MINUTES
SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, MAY 13, 2020
SHELDON RICHINS BUILDING ANCHOR LOCATION
PARK CITY, UTAH

To view Council meeting, live, visit the “Summit County, Utah” Facebook page 4:05 p.m.
OR
To participate in Council meeting: Join Zoom Meeting at https://zoom.us/j/772302472
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

PRESENT:

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

The Council was called to order at 2:10 p.m. and all participating attended electronically, via
Zoom.

Council Members log into separate electronic meeting for closed session

Closed Session – Personnel, and Security and Litigation

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

The Summit County Council met in closed session from 2:12 p.m. to 2:24 p.m. to discuss
personnel. Those in attendance were:

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
Brian Bellamy, Personnel Director
Jami Brackin, Deputy Attorney
Council Member Armstrong made a motion to leave session to discuss personnel and convene in closed session to discuss security. Council Member Wright seconded with all voting in favor, 5-0.

The Summit County Council met in closed session from 2:24 p.m. to 3:16 p.m. to discuss security. Those in attendance were:

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
Annette Singleton, Executive Assistant
Phil Bondurant, Health Department
Rich Bullough, Health Director
Derek Siddoway, Communications
Jami Brackin, Deputy Attorney

Council Member Armstrong made a motion to leave session to discuss security and convene in closed session to discuss litigation. Council Member Wright seconded with all voting in favor, 5-0.

The Summit County Council met in closed session from 3:16 p.m. to 3:44 p.m. to discuss litigation. Those in attendance were:

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
Annette Singleton, Executive Assistant
Jami Brackin, Deputy Attorney

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

Work Session

Pledge of Allegiance

Discussion regarding Recreation Arts and Parks (RAP) Tax reauthorization; Derek Siddoway

Derek Siddoway, Communications Director, reviewed the following information regarding reauthorization of the Recreation Arts and Parks (RAP) Tax. This is a county-wide sales tax that has been implemented with a ten-year sunset date to expire at the end of this year. The steps outlined are to renew the tax by a vote on the November ballot.
Timeline

- May
  - Campaign launch - public education about RAP Tax begins
    - Editorials, website information, social media & more issued in collaboration from Summit County, municipalities and RAP recipients.
    - https://www.summitcounty.org/raptax
  - What is the RAP Tax?
  - How do citizens benefit from the RAP Tax?
  - Will my taxes increase if the RAP Tax passes in 2020? (NO!)
  - Funding
Timeline

- June-July 2020
  - Public education continues from all entities.
- August 2020
  - 75 days before Election Day, County Council must decide if they will add the RAP Tax Reauthorization to the November 2020 Ballot by August 20. (August 19 is the closest council meeting to this date).
  - If/When County Council places the RAP Tax Reauthorization on the ballot, the County can no longer promote the Reauthorization of the RAP Tax.
- September-October
  - Public education & promotion will continue from municipalities & RAP recipients.
- November 2020
  - Election Day
Talking Points

- The RAP (recreation, arts, & parks) tax is to enhance or support the funding of publicly owned or operated recreational and zoological facilities, and botanical, cultural, and zoological organizations owned operated by institutions or private nonprofit organizations.

- The RAP Tax is a county-wide sales tax and is a 0.10% (tenth of a cent) sales tax on certain goods.

- Citizens of Summit County first voted to approve this tax in 2000 and renewed the tax in 2010. With each election the County has placed a ten-year sunset on the tax which means it will expire at the end of 2020 unless renewed.

- Taxes WILL NOT increase if the RAP Tax passes in 2020. The tax has been in place for the past twenty years.
- Bonded recreation projects have ranged from expanded facilities for Basin Recreation and Park City Municipal, The Red Barn in Oakley City, and park and playground facilities in the North Summit Recreation District.

- Cultural/arts projects have been awarded to organizations including Sundance Institute, Arts Kids, Park City/Summit County Public Arts Council, Park Silly Market, KPCW, Kimball Art Center, and Swaner EcoCenter, among others.

- Learn more at summitcounty.org/raptax
From the community

The Echo Community Historical Organization has used funds from the Summit County Recreation, Arts and Parks (RAP) fund to maintain the Historic Echo Church, the Echo Post Office, and the Historic Echo Cemetery and fund personnel to keep the church open for visitors, and the post office staffed. Specifically, in Echo, the Summit County RAP funding has been invaluable in preserving the historic nature of Echo and these buildings. And we are working to improve not just our buildings, but the general tourist and historic economy of Echo itself. I would encourage everyone to please support the RAP fund, so that we, and others, can continue to do this good work. – Pat Cone, former Summit County Commissioner

The RAP tax has funded many projects to help Park City Ice Arena move into the new era of technology and communication, allowing us to better serve our patrons and our community. The Ice Arena is an important community amenity that impacts the quality of life and experience by patrons and visitors. Rap Tax continues to be an important, and much appreciated funding source. – Park City Ice Arena
From the community

Summit County RAP Tax funds are a significant percentage of KPCW’s operating budget and critical to the success of the station for arts-based programming, news, and events coverage. Investing in KPCW’s operating budget is an important investment in Summit County’s cultural arts. Without the benefit of RAP funding, KPCW would have to significantly limit its news coverage and arts-based programming in Summit County. – KPCW

The residents of North Summit have been truly blessed by the funding tool put in place by Summit County, known as the RAP – Cultural Grant. A community the size of Coalville just doesn’t have the tax base on its own to fund the kinds of parks and recreation facilities that many communities enjoy and that are such a vital part of raising a healthy and active family. The RAP tax grant was THE financial key to making the new park possible, and helped replace and improve a critical gathering and recreation space that provides such great value and sense of community to our small town. – North Summit Recreation

RAP Tax
Summit County
From the community

The Alf Engen Ski Museum has been a grateful recipient of the Summit County RAP Tax Grant Program for 15 years. This grant is a vital revenue stream allows both museums to maintain and expand our offerings for Summit County residents and, in particular, Summit County elementary students. The 2019 RAP Tax funds were vital for the museum’s operating dollars for the management, maintenance and ongoing development of the Alf Engen Ski Museum. These funds became vital during our COVID-19 time period as the museum made the decision to keep staff during the closure even though we did not have revenue. – Alf Engen Ski Museum Foundation

Summit County’s RAP Tax is at the top of a list of public and private partners that make Deer Valley Music Festival possible. Funding received through the RAP Grant Program is designated toward payment of the guest artists who draw audiences and drive ticket sales – artists such as Kristen Chenoweth, Ben Folds, and the Beach Boys. As the summer home of the Utah Symphony, DVMF has built a sound reputation that will sustain and increase attendance as long as the organization can offer the quality experience our patrons expect, and the sustaining support from Summit County’s RAP Tax solidifies the foundation on which we can grow and innovate in coming seasons. – Deer Valley Music Festival
Continued review of County curbside collection alternatives; Tim Loveday and Derrick Radke

Tim Loveday, Solid Waste Superintendent, and Derrick Radke, Public Works Director, reviewed the following presentation and continued discussion regarding County curbside collection alternatives.
SUMMIT COUNTY SOLID WASTE COLLECTION CONTRACT - REQUEST FOR PROPOSALS

RFP
BASE BID
MATCH EXISTING CONTRACTED SERVICES

TOTAL SOLID WASTE COLLECTION FOR 19,000 CUSTOMERS

CURBSIDE TRASH = 16250
CURBSIDE RECYCLE = 16250
DUMPSTER TRASH = 2750
DUMPSTER RECYCLE = 2750

ANTICIPATED 2022
CONTRACT COST = $3.6M
SUMMIT COUNTY SOLID WASTE COLLECTION CONTRACT - REQUEST FOR PROPOSALS

ADDITIVE ALTERNATE No. 1

Shift Multi-Family Collection to Commercial (4-PLEX and Up)

7500 4-Plex+ Units @
$155/unit = -$1.16M
$40/yr. Fee = $300K
Invoicing Cost = $19K
Net = -$841K

Estimated cost for commercial trash service / unit is ~$190/yr total

RECOMMENDED Net Est Contract Value = $2.73M

DISCUSSION YES/NO?
SUMMIT COUNTY SOLID WASTE COLLECTION CONTRACT - REQUEST FOR PROPOSALS

**ADDITIVE ALTERNATE No. 2**

- Shift Remote Cabin Area (Bear River Service) Collection to Commercial
- 575 Cabins = -$56K
- $40/yr. Fee = $23K
- Inv. Cost = $ 1.4K
- Net = -$32K

Possible litter issues. Cost to HOA's may go up. Fee complaints down.

**DISCUSSION YES/NO?**

NEUTRAL RECOMMEND BASED ON FUNDING MODE
SUMMIT COUNTY SOLID WASTE COLLECTION CONTRACT - REQUEST FOR PROPOSALS

ADDITIVE ALTERNATE No. 3

- Add Weekly Recycling
- 16,250 Curbside @ $4.70/unit/month = $917K/yr
- Current Cost/Ton = $330
- New Cost/ton = $902
- Net gain in Recycle is 971 tons or 10 lbs/unit/month

DISCUSSION
YES/NO?

NOT RECOMMENDED
Net Est Contract Value = $3.64M
ADDITIONAL ADDITIVE/ALTERNATIVES TOWARDS ACHIEVING SUMMIT COUNTY’S STRATEGIC GOALS RELATED TO SOLID WASTE DISPOSAL
Reduce Greenhouse Emissions
Divert Recyclable Materials from Landfill
[INOVATIVE SCORING SYSTEM]
SUMMIT COUNTY SOLID WASTE COLLECTION CONTRACT - REQUEST FOR PROPOSALS

ADDITIVE ALTERNATE No. 4 - 5

**Provide Cost proposal to utilize Alternative Fuel collection trucks, service vehicles, and other haul trucks**
- Provide metric for air quality impact for required fleet (i.e. CO2/yr.)
- Specify number and type of vehicles
  - A certain number of vehicles must be capable of servicing steep, paved and unpaved roads during most inclement weather (i.e. 4 to 6 axle drive w/ chains)
  - Provide specific proposed vehicles to provide service
  - Provide GPS Collection vehicle tracking system available to SC

**Provide proposal to reduce GHG by consolidating trips from SC to Materials Recovery Centers (Comingled Recycling) and reducing the quantity of cardboard and other divertible materials going into the landfill**
- Detail contract time and cost impacts
- Consider Transfer Station, Comingled Recycled Materials Sorting
- Consider projected recycled materials market
  - How would changing “acceptable materials” impact cost of overall curbside collection and transportation cost impacts
- How would requiring all commercial recyclable materials be brought to a Transfer/Sorting Center impact proposal
  - What would be the “acceptable materials” from commercial enterprises/residential collection
  - What systems would be required to ensure compliance by commercial enterprises, and other commercial collection companies
- How would the addition of remote, public drop-off sites impact proposal

**DISCUSSION**

**YES/NO?**
SUMMIT COUNTY SOLID WASTE COLLECTION CONTRACT - REQUEST FOR PROPOSALS

ADDITIVE ALTERNATE No. 6 - 7

Provide proposal to reduce GHG and diversion from Landfill by providing "Opt-In" Subscription Services
- Consider Curbside Collection of Green Waste
  - Specify frequency
  - Detail limitations/conditions
- Consider On-Site Collection of Food Waste
  - Specify frequency
  - Detail limitations/conditions

- Consider Curbside Collection of Green Waste
  - Specify frequency
  - Detail limitations/conditions
- Consider On-Site Collection of Food Waste
  - Specify frequency
  - Detail limitations/conditions

DISCUSSION
YES/NO?
SUMMIT COUNTY SOLID WASTE COLLECTION CONTRACT - REQUEST FOR PROPOSALS

ADDITIVE ALTERNATE No. 7 - 8

Detail proposal impacts related to Park City's "Zero Waste Initiative" [we have to provide their plan]

Identify additional services or processes' which enhance overall solid waste program and provides residents with additional services
- Additional "Opt-In" services such as bulky Item Pickup
- Innovative ways and means to further meet SC Strategic Goals

DISCUSSION
YES/NO?
- Additive alternate #1 – support with more detail regarding affordable or low income, and full time residents
- Additive alternate #2 – neutral
- Additive alternate #3 – not recommended
- SC SW Fee Billing Annual Cost – future discussion
- Additive alternate #4 and #5 – support including in RFP
- Additive alternate #6 – support including in RFP
- Additive alternate #7 and #8 – continue communicating
- Add to RFP waste energy option

**Convene as the Board of Equalization**

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

**Discussion and possible adoption of Findings of Fact and Conclusions of Law regarding Primary Residential Exemptions for Summit County Parcels PNW-1-13, PNW-2-31, PNW-4-36, PNW-2-26, and PNW-2-27; LoraLea McKnight and Helen Strachan**

LoraLea McKnight and Chief Deputy Civil Attorney Dave Thomas, presented the following information regarding Primary Residential Exemption requests for Summit County Parcels PNW-1-13, PNW-2-31, PNW-4-36, PNW-2-26, and PNW-2-27 that were denied last week pending review of Findings of Fact and Conclusions of Law to be included in the decision.
BEFORE THE BOARD OF EQUALIZATION
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

In the matter of:

Todd Lee Blatt and Christine Eve Blatt,
Trustees of the Blatt Family Trust

BOARD OF EQUALIZATION’S
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

May 13, 2020

This matter came before the Board of Equalization of Summit County ("Board") on a request by Todd Lee Blatt and Christine Eve Blatt, Trustees of the Blatt Family Trust ("Taxpayer") for a primary residential property tax exemption(s) under Utah Code Annotated ("UCA") §§ 59-2-103 and 59-2-103.5 and Summit County Code §1-12B-1 et. seq. "Article B. Residential Property Tax Exemptions." Having considered the evidence presented by all interested parties and the entire record relating to this issue, the Board rendered its decision following discussion and deliberation as part of its regularly scheduled agenda on May 6, 2020, adopting a motion to DENY Taxpayer’s request for a primary residential property tax exemption with that decision to become final following the adoption of these findings and conclusions. In support of that decision, the Board adopts the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1) Taxpayer is the record owner of Summit County Tax Id. PNW-2-27 (the “Subject Property”), acquiring ownership on or about August 28, 2018.

2) On or about March 9, 2020, the Summit County Assessor’s Office received a cover letter
from Taxpayer’s attorney, Mark Gaylord of Ballard Spahr, LLP, along with an application for primary residential property tax exemption for the Subject Property. On said application, Taxpayer declared that they have no other permanent residences in the state of Utah and that they live at the Subject Property at least 183 consecutive days per calendar year.

3) The Subject Property is located within the Promontory Specially Planned Area, which is subject to Summit County Ordinance 406, an “Ordinance Approving and Adopting the Development Agreement for the Promontory [Specially Planned Area]” (hereinafter referred to as the “Promontory DA”). The Promontory DA was recorded against the Subject Property on February 27, 2001 in the Office of the Summit County Recorder as Entry Number 583272, in Book 1355 starting at Page 1154.

4) The Subject Property is located within the Promontory Nicklaus West Phase 2 subdivision and the associated plat was recorded in the Office of the Summit County Recorder on August 2, 2016 as Entry Number 1050646 (the “Plat”). On the Plat, the Subject Property is indicated by an “R,” which means that it is a “Resort Unit” as defined by the Promontory DA.

5) The Promontory DA at §1.48 defines “Resort Units” as “…a dwelling located in the immediate vicinity of a hotel or club facility and offered for rent or overnight stay as a part of the operations of the hotel or club facility.”

6) The Promontory DA at §4.4.1 (“Resort Units”) states that “[w]hile these units may be owned by the hotel operator or condominiumized, there will be restrictions that these
units will be used for short term occupancy not to exceed six months. In the case of individual cottage ownership, these cottage units must be part of the rental pool managed by the hotel for overnight rental in order to ensure their treatment as resort-type units and shall be designed and set up to ensure that they will not be permanent residences.” (emphasis added).

7) The Promontory DA at §1.37 defines “Permanent Occupancy” as “the occupancy of a Residential Unit within the Community for more than six months of a calendar year or where the owner has claimed a primary residential property tax benefit under applicable law.” “Secondary Occupancy” is defined at §1.49 as “occupancy of a Residential Unit which is not Permanent Occupancy.”

8) The Subject Property is also subject to a note on the Plat which states as follows under note #12, “Resort Units shall be used for short-term occupancy not to exceed six (6) months by any resident in a single calendar year period. Resort Unit owners are ineligible to qualify for permanent resident status based upon the Resort Unit ownership” (emphasis added). The Plat note further states that “[i]n the event that a court or similar official government decision making body determines that [this] is not enforceable and after such determination an owner of a Resort Unit is violating [this] by using such unit for permanent occupancy, an impact fee in the amount of $10,000 will be payable to the County by the Resort Unit Owner.”

9) To date, the above-noted restriction on the Plat has never been challenged or deemed unenforceable by a court or similar official government decision making body.
CONCLUSIONS OF LAW

1) The Utah Constitution permits the legislature to provide by law, exemptions from taxation for residential property as long as they do not exceed 45% of the fair market value. See Utah Const. art. XIII, § 3(2)(a)(iv).

2) Pursuant to UCA §59-2-103, the fair market value of real property which is used as a primary residence, defined as residency for 183 or more consecutive calendar days in a given year, is allowed a primary residential tax exemption equal to a 45% reduction in the value of the property.

3) UCA §59-2-103.5 allows a county to adopt an ordinance that requires a property owner to file an application with the county’s board of equalization before a primary residential tax exemption is granted, and Summit County has adopted such an ordinance, which has been codified as Summit County Code §1-12B-1 et. seq., “Article B. Residential Property Tax Exemptions.”

4) Summit County Code §1-12B-2, requires the filing of an application prior to granting a primary residential property tax exemption and, consistent with Utah Administrative Rule R884-24P-52, has criteria for determining whether a property owner qualifies for a primary residential property tax exemption.

5) Utah’s Recording Statute provides that documents and instruments filed with the county recorder “impart notice to all persons of their contents” (UCA §57-3-102(1)), and the Utah Supreme Court has held that constructive notice can take two forms (See First Am. Title Ins. Co. v. J.B. Ranch, 966 P.2d 834 (Utah 1998)). First the recording statute
provides that constructive notice is imparted when documents are properly recorded (Id. at 837). This is known as record notice. Second, constructive notice may arise from a duty to inquire when one has “knowledge of certain facts and circumstances” that are sufficient to give rise to a duty to inquire further. Id. This is known as inquiry notice.

6) Taxpayer, as owner of the Subject Property, was on record notice of the existence of the Promontory DA and the Plat because they were properly recorded in the Office of the Summit County Recorder in 2001 and 2016 respectively; all prior to Taxpayer’s purchase of the Subject Property.

7) The Promontory DA and Plat note #12, with their restrictions and conditions contained therein, operate similarly to a “restrictive covenant” as the Promontory DA and Plat run with the land and are binding on subsequent purchasers (See Flying Diamond Oil Corp. v. Newton Sheep Co., 776 P.2d 618 (Utah 1989)). It is well established under Utah law that covenants, conditions and restrictions constitute a contractual relationship and that restrictive covenants are enforceable against property owners who purchase land subject to such restrictions. (Workman v. Brighton Properties Inc., 976 P.2d 1209, 1212 (Utah 1999) (citing, Turner v. Hi-Country Homeowners Ass’n, 910 P.2d 1223, 1225 (Utah 1996); Fink v. Miller, 896 P.2d 649, 652 (Utah App. 1995)).

8) There is no ambiguity as to the meaning of Section 4.4.1 of the Promontory DA, which states that the Resort Units “will be used for short term occupancy not to exceed six months . . . [and they] will not be permanent residences.” (emphasis added).

9) Neither is there ambiguity in Plate note #12 which definitively states, “Resort Unit
owners are ineligible to qualify for permanent resident status based upon the Resort
Unit ownership.” (emphasis added).

10) Moreover, the Promontory DA’s definitions of “Permanent Occupancy” and “Secondary
Occupancy” make it clear and unmistakable that the intent of the Promontory DA is to
limit occupancy of the Resort Units to less than six months and limit the ability of said
owner to claim a primary residential property tax benefit.

11) Therefore, by purchasing the Subject Property with the unambiguous restrictions found
within the recorded Promontory DA and the Plat, the Taxpayer clearly and unmistakably
waived its right to a primary residential property tax exemption. See Pioneer Builders
Company of Nevada, Inc. v. KDA Corporation, 437 P.3d 539, 542 (Utah App. 2018)
(there must be a “clear and unmistakable” waiver of a statutory right).

This is the final administrative decision of the Summit County Board of Equalization. As
such, it may be appealed to the Utah State Tax Commission by filing a notice of appeal with
the Clerk of the Board within 30 days of this written decision pursuant to UCA §59-2-1006.

DATED this 13th day of May 2020.

BOARD OF EQUALIZATION
OF SUMMIT COUNTY

BY: ______________________
Douglas Clyde, Chair

ATTEST:

______________________________
Michael Howard
Clerk to the Board of Equalization
APPROVED AS TO FORM:

David L. Thomas
David L. Thomas
Chief Civil Deputy
BEFORE THE BOARD OF EQUALIZATION
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

In the matter of:

Sean Hagerty and Terese Hagerty,
Trustees of the Sean D. Hagerty and Terese S.
Hagerty Family Trust

BOARD OF EQUALIZATION’S
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

May 13, 2020

This matter came before the Board of Equalization of Summit County ("Board") on a request by Sean Hagerty and Terese Hagerty, Trustees of the Sean D. Hagerty and Terese S. Hagerty Family Trust ("Taxpayer") for a primary residential property tax exemption(s) under Utah Code Annotated ("UCA") §§ 59-2-103 and 59-2-103.5 and Summit County Code §1-12B-1 et. seq. "Article B. Residential Property Tax Exemptions." Having considered the evidence presented by all interested parties and the entire record relating to this issue, the Board rendered its decision following discussion and deliberation as part of its regularly scheduled agenda on May 6, 2020, adopting a motion to DENY Taxpayer’s request for a primary residential property tax exemption with that decision to become final following the adoption of these findings and conclusions. In support of that decision, the Board adopts the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1) Taxpayer is the record owner of Summit County Tax Id. PNW-4-36 (the “Subject Property”), acquiring ownership on or about September 23, 2019.

2) On or about March 9, 2020, the Summit County Assessor’s Office received a cover letter
from Taxpayer’s attorney, Mark Gaylord of Ballard Spahr, LLP, along with an application for primary residential property tax exemption for the Subject Property. On said application, Taxpayer declared that they have no other permanent residences in the state of Utah and that they live at the Subject Property at least 183 consecutive days per calendar year.

3) The Subject Property is located within the Promontory Specially Planned Area, which is subject to Summit County Ordinance 406, an “Ordinance Approving and Adopting the Development Agreement for the Promontory [Specially Planned Area]” (hereinafter referred to as the “Promontory DA”). The Promontory DA was recorded against the Subject Property on February 27, 2001 in the Office of the Summit County Recorder as Entry Number 583272, in Book 1355 starting at Page 1154.

4) The Subject Property is located within the Promontory Nicklaus West Phase 4 subdivision and the associated plat was recorded in the Office of the Summit County Recorder on February 8, 2018 as Entry Number 1086266 (the “Plat”). On the Plat, the Subject Property is indicated by an “R,” which means that it is a “Resort Unit” as defined by the Promontory DA.

5) The Promontory DA at §1.48 defines “Resort Units” as “...a dwelling located in the immediate vicinity of a hotel or club facility and offered for rent or overnight stay as a part of the operations of the hotel or club facility.”

6) The Promontory DA at §4.4.1 (“Resort Units”) states that “[w]hile these units may be owned by the hotel operator or condominiumized, there will be restrictions that these
units will be used for short term occupancy not to exceed six months. In the case of individual cottage ownership, these cottage units must be part of the rental pool managed by the hotel for overnight rental in order to ensure their treatment as resort-type units and shall be designed and set up to ensure that they will not be permanent residences.” (emphasis added).

7) The Promontory DA at §1.37 defines “Permanent Occupancy” as “the occupancy of a Residential Unit within the Community for more than six months of a calendar year or where the owner has claimed a primary residential property tax benefit under applicable law.” “Secondary Occupancy” is defined at §1.49 as “occupancy of a Residential Unit which is not Permanent Occupancy.”

8) The Subject Property is also subject to a note on the Plat which states as follows under note #12, “Resort Units shall be used for short-term occupancy not to exceed six (6) months by any resident in a single calendar year period. Resort Unit owners are ineligible to qualify for permanent resident status based upon the Resort Unit ownership” (emphasis added). The Plat note further states that “[i]n the event that a court or similar official government decision making body determines that [this] is not enforceable and after such determination an owner of a Resort Unit is violating [this] by using such unit for permanent occupancy, an impact fee in the amount of $10,000 will be payable to the County by the Resort Unit Owner.”

9) To date, the above-noted restriction on the Plat has never been challenged or deemed unenforceable by a court or similar official government decision making body.
CONCLUSIONS OF LAW

1) The Utah Constitution permits the legislature to provide by law, exemptions from taxation for residential property as long as they do not exceed 45% of the fair market value. See Utah Const. art. XIII, § 3(2)(a)(iv).

2) Pursuant to UCA §59-2-103, the fair market value of real property which is used as a primary residence, defined as residency for 183 or more consecutive calendar days in a given year, is allowed a primary residential tax exemption equal to a 45% reduction in the value of the property.

3) UCA §59-2-103.5 allows a county to adopt an ordinance that requires a property owner to file an application with the county’s board of equalization before a primary residential tax exemption is granted, and Summit County has adopted such an ordinance, which has been codified as Summit County Code §1-12B-1 et. seq., “Article B. Residential Property Tax Exemptions.”

4) Summit County Code §1-12B-2, requires the filing of an application prior to granting a primary residential property tax exemption and, consistent with Utah Administrative Rule R884-24P-52, has criteria for determining whether a property owner qualifies for a primary residential property tax exemption.

5) Utah’s Recording Statute provides that documents and instruments filed with the county recorder “impert notice to all persons of their contents” (UCA §57-3-102(1)), and the Utah Supreme Court has held that constructive notice can take two forms (See First Am. Title Ins. Co. v. J.B. Ranch, 966 P.2d 834 (Utah 1998)). First the recording statute
provides that constructive notice is imparted when documents are properly recorded (Id. at 837). This is known as record notice. Second, constructive notice may arise from a duty to inquire when one has “knowledge of certain facts and circumstances” that are sufficient to give rise to a duty to inquire further. Id. This is known as inquiry notice.

6) Taxpayer, as owner of the Subject Property, was on record notice of the existence of the Promontory DA and the Plat because they were properly recorded in the Office of the Summit County Recorder in 2001 and 2018 respectively; all prior to Taxpayer’s purchase of the Subject Property.

7) The Promontory DA and Plat note #12, with their restrictions and conditions contained therein, operate similarly to a “restrictive covenant” as the Promontory DA and Plat run with the land and are binding on subsequent purchasers (See Flying Diamond Oil Corp. v. Newton Sheep Co., 776 P.2d 618 (Utah 1989)). It is well established under Utah law that covenants, conditions and restrictions constitute a contractual relationship and that restrictive covenants are enforceable against property owners who purchase land subject to such restrictions. (Workman v. Brighton Properties Inc., 976 P.2d 1209, 1212 (Utah 1999) (citing, Turner v. Hi-Country Homeowners Ass’n, 910 P.2d 1223, 1225 (Utah 1996); Fink v. Miller, 896 P.2d 649, 652 (Utah App. 1995)).

8) There is no ambiguity as to the meaning of Section 4.4.1 of the Promontory DA, which states that the Resort Units “will be used for short term occupancy not to exceed six months . . . [and they] will not be permanent residences.” (emphasis added).

9) Neither is there ambiguity in Plate note #12 which definitively states, “Resort Unit
owners are ineligible to qualify for permanent resident status based upon the Resort
Unit ownership." (emphasis added).

10) Moreover, the Promontory DA’s definitions of “Permanent Occupancy” and “Secondary
Occupancy” make it clear and unmistakable that the intent of the Promontory DA is to
limit occupancy of the Resort Units to less than six months and limit the ability of said
owner to claim a primary residential property tax benefit.

11) Therefore, by purchasing the Subject Property with the unambiguous restrictions found
within the recorded Promontory DA and the Plat, the Taxpayer clearly and unmistakably
waived its right to a primary residential property tax exemption.  See Pioneer Builders
Company of Nevada, Inc. v. KDA Corporation, 437 P.3d 539, 542 (Utah App. 2018)
(there must be a “clear and unmistakable” waiver of a statutory right).

This is the final administrative decision of the Summit County Board of Equalization. As
such, it may be appealed to the Utah State Tax Commission by filing a notice of appeal with
the Clerk of the Board within 30 days of this written decision pursuant to UCA §59-2-1006.

DATED this 13th day of May 2020.

BOARD OF EQUALIZATION
OF SUMMIT COUNTY

BY: [Signature]
Douglas Clyde, Chair

ATTEST:

____________________________________
Michael Howard
Clerk to the Board of Equalization
BEFORE THE BOARD OF EQUALIZATION
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

In the matter of:

Marc Patrick Lehmann and Kaylyn Lehmann, Trustees to the Lehmann Family Trust

BOARD OF EQUALIZATION'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

May 13, 2020

This matter came before the Board of Equalization of Summit County ("Board") on a request by Marc Patrick Lehmann and Kaylyn Lehmann, Trustees to the Lehmann Family Trust ("Taxpayer") for a primary residential property tax exemption(s) under Utah Code Annotated ("UCA") §§ 59-2-103 and 59-2-103.5 and Summit County Code §1-12B-1 et. seq. “Article B. Residential Property Tax Exemptions.” Having considered the evidence presented by all interested parties and the entire record relating to this issue, the Board rendered its decision following discussion and deliberation as part of its regularly scheduled agenda on May 6, 2020, adopting a motion to DENY Taxpayer’s request for a primary residential property tax exemption with that decision to become final following the adoption of these findings and conclusions. In support of that decision, the Board adopts the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1) Taxpayer is the record owner of Summit County Tax Id. PNW-2-31 (the “Subject Property”), acquiring ownership on or about October 8, 2018.

2) On or about March 9, 2020, the Summit County Assessor’s Office received a cover letter
from Taxpayer’s attorney, Mark Gaylord of Ballard Spahr, LLP, along with an
application for primary residential property tax exemption for the Subject Property. On
said application, Taxpayer declared that they have no other permanent residences in the
state of Utah and that they live at the Subject Property at least 183 consecutive days per
calendar year.

3) The Subject Property is located within the Promontory Specially Planned Area, which is
subject to Summit County Ordinance 406, an “Ordinance Approving and Adopting the
Development Agreement for the Promontory [Specially Planned Area]” (hereinafter
referred to as the “Promontory DA”). The Promontory DA was recorded against the
Subject Property on February 27, 2001 in the Office of the Summit County Recorder as
Entry Number 583272, in Book 1355 starting at Page 1154.

4) The Subject Property is located within the Promontory Nicklaus West Phase 2
subdivision and the associated plat was recorded in the Office of the Summit County
Recorder on August 2, 2016 as Entry Number 1050646 (the “Plat”). On the Plat, the
Subject Property is indicated by an “R,” which means that it is a “Resort Unit” as defined
by the Promontory DA.

5) The Promontory DA at §1.48 defines “Resort Units” as “…a dwelling located in the
immediate vicinity of a hotel or club facility and offered for rent or overnight stay as a
part of the operations of the hotel or club facility.”

6) The Promontory DA at §4.4.1 (“Resort Units”) states that “[w]hile these units may be
owned by the hotel operator or condominiumized, there will be restrictions that these
units will be used for short term occupancy not to exceed six months. In the case of individual cottage ownership, these cottage units must be part of the rental pool managed by the hotel for overnight rental in order to ensure their treatment as resort-type units and shall be designed and set up to ensure that they will not be permanent residences.” (emphasis added).

7) The Promontory DA at §1.37 defines “Permanent Occupancy” as “the occupancy of a Residential Unit within the Community for more than six months of a calendar year or where the owner has claimed a primary residential property tax benefit under applicable law.” “Secondary Occupancy” is defined at §1.49 as “occupancy of a Residential Unit which is not Permanent Occupancy.”

8) The Subject Property is also subject to a note on the Plat which states as follows under note #12, “Resort Units shall be used for short-term occupancy not to exceed six (6) months by any resident in a single calendar year period. Resort Unit owners are ineligible to qualify for permanent resident status based upon the Resort Unit ownership” (emphasis added). The Plat note further states that “[i]n the event that a court or similar official government decision making body determines that [this] is not enforceable and after such determination an owner of a Resort Unit is violating [this] by using such unit for permanent occupancy, an impact fee in the amount of $10,000 will be payable to the County by the Resort Unit Owner.”

9) To date, the above-noted restriction on the Plat has never been challenged or deemed unenforceable by a court or similar official government decision making body.
CONCLUSIONS OF LAW

1) The Utah Constitution permits the legislature to provide by law, exemptions from taxation for residential property as long as they do not exceed 45% of the fair market value. See Utah Const. art. XIII, § 3(2)(a)(iv).

2) Pursuant to UCA §59-2-103, the fair market value of real property which is used as a primary residence, defined as residency for 183 or more consecutive calendar days in a given year, is allowed a primary residential tax exemption equal to a 45% reduction in the value of the property.

3) UCA §59-2-103.5 allows a county to adopt an ordinance that requires a property owner to file an application with the county’s board of equalization before a primary residential tax exemption is granted, and Summit County has adopted such an ordinance, which has been codified as Summit County Code §1-12B-1 et. seq., “Article B. Residential Property Tax Exemptions.”

4) Summit County Code §1-12B-2, requires the filing of an application prior to granting a primary residential property tax exemption and, consistent with Utah Administrative Rule R884-24P-52, has criteria for determining whether a property owner qualifies for a primary residential property tax exemption.

5) Utah’s Recording Statute provides that documents and instruments filed with the county recorder “impart notice to all persons of their contents” (UCA §57-3-102(1)), and the Utah Supreme Court has held that constructive notice can take two forms (See First Am. Title Ins. Co. v. J.B. Ranch, 966 P.2d 834 (Utah 1998)). First the recording statute
provides that constructive notice is imparted when documents are properly recorded (Id. at 837). This is known as record notice. Second, constructive notice may arise from a duty to inquire when one has “knowledge of certain facts and circumstances” that are sufficient to give rise to a duty to inquire further. Id. This is known as inquiry notice.

6) Taxpayer, as owner of the Subject Property, was on record notice of the existence of the Promontory DA and the Plat because they were properly recorded in the Office of the Summit County Recorder in 2001 and 2016 respectively; all prior to Taxpayer’s purchase of the Subject Property.

7) The Promontory DA and Plat note #12, with their restrictions and conditions contained therein, operate similarly to a “restrictive covenant” as the Promontory DA and Plat run with the land and are binding on subsequent purchasers (See Flying Diamond Oil Corp. v. Newton Sheep Co., 776 P.2d 618 (Utah 1989)). It is well established under Utah law that covenants, conditions and restrictions constitute a contractual relationship and that restrictive covenants are enforceable against property owners who purchase land subject to such restrictions. (Workman v. Brighton Properties Inc., 976 P.2d 1209, 1212 (Utah 1999) (citing, Turner v. Hi-Country Homeowners Ass’n, 910 P.2d 1223, 1225 (Utah 1996); Fink v. Miller, 896 P.2d 649, 652 (Utah App. 1995)).

8) There is no ambiguity as to the meaning of Section 4.4.1 of the Promontory DA, which states that the Resort Units “will be used for short term occupancy not to exceed six months . . . [and they] will not be permanent residences.” (emphasis added).

9) Neither is there ambiguity in Plate note #12 which definitively states, “Resort Unit
owners are ineligible to qualify for permanent resident status based upon the Resort Unit ownership.” (emphasis added).

10) Moreover, the Promontory DA’s definitions of “Permanent Occupancy” and “Secondary Occupancy” make it clear and unmistakable that the intent of the Promontory DA is to limit occupancy of the Resort Units to less than six months and limit the ability of said owner to claim a primary residential property tax benefit.

11) Therefore, by purchasing the Subject Property with the unambiguous restrictions found within the recorded Promontory DA and the Plat, the Taxpayer clearly and unmistakably waived its right to a primary residential property tax exemption. See Pioneer Builders Company of Nevada, Inc. v. KDA Corporation, 437 P.3d 539, 542 (Utah App. 2018) (there must be a “clear and unmistakable” waiver of a statutory right).

This is the final administrative decision of the Summit County Board of Equalization. As such, it may be appealed to the Utah State Tax Commission by filing a notice of appeal with the Clerk of the Board within 30 days of this written decision pursuant to UCA §59-2-1006.

DATED this 13th day of May 2020.

BOARD OF EQUALIZATION
OF SUMMIT COUNTY

BY: [Signature]
Douglas Clyde, Chair

ATTEST:

_______________________________
Michael Howard
Clerk to the Board of Equalization
APPROVED AS TO FORM:

David L. Thomas
David L. Thomas
Chief Civil Deputy
BEFORE THE BOARD OF EQUALIZATION
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

In the matter of:
Kristine Marie Morley, Trustee of the
Kristine Marie Morley Revocable Trust

BOARD OF EQUALIZATION’S
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

May 13, 2020

This matter came before the Board of Equalization of Summit County ("Board") on a request by Kristine Marie Morley, Trustee of the Kristine Marie Morley Revocable Trust ("Taxpayer") for a primary residential property tax exemption(s) under Utah Code Annotated ("UCA") §§ 59-2-103 and 59-2-103.5 and Summit County Code §1-12B-1 et. seq. “Article B. Residential Property Tax Exemptions.” Having considered the evidence presented by all interested parties and the entire record relating to this issue, the Board rendered its decision following discussion and deliberation as part of its regularly scheduled agenda on May 6, 2020, adopting a motion to DENY Taxpayer’s request for a primary residential property tax exemption with that decision to become final following the adoption of these findings and conclusions. In support of that decision, the Board adopts the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1) Taxpayer is the record owner of Summit County Tax Id. PNW-2-26 (the "Subject Property"), acquiring ownership on or about December 7, 2018.

2) On or about March 9, 2020, the Summit County Assessor’s Office received a cover letter
from Taxpayer’s attorney, Mark Gaylord of Ballard Spahr, LLP, along with an application for primary residential property tax exemption for the Subject Property. On said application, Taxpayer declared that they have no other permanent residences in the state of Utah and that they live at the Subject Property at least 183 consecutive days per calendar year.

3) The Subject Property is located within the Promontory Specially Planned Area, which is subject to Summit County Ordinance 406, an “Ordinance Approving and Adopting the Development Agreement for the Promontory [Specially Planned Area]” (hereinafter referred to as the “Promontory DA”). The Promontory DA was recorded against the Subject Property on February 27, 2001 in the Office of the Summit County Recorder as Entry Number 583272, in Book 1355 starting at Page 1154.

4) The Subject Property is located within the Promontory Nicklaus West Phase 2 subdivision and the associated plat was recorded in the Office of the Summit County Recorder on August 2, 2016 as Entry Number 1050646 (the “Plat”). On the Plat, the Subject Property is indicated by an “R,” which means that it is a “Resort Unit” as defined by the Promontory DA.

5) The Promontory DA at §1.48 defines “Resort Units” as “…a dwelling located in the immediate vicinity of a hotel or club facility and offered for rent or overnight stay as a part of the operations of the hotel or club facility.”

6) The Promontory DA at §4.4.1 (“Resort Units”) states that “[w]hile these units may be owned by the hotel operator or condominiumized, there will be restrictions that these
units will be used for short term occupancy not to exceed six months. In the case of individual cottage ownership, these cottage units must be part of the rental pool managed by the hotel for overnight rental in order to ensure their treatment as resort-type units and shall be designed and set up to ensure that they will not be permanent residences.” (emphasis added).

7) The Promontory DA at §1.37 defines “Permanent Occupancy” as “the occupancy of a Residential Unit within the Community for more than six months of a calendar year or where the owner has claimed a primary residential property tax benefit under applicable law.” “Secondary Occupancy” is defined at §1.49 as “occupancy of a Residential Unit which is not Permanent Occupancy.”

8) The Subject Property is also subject to a note on the Plat which states as follows under note #12, “Resort Units shall be used for short-term occupancy not to exceed six (6) months by any resident in a single calendar year period. Resort Unit owners are ineligible to qualify for permanent resident status based upon the Resort Unit ownership” (emphasis added). The Plat note further states that “[i]n the event that a court or similar official government decision making body determines that [this] is not enforceable and after such determination an owner of a Resort Unit is violating [this] by using such unit for permanent occupancy, an impact fee in the amount of $10,000 will be payable to the County by the Resort Unit Owner.”

9) To date, the above-noted restriction on the Plat has never been challenged or deemed unenforceable by a court or similar official government decision making body.
CONCLUSIONS OF LAW

1) The Utah Constitution permits the legislature to provide by law, exemptions from taxation for residential property as long as they do not exceed 45% of the fair market value. See Utah Const. art. XIII, § 3(2)(a)(iv).

2) Pursuant to UCA §59-2-103, the fair market value of real property which is used as a primary residence, defined as residency for 183 or more consecutive calendar days in a given year, is allowed a primary residential tax exemption equal to a 45% reduction in the value of the property.

3) UCA §59-2-103.5 allows a county to adopt an ordinance that requires a property owner to file an application with the county’s board of equalization before a primary residential tax exemption is granted, and Summit County has adopted such an ordinance, which has been codified as Summit County Code §1-12B-1 et. seq., “Article B. Residential Property Tax Exemptions.”

4) Summit County Code §1-12B-2, requires the filing of an application prior to granting a primary residential property tax exemption and, consistent with Utah Administrative Rule R884-24P-52, has criteria for determining whether a property owner qualifies for a primary residential property tax exemption.

5) Utah’s Recording Statute provides that documents and instruments filed with the county recorder “impart notice to all persons of their contents” (UCA §57-3-102(1)), and the Utah Supreme Court has held that constructive notice can take two forms (See First Am. Title Ins. Co. v. J.B. Ranch, 966 P.2d 834 (Utah 1998)). First the recording statute
provides that constructive notice is imparted when documents are properly recorded (Id. at 837). This is known as record notice. Second, constructive notice may arise from a duty to inquire when one has “knowledge of certain facts and circumstances” that are sufficient to give rise to a duty to inquire further. Id. This is known as inquiry notice.

6) Taxpayer, as owner of the Subject Property, was on record notice of the existence of the Promontory DA and the Plat because they were properly recorded in the Office of the Summit County Recorder in 2001 and 2016 respectively; all prior to Taxpayer’s purchase of the Subject Property.

7) The Promontory DA and Plat note #12, with their restrictions and conditions contained therein, operate similarly to a “restrictive covenant” as the Promontory DA and Plat run with the land and are binding on subsequent purchasers (See Flying Diamond Oil Corp. v. Newton Sheep Co., 776 P.2d 618 (Utah 1989)). It is well established under Utah law that covenants, conditions and restrictions constitute a contractual relationship and that restrictive covenants are enforceable against property owners who purchase land subject to such restrictions. (Workman v. Brighton Properties Inc., 976 P.2d 1209, 1212 (Utah 1999) (citing, Turner v. Hi-Country Homeowners Ass’n, 910 P.2d 1223, 1225 (Utah 1996); Fink v. Miller, 896 P.2d 649, 652 (Utah App. 1995)).

8) There is no ambiguity as to the meaning of Section 4.4.1 of the Promontory DA, which states that the Resort Units “will be used for short term occupancy not to exceed six months... [and they] will not be permanent residences.” (emphasis added).

9) Neither is there ambiguity in Plate note #12 which definitively states, “Resort Unit
owners are ineligible to qualify for permanent resident status based upon the Resort Unit ownership." (emphasis added).

10) Moreover, the Promontory DA’s definitions of “Permanent Occupancy” and “Secondary Occupancy” make it clear and unmistakable that the intent of the Promontory DA is to limit occupancy of the Resort Units to less than six months and limit the ability of said owner to claim a primary residential property tax benefit.

11) Therefore, by purchasing the Subject Property with the unambiguous restrictions found within the recorded Promontory DA and the Plat, the Taxpayer clearly and unmistakably waived its right to a primary residential property tax exemption. See Pioneer Builders Company of Nevada, Inc. v. KDA Corporation, 437 P.3d 539, 542 (Utah App. 2018) (there must be a “clear and unmistakable” waiver of a statutory right).

This is the final administrative decision of the Summit County Board of Equalization. As such, it may be appealed to the Utah State Tax Commission by filing a notice of appeal with the Clerk of the Board within 30 days of this written decision pursuant to UCA §59-2-1006.

DATED this 13th day of May 2020.

BOARD OF EQUALIZATION
OF SUMMIT COUNTY

BY: Douglas Clyde, Chair

ATTEST:

______________________________
Michael Howard
Clerk to the Board of Equalization
APPROVED AS TO FORM:

David L. Thomas
David L. Thomas
Chief Civil Deputy
BEFORE THE BOARD OF EQUALIZATION
IN AND FOR SUMMIT COUNTY, STATE OF UTAH

In the matter of: Rochlin Investment Group, LLC

BOARD OF EQUALIZATION’S
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

May 13, 2020

This matter came before the Board of Equalization of Summit County ("Board") on a request by Rochlin Investment Group, LLC ("Taxpayer") for a primary residential property tax exemption(s) under Utah Code Annotated ("UCA") §§ 59-2-103 and 59-2-103.5 and Summit County Code § 1-12B-1 et. seq. "Article B. Residential Property Tax Exemptions." Having considered the evidence presented by all interested parties and the entire record relating to this issue, the Board rendered its decision following discussion and deliberation as part of its regularly scheduled agenda on May 6, 2020, adopting a motion to DENY Taxpayer's request for a primary residential property tax exemption with that decision to become final following the adoption of these findings and conclusions. In support of that decision, the Board adopts the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1) Taxpayer is the record owner of Summit County Tax Id. PNW-1-3 (the “Subject Property”), acquiring ownership on or about April 12, 2019.

2) On or about March 9, 2020, the Summit County Assessor’s Office received a cover letter from Taxpayer’s attorney, Mark Gaylord of Ballard Spahr, LLP, along with an
application for primary residential property tax exemption for the Subject Property. On said application, Taxpayer declared that they have no other permanent residences in the state of Utah and that they live at the Subject Property at least 183 consecutive days per calendar year.

3) The Subject Property is located within the Promontory Specially Planned Area, which is subject to Summit County Ordinance 406, an “Ordinance Approving and Adopting the Development Agreement for the Promontory [Specially Planned Area]” (hereinafter referred to as the “Promontory DA”). The Promontory DA was recorded against the Subject Property on February 27, 2001 in the Office of the Summit County Recorder as Entry Number 583272, in Book 1355 starting at Page 1154.

4) The Subject Property is located within the Promontory Nicklaus West Phase 1 subdivision and the associated plat was recorded in the Office of the Summit County Recorder on October 10, 2014 as Entry Number 1004651 (the “Plat”). On the Plat, the Subject Property is indicated by an “R,” which means that it is a “Resort Unit” as defined by the Promontory DA.

5) The Promontory DA at §1.48 defines “Resort Units” as “...a dwelling located in the immediate vicinity of a hotel or club facility and offered for rent or overnight stay as a part of the operations of the hotel or club facility.”

6) The Promontory DA at §4.4.1 (“Resort Units”) states that “[w]hile these units may be owned by the hotel operator or condominiumized, there will be restrictions that these units will be used for short term occupancy not to exceed six months. In the case of
individual cottage ownership, these cottage units must be part of the rental pool managed by the hotel for overnight rental in order to ensure their treatment as resort-type units and shall be designed **and set up to ensure that they will not be permanent residences.**” (emphasis added).

7) The Promontory DA at §1.37 defines “Permanent Occupancy” as “the occupancy of a Residential Unit within the Community for more than six months of a calendar year or where the owner has claimed a primary residential property tax benefit under applicable law.” “Secondary Occupancy” is defined at §1.49 as “occupancy of a Residential Unit which is not Permanent Occupancy.”

8) The Subject Property is also subject to a note on the Plat which states as follows under note #12, “**Resort Units shall be used for short-term occupancy not to exceed six (6) months by any resident in a single calendar year period. Resort Unit owners are ineligible to qualify for permanent resident status based upon the Resort Unit ownership**” (emphasis added). The Plat note further states that “[i]n the event that a court or similar official government decision making body determines that [this] is not enforceable and after such determination an owner of a Resort Unit is violating [this] by using such unit for permanent occupancy, an impact fee in the amount of $10,000 will be payable to the County by the Resort Unit Owner.”

9) To date, the above-noted restriction on the Plat has never been challenged or deemed unenforceable by a court or similar official government decision making body.
CONCLUSIONS OF LAW

1) The Utah Constitution permits the legislature to provide by law, exemptions from taxation for residential property as long as they do not exceed 45% of the fair market value. *See Utah Const. art. XIII, § 3(2)(a)(iv).*

2) Pursuant to UCA §59-2-103, the fair market value of real property which is used as a primary residence, defined as residency for 183 or more consecutive calendar days in a given year, is allowed a primary residential tax exemption equal to a 45% reduction in the value of the property.

3) UCA §59-2-103.5 allows a county to adopt an ordinance that requires a property owner to file an application with the county’s board of equalization before a primary residential tax exemption is granted, and Summit County has adopted such an ordinance, which has been codified as Summit County Code §1-12B-1 et. seq., “Article B. Residential Property Tax Exemptions.”

4) Summit County Code §1-12B-2, requires the filing of an application prior to granting a primary residential property tax exemption and, consistent with Utah Administrative Rule R884-24P-52, has criteria for determining whether a property owner qualifies for a primary residential property tax exemption.

5) Utah’s Recording Statute provides that documents and instruments filed with the county recorder “impart notice to all persons of their contents” (UCA §57-3-102(1)), and the Utah Supreme Court has held that constructive notice can take two forms (*See First Am. Title Ins. Co. v. J.B. Ranch*, 966 P.2d 834 (Utah 1998)). First the recording statute
provides that constructive notice is imparted when documents are properly recorded (Id. at 837). This is known as record notice. Second, constructive notice may arise from a duty to inquire when one has “knowledge of certain facts and circumstances” that are sufficient to give rise to a duty to inquire further. Id. This is known as inquiry notice.

6) Taxpayer, as owner of the Subject Property, was on record notice of the existence of the Promontory DA and the Plat because they were properly recorded in the Office of the Summit County Recorder in 2001 and 2014 respectively; all prior to Taxpayer’s purchase of the Subject Property.

7) The Promontory DA and Plat note #12, with their restrictions and conditions contained therein, operate similarly to a “restrictive covenant” as the Promontory DA and Plat run with the land and are binding on subsequent purchasers (See Flying Diamond Oil Corp. v. Newton Sheep Co., 776 P.2d 618 (Utah 1989)). It is well established under Utah law that covenants, conditions and restrictions constitute a contractual relationship and that restrictive covenants are enforceable against property owners who purchase land subject to such restrictions. (Workman v. Brighton Properties Inc., 976 P.2d 1209, 1212 (Utah 1999) (citing, Turner v. Hi-Country Homeowners Ass’n, 910 P.2d 1223, 1225 (Utah 1996); Fink v. Miller, 896 P.2d 649, 652 (Utah App. 1995)).

8) There is no ambiguity as to the meaning of Section 4.4.1 of the Promontory DA, which states that the Resort Units “will be used for short term occupancy not to exceed six months . . . [and they] will not be permanent residences.” (emphasis added).

9) Neither is there ambiguity in Plate note #12 which definitively states, “Resort Unit
owners are ineligible to qualify for permanent resident status based upon the Resort
Unit ownership." (emphasis added).

10) Moreover, the Promontory DA’s definitions of “Permanent Occupancy” and “Secondary
Occupancy” make it clear and unmistakable that the intent of the Promontory DA is to
limit occupancy of the Resort Units to less than six months and limit the ability of said
owner to claim a primary residential property tax benefit.

11) Therefore, by purchasing the Subject Property with the unambiguous restrictions found
within the recorded Promontory DA and the Plat, the Taxpayer clearly and unmistakably
waived its right to a primary residential property tax exemption. See Pioneer Builders
Company of Nevada, Inc. v. KDA Corporation, 437 P.3d 539, 542 (Utah App. 2018)
(there must be a “clear and unmistakable” waiver of a statutory right).

This is the final administrative decision of the Summit County Board of Equalization. As
such, it may be appealed to the Utah State Tax Commission by filing a notice of appeal with
the Clerk of the Board within 30 days of this written decision pursuant to UCA §59-2-1006.

DATED this 13th day of May 2020.

BOARD OF EQUALIZATION
OF SUMMIT COUNTY

BY: Douglas Clyde, Chair

ATTEST:

Michael Howard
Clerk to the Board of Equalization
Council Member Robinson made a motion to adopt the Findings of Fact and Conclusions of Law regarding Primary Residential Exemptions for Summit County Parcels PNW-1-13, PNW-2-31, PNW-4-36, PNW-2-26, and PNW-2-27 as presented. Council Member Armstrong seconded the motion and all voted in favor, 5-0.

Dismiss as the Board of Equalization

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

Consideration of Approval

Council Minutes dated April 18, 2020, April 20, 2020, April 22, 2020, April 23, 2020, April 24, 2020, April 27, 2020, April 28, 2020, April 29, 2020, and April 30, 2020

Council Member Carson made a motion to approve the minutes of April 18, 2020, April 20, 2020, April 22, 2020, April 23, 2020, April 24, 2020, April 27, 2020, April 28, 2020, April 29, 2020, and April 30, 2020 as written. Council Member Wright seconded and all voted in favor, 5-0.

Discussion and possible approval of revised Council-Manager Compact for County Work Plan 2020, and revised Summit County Work Plan 2020. Revisions made due to projected revenue shortfalls from the COVID-19 pandemic; Tom Fisher

Manager Tom Fisher presented the following Revisions to the 2020 Work Plan for consideration to align with cuts made to the budget as a consequence of projected revenue shortfalls from the COVID-19 pandemic.
STAFF REPORT

To: Summit County Council
From: Tom Fisher, County Manager
Janna Young, Deputy County Manager
Date of Meeting May 13, 2020
Type of Item: Consideration and possible adoption of Revisions to the 2020 Work Plan
Process: Regular Session

Requested Council Action
Approve proposed revisions to the 2020 Work Plan to align with cuts made to the 2020 Budget as a consequence of projected revenue shortfalls from the COVID-19 pandemic.

Introduction
At the April 29, 2020 Council Meeting, County Manager Tom Fisher proposed to the Council the necessity of revising the 2020 Work Plan as the Council was revising the 2020 Budget due to projected revenue shortfalls as a consequence of the COVID-19 pandemic. The original Work Plan was adopted with the understanding the County had the budget and the personnel to complete the work. With so many staff resources devoted to the COVID-19 emergency response, combined with the reduced budget, it has become clear that we will not be able to complete all the projects expressed in the Work Plan.

Tom Fisher suggested the Council consider the following guiding principles in deciding how best to respond to the 2020 Work Plan:

Guiding Principles:
1. The COVID-19 pandemic is an unprecedented emergency that will reduce available revenue resources in the current year. We do not know how much future revenue will be decreased as a result of our response to this pandemic, especially in the next budget year.
2. Many of our staff resources have been directed to some sort of response role to the Emergency, which requires a diversion from normal duties and workloads.
3. Most department level leadership has been in a direct response role to this emergency.
4. Essential services have continued and will continue during the emergency, but in reduced or different capacities.
5. During the urgent phase of the emergency, employees that could, worked from home or remotely.
6. The strategic priorities of the Council have not changed, but need to be rebalanced with basic government service level needs and resources:
   a. Transportation and Congestion
   b. Environmental Stewardship
   c. Workforce Housing
   d. County General Plans and Development Codes
   e. Mental Health/Substance Abuse
7. There are certain work plan items that need to be completed, but I would suggest that we need to be very cognizant of the cost of those services (i.e., trash collections, road design, RAP Tax reauthorization)
8. The Council has already implemented a hiring freeze, which depending on how long it lasts, will influence the amount of progress we will make on strategic and other planned work items.
9. We want to make sure that we prudently expend on or plan for future year work items that will leverage the County’s resources in our community and state.
10. This emergency is going to continue to need varying levels of staffing and support to the Health Department and to our community through at least the next year. This can be accomplished under our current staffing levels but needs to be balanced with the ambition of our Work Plan.
11. Last, we have the most dedicated, most creative, and most professional staff that the County has ever had. While I never want to say “do more, with less”, I do know that our staff will come up with new and innovative ways to do some of our services in ways that will better serve our citizens. These innovations are what will stretch our resources further and allow us to do more.

2020 Work Plan Revisions Recommendations
Based on the conversation Tom Fisher had with the Council on April 29th, we are proposing the following revisions to the 2020 Work Plan, which are reflected in the attached Work Plan:

Strategic Priority Projects that Should Remain on the Work Plan:
Transportation:
• Jeremy Ranch Interchange completion: Contracted
• Bitner/Silver Creek Connector Road Design and ROW acquisition: Contracted
• Old Ranch Road Segment Widening Design and ROW Acquisition: Contracted
• SR 224 BRT NEPA: Contracted
• UDOT SR 224 Corridor Planning: Contracted
• Transportation Impact Fee Study: Contracted
• Regional Transit Joint Planning with Wasatch County
• PC Transit Joint Governance
• BRT BUILD Grant Application Preparation and Processing: Almost Complete

Environmental Stewardship
• Net Zero Electrical Energy for County Operations
• Net Zero Electrical Energy Available Countywide
• Leachate System Capture and Evaporation – Landfill
• Changes to County Code for Community Wastewater Systems

Workforce Housing
• All current projects have been put on hold for Emergency Response
• There are developers that are seeking input to future projects in the County
• CVMA Workforce housing project have building permits to break ground this year

County General Plans and Development Codes
• Mixed Use Development and Neighborhood Mixed Use Zone development
• Cedar Crest Village Overlay Zone Process
• Tech Park Application Processing

Mental Health and Substance Abuse
• Mental Wellness Strategic Plan Phase II
• Regional Stabilization/Crisis Team Implementation
• Resort Community Behavioral Health Community Assessment

**Strategic Priority Projects Recommended to be delayed:**

Transportation:
• Kamas Park and Ride Improvement Project
• Bus Stop Accessibility Project

Environmental Stewardship
• Involuntary wastewater assessment areas process
• Eastern Summit County Water Concurrency
• Posi-shell Daily Cover Improvement – Landfill
• Fleet utilization study

Workforce Housing
• Research possible Housing Authority type organization to advance objectives
County General Plans and Development Codes
  • Summit County Scenic Byway
  • Gillmor Master Planning

Mental Health and Substance Abuse
  • No projects or programs need to be delayed or cancelled

**Other Items on Work Plan (not strategic priorities) that Will Continue to Move Forward:**
  • RAP Tax Reauthorization
  • Trash and Recycle Collections Method and Contracting
  • Waste to Energy: Council member Wright to lead an outside group to evaluate or explore proposals
  • Open space bond; acquisition processes
  • Update Animal Control Ordinance
  • Procure and implement Animal Control Database
  • Everbridge Opt-in campaign
  • RAP and Restaurant Tax Grant Processes
  • County Government Month
  • Census 2020 – Longer deadline now
  • Fairgrounds Master Plan Phase I project completion
  • Election processes for 2020
  • Develop grant project and application for future RAP Tax Bond
  • Open+ Library Pilot at Coalville Branch
  • 6-Year Capital Plan
  • Quarterly Budget Updates
  • Create Financial Services Web Page
  • Bond Committee Meetings and 3-year planning
  • Emergency Management Program Update
  • Engineering Department to advance MS4 regulations

**Other Items on the Work Plan (not strategic priorities) Recommended to be Delayed:**
  • East County Economic Development Plan: Delayed
  • Ice House and EXEC Entrepreneurship Programs: Delayed
  • Wasatch Back Economic Summit
  • Health Mill Levy Increase
  • County Fair: highly modified
  • Senior Services Master Planning
• Exploring Child Care Benefit
• East County Infrastructure Study: delayed
• County Facilities Concept and Programming Study for US 40 Facilities
• Public Lands Policy Work: significantly delayed and smaller

**Attachments**

• Council-Manager Compact (REVISED)
• 2020 Work Plan (REVISED)
Council-Manager Compact for County Work Plan
Summit County
2020 Fiscal Year
[Revised 05/13/2020]

The Summit County Council and County Manager agree that this compact outlines the County’s Fiscal Year 2020 Work Plan and how the Council, Manager, and Staff will share the responsibility for advancing the County’s strategic priorities. It also describes the Council’s and Manager’s respective roles and responsibilities in directing staff to work on special projects, and a commitment to considering Staff resources and County budget when revising the Work Plan.

RATIONALE FOR COMPACT
• To have clear, well-defined and achievable accomplishments for Summit County.
• To communicate expectations clearly to the community, down to the specific project level.
• To consider Staff resources and budget when committing to projects, work, and activities.
• To better align the budget to the County’s work.
• To focus on the projects/work that most significantly advance or set the foundation to advance the Council’s strategic priorities within the limits of the County’s resources.
• To more effectively plan for future (multi-year) tasks, projects, budget and resources and follow up on strategic priorities.
• To facilitate the Council thinking and performing at a strategic, big-picture level, setting direction for the County and empowering Staff to figure out and implement the details.

JOINTLY DEVELOPED

The Council, Manager and Staff of Summit County partnered together to develop this Council-Manager compact for achievement. The Council set the strategic priorities, the Manager worked with Staff to add projects to advance each strategic priority, and Staff provided input on the types of support they needed and data on the capacity of their departments to complete special projects. All parties partnered together to define their roles and responsibilities and came to agreement on how decisions will be made regarding the Work Plan and how it is revised. The Council and Manager will review this compact annually in January and make suggested revisions based on an evaluation of the needs of the community and feedback received from Staff and the community.

For this compact to be successful, it is first important to understand the Council’s and Manager’s goals for achievement:
COUNCIL’S GOALS:

- Provide excellent, ethical and efficient services that ensure quality of life for present and future generations.
- Regional collaboration.
- Take action in a timely manner, meeting the needs of citizens.
- Preserve our air, water, land and culture.
- Show leadership, motivating others to collaboratively achieve goals.
- Stay focused on the tasks outlined in the Work Plan and be deliberate about new initiatives that may arise.

MANAGER’S GOALS:

- Recruit and retain talented employees with expertise within their given field.
- Avoid employee burnout.
- Have tangible, meaningful accomplishments that best serve the residents of Summit County.
- Avoid constant changes in direction to Staff and to the organization.
- Provide Staff with focus-specific tasks that can be achieved in a reasonable amount of time.
- Stay focused on the tasks outlined in the Work Plan and be deliberate about new initiatives that may arise.

To meet these goals, the Council and Manager will work together to:
- Support Staff and lean on their expertise to facilitate tangible accomplishments.
- Focus on priorities and communicate frequently.
- Schedule Council work sessions to facilitate planning, discussion, and resources (budget and staff) around projects included in the Work Plan.
- Align budget and Staff resources with expectations involving projects and workload.
- Collaborate with Staff and the community on setting priorities and setting up the Work Plan.

The Council, Manager, and Staff commit to:

COUNCIL’S RESPONSIBILITIES:

(1) Think and perform at a strategic level, collaborating and giving direction to County Manager and Staff on projects to advance the Council’s strategic priorities; empowering Staff to figure out the implementation details.
(2) Respect County Manager and Staff process without unilateral redirection by individual Council members.
(3) Align the strategic priorities with the County budget.
(4) Go to the Manager with requests that require Staff resources, rather than directly to Staff.
(5) Before going to the Manager with a project request or work order, have a discussion on the issue with the full Council in a public meeting to confirm commitment of resources.
(6) Initiate a joint conversation with the full Council and Manager, as priorities change or new ones arise, about any revisions to the Work Plan outside the annual review, so resources and budget can be evaluated and a decision made about which project to remove from the Work Plan to accommodate the new work.
MANAGER’S RESPONSIBILITIES:

(1) Direct and monitor Staff on projects, process, and progress.
(2) Help Staff figure out the “weeds” and implementation strategies as appropriate.
(3) Respond to Council requests.
(4) Communicate frequently with Council on progress made on projects and strategic priorities.
(5) Address barriers and challenges with the Council and Staff as barriers and challenges surface, impacting progress made on projects and strategic priorities.
(6) Remove a project from the Work Plan if a decision is made to add a new priority or project outside of the annual review.

STAFF RESPONSIBILITIES:

(1) Communicate to the Manager a change in capacity or resources that would impact progress made on agreed projects in the Work Plan.
(2) Provide quarterly updates to the Council on actions completed on projects.
(3) Communicate to the Manager progress made on projects and strategic priorities and any barriers or challenges encountered impacting that progress.
(4) Inform the Manager of any requests received from the Council or community.
(5) Help the Council and Manager communicate the Work Plan and progress made to the community.
(6) Provide feedback to the Council and Manager at the annual review of this compact and the Work Plan.

COMMUNICATION ABOUT THE WORK PLAN:
Council and Manager are committed to frequent two-way communication with each other, Staff and the community about the County’s strategic priorities and Work Plan. Some examples of how the parties will communicate are:

- Meetings
- Emails
- Strategic Plan portal/SharePoint sites
- Public meetings
- County website
- Newsletter to employees and the community
- Employee town halls
- Social Media
- Other
THE FISCAL YEAR 2020 WORK PLAN:

The County’s Strategic Priorities are:

- **Transportation and Congestion:** The County will plan for and make improvements to our transportation and transit systems to reduce traffic congestion and to enhance multimodal mobility for residents, employees, and visitors.
- **Workforce Housing:** The County will facilitate efforts to significantly decrease the deficit in workforce/affordable housing in order to have more community members who work and live in our County.
- **Environmental Stewardship:** Through environmental stewardship and leadership, the County will implement plans and policies to protect and conserve our climate, water, land and air quality for the present and future.
- **Refine County General Plans and Development Codes:** The County will review and refine the General Plans and Development Codes focusing on improving and connecting the region’s physical, natural, and economic environments and communities.
- **Mental Health/Substance Abuse Issues:** The County, in collaboration with the Board of Health and the Summit County Mental Wellness Alliance, will promote community awareness of mental wellness and substance abuse issues, and increased access to effective treatment and prevention services and programs within Summit County.

Appendix:
1. Fiscal Year 2020 Work Plan Project List (REVISED)

County Council Signatures:

________________________ Date: ______  __________________________ Date: ______

________________________ Date: ______  __________________________ Date: ______

________________________ Date: ______

County Manager Signature:

________________________ Date: ______
<table>
<thead>
<tr>
<th>Council Strategic Priority</th>
<th>Project Description</th>
<th>Lead Department</th>
<th>Other Departments Involved in Project</th>
<th>Level of Effort (Low, Medium, High)</th>
<th>Budget Requested? (Y/N)</th>
<th>Carry Over to Subsequent Years?</th>
<th>Priority by Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation &amp; Congestion</td>
<td>Communications Plan (2020 capital and road maintenance projects) [Refine and Improve]: Weekly Transportation Public Information Content</td>
<td>Communication</td>
<td>Transportation, Public Works</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
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<tr>
<td>All 5</td>
<td>Public awareness campaigns for prioritized projects on the Work Plan led by departments (Community Development, Sustainability, Transportation and Transit, 2020 Census; Safe UT/Health U Behavioral health, women's suffrage)</td>
<td>Communication</td>
<td>Sustainability, Health, CCD, Public Works, Transportation Planning, Economic Development</td>
<td>Med</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>Refine County General Plans &amp; Development Codes</td>
<td>Hoytsville [Cedar Crest] Overlay: In process in 2019; target date for VOZ Land Use Committee Recommendation, spring 2020</td>
<td>Community Development Department</td>
<td>City of Coalville, State Parks, UDOT, Engineering, Public Works, Transportation Planning, Economic Development</td>
<td>High</td>
<td>Yes</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Refine County General Plans &amp; Development Codes</td>
<td>Update Snyderville Basin Development Code: Chapter 2: User Guide; Chapter 3: RR, HS, MR Districts; Chapter 3: CC, SC, NC, under review; Chapter 4: Development processes; Chapter 5: Workforce Housing; Chapter 8: Accessory Buildings; Engineering Standards (subcommittee formed in 2019; SBPC review spring 2020)</td>
<td>Community Development Department</td>
<td>Engineering, Economic Development/Housing Director, Public Works, Transportation Planning</td>
<td>High</td>
<td>Yes</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>Workforce Housing</td>
<td>Affordable &amp; Workforce Housing Programs: Prepare annual Moderate Income Housing Plan; prepare housing agreements and deed restrictions; monitor deed restricted units, manage deed restricted &quot;buy back&quot; program; Manage MCHT contract; international student housing (11) housing program; participate and make presentations at various housing workshops and trainings; continue Governor's Council on Housing Affordability Participation, Secure Housing Development Finance Professional Certification (HDFP) from National Development Council (NDC) in 2020.</td>
<td>Economic Development/Housing</td>
<td>Community Dev., Legal, Facilities, Finance, Treasurer, Sustainability Outside: Mountain lands Community Housing Trust, Habitat for Humanity, Private Developers,</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Environmental Stewardship</td>
<td>Implement changes to Summit County Code regarding Community Wastewater Systems and the creation of an Eastern Summit County Wastewater Special Service District.</td>
<td>Health Department (Environmental Health)</td>
<td>Building/ Planning, Legal, Communication</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Summary</td>
<td>Description</td>
<td>Responsible Departments</td>
<td>Priority</td>
<td>Budget</td>
<td>Accuracy</td>
<td>Implementation</td>
<td>Timeframe</td>
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</tr>
<tr>
<td>Environmental Stewardship</td>
<td>Increase air quality monitoring in Summit County and actively report data trends in PM2.5 and Ozone concentrations.</td>
<td>Health Department (Environmental Health)</td>
<td>Sustainability, Legal, Communication</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>Environmental Stewardship</td>
<td>Identify upstream initiatives, like the BurnSmart fireplace exchange program, to improve air quality in Summit County. One example is a possible 'Cap and Trade' type program for solid fuel burning appliances in private residences.</td>
<td>Health Department (Environmental Health)</td>
<td>Building/Planning, Sustainability, Legal, Communication</td>
<td>High</td>
<td>No</td>
<td>Yes</td>
<td>4</td>
</tr>
<tr>
<td>Mental Health/Substance Abuse issues</td>
<td>Implementation and coordination of new network model of service delivery with focus on Medicaid and unfunded residents.</td>
<td>Health Department (Behavioral Health)</td>
<td>SCSO, PCPD, Justice Court, Legal, Early Intervention, Local Education Authorities (LEAs)</td>
<td>High</td>
<td>Yes (Pass-through)</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Mental Health/Substance Abuse issues</td>
<td>Review, update, and implementation of Summit County Mental Wellness Strategic Plan, Phase II.</td>
<td>Health Department (Behavioral Health)</td>
<td>SCSO, Justice Court, 3rd District Court, Legal, Early Intervention, LEAs, Community Partners</td>
<td>High</td>
<td>No</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Mental Health/Substance Abuse issues</td>
<td>In partnership with Local Education Authorities (LEAs), expand coverage of School based Services within schools.</td>
<td>Health Department (Behavioral Health)</td>
<td>Healthy U Behavioral, LEAs</td>
<td>Medium</td>
<td>Yes (State)</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>Mental Health/Substance Abuse issues</td>
<td>Development and possible implementation of regional stabilization/crisis team for behavioral health.</td>
<td>Health Department (Behavioral Health)</td>
<td>SCSO, Legal, Healthy Utah Behavioral, HHC, Wasatch Sheriffs Office, Wasatch Mental Health</td>
<td>High</td>
<td>Yes (State with County in FY21)</td>
<td>Yes</td>
<td>4</td>
</tr>
<tr>
<td>Mental Health/Substance Abuse issues</td>
<td>Develop and implement a strategic plan to encourage greater utilization of Spanish language behavioral services and education.</td>
<td>Health Department (Behavioral Health)</td>
<td>Latino Affairs Committee, Healthy U Behavioral, LEAs</td>
<td>Medium</td>
<td>Yes (County)</td>
<td>Yes</td>
<td>5</td>
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<tr>
<td>Mental Health/Substance Abuse issues</td>
<td>In partnership with Katz-Amsterdam Foundation funding recipients, develop and implement a community assessment focused on the unique behavioral health issues facing resort communities.</td>
<td>Health Department (Behavioral Health)</td>
<td>Katz-Amsterdam Foundation Communities</td>
<td>Medium</td>
<td>No (KAF Funded)</td>
<td>Yes</td>
<td>6</td>
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<tr>
<td>Environmental Stewardship</td>
<td>Stormwater: Develop Standard Operating Procedures, Documentation, Education and Reporting</td>
<td>Public Works (Engineering)</td>
<td></td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
</tr>
</tbody>
</table>
# Summit County 2020 Work Plan - REVISED (05/13/2020)

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Responsible Office/Department</th>
<th>Priority</th>
<th>Completed</th>
<th>Delivered</th>
<th>Notes</th>
<th>Rank</th>
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<tbody>
<tr>
<td>Transportation &amp; Congestion</td>
<td>2020 capital and road maintenance projects</td>
<td>Public Works (Engineering)</td>
<td>Medium</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Transportation &amp; Congestion</td>
<td>Bitner/Silver Creek Connection (Alignment, Environmental, Property)</td>
<td>Public Works (Engineering) Manager, Council</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>3</td>
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<tr>
<td>Transportation &amp; Congestion</td>
<td>Old Ranch Road, East/West Segment, Phase I</td>
<td>Public Works (Engineering)</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>4</td>
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</tr>
<tr>
<td>Transportation &amp; Congestion</td>
<td>Jeremy Ranch Roundabout Project-Project Finalization</td>
<td>Public Works Transportation Planning</td>
<td>Medium</td>
<td>Yes</td>
<td>No</td>
<td>1</td>
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<tr>
<td>Transportation &amp; Congestion</td>
<td>TST/Corridor Preservation Project Applications (COG)</td>
<td>Public Works Transportation Planning</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>Environmental Stewardship</td>
<td>Advancing solid waste master plan - Leachate Management</td>
<td>Public Works (Solid Waste)</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
<td></td>
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<tr>
<td>Environmental Stewardship</td>
<td>Net 100% renewable energy for govt. operations (includes Districts)</td>
<td>Sustainability Legal, Facilities, Finance, Partners, Service Districts</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Environmental Stewardship</td>
<td>Net 100% renewable energy for countywide needs</td>
<td>Sustainability Legal, Finance, Municipalities, Partners,</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Environmental Stewardship</td>
<td>80% GHG emissions reduction goal by 2040 (County Operations): conduct energy usage analysis of county operations to determine projects to meet goal and draft new strategic plan.</td>
<td>Sustainability Facilities, Fleet, Transit, Utilities</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Environmental Stewardship</td>
<td>80% GHG emissions reduction goal (Countywide) by 2050: conduct five-year county GHG emissions inventory and draft strategic plan to reduce emissions.</td>
<td>Sustainability Utilities, stakeholders, NPOs</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
<td></td>
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<tr>
<td>Environmental Stewardship</td>
<td>Support SCPW delivery of countywide program (Countywide)</td>
<td>Sustainability Communications, Health</td>
<td>Low</td>
<td>Yes</td>
<td>Yes</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Environmental Stewardship</td>
<td>Fleet review committee, guide procurement of AFVs, EV(s) (County fleet)</td>
<td>Sustainability Facilities, Fleet, Public Works</td>
<td>Low</td>
<td>Yes</td>
<td>Yes</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Environmental Stewardship</td>
<td>Draft employee education/behavior change plan (County/Countywide) [delay implementation to next year]</td>
<td>Sustainability Communications, Personnel, Health</td>
<td>High</td>
<td>No</td>
<td>No</td>
<td>6</td>
<td></td>
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<tr>
<td>Transportation &amp; Congestion</td>
<td>Transit program - governance &amp; short-term budget goals</td>
<td>Transportation Planning Public Works, CDD, Finance</td>
<td>High</td>
<td>Yes</td>
<td>No</td>
<td>1</td>
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<tr>
<td>Transportation &amp; Congestion</td>
<td>UDOT 224 Corridor Plan</td>
<td>Transportation Planning Engineering</td>
<td>High</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Project Description</td>
<td>Lead Department</td>
<td>Other Departments Involved in Project</td>
<td>Level of Effort (Low, Medium, High)</td>
<td>Budget Requested?</td>
<td>Carry Over to Subsequent Year?</td>
<td>Priority by Department</td>
<td></td>
</tr>
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<tr>
<td>Responding to requests from employees, public, and external partners and providing HR support to the department.</td>
<td>Administration</td>
<td>All</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Oversight and support of County departments, offices and functions</td>
<td>Administration</td>
<td>Various</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Legislative affairs and annual election</td>
<td>Administration</td>
<td>Various</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Summit County public lands, federal legislation</td>
<td>Administration</td>
<td>Various</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>7</td>
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<tr>
<td>Land acquisitions</td>
<td>Administration</td>
<td>Various</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Employee engagement</td>
<td>Administration</td>
<td>Various</td>
<td>Medium</td>
<td>Yes</td>
<td>Maybe</td>
<td>3</td>
<td></td>
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<tr>
<td>Public Defender/Indigent Defense Program</td>
<td>Legal Council</td>
<td>Various</td>
<td>Medium</td>
<td>Yes</td>
<td>No</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Update Animal Control codes to match current practices, policies and procedures</td>
<td>Animal Control</td>
<td>Various</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Enforcement on Rods Trail and work with Council and Basin Recreation on long-term solution for big holes and other issues</td>
<td>Animal Control</td>
<td>Various</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Finalize MOU with Nudges and Co, vaccination &amp; vet services, euthanasia adoption and other partnership issues</td>
<td>Animal Control</td>
<td>Various</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>Adoption of new programs, specifically the Everbridge Public Opt-in Campaign</td>
<td>Communication</td>
<td>Various</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>General access (focus on fire education)</td>
<td>Communication</td>
<td>Various</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>4</td>
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<tr>
<td>Emergency Management/Preparedness</td>
<td>Communication</td>
<td>Various</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>5</td>
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<tr>
<td>Task Description</td>
<td>Department</td>
<td>Level</td>
<td>Priority</td>
<td>Success</td>
<td>No</td>
<td>Total</td>
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<tr>
<td>Ongoing Communications and Department Support, Success Stories, including Website critique and monitoring: ensure content is up to date and that links still work</td>
<td>Communication</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Census Local Participation Marketing: supplement federal government’s messaging; why it’s important to Summit County to complete the census; recruit HOAs to get rep on committee, especially from eastern Summit County and HTE populations</td>
<td>Communication</td>
<td>Economic Development</td>
<td>High</td>
<td>Yes</td>
<td>No</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>East Side Engagement Efforts: parity of coverage between east and west sides of the County</td>
<td>Communication</td>
<td>Planning &amp; Building, Engineers</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>RAP Tax Reauthorization public engagement campaign</td>
<td>Communication</td>
<td>Admin, Advisory boards, Outside consultant</td>
<td>Medium</td>
<td>Yes</td>
<td>No</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>County Government Month</td>
<td>Communication</td>
<td>All departments</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Why I Work in Summit County marketing</td>
<td>Communication</td>
<td>Personnel</td>
<td>Medium</td>
<td>No</td>
<td>Yes</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Presidential Election (support)</td>
<td>Communication</td>
<td></td>
<td>Low</td>
<td>Yes</td>
<td>No</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>100th Anniversary of Women’s Vote</td>
<td>Communication</td>
<td></td>
<td>Low</td>
<td>Yes</td>
<td>No</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Engage and monitor state code changes related to planning and building</td>
<td>Community Development Department</td>
<td>Legal, Building</td>
<td>Low</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Data Affiliate Services - Internal and External Clients</td>
<td>Economic Development/Housing</td>
<td>IT, Finance, Purchasing, Legal, Transportation Planning</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Census 2020: Continue to build the County’s Complete Count Committee, focus on improving the County’s 55% response rate. Each household that fails to respond to the Census represents a financial loss to the County of $5,254 per household for a period of 10 years.</td>
<td>Economic Development/Housing</td>
<td>Administration, Complete Count Committee, Media</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>GOED/edcUTAH Programs - ongoing business attraction efforts responding to RFIs.</td>
<td>Economic Development/Housing</td>
<td>CDD, Legal</td>
<td>High</td>
<td>No</td>
<td>Yes</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Project ABC - Annual Economic Impact Analysis</td>
<td>Economic Development/Housing</td>
<td>Special Events</td>
<td>Low</td>
<td>No</td>
<td>Yes</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Task Description</td>
<td>Responsibility</td>
<td>Priority</td>
<td>Progress</td>
<td>Crime</td>
<td>Maybe</td>
<td>Priority</td>
<td></td>
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</tr>
<tr>
<td>Various budgeted projects re security upgrades, maintenance of parking lots, grounds, and buildings, replacement of equipment, support of other departments &amp; offices’ work plans</td>
<td>Facilities</td>
<td>High</td>
<td>Yes</td>
<td>Maybe</td>
<td>Yes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Responding to unexpected maintenance needs and requests from county departments/offices and the public</td>
<td>Facilities</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Management of county meeting rooms and facilities: scheduling; customer service; setup; cleanup; etc.</td>
<td>Facilities</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Quarterly reports with Council</td>
<td>Finance</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
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<tr>
<td>2020 and 2021 Budget</td>
<td>Finance</td>
<td>High</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>CAFR and external audit</td>
<td>Finance</td>
<td>High</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>1</td>
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<tr>
<td>Transition to new department, including hiring and training staff</td>
<td>Finance</td>
<td>High</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Bond Capital Planning</td>
<td>Finance</td>
<td>Low</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Manage and control E-cigarettes and flavored E-cigarette juice consistent with the Summit County Health Code and new State rules</td>
<td>Health Department</td>
<td>High</td>
<td>No</td>
<td>Yes</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use Community Health Assessment to Complete Board of Health Strategic Planning effort</td>
<td>Health Department</td>
<td>High</td>
<td>No</td>
<td>Yes</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prepare for 2021 fee adjustment in all Health Department Programs</td>
<td>Health Department</td>
<td>Medium</td>
<td>No</td>
<td>Yes</td>
<td>4</td>
<td></td>
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</tr>
<tr>
<td>Evaluate the Women’s Health Program to increase efficiency, reduce cost, and determine the best means of delivery for the program</td>
<td>Health Department</td>
<td>Low</td>
<td>No</td>
<td>Yes</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop plan for history program, create policies, begin inventory and digitization process</td>
<td>Heritage &amp; Arts (History)</td>
<td>High</td>
<td>Yes</td>
<td>No</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Art Projects - Ledges, Jeremy Ranch Roundabouts</td>
<td>Heritage &amp; Arts (Public Art)</td>
<td>High</td>
<td>Yes</td>
<td>Maybe</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open+ Pilot Program in Coalville</td>
<td>Heritage &amp; Arts (Library)</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>3</td>
<td></td>
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<tr>
<td>Strategic planning</td>
<td>IT</td>
<td>High</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
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<tr>
<td>Implement ADP HRIS</td>
<td>Personnel</td>
<td>High</td>
<td>Yes</td>
<td>No</td>
<td>1</td>
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<td></td>
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<tr>
<td>Employee wellness</td>
<td>Personnel</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
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</tr>
</tbody>
</table>
## Summit County 2020 Work Plan - REVISED (05/13/2020)

<table>
<thead>
<tr>
<th>Employee professional development/manager training</th>
<th>Personnel</th>
<th>Admin</th>
<th>Medium</th>
<th>Yes</th>
<th>Yes</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Update personnel policies to implement feedback from employee engagement efforts and scrub for unconscious bias</td>
<td>Personnel</td>
<td>Admin, Legal</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>4</td>
</tr>
<tr>
<td>Collections Contract, In-House Planning/Drafting RFP</td>
<td>Public Works (Solid Waste)</td>
<td>Admin</td>
<td>High</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Developing marketing/branding plan for recruiting seniors for programming utilizing social media, newsletters and other communications tools</td>
<td>Senior Citizens Program</td>
<td>Communications/Public Engagement, IT</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Moving Park City center to new location</td>
<td>Senior Citizens Program</td>
<td>PCMC, Facilities, IT</td>
<td>Medium</td>
<td>No</td>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>Monthly senior issues meetings: meet with Presidents of each center to discuss issues, programming and things they would like to see</td>
<td>Senior Citizens Program</td>
<td></td>
<td>Low</td>
<td>Yes</td>
<td>Yes</td>
<td>4</td>
</tr>
<tr>
<td>Identify more volunteer opportunities to assist with and support the program</td>
<td>Senior Citizens Program</td>
<td>Public Engagement/Communication</td>
<td>Low</td>
<td>Yes</td>
<td>Yes</td>
<td>5</td>
</tr>
<tr>
<td>Permitting and site visits</td>
<td>Special Events</td>
<td>Sheriff’s Office, Health Dept, Legal, Admin, Facilities</td>
<td>Medium to High</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Additional County event coordination</td>
<td>Special Events</td>
<td>Facilities, Sheriff’s Office, Health Dept, Legal, Admin</td>
<td>Low to High</td>
<td>Yes</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>Celebrate successes via interviews, write technical content for press releases; Coordinate ribbon cutting events</td>
<td>Sustainability</td>
<td>Communication, Health</td>
<td>Low</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Day to day admin, sustainability &amp; capital projects budgets, write RFPs, manage data, redline contracts</td>
<td>Sustainability</td>
<td>All departments</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Apply for local, state and national level recognition</td>
<td>Sustainability</td>
<td>Communication, All Departments</td>
<td>Low</td>
<td>Yes</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>Support passage of Securitization legislation</td>
<td>Sustainability</td>
<td>Community Stakeholders</td>
<td>Low</td>
<td>No</td>
<td>Yes</td>
<td>4</td>
</tr>
</tbody>
</table>

### Projects Delayed Due to COVID-19 Pandemic

<table>
<thead>
<tr>
<th>Council Strategic Priority</th>
<th>Project Description</th>
<th>Lead Department</th>
<th>Other Departments Involved in Project</th>
<th>Level of Effort (Low, Medium, High)</th>
<th>Budget Requested? (Y/N)</th>
<th>Carry Over to Subsequent Years?</th>
<th>Priority by Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refine County General Plans &amp; Development Codes</td>
<td>Summit Heritage Scenic Byway: Design and approve concept in 2020</td>
<td>Community Development Department</td>
<td>State Parks, PCMC, Town of Coalville/COG, Utility Providers, UDOT, Public Works</td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>Workforce Housing</td>
<td>Economic Development/ Housing</td>
<td>Community Development, Legal, regional partners, established housing authorities</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
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</tr>
<tr>
<td>Refine County General Plans &amp; Development Codes</td>
<td>Economic Development/ Housing</td>
<td>Community Dev., Public Works, Engineering, Legal Outside: Eastside governments and general public</td>
<td>High</td>
<td>No</td>
<td>Yes</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Environmental Stewardship</td>
<td>Health Department (Environmental Health)</td>
<td>Administration, Board of Health, Legal Communication</td>
<td>Low</td>
<td>Yes</td>
<td>Yes</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Environmental Stewardship</td>
<td>Health Department (Environmental Health)</td>
<td>Building/ Planning, Legal, Communication</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Environmental Stewardship</td>
<td>Public Works (Solid Waste)</td>
<td></td>
<td>Medium</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Environmental Stewardship</td>
<td>Sustainability</td>
<td>Facilities, Public Works, Auditor, Fleet</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>3</td>
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</tr>
<tr>
<td>Transportation &amp; Congestion</td>
<td>Transportation Planning</td>
<td>Public Works, Sustainability</td>
<td>Medium</td>
<td>Yes</td>
<td>No</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Other Prioritized Projects that Are Delayed</td>
<td>Administration</td>
<td>Planning, Finance, Council, Wildland Fire</td>
<td>High</td>
<td>No</td>
<td>Yes</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Public Lands Policy; provide plan to Council for watershed restoration/ protection and wildfire initiatives; withdraw staff support of the CWC, work session on cooperating agency commitments to see if County should scale back or withdraw participation.</td>
<td>Animal Control</td>
<td>Special Events, Communication</td>
<td>Low</td>
<td>Yes</td>
<td>Yes</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Pet Fest at County Fair</td>
<td>Communication</td>
<td>Health Dept, Admin, Legal</td>
<td>High</td>
<td>No</td>
<td>No</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Communications campaign/public outreach on increase to Health Mill Levy (if decide to pursue)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Task</td>
<td>Department</td>
<td>Council, Admin, Legal, Public Works, Engineering, Transportation Planning, Economic Development/Housing, Senior Citizens Program</td>
<td>High</td>
<td>Yes</td>
<td>No</td>
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</tr>
<tr>
<td>Gillmor Master Planning &amp; Subdivision Process</td>
<td>Community Development Department</td>
<td>Facilities, Pandolabs, Park City Business Resource Center</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Ice House and EXEC Entrepreneurship Programs (The 2020 Cohorts will be taught in Coalville and the Snyderville Basin)</td>
<td>Economic Development/Housing</td>
<td>Chamber of Commerce, Park City Economic Development, Wasatch County Chamber, Council, Other Departments as necessary</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Wasatch Back Economic Summit</td>
<td>Economic Development/Housing</td>
<td>Administration, Legal, PIO, Personnel</td>
<td>High</td>
<td>No</td>
<td>Yes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Identify internal process and MOU for Health Mill Levy</td>
<td>Health Department</td>
<td>Admin, Finance, Planning, Legal, Building, Facilities, IT</td>
<td>Medium</td>
<td>No</td>
<td>Yes</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Exploring a potential childcare benefit for employees (include in discussions about programming the Gillmor parcel)</td>
<td>Personnel</td>
<td>Admin, Personnel, Facilities, IT</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Broadening Membership &amp; Participation at Senior Centers for all ages: Conducting survey and clubs/meetings, engaging the seniors throughout the community to learn about services and programming the community wants</td>
<td>Senior Citizens Program</td>
<td>Facilities, IT, Public Works, Treasurer, Admin, Legal</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>County Fair</td>
<td>Special Events</td>
<td>Facilities, IT, Public Works, Treasurer, Admin, Legal</td>
<td>High</td>
<td>Yes</td>
<td>Yes</td>
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</tr>
</tbody>
</table>
Council Member Armstrong made a motion to approve the revised Council-Manager Compact for the County Work Plan 2020, and revised Summit County Work Plan 2020 made due to projected revenue shortfalls from the COVID-19 pandemic as recommended. Council Member Wright seconded with all voting in favor, 5-0.

Discussion and possible adoption of Joint Public Health Order 2020-06: Rich Bullough, Phil Bondurant, and Dave Thomas

Rich Bullough, Health Director, Phil Bondurant, Health Department, and Dave Thomas, Chief Civil Deputy Attorney, presented a draft letter for review and explained this would be considered as the current Public Health Order will soon expire. As the Governor has moved the state to orange status they are asking for his review and support prior to adoption.

SUMMIT COUNTY HEALTH DEPARTMENT
Richard C. Bullough, Ph.D., Director

DATE: May 13, 2020
TO: Summit County Council
FROM: Rich Bullough, Phil Bondurant

RE: Joint Public Health Order 2020-06 Discussion and Consideration of Approval

Joint Public Health Order 2020-06 will be considered and possibly adopted. This order would run through Friday, May 29, 2020, and would maintain Summit County in Moderate Risk (orange) for the duration of this proposed order.

The reasons for remaining in Moderate Risk (orange) follow:

- Summit County has the second highest incidence of COVID-19 per 100,000 residents in the State of Utah, second only to San Juan County.
- Summit County’s resort economy was especially hard hit by the pandemic which was brought into the community by tourists and foreign travel. It is important that maximum gathering size continue to be limited under the Governor’s Moderate Risk guidelines.
- The COVID-19 related impacts from moving from High Risk (red) to Moderate Risk (orange) have not yet been assessed. Summit County moved to Orange on May 1 in its Joint Public Health Order 2020-05. The (initial) incubation period of COVID-19 is 14 days. It takes a minimum of three to four weeks to be able to gather meaningful data and evaluate trends.

Therefore, staff recommends that Summit County remain in Moderate Risk (orange) category, and that Summit County continue to support the Governor’s Utah Leads Together 2.0 plan, and his Phased Health Guidelines 4.1 under Moderate Risk status.
Council Comments

- Council Member Carson recognized all staff and thanked everyone for their hard work and efforts as a result of COVID-19
- She noted that rural counties are asking that CARES ACT Funding be disbursed in a base manner by population with additional consideration for direct impacts per capita
- Council Member Wright also participated in the CARES ACT Fund call
- He participated in a call regarding Public Lands. The PILT funding is approved with some changes in the future
- He is meeting with residents interested in reviewing and evaluating waste energy options

Manager Comments

- Deputy Manager Janna Young explained the County, Park City, and Francis City representatives are working together to make Personnel Protection Equipment (PPE) available to residents. More information to follow
- Manager Fisher noted the grant application for BRT funds is nearly complete. The transportation committee will be meeting this week and will report back
- A UAC meeting tomorrow will show projected allocation of the CARES ACT funding
- The Fair Board met and are discussing ways to modify the 2020 County Fair. All events of the Fair will be considered for safety

If you would like to submit comments to Council, please email publiccomments@summitcounty.org by 12:00 p.m. on Wednesday, May 13th. If you wish to interact with Council at 6:00 p.m., for public input, or comment on the public hearing, please follow the “Public Comment Instructions”.

6:00 PM Public Input

Bob Kollar asked the rest of the state is allowing professionally managed events/gatherings of greater than 20 people. The limit of 20 people per gathering is specific to social/family gatherings only. Does Summit County plan to lift this 20-person limit in Summit County for professionally managed events (arts and entertainment) as long as a socially distanced operations plan can be approved?

Dave Thomas explained that is true with the state order. The current County Health Order is exempted and still limited at 20 people. New orders may change certain requirements.

Public hearing regarding projects to be determined to be applied for in the CDBG Small Cities Program in the Program Year 2020: Annette Singleton

Annette Singleton, Executive Assistant, reviewed the following staff report and asked the Council to conduct the second public hearing regarding the current Community Development Block Grant (CDBG) applications for projects submitted by Echo Mutual Water Company and Summit County Seniors Services and Peoa Pipeline. Because of competitive funding, Peoa was not chosen for funding this year.
STAFF REPORT

Date: May 13, 2020
To: Council Members
From: Annette Singleton
Re: Community Development Block Grant Program (CDBG) Second Public Hearing

This public hearing is a requirement of CDBG and is held to discuss the projects determined to be applied for in the CDBG Small Cities Program in the program year 2020. The applicants were notified their applications have been funded by the Mountainland Regional Review Committee (see attached letters dated March 24, 2020). Each applicant must resubmit their application, and the minutes from tonight’s meeting, in the online WebGrants system by 5:00 p.m., on May 31st.

Echo Mutual Water Company. Echo Mutual Water Company received notification of 2020 CDBG funding in the amount of $262,895. Echo Mutual Water Company would like to replace its 50,000 gallon water storage tank. The tank is over 40 years old, and has had several repairs to fix leaking cracks. In addition to replacing the tank, the piping that connects the tanks will be replaced. Kory Staples and Scott Kettle will attend the public hearing to answer any questions.

Summit County Seniors Services. Summit County Seniors Services received notification of 2020 CDBG funding in the amount of $66,000. Summit County Seniors Services would like to purchase another bus with ADA capability. Due to the growing senior population in Summit County, and having a bus that is 17 years old, more transportation is needed. Jessica Wilde will attend the public hearing to answer any questions.

Conclusion: This second public hearing is a requirement of CDBG, and was called to allow all citizens to provide input concerning the projects that were awarded under the 2020 grant year. Comments will be solicited on each of these project’s scope, implementation, and effects on residents.
March 24, 2020

Thomas Fisher, County Manager
Summit County
PO Box 128
Coalville, UT 84017

Congratulations,

Your community has been awarded a Community Development Block Grant for the Echo Water Tank project in the amount of approximately $262,895 for the 2020 program year. However, the exact dollar amount is contingent on the CDBG allocation the Mountainland Association of Governments Region receives. Your application was recommended for funding on 3/23/2020 in the Mountainland Association of Governments Region following the approved rating and ranking policies. Having met the initial eligibility requirements established by HUD and the Housing and Community Development Division, your next steps are summarized below.

The state’s final approval of this grant is conditional upon four additional steps:

1. Attend the mandatory CDBG grantee workshop. This workshop provides important information that will help you administer a successful project. This workshop has been postponed for the time being. We will contact you with the date when it is schedule. This workshop must be attended by the project manager. You must not begin any part of the contractual process (procuring contractor) prior to completing the HUD environmental review process and executing the State CDBG contract. Project managers with previous experience managing CDBG projects may be excused from this training if they receive approval from the state CDBG staff in advance of the training.

2. Notice and hold a second public hearing. You must hold a 2nd public hearing prior to May 31, 2020. Please see attached templates. It is also in the 2020 CDBG Application Policies and Procedures book. Applicants who don’t hold the 2nd public hearing by the deadline will not be funded.

3. Submit finalized CDBG application in WebGrants by May 31, 2020. Applications not submitted by the deadline will not be funded. You will be notified by the state CDBG staff as soon as all application requirements have been satisfied. Please contact me if you have any questions about your application.

4. Execute state contract with the Housing and Community Development Division. The state CDBG contract cannot be executed until you prepare and submit a HUD environmental review record (ERR). Once the project receives environmental clearance, the state contract can be executed. All contracts must be returned to the state by September 1, 2020. Failure to complete the contracting process by this date will result in forfeiture of the grant funds.

This notice of grant award is not an approval to begin the committing/expending funds associated with this project and is contingent upon the State of Utah receiving the 2020 allocation from HUD. Congratulations and best wishes for the successful completion of your project.

Sincerely,

Jess Bedingfield
Program Coordinator
March 24, 2020

Thomas Fisher, County Manager
Summit County
PO Box 128
Coalville, UT 84017

Congratulations,

Your community has been awarded a Community Development Block Grant for the Summit County Senior Van project in the amount of approximately $66,000 for the 2020 program year. However, the exact dollar amount is contingent on the CDBG allocation the Mountainland Association of Governments Region receives. Your application was recommended for funding on 3/23/2020 in the Mountainland Association of Governments Region following the approved rating and ranking policies. Having met the initial eligibility requirements established by HUD and the Housing and Community Development Division, your next steps are summarized below.

The state’s final approval of this grant is conditional upon four additional steps:

1. Attend the mandatory CDBG grantee workshop. This workshop provides important information that will help you administer a successful project. This workshop has been postponed for the time being. We will contact you with the date when it is schedule. This workshop must be attended by the project manager. You must not begin any part of the contractual process (procuring contractor) prior to completing the HUD environmental review process and executing the State CDBG contract. Project managers with previous experience managing CDBG projects may be excused from this training if they receive approval from the state CDBG staff in advance of the training.

2. Notice and hold a second public hearing. You must hold a 2nd public hearing prior to May 31, 2020. Please see attached templates. It is also in the 2020 CDBG Application Policies and Procedures book. Applicants who don’t hold the 2nd public hearing by the deadline will not be funded.

3. Submit finalized CDBG application in WebGrants by May 31, 2020. Applications not submitted by the deadline will not be funded. You will be notified by the state CDBG staff as soon as all application requirements have been satisfied. Please contact me if you have any questions about your application.

4. Execute state contract with the Housing and Community Development Division. The state CDBG contract cannot be executed until you prepare and submit a HUD environmental review record (ERR). Once the project receives environmental clearance, the state contract can be executed. All contracts must be returned to the state by September 1, 2020. Failure to complete the contracting process by this date will result in forfeiture of the grant funds.

This notice of grant award is not an approval to begin the committing/expending funds associated with this project and is contingent upon the State of Utah receiving the 2020 allocation from HUD. Congratulations and best wishes for the successful completion of your project.

Sincerely,

Jess Bedingfield
Program Coordinator
The public hearing was opened for comment.

Hearing no comments, the public hearing was closed.

If you would like to submit comments to Council, please email publiccomments@summitcounty.org by 12:00 p.m. on Wednesday, April 22nd. If you wish to interact with Council at 6:00 p.m., please follow the “Public Comment Instructions”.

Closed Meeting Affidavit
5/13/2020

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 May 13, 2020 at 2:12 p.m., with the anchor location as the Richins Building, 1885 West Ute Blvd., Park City, Utah, with the following individuals participating:

Doug Clyde, Glenn Wright, Chris Robinson, Kim Carson, Roger Armstrong, Dave Thomas, Margaret Olson, Tom Fisher, Brian Bellamy, Jami Brackin

The closed meeting was for the sole purpose of discussing:

[X] Personnel (Utah Code § 52-4-205(1)(a))

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

Pursuant to Utah Code § 52-4-206 Doug Clyde, Summit County Council Chair, hereby certifies and affirms that a second closed meeting was held, electronically, on May 13, 2020 at 2:24 p.m., with the anchor location as the Richins Building, 1885 West Ute Blvd., Park City, Utah, with the following individuals participating:

Doug Clyde, Glenn Wright, Chris Robinson, Kim Carson, Roger Armstrong, Dave Thomas, Margaret Olson, Tom Fisher, Janna Young, Rich Bullough, Phil Bondurant, Derek Siddoway, Annette Singleton

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 14th day of May, 2020.

[Signature]

Doug Clyde, Chair
Summit County Council

County of Summit  )
ss:  )
State of Utah  )

Annette Singleton, Notary Public
The Council meeting adjourned at 6:30 p.m.

Doug Clyde, Chair

Kent Jones, Clerk