MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, MARCH 25, 2020
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT: (Connected via zoom.us)

Doug Clyde, Council Chair
Glenn Wright, Council Vice-Chair
Chris Robinson, Council Member
Kim Carson, Council Member
Roger Armstrong, Council Member

Tom Fisher, Manager
Janna Young, Deputy Manager
Dave Thomas, Chief Civil Deputy
Margaret Olson, Attorney
Kent Jones, Clerk

Emergency Meeting Format
Anchor location Sheldon Richins Building, 1885 West Ute Blvd, Park City, UT 84098
(All times listed are general in nature, and are subject to change by the Council Chair)

To view Council meeting, live, visit the “Summit County, Utah” Facebook page 3:45 p.m.
OR
To participate in Council meeting: Join Zoom Meeting at https://zoom.us/j/279421350
OR
To listen by phone only: Dial 1-301-715-8592, Meeting ID: 279-421-350
We appreciate your patience and understanding, as we are all getting used to this electronic meeting format

The Council was called to order via electronic means at 1:15 p.m.

Closed Session – Security

Council Member Wright made a motion to convene in closed session to discuss security. The motion was seconded by Council Member Carson and passed unanimously, 5 to 0.

The Summit County Council met in closed session from 1:19 p.m. to 3:55 p.m. to discuss security. Those in attendance were:

Roger Armstrong, Council Chair
Doug Clyde, Council Vice-Chair
Chris Robinson, Council Member
Kim Carson, Council Member
Glenn Wright, Council Member

Tom Fisher, Manager
Janna Young, Deputy Manager
Dave Thomas, Chief Civil Deputy
Margaret Olson, Attorney
Helen Strachan, Deputy Attorney
Annette Singleton, Executive Assistant
Rich Bullough, Health Director
Kay Richins  Chris Cherniak  Doug Evans  Marc Watterson
Chris Ure  Dorothy Adams  Ilyssa Golding

Council Member Wright made a motion to leave session to discuss security and convene in open session. Council Member Carson seconded and all voted in favor, 5-0.

Work Session continued

Pledge of Allegiance

Consideration of approval

Discussion and possible adoption of Joint Public Health Order 2020-03, In the matter of: COVID-19 Pandemic within Summit County; Dave Thomas

The Council will consider adoption of a Joint Public Health Order regarding the COVID-19 Pandemic. In recent discussions with the Health Director, County Staff, and Mayors of all County Municipalities, they feel it important to the health and well-being of all County citizens to take further action. Chair Clyde asked Dave Thomas, Chief Civil Deputy Attorney, to summarize the proposed Health Order. He reviewed the following information.
The structure of the Order works as follows:

Everyone is to stay at home in their residences and avoid travel, but can participate in Essential Activities (i.e., medical appointments, obtain necessary services and supplies, delivering necessary services and supplies to others, shopping for food, medicines and household supplies, picking up material for working at home, caring for family members or pet, exercising outside – walking, hiking, running, accessing Essential Government Functions) and Essential Travel (doing the Essential Activities or going to work at Essential Businesses, Essential Government Functions or Essential Infrastructure). When outside, do not congregate in groups and maintain Social Distancing.

All Businesses which have a centralized facility, where employees congregate or customers come, in the County are to close that facility to normal operations. Businesses may remain open to teleworking (working from home). All businesses are allowed to continue Minimum Basic Operations on the site of the facility, which include the minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions which allows their workforce to continue to work remotely (such as IT). In other words, a skeleton staff; no customers or clients.

However, there are categories of exempt businesses and entities from the Order: Essential Government Functions, Essential Infrastructure, and Essential Businesses. Those exempted businesses and entities are strongly encouraged to work through the pandemic at their facilities, fully staffed, and open for business. They are cautioned to use Social Distancing.

Social Distancing means: maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Essential Travel means: travel related to the provision of or access to Essential Activities, Essential Government Functions, Essential Businesses, Essential Infrastructure, or Minimum Basic Operations. Additionally,

- Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
- Travel required by law enforcement or court order; and
- Travel required for non-residents to return to their place of residence outside the County.

All Public and Private Gatherings of any number of people are Prohibited. Exception: members of the same household or living unit; or Essential Government Functions, Essential Businesses or Essential Infrastructure. All should practice Social Distancing.
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<thead>
<tr>
<th>Essential Businesses</th>
<th>Essential Infrastructure</th>
<th>Essential Government Functions</th>
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<tbody>
<tr>
<td>Hospitals</td>
<td>Public Works Construction</td>
<td>Law Enforcement</td>
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<td>Medical Clinics</td>
<td>Water Utilities</td>
<td>Fire</td>
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<td>Dentists*</td>
<td>Sewer Utilities</td>
<td>Public Health</td>
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<td>Pharmacies</td>
<td>Electrical Power Utilities</td>
<td>Core Governmental Functions</td>
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<td>Physical Therapy Clinics and Services*</td>
<td>Natural Gas Utilities</td>
<td>Courts</td>
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<td>Pharmaceutical and Biotechnology companies</td>
<td>Residential and Commercial Construction*</td>
<td>Landfills</td>
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<td>Healthcare Facilities</td>
<td>Airport Operations</td>
<td>Emergency Management</td>
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<td>Healthcare Suppliers</td>
<td>Oil Refining</td>
<td>Dispatchers</td>
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<td>Home Healthcare Service Providers</td>
<td>Roads &amp; Highways</td>
<td>Mosquito Abatement</td>
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<td>Mental Health Providers</td>
<td>Public Transportation</td>
<td>Cemeteries</td>
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<td>Veterinary care</td>
<td>Railroads</td>
<td>National Security Services</td>
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<td>Grocery Stores</td>
<td>Solid Waste Collection &amp; Removal</td>
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<td>Supermarkets</td>
<td>Internet Service Providers</td>
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<td>Convenience Stores</td>
<td>Telecommunications Systems and Providers</td>
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<td>Food Banks</td>
<td>Trucking Companies who deliver supplies to Essential Businesses, Essential Infrastructure, or Essential Governmental Functions</td>
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<td>Food Retailer (includes pet food)</td>
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<td>Household Consumer Products Retailer</td>
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<td>Food Cultivation: Farming, Ranching, and Fishing</td>
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<td>Businesses providing food, shelter and social services to the poor</td>
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<td>Media: TV, Radio, Newspapers</td>
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<td>Gas Stations</td>
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<td>Banks and related financial institutions</td>
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<td>Hardware Stores</td>
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<td>Plumbers, Electricians, Exterminators, and other service providers that are necessary to maintain safe,</td>
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<td>Mailing or Shipping Services</td>
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<td>Educational Institutions</td>
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<td>Laundromats</td>
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<td>Dry Cleaners</td>
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<td>Laundry Services</td>
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<td>Restaurants (curbside and drive-thru only)*</td>
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<td>Businesses that supply products needed for people to work from home</td>
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<td>Businesses that supply other Essential Businesses, Essential Infrastructure, or Essential Governmental Functions with the support or supplies necessary to operate</td>
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<td>Business that existed on March 12, 2020, which had as part of their approved local and state permits on that date, the shipment or delivery of groceries, food, goods or services directly to residences.*</td>
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<td>Private Transportation Services</td>
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<td>Home-based care for seniors, adults, or children</td>
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<td>Residential facilities and shelters for seniors, adults and children</td>
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<td>Legal Services</td>
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<td>Accounting Services</td>
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<td>Child Day Care Centers and Facilities*</td>
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*Limitations and Restrictions in Public Health Order 2020-01 and Public Health Order 2020-02 still apply.*
Hotels and Lodging:

Hotel and Lodging are treated like residences under Section 7(l) of the Order. There is a recognition that there are existing guests at these facilities. There is also a recognition that many of these facilities are owner occupied condos (condo hotels). Notwithstanding such, Section 8 of the Order provides as follows:

**Visitors.** Visitors to Summit County are directed to return home immediately upon the issuance of this Order, no later than April 1, 2020, by the fastest and safest available means, and persons considering visiting Summit County should remain home. Although non-resident homeowners are expressly exempt from this Section, non-resident homeowners are strongly encouraged to leave or not travel to Summit County. Non-resident homeowners should know and be advised that the local infrastructure, especially the health care infrastructure, is not equipped for an influx of part-time residents in a time of global pandemic.

Hotels and Lodging businesses are not exempt under the Order, but since hotel rooms and suites are treated like residences, the guests are expected to stay in their rooms until they leave on or before April 1st. There may be owner occupied condos left. Again, they are treated like residences and are expected to stay at their unit, subject to the Essential Activities and other exemptions. Hotels and Lodging businesses will implement Minimum Basic Operations, which may include continuing to service those guests or owners remaining in the hotel or lodging. The services should be scaled back to the minimum necessary under the circumstances, which could include housekeeping, security, room service, etc.

Council Member Carson expressed deep appreciation for the support and dedicated staff from all departments to gather data and formulate this order. She emphasized this is not taken lightly by the Council but feels it the most important thing to do for the residents and workers. She also stated all Mayors are supportive of this order.

Council Member Wright agreed with those comments. He stated this would apply to the entire County because of the seriousness and risk of spread and exposure.

Council Member Armstrong stressed that they understand many will be substantially affected, but the safety and health of everyone is the first concern and recommended actions from the Health Director by implementation will keep the number of cases down.

Council Member Robinson agrees with what has been stated. The Order has been carefully crafted to allow essential functions to continue while reducing the risk. He supports adoption.

Chair Clyde stated the Council was completely engaged at all levels of communication that included mayors from all County Municipalities because of the critical nature and potential risk to all. He encouraged all citizens to comply with the Order as outlined.

Council Member Wright made a motion to approve Joint Public Heath Order 2020-03, In the matter of: COVID-19 Pandemic within Summit County as presented with Council Member Armstrong seconding and all voting in favor, 5-0.
SUMMIT COUNTY COUNCIL AND ITS BOARD OF HEALTH
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

In the matter of:

COVID-19 Pandemic within Summit County

JOINT PUBLIC HEALTH ORDER
STAY-AT-HOME

Order No.: 2020-03

Date: March 25, 2020

Legal Authority: Utah Code §26A-1-114
Utah Code §17-50-302(1)(a)(ii)
Summit County Code §4-5-6(A)

On March 12, 2020, the Summit County Health Officer (the “SCHO”) issued his Declaration of Local Public Health Emergency with regard to the COVID-19 (Coronavirus) pandemic.

On that same date, the Summit County Manager (the “Manager”) made his Declaration of Local Emergency.

The SCHO issued his Public Health Order 2020-01 on March 15, 2020, closing recreational resorts, as well as movie, cinematic, and live performance theaters and venues, and imposing limitations on restaurants, bars, taverns, and lodging.

On March 16, 2020, President Trump and the White House Coronavirus Task Force issued guidelines to help protect Americans during the global COVID-19 outbreak, which guidelines included social distancing practices and avoiding gatherings of over ten (10) individuals.

On that same date, the Health Officer of the City and County of San Francisco, California, issued his Order No. C19-07 directing individuals within his jurisdiction to shelter-in-place from March 17, 2020 to April 7, 2020 for the express intent of preventing the spread of COVID-19. California has the third highest confirmed cases of the virus in the United States.
On March 17, 2020, Joseph K. Miner, MD, the Executive Director of the Utah Department of Health, issued his State Public Health Order, which restricted certain businesses and gatherings of over ten (10) individuals.

On March 18, 2020, the Governor of New York issued his Executive Order No. 202.6, which ordered all non-essential businesses within the State of New York to decrease their on-site workforces by 50% from March 20, 2020 to April 17, 2020, so as to prevent the spread of COVID-19. New York is the epicenter of the spread of COVID-19 in the United States; having the vast majority of confirmed cases of any state and the most deaths.

On March 21, 2020, the Health Officer of Los Angeles County, California, issued his Safer at Home Order for Control of COVID-19, which prohibits all public and private gatherings, and closed all non-essential businesses from March 21, 2020 to April 19, 2020.

On the same date, Dr. Miner issued a new State Public Health Order which superseded his previous order; providing additional guidelines for the prevention of the spread of COVID-19.

On March 23, 2020, the SCHO issued Public Health Order 2020-02, which placed further restrictions on businesses and public gatherings.

On that same date, the Governor of the State of Washington ordered a statewide shelter-in-place for two weeks. Washington has the second highest number of deaths from COVID-19 in the United States.

On that same date, the Public Health Director of Pitkin County, Colorado, issued his Standing Public Health Order which directed that residents stay-at-home until April 17, 2020. That order also directed that all visitors to Pitkin County return home immediately by the fastest and safest available means. Further, non-resident homeowners were strongly encouraged to leave or not travel to Pitkin County.

A recent study of COVID-19 infection rates among ski towns in the western United States shows that while the average confirmed cases per 100,000 residents in the United States is 16, ski towns have a significantly higher rate. For example, if ski town population is mathematically projected, the United States has 16 cases per 100,000 residents, Pitkin County has 100 cases per 100,000 residents, and Summit County has the highest rate of all ski towns at 196 cases per 100,000 residents.

Utah Code §26A-1-106(2) provides that “[r]egulations or standards relating to public health or environmental health services adopted or established by a local health department may not be less restrictive than [State Department of Health orders].”
Utah Code §26A-1-114(1)(e) empowers a local health department to “close theatres, schools, and other public places and prohibit gatherings of people when necessary to protect the public health.” It further empowers the local health department to “exercise physical control over property and over individuals as the local health department finds necessary for the protection of the public health” (Utah Code §26A-1-114(1)(b)), and to do so through the issuance of “notices and orders.” Utah Code §26A-1-114(1)(k).

The Manager has authority to issue curfew and evacuation orders, so long as they are deemed necessary for the preservation of life. Summit County Code ("SCC") §5-4-6(A)(4) & (6); §5-4-9. Any such order in excess of seven (7) days must be approved by the Summit County Council (the "Council"). SCC §5-4-6(A)(1).

Utah Code §17-50-302(1)(a)(ii) authorizes a county to “exercise a power, or perform a function that is reasonably related to the safety, health, morals, and welfare of county inhabitants, except as limited or prohibited by statute.”

As of March 26, 2020, the United States Centers for Disease Control and Prevention (the “CDC”) indicated that there are over 460,000 confirmed cases of COVID-19 worldwide with over 62,000 of those cases in the United States, including 346 in Utah, with 97 in Summit County.

Models suggest that if current conditions persist, assuming no further measures are enacted, the health care system within the State of Utah will reach maximum capacity within two weeks or less.

On March 25, 2020, the Utah Academy of Family Physicians called on state and local leaders to issue stay-at-home orders for every community to slow the spread of COVID-19 cases, stating “We are gravely concerned about the impact of COVID-19 on the public and on practicing family physicians providing primary care in Utah. We need to take these steps now to keep our health care system from breaking down under the strain of the coming surge . . . Urgent action is required if we are to keep primary care workforce protected and healthy enough to respond to his pandemic.”

Summit County (the “County”) with a population of 42,000 residents is the epicenter for COVID-19 in the State of Utah, having nearly a third of all Utah cases, as well as reporting the first case of community spread in the state. While data is ever emerging, the County’s rate of occurrence of confirmed COVID-19 cases generally rivals that of New York City and continues to grow exponentially. In fact, the County’s per capita rate is twenty times greater than the second most affected county, Salt Lake County.
The County’s unique position as both a major tourist destination and a large second home community adds to the public health risk, as non-residents have been sources of the COVID-19 spread within the County.

The County has an important and substantial interest in protecting the health of its citizens and visitors from the spread of the COVID-19 virus.

The SCHO, Council, and Manager jointly find that there is a continuing and immediate threat to the public health of County residents and visitors from the spread of the COVID-19 virus, which necessitates this Joint Public Health Order (this “Order”), which Order and its restrictions are no greater than necessary to carry out the purpose of preventing the spread of COVID-19 within the County.

This Order applies countywide, both to the unincorporated and incorporated portions of the County.

THEREFORE, PURSUANT TO UTAH CODE §26A-1-114, UTAH CODE §17-50-302, SUMMIT COUNTY CODE §5-4-6, AND SUMMIT COUNTY CODE OF HEALTH §1-1-10(b), BE IT HEREBY ORDERED BY RICHARD C. BULLOUGH, PHD, SUMMIT COUNTY HEALTH OFFICER, THE SUMMIT COUNTY COUNCIL, AND THOMAS C. FISHER, SUMMIT COUNTY MANAGER, IN CONSULTATION WITH THE SUMMIT COUNTY BOARD OF HEALTH, AS FOLLOWS:

Section 1. Purpose. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 7 below. All provisions of this Order should be interpreted to effectuate this intent.

Section 2. Stay-at-Home Order. All individuals currently living within Summit County, Utah (the “County”) are ordered to stay at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain Social Distancing Requirements when they are outside their residence. All persons may leave their residences only for “Essential Activities,” “Essential Governmental Functions,” “Essential Travel,” or to operate “Essential Businesses” (as all are defined in Section 7 below). Individuals experiencing homelessness are exempt from this Section (but should use COVID-19 risk mitigation practices).
Section 3.  **Business Closures.** All businesses with a facility in the County, except Essential Businesses (as defined below in Section 7), are required to cease all activities at facilities located within the County except “Minimum Basic Operations” (as defined in Section 7 below). For clarity, businesses may also continue operations so long as their employees or contractors are performing activities at their own residences (i.e., working from home) and customers are not entering their residences for such business activity. All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements, as defined in Section 7, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.

Section 4.  **Public and Private Gatherings Prohibited.** All public and private gatherings of any number of people are prohibited, but this restriction shall not apply to members of the same household or living unit, and excepting for the limited purposes as expressly permitted in Section 7. Nothing in this Order prohibits the gathering of members of a household or living unit.

Section 5.  **Travel Restrictions.** All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except “Essential Travel” and “Essential Activities” (as each is defined below in Section 7), is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work for the purpose of working at the Essential Businesses or maintaining Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 7 below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

Section 6.  **Evidentiary Basis of Restrictions.**

A.  This Order is issued based on evidence of the rapidly increasing occurrences of COVID-19 within the County, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, the unique position of the County as a major resort destination and second home community, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease,
and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable populations and to prevent the health care system from being overwhelmed, as the County has only a single hospital. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County.

B. This Order also is issued in light of the existence of 97 confirmed cases of COVID-19, as of March 26, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. Ski areas in the western United States, including the County, have a much higher rate of confirmed cases than the rest of the United States or other areas of Utah, which exacerbates the health risks to County residents. While Public Health Order 2020-01 required the closure of ski resorts in Summit County, it is likely that the virus accelerated its entry into the community prior to the closure and that undetected cases within Summit County remain unusually high for its population. This Order is necessary to slow the rate of spread.

Section 7. Definitions and Exemptions.

A. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members, such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running. Do not congregate in groups at trailheads, parks or recreational areas.

iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

v. To care for a family member or pet in another household.

B. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operation,” including hospitals, clinics, dentists, pharmacies, physical therapy clinics and services, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. Healthcare Operation also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise gyms and similar facilities. With respect to physical therapy clinics and services, the restrictions and limitations in Public Health Order 2020-02 shall continue to apply. Non-urgent medical, dental, and veterinary procedures are restricted per Utah Department of Health orders.

C. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible. In residential and commercial construction and the regulation of construction sites, the restrictions and limitations in Public Health Order 2020-02 shall continue to apply.

D. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement
personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Governmental Functions means all services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

E. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

F. For the purposes of this Order, “Essential Businesses” means:

i. Healthcare Operations and Essential Infrastructure;

ii. Grocery stores, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

iii. Food cultivation, including farming, livestock, and fishing;

iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

v. Newspapers, television, radio, and other media services;

vi. Gas stations and auto-supply, auto-repair, and related facilities;

vii. Banks and related financial institutions;

viii. Hardware stores;

ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses.

Public Health Order 2020-02 as it pertains to construction sites shall apply;
x. Businesses providing mailing and shipping services, including post office boxes;

xi. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;

xii. Laundromats, dry cleaners, and laundry service providers;

xiii. Restaurants and other facilities that prepare and serve food, but only for curbside pick-up and drive-thru service. The provisions of Public Health Order 2020-01, as it applies to restaurants, bars, and taverns shall continue to apply. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

xiv. Businesses that supply products needed for people to work from home;

xv. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;

xvi. Businesses that existed on March 12, 2020, which had as part of their local and state permits on that date, the shipment or delivery of groceries, food, goods or services directly to residences. Third-party food delivery services, as set forth in Public Health Order 2020-01, continue to be prohibited;

xvii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

xviii. Home-based care for seniors, adults, or children;

xix. Residential facilities and shelters for seniors, adults, and children;

xx. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
xxi. Child day care centers and facilities providing services that enable employees exempted in this Order to work as permitted. The restrictions and limitations in Public Health Order 2020-02 shall continue to apply.

G. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.

ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

H. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.

ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

iv. Travel to return to a place of residence from outside the jurisdiction.

v. Travel required by law enforcement or court order.

vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

I. For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.

J. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or
using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Section 8. **Visitors.** Visitors to Summit County are directed to return home immediately upon the issuance of this Order, no later than April 1, 2020, by the fastest and safest available means, and persons considering visiting Summit County should remain home. Although non-resident homeowners are expressly exempt from this Section, non-resident homeowners are strongly encouraged to leave or not travel to Summit County. Non-resident homeowners should know and be advised that the local infrastructure, especially the health care infrastructure, is not equipped for an influx of part-time residents in a time of global pandemic.

Section 9. **Conflicts.** Except as set forth in this Order, Public Health Order 2020-01 and Public Health Order 2020-02 shall remain in full force and effect, and unamended. In the event of any conflict between this Order and Public Health Order 2020-01 or Public Health Order 2020-02, this Order shall control.

Section 10. **Effective Date; Duration.** This Order shall become effective at 12:01 a.m. on March 27, 2020, and will continue to be in effect until 11:59 p.m. on May 1, 2020, or until it is extended, rescinded, superseded, or amended in writing. This Order shall re-evaluated in fourteen (14) calendar days.

Section 11. **Publication.** This Order shall be on file for public inspection with the Summit County Clerk and the Summit County Health Department.

Section 12. **Enforcement.** The County Sheriff and Chiefs of Police within the County are directed to ensure compliance with and enforce this Order. Notwithstanding such, the purpose of this Order is to protect individuals’ health and not to hold them criminally liable. Discretion will be used in the citing and prosecution of violations of this Order.
ORDERED, APPROVED, ADOPTED, and PASSED, and published, this 25th day of March, 2020.

ATTEST:

[Signature]

Kent Jones
Summit County Clerk

APPROVED AS TO FORM

[Signature]

Margaret H. Olson
Summit County Attorney

SUMMIT COUNTY COUNCIL

[Signature]

Doug Clyde, Chair

VOTING OF COUNTY COUNCIL:

Councilmember Carson     Yes
Councilmember Robinson    Yes
Councilmember Clyde       Yes
Councilmember Armstrong   Yes
Councilmember Wright      Yes
2020 legislative session wrap-up: Janna Young, Kim Carson, and Jami Brackin

Council Member Carson, Janna Young, Deputy Manager, and Jami Brackin, Deputy Attorney, gave an update of the 2020 legislative session and reviewed bills that will become law. The following information was presented.
STAFF REPORT

To: Summit County Council
From: Janna Young, Deputy County Manager
Date of Meeting: March 25, 2020
Type of Item: 2020 State Legislative Session Wrap-up
Process: Work Session

Requested Council Action
None.

Background
The Utah State Legislature met in general session from January 27, 2020 through, March 12, 2020. During these 45 days, Summit County's internal legislative working group tracked activity at the State Capitol and provided updates to the County Council.

The County's legislative working group is comprised of the County Assessor, Auditor, Clerk, (2) Councilmembers, Recorder, Treasurer, Health Department Director, Chief Financial Officer, Community Development Director, Economic Development Director, Transportation Planning Director, County Manager, Deputy County Manager, and representatives from the County Attorney's Office and Sheriff's Office.

During the legislative session, this group met weekly to monitor bills, share information, decide county positions on legislation, and participate in Utah Association of County's (UAC) weekly policy coordinating meetings. We also worked closely with the county's House and Senate members and the county's lobbyist on issues, attended committee meetings, occasionally testified before committees and updated the County Council on these activities, confirming county positions on bills.

2020 Legislative Session

Tax Reform:
In 2019, the Legislature met in special session to pass tax reform legislation (SB 2001) in an attempt to address a structural challenge in state revenues that has seen tremendous growth in income tax (near a billion dollar surplus) but decreases in sales and gas taxes, negatively impacting the state's general fund, which pays for myriad of government services and infrastructure, such as law enforcement, fire departments, corrections/prisons, social services, roads, and many others.
(Note: the state constitution earmarks 100% of income taxes for k-12 education and higher education spending).

The new law quickly met with public indignation, primarily around restoration of the full sales tax on food and other measures that seemed targeted at low income Utahns. A petition campaign ensued to collect signatures to put on the November ballot the question of whether to retain or overturn the new law. On January 28, 2020, the Lt Governor’s Office confirmed enough signatures had been certified for the ballot.

Due to the uncertainty of whether or not voters would overturn the legislation and the complexity of putting together the state budget in only 45 days, the legislature repealed the tax reform law (HB 185) on January 28, 2020, which the Governor signed on January 29th.

Neither the legislature, nor the Governor, pursued additional tax measures this legislative session, however negotiations took place between education leaders and the above on amendments to the current use of income tax dollars exclusively for education. Councilmember Carson will provide a further update on these efforts at the March 25th Council meeting.

**Budget:**
As a consequence of repealing the tax reform bill, the state budget was several million dollars underwater, making appropriations requests much more difficult to fulfill this year. We also believe the budget uncertainty made for a slow moving session without the huge number of bills introduced or passed that we are accustomed to seeing each session.

The Legislature has about $100 million of discretionary spending in the general fund to allocate to projects and programs in the next fiscal year. One request involving Medicaid was around $45 million, illustrating how competitive it was for counties to get anything funded this year.

Summit County supported UAC’s appropriations requests to continue to fund grants for indigent defense, for additional staffing at the State Tax Commission for audits, collections and compliance, jail contracting and transportation needs.

**Economic Development:**
Perhaps the most notable and comprehensive economic development legislation this session was SB 95, Economic Development Amendments.

The third substitute of this bill, which passed both the House and Senate and is being enrolled for the Governor’s signature, revamps and/or eliminates many rural economic development programs, such as Rural Fast Track (RFT) and Business
Expansion and Retention (BEAR), and creates a new grant program. The Governor’s Office of Economic Development (GOED) was strongly pushing for this structural change, which they attempted to do last session without success. The concept behind the change is that it better streamlines the assistance and makes more rural communities eligible for the programs. GOED’s goal is to implement the rural grant program and other aspects of SB 95 by July 1, 2020.

Other elements of the bill are:

**ENTERPRISE ZONES**
- The final deadline for municipalities or counties to apply or reapply for an enterprise zone designation is January 1, 2021.
- The non-profit aspect of the enterprise zone program will be eliminated as of June 30, 2020.

**RURAL CO-WORKING AND INNOVATION CENTER (RCIC)**
- Provides $2 million one-time funding and $250,000 ongoing for the Rural Co-working and Innovation Center (RCIC) program. $250,000 is allocated for the Building Speculation Initiative (more details to be announced in the coming weeks for this program).

**RECYCLING MARKET DEVELOPMENT ZONE TAX CREDIT**
- Moves the Recycling Market Development Zone Tax Credit from GOED to the Department of Environmental Quality, effective July 1, 2020

**RURAL COUNTY GRANT PROGRAM (NEW PROGRAM)**
- The Rural County Grant program will provide up to $200,000 in Fiscal Year 2021 to rural counties to address economic development needs to include (1) business recruitment, development, and expansion, (2) workforce training and development, and (3) infrastructure and capital facilities improvements for business development.
- Counties that apply for a Rural County Grant must create and appoint at least five members to a County Economic Development Advisory Board (CEDS). The CEDS Board will assist and advise the Council or Commission on the grant application with proposed projects and to meet reporting requirements.
- GOED’s Office of Rural Development will work with the Governor’s Rural Partnership Board (GRPB) to develop an application and reporting process. The GRPB will review the application, including the process and deadlines, scoring, and determination of each grant award. The GRPB will also receive reports from the counties receiving funding.
- Eligible rural counties include: Beaver, Box Elder, Cache, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Piute, Millard, Morgan, Rich, Sanpete, San Juan, Sevier, Summit, Tooele, Uintah, Wasatch, Wayne

Please note, some rural development programs are **NOT** affected by SB95 and
will continue to operate as usual. These include the Rural Economic Development Incentive (REDI), Utah Rural Jobs program, Targeted Business Tax Credit (TBTC), and Rural Co-working and Innovation Center Grant (RCIC).

**Emergency Medical Services (EMS):**

A large priority for counties, particularly those rural counties of the 4-6 classes, including some 3rd class counties, such as Summit County, is emergency medical services (EMS) funding. EMS is currently a county function and many rural EMS systems are volunteer based. As such, many counties have difficulty maintaining a consistent workforce, putting strain on the provision of EMS services within the county.

There were four bills introduced this session that aimed to address this problem. One bill (HB 174), Rural County Health Care Facilities Tax Amendments, which passed both the House and Senate and is now being enrolled for the Governor’s signature, allows 3rd and 4th class counties to access revenues from the rural county health care facilities tax for EMS. Fifth and 6th class counties already have this ability.

HB 280, Rep. Albrecht’s bill to amend the Transient Room Tax (TRT), which passed both bodies and is being enrolled for the Governor’s signature, allows 4-6th class counties to use TRT revenues on EMS and other things, such as law enforcement, solid waste and infrastructure impacted by tourism, by reducing the floor required to spend on tourism promotion and opening the remaining percentage of the revenues to be spent on these impacts of tourism.

HB 190, Local Government Cooperation Contracts, addresses contracts counties must make in order to provide emergency medical services within county boundaries by making EMS an “essential” service, which would allow counties to contract with both private and governmental entities. Unfortunately, this bill was held in House Committee and did not advance this session.

HB 389, Emergency Medical Services Amendments, transfers responsibility for the Utah Emergency Medical Services System Act to the Department of Public Safety and provides for a transition to the department and grants rulemaking authority. Summit County and UAC supported the bill. Its third substitute passed the House and the Senate and is now being enrolled for the Governor’s signature.

**Housing:**

The most substantial effort this session to address the state’s affordable housing problems was SB 39, Affordable Housing Amendments, which, after the fourth substitute, passed both the House and Senate and is being enrolled for the Governor’s signature. The bill originally asked for $35 million to fund affordable housing projects and preserve already existing affordable units. $15M was to go
into a fund for developing affordable housing, $5M to match private dollars for
preserving already built affordable units, and the rest to rental assistance for
families at risk for becoming homeless.

A final substitute allocated $10 million into the state-managed Olene Walker
Housing Loan Fund for low-interest loans to private developers seeking to build
affordable housing units for very low-income, low-income, and moderate-income
persons as defined by HUD. Another $15 million in rental assistance was
appropriated for struggling families, in partnership with city housing authorities.
Another $5 million goes into preserving existing low-income dwellings across the
state that might otherwise be demolished or remodeled and rented at higher
rates. Nearly $300,000 is devoted to helping affordable housing projects in rural
areas get off the ground.

Both Summit County and the Utah Association of Counties (UAC) strongly
supported this legislation. The gap financing loans to developers is estimated to
produce as many as 2,300 apartments with rents within reach of those making
30% and 60% of the state’s average incomes. On the rental aide side, the funding
would keep roughly 3,000 families from losing their homes.

Land Use:
Summit County staff, through the Land Use Task Force, worked all during interim
session with the Homebuilders Association, lawmakers, and other stakeholders on
major revisions to the subdivision rules, attempting to simplify the subdivision and
amendment processes, which Rep. Logan Wilde sponsored this session. The bill,
HB 388, Land Use Development and Management Revisions, as originally
introduced, was concerning to Summit County as it basically would allow any
developer to subdivide their property how they wanted to, even if out of
compliance with local zoning codes and general plans, and be considered legal
plats. After working with Rep. Wilde and other stakeholders, county attorneys
were able to fix the bill to be something we could support. The bill passed the final
day of the legislative session.

Some of the key provisions of the adopted bill are:
1. Allows counties to have a simplified process for small subdivisions. An
eexample is administrative approval rather than a public hearing at the
planning commission
2. Allows us to amend parts of existing subdivisions without needing the whole
neighborhood to sign off (Summit County already does this but many
jurisdictions do not)
3. Clarifies some language regarding public utility easements
4. Defines who is an adversely affected party and can appeal a land use decision.

**Mental/Behavioral Health:**
This session there were myriad bills addressing mental/behavioral health in which counties and the Utah Behavioral Health Committee (UBHC) were instrumentally involved in by either strongly supporting and pushing for passage, amending, or monitoring.

The following is a list of bills Summit County supported in this topic area this session:

**HB 38S03, Substance Use and Health Care Amendments**

**Last Action:** 3/10/20: Draft of Enrolled Bill Prepared for Signing

- This bill allows for inmates in their last 30 days of incarceration to be enrolled in Medicaid.
- The bill itself only directs Utah Medicaid to apply for a waiver from CMS (*Center for Medicare and Medicaid Services*) to allow for inmates in their last 30 days of incarceration to be eligible for Medicaid enrolment and coverage, so long as they have one or more of the following;
  - A chronic physical or behavioral health condition,
  - A mental illness,
  - An opioid use disorder (OUD),
- The decision to utilize this waiver, if approved, is at the discretion of each jail and Mental Health & Subsstance Abuse Local Authority.
- Currently, we are able to provide this on the behavioral health side as inmates can only utilize Healthy U. Behavioral (HUB), Summit County’s provider.
- HUB has agreed to expand enrollment services for physical health services in addition to the behavioral health enrollment they are already providing within the jails.
- The County is responsible for the full 20% match, along with the coverage of all administrative costs. This will not be a financial issue for Summit County at this time.

**HB 35S04, Mental Health Treatment Access Amendments**

**Last Action:** Draft of Enrolled Bill Prepared for Signing This Bill provides for a grant program to help each Local Authority to establish and fund one ACTs.

- This bill sets standards for certification of assertive community treatment teams (ACT teams). An ACT is a more affordable option for Local Authority’s in terms of Crisis Care as it is similar in purpose to a MCOT (Mobile Crisis Outreach Team).
• Allows the Division of Substance Abuse and Mental Health to implement and manage a housing assistance program for certain individuals released from the Utah State Hospital.

**HB 32S03, Crisis Services Amendments**

_Last Action_: 3/11/20: Sent for Enrolling

• This bill provides funding for 5 new MCOTS based in rural communities and establishes receiving centers of crisis services.
• Major points from this bill include;
  o Seeks a Medicaid Waiver to allow for Crisis Services to be covered and reimbursed back to the Local Authority.
  o Expands the Mobile Crisis Outreach Team (MCOT) grant program to fund 5 additional mobile crisis outreach teams in certain counties. *(Counties not yet determined)*
  o Allows and funds the Division of Substance Abuse and Mental Health (DSAMH) to administer a grant program for the development of a behavioral health receiving center
  o Allows and funds DSAMH to implement a statewide warm line for crisis hand-offs.
• If awarded an MCOT team, Summit County would be required to provide a dollar for dollar match. Estimated cost would be ~$450,000 yearly in match. Medicaid and private insurance is estimated to cover over 80% of required match, resulting in an estimated County cost of $90,000.

**HB 87S01, Health Care Workforce Financial Assistance Program Amendments**


• This bill allows for licensed behavioral health professionals and physical health professionals to receive coverage of 20% of their remaining tuition costs per year, so long as they provide services within an “underserved area”.
• Summit County falls within the definition of an “underserved area”.

**HB 323S02, School Mental Health Funding Amendments**


• Increases and continues funding to school-based services as outlined in 2019’s HB 373.
• New rules will be established by DSAMH which will require partnership with Local Authorities.
SB 68: Mental Health Counselor Licensing Amendments

**Last Action:** 3/2/20: Draft Enrolled Bill Prepared

- The original bill, which counties and the mental health community strongly opposed, removed all educational and clinical hour requirements for receiving a behavioral health clinical license. So long as an individual passed the national exam, they would qualify for a license.
- UBHC negotiated a new version of the bill, which now requires a master’s level degree in order to bypass any requirements.

HB 246S02: Mental Health Workforce Amendments

**Last Action:** 3/12/20: Draft of Enrolled Bill Prepared for Signing

- The bill provides for the University of Utah to add 2 additional psychiatric residencies focused on youth and adolescent behavioral healthcare.

HB 313S01: Telehealth Parity Amendments

**Last Action:** 3/20/20: Enrolled

- This bill requires service reimbursements from insurers for telehealth services to be equal to those provided in person.

Public Health:

State leaders indicated that targeting vaping was a priority this session, following last year’s outbreak of vaping-related lung injuries and deaths – including one in Utah – and a spike in teen use of electronic cigarettes, which is why we saw so many bills introduced on this topic this year.

HB 23, Electronic and Electronic Cigarette Amendments, was significantly altered through the efforts of the tobacco lobbyists. It’s 7th substitute passed the House and Senate and is on its way to the Governor for signature. The bill is very concerning to Summit County. Specifically, our concerns are: 1) it gives illegitimate vape shops 2 years to become legitimate under these amendments, 2) it contains pre-emptive language that clearly states no local body can regulate flavored tobacco or e-cigarettes, and 3) it has a half-hearted attempt to restrict flavored products as it allows for sale of menthol/mint products, which are by far the most popular. It allows exemptions for any product given a pre-approval by the FDA. Once approved, it can stay. It requires shops must be outside of 1,000 ft. of a school, and they must comply by August deadline (good), but does not require immediate change if within 1,000 ft. of neighborhoods or churches.

SB 37, Electronic Cigarette and Other Nicotine Product Amendments, passed the Senate and the House and is being enrolled for the Governor’s signature. This bill imposes a 56% tax on the manufacturer’s sales price on electronic cigarettes and creates new restrictions on vape sales. The tax would be applied to the wholesale
price of e-cigarettes before retailers mark the items up for sales to customers, and is estimated to generate roughly $15 million in its first year and more than $24 million in subsequent years. Under the bill, some of these revenues would fund enforcement ($2M) and tobacco cessation and education programming ($3) through health departments. Funds will go into a restricted account.

SB 58, Vaping in Schools, passed both the House and Senate and is on its way to the Governor for signature. It will provide $5-6M to schools for anti-e-cigarette and drug use after school programming. Funding comes from the HB 37 tax dollars. Vaping is already prohibited in schools, but it permits school administration to confiscate and destroy e-cigarette products.

**Transportation:**
This session, Senator Harper introduced an overhauling transportation and transit bill, SB 150, Transportation Governance and Funding Amendments, which passed the full Senate but failed to pass the House.

The bill primarily focused on UTA’s land use decision making power around Transit-Oriented Development (TOD) and gave the state more decision-making power over use of transit taxes and transportation reinvestment zones. Much of the bill applied only to “large transit districts,” or those smaller counties that have annexed into a large transit district, which does not apply to Summit County.

Additionally, as with previous legislation, if a transit district wanted to participate in a TOD project, the bill required the inclusion of a moderate income housing plan in the County’s general plan. Also, the bill increased annual registration fees for electric vehicles, as well as changed the calculations for Class B and Class C road funds in Salt Lake County who worked with the bill sponsor to get these changes.

**Wrap-up of Other Bills the County Monitored**

Fortunately, most of the bills the County supported or worked hard to fix were passed or resolved, respectively, by the end of this legislative session. There is potentially only one bill that continues to give us concern, which is considered a fairly successful legislative session for us.

Below is a summary of the key bills we monitored or worked on this session and where they ended up in the final days of the session:
HOUSE BILLS

HB 98, Offenses Against the Administration of Government Amendments (Hall) – Position: Support
This is a correction bill to a law adopted last year that made it a felony to misuse public property for a personal use. The county attorneys are working with the bill sponsor to clarify many of the terms that were overly broad and draconian in the original bill to better protect county employees while also upholding the public trust.
Result: Passed both the House and Senate and is being enrolled for the Governor’s signature.

HB 100, Veterans Treatment Court Act (Snow) – Position: Support
This bill establishes a Veteran’s Court which will operate as a designated Drug Court and Mental Health Court specific to veterans in order to better deal with the unique situations and histories of our returning warriors.
Result: Passed both the House and Senate and is being enrolled for the Governor’s signature.

HB 133, Trail Improvements Amendments (Winder) – Position: Support
Would allow the use of eminent domain to construct trails if such trails are "regionally significant" and cross county or municipal boundaries. Would empower County to use eminent domain in a new way (for recreational purposes).
Result: Was never heard in House Committee.

HB 138, Transportation Corridor Preservation Amendments (Andersen) – Position: Oppose
This bill would require us to notify the state, UDOT and surrounding Greenbelt prior to purchasing Greenbelt property for open space. Our County has done several land acquisitions recently and have more planned. This notification requirement would make it virtually impossible for us to negotiate with landowners, ensuring we get a fair deal for taxpayers.
Result: Passed both the House and Senate and is being enrolled for the Governor’s signature.

HB 164, Property Tax Modifications (Moss) – Position: Monitor
The county assessors worked hard on this bill that would require a property tax notice to include additional information, including the taxable value of the property, the deadline to appeal the valuation or equalization of the property, information related to residential exemption, and information related to a rate increase resulting from a change to state law. The biggest issue for Summit County was prohibitions in the first version of the bill that prevented us from requesting information from property owners to prove their primary residence exemption. However, UAC and our lobbyist were able to get this resolved.
Result: Passed the House and Senate and is being enrolled for the Governor’s Signature.

**HB 166, Watershed Councils (Hawkes) – Position: Support**
Provides for the creation of a State Watershed Council and Local Watershed Councils, which would have representation on the State Watershed Council. UAC was provided one seat on the State Watershed Council. Summit County supported this bill, particularly county participation on these councils so we could have a voice at the table regarding planning, development, restoration, and wildfire mitigation efforts around the state’s critical watersheds. Summit County is home to the headwaters of five major watersheds that supply drinking and irrigation water to our community and many downstream communities on the Wasatch Front.
Result: 03/16/20: Enrolled and awaiting Governor’s signature.

**HB 206, Bail and Pretrial Release Amendments (Pitcher) – Position: Support**
This bill provides several important procedural changes related to law enforcement issued citations and release of individuals arrested for certain criminal offenses while the individual awaits trial. UAC, including the Sheriff’s Association, supported this bill, which everyone agreed created needed reforms to the bail and pretrial release processes.
Result: Passed House and Senate. Is being enrolled for the Governor’s signature.

**HB 226, Storm Water Permitting Amendments (Snider) – Position: Oppose changed to Monitor**
This bill, as originally introduced, would eliminate storm water requirements for residential construction, essentially violating the Clean Water Act, which would greatly impact the County’s MS4 compliance. It would also subject our area to EPA regulation, which is why both Summit County and UAC opposed the bill.

Since introduction, the bill has been amended in partnership with the League of Cities and Towns and the State Department of Environmental Quality (DEQ) and no longer violates the Clean Water Act. Summit County still has questions about the fiscal impact the bill will have on counties since it now requires counties to pay ½ of the expenses for a third party review of low impact development designs and storm water calculations for use by an applicant or permittee who is appealing a determination regarding post-construction retention requirements under the storm water permit. The State is required to keep a list of qualified 3rd party engineers to complete this review.
Result: 03/17/20: Enrolled and awaiting the Governor’s signature.
**HB 231, Genetic Information Amendments (Hall) – Position: Oppose**
This bill would expand sources of genetic information and prohibit law enforcement from obtaining, using or sharing someone’s personal genetic information except as specifically allowed. It would substantially restrict current investigative methods from prosecuting on any forensic evidence. Fortunately, UAC’s strong opposition to the bill helped kill it this session.
*Result:* Was never heard in House Committee.

**HB 236, Safe School Route Evaluations (Ballard) – Position: Oppose**
This bill requires the County to provide comments on a school’s annual safety plan and Safe Route program. It also establishes the authority for a school to identify capital improvements necessary to achieve a safe route, and report to UDOT whether or not the capital improvements are the subject of a current Safe Routes grant application.

From a transportation planning perspective, this *could be* an opportunity to collaborate with the school districts to achieve our shared goals of safety and enabling active transportation.

From the local government resource side, the County was concerned that this bill:
- Would require additional staff resources (time) from the County
- Create the potential for finger pointing between school districts, local governments and UDOT as to responsibility
- Does not increase funding to make improvements identified by schools (Safe Routes to Schools is already a very limited funding source statewide)

UAC voted to oppose the bill. Summit County took the position that the bill should be sent to interim for study so all parties could come together and develop a better solution that still gets at the intent of the bill.
*Result:* 03/13/20: House File for bills not passed.

**HB 261, Eminent Domain Revisions (Lyman) – Position: Oppose**
Provides that state agencies and political subdivisions may not take private property unless the taking is necessary for the public use; modifies certain provisions applicable to the Department of Transportation’s acquisition of private property; excludes certain uses for which the eminent domain right may be exercised; allows a property owner to assert as a defense to an eminent domain action that a taking is not a public use; modifies provisions related to the sale of certain property acquired by eminent domain. UAC and CivLac’s strong opposition to this bill, effectively killed it this session.
*Result:* 03/12/20: House File for bills not passed.
HB 268, Property Tax Notice Amendments (Eliaison) – Position: Oppose
changed to Support
This bill, as originally introduced, would allow a person entitled to receive information or notice related to a property tax or privilege tax to designate an additional person to receive the information or notice. UAC was concerned about the bill because current noticing software does not allow more than one address to be designated. It would be a cost to counties to change the system to comply with this new requirement. The bill was amended so as to limit the number of other people a property owner could designate to receive tax notices, addressing the counties’ concern.
Result: Passed House and Senate. Being enrolled for the Governor’s signature.

HB 273, Property Rights Ombudsman Amendments (Peterson) – Position: Oppose
As originally introduced, this bill provides that in a court action involving a dispute related to land use law, the substantially prevailing party may recover compensatory damages if the court resolves the dispute consistent with an advisory opinion issued on the same facts and circumstance. The bill would also waive our governmental immunity for a monetary award authorized by the Property Rights Ombudsman Act. This bill was extremely concerning for counties both from the financial impact side of things, but even more so in waiving governmental immunity.

The bill was substantially amended, removing the governmental immunity waiver but now, a fee of $250/day would be charged if a party intentionally violates the advisory opinion. Counties remain concerned about the bill.
Result: 03/16/20: Enrolled and awaiting Governor’s signature.

HB 297, Yurt Amendments (Brammer) – Position: Oppose
This bill, which saw many amendments throughout the session, remains a concern for counties as it exempts remote yurts located in forest service zones from county and fire code regulations related to health, safety and welfare.
Result: 03/16/20: Enrolled and awaiting Governor’s signature.

HB 305, Urban Development Amendments (formally Impact Fee Amendments) (Pierucci) – Position: Oppose
As originally introduced, this bill was extremely concerning to both counties and cities. It would have allowed municipalities to impose impact fees on areas outside the municipality in unincorporated county and prohibit counties from approving a development if impact fees were not paid. It was introduced in response to strong opposition to the Olympia Hills development near Herriman, Utah.

The bill, as written, could not get out of the Rules Committee, so the sponsor amended it to now only require counties to notify the bordering municipality when
the county approves an urban development in the municipality’s annexation declaration/expansion area.
Result: 03/20/20: Enrolled and awaiting the Governor’s signature.

**HB 353, Internal Investigation Amendments (Hall) – Position: Oppose**
This bill prohibits law enforcement, schools, and prosecutorial agencies from investigating themselves or an entity that oversees them; and requires that those agencies request that another agency investigate when a member or employee is accused of a crime. This was concerning to law enforcement who would not be able to investigate a Sheriff’s Deputy who was accused of speeding, or some similar offense. CivLac spoke with the bill sponsor about possible needed amendments and he seemed willing. Fortunately, the effort did not progress as the bill was never heard in House Committee.
Result: 03/12/20: House File for bills not passed.

**HB 359, Municipal Annexation Revisions (Musselman) – Position: Support**
This bill amends the restrictions on annexation and allows annexation even if the land to be annexed doesn’t meet the criteria (contiguous, within declaration area, no islands or peninsulas), if everyone agrees. Because a county must agree to the island annexation, UAC was supportive of the bill (as long as county veto power remained in the legislation).
Result: 03/20/20: Enrolled and awaiting the Governor’s signature

**HB 390, Amendments to Asset Forfeiture (Perry) – Position: Support in Concept but not the bill**
This bill clarifies provisions related to the seizure and forfeiture of property and contraband.
Result: 03/12/20: House File for bills not passed.

**HB 446, Animal Shelter Amendments (Romero) – Position: Oppose**
This bill would make injection of sodium pentobarbital or a derivative the exclusive method for euthanasia of an animal (both domestic and wild). It also requires a training program for administering euthanasia and policies and procedures approved by a veterinarian. Summit County is concerned that it would prohibit us from euthanizing wild animals like skunks and raccoons since it is virtually impossible to safely inject these animals. UAC voted to oppose the bill.
Result: Never made it out of House Rules/Not assigned to a Committee.

**SENATE BILLS**

**SB 76, Governmental Immunity Revisions (Weiler) – Position: Oppose**
Changes definitions in the Governmental Immunity Act, such as what a governmental entity is, political subdivision is; etc. The bill was amended in the House but we continue to have concerns about it.
Result: 03/12/20 – Failed: Senate File for bills not passed

SB 83, Voter Registration Information Amendments (Anderegg) – Position: Oppose changed to Neutral
This bill modifies the information certain persons may obtain from a voter registration record; modifies privacy request provisions relating to voter registration records; and permits a political party or a candidate for public office to obtain certain information from a voter registration record that is classified as private. After the bill was amended to address concerns county clerks had, UAC changed its position from “oppose” to “neutral.”
Result: 5th Substitute passed the House and Senate. Is being enrolled for the Governor’s signature.

SB 134, Property Tax Abatement for Wildfire Prevention (Hemmert) – Position: Support
Originally, counties opposed this bill, which gives property owners with property located in high wildfire risk areas, a tax abatement from property taxes for investments made to make the property more resilient to wildfire. While Summit County strongly supported the intention and concept of the bill, we were concerned that as drafted, the bill would create a significant tax shift to those property owners who were not eligible for the tax abatement or did not take advantage of the program.

The bill was drastically amended to first make it a tax “exemption” instead of an “abatement,” and second, to make it a pilot program only for Salt Lake County to decide if they do it or not and how they implement it. The program would be expanded to counties in the 1st, 2nd and 3rd classes, which includes Summit, in January 2022.

The pilot program, assuming SLCo does it, would collect data on usage, cost impacts or tax shift impacts, and other information helpful to us for when we have to implement the program.
Result: 03/12/20 Failed: Senate File for bills not passed.

SB 139, Amendments to Indigent Defense (Okerlund) – Position: Support
Requires counties to pay for indigent defense in private civil cases of parental rights terminations with option for reimbursement by a State fund. Also creates Statewide Public Defender office that will contract for public defender services (regular AND appeals) for 3rd through 6th class counties. Summit County supports the bill but is interested in knowing what it will cost us to provide these services.
Result: Passed House and Senate and is being enrolled for the Governor’s signature.
SB 152, Search and Rescue Funding Amendments (Riebe) – Position: Support
Amends provisions of the Search and Rescue Financial Assistance Program to provide for reimbursement for payroll expenses relating to search and rescue; and provides for an annual deposit of sales and use tax revenues into the General Fund as a dedicated credit to provide for reimbursement for payroll expenses relating to search and rescue.
Result: Second substitute passed House and Senate. Is being enrolled for the Governor's signature.

SB 170, Indigent Defense Amendments (Weiler) – Position: Support
This bill amends the right to counsel for parties in certain actions; amends the powers, duties, and membership of the Utah Indigent Defense Commission; creates the Office of Indigent Defense Services; amends provisions related to indigent defense funds; creates a reporting requirement for indigent defense systems; and protects certain records related to the Office of Indigent Defense Services.
Result: Passed: 03/20/20 Enrolled and awaiting Governor's signature.

SB 171, Nonprofit Entities Amendments (formerly Personal Privacy Protection Act) (McCay) – Position: Oppose
This bill, as originally introduced, would prohibit a public entity from, subject to certain exceptions, disclosing information that identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to an entity exempt from federal income tax under Section 501(c) of the Internal Revenue Code; and classifies a record protected from disclosure under this bill as a protected record under the Government Records Access and Management Act. The Recorders and Clerks were both extremely concerned about this bill. It has been amended a few times throughout the session and is now on its 3rd substitute.
Result: Passed. 03/20/20 Enrolled and awaiting the Governor's signature.

SB 179, Public Infrastructure District Amendments (McCay) – Position: Oppose
This bill modifies requirements regarding the creation of a public infrastructure district; allows a public infrastructure district to annex or withdraw property without the consent of the creating entity if authorized in the district's governing document; exempts a public infrastructure district from certain notice and hearing requirements upon: levying a property tax if certain conditions are met; or amending a property tax levy rate limitation in the district's governing document.
Result: Passed the House and Senate and is being enrolled for the Governor's signature.
SB 192, Amendments Relating to the Military Installation Development Authority (Stevenson) – Position: Monitor

This bill modifies the Public Infrastructure District Act to allow the military installation development authority (MIDA) to create a public infrastructure district with the consent of property owners; provides for additional powers of a public infrastructure district created by MIDA; and allows MIDA to set up an assessment area and waive the public hearing requirements with 100% consent of property owners, among other things. This is a new authority MIDA does not currently have.

The problematic language in the bill, as originally introduced, which the County and UAC worked to strike or amend requires counties (and other political subdivisions and state departments, divisions, and agencies) to "cooperate with MIDA to the fullest extent possible to provide whatever support, information, or other assistance MIDA requests that is reasonably necessary to help MIDA fulfill its duties and responsibilities."

Summit County was concerned that if this language passes, it would make it very hard for the County, which is a very close neighbor to a MIDA development in Wasatch County, to push back against MIDA should they want to do something that runs counter to the health, safety, and welfare of our community or does not align with our land use authority, zoning and development codes, or interests and goals. Our lobbyist worked with the bill sponsor and MIDA’s lobbyist to amend the language so that cooperation would only be required for those entities within the MIDA project area. Since Summit County is not currently in the project area, this requirement would not apply to us.

This language is included in the second substitute which we are told should be adopted on the House floor during the final day of the session. Result: Passed. 03/20/20 Enrolled and awaiting the Governor's signature.

Discussion regarding 2020 census; Jeff Jones

Jeff Jones, Economic Development and Housing Director, reviewed the following information regarding the 2020 Census. He reviewed the timeline and said the Census Bureau will deliver feedback from the Local Update of Census Addresses Operation back to Summit County in August or September.
Staff Report

To: Summit County Council

From: Jeffrey B. Jones, AICP, Econ. Development & Housing Director

Re: Census 2020 – Update

Type of Item: Informational

Meeting Date: Wednesday, March 25, 2020

BACKGROUND/EXISTING CONDITIONS

The census is a constitutionally mandated process that has occurred since 1790. It has been administered during a world war, earthquakes and a Great Depression, and yet the mission has remained the same: By trying to count every person in the country, the nation’s communities can attain their rightful share of political representation and federal resources for vital programs such as school lunches, plans for highways, support for firefighters, the early childhood program Head Start and Section 8 housing, which provides subsidies to low-income residents.

A study published in 2017 by the George Washington Institute of Public Policy calculated that $5,694,470,987 was distributed to Utah based on decennial numbers. For Utah, this figure breaks down to $1,870 per capita and roughly $5,254 per household in Summit County. Over a 10-year period, that would equate to $52,547 lost for every household in Summit County that was missed in the Census count. For Census 2010, only 55% of the households in Summit County reported.

In the fall of 2019, and in response to the challenges associated with Summit County’s low 2010 response rate, the League of Women Voters of Utah, a nonpartisan political organization encouraging informed and active participation in government offered to volunteer and assist the County with Census 2020. Towards that end, a Complete Count Committee was organized to increase awareness and motivate residents to respond to the 2020 Census.

In support of the Complete Count Committee, Summit County created a Census 2020 web page, made presentations to every city/town within Summit County and budgeted $10,000 in support of the outreach efforts. Summit County

60 N Main Street, Coalville UT 84017
(435) 336 3200
County also made application to the State of Utah for a grant in the amount of $30,000 to support outreach efforts. However, the County was unsuccessful in obtaining funds from the State of Utah. The state ended up with $2.5M in requests but only had $500,000 to distribute.

Led by Diego Romo (PCTV), LULAC, the Christian Center of Park City, the Park City Community Foundation, the League of Women Voters, Park City Park City Municipal Corporation and others, Summit County participated in a Census 2020 Town Hall (January 2020) aimed to provide answers to questions about census usage & methodology, importance of census data, personal data privacy and census job opportunities. The presentation was in both Spanish and English.

In response to not being able to secure funding from the State, the Complete Count Committee revised its outreach strategy to use public spaces such as libraries, city/town halls and community centers to raise awareness about the census — and help communities fill out the survey. Working in concert with Summit County’s IT Department, the County purchased 16 kiosks and associated iPads and secured kiosk locations throughout the County. It was the County’s intent to deploy the kiosks the week of March 15th.

Summit County also began a daily social media campaign entitled: “Who We Are,” to increase interest in the Census. The “Who We Are” campaign illustrates unique data points in Summit County.

**IMPACTS OF THE CORONAVIRUS VIRUS ON THE US CENSUS**

The coronavirus presents a challenge to the 2020 census because human transmission of the virus has prompted public health officials to close many facilities and discourage public gatherings and limit social interactions. Summit County’s deployment of the kiosks has also been furloughed.

Limiting public interactions poses a challenge for the count of Latino and immigrants, who often depend on in-person interactions to help them understand the census — and its importance to their economic and political power.

To ensure an accurate count, census takers will try to track down those who do not respond to the census by late April by knocking on doors between May and July. Though no physical interaction is required to complete the count, concerns over contracting the virus could affect the traditional door-to-door process.

The coronavirus outbreak is yet another major reminder of why it’s important for Summit County to have access to accurate census data.
An accurate census count can help ensure that the County will have the necessary public health services to provide a safety net to those in need, whether that means properly funding community health clinics, ensuring childcare needs are met or devoting resources to emergency preparedness.

WHAT YOU CAN DO TODAY

Available now, Summit County residents can complete the Census Questionnaire online at my2020census.gov. It is also possible to respond by telephone, 844-330-2020, and by mail using a paper-form some residents will receive from the Census Bureau. The online survey and phone service are available in many languages.

The Census Bureau is encouraging everyone to respond by April 30, preferably online or by phone. Everyone living in the United States is encouraged to participate in the census regardless of age, gender, immigration or housing situation. The 2020 Census does not include questions about citizenship or immigration status and is completely confidential.

For those who are unable to respond by April 30, Census Bureau employees are scheduled - as of March 12 - to visit neighborhoods starting in May to collect responses in person.

CENSUS 2020 TIMELINE

- **January 2019**, field offices open around the country.
- **August - September 2019**, Census Bureau will deliver feedback from the Local Update of Census Addresses Operation (LUCA) feedback back to Summit County.
- **February 2020**, Group Quarter operations begin. These operations include, but are not limited to, people in colleges and universities, correctional facilities and medical facilities, people experiencing homelessness, people receiving service at service-based locations, people living on maritime vessels and people living on military bases.
- **March 2020**, Internet self-response begins. Mailing 1: Contains instructions to self-respond with unique ID. Most will receive a postcard with instructions to complete the survey online or over the phone. About 20% of households will receive a paper form option as part of the initial outreach. The Census will encourage, but not require, people to enter their unique ID with their response. Mailing 2: Letter to non-respondents. Mailing 3: A post card to non-respondents.
- **April 2020**, Census Day is April 1. Mailing 4: Letter and survey to non-respondents. Mailing 5: “It’s not too late” post card to non-respondents.
- **May 2020**, Non-response follow-up (NRFU) begins. Census workers visit addresses from the Census Master Address File that did not complete a Census questionnaire and collect information at the door.
Enumerators can visit an unresponsive household up to six times. Includes solicitation of proxy responses, which are responses provided by a knowledgeable source, such as a neighbor.

- **August 2020**, Complete NRFU.

**ATTACHMENT: PowerPoint Presentation**
United States CENSUS 2020
I count. You count. We all count.

Yo cuento. Tú cuentas. Todos contamos.
Kiosk/Quiosco
CENSUS 2020
EVERYONE COUNTS!
- Libraries
- Roads
- Schools
- Healthcare
- Employment

United States

CENSO 2020
TODOS CUENTAN!
- Bibliotecas
- Carreteras
- Escuelas
- Cuidado de la salud
- Empleo

United States
Who We Are
Complete Count Committee

Meredith Reed
League of Women Voters of Utah

Krach Fullmer
Summit County Staff

Jill Lesh
League of Women Voters of Utah

Glenn Wright
County Council
Complete Count Committee

Tim Henney
Park City Municipal Corporation

Pete Stoughton
Christian Center of Park City

Melinda Colton
Park City School District

Rob Harter
Christian Center of Park City
Complete Count Committee

Tyler Rowser
City of Coalville

Diego Zegarra
Park City Community Foundation

Diego Romo
Park City Television

Linda Jager
Park City Municipal Corporation
In 2020, the coronavirus and the census count are linked. People in the County should view filling out the census the same way they do the increased need to wash their hands — as a civic duty.

Take the Census Now!

https://my2020census.gov/
Convene as the Board of Equalization

Council Member Wright made a motion to convene as the Board of Equalization. Council Member Armstrong seconded and all voted in favor, 5-0.

Discussion and possible approval of Exclusive Use Property Tax Exemption for 501(c)(3) Organizations; LoraLea McKnight and Stephanie Larsen

Stephanie Larsen, County Assessor, and LoraLea McKnight, Deputy, presented the following information regarding Property Tax Exemption filings for 501(C)(3) Organizations based on their reapplying prior to the March 1, 2020 deadline. A breakdown of status is included in the recommendations for approval or denial.
March 12, 2020

County Council,

Please reconvene as the Board of Equalization on March 18, 2020. Consider approving Applications for exclusive use property tax exemptions for 501(c)(3) organizations. We have received Continued Use Applications for Property Tax Exemption (PT-21). As you are aware, these organizations must reapply for this exemption each year prior to March 1st in order to continue to receive the exemption.

I have attached a spreadsheet listing the organization along with the date that they filed the PT-21 (Annual Statement for Continued Property Tax Exemption.) We have one organization applying for the first time, I have attached a copy of the application (Form PT-020) in its entirety for your review. I have also classified each parcel based on whether the Assessor’s Office and/or Attorney’s Office recommends they continue to receive this exemption or they recommend denial. If they recommend denial there is a brief explanation for this recommendation. I have also included a list of organizations that have failed to return the form.

After the decision is made, if the organization disagrees with the board’s determination, they can appeal to the State Tax Commission.

Thanks for your time to consider these exemptions.

Sincerely,

LoraLea McKnight

Clerk of the Board of Equalization
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### No Application Received- therefore recommend denial

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Application for Property Tax Exemption
Summit County Board of Equalization

This application should be used to apply for exemption from ad valorem (value-based) property tax.

Nonprofit Entity Information
Name of organization applying: Park City Jewish Center Inc Temple for Shalom
EIN, SSN, or other tax ID number: 87-084-3584
Address: 3700 Brookside Court
City: Park City, UT
Contact person: Wayne Crouch
Tax year: 2020
State: UT
Zip: 84068
Telephone: 435-649-2276

Exemption Information
This property is exclusively used for (check one):

- [X] Religious purposes
- [ ] Charitable purposes
- [ ] Educational purposes
- [ ] Other (specify) ____________________________

Describe the purpose of this nonprofit organization:
Teaching, study, and practice of Judaism

Describe why this property should be exempt from ad valorem property taxes:
This property serves as a spiritual sanctuary for the congregation at Temple for Shalom and as a natural place of meditation for those using the trail.

Attachments: Attach the following documentation
1. A certified copy of the Articles of Incorporation of the nonprofit entity.
2. A copy of current by-laws and/or other organizational information.
3. A copy of the 501(c)(3) certification issued by the IRS.
4. Completed schedules as follows:
   - Schedule A – Real Property; one schedule for each parcel of real property under consideration.
   - Schedule B – Personal Property used exclusively for religious, charitable, or educational purposes.
   - Schedule C – Financial information related to the property under consideration; complete only applicable portions.

[Stamp] Received
Feb 28, 2020

[Signature] By: ____________________________
### Application for Exemption – Real Property Schedule A

Complete a separate Schedule A for each parcel of real property under consideration.

#### Property Owner

<table>
<thead>
<tr>
<th>Full name of the owner of record</th>
<th>EIN, SSN, or other tax ID number</th>
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<td>Park City Jewish Center Inc Temple Har Shalom</td>
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<table>
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#### Property Information and Description

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<th>Brief description of parcel</th>
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<th>Acreage</th>
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<td>Hillside, mountain behind the physical Synagogue of Temple Har Shalom (Roof in the mountains)</td>
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List separately and describe each building or physical structure on the property

None

---

#### Use of Property

1. Complete this first question separately for each building or structure, use additional sheets as necessary.
   a. Building or structure

2. Have all activities/functions listed in 1 continued without interruption since first starting? X Yes No
   If no, explain any interim or non-use:

3. Is there any use of the property, buildings or structures other than described in 1 above? X Yes No
   If yes, describe: Their is a public access nature trail

4. Is all or part of the property, buildings or structures rented or leased? Yes X No
   If yes, answer the following.
   a. Name of person or entity renting or leasing the property
   b. Describe the portion that is rented or leased
   c. Amount of rent or other compensation received
   d. How is the rent or compensation determined?

#### Attachments

Attach the following items:

1. A copy of the legal description of the real property under consideration.
2. A current photograph of the real property under consideration.
In reply refer to: 0441774131
Aug. 26, 2009 LTR 4168C E0
87-0543584 000000 00
00029362
BODC: TE

Employer Identification Number: 87-0543584
Person to Contact: J Reilly
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your request of Aug. 17, 2009, regarding your tax-exempt status.

Our records indicate that a determination letter was issued in July 1995, that recognized you as exempt from Federal income tax, and discloses that you are currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records also indicate you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(i).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Rita A. Leete
Accounts Management II
AMENDMENT

State of Utah
DEPARTMENT OF COMMERCE
Division of Corporations & Commercial Code
Articles of Amendment to Articles of Incorporation (Non-Profit)

Pursuant to UCA §16-6a part 10, the individual named below causes this Amendment to the Articles of Incorporation to be delivered to the Utah Division of Corporations for filing, and states as follows:

1. The name of the corporation is: Park City Jewish Center Inc.
2. The date the following amendment(s) was adopted: February 14, 2006
3. If changing the corporation name, the new name of the corporation is: Temple Har Shalom
4. The text of each amendment adopted (include attachment if additional space needed)
President: Scott Adelman is replacing William Tumpowsky. Scott Adelman is not a director.
Secretary Nancy Sherman Stanislaw is replacing Joanne Bloom.
Treasurer, Ron Field.
Board of Directors: Susan Arsh, Doug Goldsmith, Donald Dunn, Allen Gordon, Don Kotler.
Jonathan Klein
No Longer Officers: David Bergman, Bernice Altman.
Executive Director: Drora Oren

5. Indicate the manner in which the amendment(s) was adopted (mark only one):

☐ The amendment was adopted by the board of directors or incorporators without member action and member action was not required.

☒ The amendment was adopted by the members AND the number of votes cast for the amendment by each voting group entitled to vote separately on the amendment was sufficient for approval by that voting group.

6. Delayed effective date (if not to be effective upon filing) ________ (not to exceed 90 days)

Under penalties of perjury, I declare that this Amendment of Articles of Incorporation has been examined by me and is, to the best of my knowledge and belief, true, correct and complete.

By: DRORA OREN Title: Executive Director

Dated this 4th day of April, 2007

Under GRAMA (63-3-301), all registration information maintained by the Division is classified as public record. For confidentiality purposes, the business entity physical address may be provided rather than the residential or private address of any individual affiliated with the entity.

Mailing/Faxing Information: www.corporations.utah.gov/contactus.html
Division's Website: www.corporations.utah.gov

State of Utah
Department of Commerce
Division of Corporations and Commercial Code

Examiner: Date: 4/23/2007

[Signature]
Scott Adelman
7729 North Buckboard Circle
Park City, UT 84098

Nancy Sherman Stanislaw
P.O. Box 980055
Park City, UT 84098

Ron Field
P.O. Box 2060
Park City, UT 84060

Susan Arsht
9246 Par Court
Park City, UT 84098

Doug Goldsmith
4593 Farm Meadow Lane
Salt Lake City, 84117

Donald Dunn
1950 S. 1600 E.
Salt Lake City, 84105

Allen Gordon
4227 East Cumorah Drive
Salt Lake City, UT 84124

Dan Kotler
6233 Canyon Cove Circle
Salt Lake City, UT 84121

Jonathan Klein
2717 Silver Cloud Dr.
Park City, UT 84060

Drora Oren
4368 Adonis Dr
Salt Lake City, UT 84124
AMENDED AND RESTATED BY-LAWS OF
PARK CITY JEWISH CENTER, INC. D/B/A TEMPLE HAR SHALOM

A Non-Profit Corporation of the State of Utah.

Pursuant to the provisions of the Utah Non-Profit Corporations Act, the Board of Directors of Temple Har Shalom, Inc. hereby amends and adopts the following By-Laws.

ARTICLE I
NAME AND PRINCIPAL OFFICE

1.1 Name. The name of the Corporation is Park City Jewish Center, and it is referred to below as the "Corporation." The Corporation is authorized to take an assumed name for all or parts of its operations as provided by law.

1.2 Offices. The office of the Corporation will be in Summit County, Utah.

ARTICLE II
PURPOSE AND AFFILIATION

2.1 Purpose. The Purpose of this congregation is to promote the fundamental and enduring principles of Judaism and to ensure the continuity of the Jewish people; to enable its members to develop a relationship with God through communal worship, study of Torah, and assembly; and to apply the principles of Reform Judaism to the values and conduct of the individual, the family, and the society in which we live.

2.2 Affiliation. The Corporation will be a member of the Union of Reform Judaism ("URJ") on mutually agreed upon terms. Purpose Exclusively Charitable. The Corporation is organized exclusively for educational and charitable purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under §501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law).

2.3 Limitations. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its directors, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in its Articles. No substantial part of the activities of the Corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation (except that, if the Corporation so elects, it may make such expenditures in conformity with §501(h) of the Internal Revenue Code) and the Corporation shall not participate in or intervene in (including publishing or distribution of statements) any political campaign on behalf of, or in opposition to, any candidate for public office. Notwithstanding any other provision of these By-Laws or the Articles of the Corporation, the Corporation shall not carry on any other activities not permitted to be carried on: (a) by a corporation exempt from Federal Income Tax under §501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law), or (b) by a corporation, contributions to which are deductible under §170(c)(2) of the Internal Revenue
ARTICLE III
MEMBERSHIP MEETINGS

3.1 Annual Meeting. The annual meeting shall be fixed by the Board of Directors, scheduled on a date between January 1 and March 31. Notice shall be given to all members of the Congregation no less than fifteen (15) nor more than forty-five (45) days prior to the annual meeting. The purpose of the annual meeting is the election of directors, and to consider such other business that comes before the meeting. If the directors are not elected at the annual meeting, the existing Directors shall continue to serve until their successors are named in a special meeting called for that purpose, or until the next annual meeting.

3.2 Special Meeting. Special meetings may be called by the President or by a majority of the Board of Directors, or by written petition of five (5) percent of the membership. Notice of special meetings shall be sent to each member not less than fifteen (15) nor more than forty-five (45) days prior to the date of said meeting, stating the time, place, and date of the meeting, and the matters to be considered at that meeting.

3.3 Place of Meetings. All meetings of the membership will be held in Summit County, Utah unless the Directors have authorized a meeting to be held elsewhere by written waiver.

ARTICLE IV
BOARD OF DIRECTORS

4.1 General Powers. The Board of Directors shall have authority to govern the property and affairs of the Corporation. The Board of Directors may exercise all powers conferred upon them by law, by the Articles of Incorporation, or by these By-Laws. The Board of Directors shall have the authority to enter into contracts and acquire or dispose of interests in land.

4.2 Number. There shall be at least seven (7) and not more than eighteen (18) members of the Board of Directors. The existing Board of Directors shall determine the appropriate number of Board members, consistent with these limitations, as it determines to be in the best interests of the Corporation.

4.3 Qualification. Board members shall be a member of a member household in good standing for at least one (1) year immediately prior to becoming a Director, and at least eighteen (18) years of age.

4.4 Term. Board members may serve up to two (2) consecutive three (3) year terms. Efforts shall be made to have Board terms divided in to three (3) approximately equal classes, so that approximately one-third (1/3) of Board terms shall expire in a given year. Directors in office as of March 1, 2009 may complete their then-current three-year term, regardless if their total years of service exceed this limitation. On-going exceptions to this limitation will be for a Director elected to the office of President, and who will subsequently serve as Immediate Past
President. Directors who have completed successive terms may be again elected to the Board after a one-year absence from Board service.

4.5 Nomination and Election. Not less than thirty (30) days prior to each annual meeting, the Board will appoint a Nominating Committee to select a slate of board members to replace those whose terms have expired. The Immediate Past-President shall chair the Nominating Committee and other members of the committee shall include one (1) Board member and three (3) members of the Congregation, as appointed by the Board. The proposed board members nominated by the Nominating Committee will be presented to the Members at the annual meeting for election. Any member in good standing may nominate another member in good standing to be a board member by submitting written notice, by a date to be determined by the Nominating Committee and noticed to the membership, to the Chair of the Nominating Committee. The Chair must notify the members of the slate of candidates no less than seven (7) days prior to the annual meeting. There shall be no nominations from the floor.

4.6 Vacancies. A vacancy occurring among the Directors may be filled by the Board at a regular meeting or special meeting. Such Director shall complete the unexpired term. If the unexpired term exceeds eighteen (18) months, it shall be considered a full term and shall be subject to the regulations concerning term of office (Section 4.4 above).

4.7 Attendance at Board Meetings. The Board shall maintain in its governing policies a requirement for attendance at Board meetings. Failure to comply with the stated attendance requirement may be construed as a resignation from the Board.

4.8 Board Meetings. The Board of Directors shall meet as frequently as they see fit, but no less than five (5) times per year, to fulfill its governance role, provided that the Board shall also meet at least once each year in the Annual Meeting of the Corporation. The procedures set forth in Robert's Rules of Order, as revised, may be invoked by the President or by majority vote of the Board.

4.9 Notice of Meetings. Notice of each meeting of the Board, whether regular or special, stating the date, time and place of the meeting shall be given to each Director at such Directors business or residential address or email address at least three (3) days prior thereto to a regular meeting, or forty-eight (48) hours prior to a Special Meeting by: (i) personal delivery or private carrier; (ii) United States mail, postage prepaid; or (iii) by telephone, facsimile, electronic transmission or any other form of wire or wireless communication (and the method of notice need not be the same to each voting Director). Written notice is effective at the earliest of: (i) the date received; or (ii) five (5) days after its deposit in the United States mail, postage prepaid (for regular meetings). Oral notice is effective upon receipt. If transmitted by facsimile, electronic transmission or other form of wire or wireless communication, notice shall be deemed to be given when the transmission is complete to the facsimile number or electronic address provided by the Director notified in such manner.

4.10 Quorum and Voting. No board business will be transacted without a quorum present. A quorum at a board meeting will consist of a majority of voting Directors. All members of the Board of Directors shall have one vote in all matters before the Corporation. Officers, who are also Directors, shall be entitled to vote as Directors. Board members may be counted as
present if they are participating in the meeting by telephone, provided that all members can hear each other. No proxies will be given among board members. Actions of the Board may only be taken by formal action of the Board, and no individual Director shall have the authority to act on behalf of the Corporation. Board actions will pass by a simple majority of those present at the meeting of the Board, provided that forty-eight (48) hours’ notice of the meeting and the proposed action was given to all board members by generally accepted methods of communication.

4.11 Compensation. The Board of Directors shall serve without compensation, provided that their reasonable out-of-pocket expenses for Corporation business may be reimbursed by the Corporation upon prior written approval by the Board.

4.12 Resignation or Removal. Any Director may resign at any time. Any Director may be removed prior to the end of his or her term of office by an affirmative vote of two-thirds (2/3) of all of the Directors if said Director has, by determination of a majority of all other board members, not abided by these By-Laws and/or the governing policies of the Board then in effect.

4.13 Action Without a Meeting. Any action required or permitted by the Board of Directors may be taken without a meeting if each Director in writing unanimously agrees and consents to such action.

4.14 Waiver of Notice. Directors may waive notice of meetings at the time of the meeting. Minutes of all board meetings will be kept, and when a meeting is held without prior notice, the minutes will reflect the waiver of notice.

4.15 Conflict of Interest. No board member shall participate in the discussion of, nor vote on the action taken with respect to any interest in property, contract, or transaction on behalf of the Corporation in which he/she, or any member of his/her immediate family, has any direct pecuniary interest, whether by virtue of ownership or receipt of a commission without the express written consent of a majority of the Board.

ARTICLE V
OFFICERS

5.1 Organization. The Board may form such committees as it deems appropriate, provided that actions by any such committee shall not be effective until presented to and approved by the Board. The committees shall serve at the discretion of the Board and shall have no independent right to make fiscal decisions without board approval. Minutes will be kept of committee meetings, and submitted to the Secretary.

5.2 Officers. The elected officers of the Corporation shall be a President, Vice President, Secretary, Treasurer, and immediate Past-President.

5.3 Election, Tenure and Removal. The officers will be elected at the first meeting of the Board following the annual meeting from the current Directors of the Corporation, and shall serve a two (2) year term. All officers serve at the pleasure of the Board and may be removed by an affirmative vote of a two-thirds (2/3) majority of all of the Directors whenever, in the Board’s judgment, the best interest of the Corporation would be served thereby. All officers must be
Members of the Board of Directors. No person shall serve in more than one office at the same time.

5.4 Duties of the President. The President, who is also the Chair of the Board of Directors, shall preside at meetings of the Board of Directors and at meetings of Members. He or she shall call special meetings and shall ensure that the Board of Directors fulfills its statutory duties and those articulated in these By-Laws and the Board’s governing policies.

5.5 Duties of the Vice President. The Vice President shall perform the duties of the President in case of the President’s absence, refusal or inability to serve, and such other duties as the Board may assign.

5.6 Duties of the Secretary. The Secretary shall be responsible for: maintaining the integrity of the Board’s documents, including seeing to it that records and minutes of both the Congregation and the Board of Directors, the Board’s governing policies and filings are accurate and timely.

5.7 Duties of Treasurer. The Treasurer shall serve as the chair of the Board’s Audit Committee, advise the Board on matters of fiscal policy, and shall present a financial report at the annual meeting of the Congregation.

5.8 Duties of Immediate Past-President. The Immediate Past-President shall act as an advisor to the Board of Directors. He/she shall also serve as the Chair of the Nominating Committee. If the Immediate Past President is unavailable, the President shall appoint a member of the Board of Directors as the Chair of the Nominating Committee. The Immediate Past President shall perform such other duties as may be assigned by the Board.

ARTICLE VI
BOARD COMMITTEES

6.1 Establishment. In addition to the Nominating Committee (as set forth in Section 4.5 above) the Board may appoint committees as deemed appropriate in carrying out its purposes and in accordance with its governing policies. The resolution establishing such committees shall state the purpose, time line, authority and manner of composition of each committee. No Committee shall have the authority to: (a) amend, alter or repeal these By-Laws; (b) elect, appoint or remove any member of any other Committee or any Director, elected officer or employee of the Corporation; (c) amend the Articles of Incorporation; (d) adopt a plan of merger or consolidation with another corporation; (e) authorize the sale, lease, exchange or other disposition of the property and assets of the Corporation; (f) authorize the voluntary dissolution of the Corporation or revoke proceedings therefore; (g) adopt a plan for the distribution of the assets of the Corporation; (h) amend, alter or repeal any resolution of the Board; or (i) incur indebtedness or other obligation or liability on behalf of the Corporation. The designation and appointment of any such Committee and the delegation thereto of authority shall not operate to relieve the Board or any individual Director of any responsibility imposed upon it, him, or her by law.

6.2 Chairperson. One member of each Board Committee shall be appointed Chair by the person or persons authorized by board policy to appoint the members thereof.
6.3 Composition and Quorum. The members of a Board Committee may be Directors and persons who are not Director, as the Board may establish in its governing policies. Members of a Board Committee shall be members of a member household of the Corporation. Each member of a committee shall continue as such until his or her successor is appointed, unless the committee shall be sooner terminated or unless the member resigns or is removed from the committee or unless the member shall cease to qualify as a member thereof. A majority of the whole committee shall constitute a quorum and the act of the majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

6.4 Rules. Each committee may adopt rules for its own activity not inconsistent with these By-Laws or with rules adopted by the Board of Directors within its governing policies.

ARTICLE VII
MEMBERSHIP

7.1 Qualification. Any person, without regard to race, gender or sexual preference, who identifies with the Jewish people, may become a member of the congregation. Such a member, his or her household partner, either Jewish or non-Jewish, and any unmarried children under twenty-three (23) years of age who are not self-supporting, shall also enjoy the rights and privileges of membership as herein defined. Parents who are living in the same household and financially dependent upon their son or daughter who is a member, may elect to be included in that person’s membership.

7.2 Rights and Privileges. Except as otherwise provided, each member in good standing shall enjoy the same rights and privileges as follows:

(a) To attend all open meetings;

(b) To be eligible to become a member of the Board of Directors, or any committee, and to hold office;

(c) To take advantage of all services, activities, programs, adult or children’s educational programs, all subject to the payment of such charges as may be assessed in connection therewith;

(d) To use resources available from the congregation for family or personal rituals;

(e) To take advantage of any member benefits resulting from the congregation’s national affiliation(s);

(f) Exercise any rights and privileges vested in them by law or as the Board of Directors may designate;

(g) To vote at the annual meeting of the Corporation for the election of the Board of Directors.
7.3 Members in Good Standing. A Member shall be entitled to the membership rights and privileges upon payment of dues. Families with two or more members will be entitled to two (2) votes, while singles will be entitled to one (1). Members who are delinquent in the payment of dues or charges shall not be entitled to membership rights and privileges until arrears of dues and charges are paid in full.

7.4 Quorum. At any duly noticed annual meeting the Members appearing either in person or by proxy shall constitute a Quorum for the purpose of electing the Board of Directors. Unless otherwise provided by law, the Board of Directors candidates with the most votes shall be declared elected.

ARTICLE VIII
FINANCIAL MATTERS

8.1 Dues. Members shall be responsible for financial support of the Congregation. Dues, assessments, and other fees shall be determined by and/or under the direct authority of the Board of Directors. The Board of Directors may waive, extend, or modify any financial obligation due from a member. The Board of Directors shall establish procedures with the intent of preserving the privacy of the member, who may request waiver or modification of financial obligations.

8.2 Expenditures. Any net increase in indebtedness not incurred in the ordinary course of business in excess of $250,000.00 will require a membership meeting and an opportunity for member input prior to the Board’s vote and decision with respect thereto.

ARTICLE IX
RABBI

9.1 Designation of Rabbi. The title of Rabbi shall be conferred by an affirmative vote of two-thirds (2/3) of the Board, on the religious leader of the Corporation who assumes full responsibility for the Corporation’s religious, educational, and pastoral needs. Performance of the duties of the Rabbi shall be conducted in a manner consistent with these By-Laws and the governing policies of the Board. The term of service of the Rabbi shall be as determined by the Board and/or as articulated in, if the Board so chooses, an Employment Agreement. The Rabbi shall be informed of and allowed to attend all meetings of the Membership and of the Board, unless excused by action of the Board.

ARTICLE X
INDEMNIFICATION

10.1 Indemnification. The Corporation will indemnify the officers, Directors, administrators, employees and other agents of the Corporation against any and all claims arising from their actions in carrying out the purposes of the Corporation to the fullest extent permitted under the laws of the State of Utah. This indemnity is limited only to those actions which are carried out in good faith performance of the assigned duties; that he or she reasonably believed that his or her conduct was in, or not opposed to, the corporation’s best interests; that in the case of any criminal proceeding, he or she had no reasonable cause to believe his or her conduct was unlawful; and for those actions authorized by the Board. The Indemnity shall not cover malicious
or intentional injuries caused to third parties, or actions by the Corporation against the officers. Directors or employees for fraud, criminal acts, malfeasance, gross negligence, or deliberate misconduct. The Corporation may purchase general liability policies that include indemnities for officers and Directors at the expense of the Corporation, in such face amounts as the Directors determine is appropriate.

ARTICLE XI
AMENDMENT

11.1 Amendment Initiated by the Board of Directors. Any action that would rescind the rights and privileges of members (as enumerated in Section 7.2 above) requires notification to and action of the membership, per the requirements enumerated in Article III of these By-Laws. These By-Laws may be otherwise amended by a two-thirds (2/3) majority of the total number of individuals on the Board of Directors and after a fifteen (15) day notification period.

ARTICLE XII
DISSOLUTION

12.1 Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all the liabilities of the Corporation, dispose of all the assets of the Corporation in such manner or to such organization or organizations organized and operated exclusively for charitable, religious, scientific, educational, or such other exempt purposes as shall at the time qualify as an exempt organization or organizations under §501(c)(3) of the Internal Revenue Code of 1986 (or corresponding provision of any future United States Internal Revenue Law), or to a federal, state, or local government body to be used for exclusively public purposes as the Board of Directors shall determine.

These By-Laws revised by action of the Board of Directors this _____ day of

_____________________, 2013.

_____________________________________
Board Secretary
AMENDED AND RESTATED BY-LAWS OF
PARK CITY JEWISH CENTER, INC. d/b/a TEMPLE HAR SHALOM

A Non-Profit Corporation of the State of Utah.

Pursuant to the provisions of the Utah Non-Profit Corporations Act, the Board of Directors of Temple Har Shalom, Inc. hereby amends and adopts the following By-Laws.

ARTICLE I
NAME AND PRINCIPAL OFFICE
1.1 Name. The name of the Corporation is Park City Jewish Center, and it is referred to below as the “Corporation.” The Corporation is authorized to take an assumed name for all or parts of its operations as provided by law.

1.2 Offices. The office of the Corporation will be in Summit County, Utah.

ARTICLE II
PURPOSE AND AFFILIATION
2.1 Purpose. The Purpose of this congregation is to promote the fundamental and enduring principles of Judaism and to ensure the continuity of the Jewish people, to enable its members to develop a relationship with God through communal worship, study of Torah, and assembly; and to apply the principles of Reform Judaism to the values and conduct of the individual, the family, and the society in which we live.

2.2 Affiliation. The Corporation will be a member of the Union of Reform Judaism Congregations (“URJ”) and will abide by the Constitution and By-Laws of the Union of Reform Judaism and will pay dues to the URJ as specified in the URJ’s By-Laws.

2.3 Purpose Exclusively Charitable. The Corporation is organized exclusively for educational and charitable purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under §501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law).

2.4 Limitations. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its directors, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in its Articles. No substantial part of the activities of the Corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation (except that, if the Corporation so elects, it may make such expenditures in conformity with §501(h) of the Internal Revenue Code) and the Corporation shall not participate in or intervene in (including publishing or distribution of statements) any political campaign on behalf of, or in opposition to, any candidate for public office. Notwithstanding any other provision of these By-Laws or the Articles of the Corporation, the Corporation shall not carry on any other activities not permitted to be carried
on: (a) by a corporation exempt from Federal Income Tax under §501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law), or (b) by a corporation, contributions to which are deductible under §170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provisions of any future United States Internal Revenue Law).

ARTICLE III
MEMBERSHIP MEETINGS

3.1 Annual Meeting. The annual meeting shall be fixed by the Board of Directors, scheduled on a date between January 1 and March 31. Notice shall be given to all members of the Congregation no less than fifteen (15) nor more than forty-five (45) days prior to the annual meeting. The purpose of the annual meeting is the election of officers and directors, and to consider such other business that comes before the meeting. If the directors are not elected at the annual meeting, the existing Directors shall continue to serve until their successors are named in a special meeting called for that purpose, or until the next annual meeting.

3.2 Special Meeting. Special meetings may be called by the President or by a majority of the Board of Directors, or by written petition of five (5) percent of the membership. Notice of special meetings shall be sent to each member not less than fifteen (15) nor more than forty-five (45) days prior to the date of said meeting, stating the time, place, and date of the meeting, and the matters to be considered at that meeting.

3.3 Place of meetings. All meetings of the membership will be held in Summit County, Utah unless the Directors have authorized a meeting to be held elsewhere by written waiver.

ARTICLE IV
BOARD OF DIRECTORS

4.1 General Powers. The Board of Directors shall have authority to govern the property and affairs of the Corporation. The Board of Directors may exercise all powers conferred upon them by law, by the Articles of Incorporation, or by these By-Laws. The Board of Directors shall have the authority to enter into contracts and acquire or dispose of interests in land.

4.2 Number. There shall be at least nine (7) and not more than eighteen (18) members of the Board of Directors. The existing Board of Directors shall determine the appropriate number of Board members, consistent with these limitations, as it determines to be in the best interests of the Corporation.

4.3 Qualification. Board members shall be a member of a member household in good standing for at least one (1) year immediately prior to becoming a Director, and at least eighteen (18) years of age.
STAFF REPORT

TO: Summit County Board of Equalization

FROM: Stephanie Larsen, Summit County Assessor

MTG DATE: March 18, 2020

RE: Review & Findings of Annual Renewal Applications \ Non-Profits

OVERVIEW\RECOMMENDATIONS:

For the tax year 2020, the Clerk of the BOE received by the due date of March 1st, 123 renewal applications for 501C3 non-profit organizations. Our office has reviewed each of the properties either by site visit or aerial maps in determining if the property is being exclusively used as required by state code to receive the exemption. The attached spreadsheet will show the following recommendations: 99 approve, 15 deny, 1 with a partial approve\deny, 8 remaining organizations failed to meet the requirement to file a yearly renewal application, we recommend denial for those.

As you may recall or want to review my email to you on 1.24.20, we are changing\correcting the process by which these applications are received and reviewed. Previously, our office tech(s) were receiving the applications and simply forwarding those to the board with no staff report. Unfortunately, that has enabled a rather ‘rubber stamp’ method of approval as you were given no information by which to consider your decisions.

Within the packet you will find a PDF for each of the 15 denial recommendations. Each will include images of the aerial map, current market valuations and corresponding state statute and\or tax commission rule and a brief overview to support our recommendation.

Previous approval of properties now having a denial recommendation, in our opinion, have been granted exemption against what state code allows. These are primarily vacant lands held for future use and affordable low-income housing. The Assessor’s office would encourage the Board of Equalization to stay within the bounds of state statute in administering these exemptions in order to be equitable with all properties and taxpayers in Summit County.

The Utah Supreme Courts has repeatedly held that these exemptions are to be “strictly construed” because (a) liberal construction of exemption provisions results in the loss of a major source of municipal revenue and places a greater burden on nonexempt taxpayers.” Utah County v. Intermountain Health Care, Inc.

Article XIII, section 2(2)(c) of the Utah Constitution lists among those properties that are exempt from property taxes “property owned by a non-profit entity which is used exclusively for religious, charitable or educational purposes....” Recognizing that each exemption is rooted in the same policy concerns, this Court has always treated the three exempt categories similarly...."

For parcels with questions, we did reach out to the applicant for clarification. For example, The Church of Jesus Christ of Latter-Day Saints had 3 parcels in question- adequate explanation was given on one parcel that sits adjacent to their campground. It is used for hiking with trails etc. to compliment the use of the campground. However, the other 2 parcels
sit further away from the campground, have no road access or hiking trails visible from the aerial photo, have private ownership separating it from the campground and were therefore deemed to not be *used* exclusively for their purpose.

**APPROVALS:** Nothing further to add. The applications are complete, timely and review has shown compliance within state law.

**DENIALS:**

With the opinion that we act on fair and equitable taxation under the law, those properties with a denial recommendation would still have opportunity to appeal. We have been in contact with a few of the applicants, some may attend the meeting - *but not all*. The Boards decision\vote on the acceptance of our recommendations would not negate the opportunity of those organizations to appeal that decision\vote to the commission as stated in *UAC 59-2-1102 (7) “Any property owner dissatisfied with the decision of the county board of equalization regarding any reduction or exemption may appeal to the commission under Section 59-2-1006.”* Speaking specifically on the issue of exclusive use and vacant land held for future use, no evidence has been provided thus far to show reason to exempt. Taking it before the Tax Commission would give the applicant opportunity to give greater or more conducive testimony to their application and\or clarification to the county on current state code. The county would at this time, request that the Commission give rule to any variations or exceptions to the code which have been previously and possibly erroneously presented and consequently accepted by the County BOE.

**NO APPLICATIONS and\or LATE APPLICATIONS:**

The deadline to appeal is March 1st of each year, however code does allow the BOE to extend deadlines. The question then becomes - how does the board determine how late an application can be? Is it one day, four days – up to two weeks? It can become contrary and subjective which usually leads to being inequitable. We strongly encourage that the board refrain from extensions. On the master spreadsheet, 4 applications were received late but with no time to review or give recommendation.

As an aside and due to the prior year(s) method of operation, perhaps some discretionary leniency for those organizations who have neglected to file or have filed late be given some measure of consideration for this year. However, LoraLea McKnight did send out *courtesy* reminder letters. The decision before the board is when and where to draw the line.

**Written notice from the clerk to notify removing a previous exemption must be done by April 1st.**

Discussion between the Auditor, Assessor and Attorney staff members have concluded that perhaps an ordinance outlining policy and procedures would be pertinent moving forward should the board agree.

I will be present at the council meeting to address any questions or concerns that you have. But also, please feel free to contact me this week to provide for you any clarification that I may have missed or been unclear on.

Stephanie Larsen

435-336-3253

slarsen@summitcounty.org
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<td>Cemetery (Church)</td>
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<td>62416.CT-148-X</td>
<td>Yes</td>
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<td>Yes</td>
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<td>141471.PP-51-A-X</td>
<td>Yes</td>
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<td>388577.PCA-2-3305-X</td>
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<td>260917.NS-B04-18-X</td>
<td>Yes</td>
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<td>416408.SP-7-22AM-X</td>
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<td>812461.NS-375-X</td>
<td>Yes</td>
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<td>Yes</td>
<td>Approved</td>
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<td>277931.TT-3-X</td>
<td>Yes</td>
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<td>338011.TT-91-X</td>
<td>Yes</td>
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<td>201610.MS-990-X</td>
<td>Yes</td>
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<td>328949.MS-999-X</td>
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<td>Yes</td>
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<td>231951.PHC-201</td>
<td>Yes</td>
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<td>313424.NS-5A-X</td>
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<td>464502.WPDC-10-JAM-X</td>
<td>Yes</td>
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<td>REDUX PARK CITY LLC</td>
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<tr>
<td>294268 340-OPEN-X</td>
<td>No</td>
<td>No Application</td>
<td>No Application</td>
<td>SOUTH SHORE GROUP LLC</td>
<td></td>
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<tr>
<td>297242 PP-66-B-X</td>
<td>No</td>
<td>No Application</td>
<td>No Application</td>
<td>UTAH SPORTS AUTHORITY</td>
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<tr>
<td>386389 15-48-1-B-1-X</td>
<td>Yes</td>
<td>No Application</td>
<td>No Application</td>
<td>COMMUNITY FOR CHILDREN'S JUSTICE</td>
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<td>141994 55-099</td>
<td>Yes</td>
<td>No Application</td>
<td>No Application</td>
<td>ROCKY MNT CONF UNITED METHODIST CHURCH</td>
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<tr>
<td>45504 PSA-5-C-X</td>
<td>Yes</td>
<td>No Application</td>
<td>No Application</td>
<td>VALLEY MENTAL HEALTH</td>
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<td>297003 CO-2320-X</td>
<td>Yes / Vacant Land</td>
<td>No Application</td>
<td>No Application</td>
<td>UTAH OPEN LANDS ASSOCIATION INC</td>
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<tr>
<td>380271 41-1-X</td>
<td>Yes</td>
<td>Late Application</td>
<td>Mustard</td>
<td>FRANCIS DAUGHTERS OF UTAH PIONEERS</td>
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<tr>
<td>441614 75-20398-X</td>
<td>No</td>
<td>Late Application</td>
<td>Scout Campground</td>
<td>GREAT SALT LAKE COUNCIL, INC BSA</td>
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<td>441529 75-3277-X</td>
<td>No</td>
<td>Late Application</td>
<td>Scout Campground</td>
<td>GREAT SALT LAKE COUNCIL, INC BSA</td>
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<tr>
<td>441505 75-3258-X</td>
<td>No</td>
<td>Late Application</td>
<td>Scout Campground</td>
<td>GREAT SALT LAKE COUNCIL, INC BSA</td>
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</table>
Memo – Parcels: ASR-40, ASR-41, ASR-42, ASR-43

To: Summit County Board of Equalization

From: Jeremy Manning, Commercial Appraiser, Summit County Assessor

Date: Wednesday, March 4, 2020

Re: Recommendation against property tax exemption

Images:

Ownership: ROMAN CATHOLIC BISHOP OF SALT LAKE CITY

Value: ASR-40 - $302,500  ASR-41 - $302,500  ASR-42 - $302,500  ASR-43 - $302,500

These vacant land lots are subdivided for residential development. They have been exempted from property taxation for the past several years but the exemption on these properties runs contrary to Tax Commission Rule R884-24P-40 which states, “Vacant land which is not actively used by the religious organization, is not deemed to be devoted exclusively to religious purposes, and is therefore not exempt from property taxes.”
The above cited tax commission rule allows for these properties to receive the exemption "after construction commences or a building permit is issued for construction of a structure or other improvements used exclusively for religious purposes".

The Summit County Assessor recommends that the applications for exemption on these parcels be denied.

Summit County Assessor
Memo – Parcel: ASRII-R-2

To: Summit County Board of Equalization
From: Jeremy Manning, Commercial Appraiser, Summit County Assessor
Date: Wednesday, March 4, 2020
Re: Recommendation against property tax exemption

Images:
Ownership: Roman Catholic Bishop of Salt Lake City

Value: $1,140,140 (All but $45,210 for the 16.44 acres of open space should be exempted)

This parcel of land includes a building which is used as a residence for clergy and other congregants and meets the qualifications in Tax Commission rule R884-24P-40. The Summit County Assessor recommends that the application for exemption for this improvement and the 5 acres which directly support it be approved. The rest of the surplus/excess land on this parcel is vacant land which is not actively used for an exclusively religious purpose and should not be granted the exemption.

The Summit County Assessor recommends that only a portion of the land on this parcel should be granted the property tax exemption.

Summit County Assessor
Memo – Parcel: BSE-A-2AM

To: Summit County Board of Equalization
From: Jeremy Manning, Commercial Appraiser, Summit County Assessor
Date: Tuesday, March 3, 2020
Re: Recommendation against property tax exemption

Images:

Ownership: Park City Jewish Center Inc DBA Temple Har Shalom
Value: $149,760

This parcel of land is owned by the Park City Jewish Center and is adjacent to the Temple Har Shalom on Highway 224. A portion of the lot contains a public trail but the majority of the property is vacant land. It has been exempted from property taxation for the past several years but the exemption on this property runs contrary to Tax Commission Rule R884-24P-40 which states, “Vacant land which is not actively used by the religious organization, is not deemed to be devoted exclusively to religious purposes, and is therefore not exempt from property taxes.”
On their application, when asked the “activities or functions this building or structure is used for” the applicant states, “This land is used for congregants to meditate and practice the spirituality of Judaism.” It seems clear from both the Tax Commission rule cited above and the phrasing of the questions on the application for exemption that this unimproved parcel does not qualify for the exclusive use exemption and the Summit County Assessor recommends that this application for exemption be denied.

Summit County Assessor

To: Summit County Board of Equalization

From: Jeremy Manning, Commercial Appraiser, Summit County Assessor

Date: Tuesday, March 3, 2020

Re: Recommendation against property tax exemption

Images:

Ownership: The Church of Jesus Christ of Latter-Day Saints

Value: CD-387-X - $200,000 CD-388-X - $412,800

This parcel doesn’t appear to be part of a campground (there appears to be no access to the parcels by road or trail) and doesn’t seem to be used for religious, charitable, or educational purposes as required in UCA 59-2-1101(3)(a)(iv):
(3)(a) The following property is exempt from taxation:
...(iv) property owned by a nonprofit entity used exclusively for religious, charitable, or educational purposes

In addition, the Utah State Tax Commission rule R884-24P-40 states:

Vacant land which is not actively used by the religious organization, is not deemed to be devoted exclusively to religious purposes, and is therefore not exempt from property taxes.

The owner has applied to the board of equalization for a property tax exemption for this parcel based on its exclusive use as a religious property. An examination of recent aerial photography of the parcel does not support the idea that this parcel has a use allowed under statute which would permit an exemption of this property.

Summit County Assessor
Memo – Parcels: MVK-19, MVK-20, and MVK-21

To: Summit County Board of Equalization
From: Jeremy Manning, Commercial Appraiser, Summit County Assessor
Date: Tuesday, March 3, 2020
Re: Recommendation against property tax exemption

Images:

Ownership: Mountainlands Community Housing Association


These parcels have each been improved with one apartment building containing 8 units. The properties were built using financing from low income tax credits and are listed with other completed housing credit projects by the Utah Housing Corporation.

According to UCA 59-2-301.3, these housing projects are to be valued by the assessor each year based on income statements and rent roll data provided by the owner of the project annually in April. Other similar low income apartment properties throughout Summit County have been valued based on this statute and have been assessed without exemption while these parcels have been granted exemption.
from the property tax. This unequal treatment is the main reason the assessor recommends denying the application made for property tax exemption in 2020.

Summit County Assessor
Memo – Parcel: VKJ-SPA-1D

To: Summit County Board of Equalization
From: Jeremy Manning, Commercial Appraiser, Summit County Assessor
Date: Wednesday, March 4, 2020
Re: Recommendation against property tax exemption

Images:
Ownership: Mountainlands Community Housing Association

Value: $4,469,000

This parcel has been improved with a 28 unit apartment building which has been rent restricted based on its status as low income housing. The property was built using financing from low income tax credits and is listed with other completed housing credit projects by the Utah Housing Corporation. According to UCA 59-2-301.3, these types of housing projects are to be valued by the assessor each year based on income statements and rent roll data provided by the owner of the project annually in April. Other similar low income apartment properties throughout Summit County have been valued based on this statute while this parcel has been granted exemption from the property tax. This unequal treatment is the main reason the assessor recommends denying the application made for property tax exemption in 2020.
Memo – Parcels: WM-2, WM-3, WM-4, WM-5

To: Summit County Board of Equalization
From: Jeremy Manning, Commercial Appraiser, Summit County Assessor
Date: Wednesday, March 4, 2020
Re: Recommendation against property tax exemption

Images:

Ownership: Mountainlands Community Housing Association

Value: WM-2 - $148,449 WM-3 - $154,555 WM-4 - $152,642 WM-5 - $154,555

These parcels have each been improved with a duplex building which has been rent restricted based on its status as low income housing. The properties were built using financing from low income tax credits.
and are listed with other completed housing credit projects by the Utah Housing Corporation. According to UCA 59-2-301.3, these housing projects are to be valued by the assessor each year based on income statements and rent roll data provided by the owner of the project annually in April. Other similar low income apartment properties throughout Summit County have been valued based on this statute while these parcels have been granted exemption from the property tax. This unequal treatment is the main reason the assessor recommends denying the application made for property tax exemption in 2020.

The Council asked for additional information on specific parcels that will be provided by the Assessor and Attorney. They were supportive of the rest of parcels recommended.

Council Member Robinson made a motion to deny approval of LDS Parcels CD-388-X and CD-387-X, Catholic Parcels ASR-40, ASR-41, ASR-43 and ASR-43 that are vacant land, and partial denial/approval of Parcel ASR-II-R-2 as recommended, in addition to approve the 100 Parcels recommended by the County Assessor including Parcel CD-431-1-M as discussed, and to hold in abeyance for further study the Mountainlands Community Housing Parcels as well as the no application received and late submittal parcels outlined by the County Assessor. Council Member Armstrong seconded the motion and all voted in favor, 5-0.

Dismiss as the Board of Equalization

Council Member Carson made a motion to dismiss as the Board of Equalization and reconvene as the County Council. Council Member Wright seconded and all voted in favor, 5-0.

If you would like to submit comments to Council, please email publiccomments@summitcounty.org by 12:00 p.m. on Wednesday, March 25th. If you wish to interact with Council at 6:00 p.m., please follow the “Public Comment Instructions”.

Public Input

There was no public input.

Consideration of Approval

Appoint members to serve on the Summit County Mosquito Abatement District

Council Member Wright made a motion to reappoint Gaylen Pace and Sue Pollard, and to appoint Zahava Wilstein to the Summit County Mosquito Abatement District with terms of service to expire December 31, 2024. Additionally, to consent to Henefer City’s recommendation to reappoint Jason Richins to the Summit County Mosquito Abatement District with a term of service to expire December 31, 2024. Council Member Armstrong seconded and all voted in favor, 5-0.
Council Comments

- Council Member Carson attended a Behavioral Health Meeting discussing access and internet issues. Some options may be made through the schools
- Attended a MAOG Policy meeting. Discussed staffing requirements and the Meals on Wheels program
- CDBG members made final selections for funding. Notifications to follow next week
- UAC Rural Counties meetings are Fridays. Discussed small business impacts
- Participated in joint NACo calls going over legislative bills
- She praised the Health and Sheriff employees and all County staff members for efforts of the past week with the Pandemic Crisis

- Council Member Wright has been on conference calls with the Emergency Operations Center, UAC, and County Staff each day regarding COVID-19

- Council Member Armstrong noted the difficult circumstances and challenges associated with the latest Order and asked that information and communication regarding available resources be made to the public knowing there will be confusion. Special outreach may be needed for certain segments and the older community
- He stated the School Districts and Christian Center are still providing food service

- Council Member Robinson echoed comments praising employees and staff
- He emphasized good communication for questions of the Order
- He is pleased with the State Economic Recovery Plan and will participate with the call in

- Chair Clyde received comments and concern about large numbers of people in Resort Housing. He has been in communication with the Resorts and knows they are going home as travel arrangements are made. He found no improper action

Manager Comments

- Manager Fisher stated the Attorneys are available to answer questions regarding the Order
- The Community Help Line is also staffed and functioning
- County Services are continuing and available and all offices are working either with partial staff or working from home or both. There is a meeting scheduled tomorrow via tele-conference with department heads for an update
- A letter is being prepared for the Governor requesting release of restrictions on Restaurant Tax, Transient Room Tax, and RAP Tax to make funding available to help small businesses

Council Minutes dated March 4, 2020

Council Member Carson made a motion to approve the minutes of March 4, 2020 as written with Council Member Wright seconding and all voting in favor, 5-0.
Closed Meeting Affidavit
3/25/2020

Pursuant to Utah Code § 52-4-206 Doug Clyde, Summit County Council Chair, hereby certifies and affirms that a closed meeting was held, electronically, on March 25, 2020 at 1:19 p.m., with the anchor location as the Sheldon Richins Building, located at 1885 West Ute Blvd, Park City, Utah, with the following individuals participating:

Doug Clyde, Glenn Wright, Kim Carson, Chris Robinson, Roger Armstrong, Margaret Olson, Dave Thomas, Helen Strachan, Tom Fisher, Janna Young, Annette Singleton, Rich Bullough, Phil Bondurant, Derek Siddoway, Kay Richins, Chris Cherniak, Doug Evans, Marc Watterson, Chris Ure, Dorothy Adams, Ilyssa Golding

The closed meeting was for the sole purpose of discussing:

[X] Security (Utah Code § 52-4-205(1)(f))

And the provisions of Utah Code § 52-4-206(1) do not apply.

DATED this 26th day of March, 2020.

Doug Clyde, Chair
Summit County Council

County of Summit  )
ss:  )
State of Utah  )

Annette Singleton, Notary Public
The Council meeting adjourned at 7:21 p.m.

Doug Child, Chair

Kent Jones, Clerk