating a solar interconnection agreement with Garkane Power. Our decades of serving water suppliers have given us extensive experience with the many different real estate issues that water suppliers encounter, including issues

relating to easements for pipelines and ditches, condemnation of land for water facilities, and acquisition of licenses and other land use approvals for water projects.

Notable Land Use, Entitlement, and Real Property projects that we have handled for municipal clients include:

- In 2020, we drafted ordinances for multiple municipalities regarding density, open space, accessory dwelling units, subdivision reviews, conditional use reviews, and many other topics.
- Regularly assist planning and zoning staff with subdivision, conditional use, variance, and zoning matters.
- Advised land use staff on the development of new general plans for five municipalities.
- Drafted and negotiated a license agreement between a water company and a town for the construction and operation of a culinary water system.
- Worked with the U.S. Forest Service on behalf of a water company in order to receive amended special use authorizations for a water tank and transmission pipelines.
- Obtained conditional use permits from multiple jurisdictions for a large power line project.
- Advise multiple clients on water right exactions, takings, and impact fees.

2.3.9. Redevelopment and Economic Development

Primary Attorneys: Craig Smith and Adam Long

Smith Hartvigsen has the largest redevelopment practice in the state of Utah. We serve as counsel to the Utah Redevelopment Association. We have many years of experience representing local governments, redevelopment agencies, and private developers with redevelopment issues, and are constantly monitoring legislation that may affect the firm's redevelopment clients. Whether creating a redevelopment agency and project areas completely from scratch, handling the ongoing administration of a redevelopment agency and project areas, negotiating agreements with developers, revitalizing a stagnant project area, or just examining the potential benefits of a proposed redevelopment project, our attorneys can provide all of the services that a city needs in the redevelopment process, and we work with planners, development consultants, and financial advisors to ensure our clients' projects are successful.

Examples of Redevelopment and Economic Development projects that our attorneys have handled include:

- Managed the creation of multiple redevelopment project areas, and numerous corresponding agreements, for development of over \$1 billion in utility-scale solar projects.
- Advised multiple cities with downtown and main street revitalization projects using tax increment financing.
- Represented a redevelopment agency regarding the creation of a 1,400-acre industrial park, including securing participation from taxing entities and negotiating incentive agreements with the developer.
- Represented multiple cities in securing large-scale investments and new jobs, including a 250,000 square-foot water bottling plant, two major datacenters, and numerous retail projects.
- Assisted with the initial creation of many redevelopment agencies, including extensive training for elected officials and city and county personnel.

2.3.10. Water Law

Primary Attorneys: Craig Smith, Jeffry Gittins, and Nathan Bracken

Our firm is well known for our extensive water law practice. The seasoned water law attorneys listed above are supported by a team of talented associates, paralegals, and staff who are also experienced in water law, which gives Smith Hartvigsen one of the largest water law practice groups in the state. Our water attorneys have decades of experience in handling water law issues across the full spectrum of legal needs at the federal, state, local, and private levels. They are regularly invited to speak at conferences and training seminars on a wide variety of water-related topics. Smith Hartvigsen has a quarterly water law newsletter and a water law blog that provide updates on water-related cases, statutes, administrative rules, and other items of interest to our water clients.

Our firm is also active in the local and national water law communities, and has been recognized for our expertise in water law. Some notable activities and honors include:

- Mr. Gittins has served as Chair of the Utah Bar's Water Law Section and also serves on the Water Title Advisory Committee for the Utah Division of Water Rights.
- Mr. Bracken chaired the American Bar Association's 35th Annual Water Law Conference, where Mr. Smith also spoke and received a writing award for a paper on the application of the public trust doctrine in Utah.
- Mr. Bracken is a member of the Board of Advisors for the National Judicial College's Dividing the Waters Program, which educates judges around the country on water adjudications and complex water-related litigation.

Some recent Water Law projects that we have handled for clients include:

- Reviewed and analyzed over 125 water rights owned by a municipality and prepared a detailed report regarding the history and recommendations for each water right.
- Reviewed numerous water rights for acquisition by a city and handled all aspects of acquisition, including preparing deeds, drafting water banking agreements, and obtaining title insurance.
- Prepared an inventory and analysis of all water shares owned by a city.
- Assisting several cities with all aspects with general adjudications, including preparing and filing water user claims, prosecuting objections before the Special Master, and researching claims filed by others for potential impact.

2.3.11. Administrative Law

Primary Attorneys: Lisa Watts Baskin, Craig Smith, Nathan Bracken, Kathryn Steffey, and Jeffry Gittins

We represent clients before many different state and federal agencies, including Utah Division of Water Rights; Utah Division of Occupational and Professional Licensing; Utah Public Service Commission; Utah Antidiscrimination and Labor Division; Utah State Tax Commission; Utah Division of Oil, Gas and Mining; United States Department of Labor; and United States Equal Employment Opportunity Commission.

Additionally, we have worked with a number of other state and federal agencies on behalf of our clients to negotiate and draft various agreements, acquire property or funding, obtain permits and other approvals, and resolve disputes. These agencies include U.S. Bureau of Reclamation, Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Forest Service, U.S. National Park Service, U.S. Bureau of Land Management, Utah School and Institutional Trust Lands Administration, U.S. Fish and Wildlife Service, Utah Division of Water Resources, Utah Division of Water Quality, and Utah Division of Drinking Water. We have also represented clients in front of numerous town and city councils, county councils, city planning commissions, county planning commissions, boards of adjustment, municipal appeal authorities, and other local administrative boards. Ms. Baskin has been an Administrative Law Judge with the Utah Department of Insurance and is currently the ALJ for the Utah Office of Inspector General.

Examples of recent Administrative Law projects that we have handled for clients include:

- Prepared and prosecuted change applications with the Utah Division of Water Rights to allow a water district to divert additional groundwater based on imported water from another drainage.

- Applied for, and received, approval from the Utah Division of Oil, Gas and Mining to operate an underground storage cavern facility.
- Defended a land developer against an assessment issued by the U.S. Department of Labor regarding alleged overtime violations.
- Negotiated a water monitoring plan with the Environmental Protection Agency.
- Obtained land use approvals for numerous clients.
- Adjudicated matters regarding insurance licensing and regulation and Medicaid waste, fraud, and abuse.

2.3.12. Employment Law and Constitutional Employment Issues

Primary Attorneys: Kathryn Steffey, Jennie Garner, and Clayton Preece

Most of our clients are also employers that face constant changes in applicable employment and labor laws and regulations. We assist our clients with staying current on these changes and we advise and assist them with the full spectrum of employment and labor issues that inevitably arise, such as FMLA leave, personnel policies and employee handbooks, best practices, privacy issues, confidentiality and non-compete issues, discrimination and harassment issues, and employee vs. independent contractor issues. We have also handled collective bargaining unit negotiations and contract drafting, implementation, and enforcement. As many of our clients are local governments, we are also familiar with issues, including constitutional issues, that are unique to a government employer.

Examples of Employment Law projects that we have handled for clients include:

- Reviewed and revised the personnel policies and employee handbooks for multiple clients, including both governmental entities and private corporations.
- Assisted a water district with the termination of an assistant manager, including drafting and negotiating a memorandum of understanding and severance agreement.
- Provided legal analysis to a water district regarding application of Utah's anti-nepotism laws to a situation involving district personnel.
- Served as an internal investigator for a city regarding sexual harassment claims.
- Assisted the board of trustees of a special service district in conducting a termination hearing resulting from an appeal brought by an employee.

2.3.13. Contracts

Primary Attorneys: Kathryn Steffey and Adam Long



The need for legal assistance with contracts spans virtually our entire clientele. Smith Hartvigsen therefore has extensive experience with the full spectrum of contract types and with each phase of the contracting process. We also maintain a readily searchable database of contracts and contract forms. With respect to municipalities, Smith Hartvigsen's experience includes, but is not limited to, water purchase and lease agreements, water service contracts, water reuse contracts, interlocal cooperation agreements, mutual aid agreements, independent contractor agreements, vendor contracts, insurance agreements, construction contracts, real estate purchase agreements, and public finance contracts.

Examples of Contract projects that we have handled for clients include:

- Assisted in negotiating and drafting an interlocal agreement between a water district and a water conservancy district regarding the operation and maintenance of a water system serving secondary water to approximately 3,000 connections.
- Assisted in negotiating and drafting a mutual aid agreement between a city and a county fire district.
- Negotiated and drafted an agreement between two water districts regarding the installation of an interconnection between the two water systems and the exchange of water in emergencies.
- Negotiated and drafted multiple water banking agreements between a city and water right owners to provide water for future development.
- Analyzed comprehensive insurance policies for a local district and advised the local district on which insurance policy to select.

2.3.14. Litigation

Primary Attorneys: Craig Smith, Kathryn Steffey, Jennie Garner, and Clayton Preece

Smith Hartvigsen has a deep bench of experienced and talented trial attorneys with a strong track record of success in state and federal district courts. We have substantial experience litigating civil matters in each of the practice areas listed in this section. We pride ourselves as being able to back up our advice in court if needed. We have also handled numerous administrative matters before administrative decision makers, administrative law judges, and the appeals therefrom. We have the experience, staff, and technology needed to handle large, complex, multiparty matters.

Some notable Litigation cases that we have handled for clients include:

- Prevailed in arbitration initiated by a former employee challenging the termination of his employment by a special service district.
- Successfully represented a city in lawsuits relating to an injury resulting from a defect in the city's pool.
- Defended a city in a court action with a nonprofit entity over the validity of a building lease agreement entered into by a prior city administration.
- Defended two cities in a large federal lawsuit filed by Native American tribes regarding jurisdiction over streets and roads.
- Obtained a multi-million dollar settlement for mink farmers who lost their mink due to contaminated feed.
- Successfully defended a city at both the district court level and at the Tenth Circuit Court of Appeals in a Fair Housing Act lawsuit brought to challenge certain zoning ordinances.

2.3.15. Appellate Practice

Primary Attorneys: Craig Smith, Kathryn Steffey, and Jennie Garner

In addition to our depth of litigation experience in federal district courts and state district courts, Smith Hartvigsen has a talented team of attorneys that have expertise in handling both federal and state appeals. Our attorneys have appeared before the United States Supreme Court, the United States Court of Appeals for the Tenth Circuit, the Utah Supreme Court, and the Utah Court of Appeals. Based on our experience and proven track record, Smith Hartvigsen has been retained by outside trial counsel specifically to handle the appeals.

Examples of Appellate matters that we have handled for clients include:

- Represented citizens in a referenda contest concerning a proposed development in Holladay, Utah.
- Represented three irrigation companies in an appeal before the Utah Supreme Court regarding a proposed modification to a water decree.
- Represented a water company in defending an appeal before the Utah Court of Appeals regarding a decision of the Utah Public Service Commission.
- Represented a developer in a breach of contract lawsuit regarding the purchase of lands with environmental concerns and conditions.

A few notable opinions resulting from our representation include:

- *Pino v. Entity #4812420-0140*, 2019 UT 69
- *Pacific West Communities v. City of Grantsville* 2009 Ut App 291
- *Baker v. Carlson*, 2018 UT 59
- *Dansie v. Public Service Commission*, 2016 UT App 116
- *Warne v. Warne*, 2011 UT 69

- *Bingham v. Roosevelt City Corp.*, 2010 UT 37
- *Taylor-West Weber Water Improvement Dist. v. Olds*, 2009 UT 86

2.3.16. Alternative Dispute Resolution

Primary Attorneys: Kathryn Steffey, Nathan Bracken, and Clayton Preece

Our Alternative Dispute Resolution (ADR) practice group includes a well-balanced combination of trained and experienced mediators and facilitators, as well as experienced litigators who frequently represent clients in mediations, negotiations, and arbitrations. Our attorneys are particularly well-versed in utilizing ADR to successfully resolve water, natural resources, and employment law matters, and are experienced in the mediation and ADR programs offered by the Utah courts and by various administrative agencies, including the Utah Antidiscrimination and Labor Division, the Equal Employment Opportunity Commission, and the U.S. Department of Labor. Our attorneys have also spoken and published extensively on employment topics and serve in leadership positions on ADR-focused committees in the American Bar Association.

Some recent Alternative Dispute Resolution matters that our attorneys have handled for clients and other notable activities include:

- Successfully mediated an employment law matter involving a municipality after more than five years of litigation and appeals.
- Successfully mediated, on behalf of employers, over 50 complaints filed by employees.
- Served as the arbitrator in employment disputes.
- Represented a client in two complex arbitrations involving a multi-national corporation.
- Settled three objections in the Utah Lake-Jordan River adjudication, including two objections involving municipalities.
- Currently facilitating multi-stakeholder discussions with federal regulators, state agencies, and non-profit entities regarding Endangered Species Act protections for endangered fish.
- Prior to joining Smith Hartvigsen in 2015, Mr. Bracken facilitated a number of stakeholder efforts across multiple states involving federal claims to groundwater, Indian water rights settlements, and Clean Water Act jurisdiction.

2.3.17. Construction Law

Primary Attorneys: Kathryn Steffey and Clayton Preece

Smith Hartvigsen has extensive experience in construction law matters, including contract negotiations and drafting, addressing contract administration issues and change orders; and handling payment disputes, subcontractor disputes, and warranty and defect disputes. We have pursued and defended claims against surety bonds and general contractors for payment of funds; defended pass-through claims by general contractors; asserted and defended claims of defective construction; and otherwise protected our clients' interests in litigation. When it comes to construction law projects, our attorneys can build the case necessary to achieve a fair result despite the large number of players, significant discovery, and complex relationships attendant to such matters.

Some recent Construction Law projects that we have handled for clients include:

- Assisted a water district in receiving full payment of impact fees that were challenged by a developer.
- Assisted a municipality in obtaining payment from the general contractor and engineer/construction administrator for substantial defects relating to the construction of the new city hall.
- Defended a general contractor and a surety against claims for additional compensation relating to a U.S. Army Corps of Engineers construction project at the Aliamanu Military Reservation in Hawaii.
- Defended a special service district against claims for additional compensation by a subcontractor.

2.3.18. Natural Resources Law

Primary Attorneys: Craig Smith, Jeffry Gittins, and Nathan Bracken

Smith Hartvigsen has an active presence in the natural resources sector. We have represented clients with environmental law compliance, with threatened and endangered species issues, air and water quality issues, geothermal pool issues, and solid waste and hazardous waste issues. Our role in this practice area often involves creative problem-solving efforts with federal, state, and local regulators and with environmental interest groups. Smith Hartvigsen attorneys have extensive experience in negotiating resolutions and in litigating matters in this high-stakes arena. Smith Hartvigsen is the only Utah law firm that is a member of the Environmental Law Network, which is an international network of environmental firms. All three members of our Natural Resources practice group have been recognized by Utah Business Magazine as "Legal Elite" for Energy and Natural Resources.

Examples of Natural Resource Law projects that our attorneys have handled include:

- Assisted a city in avoiding litigation by negotiating a mutually acceptable arrangement that protected city water sources from potential contamination from mine tailings caused by a proposed expansion of a ski resort.
- Worked with federal agencies, state agencies, and a national environmental group to improve fish flows in a major river in Utah, with the goal of delisting endangered fish under the Endangered Species Act.
- Guided several clients through the complexity of the Clean Water Act to avoid potential liability for dredge and fill activities under Section 404.
- Worked with the National Park Service and the U.S. Forest Service on behalf of a city to ensure that federal activities on federal lands would not impair the city's water supply.
- Advised a municipality regarding its potential liability for municipal landfill waste under the Comprehensive Environmental Response, Compensation and Liability Act.
- Prior to Joining Smith Hartvigsen in 2015, Mr. Bracken served as the General Counsel for the Western States Water Council, where he helped stop efforts to rescind the Environmental Protection Agency's "Water Transfers Rule," which provides that certain transfers of water do not require Clean Water Act permits.

2.3.19. Procurement

Primary Attorneys: Adam Long and Nathan Bracken

Smith Hartvigsen helps local governments to understand and comply with the myriad of state statutes and codes governing procurement of good and services by cities, counties, districts and other local governmental entities. The attorneys at Smith Hartvigsen have assisted numerous governmental clients in coming into compliance with the re-codified Procurement Code and in customizing, adopting, and implementing the template of procurement rules.

Examples of Procurement matters that we have handled for clients include:

- Crafted procurement rules for a new form of municipal government.
- Assisted private entities transitioning to local governmental entities with understanding and implementing procurement rules that are now applicable to them.
- Assisted in the development of the template of standard procurement rules and procedures and then customized that template to the unique needs and circumstances of a variety of local governmental entities.
- Counseled governing boards and staff to reach compliance with state and district procurement statutes and rules.

3. PROPOSED METHODS OF PROVIDING LEGAL SERVICES

If Ferron City selects our firm for the City Attorney position, we expect that a single partner will be selected, in consultation with the City, to serve as the "City Attorney" and be the main point of contact for the City. To provide primary backup, a second or third attorney will be designated as "Assistant City Attorney." Other attorneys and paralegals will be available, as needed, to provide assistance and expertise. For example, if a water law issue arises, one of our water attorneys would be called upon to handle that issue.

With a wide array of specialists in areas of law important to municipalities, rarely, if ever, will another law firm be needed to assist the City. This wide array of expertise is typically found only in large national or regional law firms, with the associated fees, overhead, politics, and inflexibility. We are a local firm optimally positioned with sufficient personnel, technology, and experience to handle the most complex needs, while still being small enough to be personal, flexible, efficient, and effective. We have a depth of experience and support capabilities that simply cannot be matched by solo practitioners, small firms, and even many large firms. As set out below, Smith Hartvigsen has honed its processes, standards, and a firm culture to suit the needs of its municipal clients.

3.1. PROFESSIONAL CIVILITY & CONFIDENTIALITY

Smith Hartvigsen strictly adheres to the Utah Standards of Professionalism and Civility, which are incorporated into the engagement letter for each firm client. We also strictly follow ethical standards of client confidentiality and loyalty.

3.2. ATTORNEY CONTACT AND COMMUNICATION

By having both a City Attorney and Assistant City Attorney assigned from our firm, the City will always have two primary contacts. We cultivate a culture that places emphasis on being available and responsive to our clients. Our policy is that we respond to all phone calls and emails within 24 hours. Rather than having an automated phone system, we have a receptionist to personally answer each call and direct the call to the appropriate person. Smith Hartvigsen attorneys are available to be reached even if out of the office or after normal business hours.

3.3. PROJECT COORDINATION AND STAFFING

The availability of attorneys with multiple areas of expertise under a single roof allows us to maximize client communication and coordination and also reduce expense to our clients. The full resources of Smith Hartvigsen will be available as needed to effectively and efficiently represent the City. For each project, we will work with the City to determine what skills, expertise, and experience will be most crucial

to the success of the project, and we will assign the attorney(s) and staff to that project that will best ensure the success of the project. We also focus on making sure that we match the work to the correct experience level, i.e., that partners are not doing associate-level work or vice-versa. Our experience shows that these coordination efforts will produce exceptional results and allow the City to rest easy knowing that it is getting the best representation possible and value for the dollar.

3.4. MUNICIPAL MEETINGS

Smith Hartvigsen attorneys are accustomed to attending council and board meetings, including those which stretch far into the night. As the desires and needs of the City dictate, attorney attendance may either be on a regular or as-needed basis. Additionally, we generally find it helpful with our governmental entity clients to plan and schedule regular face-to-face meetings (monthly or quarterly) between us and city management in order to report on the status of assignments and projects that we are working on and to communicate regarding new assignments and projects that need to be staffed. We expect that the partner chosen as City Attorney will serve as the main point of contact for the City and attend regular City meetings. With an Assistant City Attorney in place, the City will always have effective legal representation by an attorney familiar with current City issues, even in the event of an unavoidable conflict or some sort of emergency on the part of the primary attorney.

3.5. TECHNOLOGY

In addition to the technical expertise and experience possessed by our attorneys, Smith Hartvigsen also utilizes key technology to provide the most effective and efficient service to our clients.

We utilize a premier document management system that allows our attorneys to access all client documents and emails from anywhere in the world on computers, laptops, tablets, or smart phones. This document management system also allows us to easily find similar pleadings, contracts, and other case documents that we have drafted in the past so that we are not starting from scratch each time we perform a project for a client. We also use this document management system as a repository for forms of documents that we regularly use for clients, such as court pleadings, deeds, contracts, and water right applications.

Additionally, Smith Hartvigsen has a robust subscription to one of the leading online legal research services, which allows us to maximize the efficiency of our research time and find the best research results as quickly as possible. We also utilize top-notch discovery software that allows us to manage documents and electronic discovery, which is particularly useful in large litigation cases with thousands (or millions) of pages of discovery. We strive to keep on top of legal technology trends and

to acquire the technology and software that will allow us to provide the best legal services possible to our clients.

3.6. PERSONAL SERVICE

We believe that one of our best characteristics is that we genuinely care about our clients and become an integral part of their teams in much the same way as in-house counsel. This is a key reason several cities and towns have appointed us as their city attorneys instead of employing in-house city attorneys. We strive to provide the same quality of representation and personal service that is typical of in-house counsel.

3.7. INVOLVEMENT IN THE GOVERNMENTAL COMMUNITY

Inasmuch as a large number of Smith Hartvigsen's clients are governmental entities, the attorneys at Smith Hartvigsen are active in organizations such as Utah League of Cities and Towns, Utah Municipal Attorneys Association, Utah Redevelopment Association, Economic Development Corporation of Utah, Utah Alliance for Economic Development, Utah Association of Special Districts, Utah Water Association, and Rural Water Association of Utah. Attorney Lisa Baskin sits on her city council for her third term. We frequently provide training and lectures on a vast array of topics of interest to these organizations, including land use law, water law, procurement, impact fees, open meetings, government records, ethics, and government employment law. Due to our involvement in these organizations and others, we are able to stay in front of legal trends and new developments that may affect our clients, and are therefore able to help our clients be proactive, rather than reactive, in addressing these new developments.

3.8. WATER RIGHTS MANAGEMENT

We know water, and we understand the importance of assisting our clients in managing and protecting their water rights. In many instances, water rights are the most valuable assets that our clients possess, and we have therefore developed a number of systems and processes to ensure that our clients' water rights are maximized and protected.

First, we perform water right inventories for clients in order to confirm all of the water rights owned by our client. We perform title research and prepare title documentation to ensure that ownership is properly vested and reflected on the records of the Utah Division of Water Rights.

Second, we add our clients' water rights to the email notification service provided by the Utah Division of Water Rights. Through this service, we receive email notification whenever there is any activity on a client's water right file. Upon receiving notice, we can review the action and notify the client accordingly. We also use this service to

track water rights that are owned by third parties, but that our clients are interested in following.

Third, we maintain an internal database of client water rights, including deadlines associated with the water rights. With this database, we can provide notice to clients of upcoming deadlines well before notice is received from the Utah Division of Water Rights, thereby giving our clients sufficient lead time to prepare Proofs of Beneficial Use, Requests for Extension of Time, or other documentation required by the deadline.

Fourth, our water practice group (consisting of our water attorneys and our paralegal who maintains our internal water right database) meets each week to review upcoming deadlines; activity on client water right files; upcoming water conferences; proposed legislation, administrative rules, and policies; and other issues that may affect our clients. By coordinating our efforts each week, we are able to provide top level service in the most effective and efficient way possible.

4. RATES AND CHARGES

4.1. BILLING PROCESSES

Smith Hartvigsen utilizes robust software that allows us to accurately track and document our work on behalf of our clients. This software also allows us to produce invoices for our clients that provide accurate and detailed information regarding tasks performed, time spent, costs incurred, and other information. Billing can be set up to Ferron's specifications; e.g., all work can be billed as a single matter, or separate matters can be set up and billed separately for certain projects or cases. Before invoices are sent to clients, they are circulated among the attorneys for review, thereby ensuring that time entries and information are correct. Invoices are generally sent on a monthly basis at the end of each month, but this can be adjusted to meet the needs of the client. Additionally, invoices can be provided to each client in the client's preferred method; i.e., by mail, email, or both. Smith Hartvigsen has a firm administrator and an accounts manager who are always available to answer questions regarding invoices. Our goal is to make our billing processes work for our clients.

4.2. BILLING RATES

Smith Hartvigsen generally bills on an hourly basis, but we are amenable to any of a variety of fee arrangements and open to negotiating other arrangements for routine ongoing work for the City. We strive to provide effective *and* efficient legal representation to all of our clients, and our billing rates are intentionally lower than many other firms with similar expertise. We would bill the City at our reduced governmental rates (shown below), which represent a 10% discount from our regular

rates. The firm is comfortable with providing services as needed when particular concerns arise.

The current discounted governmental rates at Smith Hartvigsen are as follows:

Partners and Of Counsel	\$225 - \$330
Lisa Watts Baskin	\$210
J. Craig Smith	\$330
Nathan Bracken	\$265
Associates	\$185 - \$200
Law Clerks	\$130 - \$150
Paralegals	\$150

Smith Hartvigsen may periodically adjust these rates based on experience levels and market conditions, but we will not adjust any of these rates during the first two years of representation and we will not adjust them any differently from Smith Hartvigsen's other municipal clients without the City's express consent.

We will charge the City for all reimbursable expenses at actual cost, without mark-up. Internal costs, such as normal postage, photocopies, and electronic research charges, are covered by our hourly rates and will not be charged to the City.

We are also willing to consider other fee arrangements if they are better suited to the City's particular needs and circumstances. Of course, regardless of the fee arrangement selected, we try to maximize the value of our services to our clients by assigning tasks to the appropriate personnel based on the required level of expertise balanced against their hourly rates.

5. POTENTIAL CONFLICTS

Smith Hartvigsen has performed a conflict check through our firm and has identified no potential conflicts involving the City.

APPENDIX

Attorney Profiles

Smith Hartvigsen's attorneys have unmatched educational qualifications, experience, and credentials to meet the legal service needs of the City. Profiles of the attorneys that will primarily provide legal services to the City are included in the following pages.



Lisa Watts Baskin

Attorney/Of Counsel

Years of Practice: 34

Admitted to Utah State Bar: 1988

PROPOSED CITY ATTORNEY

Primary Practice Areas:

- Local Government
- Land Use
- Administrative Law
- Government/Legislative Relations
- Initiative and Referendum

EXPERIENCE SUMMARY

Lisa Watts Baskin joined Smith Hartvigsen as Of Counsel in January 2022. She has practiced law for over 33 years with significant experience in local government, land use, administrative law, government affairs, initiative and referendum, legislative drafting, and appellate litigation. Prior to joining Smith Hartvigsen, she performed municipal work for numerous cities including Salt Lake City, Ogden, Provo, Herriman, Millcreek, and North Salt Lake. She currently represents private and public clients including municipalities, special districts, public agencies, and citizen groups. She also serves on the North Salt Lake City Council for her third term and served two terms on the Planning Commission. Lisa is an Administrative Law Judge with the Utah Office of Inspector General for Medicaid determinations and formerly an ALJ with the Utah Insurance Department.

In 1988, Lisa clerked for the late Utah Supreme Court Justice Richard C. Howe. She was appointed to be the Executive Director of the Utah Constitutional Revision Commission and was Associate General Counsel to the Utah State Legislature with the Office of Legislative Research and General Counsel, drafting multiple statutes and constitutional amendments. She has served on policy and advocacy boards regarding child welfare, foster care, guardian ad litem oversight, legislative matters, municipal matters, and equal political participation. She has represented clients in state and federal courts in Utah, the Tenth Circuit Court of Appeals, and the United States Supreme Court.

- EDUCATION
- Juris Doctorate, J. Reuben Clark Law School, Brigham Young University, 1986
- Master of Arts, University of Oregon, 1983
- Bachelor of Arts, *summa cum laude*, Utah State University, 1981
- COURT ADMISSIONS
- Utah State Bar
- Utah Federal District Court Bar
- Tenth Circuit Court of Appeals
- California State Bar
- District of Columbia Bar
- United States Supreme Court



J. Craig Smith Attorney/Partner

Years of Practice: 38

Admitted to Utah State Bar: 1983

Primary Practice Areas:

- Municipal and Local Government
- Land Use and Real Property
- Condemnation
- Governmental/Legislative Relations
- Water Law
- Redevelopment
- Natural Resources
- Litigation and Appeals

EXPERIENCE SUMMARY

Prior to forming Smith Hartvigsen in 2002, Craig practiced with Nielsen & Senior and Wheatley & Ranquist of Salt Lake City. He is also a former assistant city attorney and city attorney for Park City (1984 to 1988). He has more than 38 years of experience as an attorney and city attorney in which he has successfully resolved a number of complex water, land use and environmental matters. He has regularly appeared before appellate courts, trial courts and administrative agencies in Utah and other western states. He also served as Law Clerk for the Hon. J. Robert Bullock, Fourth District Utah, 1983-1984.

Craig practices in the areas of water law, land use, and redevelopment law. He has argued more than 30 appeals before the Utah Supreme Court. He has been recognized in Utah Legal Elite, Super Lawyers and Best Lawyers publications. He has handled numerous eminent domain matters in state and federal court. Major accomplishments include lead counsel for the development of the Amangiri Resort in southern Utah and obtaining the passage of federal legislation to obtain title to water rights for the City of Duchesne. He earned his A.S. degree, with high honors, from the College of Eastern Utah, and his B.A. degree, *magna cum laude*, and J.D. degree, *cum laude*, from Brigham Young University. Craig is a member of the American Bar Association and the Utah State Bar's Sections on Urban, State and Local Government Law, Natural Resources and Litigation. He is also a member of the Utah Municipal Attorneys Association, and regularly is asked to make presentations to its members. In 2004, the Energy, Natural Resources and Environmental Law Section of the Utah State Bar recognized him as Lawyer of the Year.

EDUCATION

Juris Doctorate, *Cum Laude*, J. Reuben Clark Law School, Brigham Young University, 1983



Bachelor of Arts, American Studies, *Magna Cum Laude*, Brigham Young University, 1980
Associate of Science, High Honors, College of Eastern Utah, 1978

PROFESSIONAL AFFILIATIONS

American Bar Association (Section of Environment, Energy & Resources)
Environmental Law Network
Utah State Bar (Energy, Natural Resources & Environmental Law Section)
Utah Municipal Attorneys Association

COURT ADMISSIONS

Utah State and Federal District Courts
Wyoming Courts
District of Columbia Courts
United States Supreme Court
United States Court of Federal Claims
United States Tenth Circuit Court of Appeals

EXPERIENCE REPRESENTING LOCAL GOVERNMENTS

2004 – Present City Attorney for Corrine City
2005 – Present City Attorney for Orangeville City
2006 – Present City Attorney for Bear River City
2007 – Present City Attorney for Duchesne City
1988 – Present Special Water Counsel for Coalville City
2003 – Present Counsel for the South Jordan City Redevelopment Agency
2007 – Present Counsel for Bluffdale City Redevelopment Agency
2007 – Present Counsel for City of South Salt Lake Redevelopment Agency
2004 – Present Counsel for Canyon Land Improvement District
2010 – Present Counsel for Ticaboo Utility Improvement District
2013 – Present Counsel for Mountain Regional Special Service District

PROFESSIONAL EXPERIENCE

Craig represents cities and counties in all aspects of municipal law. He has assisted municipalities with zoning, land use, general litigation defense and prosecution, eminent domain issues, impact fees and other matters. Currently, he serves as city attorney for several Utah cities. Craig also represents utilities and other parties before the Utah Public Service Commission. He has extensive experience with the State of Utah and the School and Institutional Trust Lands Administration, including land purchases, leases, and swaps.

Craig has extensive experience with land use and real estate. He represents cities and counties on zoning and land use matters. He represents both retail and commercial developers in all phases of the development process including land

purchases, zoning amendments and appeals, construction contracts, and water issues. Craig is one of the foremost redevelopment attorneys in the state, serves as agency counsel for dozens of redevelopment agencies throughout Utah, and has set up countless redevelopment project areas. He has assisted cities with developing and revising general plans and has successfully completed multiple annexations. He has experience with environmental issues from both the municipal and developer sides, and extensive involvement with the Utah legislature on issues relating to redevelopment, water, and land use.

Craig has prepared and negotiated development agreements for retail, commercial, industrial and mixed-use developments as well as utility-scale renewable energy projects. He has represented municipalities in all aspects of obtaining natural gas supply and creation of a municipal gas utility.

Craig has drafted countless resolutions and ordinances over more than 38 years of practice, including resolutions and ordinances relating to zoning, land use, development, impact fees, utility service, and all other aspects of municipal government.



Nathan S. Bracken

Attorney/Partner

Years of Practice: 15

Admitted to the Bar: 2006

PROPOSED LEAD CITY ATTORNEY

Primary Practice Areas:

- Municipal and Local Government Law
- Water Law
- Land Use
- Governmental/Legislative Relations
- Administrative Law
- Alternative Dispute Resolution
- Bonding and Municipal Finance

EXPERIENCE SUMMARY

Nathan's practice focuses on water law and local government law. He represents municipalities, local districts, and water suppliers, serving as the city attorney for Kearns and Copperton and as general or special counsel for other local governments across Utah. Prior to joining Smith Hartvigsen in 2015, Nathan was the assistant director and general counsel for the Western States Water Council, where he represented Utah and 17 other western states before Congress and the Administration on water issues. Nathan is a trained mediator and lobbyist and works closely with legislators to pass municipal and water legislation. Most recently, Nathan was the lead author of S.B. 214, a League of Cities and Towns bill, which the Utah Legislature passed in 2020 to close loopholes in Utah's gambling code. He also co-authored S.B. 26, which the Utah Legislature passed unanimously to create Utah's Water Banking Act.

Nathan is active in various professional organizations. In 2021, Governor Cox appointed Nathan to the Property Rights Ombudsman's Land Use and Eminent Domain Advisory Board due to his work as the lead land use counsel for the Greater Salt Lake Municipal Services District, which provides planning and zoning services for six municipalities in Salt Lake County with a combined population of around 80,000. He is also the President of the American Water Resources Association's Utah Chapter, an *ex officio* member of the Board of Directors for the Utah Association of Special Districts, and a member of the Board of Advisors for the National Judicial College's Dividing the Waters Program, which educates judges across the country on water issues.

Utah Business Magazine has repeatedly named Nathan as a *Legal Elite*.

EDUCATION

Juris Doctor, S. J. Quinney College of Law, University of Utah (2006)

- Managing Editor, Journal of Law and Family Studies
- Judicial Extern, Justice Ronald Nehring of the Utah Supreme Court
- Mediation Extern, Utah Dispute Resolution

Bachelor of Arts, English, Brigham Young University (2002)

PROFESSIONAL MEMBERSHIPS AND AFFILIATIONS

American Bar Association – Environment, Energy and Resources Law Section

- Co-Chair, Alternative Dispute Resolution Committee (2018 – 2020)
- Chair, 35th Annual Water Law Conference (2017)

American Water Resources Association – President (2021 – Present)

National Association of Bond Lawyers (listed in “Blue Book”) (2017 – Present)

National Judicial College, Dividing the Waters Program, Board of Advisors (2015 – Present)

Land Use & Eminent Domain Advisory Board (2021 – Present)

Utah Association of Special Districts Board (2021 – Present)

Utah Municipal Attorneys Association (2017 – Present)

Utah State Bar – Environmental Law, Administrative Practice, and Government Law Sections (2006 – Present)

COURT ADMISSIONS

Utah State and Federal District Courts

REPRESENTATIVE EXPERIENCE REPRESENTING LOCAL GOVERNMENT ENTITIES

2022 – Present Water Counsel for Cache Water District

2021 – Present General Counsel for North Fork Special Services District

2021 – Present General Counsel for Leeds Domestic Waterusers’ Ass’n

2020 – Present General Counsel for Magna Water District

2020 – Present General Counsel for Copperton Improvement District

2019 – Present City Attorney for Kearns

2019 – Present Water Counsel for Moab City with Jeff Gittins

2019 – Present Land Use Counsel for Greater Salt Lake Municipal Services Dist.

2017 – Present City Attorney for Copperton

2016 – Present General Counsel for Summit County Service Area #3

2015 – Present Special Water Counsel for South Jordan City

2015 – Present Special Counsel for Myton City with J. Craig Smith

2015 – Present Asst. City Attorney for Duchesne City with J. Craig Smith

REPRESENTATIVE PUBLICATIONS

- *Year-in-Review – Alternative Dispute Resolution*, American Bar Association, Section on Environment, Energy and Resources Law (2015 – 2018)
- *Whiskey is for Drinking, Water is for...Mediation?*, University of Utah EDR

- Blog (2015)
- *Solar Development in the Southwest*, National Renewable Energy Laboratory (2015)
- *Innovative Water Transfers in the West*, co-author, Western Governors' Association (2012)
- *Water Reuse in the West*, West-Northwest Journal of Environmental Law and Policy (2012)
- *Exempt Well Issues in the West*, Environmental Law (2010)

REPRESENTATIVE PRESENTATIONS

- *Metro Township Municipal Transition*, Utah League of Cities and Towns (Feb. 2020)
- *Water Banking*, Utah Association of County Commissioners, Webinar (November 2019)
- *Legislative Update – S.B. 17*, ACCT Training, South Salt Lake City (January 2019)
- *Environmental Water Needs*, Utah Water Law, Salt Lake City, Utah (October 2018)
- *S.B. 96 – Water Infrastructure*, American Water Resources Annual Conference, Salt Lake City, Utah (May 2018)
- *Canal Relocation*, Utah Water Law and Policy, St. George, Utah (March 2018)
- *What You Need to Know About Legislative Changes and Lawsuits*, Rural Water Association of Utah, Lehi, Utah (August 2015)
- *The Energy-Water Nexus*, U.S. Department of Energy Quadrennial Review Public Meeting, San Francisco, California (June 2014)
- *Western Water Issues*, U.S. Army Corps of Engineers Institute for Water Resources - Watershed Course, Fort Worth, Texas (July 2013)
- *Testimony*, U.S. Senate Committee on Energy and Natural Resources, Hearing on Rural Water Projects, Washington, DC (July 2012)
- *Testimony*, Montana Legislature, Exempt Wells, Helena, Montana (September 2011)
- *Keynote Address*, Exempt Wells Conference; Walla Walla, Washington (May 2011)

Honors

- Utah Legal Elite - *Utah Business* magazine (2016 - Present)
- Distinguished Pro Bono Law Firm Award, Utah State Bar (2015)
- AVVO 10-out-of-10-Star Rating



Jeffery R. Gittins

Attorney/Partner

Years of Practice: 14

Admitted to Utah State Bar: 2007

Primary Practice Areas:

- Water Law
- Municipal and Local Government Law
- Real Property and Condemnation
- Administrative Law

EXPERIENCE SUMMARY

Jeff practices primarily in the areas of water law and land use. He assists governmental entities, corporations, and private individuals in all aspects of water law, including water rights transactions, water rights analysis, water rights litigation, and applications with the Utah Division of Water Rights. He has performed due diligence on multi-million-dollar water rights acquisitions; has appeared in numerous administrative hearings before the Utah Division of Water Rights on water right applications; and has prepared many comprehensive water inventories and analyses for cities, districts, and other water right owners. He also represents clients in matters involving zoning disputes, condemnation, easements, boundary disputes, and other land use issues. He has been recognized by *Super Lawyers* as a "Rising Star" in Energy and Natural Resource Law for the last eleven years, has been recognized by *Utah Business Magazine* as "Legal Elite" in Energy and Natural Resources Law for the last five years, and has been recognized by *U.S. News & World Report* as a "Best Lawyer" in Water Law for the last three years. He has served as the Chair of the Water Law Committee for the Utah State Bar and as a member of the Water Right Title Advisory Committee for the Utah Division of Water Rights

Prior to joining Smith Hartvigsen, Jeff served as a clerk to the Honorable Justice Jill N. Parrish of the Utah Supreme Court.

EDUCATION

Juris Doctorate, *Magna Cum Laude*, Order of the Coif, J. Reuben Clark Law School, Brigham Young University, 2007; Editor-in-Chief of the BYU Law Review, Lead Editor of the BYU Journal of Public Law, Associate Editor of the International Law and Management Review

Bachelor of Science in Business and Agribusiness, *Summa Cum Laude*, Utah State University, 2004; Valedictorian for College of Agriculture, Graduated with University Honors and Honors in Business

COURT ADMISSIONS

Utah State and Federal District Courts

REPRESENTATIVE CLIENTS

2008 – Present Lead Counsel for Grantsville City on water matters
2010 – Present Lead Counsel for Benchland Water District
2011 – Present Lead Counsel for City of South Salt Lake on water matters
2015 – Present Lead Counsel for American Fork City on water matters
2015 – Present Lead Counsel for Springville City on water matters
2016 – Present Lead Counsel for North Ogden City on water matters
2018 – Present Lead Counsel for Vernal City on water matters
2019 – Present Lead Counsel for Moab City on water matters
2008 – Present Assistant Lead Counsel for Providence City on water matters
2013 – Present Assistant Lead Counsel for Ephraim City on water matters
2013 – Present Assistant Lead Counsel for Mountain Regional Water SSD

RECENT PRESENTATIONS

- *Best Practices for Conveying Water*, Utah Land Title Association, September 2020
- *Best Practices for Conveying Water*, Real Property Law Section, October 2019
- *Legislative and Case Law Update*, Water Law and Policy Seminar, March 2019
- *Legislative and Case Law Update*, Water Law and Policy Seminar, March 2018
- *Legislative and Case Law Update*, Water Law and Policy Seminar, March 2017
- *Introduction to Utah Water Law*, Water Rights Management Conference, August 2016
- *Introduction to Utah Water Law*, HalfMoon Seminar, January 2016
- *Securing and Preserving Title to Water Rights*, HalfMoon Seminar, January 2016
- *Securing and Preserving Title to Water Rights*, Rural Water Conference, September 2015
- *Management of Water Rights*, Irrigation Company Training Conference, August 2015
- *Records Management for Nonprofit Water Companies*, Rural Water Conference, July 2014
- *Navigating Title to Water Rights in Utah*, Utah Water Users Workshop, March 2014
- *Change Applications on Water Rights*, Utah County Water Forum, January 2014
- *Water Right Title Update Process*, Utah Water Law and Policy Seminar, March 2013

PUBLICATIONS

- Utah Water Law and Water Rights Blog, www.utahwaterrights.blogspot.com, 2009–present
- *Rules to Remember When Purchasing Water Shares*, FENCELINES Magazine, Winter 2012
- *Rules to Remember When Purchasing Water Rights*, FENCELINES Magazine, Spring 2011
- *Excluding the Exclusionary Rule: Extending the Rationale of Hudson v. Michigan to Evidence Seized During Unauthorized Nighttime Searches*, 2007 BYU LAW REVIEW 451
- *Bormann Revisited: Using the Penn Central Test to Determine the Constitutionality of Right-to-Farm Statutes*, 2006 BYU LAW REVIEW 1381
- *Noteworthy Laws Passed During the 2009 Legislative Session*, UTAH BAR JOURNAL, July/August 2009



Kathryn J. Steffey

Attorney/Partner

Years of Practice: 17

Admitted to Utah State Bar: 2004

Primary Practice Areas:

- Employment
- Litigation
- Construction Law
- Contracts
- Alternative Dispute Resolution
- Appeals
- Condemnations
- Tax

EXPERIENCE SUMMARY

Since joining Smith Hartvigsen in 2005, Katy has specialized in the areas of Commercial Litigation, Labor and Employment Law, and Appellate Practice. Katy also represents clients in matters involving real estate and construction disputes. Prior to joining Smith Hartvigsen, Katy clerked for Justice Parrish of the Utah Supreme Court (2004-2005), and also clerked at the Tax and Revenue Division of the Utah Attorney General's Office (2002-2004). Katy has been recognized professionally by *Utah Legal Elite* and *Super Lawyers*.

Katy has extensive experience in representing a diversity of clients in both state and federal courts. She has acted as lead counsel for local general contractors regarding multi-faceted construction contract disputes concerning both private and public projects. She has also defended local governments in actions concerning a variety of matters ranging from breach of contract to violation of civil rights to union contract disputes. Katy has also provided legal counsel and advice to governmental entities and private corporations regarding compliance with federal and state laws and regulations. In addition to appearing before the Tenth Circuit Court of Appeals, the United States District Court for the District of Utah, the Utah Supreme Court, the Utah Court of Appeals, and the state district courts located throughout Utah, she has represented clients before federal, state and local administrative agencies, including the EEOC, Utah Anti-Discrimination and Labor Division and Utah's Division of Occupational and Professional Licensing.

EDUCATION

Juris Doctorate, *Order of the Coif*, S. J. Quinney College of Law University of Utah, 2004

Bachelor of Science, Business Management, *Cum Laude*, University of Utah, 1999

PROFESSIONAL AFFILIATIONS

Utah State Bar (Litigation, Construction Law, and Labor & Employment Law Sections)

Aldon Anderson American Inn of Court

Women Lawyers of Utah

COURT ADMISSIONS

Utah State and Federal District Courts

United States Tenth Circuit Court of Appeals

PROFESSIONAL EXPERIENCE

Katy's services for municipalities, special service districts, and counties has included review and audit of employment policies and procedures to ensure compliance with local, state, and federal law. Katy also serves as general litigation counsel to local governmental entities, handling a variety of matters ranging from unlawful detainer to violation of the Fair Housing Act. Based on her successful representation of Utah governmental entities, Katy was retained by a governmental entity outside of the state of Utah to represent it in various matters.

Katy has experience in litigating disputes regarding contaminated property, including claims brought under the Resource Conservation and Recovery Act. She has also assisted local governmental entities in matters concerning construction defects, and represented a variety of clients in real estate disputes, including easement disputes and water law disputes.

Katy has prepared various resolutions for local governmental entities, ranging from resolutions concerning employment matters to resolutions relating to agreements with third parties.



Adam S. Long

Attorney/Partner

Years of Practice: 8

Admitted to Utah State Bar: 2013

Primary Practice Areas:

- Municipal and Local Government
- Municipal Redevelopment / Economic Development
- Public Utilities / Electric Industry
- Real Property and Land Use
- Land Use and Development
- Procurement
- Bonding and Municipal Finance

EXPERIENCE SUMMARY

Adam joined Smith Hartvigsen upon his graduation from Duke Law. He represents counties and cities undertaking redevelopment projects and general local government matters, public water, sewer, and electric utilities in matters before the Utah Public Service Commission, real estate developers, local districts, and a variety of clients in general business and contract matters. Prior to attending Duke, Adam worked as a Certified Public Accountant for PricewaterhouseCoopers, where he provided audit and consulting services to large public corporations and federal government agencies.

EDUCATION

Juris Doctorate, Duke University School of Law, 2013; Marjorie Patrick Arnold Scholar, Environmental Law and Policy Clinic
Masters of Accountancy, Brigham Young University, 2006
Bachelor of Science, Accounting, Brigham Young University, 2005

PROFESSIONAL MEMBERSHIPS

Utah State Bar Association
Wasatch County Bar Association
Utah Redevelopment Association
Utah Alliance for Economic Development
Utah Municipal Attorneys Association

COURT ADMISSIONS

Utah State and Federal District Courts

PUBLICATIONS AND PRESENTATIONS

All About CRAs and Redevelopment Law Update; Utah Alliance for Economic Development; July 2019

- *Redevelopment Law Basics: Tax Increment Financing Tools for Local Governments* presentation; Utah Government Finance Officers Association Spring Conference, April 2019
- *Land Use Ordinances and Electric Transmission Line Siting*; Wasatch County Bar Association CLE, February 2018
- *Guest lecturer for Economic Development 101 course*, Utah Valley University; Orem, Utah, September 2017 and May 2017
- Contributing author, *Yes in My Backyard | How States and Local Communities Can Find Common Ground in Expanding Housing Choice and Opportunity*, Urban Land Institute Terwilliger Center for Housing, 2017
- *Redevelopment Law Update* presentation, Utah Association of Counties Clerks/Auditors Summer Conference; Logan, Utah, July 2017
- *Redevelopment Law Basics* presentation, Grand County Affordable Housing Summit; Moab, Utah, March 2017
- *Community Development and Renewal Agencies Act Revisions – Title 17C*, Utah Bar Journal, Vol. 29 No. 4, July-August 2016



Clayton H. Preece Attorney/Partner

Years of Practice: 7

Admitted to Utah State Bar: 2014

Primary Practice Areas:

- Land Use
- Administrative Hearings and Appeals
- Litigation and Appeals
- Construction Law
- Employment Law
- Business Formation
- Alternative Dispute Resolution

EXPERIENCE SUMMARY

Clayton joined Smith Hartvigsen in 2014 upon his graduation from the George Washington University Law School. He represents governmental entities, businesses, and individuals in a wide range of areas including land use and zoning, commercial litigation, construction litigation, and employment. He has represented numerous municipal clients in administrative hearings and appeals, including land use appeals and business license revocations. He has been recognized by Super Lawyers as a “Rising Star” in Litigation for the last two years and has also been recognized by Utah Business Magazine as Legal Elite in the area of Litigation.

PROFESSIONAL MEMBERSHIPS

Utah State Bar Association
Utah Municipal Attorneys Association

EDUCATION

J.D., George Washington University Law School, 2014
B.A. Integrated Studies: Philosophy and Environmental Studies, Utah Valley University, 2010; Valedictorian for the University College, Graduated *Summa Cum Laude*.

COURT ADMISSIONS

Utah State and Federal District Courts

PUBLICATIONS AND PRESENTATIONS

- *Utah Employment Law*, National Business Institute, June 2017
- *VRBO, Airbnb and Other Short-Term Rentals*, National Business Institute, November 2017
- *Hiring and Firing*, American Planning Association, October 2017

- *Hiring and Firing: How to Avoid Employment Pitfalls*, Rural Water Users Association, August 2017
- *Civil Trial From Start to Finish*, National Business Institute, February 2018
- *Resolving Boundary Disputes in Utah*, National Business Institute, March 2018
- *As Judges See It: Top Mistakes Attorneys Make in Civil Litigation*, National Business Institute, April 2018
- *Commercial Land Use and Zoning Law*, National Business Institute, June 2018
- *The Rules of Evidence: A Practical Toolkit*, National Business Institute, June 2018
- *Hearsay, Email, Business Records and Social Media- in the Trenches!*, National Business Institute, February 2019
- *Advanced Civil Litigation Skills in Utah*, National Business Institute, June 2019
- *Advanced Employment Law: What You Need to Know*, National Business Institute, June 2019
- *Obtaining Evidence from Electronic Devices*, National Business Institute, June 2019
- *The Good, the Bad, and the Ugly, a Guide to Easements and Condemnation*, Rural Water Users Association, October 2020



Jennie B. Garner **Attorney/Of Counsel**

Years of Practice: 32

Admitted to Utah State Bar: 1989

Primary Practice Areas:

- Litigation
- Employment Law
- Appeals
- Bankruptcy
- Non-profit Support Organizations

EXPERIENCE SUMMARY

Jennie has over 31 years of experience in commercial litigation, including securities and derivative litigation, bankruptcy adversary proceedings, and real estate matters. Jennie also advises companies and individuals in business entity matters, employment issues, and real property acquisitions. She has represented clients in state and federal courts in Utah, Idaho, and California, the Tenth Circuit Court of Appeals, and the United States Supreme Court, as well as before the Utah Public Service Commission, the Utah Department of Alcoholic Beverage Control Commission, the Utah Division of Occupational and Professional Licensing, and the Utah Antidiscrimination and Labor Division.

EDUCATION

Juris Doctorate, *cum laude*, J. Reuben Clark Law School, Brigham Young University, 1989

Bachelor of Arts, History, *magna cum laude*, Weber State University, 1980

PROFESSIONAL AFFILIATIONS

Utah State Bar Real Estate Section
Utah State Bar Corporate Counsel Section
Utah Bankruptcy Lawyers Forum
Women Lawyers of Utah
Idaho State Bar Real Estate Section

COURT ADMISSIONS

Utah State and Federal District Courts
Idaho State and Federal Courts
United States Tenth Circuit Court of Appeals
United States Supreme Court

PROFESSIONAL EXPERIENCE

Jennie has more than 31 years of commercial litigation experience, obtaining favorable results in real estate disputes, including real estate development, zoning and eminent domain disputes, commercial loan and lease agreements, commercial contract disputes, and business torts in state, federal and bankruptcy courts. She has also obtained favorable results in matters involving breaches of confidentiality agreements and non-competition contracts, as well as business disparagement actions. She has also litigated and obtained favorable results for plaintiffs in personal injury and civil rights actions in state and federal courts. She has successfully defended a nonprofit corporation before Utah Antidiscrimination and Labor Division.

Jennie has extensive appellate experience in both state and federal courts. She has drafted five petitions for interlocutory review in the Utah Supreme Court (with four being granted), appellate briefs to Utah appellate courts and the Tenth Circuit Court of Appeals, and two briefs filed with the United States Supreme Court.

Jennie also has significant transactional experience. She has formed 501(c)(3) corporations, limited liability companies and C-corporations. She has negotiated and documented commercial real estate sales agreements, leases, and development agreements, and conducted real and personal property foreclosures.

As in-house counsel for Iomega Corporation, an international publicly-held company, she reviewed, negotiated and finalized sales contracts with over 40 U.S. retailers, international distributors and international original equipment manufacturers, including AOL, Tech Data, Ingram Micro, Apple, Best Buy, Dell, and IBM. She also developed standard forms, policies and procedures governing sales to U.S. retailers, U.S. integrators, and international distributors. She assisted with corporate governance, assisting in the preparation of Iomega 8Ks, 10Ks, and 10Qs. She reviewed and revised corporate ethics and compliance policies in cooperation with Human Resources Dept. and Compliance Committee of the Board of Directors. She designed, implemented, and managed the Iomega's records retention program and trained Iomega personnel on issues such as records retention, Robinson-Patman Act compliance, and FTC Mail Order Rule.

Jennie previously served on the Board of Directors of Children's Service Society, and as Vice President and a member of the Executive Committee. One of her duties on the Executive Committee was to review and revise corporate governance policies for Children's Service Society.