

SUMMIT COUNTY, UTAH
ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY COUNCIL OF SUMMIT COUNTY, UTAH, ENACTING TITLE 2,
CHAPTER 42 TO THE SUMMIT COUNTY CODE, SUMMIT COUNTY OPEN SPACE ADVISORY
COMMITTEE**

PREAMBLE

WHEREAS, on November 2, 2021, the residents of Summit County overwhelmingly supported and passed a General Obligation Bond for the acquisition and preservation of open space, agricultural protection areas, and conservation easements within Summit County; and,

WHEREAS, the County Manager and County Council desire the advice of the county residents as to the expenditure of these funds; and,

WHEREAS, the Summit County Open Space Advisory Committee ("OSAC") is therefore created for the purpose of advising and providing recommendations to the County Manager regarding the identification, preservation and acquisition of open space, agricultural protection areas, and conservation easements; and,

WHEREAS, OSAC shall be composed of an Executive Committee and three (3) Subcommittees: West Summit, North Summit, and South Summit, whose members shall reside in the geographical boundaries of their respective Subcommittees; and,

WHEREAS, OSAC shall have the power and duty to advise the County Manager as to the appropriate uses and expenditures of the 2022 Summit County Open Space General Obligation Bond and any subsequent countywide open space bonds issued hereafter; and shall refer all Committee funding proposals to the County Manager for decision;

NOW, THEREFORE, the County Legislative Body of Summit County, State of Utah, hereby ordains as follows:

Section 1. **Enactment.** Summit County Code, Title 2, Chapter 42, Summit County Open Space Advisory Committee, which is published as a code in book form, is enacted and adopted in accordance with Exhibit A herein, copies of which have been filed for use and examination in the Office of the County Clerk (the "Summit County Open Space Advisory Committee Ordinance").

Section 2. **Savings Clause.** In the event one or more of the provisions of this Open Space Advisory Committee Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this Open Space Advisory Committee Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

Section 3. Effective Date. This Summit County Open Space Advisory Committee Ordinance shall take effect 15 days after passage by the Council and subsequent publication in a newspaper of general circulation in Summit County, Utah.

APPROVED, ADOPTED, AND PASSED and ordered published by the County Council, this _____ day of _____, 2022.

ATTEST:

SUMMIT COUNTY COUNCIL

Evelyn Furse
Summit County Clerk

Christopher F. Robinson, Chair

APPROVED AS TO FORM

Lynda L. Viti
Deputy County Attorney

VOTING OF COUNTY COUNCIL:

Councilmember Armstrong	_____
Councilmember Robinson	_____
Councilmember Clyde	_____
Councilmember Armstrong	_____
Councilmember Stevens	_____

Attachment A

CHAPTER 42

SUMMIT COUNTY OPEN SPACE ADVISORY COMMITTEE

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2-42-1: Definitions:

Committee or OSAC: The Summit County Open Space Advisory Committee.

County: Summit County, Utah.

County Council: The Summit County Council who exercises legislative authority in the County.

County Manager: The chief executive officer of the County.

Evaluation Standards: The approved standards to be used by the Executive Committee in conducting its review of NOIs.

Executive Committee: The governing board of OSAC.

Member: A member of the Committee, Subcommittee, or Executive Committee.

Notice of Interest or NOI: The formal application process set forth in Section 2-42-7.

North Summit: The geographic area of Summit County consisting of the North Summit School District Boundary. Including Coalville and Henefer Municipal boundaries.

South Summit: The geographic area of Summit County consisting of the South Summit School District Boundary, excluding any areas residing within the Snyderville Basin Special Recreation District (to include, but not limited to the neighborhoods of Promontory and Silver Creek Village). Including Kamas, Oakley and Francis Municipal boundaries.

Subcommittee: The North Summit Subcommittee, South Summit Subcommittee, or West Summit Subcommittee.

West Summit: The geographic area of Summit County consisting of the Snyderville Basin Special Recreation Service District and Park City Municipal boundaries.

2-42-2 Purpose and Name

The Summit County Open Space Advisory Committee is created for the purpose of advising and providing recommendations to the County Manager regarding the identification, preservation and acquisition of open space, agricultural protection areas, and conservation easements.

2-42-3: Authority:

OSAC is created as an advisory committee to the County Manager and County Council for the purposes set forth in Section 2-42-2. There shall be no actual or apparent authority vested in this Committee except the authority granted in this chapter. Neither this Committee, nor any Member thereof is empowered to bind the County as to the purchase of any real property, including conservation easements.

2-42-4: Organization:

The Committee shall be composed of an Executive Committee and three (3) Subcommittees: West Summit, North Summit, and South Summit.

The Committee may be dissolved at the discretion of the County Manager with the concurrence of the County Council.

2-42-5: Membership:

- A. The County Manager shall appoint on a nonpartisan basis, with the advice and consent of the County Council, twenty-one (21) Members to the Subcommittees.
- B. Each Subcommittee shall be composed of seven (7) members.
- C. The Subcommittees shall each recommend three (3) Members to the County Manager to serve on the Executive Committee.
- D. The Executive Committee shall be composed of nine (9) Members consisting of three (3) Members from each Subcommittee.
- E. Membership opportunities shall be publicly advertised. The County Manager shall select members with the advice and consent of the County Council.
- F. All Subcommittee Members shall reside in the geographical boundaries of their respective Subcommittees.
- G. Subcommittee representation shall be as follows:
 1. West Summit Subcommittee: one (1) representative from Park City; one (1) representative from the unincorporated Snyderville Basin; one (1) representative from the Snyderville Basin Special Recreation Service District; one (1) agricultural or natural resources professional; and three (3) at-large community representatives.

2. North Summit Subcommittee: one (1) representative from Coalville; one (1) representative from Henefer; one (1) representative from the North Summit Recreation Special Service District; one (1) representative from unincorporated North Summit; one (1) agricultural or natural resources professional; and two (2) at-large community representatives.
 3. South Summit Subcommittee: one (1) representative from Kamas; one (1) representative from Oakley; one (1) representative from Francis; one (1) representative from unincorporated South Summit; one (1) agricultural or natural resources professional; and two (2) at-large community representatives.
 4. Non-voting members: The Executive Committee and each Subcommittee may enlist non-voting member participation as needed or advised by the Executive Committee chair, the County Manager or County Council, including staff from the Office of the County Manager and one planning commission member from either the Eastern Summit County Planning Commission or the Snyderville Basin Planning Commission.
- H. Members shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid or reimbursed by the County.
- I. Terms:
The Executive Committee Members may serve three (3) consecutive three (3) - year terms. The Subcommittee Members may serve one (1) year terms or until the Committee is dissolved, but no event longer than three (3) consecutive years.
- J. The County Attorney or a staff attorney shall be legal counsel to the Committee.
- K. The County Manager may remove any Member at any time with or without cause.

24-42-6: Powers and Duties

- A. The Committee shall advise the County Manager as to the identification, preservation and acquisition of open space, agricultural protection areas, and conservation easements with respect to the use of the 2022 Summit County Open Space General Obligation Bond and any subsequent countywide open space bonds issued hereafter.
- B. All funding proposed by the Committee shall be referred to the County Manager for his or her decision.
- C. Each Subcommittee shall:
 1. Select from among the voting Members a chair, vice chair, and secretary to the Subcommittee.
 2. Select three (3) Members for inclusion on the Executive Committee and present the names to the County Manager for confirmation or rejection of appointment. The County Manager may reject any or all recommendations from the Subcommittee and may

independently choose from among Subcommittee Members for membership on the Executive Committee.

3. In open meetings, craft and prioritize Evaluation Standards for preserving open space and agricultural protection areas in their respective geographical areas, by purchase, conservation easement or otherwise, and recommend those standards to the Executive Committee.
4. The Subcommittee is encouraged to hold public hearings as part of crafting Evaluation Standards.

D. The Executive Committee shall:

- c. Select from among the voting Members a chair, vice chair, and secretary to the Executive Committee.
 - d. Propose by-laws for approval by the County Manager in consultation with the County Council.
 - e. Assess the Evaluation Standards proposed by each Subcommittee and recommend the proposed Evaluation Standards for each geographical area to the County Manager. The chair of the Executive Committee shall have responsibility of presenting all recommended evaluation standards from the Executive Committee to the County Manager.
 - f. Inform County Manager to all funding options and provide recommendations as to best options.
 - g. Make recommendations to the County Manager on selecting an accredited land trust or an equivalent legal entity to hold conservation easements on proposed properties.
 - h. Advise the County Manager on contributing or acquiring funds for the preservation of open space or agricultural protection areas through conservation easements on open space or agricultural protection areas to be held under private ownership.
 - i. Evaluate Notifications of Interest and make recommendations on funding to the County Manager consistent with Section 2-42-7.
- E. Final Authority: Neither the determinations of eligibility, nor the recommendations on NOIs set forth in Section 2-42-7, are binding on the County Manager, County Council or the County. The County Manager retains final authority regarding any real property transactions and if deemed necessary for the health, safety, or general welfare of the residents of the County, the County Manager may take direct action on any acquisition of open space, agricultural protection areas or conservation easements with or without the involvement of the Executive Committee.
- F. Upon the request of the County Manager or County Council, the Executive Committee shall make presentation to the County Manager and County Council on its goals, and activities.

2-42-7: Notification of Interest Process:

- A. Notification of Interest Submittal. Landowners who desire to nominate real property for preservation and acquisition as open space, an agricultural protection area, or for a conservation easement, whether in exchange for compensation or otherwise, may do so by filing a NOI with the Executive Committee on forms provided for that purpose. All NOIs must be sponsored by an accredited land trust or equivalent legal entity. Upon receipt of a NOI, County staff will review the NOI and verify completeness of required information.
- B. Initial Presentation and Site Visit. The NOI will be scheduled on an agenda of the Executive Committee for an initial presentation by the landowner and accredited land trust or equivalent legal entity. Following the initial presentation, the Executive Committee may conduct a site visit to review and verify the property for conformance with Evaluation Standards.
- C. Scoring and Recommendation. The Executive Committee will score all NOIs as eligible or ineligible for funding based upon the Evaluation Standards and will make a recommendation to the County Manager.

2-42-8: Meetings:

- A. Meetings of the Subcommittee shall be scheduled on an as-needed basis.
- B. Meetings of the Executive Committee shall be scheduled monthly.
- C. Special meetings, work sessions and field trips, for any purpose, may be held at the call of the chair, the County Manager or the County Council. Work session and field trip meetings shall be for discussion and informational purposes only; no action shall be taken on any item.
- D. All recommendations shall be made at a public meeting by motion, made and seconded and by a voice vote. The motion shall be in the form of findings of fact and shall state the reason for the findings and a statement of any conditions to be attached to the action.
- E. The Executive Committee and Subcommittees shall conduct their business according to bylaws.
- F. The Executive Committee and Subcommittees are subject to the Open and Public Meetings Act.
- G. The Executive Committee and Subcommittees may go into closed session to discuss NOIs and as allowed by the Open and Public Meetings Act.

2-42-9: Conduct of Committee Members:

- A. Ethical Principles: The following ethical principles shall guide the actions of the Executive Committee, its Subcommittees, and their Members in carrying out the powers and duties described above:

1. **Serve the Public Interest:** The primary obligation of the Executive Committee, its Subcommittees, and each Member is to serve the public interest.
2. **Support Citizen Participation in Planning:** The Executive Committee and its Subcommittees shall ensure a forum for meaningful citizen participation and expression in the planning process and assist in the clarification of community goals, objectives, and policies.
3. **Recognize the Comprehensive and Long-Range Nature of Decisions:** The Executive Committee, its Subcommittees and their Members shall continuously gather and consider all relevant facts, alternatives and means of accomplishing them, and explicitly evaluate all consequences before making a recommendation or decision.
4. **Facilitate Coordination Through the Process:** The Executive Committee and its Subcommittees shall ensure that individuals and public and private agencies possibly affected by a prospective decision receive adequate information far enough in advance of the decision.
5. **Avoid Conflict of Interest:** Members shall avoid conflicts of interest and even the appearance of impropriety. At the commencement of any matter before the Executive Committee or any of its Subcommittees, Members shall divulge in public, any past, present, or expected relationship with any party affiliated with such matter. A member with a potential conflict of interest shall abstain from voting on the matter, not participate in any deliberations on the matter, and leave the committee table, but may remain in the chamber. The Member shall also not discuss the matter privately with any other official voting on the matter.
6. **Render Thorough and Diligent Service:** If a Member has not sufficiently reviewed relevant facts and advice affecting a decision, that Member should not participate in that decision.
7. **Not Seek or Offer Favors:** A Member must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
8. **Not Disclose or Improperly Use Confidential Information For Financial Gain:** A Member shall not disclose or improperly use confidential information for financial gain, and must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest.
9. **Ensure Full Disclosure at Public Meetings:** The Executive Committee and its Subcommittees shall ensure that the presentation of information on behalf of any party to a question occurs only at the scheduled public meeting on the question, not in private, unofficially, or with other interested parties absent, and must make partisan information regarding the question received in the mail or by telephone or other communication part of the public record.
10. **Maintain Public Confidence:** A Member must conduct himself/herself publicly so as to maintain public confidence in the public body, and the Member's performance of the public trust.
11. **Respect for and Courtesy to Other Members, Public And Staff:** Each Member has the same rights and privileges as any other Member. Any Member has the right to be heard and to

hear what others have to say about items being considered by the Executive Committee or its Subcommittees.

B. Representation of Applicants or Petitioners: No Member shall physically represent applicants or petitioners before the Executive Committee or any of its Subcommittees on matters on which that committee is to make determinations or recommendations.

C. Ex Parte Communication: Prearranged private meetings between a Member and an individual(s), and their agents, or other interested parties with a matter pending before the Executive Committee or any of its Subcommittees are prohibited. Partisan information on any application received by a Member whether by mail, telephone, or other communication should be avoided. When such communication does occur it must be made part of the public record by the Member.

D. Attendance: Each Member shall be responsible for attending all scheduled meetings of their respective committee. Should circumstances arise where a Member is unable to attend a scheduled meeting, the Member shall be responsible for notifying the chair as soon as possible. Members who fail to attend three (3) regular meetings of their respective committee within any consecutive three (3) month period may, at the discretion of the County Manager, be removed from that respective committee.