

BRIGHTON TOWN COUNCIL MEETING AGENDA

Tuesday, March 14th, 2023, at 6:30 pm

NOTICE is hereby given that the Brighton Town Council will meet on Tuesday, March 14th, 2023 for it's regular meeting at 6:30pm, in a hybrid format. In person at Fire Station 108, 6788 S Big Cottonwood Canyon Road, and electronically via Zoom.

TO JOIN THE ZOOM MEETING

<https://us02web.zoom.us/j/83041003773>

Meeting ID: 830 4100 3773

Passcode: 978118

One tap mobile

1-669-444-9171

1. CALL TO ORDER AT 6:30 PM.

2. ANNOUNCEMENTS

3. PUBLIC INPUT You can email your comment to townclerk@brighton.utah.gov ahead of time to be read during the public input section. You may also use the raise hand feature to speak at this time. All comments during the meeting shall be held until section 8.

4. MINUTES Approval of Town Council Minutes for February 14th, 2023. Pages 3-16.

5. UPD Cheryl Lenzer. Pages 17-19.

6. UFA Dusty Dern

7. SKI RESORTS

Brighton

Solitude

8. BUSINESS

- a. Capital Improvement Project Processes. Presented by Erin O'Kelley and Steven Kuhlmeier. For discussion.
- b. Discussion regarding additional funding for the Town including Additional Resort Community Sales and Use Tax and a Municipal Energy Sales and Use Tax. Pages 20-39.

- c. Consideration of an ILA with the Salt Lake County Clerk's Office to administer municipal elections. For discussion and action.

9. PUBLIC INPUT The chat box will reopen for written public comment. You may also use the raise hand feature to provide verbal input.

10. REPORTS

- a. Mayor's Report
- b. Council Members' Reports
- c. Emergency Management Report
- d. BCCA Report

11. PROPOSALS FOR FUTURE AGENDA ITEMS

April

- a. Resolution to authorize the Greater Salt Lake Municipal Services District (MSD) to obtain DMV records to assist in contacting vehicle owners of unpaid parking tickets. For discussion and possible action.
- b. Map showing community boundaries.
- c. Allowing no restriction on numbers if the home is owner occupied – and maybe less restrictions since many of the concerns will be alleviated if the owner is present with the renter.
- d. 300' notice to neighbors
- e. Other STR committee recommendations.

12. ADJOURN

BRIGHTON TOWN COUNCIL MEETING MINUTES

Tuesday, February 14th, 2023, at 6:30 pm

ATTENDANCE

Dan Knopp, Carolyn Keigley, Jeff Bossard, Keith Zuspan, Jenna Malone, Polly McLean, Nate Rockwood, Cameron Platt, Kara John, Jane Martain, Barbara Cameron, Wayne Dial, Cheryl Lenzer, Dustin Dern, Stewart Okobia, Erin O'Kelley, Dan Healy, Mike Doyle, Don Despain, Alicia Gonzalez, Chad Smith, Andrew Menlove, Elizabeth M, Mark D, Angus Robertson, Katherine Anderson, iPhone, 8018912000, Ulrich Brunhart, Katherine Anderson, Lise Brunhart, Janice's iPad, Brian,

ANNOUNCEMENTS

Please put your name into the chat to help with attendance. Some people have their name on their icon, but if it says iPhone or a phone number.

Our new road signs saying Entering Town of Brighton have arrived.

PUBLIC INPUT

Brian Summers provided a written report:

"Regarding the STR cap for Pine Tree and Silver Fork Subdivisions. Let me first say that I feel that this is a violation of people's private property rights. The current STR standards implemented by Brighton I feel are sufficient and fair and are in the best interest of everyone.

Notwithstanding my opinion the cap of 15% is far too low. For starters, I direct your attention to page 71 of this month's meetings agenda packet. In the short term rental survey results for silver fork neighborhood, over 50% of residents responding to the survey indicated that a rental cap of 25%, 50%, or no cap at all is desired. The people have spoken! I feel that if Pine Tree was surveyed you would have even more extreme results for no/ less rental caps! The cap should be at least 25% of the residential properties. Furthermore an equal number of people said they would prefer no cap at all vs a 15% cap. Therefore a cap equal to 50% would be more fair and closer to even more of the sentiment of the community based off these survey results that I feel may have not been fully considered when pulling the 15% number out when looking at a short term rental cap. Math shows that the average desired rental cap is somewhere around 48%. Again, the people have spoken.

I have a lot in Pine tree and have been working with FCOZ to be able to build. I was planning on renting my property part time in order to be able to afford to build my home. I would one day love to live here full time. Construction prices are high and with the potential STR rental cap in pine tree and only 1 property potentially being available to rent in the neighborhood, which is already being applied for by several other residents. It kinda stuck since I only have a lot and no physical home yet. I have owned the lot for 2 years now and have been extremely involved in the community. I am even an officer of the water company and have been instrumental in getting our community year round water. Just kinda sucks if I do all this work then have to sell after or before I build if there are no spots left!!!! It's my

dream to have a place in this community. Isn't the whole point of this to make sure we maintain our community. I feel like this is a "we have ours so we don't care if others can get theirs" type situation.

Another thing that was discussed during the last Short Term Rental committee meeting, that I don't think was explicitly shared, is that the way this ordinance is currently written won't work as intended. The non-transferability of an STR license only works when it is a natural person. If the property is owned by a business and then the business is sold then the business maintains the license but the property isn't "transferred" because it is still owned by the business. This would make it more enticing for businesses to own these properties and sell them as a business entity rather than real estate and them going to a natural person in the community. I think this hurts our sense of community and still needs to be addressed. I think the results will be the exact opposite of what is intended.

Last note, there is a bill on the table in this years legislative session that looks like it will probably pass. It has to do directly with short term rentals. It might be worth a look and see what regulations come out of it from the state before we pass something like this. It goes back to the whole enforceability and "teeth" of the current regulations we do have and any that we may be passing.

In Summary I don't personally feel a cap is within the bounds of property owners private property rights but if a cap is implemented. It should be much higher at a limit of about 50% or greater. 25% would be a bare minimum based on residents' sentiments. Thank you.

Barbara Cameron commented on the Silver Fork survey she conducted in January. She sent it to her BCCA mailing list, which is about 2/3 of the community. About 1/3 responded with results showing a split down the middle. 26 people wanted no caps; 26 people wanted a 15% cap; 10 people want a higher cap between 25-50%; 5 people want a lower cap at 10%. At this time, it's not appropriate to have a 15% cap based on the results. If it's imposed, the respondents are being dismissed or ignored. A compromise could be to revisit caps as applications are submitted. She enjoyed hearing from neighbors during these wintery days. Responses were gracious and heart felt. Those that own our legacy and seasonal cabins are every bit as devoted to Silver Fork as the full-time residents. Through all of it, it's important to respect each other, and we'll be a stronger community because of it.

Andrew Menlove expressed gratitude for everyone devoting time serving the community. His family has been members of Brighton for decades and own three properties in the canyon that they use personally. One is an empty lot, and one is an STR in Silver Fork. They try to be responsible and responsive. Overall, he agrees with the solutions like notifying neighbors, enforcement, and metering water. But he doesn't agree with a 15% cap. He's disappointed with the process. He's been at every meeting and emailed and spoken to members personally. He feels the committee has been one sided, anti-short-term rental, and that he's been underrepresented from the beginning. He wonders why we didn't pay more attention to the survey results. 75% of respondents were not STR owners, and the clear majority do not want caps. He wonders how we got to this conclusion. Over half the homes in the canyon are used recreationally and it's disappointing that the voices of these property owners are falling on deaf ears. A 15% cap is not a compromise, and there was never a compromise to determine the percentage cap; it was just declared. 30% would be more fair and more agreeable.

Mark Brinton appreciated Barbara doing the survey on caps in Silver Fork. He recognizes that STRs have a significant impact on the neighborhood, and he is sensitive to that. He is concerned for the proposal for a 15% cap and encourages not adopting it unless the cap could be higher. He mentioned the high number of seasonal homes and finds it difficult to determine how many STRs there can be based on full time people living in the canyon because that is relatively low number at about 15-20% of the total number of homes. He recommended putting a sunset on the ordinance so that everyone knows this will be brought up again. Enforcement will be extremely important over the next few years. He is working with Gay Lynn Bennion to get resources from the state for water metering in the town. His understanding is there are 450 homes in the canyon without meters. There is a chance to obtain money for meters or work with the Department of Natural Resources to help with metering. He's been working to serve the community in this way.

Nima Mahak of Silver Fork, commented pre-STR vote, and provided it in writing:

"Despite the wide range of pros and cons asserted by both sides of the short-term rentals debate, all recent evidence indicates that the short-term rental industry is **here to stay, permanently**. Restrictions on short-term rentals are, on their face, inconsistent with property rights and the right to use one's private real estate property as one wishes. The community also has an interest in maintaining the neighborhoods' residential character and preventing nuisances. Balance is both the practical and functional approach to managing these interests in a working community.

The restrictions being considered here run afoul to the federal Fair Housing Act, the Fourth, Fifth and Fourteenth Amendments to the US Constitution, as well as Article 1, Section 7 of the Constitution of this state. However, we can still achieve balance; preventing nuisances and protecting neighborhoods' residential character can be accomplished by enforcing development regulations and ordinances as well as police power.

There are various reasons why property owners engage in the business of short-term rentals. By and large, however, such reasons are financially driven. For some, a portion of the rent from the private rental property can be used to pay off mortgage debt. For others, a portion of the rent received can be used towards home improvements and maintenance to the rental property. For many, it is a combination. This benefits not just the attractiveness and value of the rental property but that of the entire neighborhood where the rental property is located. Furthering that point, the rents paid under such short-term leases would be taxed by state and local governmental authorities to benefit our community.

Without a demonstration of actual harm, individuals should generally be allowed to use their private property as they see fit. This is especially true when the property is owner-occupied. We would suggest this conversation focus on remedies rather than restrictions: in the event that actual harm is demonstrated, regulations can be imposed for violations of regulations or ordinances.

We strongly urge the counsel to vote against this proposed cap, or to take a 6 month moratorium to better understand the wide spread impacts of what is being proposed here tonight."

MINUTES

Jeff Bossard moved to approve the minutes and Carolyn Keigley seconded the motion. The minutes were approved as submitted for the Town Council meeting on January 13th, 2023.

The minutes from the January STR meeting were included in the packet, but not referenced on the agenda. Jeff Bossard moved to approve the Short-Term Rental Subcommittee meeting minutes and Carolyn Keigley seconded the motion. The minutes from January 23rd, 2023, were approved as submitted.

UPD

Chief Cheryl Lenzer provided a written and verbal report:

January was another busy month. 622 calls came in for all Big Cottonwood and 555 of those were in the Town of Brighton. Once again, most of them were for calls of service. We had one DUI, one Disorderly Conduct, two Dogs in a Watershed, four Search and Rescue's, several traffic accidents and hit and runs. We also generated eight vehicle impound reports. Up to date there were a total of 504 civil parking notices written. Several officers have been working extra Traffic Enforcement shifts in the Town of Brighton. The MSD is here on this meeting and will fill us in on more details of the Parking Notices.

I appreciate all the input from the citizens around the town. I have received several emails with very valid concerns and ideas for improvement. I wish I had the magic formula to fix everything. Unfortunately, we don't have the magic formula to fix it, but are able and willing to do our part of a much greater issue that involves many stakeholders. We are simply the enforcement part of the laws that are passed by the state legislature and local communities. Within those laws and ordinances there are things we can do, but often we are asked to do much more than we have the staff or the constitutional grounds or laws to do. Parking violation notices alone will not fix the problem, as in our experience with citations / notice of violations is generally a band aid to much greater issues; that are currently going on and are brought to a very bright light by this fantastic snow season. We can offer up possible solutions.

The Town of Alta has for three years, a working model for their road side and resort parking that may work in the Town of Brighton. They use a reservation system for the lots and the roadside parking on the weekends, during the holiday season, MLK and President's Day. I have it on good authority their busiest Saturday ski day looks like a normal ski day. Their customer experience from the parking to the time on the slopes is overall a great experience. A third-party entity handles the reservations, uses a license plate reader to check for reservations and issues notices themselves when someone is in violation of not having a reservation. Backcountry skiers in the Town of Alta can also get a reservation for parking access to those areas not on the resorts. Snowbird next year may be going to a reservations system as well, they are not quite sure how to incorporate the roadside parking they sometimes have when the conditions are right. We would like to recommend that all the resorts, in both Big and Little Cottonwood Canyon, would need to be on a reservations system in order to manage the parking in both canyons; otherwise it would just push traffic from one canyon to the other. This is a goal that may be achieved in the short term to help elevate the overcrowding, it will cause heartache to get everyone on board, but in the long run it is worth it as the Town of Alta would likely attest.

I have asked Shawn Wright from UDOT to be here to answer any questions anyone has.

I appreciate everyone. If you have any questions let me know.

Detective Cheryl Lenzer C.O.P/ Fraud/ Property Crimes
Special Operations Canyon Patrol and Rescue
Unified Police Department of Greater Salt Lake

Carolyn has been comparing the UDOT traffic cameras at the mouth of Little Cottonwood Canyon with mid canyon in Big Cottonwood Canyon since BCC is longer. The pattern is that Little Cottonwood Canyon (LCC) empties 1.5 hours earlier than Big Cottonwood Canyon (BCC). She attributes the parking reservation system in Alta for solving part of the traffic problem.

Wayne Dial commented that there was a meeting initiated by the mayor of Sandy. There were stakeholders invited who experience stagnant vehicles in their communities because of cars backed up throughout the canyons. Their primary concern was with LCC, but UPD reminded them that the issues in LCC affect BCC. The current strategy for LCC is to stack overflow vehicles on Wasatch Blvd. Wayne will push future meetings to Mayor Knopp to be involved. Additionally, he referenced HB 374 to remove the sheriff from UPD, and stop the sheriff from providing contract services. Initially, the bill was designed for this to go into effect at the end of the year, but the new bill won't take effect until July 2025. UPD is frustrated with politics around the valley controlling UPD's work. UPD is doing everything they can to stabilize their entity. If the sheriff is allowed to contract services, there will be many opportunities that the various communities they serve can take part in.

Carolyn Keigley added that after this announcement today, UPD board members and SLVLESA members have expressed fear that the bill will pass, and the unknown consequences if it does.

UFA

Dusty Dern reported on the construction for three of their stations. One is new, and the other two are remodels. Magna is 75% complete with a move in plan for the end of May. Station 251 in Eagle Mountain will be open in mid-April. Station 253 is a new station in Eagle Mountain and will be ready at the end of May. They've had promotions to the Battalion Chief position for Ken Alldred and Jay Torgeson effective February 1st. Ken will be the chief for White City where he's been the liaison, and Jay has been the liaison for Alta and will be chief for Taylorsville. They will review their budget in April for fiscal year '23-'24 with approval in June. Recruit camp began in February with 33 recruits with graduation in May. He recognized fire fighter Tom Elbrecht who received an award from the NWACP for responding to an avalanche victim while off duty. There were 350 calls for Brighton in 2022 which is up from 277 in the previous year. There were 67 calls in January 2023. The number one response is traumatic injuries from the ski areas.

Carolyn Keigley referenced an incident where the ambulance couldn't access a patient because of excessive traffic so a helicopter was called, which was extreme for that kind of injury. She also had an experience where she needed to go to the emergency room, but traffic was blocking the ambulance from being able to come through the road to her. Traffic is a major safety hazard in addition to an inconvenience.

Dusty agreed that they've had delays in responses due to traffic. They keep in touch with the resorts to be sure they can access the places they need to get to. They've also had an issue accessing the road to Camp Tuttle, as well as egress from their station. They can usually get the ambulance through, but not always the engine. They're working to get more signage out to help.

SKI RESORTS

Brighton

Mike Doyle recognized the amazing snow this year and how busy it's kept them. They have doubled parking staff and added a swing shift to help people leave in the afternoon. They also have someone drive the road all the way to Silver Fork to turn people around when the lot is full. They are considering moving to reserved parking next season. They may charge for parking on weekends, but it doesn't help with traffic because people park on the road. He agrees with the idea to have an extra lane around the loop. An extra lane for buses and emergency vehicles could help if there was a divider to keep cars out. They participated in the Discover Winter program through Ski Utah to give ethnically diverse kids an opportunity to ski when they would otherwise not have a chance. There won't be events this Presidents Day weekend to help prevent excess traffic. Competitions begin the following weekend and continue every week through the rest of the season.

Solitude

Dan Healey is the Vice President of Recreational Services reporting while Amber is out. Solitude is also conversing with Interstate Parking for a reservation system next winter. They are also working to enhance the staff transportation system. They've also had a busy and great month. They're enhancing their resort programming, including the yurt that is now open for lunch. They have a new coffee kiosk in the village and outside of Moonbeam. They have a free race arena that is open all season. The spring league locals' program will begin mid-March. They finished the First Cruisers program, and another will start soon. They finished up the Women on Wednesday program. They also participated in Discover Winter to get youth out skiing. TV 13 reported on the winter YMCA program. This weekend is 100 Days and they'll be celebrating with Donuts. They have fireworks on Saturday the 18th with the Ski School torch light parade. The Nordic Center has also been celebrating with tiki torches. Nordic gear, and lessons can be rented out of the village this year. The monthly Round Up is an uphill event starting at the Round House on the last Thursday of the month at 4o'clock. The Cottonwood Connect bus services has been arriving full and appears to be working.

BUSINESS

a. Accomplishments of the MSD for 2022. Pages 25-48

Stewart Okobia, the Director of Finance at the Municipal Services District, MSD, presented an overview of their accomplishments in 2022. He shared a slideshow highlighting the work they've done for their member jurisdictions, and he mainly spoke about the things pertaining to Brighton.

They issued a \$20M bond for members to complete capital projects. They've updated the presentation of financial reports so that when they are shared annually, assets will be separated by jurisdiction. All financial statements were filed on time. They have completed a review of the Justice Court because there were some issues processing invoices.

They've updated the HR policy manual. Starting on January 1, 2023, all new employees are hired at will. This is opposed to the merit employees that were moved over from the county or hired prior to January. Staffing is going well, and turnover has decreased. They are only short one position. All staff have

completed the Arbinger training to help with customer service. They've implemented GoCo, a new payroll system.

Stewart shared a list of completed capital projects including the Brighton Overlay in the Silver Fork area. They've selected staff to train in the advanced emergency management program, National Incident Management System (NIMS), and all staff have completed the basic training for CPR and FEMA. They're working to get mutual aid agreements with Red Cross.

They've set up a processing system for parking violations in Brighton.

As far as information technology, all GIS data has been migrated into the cloud from the county IT department. They have a new website design. Regarding administration, they've established an Administrative Law Judge contract, replaced five vehicles, updated all fee schedules, and surveyed staff to potentially move to a new office building.

In the Planning and Development Services Department, they've been working on a code rewrite.

The Planning Team has processed 13 subdivision requests, 11 rezone requests, 4 noncompliant structure requests, 37 conditional use requests, 132 permitted use applications, 216 single family home permits, 338 town home permits, 33 multifamily permits, 112 accessory structure permits.

The Building Team issued 2,815 building permits and completed 16,523 inspections. They hired a new Chief Building Official, Associate Building Official, Plans Examiner, and Building Inspector.

The Business Licensing team processed 1,618 business licenses, noticed a violation to 132 businesses operating without a license, noticed a violation to 596 businesses operating without a license, brought 100 STRs into compliance, and updated compliance checklists.

The Long-Range Planning team has adopted an updated General Plan for all their communities. This team also applies for grants on behalf of their members.

Code Enforcement opened 1,878 violations and cited 1,072 for zoning, and 620 for weeds.

The Storm Water completed 713 inspections.

Keith Zuspan asked about the small amount of bond funds and how we may be able to use it. Stewart was unsure how much is dedicated for Brighton. He explained each project from the bond fund is voted for and there is approximately \$200,000 bond fund still available in the initial bond.

Stewart discussed funds from parking fines. There is a lag before the funds appear. As of February 2nd, 2023, there was \$24,575 collected. Stewart didn't know of any restrictions on how that money is used. It took a higher amount of administrative cost to process these tickets because it's a new process and involves extra steps. They spend about \$1,000 in staff hours a week to process tickets. Wayne Dial expressed that UPD doesn't expect additional funding for spending extra time dedicated to issuing tickets.

b. Planning Commission Scope of Work. Pages 49-70.

Erin O'Kelley explained the General Plan was completed in November 2022 after working on it for a year. It is a large vision with goals for the canyon. They are now moving into the implementation phase which will monitor land use and development through code updates. Title 18 is the subdivision ordinance and Title 19 is Zoning. They will be working on updating these titles to match the state legislative requirements. She encourages conformity with the newly adopted General Plan because it had a long list of action items to achieve the goals. Examples of goals are water conservation, maintenance and expansion, and development regulations that are transparent and easy to understand for property owners and staff. They are also working to create a Land Use Development title that is unique to the

community and preserves our history. The original ordinances were adopted by Salt Lake County which were meant more for residential areas in the valley. MSD staff will be working with the Planning Commission monthly. They will consult all stakeholders who would be affected by the solutions. The council will see all recommendations for adoption at the end of the year. Title 19 changes are organized by task: Administrative Processes, General Provisions, Special Use Conditions, Zones and Overlay Zones, Development Standards. They will be considering the underlying zone standards, Forestry Recreation, FR zone as well as the Forestry Canyon Overlay Zone, FCOZ. This direction came from the work on the General Plan. They will also review recommendations coming from the BCC MAP and see if land use is compatible in allowing opportunities for transportation. It is expected that the most amount of time will be needed for discussion on zones and overlay zones. It will allow involving stakeholders if needed. The final draft for Title 18 and 19 will be done in October. A public hearing will be in November, and the council could adopt it in December. Mayor Knopp recommended an interim update in September. Tomorrow's Planning Commission meeting will be to review existing conditions. In December, they applied for a TLC grant. If it is awarded, they will accommodate the scope of work with the grant which is awarded in April.

c. An ordinance enacting title 5 business licenses and regulations chapter 5.19 short term rental sections 15, 16 and 17 to limit short-term rentals in the silver fork and pine tree communities and implement a waitlist when those caps are met. Pages 71-77.

Jeff Bossard explained that the subcommittee has been meeting since September of 2020. He reminded of Dan's initial direction to be slow and deliberate while finding solutions. With the future in mind, the majority of subcommittee members recommend rental caps on licenses in Silver Fork and Pine Tree. Kara shared a digital map of business licenses with neighborhood outlines, created by the MSD, to more easily see and count where STRs are. It was clarified that the Bear Trap STR is not a part of Pine Tree where it was previously attributed. Dan explained they are really their own entity because they have their own water and are not a part of Silver Fork or Pine Tree. There are other homes like this that have their own year-round water source and were able to get licensed, although now, all of Pine Tree can connect to year-round water.

Jeff explained that they've walked a fine line to protect private property rights and maintain the integrity of the community. When a house is converted to a business then regulations can be put in place. He recommended removing the "use it or lose it" license requirement from the ordinance. They consider 15% a starting point, and caps can be reviewed in two years to see if more STRs are needed. A moratorium only prolongs the need to make changes.

Carolyn shared data collected by KSL which surveyed the STR status of cities and towns within 25 miles of SLC to give perspective. The legal ability to operate STRs is varied and shows that Brighton is not draconian in placing restrictions. Carolyn referenced HB291 that is being considered by the legislature. It only addresses the need for collecting taxes and business licensing. It doesn't put restrictions on STRs. Polly recommended against implementing a sunset because it brings unpredictability and a possibility for an extension. An ordinance can always be amended at any time.

Jenna Malone commented and the duration that Brighton has discussed STRs. They are affecting resort communities across the country. The survey Jeff developed was clear in asking if people owned or intent to own an STR. These groups were against caps, and those with no intent to have a STRs were for caps. She is comfortable with 15% because it still allows for growth. She doesn't want to lose the residential character and neighborly, supportive community. There is room for some STRs, and we can revisit this in a few years to allow controlled growth.

Dan Knopp addressed the misconception that he's against STRs because they compete with his hotel business. STRs are the ones who come to his restaurant and his hotel is full. He sold the Bear Trap to not have a dog in this fight. His concern with a 15% cap is there will be a rush to the door. He has heard from several long-time owners who claim to kick out their tenants to convert to an STR if there is a cap. He is also conflicted by those building with the intent to rent short-term. Dan wondered if we could consider excluding bed and breakfast style rentals where there is always a host on sight.

Carolyn would like to see us allow people in the process of building to begin the STR application simultaneously. If they don't have a certificate of occupancy, they will not be able to get a license if the cap is met. There is a possibility to entice people to not do STRs with an incentive grant program.

The town's STR revenue is about 5%. We could use this money for a grant program.

Dan added that a short-term rental changes a home to commercial with an artificial increase in property value, which prevents families from purchasing a house.

Polly explained the challenge of allowing license while a build is underway is the need for inspections to ensure safety.

Jeff mentioned that STRs are a lot of work and more labor intensive than a long-term rental.

Carolyn reminded that the intention is to prevent investors from breaking up communities by monopolizing properties as STRs. Communities all over the country are affected and are considering solutions.

Keith Zuspan commended the committee for the work they've done. He understands the community development and need for subsets of Brighton. He recognized that other ski areas have become short term rental facilities. He still thinks caps are excessive. Perhaps we could start with a higher cap and decrease it if needed. He lives next to three STRs and has never been negatively impacted. He's only had to push someone out of the snow and give directions. Occupancy rates aren't high in the mud season, so owners will be limited in how much revenue they can generate. They pay a higher rate in property tax, so will have to drive up the rental cost to recuperate funds. In his experience renting out in Kanab, the rental income didn't cover all expenses, however, the cash flow softens the costs. He recommended pushing this item more month to allow us to listen to the legislative session and see what comes from that.

Carolyn has listened to these legislative sessions and only heard discussions about revenue not about the integrity of the community.

Jeff is hopeful the Community Service and Support Officer can help improve enforcement for rentals. He appreciates the STR owners who have come into compliance. There were very few legal ones in the beginning.

Jeff Bossard moved to approve Ordinance 2023-O-2-1, omitting the use it or lose it policy, and Jenna Malone seconded the motion.

Jeff Bossard: Yes

Jenna Malone: Yes

Carolyn Keigley: Yes

Dan Knopp: No

Keith Zuspan: No

The motion carried 3:2.

Dan Knopp recommended getting another subcommittee meeting scheduled before the April Town Council meeting to discuss people affected by building and to consider owner occupied rentals.

d. An ordinance for residents to legally walk licensed dogs. Pages 78-89.

Jenna Malone has worked on this for a couple of years, and met again with Polly, Cameron, and SLCPU who finally recommended we mimic the Alta ordinance to allow walking watershed permitted dogs. Alta was able to do this by putting limits on the number of tags issued for dogs to 25-30% of their population. We have a larger population than Alta. Currently legal dog walking would require people to drive down to Salt Lake. Avalanche rescue dogs would be exempt from the number of resident dog tags. There would be a certain number for full time residents and a certain number for part time resident tags, as well as temporary tags written by the mayor. At Solitude, the condo complex can prohibit dogs and exclude them from tags. If we allowed 30%, that would be 96 tags for full time residents, and 450 for part-time residents. That may be more than the watershed will grant us. The watershed rule is written that only 1 tag is allowed per household. Carolyn is worried about the public's misconception in thinking dogs are ok if they start seeing more residents out walking dogs. Her concern is that this is a huge enforcement issue while canyon patrol is overloaded already. There are 19 officers in the canyons on any given day, and 3 to 5 in BCC at any one time. The County Council will have to amend the county health code for this to be possible. It could be amended to add that dogs can only be walked on private roads so that they aren't seen on public roads, which could be challenging for the Brighton Loop homes. The dog tags will need to be visible and could have an identifying, bright color. This can be tabled until we have a CSSO person.

e. A supplement for tow trucks that remove cars in the canyon.

Carolyn Keigley suggested this idea to incentive tow truck drivers to remove cars from the canyon during busy weekends. Not all drivers want to service the canyon since it's a long way to get up here and it takes their time that they could be working more in the SL valley. If this was implemented on a busy weekend where twenty or more cars were removed, it could make the news and change behavior. Polly will check state code to determine if providing an incentive is feasible.

f. UPD shared services and Salt Lake Countywide Services. Pages 90-257.

Carolyn Keigley presented a document showing two different types of services, **County Wide Law Enforcement Services and UPD Shared Services**. All of Salt Lake County residents pay taxes to Salt Lake County and the county decides how that money is used. There are four state statutory requirements for the services provided under the Sherriff's jurisdiction: Search and Rescue, Law enforcement services in canyons, Warrants and extraditions, and Records, they are called **County Wide Law Enforcement Services**.

UPD Shared Services with a countywide benefit can be chosen to be under the Sheriff's Office such as the gang project and Special Investigations. These services are paid for by UPD members including Midvale, Holiday, Millcreek, Kearns, Magna White City, Town of Brighton, Emigration Canyon, and Copperton. They all pay money for those UPD Shared Services. SL County provides shared services for the unincorporated areas of Salt Lake County. The county put funds in for the unincorporated areas, not for a specific municipality. Their amount pays for their policing and shared services like dispatch, evidence, legal, finances, internal revenue, violent crime unit, special victims' unit, K-9, and Swat. Municipalities outside of UPD can pay to use the services such as SWAT and they can also put their own officers on the county service teams.

UPD Shared Services and the **County Wide Law Enforcement Services** have separate funding. Some towns and cities pay only for the county wide services if they are not UPD members. HB373 bill came about because of a misconceived belief that it's a conflict of interest for the sheriff to be the CEO of UPD, although there was no answer for what the conflict is. The Utah police chief organization was not for the bill, so the legislator backed off the sheriff and went for UPD instead. The question is if UPD and SLVLESA will survive if the bill takes effect. The townships that do not have taxing authority will not be able to afford their own police departments if this goes through. Carolyn provided a brief history - Salt Lake Valley Law Enforcement Service Area (SLVLESA) is the taxing authority for the townships, and the Town of Brighton. UPD doesn't have taxing authority. Property taxes are collected by SLVLESA (and SLSA (that goes to UFA)). The money collected by SLVLESA pays for UPD services in SLVLESA communities.

Kennecott provides 40% of the SLVLESA budget and Kennecott is located in the incorporated areas of Salt Lake County. Per the bill, the unincorporated areas of the county will be separated from SLVLESA and UPD and will go with the Sheriff's Office. If that happens, SLVLESA won't be solvent, because of the 40% loose to their budget. Furthermore, the SLVLESA communities will lose their autonomy for law enforcement because they do not have taxing authority.

Countywide Law Enforcement Services includes the canyons surrounding the Salt Lake Valley, so our services has been maintained through Canyon Patrol which is under the Sherriff's Department which is under Salt Lake County.

Looking at the UPD budget, the total Brighton's precinct expense is \$1,233,250. UPD calculates this by the amount by calls and tickets. Looking at the Canyon Patrol budget, 32.23% of all Canyon Patrol calls come from the Town of Brighton.

An example of how current staffing works for the canyons requires that on days that Little Cottonwood Canyon is closed for avalanche work, the officers from BCC go help, resulting in the parking over here getting out of control. Dan has asked for more officers on those days. Our visitation has increased since 2019 and there isn't enough coverage for that increased volume of visitation. Wayne Dial added that it would take 5.5 officers to add one 24-hour position in the canyon. He allows Sargent's to have extra officers on snow days, but someone isn't always available. This comes out of the Brighton overtime budget at UPD. There is a legislative session tomorrow morning to discuss county funding for UPD.

PUBLIC INPUT

Nima Mahak of Silver Fork, commented post-STR vote, and provided it in writing:

"The straight cap doesn't give options to community members, nor builds community. Why isn't there allowances for things like Owner Occupied? Why isn't this council including this and other common-sense solutions that were in the survey?"

Not having rules and education as part of this STR decision doesn't solve the existing problems with the "problem" STRs. If the council is worried about the "Wall Street Investors" or the owners that don't properly manage their STRs, then the council should focus on those and not add this arbitrary cap.

Why has the community of Silver Fork been singled out? Silver Fork is a resort community and the council should treat all town property owners the same, and not be allowed to pick and choose where they don't want to see STRs.

STR licenses should be conditionally granted for people that are in mid-construction. These people have already gone through years of approvals, had to start construction through Covid (and it's effects on the construction industry), they have approved plans from the MSD that meet all STR life-safety requirements. They should be allowed to apply and get a conditional STR license, rather than changing the rules on them, mid-process, and mid-winter when they are out of the building season.

Tonight's vote does not build community, rather it divides the community and hurts young families that need the supplemental STR income to stay in the canyon they love, and the community they love. This vote may stop some of the "Wall Street Investors" the council is trying to stop, but it will stop many more families that are trying so hard to make it work in this community and who are the future of this community."

CHAT BOX COMMENTS

00:30:50 Chad Smith: I just want to say you are troopers for meeting on Valentines Day. Thanks for all your hard work, and may your significant others have mercy on your souls.

REPORTS

Mayor's Report

Dan Knopp reported that we are still looking to hire a CSSO to help with enforcement. The truck will be here in a few weeks, well equipped. It won't have sirens, but will have warning lights, a PA etc. They are still deciding on devices for communication, and they will likely use cell phones over radios.

The Road Meeting is tomorrow at 1pm and will include discussion on closure protocols.

UFA county leadership is looking for canyon contribution such as a .5% sales tax at resorts. They say we knew what we were doing when we became a town. Dan was assured that we were joining a service area when he made his decision to support becoming a town. Everyone assured us they can't charge one entity more than another entity. Our costs aren't individual. An extra tax would only be to cover UFA, not policing. Thursday is a meeting with the county and UFA and other mayors.

The BCC MAP survey results have been presented. They came up with ideas for parking decks. They talked about a bus bypass on the old service road going into Giles Flat, but already determined this won't work. The survey is still open. CWC staff are creating a memo for Wasatch Front Regional Council to request year-round bus service funding. There will be a transit hub at each resort, and a second lane for buses around the loop. They'll ask for findings to be included in future studies. Dan will have the consultants present to the council.

Rocky Mountain Power will begin at the top of the canyon and pull cable down the canyon. They need to finish work on the bridge and then they'll tie it in to the power station. They'll begin undergrounding the main line at Mill D North Fork and come up the canyon through Pine Tree, and through Silver Fork via Silver Fork Drive, which was paved only last summer. There are primary trunk lines which feed the secondary lines that go to houses. They will work to replace the lines with conductors to make them fire

resistant. Dan is working to get them to underground the trunk lines, but they didn't seem to have much of an appetite to discuss undergrounding the secondary lines. They'll give an estimate for resident costs to underground to homes in a meeting at the end of March.

Council Members' Reports

Jeff Bossard reported that he spent his time on the Mosquito Abatement, quarterly Animal Advisory meeting, and met with Erika Kazi on the Environmental Sustainability Plan. A lot of time went to the STR subcommittee as well.

Carolyn Keigley didn't have an additional report.

Keith Zuspan mentioned we heard an update from the MSD. Regarding WFWRD, we still need to obtain the electric bill. Keith personally fixed part of the compactor and coordinated a contractor to fix the compactor door.

Jenna Malone has been working on STR meetings. She's learned from Alta how they handle parking reservations. One system is called Alta Ski Lift has spaces for reservation Friday through Sunday and holidays. Their staff handles it and it's enforced by license plate and mailed to the registered owner. The Town of Alta has been granted permission by the Forest Service along the highway. Skiers must have a permit or pay for a one-time fee for reservation for early mornings before 8am or weekends on Friday through Sunday. The Town Marshall enforces these. She's been emailing to find out some options for the Town of Brighton in the future.

Emergency Management Report

Jane Martain reported that January was busy with power outages, full parking, and avalanche control. She attended the weekly SL County ops briefings. We've reached 80% of precipitation before mid-January. The experts are predicting early spring runoff. The VOAD volunteer agencies that help with emergencies have recommended people get ready in case there is flooding from runoff. The state drought outlook is looking like we'll be in moderate or severe drought opposed to last year's extreme drought conditions.

BCCA Report

Barbara Cameron reported that Salt Lake County Attorney, Sim Gill, attended the meeting last night and discussed that 40% of crime is prosecuted in their office. They screen 16,000 cases and prosecute around 14,000 cases annually with a staff of over 300 employees. Their department is reaching out to all community councils to let them know what they can do for them.

Carolyn Keigley brought up the concern about illegal mufflers. Sim will look into the Health Department on it. He is available every Friday afternoon to speak with people about concerns.

They also had a presentation from Nicole Smeeding presented an update about the beavers in BCC. They can help to restore waterways and watersheds and can help prevent catastrophic damage from wildfires. They can be pests, so it's important to have a plan to live harmoniously with them.

The plan must be dependable and indicate what help is available. There are resources like pond levelers and sand paint that can be used to paint trees to prevent beavers from eating them. She proposed that it could be helpful to have 28 beaver dams in carefully designated areas in Brighton. Historically there have been as many as 500 dams in BCC. Teaching people the benefits of beavers and coping strategies for living with them is the most important part for restoring them to the canyon. She will present a program on March 18th to the Brighton Institute. The next Open Mic night is Feb 21st at 6pm at the Thirsty Squirrel.

Polly and Cameron can help with several items discussed tonight. The parking reservation system since Polly is so familiar with Alta. Also, there is a noise camera pilot program related to mufflers. And, Park City also has a grant program for long term rentals. They provide 15% of the value of the home to owners who rent long term, so they city is spending around \$1M.

PROPOSALS FOR FUTURE AGENDA ITEMS

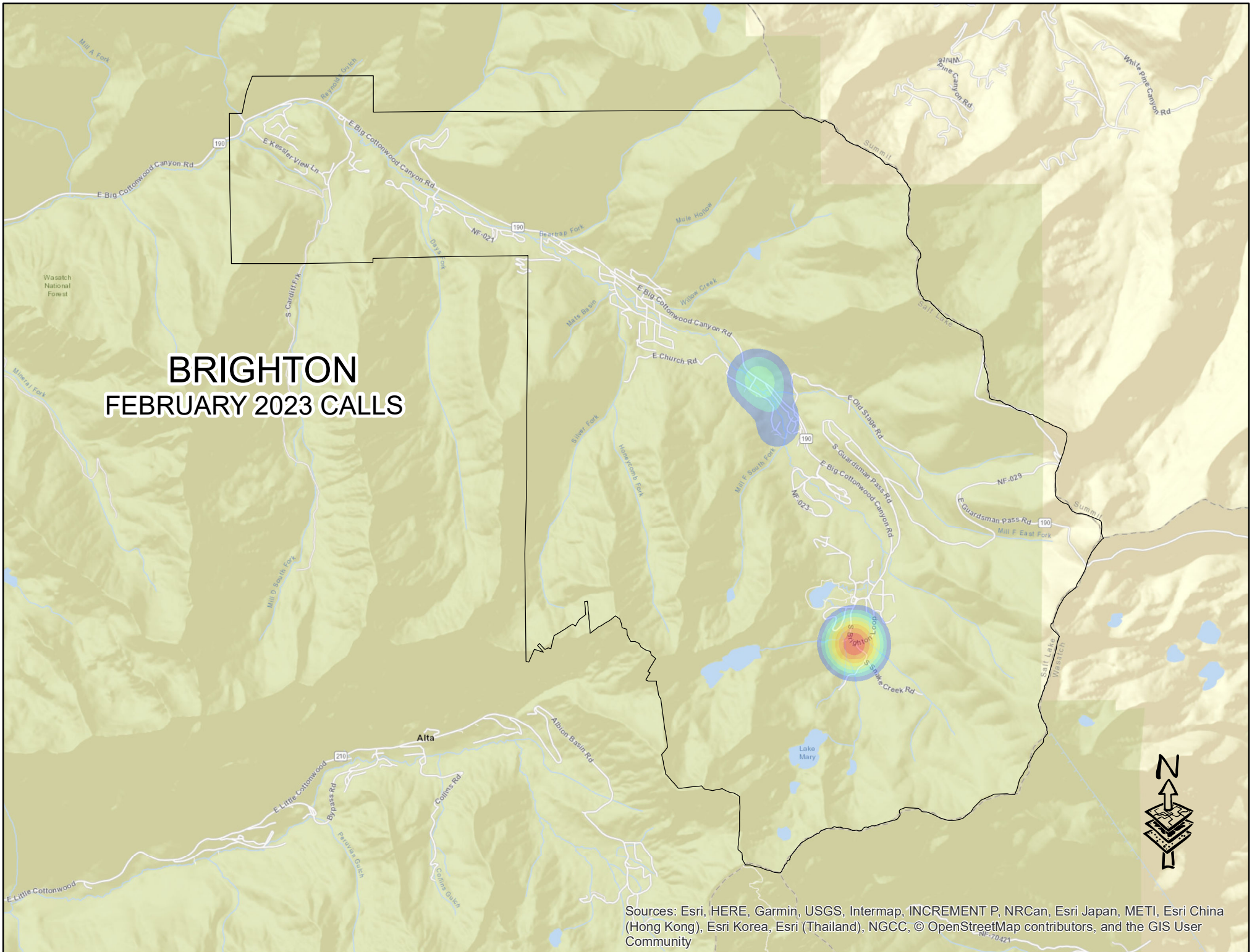
- a. STR application process must include notification of all neighbors within 300 feet of STR including providing them with owner/manager contact information and Complaint Flow Chart and upon request, the town will provide an STR applicant or owner a list of the properties to be contacted. For discussion and possible action in April.

ADJOURN

Jeff Bossard moved to adjourn the meeting. Keith Zuspan seconded it. The meeting was adjourned at 9:43pm.

Submitted by Kara John, Town Clerk

BRIGHTON FEBRUARY 2023 CALLS



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

BRIGHTON FEBRUARY 2023 CALLS




TOTAL = 344

✳	DAMAGED PROP=1
F	FAMILY OFFENSE=1
🚰	HEALTH/SAFETY=1
🔒	INV OF PRIVACY=5
🚗	LARCENY=14
M	MORALS=1
🚫	OBST JUDICIAL=1
☢	PUBLIC ORDER=285
☠	PUBLIC PEACE=2
🚚	TRAFFIC=33

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

BRIGHTON FEBRUARY 2023 TICKETS

TOTAL = 8

-  DRUGS=2
-  LARCENY=1
-  TRAFFIC=5

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

SECTION 8: PUBLIC SAFETY

BACKGROUND

Salt Lake County currently helps to support public safety services within its 3 main canyons, which include Big Cottonwood Canyon. The County provides revenues to Unified Fire Service Area (“UFGSA”), which supports the Unified Fire Authority (“UFA”) and to the Salt Lake Valley Law Enforcement Service Area (“SLVLESA”), which supports the Unified Police Department (“UPD”). The purpose of the County’s support to UFA and UPD is to maintain a higher level and quality of public safety services in the canyons. Although UFGSA and SLVLESA both levy property taxes within the canyons, the property tax revenues generated from the 3 canyons has not been enough to fund the level of public safety services necessary.

County support for public safety within the canyons is sensible because the canyons are used and enjoyed by residents across Salt Lake County. The canyons also attract many visitors from outside the county and State. While these visitors boost tax revenues received by the County, they also contribute to the cost of providing services, including public safety.

In 2018, the County budgeted to send UFA \$3.1 million and to send UPD \$3.2 million to support public safety services within the three canyons. The estimated portions of the support directed to Big Cottonwood Canyon are roughly \$1 million for fire services and between \$1.2 million and \$1.5 million for police services. In total, the County will have spent between \$2.2 million and \$2.5 million within Big Cottonwood Canyon to support public safety services.

INCORPORATION

County representatives have stated that the County will likely cut financial support for public safety services within Big Cottonwood Canyon if the Town of Brighton votes to incorporate and becomes a town, regardless of whether it remains in the MSD or not. Based on an analysis of calls for service within Big Cottonwood Canyon, the County determined that over 90 percent of calls for fire service originated within the proposed Town’s borders and 67 percent of calls for police service. The following table illustrates public safety costs and allocations within Big Cottonwood Canyon.

TABLE 7.1: BIG COTTONWOOD CANYON PUBLIC SAFETY COSTS

	Budgeted
	2018
County’s Public Safety Support of all 3 Canyons	
Unified Fire Authority (USFA)	\$3,175,713
Unified Police Department (SLVESA)	3,200,000
Total Public Safety Support in 3 Canyons	\$6,375,713
County’s Public Safety Support of Big Cottonwood Canyon	
Unified Fire Authority (USFA)	1,058,571
Unified Police Department (SLVESA)	1,200,000 – 1,500,000
Total Public Safety Support in Big Cottonwood Canyon	\$2,258,571 - \$2,558,571
County’s Public Safety Support within Brighton	
Unified Fire Authority (USFA)	952,714
Unified Police Department (SLVESA)	780,000 – 975,000
Total Public Safety Support Within Brighton	\$1,732,714 - \$1,927,714

IMPACT

If Brighton incorporates and the County withdraws public safety support from the Town, it will leave a funding gap required to maintain the current level of public safety services in Brighton. The County estimated that between \$1.7 million and \$1.9 million of its support for public safety in the canyons could be allocated directly to Brighton in 2018. Adjusting for inflation, the public safety funding gap is estimated to be about \$1,874,139 in 2019. This assumes that the County withdraws all public safety support from Brighton but continues to support public safety within the areas of Big Cottonwood Canyon that do not incorporate into Brighton.

The 3 most likely responses to this funding gap are:

1. The Town of Brighton raises revenues equal to the funding gap;
2. UFGSA and SLVLESA maintain the level of service by increasing their property tax rates; or
3. UFGSA and SLVLESA reduce the level of service.



Brighton Raises Revenues

As an incorporated town, Brighton would have the ability to raise tax revenues through a property tax, through transient room taxes, and or through a resort community tax. The Town could pursue any of these options to raise revenues equal to the public safety funding gap. The table below illustrates the property tax rate required to meet the funding gap with and without transient room taxes and community resort taxes. Note that the property tax rates are only enough to fill the funding gap. They do not relate to any of the 3 scenarios specifically or their potential revenue shortfalls or fund balances.

7.2: BRIGHTON PUBLIC SAFETY FUNDING

	PROJECTED		
	5 Year Average Rate	Primary Homeowner Annual Impact	Secondary Homeowner Annual Impact
Property Tax Rate (No TRT)	0.0051	\$1,125	\$2,045
Property Tax Rate (TRT)	0.0047	1,026	1,865
Property Tax Rate (TRT & Additional TRT)	0.0044	997	1,776
Property Tax Rate (TRT & Additional TRT & 1.6 % Resort Community Tax Revenues)	0.0029	643	1,169

Although it would be possible for Brighton to fill the public safety funding gap through additional taxes, the annual impact on primary and secondary homeowners would be significant.

Maintain Level of Service

If the County withdraws the public safety funding from Big Cottonwood Canyon, the governing boards of UFSA and SLVLESA would meet and discuss how to respond to the funding gap. If the boards decide that maintaining the current level of service throughout Big Cottonwood Canyon is an important enough priority, they will take measures to maintain the level of service. One such measure could include reducing the level of service slightly in other areas of the districts and directing those resources to Big Cottonwood Canyon. An alternative measure that could maintain the level of public safety service in Big Cottonwood Canyon would be to raise the property tax rates levied by the special service districts. The following table illustrates the impact increased tax rates would have.

7.3: SERVICE DISTRICTS PUBLIC SAFETY FUNDING

	PROJECTED		
	5 Year Average Rate	Primary Homeowner Annual Impact	Secondary Homeowner Annual Impact
Additional Property Taxes to Fire District	0.000036	\$8	\$14
Additional Property Taxes to Police District	0.000111	24	44
Total Additional Property Taxes	0.000147	\$32	\$59

When spreading the cost of Brighton's public safety funding gap over the entire special service districts, the annual additional tax burden per household is less significant. This appears to be a plausible outcome, though the decision ultimately rests with the service districts' governing boards. To maintain these services, only the members of the two special districts would be providing the funding for service in this recreational area instead of all residents of the County.

Reduce Level of Service

If the County withdraws the public safety funding from Big Cottonwood Canyon, the governing boards of UFSA and SLVLESA could meet, discuss the funding gap, and decide to reduce the level of public safety service to Brighton. If this decision were reached, the fire station in Brighton, Station 108, could be staffed during selected peak demand periods with the 24/7 fire and rescue service to Big Cottonwood Canyon delivered by fire station 116 at 8303 South Wasatch Blvd in Cottonwood Heights. Overall, however, not fully funding the public safety funding gap in Brighton would have a noticeable impact on the level of service in the canyon.

Council Member Alvord noted for the record that he previously voted no on some of the previously approved ARPA programs.

A motion was made by Council Member Bradshaw, seconded by Council Member Granato, to approve the ARPA programs previously approved, and to put the Pre-Apprenticeship Program on the list of projects to be considered later. The motion carried by a unanimous vote.

-Public Works and Municipal Services Department

Canyon Contribution to the Unified Fire Authority (UFA) / Unified Fire Service Area (UFSA)

Ms. Catherine Kanter, Deputy Mayor of Regional Operations, gave an overview of Salt Lake County's General Fund contribution of \$3,175,713 to the UFA/Unified Fire Service Area (UFSA), which amount has been contributed since 2014/2015. In 2020, the town of Brighton incorporated, at which time, there was a question whether the County's contribution should be reduced related to the costs attributable to the town of Brighton, but that decision was put off.

The total cost of service to Big Cottonwood, Little Cottonwood, and Millcreek Canyons is approximately \$5.7 million, based on a three-handed crew makeup. The shortfall for services in these canyons and the revenue collected through the UFSA mill levy that is attributable to Brighton, Alta, and the unincorporated County is approximately \$4.2 million. The County covers \$3,175,713 of that shortfall, and the UFSA contributes \$1,015,785. The shortfall attributable to services provided to the geographic area of Brighton is \$1,604,238, and the Mayor's Office is recommending right-sizing that. It is recommending maintaining the current level of contribution for the first six months of 2023, but then reducing it in the second six months to 50 percent of the Brighton shortfall, but add back about \$310,00, which is the amount attributable to the unincorporated Salt Lake County areas of the \$4.2 million shortfall. Then, in 2024, the Council could make a determination whether to further reduce that shortfall.

Council Member Stringham asked if the UFA/UFSA was at its maximum on the mill levy, and if not, whether the UFA could pull funds from the mill levy to help offset some of those costs.

Mr. Tony Hill, Chief Financial Officer, Unified Fire Authority, stated no, the UFA is not at the maximum. However, if it used funds from the mill levy for Brighton, it would have

to do that across the board.

Council Member Newton asked if the Mayor budgeted the full amount.

Mayor Wilson stated no, and if the Council wants to keep the status quo, she would need to build that back into the budget. The \$310,000 is built into the budget for unincorporated County.

[Later in the meeting, following a lunch break.]

The following citizens spoke in opposition to the Mayor's recommended budget to reduce the County's canyon contribution to the Unified Fire Authority (UFA) / Unified Fire Services Area (UFSA) for the following reasons:

The shortfall would fall back on the UFSA; the UFSA does not get money from sales tax, so costs would fall onto residents in other cities, some who have higher poverty levels; it would affect the level of service, and could conceivably cause the closure of fire stations in Alta and in Brighton; if UFA responders had to come from Cottonwood Heights, Sandy, or Holliday, it would increase the emergency response time for skiers and other recreationalists; images of ambulances going up the canyon showed how difficult it was to get around traffic due to oncoming traffic from the other direction; it is a regional issue, and should be viewed similar to the regional shelter in Midvale City; it is a countywide function, and should be funded by the County; 5.5 million people go into Big and Little Cottonwood Canyons annually, yet only a small percentage of people who live in the canyons are using the services; the people using services are from all over the County and out of state; less than a third of the County is paying for fire and emergency services, but the entire County uses the canyons; Brighton did not choose to be in a recreation area; Brighton's population is small, so putting the cost onto Brighton to the tune of almost what it is costing now to provide service in both canyons is unfair; the County's current participation covering the remaining percentage of people using the canyons is more equitable; the County's contribution should be greater, rather than less; the County's contribution should also include Parley's Canyon, not just Big and Little Cottonwood Canyons and Millcreek Canyon because that is another unincorporated area of the County that is served exclusively by the UFA; the current amount of funding contributed by the County was decided on over a decade ago, yet the only thing that has changed since then is the incorporation of Brighton; there is no statute or agreement in place that dictates how to calculate the money - policy determines how to come up with the calculation; since Brighton incorporated, it has not taken any revenues from the County, nor has it affected police services, and it has strengthened Brighton's relationships with other entities; Brighton was told if it incorporated or sought planning authority, the County would

withdraw public safety funds; the figures are incorrect - Brighton wants to work with the County to run those numbers; the County should work with other entities to try to figure out a better way to do this; concern about unequal treatment between Alta and Brighton can be solved by including Alta in the recreation area.

Mr. Jeff Silvestrini, Millcreek Mayor

Ms. Caroline Keigley, Council Member, town of Brighton

Ms. Trish Hull, Council Member, Magna Metro Township

Mr. Marcus Stevenson, Midvale Mayor

Ms. Rachel Anderson, District Administrator and Legal Counsel, UFA

Mr. Rob Dahle, Holladay Mayor

Ms. Catherine Kanter, Deputy Mayor of Regional Operations, clarified that Alta has been drawing into the recreation area. What Alta contributes through the USFA mill levy does not create as big a shortfall as what Brighton contributes.

Mayor Wilson stated she saw this as right-sizing Brighton. A feasibility study was done prior to Brighton incorporating that showed if it incorporated, it would have a gap in funding, but it chose to incorporate anyway. At the time, there was an agreement that the County's subsidy could be extended for some period of time, and now the County is coming to the table to sort it out. Fundamentally, municipality cities cover police and fire, and have revenue streams to do that. The County does not want to lean too heavily on its general taxpayers for these services. The County has been able to identify the calls in the unincorporated area of the County versus the town of Brighton. She felt Brighton should be covering the costs in its city; it should have enough of a tax base to do so. There may be other ways to help cover the costs too, whether it is from the State, the Forest Services, or a ski pass surcharge. Her proposal allows for engagement over the next six months to find the right solution.

Chief Dominic Burchett, Unified Fire Authority, explained the reason the canyons are treated differently from other areas, with regard to municipalities funding fire and police, is because there are two million visitors in each of those canyons annually and the calls generated are not from residents paying the UFSA tax. He pulled the medical transports alone from both canyons, and 98 percent of them were from visitors, not Brighton or Alta residents. The canyons are a State and County resource and should be funded by the largest amount of people possible. There are 285,000 residents in the UFSA, and only 700 residents are in Brighton. The residents would bear the brunt of the County reducing its contribution because Brighton currently has no way of funding that additional assessment, nor can the UFSA charge Brighton more than it charges other members.

Council Member Stringham stated visitors should be the ones paying for the services they are getting. That may mean finding a different mechanism to help fund it. She asked the Chief to explain the safety issues with a three-handed crew.

Chief Burchett stated the gold standard for fire service is four-handed and the primary reason for that is when there is a fire, a fire fighter cannot go inside unless there are an equal amount of fire fighters on the outside. When there is a fire in Big or Little Cottonwood Canyon, a firefighter has to wait approximately 30 minutes before they can make entry into a building. It can also only take one transport into the canyon for medical calls. If it had another body, it could take both the fire engine and an ambulance.

Mr. David Delquadro, Chief Financial Manager, Council Office, stated the Council would need to make a decision on whether to use the Mayor's recommended budget as the baseline for 2023, or modify it. The tentative budget for the public to review needed to be ready by November 22, 2022.

Council Member Bradshaw stated if the Council accepted the Mayor's recommended budget, that would maintain the status quo for six months, but hold everyone's feet to the fire to continue the discussion. The Council could extend that another six months if necessary. If the Council reverted back to the County's current contribution, it would take the urgency off solving this.

A motion was made by Council Member Bradshaw, seconded by Council Member Granato, to accept the Mayor's recommendation, with legislative intent that the County begin meeting immediately after the budget with a joint committee of Council Members who want to participate, the Office of Regional Development, the Unified Fire Authority, and the town of Brighton on how to solve the funding gap.

Council Member Newton asked if the Council wanted to budget in an additional \$900,000 to increase the crew from a three-handed to a four-handed crew.

Council Member Bradshaw modified the motion, seconded by Council Member Granato, to accept the Mayor's recommendation, with legislative intent that the County begin meeting immediately after the budget with a joint committee of Council Members who want to participate, the Office of Regional Development, the Unified Fire Authority, and the town of Brighton to look at budgetary solutions in determining what Brighton versus the County should be paying, as well as analyzing ways to fund a four-handed crew. The motion carried by a unanimous vote.

Canyon Contribution

Overview

This memo relates to the “Canyon Contribution” (in the amount of \$3,175,713) that Salt Lake County currently provides to the UFA to cover costs for fire and medical emergency services in Big Cottonwood Canyon (BCC), Little Cottonwood Canyon (LCC) and Millcreek Canyon. In particular, the memo addresses the portion of the Canyon Contribution that relates to the Town of Brighton.

Details

See Attachment 1 for detailed figures.

- Currently there is a \$4,191,498 shortfall (the “Total Shortfall”) between the cost of services in these canyons and the revenue collected through the UFSA mill levy (prior to factoring in the additional amount covered by UFSA that is attributable to Brighton, Alta and Unincorporated). The Total Shortfall is currently covered as follows:
 - County: \$3,175,713 (i.e., the Canyon Contribution); and
 - Additional UFSA contribution to the mill levy: \$1,015,785
 - Break out of UFSA payment:
 - a. Brighton: \$316,232
 - b. Alta: \$389,776
 - c. Unincorporated: \$309,777 (covers portions of BCC, LCC and Millcreek Canyon)
- \$1,604,238 of the Canyon Contribution is attributable to the area within Brighton (the “Brighton Shortfall”).
- No portion of the Total Shortfall that relates to the Town of Alta is covered by the County.

Recommendation for County 2023 Budget

The Brighton Shortfall would be reduced, but the reduction should take place in a “feathered” manner over a 12-month period in order to provide UFA/UFSA and Brighton the opportunity to address the Brighton Shortfall.

Proposal

Maintain the current level of the Canyon Contribution for the first 6 months of 2023, but then reduce it for the remaining 6 months to eliminate the direct County portion of the Brighton Shortfall (although picking up 50% of the costs attributable to Unincorporated areas that are currently covered by the additional UFSA revenue). This will result in UFSA/Brighton needing to “cover” an additional annual amount of \$647,231 for calendar year 2023 (which can be addressed in the FY23/24 UFA/UFSA’s and/or Brighton’s respective June budget processes). Possible options to address the issue include 1) spreading the costs over the UFSA members, 2) Brighton contributes additional revenue to the UFA budget via interlocal agreement or otherwise, 3) the County restores any portion of the Canyon Contribution cut, or 4) services are reduced.

Breakdown of Proposal

SLCo FY23 (subject to County Council Approval)

- SLCo Canyon Contribution Adjusts July 1, 2023 (3-handed- current staffing levels)
 - Jan – Jun 2023 \$1,587,857 (includes 6 months of Brighton Shortfall)

- Jul – Dec 2023 \$940,626 (no Brighton Shortfall, but adjusted to cover portion of Total Shortfall attributable to Unincorporated currently covered by UFSA)
- **Total for 2023 \$2,528,483**

Anticipated SCo FY24 (subject to County Council Approval)

- SCo Canyon Contribution reduced by \$1,294,461 for a new total Canyon Contribution of \$1,881,252 (no Brighton Shortfall, but adjusted to cover portion of Total Shortfall attributable to Unincorporated currently covered by UFSA)
 - Jan – Jun 2024 \$940,626
 - Jul – Dec 2024 \$940,626
 - **Total for 2024 \$1,881,252**

Option to expand to 4-person crew

UFSA is considering converting the BCC and LCC stations from a 3-handed crew model to a 4-handed crew model. As that conversation moves forward, consideration should be given to how it might affect the current analysis.



UNIFIED FIRE AUTHORITY

Canyon Contribution

Issue Statement

SLCo has paid UFA \$3.175M annually since 2013 to assist in funding fire and emergency services in the canyons, which are considered “recreation areas.” Residents of the canyons (incorporated and unincorporated alike) pay property taxes to the Unified Fire Service Area, which in turn pays a member fee to UFA for the provision of services. The recreation areas generate a need for fire and emergency services that is disproportionate to property tax base of these areas, and the SLCo canyon contribution has been a supplement to this tax base for over a decade.

Despite rising costs for providing these canyon services, the County Mayor’s office is proposing to cut this funding by \$647K for 2023 and by \$1.29M for 2024.

Background

UFA provides service to three canyons designated as “recreation areas,” Millcreek, Big Cottonwood Canyon, and Little Cottonwood Canyon. The two canyons of most concern are Big Cottonwood and Little Cottonwood (BCC/LCC) because of the striking number of people who visit these canyons year-round and the resulting impact on providing fire and emergency response to these areas. Currently, the cost to provide fire and emergency services to these “recreation areas” is \$5.78M, with a proposed increase to \$6.69M next year (due, in part, to a proposed transition from 3-person to 4-person crews at the BCC and LCC fire stations).

The towns of Brighton (BCC) and Alta (LCC) are both members of Unified Fire Service Area (UFSA), and thus their property owners/residents are subject to UFSA’s ad valorem property taxes. (All UFSA residents pay the same tax rate.) The property tax revenue collected by UFSA from property owners/residents in the canyons from Brighton, Alta, and unincorporated SLCo is collectively \$1.59M. Thus, the property taxes collected from BCC and LCC **do not** cover the UFA’s costs to provide fire and emergency services in these areas.

Discussion

With the large discrepancy between revenue collected and the cost to provide service (a shortfall of \$4.19M currently and over \$5M anticipated in 2023), the canyon contribution from SLCo (while itself insufficient in coverage) has assisted UFA in providing fire and emergency services to all three canyons. The remainder of the shortfall, currently near \$1M, has been shared by UFSA residents (Copperton, Kearns, Alta, Emigration Canyon, Magna, Brighton, Taylorsville, White City, Midvale, Millcreek, Eagle Mountain, and unincorporated SLCo).

For over a decade, the SLCo canyon contribution has helped cover the costs to provide services in the canyons (the interlocal agreement that created the UFA discusses that SLCo may provide this canyon contribution), but while costs and demand for emergency services have increased, the canyon contribution has remained the same since 2013 at \$3.175M.

Rather than proposing an increase to the contribution, to cover a portion of cost of emergency services, the proposal from the Mayor's office is to cut the funding by \$647K for 2023 and \$1.29M for 2024.

The SLCo canyon contribution was created specifically to cover areas designated as "recreation areas" because of high usage by tourists and visitors and the inability to collect sufficient revenue from the low population numbers in these canyons.

The following excerpt is from the state statute:

Utah Code Ann. § 17-34-101

(d) A county legislative body may determine that fire, paramedic, and police protection services within a municipality that is located in an area designated as a recreational area, in accordance with this Subsection (5), may be funded with county general funds if the county legislative body makes a finding that a disproportionate share of public safety service needs within the municipality are generated by residents of the county who live both inside and outside the limits of cities and towns.

Our data shows that calls for emergency service in both Big Cottonwood Canyon and Little Cottonwood Canyon are disproportionately attributable to the estimated 4 million visitors to the canyons annually. For example, looking only at medical transports in BCC over the last 3 years, 98% of those calls were visitors to the canyons.

Cuts to the SLCo canyon contribution will result in one of three scenarios:

1. The UFSA Board of Trustees will vote to decrease the level of service (staffing) in the canyons.

This would mean the stations would either revert back to "paid-call" (quasi volunteer) or close completely. This will result in an insufficient level of fire and emergency service in the canyons. It will also create an undue burden on the nearest fire stations: Cottonwood Heights, Holladay, Millcreek, and Sandy. These fire stations will be the closest responding units, with a delayed response time of nearly **30 minutes**.

2. The UFSA Board of Trustees will vote to share the additional shortfall among all UFSA residents.

Although this is a viable option, it does not seem equitable that the 285,000 residents of UFSA be liable for the difference when 1.2M resident's in SLCo utilize and benefit from the canyon recreation areas. Moreover, visitors from outside SLCo enjoy the area and also contribute revenue that benefits SLCo's general fund. The cost burden to provide fire and emergency services in the canyons should be shared with ALL residents of SLCo, as the recreational use of the canyons is not limited to the unincorporated areas.

3. Implement a Special Assessment to Brighton and Alta to make up the difference.

Under current state statute, Local Districts like the UFSA can impose property taxes but not sales tax or other special types of use taxes that are more likely to capture visitor revenue. And even if UFSA were to somehow impose a special assessment on the areas of Brighton and Alta, this would still result in placing the added burden on the relatively small number of residents of these municipalities rather than the visitors who are causing the impact.

As I understand it, part of the reasoning behind proposing the cuts to the canyon contribution is to treat both Alta and Brighton equally. I too want to treat both towns the same because the residents of Alta and Brighton are already paying their portion of the cost to receive our service. The additional burden created by the visitors to the canyons should be shared equally amongst all who enjoy the recreation areas.

Proposal

Understanding that the language in the state statute is *may* and not *shall*, I propose that the Salt Lake County Council follow the spirit of language in the Utah State Statute and cover the shortfall for providing emergency services to our canyons. By doing so, visitors and residents alike can continue to enjoy the “recreation areas” knowing that emergency care is **not** 30 minutes away. The total request for 2023 is \$4,191,498 or \$5,095,280 with the conversion to 4-person staffing. **This is an increase to the SLCo canyon contribution of \$1,015,784 or \$1,919,566 with the additional staffing.**

Conclusion

My responsibility as the Fire Chief/CEO is to be an advocate for public safety and the service provided by Unified Fire Authority. I believe the decision to cut funding directly tied to fire and emergency services will have dire consequences to the 4 million annual visitors.

I am happy to answer any questions that you may have, we can also provide more detailed information if requested.



Dominic Burchett, Fire Chief/CEO
Unified Fire Authority

INTERLOCAL COOPERATION AGREEMENT
between
TOWN OF BRIGHTON
and
SALT LAKE COUNTY on behalf of the
COUNTY CLERK’S ELECTION’S DIVISION
FOR MUNICIPAL ELECTION

THIS AGREEMENT is made and entered into the ____ day of _____, 2023, by and between SALT LAKE COUNTY (the “County”), a body corporate and politic of the State of Utah, on behalf of the Salt Lake County Clerk’s Office, Elections Division; and the TOWN OF BRIGHTON (“Brighton”) a municipal corporation created under the laws of the State of Utah.

RECITALS:

WHEREAS, the County desires to provide the services of its clerk’s office, elections division, to Brighton for the purpose of assisting Brighton in conducting its 2023 primary and general municipal elections; and

WHEREAS, Brighton desires to engage the County for such services; and

WHEREAS, the parties are public agencies and are therefore authorized by the Utah Interlocal Cooperation Act, UTAH CODE §§ 11-13-101 to -608 (2022), to enter into agreements to cooperate with each other in a manner which will enable them to make the most efficient use of their resources and powers.

AGREEMENT:

NOW THEREFORE, in exchange for valuable consideration, including the mutual covenants contained in this Agreement, the parties covenant and agree as follows:

1. **Term.** The County shall provide election services described below to Brighton commencing on the date this Agreement is approved by both parties and terminating on December 31, 2023. Either party may cancel this Agreement upon thirty (30) days written notice to the other party. Upon such cancellation, each party shall retain ownership of any property it owned prior to the date of this Agreement, and Brighton shall own any property it created or acquired pursuant to this Agreement.

2. **Scope of Work.** The services to be provided by the County shall be as set forth in the Scope of Work, attached hereto and incorporated by reference as Exhibit "A." Generally, the County shall perform the listed election functions as set forth in Exhibit "A" and as needed to ensure implementation of Brighton's 2023 primary and general municipal elections.

3. **Legal Requirements.**

a. The County and Brighton understand and agree that Brighton's 2023 primary and general municipal elections are Brighton's elections. Brighton shall be responsible for compliance with all legal requirements for these elections. Brighton agrees to translate ballot issues, if any, into Spanish. The County will provide the remaining Spanish translations for the ballot and other election materials as required by law. The County agrees to work with Brighton in complying with all legal requirements for the conduct of these elections and conduct these elections pursuant to the direction of Brighton, except as provided in this Agreement and Exhibit "A." The County agrees to disclose and maintain election results through its website merely as a courtesy and convenience to Brighton. Brighton, and not the County, is responsible to resolve any and all election questions, problems, and legal issues that are within Brighton's statutory authority.

b. The County and Brighton understand and agree that if the County provides services or resources to conduct an instant runoff voting election as described in sections 20A-4-603 and -604, UTAH CODE (2022) (“Rank Choice Voting”), the estimated cost of administering such an election will be provided to Brighton at a later time.

c. If Brighton decides to hold a Rank Choice Voting election, then, in accordance with Utah Code § 20A-4-602(3)(a), it shall provide the Lt. Governor and the County notice of its intent to use Rank Choice Voting as its selected method of voting, no later than May 1, 2023.

d. The County has the full ability to conduct Rank Choice Voting for races involving no more than 10 candidates. Brighton therefore acknowledges that if the County conducts a Rank Choice Voting race involving more than 10 candidates, then the County will be able to count only the first ten valid preference rankings cast by each voter in that race. Brighton hereby assumes full risk and liability for, and agrees to indemnify and hold harmless the County, its agents, officers and employees from and against, any and all actions, claims, lawsuits, contests, controversies, challenges, proceedings, liability, damages, losses and expenses (including attorney’s fees and costs) arising out of or resulting from Brighton’s decision to use of Rank Choice Voting in a race involving more than 10 candidates. Moreover, the County reserves the right to refuse to conduct a Brighton election, or any contest, that includes a Rank Choice Voting race involving more than 10 candidates. The County’s exercise of such a right shall be effective immediately upon written notice to Brighton and shall not be construed as a breach

of, or an event of default under, this Agreement, and said exercise shall be without any liability of, or penalty to, the County.

4. **Cost.** In consideration of the services performed under this Agreement, Brighton shall pay the County. The estimated cost of such services shall be provided in Exhibit "B," and will be attached hereto and incorporated by reference. The County shall provide a written invoice to Brighton at the conclusion of the elections, and Brighton shall pay the County within thirty days of receiving the invoice. The invoice shall contain a summary of the costs of the election and shall provide the formula for allocating the costs among the issues and jurisdictions participating in the elections. In the case of a vote recount, election system audit, election contest, or similar event arising out of Brighton's election, Brighton shall pay the County's actual costs of responding to such events, based on a written invoice provided by the County. The invoice amount for these additional services may cause the total cost to Brighton to exceed the estimate given to Brighton by the County. For such consideration, the County shall furnish all materials, labor and equipment to complete the requirements and conditions of this Agreement.

5. **Governmental Immunity.** Brighton and the County are governmental entities and subject to the Governmental Immunity Act of Utah, UTAH CODE §§ 63G-7-101 to – 904 (2022) (the "Governmental Immunity Act"). Nothing in this Agreement shall be deemed a waiver of any rights, statutory limitations on liability, or defenses applicable to Brighton or the County under the Governmental Immunity Act or common law. Each party shall retain liability and responsibility for the acts and omissions of their representative officers. In no event shall this Agreement be construed to establish a partnership, joint venture or other similar relationship between the parties and nothing contained herein shall authorize either party to act as an agent for the other. Each of the

parties hereto assumes full responsibility for the negligent operations, acts and omissions of its own employees, agents and contractors. It is not the intent of the parties to incur by Agreement any liability for the negligent operations, acts, or omissions of the other party or its agents, employees, or contractors.

6. No Obligations to Third Parties. The parties agree that the County's obligations under this Agreement are solely to Brighton. This Agreement shall not confer any rights to third parties.

7. Indemnification. Subject to the provisions of the Act, Brighton agrees to indemnify and hold harmless the County, its agents, officers and employees from and against any and all actions, claims, lawsuits, proceedings, liability, damages, losses and expenses (including attorney's fees and costs), arising out of or resulting from the performance of this Agreement to the extent the same are caused by any negligent or wrongful act, error or omission of Brighton, its officers, agents and employees and including but not limited to claims that the County violated any state or federal law in the provision of election services under this Agreement.

8. Election Records. Brighton shall maintain and keep control of all of its records created pursuant to this Agreement and from the elections relevant to this Agreement. Brighton shall respond to all public record requests related to this Agreement and the underlying elections and shall retain its election records consistent with the Government Records Access and Management Act, UTAH CODE §§ 63G-2-101 to -901 (2022), and all other relevant local, state and federal laws.

9. Service Cancellation. If the Agreement is canceled or terminated as provided above, Brighton shall pay the County on the basis of the actual services performed according to the terms of this Agreement. Upon cancellation or termination of

this Agreement by either party, the County shall submit to Brighton an itemized statement for services rendered under this Agreement up to the time of said cancellation or termination and based upon the dollar amounts for materials, equipment and services set forth herein.

10. **Legal Compliance.** The County, as part of the consideration herein, shall comply with all applicable federal, state and county laws governing elections. Brighton agrees that the direction it gives the County under Utah Code § 20A-5-400.1(2)(a) and this Agreement shall likewise be in strict compliance with all such applicable laws. The County shall be under no obligation to comply with any direction from Brighton that is not demonstrably consistent with all applicable federal, state and county laws governing elections.

11. **Agency.** No agent, employee or servant of Brighton or the County is or shall be deemed to be an employee, agent or servant of the other party. None of the benefits provided by either party to its employees including, but not limited to, workers' compensation insurance, health insurance and unemployment insurance, are available to the employees, agents, or servants of the other party. Brighton and the County shall each be solely and entirely responsible for its own acts and for the acts of its own agents, employees and servants during the performance of this Agreement.

12. **Force Majeure.** Neither party shall be liable for any excess costs if the failure to perform arises from causes beyond the control and without the fault or negligence of that party, e.g., acts of God, fires, floods, strikes or unusually severe weather. If such condition continues for a period in excess of 60 days, Brighton or the County shall have the right to terminate this Agreement without liability or penalty effective upon written notice to the other party.

13. **Notices.** Any notice or other communication required or permitted to be given under this Agreement shall be deemed sufficient if given by a written communication and shall be deemed to have been received upon personal delivery, actual receipt, or within three (3) days after such notice is deposited in the United States mail, postage prepaid, and certified and addressed to the parties as set forth below:

Salt Lake County Salt Lake County Mayor
 2001 South State Street, N2-100
 Salt Lake City, Utah 84190

and

Ann Stoddard
Admin/Fiscal Manager
Salt Lake County Clerk's Office
2001 South State, Suite S1-200
Salt Lake City, Utah 84190-1050
email: astoddard@slco.org

Brighton

Town of Brighton

email: _____

14. **Required Insurance Policies.** Both parties to this Agreement shall maintain insurance or self-insurance coverage sufficient to meet their obligations hereunder and consistent with applicable law.

15. **Independent Contractor.** Because the County is consolidating election functions in order to conduct multiple, simultaneous elections on August 15, 2023, and on November 7, 2023, certain decisions by the County referenced in Exhibit "A" may not be subject to review by Brighton. It is therefore understood by the parties that the County will act as an independent contractor with regard to its decisions regarding resources,

procedures and policies based upon providing a consistent type, scope and level of service to all participating jurisdictions made for the benefit of the whole as set forth in Exhibit "A."

16. **No Officer or Employee Interest.** It is understood and agreed that no officer or employee of the County has or shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds resulting from the performance of this Agreement. No officer or employee of Brighton or any member of their families shall serve on any County board or committee or hold any such position which either by rule, practice or action nominates, recommends or supervises Brighton's operations or authorizes funding or payments to Brighton.

17. **Ethical Standards.** Brighton represents that it has not: (a) provided an illegal gift to any County officer or employee, or former County officer or employee, or to any relative or business entity of a County officer or employee, or relative or business entity of a former County officer or employee; (b) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statute or section 2.07, Salt Lake County Code of Ordinances; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any County officer or employee or former County officer or employee to breach any of the ethical standards set forth in State statute or Salt Lake County ordinance.

18. **Interlocal Agreement.** In satisfaction of the requirements of the Utah Interlocal Cooperation Act, UTAH CODE §§ 11-13-101 to -608 (2022), (the "Interlocal Act"), in connection with this Agreement, Brighton and the County agree as follows:

a. This Agreement shall be approved by each party, pursuant to section 11-13-202.5 of the Interlocal Act;

b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each party, pursuant to Section 11-13-202.5 of the Interlocal Act;

c. Any duly executed original counterpart of the Agreement shall be filed with the keeper of records of each party, pursuant to section 11-13-209 of the Interlocal Act;

d. Except as otherwise specifically provided herein, each party shall be responsible for its own costs of any action performed pursuant to this Agreement, and for any financing of such costs; and

e. No separate legal entity is created by the terms of this Agreement. No real or personal property shall be acquired jointly by the parties as a result of this Agreement. To the extent that a party acquires, holds or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such party shall do so in the same manner that it deals with other property of such party.

f. County and Brighton Representatives.

i. The County designates the County Clerk as the County's representative to assist in the administrative management of this Agreement and to coordinate performance of the services under this Agreement.

ii. Brighton designates Brighton's _____
[title] as Brighton's representative in its performance of this Agreement.

Brighton's Representative shall have the responsibility of working with the County to coordinate the performance of its obligations under this Agreement.

19. **Counterparts.** This Agreement may be executed in counterparts by Brighton and the County.

20. **Governing Law.** This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance. All actions including but not limited to court proceedings, administrative proceedings, arbitration and mediation proceedings, shall be commenced, maintained, adjudicated and resolved within Salt Lake County.

21. **Integration.** This Agreement embodies the entire agreement between the parties relating to the subject matter of this Agreement and shall not be altered except in writing signed by both parties.

[SIGNATURE PAGE TO FOLLOW]

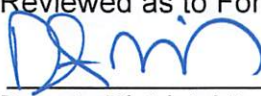
IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

SALT LAKE COUNTY:

Mayor or Designee
Date: _____

Recommended for Approval:

Lannie Chapman
Salt Lake County Clerk

Reviewed as to Form:
 Adam Miller
2023.02.06 10:29:43
-07'00'

Deputy District Attorney
Date: _____

TOWN OF BRIGHTON:

By: _____
Name: _____
Title: _____
Date: _____

Approved as to Form:

By: _____
Date: _____

Exhibit "A"
2023 Municipal Elections
Scope of Work

Brighton agrees to the consolidation of all election administrative functions to ensure the successful conduct of multiple, simultaneous municipal, local district elections and county elections and the County agrees to conduct vote by mail/consolidated polls elections for Brighton.

In a consolidated election, decisions made by the County regarding resources, procedures and policies are based upon providing the same scope and level of service to all the participating jurisdictions and Brighton recognizes that such decisions, made for the benefit of the whole, may not be subject to review by Brighton.

Services the County will perform for Brighton include, but are not limited to:

- Ballot layout and design
- Ballot ordering and printing
- Machine programming and testing
- Delivery of supplies and equipment
- Provision of all supplies
- Election vote centers/early vote locations
- Vote by Mail administration
- Updating state and county websites
- Tabulating, reporting, auditing and preparing canvassing election results
- Conducting recounts as needed
- All notices and mailings required by law (except those required by Utah Code Ann. Ch. 11-14, Part 2 and § 20A-9-203)
- Direct payment of all costs associated with the elections to include vote center workers, training, vote centers, rovers.

Brighton will provide all voter education outreach related to Rank Choice Voting, if applicable.

Brighton will provide the County Clerk with information, decisions, and resolutions and will take appropriate actions required for the conduct of the elections in a timely manner.

The County will provide a good faith estimate for budgeting purposes (Exhibit "B"). Election costs are variable and are based upon the offices scheduled for election, the number of voters, the number of jurisdictions participating as well as any direct costs incurred.

Brighton will be invoiced for its pro-rata share of the actual costs of the elections which are estimated in Exhibit B. In the event of a state or county special election being held in conjunction with a municipal election, the scope of services and associated costs, and the method of calculating those costs, will remain unchanged.

Exhibit "B" 2023 Election Costs Brighton

Below is the good faith estimate for the upcoming **2023 Municipal Election** for **Brighton**. Assumptions for providing this estimate consist of the following:

- A. Active voters (as of 1/27/2023): **323**
- B. Election for the offices below:

2023 Offices
Council At-Large
Council At-Large

All billing will be based on actual costs.

If your municipality pursues traditional voting, **not** ranked choice voting (RCV), **and** has a Primary Election and a General Election, the estimated cost would be \$2500.

If your municipality chooses RCV for the General Election **and** cancels the Primary Election, the estimated cost would be \$2500 for the General Election **plus** RCV costs (see below).

If your municipality chooses RCV for the Primary Election and holds a traditional voting General Election, the estimated cost would be \$2500 plus the RCV costs (see below).

RCV Costs will be applied on a sliding scale, see below. If your municipality chooses to hold a RCV election for either the Primary or the General, the added costs will be dependent upon how many other municipalities opt into RCV.

As an example, if Brighton is the only municipality to hold a RCV election, the costs would be as quoted above plus \$36,156. You can see if two municipalities choose RCV, your added costs would be \$18,078. (See the chart below for the additional cost depending on how many municipalities participate.)

Number of participating municipalities	Allocated costs
1	\$ 36,156
2	\$ 18,078
3	\$ 12,052
4	\$ 9,039
5	\$ 7,231
6	\$ 6,026
7	\$ 5,165
8	\$ 4,520
9	\$ 4,017
10	\$ 3,616
11	\$ 3,287
12	\$ 3,013

Number of participating municipalities	Allocated costs
13	\$ 2,781
14	\$ 2,583
15	\$ 2,410
16	\$ 2,260
17	\$ 2,127
18	\$ 2,009
19	\$ 1,903
20	\$ 1,808
21	\$ 1,722
22	\$ 1,643
23	\$ 1,572