Board of Trustees Meeting

April 18, 2023
**Summit County Service Area #3**  
**Public Meeting and Public Hearing**  
**April 18, 2023, 2023, 5:30 P.M. Mountain Time**  
629 E. Parkway Drive, Suite 1  
Park City, UT 84098  
(435) 649-7949  
Please silence all electronic devices

<table>
<thead>
<tr>
<th>Topic</th>
<th>Time</th>
<th>Presenter(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Welcome and call meeting to order (motion/voting):</td>
<td>5:30 pm</td>
<td>Chair</td>
</tr>
<tr>
<td>a. Roll call</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. General Public Comments – comments limited to three minutes each</td>
<td>5:45 pm</td>
<td>Public</td>
</tr>
<tr>
<td>3. Administrative &amp; Financial (motion/voting):</td>
<td>6:00 pm</td>
<td>General Manager and Legal Counsel</td>
</tr>
<tr>
<td>a. Review and approval of expenditures*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Approval of ethics and conflicts of interest policies and forms*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Cash summary*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Operations Manager update (motion/voting):</td>
<td>6:30 pm</td>
<td>Operations Manager</td>
</tr>
<tr>
<td>a. Operations Manager update</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Road and Trail (motion/voting):</td>
<td>7:00 pm</td>
<td>Road Manager</td>
</tr>
<tr>
<td>a. Plowing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Potholes / Transportation Asset Management System (TAMS) update*</td>
<td></td>
<td></td>
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<tr>
<td>c. Trail plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Sand bags / flood mitigation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Water (motion/voting):</td>
<td>7:45 pm</td>
<td>Water Manager and Legal Counsel</td>
</tr>
<tr>
<td>a. Revisions to water service regulation 2021-05 to account for S.B. 158 and S.B. 174*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Well metering letter and notice*</td>
<td></td>
<td></td>
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<tr>
<td>7. Closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and/or the sale or purchase of real property pursuant to Utah Code §§ 52-4-204 through 205.</td>
<td>8:00 pm</td>
<td>Road Manager and General Manager</td>
</tr>
<tr>
<td>8. Adjournment</td>
<td>8:45 pm</td>
<td>Chair</td>
</tr>
</tbody>
</table>

* Documents provided | Minutes, agenda and policies available at: [http://summitcounty.org/923/Documents](http://summitcounty.org/923/Documents)  
**Any motion/voting will take place in open meeting after closed session**
Roll Call

April 18, 2023
Section 2

Public Comments
Public Meeting

April 28, 2023
Section 3

Administrative & Financial
# INVOICE

**WOLFF EXCAVATING, INC.**  
758 W 1500 N  
SALT LAKE CITY, UT 84116-1361

<table>
<thead>
<tr>
<th>Project</th>
<th>Terms</th>
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<tbody>
<tr>
<td>Snow Removal</td>
<td>Net 30</td>
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</table>

<table>
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<td>10</td>
<td>Hours</td>
<td>03/13/2023 W/O 9033: Cat 14 Grader 6:30a-4:30p</td>
<td>209.48</td>
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<td>9.5</td>
<td>Hours</td>
<td>03/13/2023 W/O 9033: 70Z Kawasaki Loader 6:30a-4:00p</td>
<td>198.45</td>
<td>1,885.28</td>
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<tr>
<td>9.5</td>
<td>Hours</td>
<td>03/13/2023 W/O 9033: 930 Cat Loader 6:30a-4:00p</td>
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<tr>
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<td>03/14/2023 W/O 9034: 70Z Kawasaki Loader 6:30a-2:30p</td>
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<td>6</td>
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<td>03/15/2023 W/O 9035: Cat 14 Grader 9:30a-3:30p</td>
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<td>1,256.88</td>
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<tr>
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<td>Hours</td>
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<td>512.16</td>
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<td>Hours</td>
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**Total**  
$10,949.28

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<td>801.531.0274</td>
<td>801.531.0295</td>
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# WOLFF EXCAVATING, INC.
758 W 1500 N
SALT LAKE CITY, UT 84116-1361

## INVOICE

<table>
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<td>3/27/2023</td>
<td>202216-18</td>
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## Bill To

SUMMIT COUNTY SERVICE AREA #3
629 E PARKWAY DR. St. 1
PARK CITY, UTAH 84098-5737

## Project

Snow Removal
03/21/23-03/25/23

## Project | Terms
---------|--------
Snow Removal | Net 30

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<th>Amount</th>
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<td>Hours</td>
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## Total

$14,071.19

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</table>
WOLFF EXCAVATING, INC.
758 W 1500 N
SALT LAKE CITY, UT 84116-1361

INVOICE

Date | Invoice
--- | ---
4/3/2023 | 202216-19

Bill To

SUMMIT COUNTY SERVICE AREA #3
629 E PARKWAY DR. S1
PARK CITY, UTAH 84098-5737

Project

Snow Removal & Sand
032723-040123

<table>
<thead>
<tr>
<th>Project</th>
<th>Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Snow Removal</td>
<td>Net 30</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quantity</th>
<th>UNIT</th>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
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<td>03/31/2023 W/O 9059: W10 Plow Truck with Sander 5:30a-8:30a</td>
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<td>281.16</td>
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<td>03/31/2023 W/O 9059: W11 Plow Truck with Sander 9:30a-12:30p</td>
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<td>281.16</td>
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<tr>
<td>5</td>
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</table>

Total

$30,977.18

Phone # | Fax #
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801.531.0274 | 801.531.0295
# INVOICE

**WOLFF EXCAVATING, INC.**  
758 W 1500 N  
SALT LAKE CITY, UT 84116-1361

**Bill To**  
SUMMIT COUNTY SERVICE AREA #3  
629 E PARKWAY DR. ST. 1  
PARK CITY, UTAH 84098-5737

**Project**  
Snow Removal

<table>
<thead>
<tr>
<th>Project</th>
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<tbody>
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<td>Snow Removal</td>
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<tr>
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<td>04/04/2023 W/O 9067: 930 Cat Loader 8:00a-7:30p</td>
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<tr>
<td>6.5</td>
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**Total**  
$25,085.07

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</table>
TCB LANDSCAPING
PO Box 982126
PARK CITY, UT  84098 US
tcblandscaping@msn.com

BILL TO
Summit County Service Area
#3_
629 Park Way Dr.
Park City, UT  84098

INVOICE 13789
DATE 03/31/2023   TERMS Due on receipt
DUE DATE 03/31/2023

P.O. NUMBER
MARCH ROADS/WATER

<table>
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TOTAL DUE $6,500.00
Chapter 16  
Utah Public Officers’ and Employees’ Ethics Act

67-16-1 Short title.  
This chapter is known as the "Utah Public Officers' and Employees' Ethics Act."

Amended by Chapter 147, 1989 General Session

67-16-2 Purpose of chapter.  
The purpose of this chapter is to set forth standards of conduct for officers and employees of the state of Utah and its political subdivisions in areas where there are actual or potential conflicts of interest between their public duties and their private interests. In this manner the Legislature intends to promote the public interest and strengthen the faith and confidence of the people of Utah in the integrity of their government. It does not intend to deny any public officer or employee the opportunities available to all other citizens of the state to acquire private economic or other interests so long as this does not interfere with his full and faithful discharge of his public duties.

Amended by Chapter 147, 1989 General Session

67-16-3 Definitions.  
As used in this chapter:

1) "Agency" means:
   (a) any department, division, agency, commission, board, council, committee, authority, or any other institution of the state or any of its political subdivisions; or
   (b) an association as defined in Section 53G-7-1101.

2) "Agency head" means the chief executive or administrative officer of any agency.

3) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.

4) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

5) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.

6) "Controlled, private, or protected information" means information classified as controlled, private, or protected in Title 63G, Chapter 2, Government Records Access and Management Act, or other applicable provision of law.

7) "Governmental action" means any action on the part of the state, a political subdivision, or an agency, including:
   (a) any decision, determination, finding, ruling, or order; and
   (b) any grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval, or the denial thereof, or the failure to act in respect to.

8) "Improper disclosure" means disclosure of controlled, private, or protected information to any person who does not have the right to receive the information.
(9) "Legislative employee" means any officer or employee of the Legislature, or any committee of the Legislature, who is appointed or employed to serve, either with or without compensation, for an aggregate of less than 800 hours during any period of 365 days. "Legislative employee" does not include legislators.

(10) "Legislator" means a member or member-elect of either house of the Legislature of the state of Utah.

(11) "Political subdivision" means a district, school district, or any other political subdivision of the state that is not an agency, but does not include a municipality or a county.

(12)
(a) "Public employee" means a person who is not a public officer who is employed on a full-time, part-time, or contract basis by:
   (i) the state;
   (ii) a political subdivision of the state; or
   (iii) an association as defined in Section 53G-7-1101.
(b) "Public employee" does not include legislators or legislative employees.

(13)
(a) "Public officer" means an elected or appointed officer:
   (i)
      (A) of the state;
      (B) of a political subdivision of the state; or
      (C) an association as defined in Section 53G-7-1101; and
   (ii) who occupies a policymaking post.
(b) "Public officer" does not include legislators or legislative employees.

(14) "State" means the state of Utah.

(15) "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual’s spouse, or the individual’s minor children, of at least 10% of the outstanding capital stock of a corporation or a 10% interest in any other business entity.

Amended by Chapter 415, 2018 General Session

67-16-4 Improperly disclosing or using private, controlled, or protected information -- Using position to secure privileges or exemptions -- Accepting employment that would impair independence of judgment or ethical performance -- Exception.

(1) Except as provided in Subsection (3), it is an offense for a public officer, public employee, or legislator to:
   (a) accept employment or engage in any business or professional activity that he might reasonably expect would require or induce him to improperly disclose controlled information that he has gained by reason of his official position;
   (b) disclose or improperly use controlled, private, or protected information acquired by reason of his official position or in the course of official duties in order to further substantially the officer’s or employee’s personal economic interest or to secure special privileges or exemptions for himself or others;
   (c) use or attempt to use his official position to:
      (i) further substantially the officer's or employee's personal economic interest; or
      (ii) secure special privileges or exemptions for himself or others;
   (d) accept other employment that he might expect would impair his independence of judgment in the performance of his public duties; or
(e) accept other employment that he might expect would interfere with the ethical performance of his public duties.

(2)
(a) Subsection (1) does not apply to the provision of education-related services to public school students by public education employees acting outside their regular employment.
(b) The conduct referred to in Subsection (2)(a) is subject to Section 53E-3-512.
(3) This section does not apply to a public officer, public employee, or legislator who engages in conduct that constitutes a violation of this section to the extent that the public officer, public employee, or legislator is chargeable, for the same conduct, under Section 63G-6a-2404 or Section 76-8-105.

Amended by Chapter 415, 2018 General Session

67-16-5 Accepting gift, compensation, or loan -- When prohibited.
(1) As used in this section, "economic benefit tantamount to a gift" includes:
   (a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and
   (b) compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.
(2) Except as provided in Subsection (4), it is an offense for a public officer or public employee to knowingly receive, accept, take, seek, or solicit, directly or indirectly for himself or another a gift of substantial value or a substantial economic benefit tantamount to a gift:
   (a) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties;
   (b) that the public officer or public employee knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the public officer or public employee for official action taken; or
   (c) if the public officer or public employee recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless a disclosure of the gift, compensation, or loan and other relevant information has been made in the manner provided in Section 67-16-6.
(3) Subsection (2) does not apply to:
   (a) an occasional nonpecuniary gift, having a value of not in excess of $50;
   (b) an award publicly presented in recognition of public services;
   (c) any bona fide loan made in the ordinary course of business; or
   (d) a political campaign contribution.
(4) This section does not apply to a public officer or public employee who engages in conduct that constitutes a violation of this section to the extent that the public officer or public employee is chargeable, for the same conduct, under Section 63G-6a-2404 or Section 76-8-105.

Amended by Chapter 196, 2014 General Session

67-16-5.3 Requiring donation, payment, or service to government agency in exchange for approval -- When prohibited.
(1) Except as provided in Subsection (3), it is an offense for a public officer, public employee, or legislator to demand from any person as a condition of granting any application or request for a permit, approval, or other authorization, that the person donate personal property, money, or services to any agency.
(2)

(a) Subsection (1) does not apply to any donation of property, funds, or services to an agency that is:
   (i) expressly required by statute, ordinance, or agency rule;
   (ii) mutually agreed to between the applicant and the entity issuing the permit, approval, or other authorization;
   (iii) made voluntarily by the applicant; or
   (iv) a condition of a consent decree, settlement agreement, or other binding instrument entered into to resolve, in whole or in part, an actual or threatened agency enforcement action.

(b) If a person donates property, funds, or services to an agency, the agency shall, as part of the permit or other written authorization:
   (i) identify that a donation has been made;
   (ii) describe the donation;
   (iii) certify, in writing, that the donation was voluntary; and
   (iv) place that information in its files.

(3) This section does not apply to a public officer, public employee, or legislator who engages in conduct that constitutes a violation of this section to the extent that the public officer, public employee, or legislator is chargeable, for the same conduct, under Section 63G-6a-2404 or Section 76-8-105.

Amended by Chapter 196, 2014 General Session

67-16-5.6 Offering donation, payment, or service to government agency in exchange for approval -- When prohibited.

(1) Except as provided in Subsection (3), it is an offense for any person to donate or offer to donate personal property, money, or services to any agency on the condition that the agency or any other agency approve any application or request for a permit, approval, or other authorization.

(2)

(a) Subsection (1) does not apply to any donation of property, funds, or services to an agency that is:
   (i) otherwise expressly required by statute, ordinance, or agency rule;
   (ii) mutually agreed to between the applicant and the entity issuing the permit, approval, or other authorization;
   (iii) a condition of a consent decree, settlement agreement, or other binding instrument entered into to resolve, in whole or in part, an actual or threatened agency enforcement action; or
   (iv) made without condition.

(b) The person making the donation of property, funds, or services shall include with the donation a signed written statement certifying that the donation is made without condition.

(c) The agency receiving the donation shall place the signed written statement in its files.

(3) This section does not apply to a person who engages in conduct that constitutes a violation of this section to the extent that the person is chargeable, for the same conduct, under Section 63G-6a-2404 or Section 76-8-105.

Amended by Chapter 196, 2014 General Session

67-16-6 Receiving compensation for assistance in transaction involving an agency -- Filing sworn statement.
(1) Except as provided in Subsection (5), it is an offense for a public officer or public employee to receive or agree to receive compensation for assisting any person or business entity in any transaction involving an agency unless the public officer or public employee files a sworn, written statement containing the information required by Subsection (2) with:
   (a) the head of the officer or employee’s own agency;
   (b) the agency head of the agency with which the transaction is being conducted; and
   (c) the state attorney general.
(2) The statement shall contain:
   (a) the name and address of the public officer or public employee involved;
   (b) the name of the public officer’s or public employee’s agency;
   (c) the name and address of the person or business entity being or to be assisted; and
   (d) a brief description of:
      (i) the transaction as to which service is rendered or is to be rendered; and
      (ii) the nature of the service performed or to be performed.
(3) The statement required to be filed under Subsection (1) shall be filed within 10 days after the date of any agreement between the public officer or public employee and the person or business entity being assisted or the receipt of compensation, whichever is earlier.
(4) The statement is public information and shall be available for examination by the public.
(5) This section does not apply to a public officer or public employee who engages in conduct that constitutes a violation of this section to the extent that the public officer or public employee is chargeable, for the same conduct, under Section 63G-6a-2404 or Section 76-8-105.

Amended by Chapter 196, 2014 General Session

67-16-7 Disclosure of substantial interest in regulated business -- Exceptions.
(1) Except as provided in Subsection (5), a public officer or public employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity that is subject to the regulation of the agency by which the public officer or public employee is employed shall disclose any position held in the entity and the precise nature and value of the public officer’s or public employee’s interest in the entity:
   (a) upon first becoming a public officer or public employee;
   (b) whenever the public officer’s or public employee’s position in the business entity changes significantly; and
   (c) if the value of the public officer’s or public employee’s interest in the entity increases significantly.
(2) The disclosure required under Subsection (1) shall be made in a sworn statement filed with:
   (a) for a public officer or a public employee of the state, the attorney general;
   (b) for a public officer or a public employee of a political subdivision, the chief governing body of the political subdivision;
   (c) the head of the agency with which the public officer or public employee is affiliated; and
   (d) for a public employee, the public employee’s immediate supervisor.
(3)
   (a) This section does not apply to instances where the total value of the substantial interest does not exceed $2,000.
   (b) A life insurance policy or an annuity is not required to be considered in determining the value of a substantial interest under this section.
(4) A disclosure made under this section is a public record and a person with whom a disclosure is filed under Subsection (2) shall make the disclosure available for public inspection.
(5) A public officer is not required to file a disclosure under this section if the public officer files a disclosure under Section 20A-11-1604.

Amended by Chapter 59, 2018 General Session

67-16-8 Participation in transaction involving business as to which public officer or employee has interest -- Exceptions.

(1) A public officer or public employee may not, in the public officer's or public employee's official capacity, participate in, or receive compensation as a result of, a transaction between the state or a state agency and a business entity of which the public officer or public employee is an officer, director, agent, employee, or owner of a substantial interest, unless the public officer or public employee has disclosed the public officer's or public employee's relationship to the business entity in accordance with Section 67-16-7 or 20A-11-1604.

(2) A concession contract between an agency, political subdivision, or the state and a certified professional golf association member who is a public employee or officer does not violate the provisions of Subsection (1) or Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act.

Amended by Chapter 59, 2018 General Session

67-16-9 Conflict of interests prohibited.

No public officer or public employee shall have personal investments in any business entity which will create a substantial conflict between his private interests and his public duties.

Enacted by Chapter 128, 1969 General Session

67-16-10 Inducing others to violate chapter.

No person shall induce or seek to induce any public officer or public employee to violate any of the provisions of this chapter.

Amended by Chapter 147, 1989 General Session

67-16-11 Applicability of provisions.

(1) As used in this section, "government position" means the position of a legislator, public officer, or public employee.

(2) The provisions of this chapter:

(a) apply to all public officers and public employees; and

(b) do not apply to a conflict of interest that exists between two or more government positions held by the same individual, unless the conflict of interest is also due to a personal interest of the individual that is not shared by the general public.

Amended by Chapter 360, 2016 General Session

67-16-12 Penalties for violation -- Removal from office or dismissal from employment.

In addition to any penalty contained in any other provision of law:

(1) any public officer or public employee who knowingly and intentionally violates this chapter, with the exception of Sections 67-16-6 and 67-16-7, shall be dismissed from employment or removed from office as provided by law, rule, or policy within the agency; and
(2) any public officer, public employee, or person who knowingly and intentionally violates this chapter, with the exception of Sections 67-16-6 and 67-16-7, shall be punished as follows:

(a) as a felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds $1,000;

(b) as a felony of the third degree if:
   (i) the total value of the compensation, conflict of interest, or assistance is more than $250 but not more than $1,000; or
   (ii) the public officer or public employee has been twice before convicted of violation of this chapter and the value of the conflict of interest, compensation, or assistance was $250 or less;

(c) as a class A misdemeanor if the value of the compensation or assistance was more than $100 but does not exceed $250; or

(d) as a class B misdemeanor if the value of the compensation or assistance was $100 or less.

Amended by Chapter 108, 2000 General Session

67-16-14 Unethical transactions -- Duty to dismiss officer or employee -- Right to rescind or void contract.

If any transaction is entered into in violation of Section 67-16-6, 67-16-7, or 67-16-8, the state, political subdivision, or agency involved:

(1) shall dismiss the public officer or public employee who knowingly and intentionally violates this chapter from employment or office as provided by law; and

(2) may rescind or void any contract or subcontract entered into in respect to such transaction without returning any part of the consideration that the state, political subdivision, or agency has received.

Amended by Chapter 147, 1989 General Session


A person may file a complaint for an alleged violation of this chapter by a political subdivision officer or employee in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission.

Amended by Chapter 461, 2018 General Session
Ethical Behavior Pledge Form

Annual Summit County Service Area #3 Ethics Pledge

The following pledge is required to be made annually by all officers and employees of Summit County Service Area #3 (the “Service Area”)

I, ____________________________________________am the duly appointed/elected ________________________________________________ of Summit County Service Area #3

I pledge to adhere to the code of ethics as approved by the Service Area. These topics include, but are not limited to: improper use of official position, accepting gifts or loans, disclosing privileged information, retaining a financial or beneficial interest in a transaction, nepotism, misuse of public resources or property, outside employment, political activity, fair and equal treatment, and conduct after leaving office or employment. Additionally, I pledge to disclose all conflicts of interest on the conflict of interest disclosure form. I understand that the “Utah Public Officers’ and Employees' Ethics Act” (“Act”) Title 67, Chapter 16 of the Utah Code and the Service Area’s Conflicts of Interest Policy and Ethical Behavior Policy provide for penalties for violation of specific unethical behavior. Signing this document verifies that I have been provided time to read applicable statutes and ordinances, as well as the Service Area code of ethics.

DATED THIS _______ DAY OF __________________ [year]

By: ________________________________________________

Title/Office: _______________________________________

Witnessed by: ______________________________________

THIS _______ DAY OF __________________ 2023
Overview

Summit County Service Area #3 ("Service Area") officers and employees individually commit themselves in their official capacity to ethical, businesslike, and lawful conduct, including appropriate use of their authority and decorum at all times. Officers and employees must avoid even the appearance of impropriety to ensure and maintain public confidence in the Service Area. Officers and employees owe a fiduciary duty to the Service Area and must not act in a manner that is contrary to that duty or to the interests of the Service Area. Officers must place the interests of the Service Area over their own personal interests with respect to the governance, policy, strategic direction and operations of the Service Area.

Policy

It is the intent of Service Area to meet and exceed those protections against conflicts of interest contained in State law. Under this policy, a conflict of interest arises when an officer or employee has a personal interest in a matter that is or may be in conflict with or contrary to the Service Area’s interests and objectives to such an extent that the officer or employee is or may not be able to exercise independent and objective judgment within the context of the best interest of the Service Area. For the purposes of this policy, an officer’s or employee’s “personal interest” includes those of his or her relatives, business associates or other persons or organizations with whom he or she is closely associated.

1. The following provisions shall serve as a guide to officers and employees with respect to the affairs of the Service Area:

   a. Service Area officers and employees shall not receive, accept, take or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person or entity if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment, or be considered as part of a reward for action or inaction. Officers and employees are required to submit a report to the Service Area and the County’s Internal Auditor of the actual or estimated value of any gifts or casual entertainment received as an officer that exceeds $50.00.

   b. The complete confidentiality of proprietary business information must be respected at all times. Officers and employees are prohibited from knowingly disclosing such information, or in any way using such information for personal gain or advancement, or to the detriment of the Service Area, Summit County, or to individually conduct negotiations or make contacts or inquiries on behalf of the Service Area unless officially designated by the Service Area’s Board of Trustees.
c. Officers and employees are prohibited from acquiring or having a financial interest in any property that the Service Area acquires, or a direct or indirect financial interest in a supplier, contractor, consultant, or other entity with which the Service Area does business. This does not prohibit the ownership of securities in any publicly owned company except where such ownership places the officer in a position to materially influence or affect the business relationship between the Service Area and such publicly owned company. Any other interest in or relationship with an outside organization or individual having business dealings with the Service Area is prohibited if this interest or relationship might tend to impair the ability of the officer(s) to be independent and objective in his or her service to the Service Area.

d. If members of the immediate family of an officer or employee have a financial interest as specified above, such interest shall be fully disclosed to the Service Area which shall decide if such interest should prevent the Service Area from entering into a particular transaction, purchase, or engagement of services. The term “immediate family” means officer’s spouse, parent, dependent children, and other dependent relatives.

e. When a conflict of interest exists, the officer or employees shall publicly declare the nature of the conflict and may recuse him or herself on any official action involving the conflict.

f. Officers and employees may not realize, seek, or acquire a personal interest in a business that does business with the Service Area.

g. Officers and employees shall complete a Conflict of Interest Disclosure Form annually by the end of January. This Form shall be signed. Completed Forms shall be submitted to the General Manager and made available to the public upon request.

h. The General Manager shall provide copies of all completed Forms to the Board of Trustee’s Chair at the end of January each year.

i. The Board of Trustee’s Chair shall review all completed forms and consider the disclosures. The Board of Trustee’s Chair should make changes to assignments, duties, or contracts deemed appropriate to eliminate or mitigate conflicts of interest within the Service Area.
Ethical Behavior Policy

Summit County Service Area #3 Code of Ethics

Prohibited Conduct

1. **Disqualification from Acting on Summit County Service Area #3 (“Service Area”) Business.** No current officer or employee, as specified, may:
   a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
   b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
   c. Fail to disqualify him or herself from acting on any transaction which involves the Service Area and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
   d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her family, in any contract or transaction to which the Service Area may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time the Service Area enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.

2. **Improper Use of Official Position.** No current officer or employee, as specified, may:
   a. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the Service Area or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
   b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any of the Service Area funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.
   c. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the Service Area provided that this subsection shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any
matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;
d. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with the Service Area, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.

3. Gifts or Loans. No current officer or employee, as specified, may:
a. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:
   i. Unsolicited flowers, plants, and floral arrangements;
   ii. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
   iii. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
   iv. Unsolicited food items given to a department when the contents are shared among employees and the public;
   v. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the Service Area.
   vi. Information material, publications, or subscriptions related to the recipient’s performance of official duties;
   vii. Food and beverages consumed at hosted receptions where attendance is related to official duties;
   viii. Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the [entity];
   ix. Travel costs, lodging, and tuition costs associated with the Service Area sanctioned training or education when not provided by a private entity under contract with the Service Area;
   x. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance;
   xi. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;
   xii. Campaign contributions; and
   xiii. Unsolicited gifts with an aggregate economic value of $50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.

4. Privileged and Proprietary Information.

No current officer or employee, as specified, may disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the
employee or any other person or entity; provided, that nothing shall prohibit
the disclosure or use of information which is a matter of public knowledge, or
which is available to the public on request.

5. **Financial or Beneficial Interest in Transactions.** No current officer or
   employee, as specified, may:
   i. Regardless of prior disclosure an employee or officer may not
      participate in or benefit from (personally or through his or her
      family) a contract or agreement where that employee or officer
      acted as an agent of the Service Area. This includes receiving
      compensation, gratuity or other benefit from an interested party of
      an agreement or contract with the Service Area.

6. **Nepotism.** No current officer or employee, as specified, may:
   a. Violate *Utah Code* § 52-3, which prohibits employment of relatives, with
      few exceptions.

7. **Misuse of Public Resources or Property.** No current officer or employee, as
   specified, may:
   a. Violate Utah Code § 76-8-4, which delineates the unlawful use of public
      funds and destruction of property, including records.

8. **Outside Employment.** No current officer or employee, as specified, may:
   i. Retain secondary employment outside of the Service Area
      employment, which, as determined by the State of Utah, and
      according to Utah Administrative Code R477-9-2:
      ii. Interferes with an employee's performance.
      iii. Conflicts with the interests of the Service Area, Summit County, or
           the State of Utah.
      iv. Gives reason for criticism or suspicion of conflicting interests or
          duties.

9. **Political Activity.** No current officer or employee, as specified, may:
   a. Except as otherwise provided by law:
      i. The partisan political activity, political opinion, or political affiliation
         of an applicant for a position with the Service Area may not provide
         a basis for denying employment to the applicant.
      ii. The Service Area officer's or employee's partisan political activity,
          political opinion, or political affiliation may not provide the basis for
          the officer or employee's employment, promotion, disciplinary
          action, demotion, or dismissal.
      iii. The Service Area employee may not engage in political
           campaigning or solicit political contributions during hours of
           employment.
      iv. The Service Area officer or employee may not use the Service
          Area's equipment while engaged in campaigning or other political
          activity.
      v. The Service Area officer or employee may not directly or indirectly
          coerce, command, or advise another Service Area officer or
          employee to pay, lend, or contribute part of the officer's or
          employee's salary or compensation, or anything else of value to a
political party, committee, organization, agency, or person for political purposes.

vi. The Service Area officer or employee may not attempt to make another officer or employee’s employment status dependent on the officers or employee’s support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

vii. A Service Area employee who has filed a declaration of candidacy may:

viii. be given an unpaid leave of absence for the period between the primary election and the general election; and

ix. Use any vacation or other leave available to engage in campaign activities.

b. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.

c. Nothing in this chapter shall be construed to:

i. prohibit a Service Area officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or

ii. Permit a Service Area officer or employee partisan political activity that is prohibited under federal law.

d. No Service Area officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Service Area property.

e. No Service Area officer or employee shall promise any appointment to any position with the Service Area as a reward for any political activity.

f. A Service Area employee who is elected to an office with the Service Area shall terminate the Service Area employment prior to being sworn into the elected office.

10. Fair and Equal Treatment. No current officer or employee, as specified, may:

a. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.

b. No Service Area officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

11. Prohibited Conduct After Leaving the Service Area:

a. No former officer or employee may, during the period of one (1) year after leaving the Service Area office or employment:

i. Disclose or use any privileged or proprietary information gained by reason of his/her Service Area employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;

ii. Assist any person in proceedings involving an agency of the Service Area with which he/she was previously employed, involving
a matter in which he or she was officially involved, participated or acted in the course of duty;

iii. Represent any person as an advocate in any matter in which the former employee was officially involved while a Service Area employee;

iv. Participate as a competitor in any competitive selection process for a Service Area contract in which he or she assisted the Service Area in determining the project or work to be done or the process to be used.
Summit County Service Area #3 Conflict of Interest Disclosure Form

Annual Conflict of Interest Disclosure Form

The following disclosures are required to be made annually by all officers of Summit County Service Area #3 (the “Service Area”) pursuant to the “Utah Public Officers’ and Employees’ Ethics Act” (“Act”) Title 67, Chapter 16 of the Utah Code. A copy of the Act is attached for reference.

If additional space is needed, please use a separate sheet of paper. Per the Act, the information provided shall be kept on file with the Service Area and may be subject to disclosure to the public.

I, ________________________________am the duly appointed ________________________________of the Service Area.

1) I am an officer, director, agent, employee or owner of a substantial interest in the following business entities which are subject to the regulation of the Service Area, and within such business entities, I hold the following positions:

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<th>Business Entity Name:</th>
<th>Position within Business Entity:</th>
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</table>
| Ownership of a substantial interest is defined in U.C.A. § 67-16-3(8) as an interest of 10% or more of the shares of a corporation, or a 10% or more ownership interest in other entities, legally or equitably held or owned by the officer, the officer’s spouse, or the officer’s children.

2) I am an officer, director, agent, employee or owner of a substantial interest in the following business entities which do business with or anticipate doing business with Service Area:

<table>
<thead>
<tr>
<th>Business Entity Name:</th>
<th>Position within Business Entity:</th>
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Please note that pursuant to U.C.A. § 67-16-7, an officer must disclose his or her interest or involvement in such an entity immediately prior to any discussion in an open and public meeting pertaining to business that the Service Area may do with any such entity, regardless of whether a disclosure of interest or involvement in the business was made in this document.

3) The following personal interests or investments of mine create a potential or actual conflict between my personal interest and my public duties:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Acknowledgement

I understand that it is a criminal offense under the Act to: (a) accept employment or engage in any business or professional activity that I might reasonably expect would require or induce me to improperly disclose controlled information that I may gain by reason of my position with the District; (b) disclose or improperly use controlled, private, or protected information acquired by reason of my employment or in the course of my duties in order to further substantially my personal economic interest or to secure special privileges or exemptions for myself or others; (c) use or attempt to use my District position to: (i) further substantially my personal economic interest; or (ii) secure special privileges or exemptions for myself or others; (d) accept other employment that I might expect would impair my independence of judgment in the performance of my District duties; or (e) accept other employment that I might expect would interfere with the ethical performance of my District duties.

*** OPTIONAL DISCLOSURES ***

4) The following disclosures of other business interests, investments, and other matters are not required to be made by law, but are made with the intent to more fully disclose other interests that may be deemed relevant to the administration of public duties, or in furtherance of my intent to provide a more complete disclosure of my economic or personal activities, or for other reasons:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
Note:
You are encouraged to consult with the Service Area’s legal counsel or private legal
counsel if you have any questions about filling out this Disclosure. Please note that the
Service Area’s legal counsel only represents the Service Area and does represent
individual officers or employees of the Service Area.

DATED THIS _______ DAY OF __________________ [year]
By: ________________________________
Title/Office: ________________________________
Witnessed by: ________________________________
THIS _______ DAY OF __________________ [year]
RESOLUTION NO. 2023 – 04

A RESOLUTION ADOPTING AN ETHICS POLICY, AN ETHICS PLEDGE, A CONFLICTS OF INTEREST POLICY, AND A CONFLICTS OF INTEREST PLEDGE

WHEREAS, Summit County Service Area #3 (the “Service Area”) is a Utah service area and political subdivision, existing under any by virtue of the provisions of the Service Area Act, Section 17B-2a-901, et seq. of the Utah Code; and

WHEREAS, the Auditor for the State of Utah has recommended that political subdivisions of the State of Utah adopt certain polices and forms to guard against conflicts of interest and ethics violations; and

WHEREAS, to comply with the Auditor’s recommendations, the Service Area’s staff have prepared the following attached documents based on forms developed by the Auditor: (1) an ethics policy; (2) an ethics pledge; (3) a conflicts of interest policy; and (4) a conflicts of interest pledge; and

WHEREAS, the Service Area’s legal counsel has reviewed the policies and forms and approved them as to form.

NOW, THEREFORE, be it RESOLVED by the Board of Trustees of the Summit County Service Area #3 (the “Board”) that, effective immediately:

1. The attached polices and forms are approved and adopted; and

2. Service Area Board members and Service Area employees are hereby required to complete and sign the ethics pledge and the conflicts of interest disclosure form each calendar year, and to file the executed documents with the General Manager; and

3. The ethics pledge and conflicts of interest policy repeal and replace any conflicting portion of any other Service Area regulation or policy and shall govern in the event of any such conflict.

[execution on following page]
ADOPTED AND APPROVED by majority vote at a duly called meeting of the Board of Trustees of Summit County Service Area #3 on this 18th day of April 2023.

SUMMIT COUNTY SERVICE AREA NO. 3

____________________________________
Paul Kraus, Chair
Board of Trustees

ATTEST:

____________________________
Henry Adams, Board Clerk

VOTING
Trustee Adams voting       _____
Trustee Carpenter voting   _____
Trustee Daniells voting    _____
Trustee Elbert voting      _____
Trustee Kraus             _____
Trustee Sharp voting      _____
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*Escrow accounts not in grand total
Section 4

Operations Manager

April 18, 2023
Section 5

Roads and Trails
### ENGINEER’S OPINION OF PROBABLE COSTS

Summit County Service Area #3 2023 Roadway and Trail Improvements

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<th>DESCRIPTION</th>
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<th>UNIT PRICE</th>
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</table>

**Notes:**

1. Roadway improvements cover approximately 50,000 square feet or 1/2 mile of 20’ wide road
2. With budget available could cover about 3/4 of a mile
3. Areas to apply roadway improvements:
4. Silver Creek Rd North of County Project (1000 ft), Silver Creek Rd Crescent Dr to Pace (1000 ft)
5. Identify best 1500’ where traffic is heavy and road is damaged
6. 
7. 
8. 

4/17/2023
Section 6

Water
SUMMIT COUNTY SERVICE AREA #3

RESOLUTION NO. 2023-03

REVISING REGULATION #2021-05 REGARDING WATER USE EXACTIONS, ACCESSORY DWELLING UNITS, AND MAKING CONFORMING EDITS

WHEREAS, Summit County Service Area #3 (the “Service Area”) was established to provide culinary water service to certain properties within the Silver Creek Estates Subdivision, among other responsibilities; and

WHEREAS, the Utah Legislature recently passed S.B. 158, which makes changes to the process public water suppliers like the Service Area must follow when requiring culinary water dedications; and

WHEREAS, S.B. 158 requires public water suppliers to: (1) base water dedications on the system-wide minimum sizing standards the Utah Division of Drinking Water establishes for their systems; and (2) apply lower dedication amounts for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for similar land uses within the public water supplier’s service area; and

WHEREAS, S.B. 158 also includes an exemption (the “Exemption”) that allows public water suppliers to approve dedications for water amounts that are less than what the Utah Division of Drinking Water’s system-wide minimum sizing standards would otherwise require if the public water supplier determines that “there is good cause to do so;” and

WHEREAS, the Board of Trustees (“Board”) desires to amend its water service regulation to conform with S.B. 158; and

WHEREAS, given the limited amount of water available in the Snyderville Basin where the Service Area is located, the Board is concerned that the Exemption will insert a level of subjectivity that will result in disparate treatment of similarly situated constituents and result in water dedications that are insufficient to meet the Service Area’s current and future water needs, and, a result, the Board desires to amend its water service regulation to prohibit the use of the Exemption for water dedications; and

WHEREAS, the Board also desires to update the water service regulation to account for recent legislation regarding accessory dwelling units; namely: (1) H.B. 82, which the Utah Legislature enacted in 2021 to designate internal accessory dwelling units as a permitted use in any area zoned primarily for residential use, such as Silver Creek Estates; and S.B. 174, which the Utah Legislature passed in 2023 to provide that internal accessory dwelling units also encompass habitable spaces located within a garage if the garage is connected to the primary dwelling by a common wall; and
WHEREAS, the Service Area’s Board of Trustees desires to amend its water service regulations to conform to include a definition of accessory dwelling unit that uses terminology that is similar to and otherwise conforms with H.B. 82 and S.B. 174, as well as Summit County’s definition as found in Section 10-8-5(A) of the Summit County Code, or applicable successor statutes and ordinances.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees that:

1. The Board finds that the Utah Division of Drinking Water has not yet established system-wide minimum sizing standards for the Service Area’s system, but the Board nevertheless directs the Service Area’s water operator, engineer, and attorney to review such standards when they become available and provide recommendations to the Board as to whether additional revisions to the Service Area’s water service regulations are required.

2. The Board finds that the Service Area’s engineer and attorney have reviewed the Service Area’s water dedication amounts and have determined that such amounts comply with S.B. 158 because the amounts are based on the most recent data available to the Service Area and allow for lower dedication amounts for developments with lower water use (e.g., accessory dwelling units); and

3. The relevant portions of Service Area Regulation 2021-05 are revised pursuant to Attachment A, which repeals and replaces any conflicting water regulation or policy of the Service Area.

4. Pursuant to Utah Code 17B-1-120(2)(iv), as amended by S.B. 158, the Service Area’s general manager is directed to work with the Service Area engineer to post the methodology the Service Area used to develop its water dedication requirements to the service Area’s website.

5. The Board directs the Service Area staff to create and implement any policies, forms, templates, or other documents needed to implement this regulation.

6. This regulation will go into effect on May 3, 2023.
ADOPTED AND APPROVED by majority vote at a duly called meeting of the Board of Trustees on this _____ day of ________, 2023.

SUMMIT COUNTY SERVICE AREA NO. 3

_____________________________________
Paul Kraus, Chair

ATTEST:

____________________________
Henry Adams, Board Clerk

VOTING

Henry Adams voting
Suzanne Carpenter voting
Lori Daniells voting
Larry Elbert voting
Paul Kraus voting
Scott Sharp voting
VACANT N/A
ATTACHMENT A

Revisions to Summit County Service Area #3
Water Service Policy

Service Area Regulation #2021-05 is revised and replaced as follows:

1. Section 1.0 is amended and renumbered to read as follows (revisions in bold and underline):

1.1 Accessory Dwelling Unit. Accessory Unit is defined the same as the definition codified in Summit County Code § 10-8-5 (A) but excludes a primary dwelling unit that exceeds 1,000 square feet.

1.2 Allotment. A portion of the water rights owned by the Service Area that has been approved by the Utah Division of Water Rights to serve a platted lot located within the Service Area and entitles the owner of such a lot to receive water service from the Service Area, either through the Service Area’s water system or through an individual well pursuant to the Service Area’s rules and regulations.

1.3 Applicant. A party owning real property within the Service Area who is seeking to connect the property to the Service Area’s water system or who is seeking permission to divert an allotment from an individual well located on the party’s property.

1.4 Approved Backflow Assembly. A backflow assembly approved by the Utah Division of Drinking Water, as meeting an applicable specification or as suitable for the proposed use.

1.5 Back-pressure. The flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

1.6 Back-siphonage. The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.

1.7 Backflow. The reversal of the normal flow of water caused by either back-pressure or back-siphonage.

1.8 Backflow Prevention Assembly. An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Utah Plumbing Code, Chapter 6 and the Cross Connection Control Program of Utah. All backflow
prevention assemblies must be approved by the Utah Division of Drinking Water prior to installation. A listing of these approved backflow prevention assemblies may be found in the Cross Connection Control Program for Utah.

1.9 Board. The Board of Trustees of the Service Area.

1.10 Capital Improvement Reserve Fund. A reserve fund for capital improvements which is funded from revenues provided by water sales, connection fees, or special assessments arising from water service to properties connecting to the system.

1.11 Commitment-of-Service-Letters or Start Card. A letter issued by the Service Area to Summit County under Section 4.5 on behalf of an applicant, indicating the Service Area's willingness and capability to provide water distribution services through its water system to the applicant's property as a precondition to Summit County's issuance of a building permit. This letter will be issued in a form and manner that is consistent and compliant with the applicable Summit County concurrency regulations.

1.12 Contamination. An impairment of the drinking water quality of the potable water supply by any physical or chemical change in water or by sewage, industrial fluids or waste liquids, irrigation or other non-potable water, compounds or other materials to a degree which creates a violation of primary and/or secondary drinking water standards or an actual or potential hazard to the public health through poisoning or through the spread of disease.

1.13 Cross Connection. Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other of which contains water from a non-Service Area source or non-potable water or storage tanks or reservoirs of questionable safety, through which, or because of which, backflow may occur into the potable water system, including any temporary connections such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multiport tubes.

1.14 Cross Connection—Containment. The installation of an approved backflow assembly at the water service connection to any premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the owner's water system, or the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of an owner's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection.

1.15 Cross Connection—Controlled. A connection between a potable water system and water from a non-Service Area source or a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford protection from contamination to the public water supply.
1.16 **Customer.** The owner of an existing residential or nonresidential structure or property that is connected to the water distribution system for the purpose of receiving retail water service from the Service Area.

1.17 **Dedicator.** A party owning real property within the Service Area applying for permission to dedicate water rights to the Service Area pursuant to Section 16.

1.18 **Distribution Mains.** The Service Area water pipes in the roads and other easements, including the main transmission lines to which an individual service line is connected for the purpose of receiving water distribution services.

1.19 **Dry Lot.** A platted lot within the Service Area that lacks an allotment or is otherwise unable to connect to the Service Area’s water system or use the Service Area’s water rights.

1.20 **General Manager.** The Service Area General Manager is an individual who may be an employee or contract agent of the Service Area who is vested with the authority and responsibility for the administration of the Service Area and its regulations.

1.21 **Individual/Private Well.** Privately owned wells that are authorized to divert water rights that are owned by the Service or privately owned water rights and approved for use on individual lots by the Utah State Engineer.

1.22 **Lower Lots.** Those lots located in Plats D, E, F, G, H, and I of Silver Creek Estates.

1.23 **Non-Residential Water Service.** The sale of water through the Service Area’s water system for any use that does not qualify as residential water service under Section 1.25.

1.24 **Owner or Lot Owner.** The record owner of a platted lot within the Service Area.

1.25 **Primary Dwelling Unit.** Means the same as a “primary dwelling” as defined in Utah Code § 10-9a-530 or applicable successor statute.

1.26 **Regulation.** This Water Service Regulation.

1.27 **Residential Water Service or Residential Water Use.** The sale and use of water through the Service Area’s water system to single family homes, including single family homes with one authorized accessory dwelling unit but excluding duplexes, triplexes, apartment buildings, and any and all other forms of multifamily units.

1.28 **Service Area.** Summit County Service Area #3, a local district of the State of Utah created by Summit County and a political subdivision of the State of Utah.

1.29 **Service Area Water System, Water System, or System.** The primary water storage transmission lines, wells, pump stations, and other off-site water system improvements and
appurtenant facilities owned by the Service Area to develop, transport, and distribute water to individual customers within Service Area boundaries.

1.30 **Service Lines/Water Laterals.** The water service pipe from the Service Area system that provides water to a customer. The service line and Backflow Prevention Assembly is the property of the customer. The customer is responsible for the maintenance of the service line and backflow prevention assembly. A service line is also known as a water lateral.

1.31 **Standby Maintenance Fee.** A fee imposed upon the owner of the property which can be served by the Service Area, not connected to the system, to partially offset the cost of maintaining water distribution system capacity for a property to receive water services upon connection.

1.32 **Theft of Service.** Any unauthorized connection to the Service Area's water system or where water service is obtained by deception, threat, force, or any other means knowingly designed to avoid the due payment for the services. Theft of service will be criminally prosecuted. Under state law, criminal penalties for theft of service can range from a class B misdemeanor to a third-degree felony, depending upon the amount of the theft as designated in state law.

1.33 **Unmetered Water Usage.** Water usage that is not measured through a meter, including but not limited to; inoperative meter, bypassed meter, fire hydrant water, irrigation connected to the water system before the meter, and/or a meter that has been tampered with or otherwise bypassed. The Service Area reserves the right to estimate and collect for loss of revenue due to unmetered water usage whether deemed willful or not.

1.34 **Upper Lots.** Lots located in Plats A, B, and C of Silver Creek Estates.

1.35 **Water Operator.** The Service Area Water Operator is an individual who may be an employee or contract agent of the Service Area who is vested with the authority and responsibility for operating the Service Area’s water system and its water rights and for taking those actions authorized by this Regulation.

1.36 **Xeriscape Landscaping.** Landscaping method that utilizes drought-tolerant plants, excluding grass or turf; mulch and drip irrigation; and other water-conservation techniques.

2. **Section 4.4.1.1(1) is amended to read as follows (changes in strikethrough and underline):**

   Domestic: Water diversions for a **primary residence** will be evaluated at 0.540 acre-feet per residence, including all indoor culinary uses and up to 0.15 acres of outdoor irrigation.

3. **Section 4.4.1.1(3) is amended to read as follows:**

   (3) **Accessory Dwelling Units (indoor use only):** Water diversions for an accessory
A dwelling unit will be evaluated at 0.21 acre-feet per unit.

4. The footnote to Section 4.4.1.1(3) is amended to read:

The Division’s 0.25 acre-foot per family duty for seasonal or recreational domestic use is the most applicable estimate for accessory dwelling units based on the Service Area’s most recent and available water usage data over the preceding five (5) years.

5. Section 4.4.6 is added to the Water Service Regulation:

4.4.6 The Service Area will not impose an exaction for culinary water use that is less than any system-wide minimum sizing standards that the Division of Drinking Water may establish for the Service Area pursuant to Utah Code 19-4-114 or applicable successor statute.
NOTICE OF NON-COMPLIANCE

To be Recorded Against the Following Property:

- Summit County Parcel No. [number]
- Lot No. _____ Unit _____ of _______________ Subdivision
- More particularly described as [insert legal description]

This Notice of Non-Compliance serves to provide public notice that the above property (the “Property”) is the location of a privately owned well (the “Well”) that diverts water rights owned by Summit County Service Area #3 (the “Service Area”); namely, [insert water right number and change application] (the “Water Right”). The Utah Division of Water Rights authorized the Well to divert the Water Right via a memorandum decision dated [insert date] subject to the installation of a totalizing meter. Utah Code § 73-5-4 also requires a meter for the Well to divert the Water Right and Section § 13.3 of Service Area Regulation #2021-05 (the “Regulation”) conditions the ability of privately owned wells to divert Service Area water rights on compliance with additional metering requirements.

As of the date of this notice, no totalizing meter has been installed in compliance with the above legal requirements. A totalizing meter conforming with the requirements of the Regulation must be installed on the Property’s private water well to comply with Utah law and the Service Area’s requirements. Failure to install a compliant meter may result in the Service Area revoking its authorization for the Well to divert the Water Right. Moreover, if the Property sells without a compliant meter, the Service Area will assess a $10,000 fee against the seller of the Property to cover the costs of installing a Meter. If a property is transferred without the Service Area’s knowledge and/or without the knowledge of the Service Area so that the Service Area is unable to assess the $10,000 fee against the seller of the Property, the Service Area will assess a $5,000 fee against the buyer.

Summit County Service Area No. 3

________________________
John O’Brien, General Manager

________________________
Date
Acknowledgement

State of Utah  )
County of Summit  )

On this ___ day of ________ 2023, John O’Brien, acting in his authorized capacity as General Manager of Summit County Service Area No. 3, personally appeared before me, whose identity has been proven on the basis of satisfactory evidence, and after being duly sworn acknowledges that he executed the foregoing Notice of Non-Compliance, for the purposes stated therein, of his own voluntary will and act.

My Commission Expires: __________________________  Residing at: __________________________

[notary seal]
April 18, 2023

[Property Owner Name]
[Address]
[City, State Zip]

Sent via certified mail

Re: Notification of Filing of Non-Compliance and Requirement to Install Totalizing Water Meter

Dear [Mr./Ms./Mr. and Mrs.],

Please be advised that Summit County Service Area No. 3 (the “Service Area”) has filed the enclosed Notice of Non-Compliance (Exhibit A) with the Summit County Recorder (“Non-Compliance Notice”) indicating your non-compliance with the requirement to install a totalizing meter on your water well. According to the Service Area’s records, you are diverting water rights that are owned by the Service Area, but you have not yet installed a meter on your well.

On [insert date], the Utah Division of Water Rights issued a memorandum decision (Exhibit B) authorizing your well to divert water right [insert number and application number], which the Service Area owns. The Division’s authorization was conditioned upon the installation of a totalizing meter to ensure compliance with Utah Code § 73-5-4. Section 13.1 of Service Area Regulation 2021-05 (“Regulation”) also contains additional metering requirements that must be satisfied for you to continue diverting Service Area water rights.

The Service Area has reached out multiple times regarding your obligation to install a totalizing water meter. You were first notified of this requirement in November 2019, August 2021 and then again in July 2022. Notwithstanding these Prior Notices, the Service Area has not received a response from you confirming that you have installed or will install a totalizing meter. Failure to comply with this requirement constitutes a violation of Utah law and the Service Area’s metering requirements outlined in the Regulation and thereby subjects you to various fines and penalties.

Because you have not yet installed a meter on your well and have failed to respond to our Prior Notices regarding this issue the Service Area has recorded the enclosed Non-Compliance Notice with the Summit County Recorder against your property. This Non-Compliance Notice explains that your well is not properly metered and will need to be metered prior to selling the
property. If you sell your property without a meter the Service Area will assess a $10,000 fee against to cover its costs for installing a meter.\(^1\)

Additionally, you must contact the Service Area at [insert contact information] within 45 days of the date of this letter to begin the process of installing a meter. If you fail or neglect to do so, the Service Area will record a second notice on your property revoking its authorization for your well to divert and use the Service Area’s water rights. Further use of the Service Area’s water rights after this second notice is filed will constitute theft of service and may subject you to a $5,000 fine, as well as additional costs for you to resume use after you install a compliant meter, including a $1500 resumption of disconnect service charge.

The Service Area hopes to hear from you within the next 45 days so that it can avoid the need to record the second notice and the need to impose any of the above fees. Nevertheless, as stated in the Prior Notices, Utah law obligates you to install and maintain an appropriate metering device on your well.\(^2\) The Water Service Regulation (\#2021-05) likewise imposes the same obligation: “The totalizing meter will be installed in the water line extending from the well . . . such as a freeze-free hydrant for outdoor water use, and will be located in a manner where it can be read by the Service Area and within four (4) feet of the well head, where possible.” Water Service Regulation § 13.3.1 (emphasis added).

In other words, well owners using Service Area water rights must install the meter within a below grade vault in immediate vicinity of the well head. (See Diagram Instructions for Typical 1” Meter Vault Requirement for Private Wells, attached as Exhibit C). Additionally, the meter must be capable of providing an electronically transmitted reading compatible with the Service Area’s meter reading system. The meter and installation require final inspection and approval by the Service Area’s Water Manager. See Water Service Regulation § 13.3.1. To ensure installation and inspection of the totalizing meter, a “Well Metering Security Deposit” of $2,500.00 must likewise be submitted. See id.

The Service Area would like to work with the community to facilitate compliance with the totalizing meter requirement. If you have questions, please contact the Service Area office. Thank you for your time, consideration, and careful attention to this issue.

Sincerely,

Summit County Service Area No. 3

\(^1\) The Service Area’s fee schedule is available here: https://www.summitcounty.org/DocumentCenter/View/21320/Rate-and-Fee-Schedule-2023-.
\(^2\) See Utah Code Ann. § 73-5-4(1) (“To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state . . . shall construct or install and maintain controlling works and a measuring device at: (a) each location where water is diverted from a source; and (b) any other location required by the state engineer.”) (emphasis added).
John O’Brien
General Manager
Closed Session
Adjournment

Next scheduled meeting
May 16, 2023